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NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

6 December 2023

Chairman: Councillor N 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 1 November 2023 as a correct record and authorise the chairman to sign. (Pages 1 - 24)
4. Applications deferred from previous meetings for a site visit. (Pages 25 - 26)
 - (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 (site visit 11.30am). (Pages 27 - 40)
 - (b) PA/2023/1436 Planning permission for an aircraft hangar extension at The Green Hangars, Hibaldstow Airfield, Redbourne Road, Brigg, DN20 9NN (site visit 11am). (Pages 41 - 52)
5. Major Planning Applications. (Pages 53 - 54)
 - (a) PA/2020/1482 Outline planning permission for 60 dwellings with appearance, landscaping, layout and scale reserved for subsequent consideration at Land off Oak Avenue, Scawby. (Pages 55 - 92)
 - (b) PA/2023/58 Planning permission for a battery energy storage system and associated works at Land north of Chapel Lane, Keadby. (Pages 93 - 122)
6. Planning and other applications for determination by the committee. (Pages 123 - 124)
 - (a) PA/2022/1852 Outline planning permission for 9 dwellings with associated

- access and public open space (appearance, landscaping, layout and scale reserved for subsequent consideration) at Land off Braithwaites Close, Barnetby le Wold, DN38 6BF. (Pages 125 - 150)
- (b) PA/2022/2217 Outline application for three dwellings, including demolition of existing workshop, with all matters reserved at 77–79 High Street, Wootton, DN39 6RR. (Pages 151 - 166)
 - (c) PA/2023/613 Outline planning permission for one dwelling with access, all other matters reserved for subsequent consideration at Land opposite Ridgewood, 76 West End Road, Epworth, DN9 1LB. (Pages 167 - 182)
 - (d) PA/2023/616 Planning permission to erect a detached dwelling and garage at Elsham House, Brigg Road, Wrawby, DN20 8RH. (Pages 183 - 202)
 - (e) PA/2023/1026 Planning permission for the change of use of land for the stationing of caravans and the erection of a dayroom for residential purposes, laying of hardstanding and other associated works at Plots 3 and 4, Leys Lane, Winterton, DN15 9QT. (Pages 203 - 220)
 - (f) PA/2023/1059 Planning permission to site a shipping container at Netherholme, 53 Brethergate, Westwoodside, Haxey, DN9 2AA. (Pages 221 - 228)
 - (g) PA/2023/1146 Planning permission to erect two dwellings at Land south of Church Street, Elsham, DN20 0RG. (Pages 229 - 254)
 - (h) PA/2023/1150 Planning permission for a replacement shed at 15 Hammerton Road, Bottesford, DN17 2SA. (Pages 255 - 260)
 - (i) PA/2023/1258 Planning permission to erect a storage and distribution unit at Sandtoft Gateway, Sandtoft Road, Westgate, Belton, DN9 1FA. (Pages 261 - 274)
 - (j) PA/2023/1364 Planning permission for extension and internal alterations plus new garage and drive at 122 High Street, Epworth, DN9 1JS. (Pages 275 - 286)
 - (k) PA/2023/1489 Proposed new dwelling and garage at Parbola, Thornton Road, Goxhill, DN19 7HN. (Pages 287 - 298)
 - (l) PA/2023/1494 Planning permission to erect a two-storey house and detached double garage at Land between Nasza Chata and Fairlawns, Jericho Lane, East Halton, DN40 3PZ. (Pages 299 - 312)
 - (m) PA/2023/1540 Planning permission to erect a two-storey side extension at 2 Cobblestone Court, Belton, DN9 1PF. (Pages 313 - 322)
 - (n) PA/2023/1559 Application to vary condition 3 of PA/2019/930 dated 23/10/2020 to read "Prior to the occupation of the dwelling marked as plot 1."

at Land south of Tetley House, Tetley, Crowle, DN17 4HY. (Pages 323 - 330)

- (o) PA/2023/1567 Planning permission to erect a first-floor side and rear extension at 55 Battle Green, Epworth, DN9 1JT. (Pages 331 - 340)

7. Reserved Matters. (Pages 341 - 342)

- (a) PA/2021/1034 Application for approval of reserved matters (access, appearance, landscaping, layout and scale) pursuant to outline planning permission PA/2017/392 dated 15/06/2018 for six four bedroomed detached dwellings and integral garages at Land north of Thistle Downe, Scotter Road, Messingham, DN17 3QE. (Pages 343 - 360)

8. Any other items, which the chairman decides are urgent, by reasons of special circumstances, which must be specified.

Note: All reports are by the Development Management Lead unless otherwise stated.

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Public Document Pack Agenda Item 3

NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

1 November 2023

PRESENT: - Councillor N Sherwood (Chairman)

Councillors C Ross (Vice Chairman), M Bell, M Grant, C Patterson, D Southern, C Sherwood and K Vickers

Councillors L Foster, T Gosling, H Rayner and R Waltham MBE attended the meeting in accordance with Procedure Rule 1.37(b).

The meeting was held in the Conference Room, Room F01e, Church Square House, High Street, Scunthorpe.

2479 **SUBSTITUTIONS** - Councillor C Sherwood substituted for Councillor J Davison and Councillor K Vickers substituted for Councillor D Wells.

2480 **DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND PERSONAL OR PERSONAL AND PREJUDICIAL INTERESTS, SIGNIFICANT CONTACT WITH APPLICANTS, OBJECTORS OR THIRD PARTIES (LOBBYING) AND WHIPPING ARRANGEMENTS (IF ANY)** - The following member declared a personal and prejudicial interest –

Member: Councillor N Sherwood
Planning Application: PA/2021/1611
Minute: 2500
Nature of Interest: Member and trustee of the Boat Club.

The following members declared that they had been lobbied –

Councillor M Bell
Planning Application PA/2022/1702
Minute 2487a

Councillor M Grant
Planning Application PA/2022/1702
Minute 2487a

Councillor C Patterson
Planning Application PA/2022/1702
Minute 2487a

Councillor C Ross
Planning Application PA/2022/1702 and PA/2023/311
Minutes 2487a and 2489

Councillor C Sherwood

PLANNING COMMITTEE
1 November 2023

Planning Application PA/2022/1702
Minute 2487a

Councillor N Sherwood
Planning Applications PA/2023/439, PA/2022/1702 and PA/2023/311
Minutes 2485 and 2487a and 2489

Councillor D Southern
Planning Application PA/2022/1702
Minute 2487a

Councillor K Vickers
Planning Application PA/2022/1702
Minute 2487a

2481 **TO TAKE THE MINUTES OF THE MEETINGS HELD ON 4 OCTOBER 2023 AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN (TO FOLLOW) - Resolved** – That the minutes of the meeting held on 4 October 2023, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the chairman.

2482 **APPLICATIONS DEFERRED FROM PREVIOUS MEETINGS FOR A SITE VISIT** - The Committee considered several applications that had been deferred at the previous meeting to allow members to visit the site.

2483 **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** - Councillor C Ross informed the Committee that following the site visit, she had no objections to the application.

Councillor M Bell agreed with the previous speaker and stated that the application would improve the street scene.

It was then moved by Councillor C Ross and seconded by Councillor C Sherwood –

That planning permission be granted, subject to the inclusion of 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 COMMITTEE
1 November 2023

Planning (Development Management Procedure) (England) Order 2015.

2.

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

Reason

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

3.

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

Reason

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

4.

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

Reason

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

5.

The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing number 1009-20 (Location and Block Plans).

Reason

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

6.

All reserved matters applications for access required by condition 1 above shall include the following details:

PLANNING COMMITTEE
1 November 2023

- (i) the location and layout of the vehicular access; and
- (ii) the number, location, layout and materials of vehicle parking and turning spaces within the site and, if loose materials are proposed within 10m of the adopted highway, details of measures to prevent the material from spilling onto the highway; and
- (iii) an effective method of preventing surface water run-off from hard paved areas within the site onto the highway and from the highway onto the developed site.

Reason

In the interests of highway safety and to prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policies T2, T19 and DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy and the National Planning Policy Framework.

7.

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.

8.

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.

9.

All reserved matters applications for appearance, layout and scale pursuant to condition 1 above shall include details of how the proposed dwelling will accord with the mitigation measures detailed within the Flood Risk Assessment (FRA) by Howard J Wroot, dated 10 October 2022, including the

PLANNING COMMITTEE
1 November 2023

following:

- The dwelling shall be two-storey.
- Finished floor levels shall be set no lower than 3.85 metres above Ordnance Datum (AOD).
- Flood resilient construction shall be incorporated to a minimum of 5.05 metres AOD

The mitigation measures shall be fully implemented prior to occupation of the dwelling hereby permitted and shall be retained for the lifetime of the development.

Reason

To reduce the impact of flooding to the development and future occupants.

10.

All applications for reserved matters shall comply with the suggested building specification detailed within Section 4.1 of report reference S. & D. Garritt Ltd, ACOUSTIC REPORT for PROPOSED RESIDENTIAL DWELLING at LAND OFF WEST END, GARTHORPE, DN17 4RU, Dated: 12 April 2022 unless a written justification is provided for any departure from that specification.

Reason

To minimise the potential for noise nuisance, and to prevent the loss of amenity to nearby residential properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

11.

Prior to the occupation of the development hereby permitted, the scheme of window glazing works as detailed within Section 4.1 of report reference S. & D. Garritt Ltd, ACOUSTIC REPORT for PROPOSED RESIDENTIAL DWELLING at LAND OFF WEST END, GARTHORPE, DN17 4RU, Dated: 12 April 2022 shall be installed in full and maintained thereafter for the lifetime of the development.

Reason

To minimise the potential for noise nuisance, and to prevent the loss of amenity to nearby residential properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

12.

All reserved matters applications for layout pursuant to condition 1 above shall include details of an acoustic barrier on the western and southern boundaries of the site. The details shall include a technical specification of

PLANNING COMMITTEE
1 November 2023

the acoustic barrier specifying its location, size and design, with predicted noise reduction over the frequency spectrum. The approved acoustic barrier shall be installed prior to first occupation of the dwelling hereby permitted and shall thereafter be maintained in accordance with the approved details for the lifetime of the development.

Reason

To minimise the potential for noise nuisance, and to prevent the loss of amenity to nearby residential properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

13.

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;

PLANNING COMMITTEE
1 November 2023

- adjoining land;
- groundwaters and surface waters;
- ecological systems;
- archaeological sites and ancient monuments;

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

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

Part 2: Submission of Remediation Scheme

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

Part 3: Implementation of Approved Remediation Scheme

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

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

Part 4: Reporting of Unexpected Contamination

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

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the

PLANNING COMMITTEE
1 November 2023

approval in writing of the local planning authority in accordance with Part 3.

Reason

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

Informatives

1.

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

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

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

2.

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

3.

The developer is advised to consider upsizing the pipe network increasing storage around the development to cater for more intense storm conditions. Although this is not a requirement in terms of surface water flood risk compliance it would be good practice to ensure an increased level of resilience for the development and its future occupiers.

Motion Carried.

2484 **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** - Prior to consideration of the application, an objector addressed the committee. He informed members that he lived directly opposite the development site. He was concerned that the living room was in the wrong location. The site was not in the heart of the village and, were it to be approved, would adversely impact the surrounding properties. There were insufficient car parking spaces identified at the site, with any extra vehicular movements adding to an already congested area. There were concerns also about on street parking and additional noise from the site.

The applicant's agent also addressed the committee. He informed the

PLANNING COMMITTEE
1 November 2023

members that the Memorial Hall already had a licence to sell alcohol in the village. The applicant had no intention of turning the micropub into a public house. The hours the premises would be open would not cause any issues at school leaving time. Additional noise from the site would also be minimal. The applicant had agreed to reduce the operating hours on a Wednesday and Thursday and the council's Environmental Health department had not objected to the application. To improve visibility, the applicant would also consider removing the brick wall at the front of the property.

Councillor C Sherwood stated that the site visit had been extremely useful. The site was within close proximity to a road junction and as a result he could appreciate the objectors' concerns. However, were the application to be granted, it would improve the area. The applicant had also agreed to reduce his opening hours to minimise any disruption to residents.

Councillor M Grant too could appreciate the concerns of residents. However, in his opinion, the application should be granted as there was no planning basis to refuse the application. The opening hours had been dramatically reduced and the capacity at the site was such that noise disruption would be kept to a minimum.

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

2485 **PA/2023/439 PLANNING PERMISSION TO ERECT A NEW DWELLING AT HOMELEA, SLUICE ROAD, SOUTH FERRIBY, DN18 6JG** - Councillor R Waltham MBE addressed the Committee and stated that there were no objections to the application from Highways or the Environment Agency. He continued that the site was within a sustainable location. Over £20 million pounds had been invested on the infrastructure to minimise any future flood risk. Precedent had also been set as there were other properties that had been built beyond the boundary.

Councillor C Ross informed members that she had found the site visit extremely useful. It was clear to see that there were other properties that had been built further south of the site. There were also no objections from Highways of Environment Agency.

It was then moved by Councillor C Ross and seconded by Councillor C Patterson –

That planning permission be granted, subject to the inclusion of the following conditions –

1.

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

Reason

PLANNING COMMITTEE
1 November 2023

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

2.

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

- Plans and Elevations as Proposed (Revision J)
- Site Plans (Revision J).

Reason

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

3.

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

resulting completed scheme is to be maintained and managed for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime so that flood risk, both on and off the site, is not increased. SuDS must be fully considered in accordance with current PPG guidance. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document.

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.

4.

The drainage scheme shall be implemented in accordance with the details approved under condition 3 of this planning permission, completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with

PLANNING COMMITTEE
1 November 2023

policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

5.

The development shall be carried out in accordance with the drawing labelled 'Plans and Elevations as Proposed' (project number: DN18-3338, Rev H by CK Architectural Hull, dated 23 June 2023) and the submitted flood risk assessment (ref: 2013/1419, Final Report RevE dated July 2023, by EWE Associates Ltd) and the following mitigation measures they detail:

- the development to have at least two storeys
- the proposed dwelling to have non-habitable ground floor accommodation
- the finished floor level of the first floor shall be set no lower than 5.68 metres above Ordnance Datum (AOD) as illustrated in the 'Plans and Elevations as Proposed' Drawing
- flood resistance and resilience measures to be incorporated into the development as stated.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

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

6.

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

Reason

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

7.

PLANNING COMMITTEE
1 November 2023

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.

Reason

To prevent the creation of dangerous conditions for road users.

8.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no additions or extensions shall be made to the dwelling other than those expressly authorised by this permission.

Reason

To define the terms of the permission and to allow the local planning authority to assess whether any extensions made to the dwelling would be safe in flood risk terms.

9.

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

Reason

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

10.

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

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

PLANNING COMMITTEE
1 November 2023

(iv) report content and arrangements for dissemination, and publication proposals

(v) archive preparation and deposition with recognised repositories including the ADS

(vi) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy

(vii) monitoring arrangements, including the notification in writing to the North Lincolnshire Historic Environment Record of the commencement of archaeological works and the opportunity to monitor such works

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

Reason

To comply with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy and saved policy HE9 of the North Lincolnshire Local Plan because the site potentially contains archaeologically significant remains that the development would otherwise destroy; the archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The archaeological mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

11.

The applicant shall notify the local planning authority in writing of the intention to commence the archaeological site works at least 7 days before commencement. Thereafter, the archaeological mitigation strategy shall be carried out in accordance with the approved details and timings. No variation shall take place without the prior written consent of the local planning authority.

Reason

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

12.

The dwelling shall not be occupied until any post-investigation assessment has been commissioned in accordance with the programme set out in the approved written scheme of investigation, and provision made for analysis, publication and dissemination of results and archive deposition has been

PLANNING COMMITTEE
1 November 2023

secured.

Reason

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

13.

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

Reason

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

14.

Before the dwelling is first occupied the bedroom window in its northern wall (on the first floor) shall be obscure glazed to a minimum of Privacy Level 3 in accordance with the Pilkington Scale of Obscuration and shall be retained in that condition thereafter.

Reason

To protect the living conditions presently enjoyed by the occupants of adjoining properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

Informatives

1.

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

PLANNING COMMITTEE
1 November 2023

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.

Motion Carried

- 2486 **PA/2023/1132 PLANNING PERMISSION TO ERECT A DWELLING, INCLUDING DEMOLITION OF AN EXISTING DWELLING AT 60 GAINSBOROUGH LANE, SCAWBY, DN20 9BY** - Prior to consideration by the Committee, an objector addressed the members. He was concerned that the development would block light entering his property and grounds and other surrounding properties. The site was on a significant slope which would only make loss of light worse. The installation of a balcony would lead to a further loss of privacy.

The applicant's agent addressed the Committee. He respectfully requested that councillors support their planning officer's recommendation. He confirmed that, in his opinion, the development would not have a negative impact on the neighbours. The application had been amended to reduce the height of the roof slopes to minimise the impact on neighbouring properties. The development would enhance the street scene.

Councillor C Sherwood stated the site visit had alleviated his concerns over the size of the development. It would not be as intrusive as the plans suggested.

Councillor M Grant disagreed and stated that the development would result in a reduction in natural light available to neighbouring properties. The balcony was also overlooking neighbouring properties.

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

- 2487 **MAJOR PLANNING APPLICATIONS** - The Committee considered several planning applications that had been submitted and determined to be major applications.

- 2487a **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** - Prior to consideration of the application, an objector addressed the Members. He was concerned that the modification to the section 106 agreement would result in a reduction in financial contribution of £1.2 million. The developers concern as to its rising viability costs was not a sufficient reason to modify the agreement. Developers had a responsibility to ensure they supported their local communities. There was no support from any of the signatories to the modification.

PLANNING COMMITTEE
1 November 2023

A second objector shared his concerns as to the rationale for the additional financial survey. The developer had a duty to ensure it invested in the local community, not look for ways to reduce its financial contribution. Were the modification agreed, council taxpayers would have to share the burden of the cost of the development, which was wrong. In addition, the development was designed with no mains sewerage.

The applicant's agent spoke at the meeting and confirmed that the financial survey was undertaken by an independent company. The recommendations contained within the survey only re-enforced previous survey findings. The cost of the development had increased dramatically. In addition, the land had reduced in value. However, the section 106 agreement was still workable. If the modification was agreed, then development would start early in 2024. The development would generate additional employment and monies for supply industries. The traffic regulation order would see the costs borne by the developer and not the council, which had to be positive.

Councillor L Foster confirmed that he had opposed the development since it was first submitted as it was not an attractive proposition for this particular piece of land. Over three years had now passed before the developer had applied to modify the section 106 agreement, stating that it was not viable. The profits of the developer were not a matter for the Committee.

Councillor C Ross stated that the matter needed to be resolved to allow the development to commence. After considering the application, she was minded to support the modification, subject to the clawback mechanism being utilised.

Councillor M Grant stated that he was against the modification as the financial burden would be passed on to local council taxpayers. The financial affairs of the developer were not a matter for the committee. Any loss of affordable housing was a major concern.

Councillor M Bell was deeply concerned that £1.5 million would be removed from the section 106 agreement. Council taxpayers would ultimately be required to contribute to the development, which was wrong.

Councillor D Southern was concerned that the modification would allow the developer to increase its profit, whilst council taxpayers would be required to fund the shortfall.

Resolved – (a) That the Section 106 be modified, including a clause to allow North Lincolnshire Council to re-evaluate every twelve months the viability if market conditions improve prior to the completion of the development, and (b) that a highways contribution of £2,000 be included in the Section 106.

At the request of members, the names of members voting for, against and

PLANNING COMMITTEE
1 November 2023

abstaining from the motion/resolution are as follows:–

FOR: N. Sherwood, C Patterson, C Ross and K Vickers

AGAINST: M Bell, M Grant, C.Sherwood and D Southern

ABSTAIN: Nil.

The votes having being equal the Chairman used his second and casting vote in favour of the motion.

- 2487b **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** - Councillor C Ross informed the meeting that the applicant had took no notice of what was requested. Consequently, she was minded to refuse the application.

It was then moved by Councillor C Ross and seconded by Councillor C Patterson that the planning application be refused for the following reasons -

The drainage strategy fails to demonstrate whether the development would result in an acceptable method of surface water drainage disposal, whether infiltration would be feasible on the site and subsequently whether it would result in flooding to the development or increase flood risk elsewhere. The application is therefore considered contrary to policies DS16 of the North Lincolnshire Local Plan and CS18 of the adopted Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

Motion Carried

- 2487c **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** - Prior to consideration of the planning application, the council's Development Management Lead updated the Committee on an additional letter of representation that had been submitted. The letter requested that the community asset be kept and not demolished for housing. The Development Management Lead confirmed that the issue raised had been addressed in the main report and did not change the planning officers recommendations.

An objector then addressed the committee, stating that the property was currently an eyesore. It was derelict and had been heavily vandalised. This the objectors believed was part of a concerted effort to grant the application. The patrons at the Lincoln Imp were one big family, and the loss of the iconic venue would be devastating for the local community. It was once the third best music venue and a building that people would travel many miles to

PLANNING COMMITTEE
1 November 2023

visit.

The applicant's agent informed Members that the development would provide twenty affordable apartments, which were desperately needed locally. It would also provide an outdoor space for the apartments, which was a huge selling point. There were several public houses less than ten minute walk away. For a public house to remain open, it needed to be viable. The Lincoln Imp required circa £300,000 investing in it to allow it to re-open. The pub had been closed since August 2022. It had been on the market since it closed but there had been no offers to purchase it. It had also been designated as an Asset of Community Value but no bid had been received. No tenants had lived at the premises since 2013. Every reasonable step had been made by the owners to sell the Lincoln Imp without any success.

Councillor H Rayner, local ward member informed the meeting that there was significant public interest in this planning application. The Lincoln Imp was at the heart of the community and had historical and social importance. It was a unique venue and all avenues must be explored to ensure it remained as a public house.

Councillor T Gosling, local ward member was disappointed that the premises owner had allowed the building to fall in to such a poor state of repair. There had been no investment or maintenance at the premises for a long time. The planning application would result in over development at the site. There were insufficient car parking spaces too. Nothing had changed since the previous application was submitted and ultimately refused by the Committee.

Councillor R Waltham MBE addressed the Members. He reminded the Committee that he spoke against the development of the site previously and was going to do so again as nothing had changed. The meeting had heard that Admiral Taverns had allegedly marketed the premises, but there was no evidence to support that statement. The application was akin to building 20 rabbit hutches which was not acceptable. This application should again be refused.

Councillor C Ross was disappointed that the Committee was again being asked to consider the development of the site, when nothing, in her opinion, had changed since the previous application.

Councillor M Grant stated that nothing had changed the previous application was refused by the Committee.

Councillor M Bell believed that buildings of such local and national importance should be preserved and not demolished.

It was then moved by Councillor C Ross and seconded by Councillor C Sherwood that planning permission be refused for the following reasons –

PLANNING COMMITTEE
1 November 2023

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 and paragraph 130 of the National Planning Policy Framework.

Motion Carried

2488 **PLANNING AND OTHER APPLICATIONS FOR DETERMINATION BY THE COMMITTEE** - The Planning Committee considered several applications that, in accordance with the scheme of delegation, required the Members to determine.

2489 **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** - Prior to consideration of the application, the council's Development Management Lead updated the Committee on an email that had been received after the agenda had been published by the council's Planning department regarding the noise impact assessment submitted by the applicant. The email was copied to all Members. In the view of the objector, the noise impact assessment was not suitable or sufficient, and as a result the application should be rejected. Members heard that initially the applicant did not submit a noise impact assessment to be assessed by the council's Environmental Health department. The department commented that they did not have sufficient information from the applicant to assess the impact of noise. They therefore requested a noise impact assessment. The requested noise impact assessment was submitted and reviewed by the Environmental Health and the department concluded that the resultant noise impact was low and therefore recommended an operational hours condition. The condition had been applied to the decision notice. Having considered the additional information received, this did not change the planning officers recommendation.

An objector addressed the Committee and stated that she could hear everything that occurred at the store room from her back garden. The premises could not be used for storage as it was not secure. The application would generate lots of extra traffic and noise. The road leading to the site had double yellow lines and cycle lanes. The car park was also not big enough to cater for the number of vehicle movements. Safety was

PLANNING COMMITTEE
1 November 2023

paramount and with it being a school route, this was a real concern.

Councillor C Ross informed members that she believed the Committee would benefit from a site visit to better appreciate the proposed site.

It was then moved by Councillor C Ross and seconded by Councillor C Paterson –

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

Motion Carried

2490 **PA/2023/631 PLANNING PERMISSION TO ERECT 9 DWELLINGS AT LAND ADJACENT TO HALKON CLOSE, LUDDINGTON, DN17 4RD** - Prior to consideration of the application, the council's Development Management Lead updated the Committee on a letter of objection that had been received from the Parish Council after the agenda had been published. The Parish Council wished to inform the Planning Committee that -

- Outline application had expired.
- Parish Council was not informed of change the development boundary.
- Access and traffic issues.
- Overlooking.
- Overbearing.
- Loss of light.
- Dwellings would be very visible for all areas of the village as well as immediate neighbours.
- Biodiversity impact assessment was inaccurate.
- Bat boxes to be installed on all four walls but no mention of avoiding over doors and windows.
- No similar developments in Luddington.
- Out of character.
- Would not contribute significantly to the council's housing land supply.
- Loss of amenity land.
- Noise and disturbance during construction.
- Exclusive community proposed by the design.
- Development not for local people.
- No benefits to the community of Luddington.

In addition, a letter of objection from a previous objector had been received, and raised the following issues –

- Rear gardens would not gently slope down to the rear borders.
- Drainage issues.
- Overbearing.
- Loss of amenity, light and privacy.
- Out of character.

PLANNING COMMITTEE
1 November 2023

The Development Management Lead confirmed that the issues had largely been addressed in the main report. The location of bat boxes on the site would be dealt with through the recommended biodiversity planning condition. Therefore, having considered the additional information received this did not change the planning officer's recommendation.

The applicant's agent addressed the Committee and informed Members that in 2017 outline planning permission had been granted. The planning officers report was fair, and the recommendations proportionate. Detailed negotiations with stakeholders had resulted in the amended application being considered by the Committee. Strict conditions could be attached to the application to protect residents' amenities.

Councillor C Ross stated that there were no objections from any of the statutory consultees. Therefore, the application should be granted.

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

2491 **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 - Resolved** – That planning permission be approved in accordance with the recommendations contained within the officer's report.

2492 **PA/2023/1055 PLANNING PERMISSION FOR NEW ACCESS INTO AGRICULTURAL FIELDS OFF B1206 BARTON ROAD, WRAWBY AT FIELD ACCESS FROM B1206 BARTON ROAD, WRAWBY - Resolved** – That planning permission be approved in accordance with the recommendations contained within the officer's report.

2493 **PA/2023/1212 PLANNING PERMISSION TO ERECT A DWELLING AT 4 OAKLANDS, GRANGE COURT, WESTWOODSIDE, DN9 2QN** - Prior to consideration of the application, the applicant addressed the Committee. He explained that the application was to allow family members to live close by.

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

2494 **PA/2023/1244 PLANNING PERMISSION TO ERECT A GENERAL-PURPOSE AGRICULTURAL BUILDING AT LAND ADJACENT TO TORNE GATEHOUSE, SANDTOFT ROAD, EPWORTH, DN9 1LE** - Prior to consideration of the application, the applicant's agent spoke in support of the application. He stated that the planning officer had recommended approval. The building was required to house a small tractor and hay baling equipment. There would be no loss of amenities as a result of the application.

Councillor C Ross stated that she would support the application were an additional condition be attached to the application specifying the type of

**PLANNING COMMITTEE
1 November 2023**

cladding to be used.

Resolved – That planning permission be approved in accordance with the recommendations contained within the officer’s report, subject to the inclusion of an additional condition to replace existing condition 3 -

3.

Notwithstanding the hereby approved plans condition (condition 2 above), the materials to be used in the construction of the external surfaces of the development hereby permitted shall be either wooden cladding (natural colour) or a green metal cladding and shall be retained as such unless otherwise approved in writing by the local planning authority.

Motion Carried

- 2495 **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 - Resolved** – That planning permission be approved in accordance with the recommendations contained within the officer’s report.
- 2496 **PA/2023/1354 PLANNING PERMISSION TO ERECT A BARN FOR AGRICULTURAL USE AT FOX FARM, CADNEY ROAD, HOWSHAM, LN7 6LA - Resolved** – That planning permission be approved in accordance with the recommendations contained within the officer’s report.
- 2497 **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 -Resolved** – That planning permission be approved in accordance with the recommendations contained within the officer’s report.
- 2498 **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 -Resolved** – That planning permission be refused in accordance with the recommendations contained within the officer’s report.
- 2499 **PA/2023/1436 PLANNING PERMISSION FOR AN AIRCRAFT HANGAR EXTENSION AT THE GREEN HANGARS, HIBALDSTOW AIRFIELD, REDBOURNE ROAD, BRIGG, DN20 9NN -** Councillor C Sherwood believed that a site visit would assist Members in determining the application.

It was moved by Councillor C Sherwood and seconded by Councillor C Patterson –

PLANNING COMMITTEE
1 November 2023

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

Motion Carried.

The Chairman having declared a personal and prejudicial interest left the meeting for consideration of the following item (PA/2021/1611). Councillor Ross was Chairman for the following application.

- 2500 **PA/2021/1611 PLANNING PERMISSION TO ERECT A STEEL-FRAMED BUILDING AT BOAT CLUB, ISLAND CARR ROAD, BRIGG, DN20 8PD -** Prior to consideration of the application, a representative of the Boat Club addressed the Committee. He stated that the building was to house a mobile crane. The Boat Club Committee were unaware that they required planning permission. The structure was steel-framed and had a roller shutter door. The construction was basic, which allowed for natural ventilation. There were no workshop facilities within the structure. The building was constructed over a landfill area. There were no contamination issues on the site.

Councillor C Patterson stated that it had been useful to visit the site prior to considering the application. After visiting the site, the application should be granted.

Councillor M Bell had no reservations about the application and suggested that the land contamination conditions be removed.

Resolved – That planning permission be granted in accordance with the recommendations contained within the officer's report, subject to the removal of condition 1.

- 2501 **ANY OTHER ITEMS, WHICH THE CHAIRMAN DECIDES ARE URGENT, BY REASONS OF SPECIAL CIRCUMSTANCES, WHICH MUST BE SPECIFIED -** There was no urgent business for consideration at the meeting.

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NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

APPLICATIONS DEFERRED FROM PREVIOUS MEETING FOR SITE VISITS

1. OBJECT

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

2. BACKGROUND

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

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

3. INFORMATION

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

4. RESOURCE IMPLICATIONS

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

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

5. RECOMMENDATION

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

DEVELOPMENT MANAGEMENT LEAD

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

Ref: RL/JMC/Planning committee 06 December 2023
Date: 27 November 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 early 2024.

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

SS1 Presumption in favour of sustainable development

SS2 A Spatial Strategy for North Lincolnshire

SS3 Development principles

SS11 Development limits

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

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

Site constraints

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.

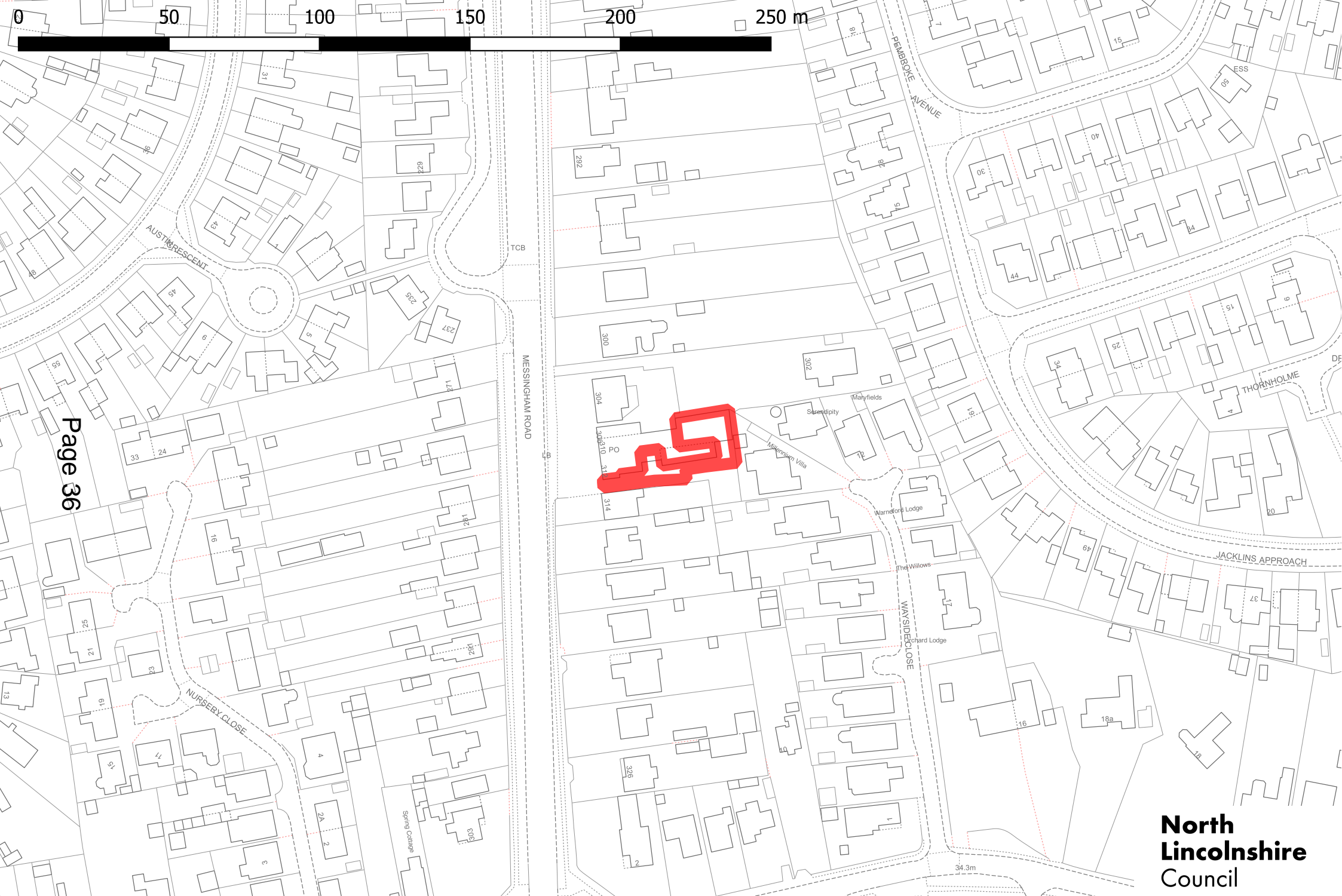
Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking, amending, or re-enacting that Order, the development hereby approved shall be used only for the purposes indicated in the submitted details, namely commercial car repairs and tyre replacement garage 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.



Page 36

**North
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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)

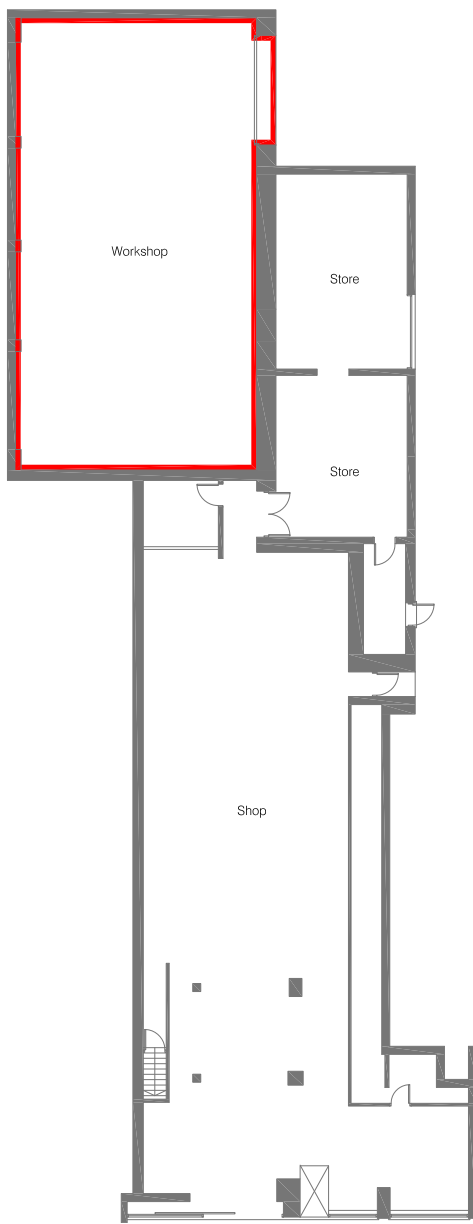
Building within (A) or against (B) the boundary line:

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.



Page 37

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

no.	amendment	date	31/03/23
A	Red Line Boundary Amended and Parking Added		
Proposed Change of Use at Workshop to Pair of 21/02/23 Messingham Road Souththorpe	Site Plans	1744_01 rev A	
	stage	Planning	drawn Mar 23
	scale	as noted	drawn by JCB

ka keystonearchitecture

architecture
building consultants
energy assessors
project managers

T: 01724 230 122
@ka House, High Street, Souththorpe, DN19 6EA
www.keystonearchitect.co.uk
info@keystonearchitect.co.uk

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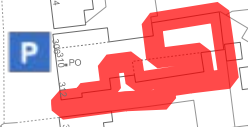
0 50 100 150 200 250 m



Messingham Road
(A159) to Burringham
Road (B1450)



Messingham Road
(A159) to Messingham



Page 39

 Development Boundary

PA/2023/311 Sat nav: 312 Messingham Road,
Bottesford, DN17 2QY

**North
Lincolnshire
Council**

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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 early 2024.

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

SS1 Presumption in favour of sustainable development

SS3 Development principles

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

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/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.

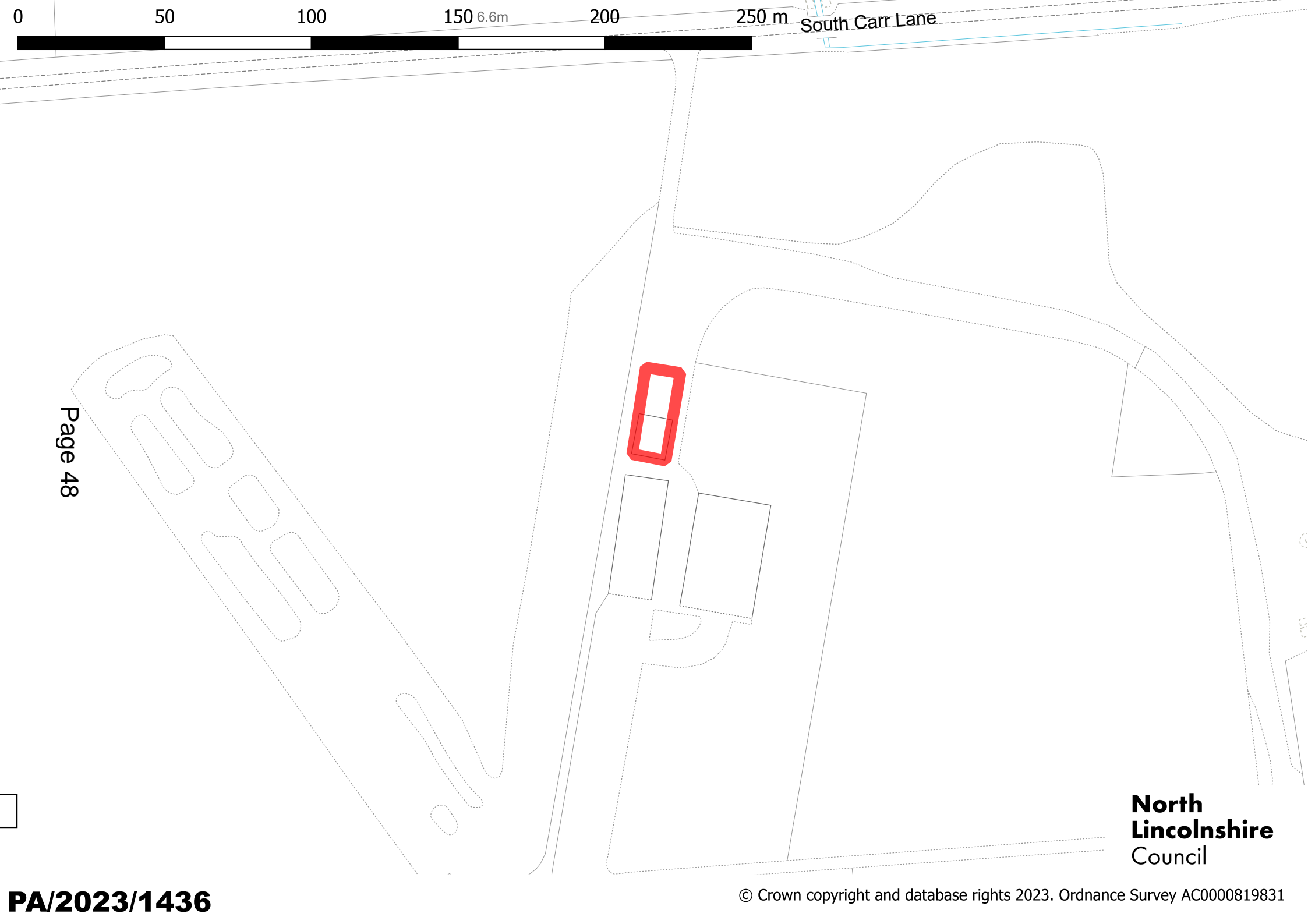
If during development any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement, detailing how this contamination shall be dealt with, has been submitted to and approved by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

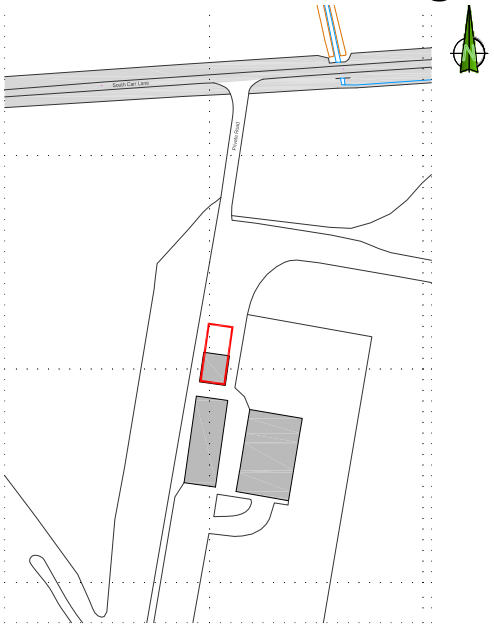
Informative

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)

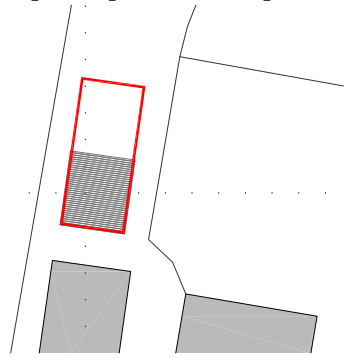
NOTES:
 All dimensions & details given on this drawing are to be checked and verified on site prior to works being undertaken. Any discrepancies and/or variations to the specifications will be those drawings or associated documents are to be notified to keystonearchitecture.
 Do not scale from these 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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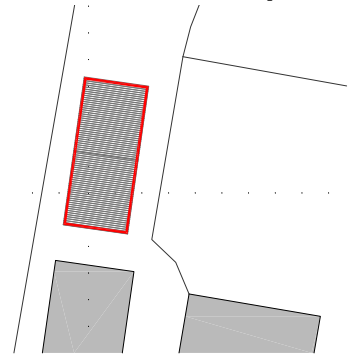
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Location Plan
 scale 1:1250

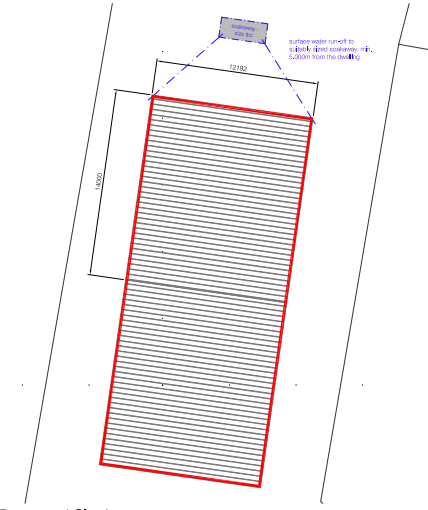
Material Schedule:
 Cladding: Corrugated aluminium to match existing
 Main Doors: Grey aluminium to match existing



Existing Block Plan
 scale 1:500



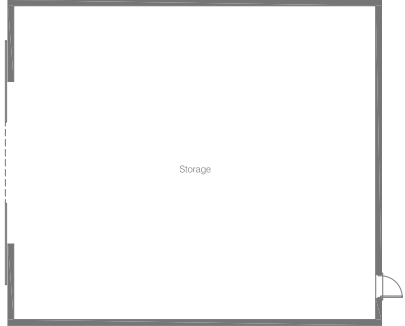
Proposed Block Plan
 scale 1:500



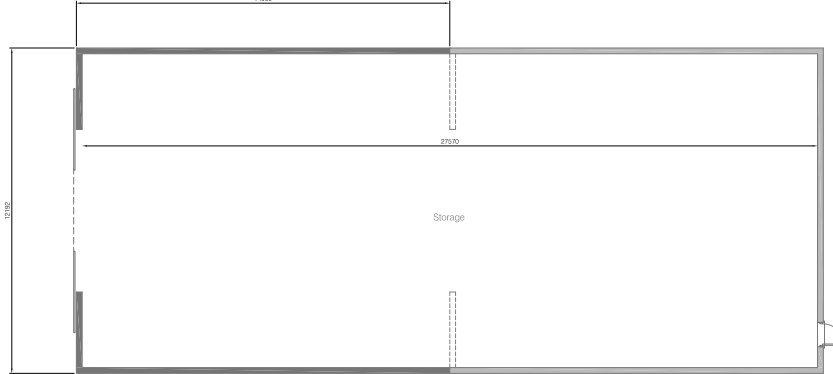
Proposed Site Layout
 scale 1:200

PARTY WALL NOTICES:

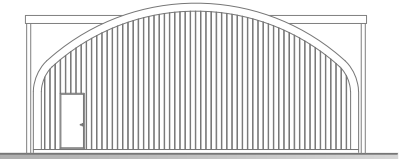
Building against (A) or against (B) the boundary line:
 If you plan to build a party wall against or against the boundary line, you must inform the Adjoining Owner by serving a notice.
 Excavating near neighbouring buildings:
 If you plan to excavate foundations within 3 metres of a neighbouring building 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.



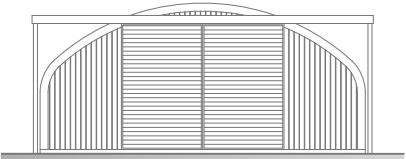
Existing Ground Floor



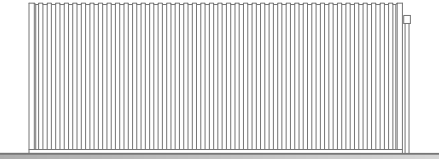
Proposed Ground Floor



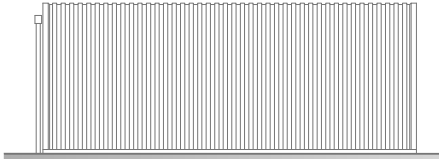
Existing South Elevation
 (Unaltered)



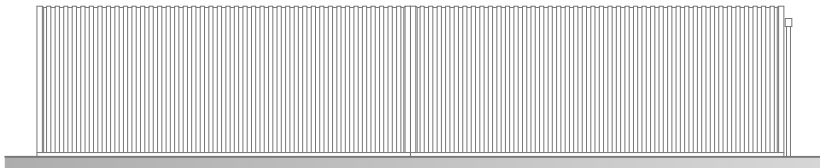
Existing North Elevation
 (Unaltered)



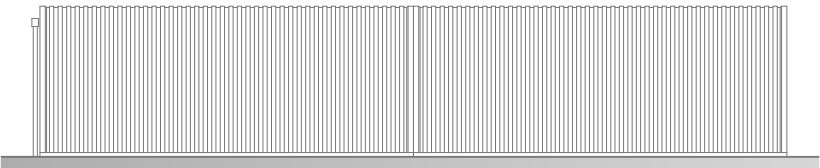
Existing East Elevation



Existing West Elevation



Proposed East Elevation

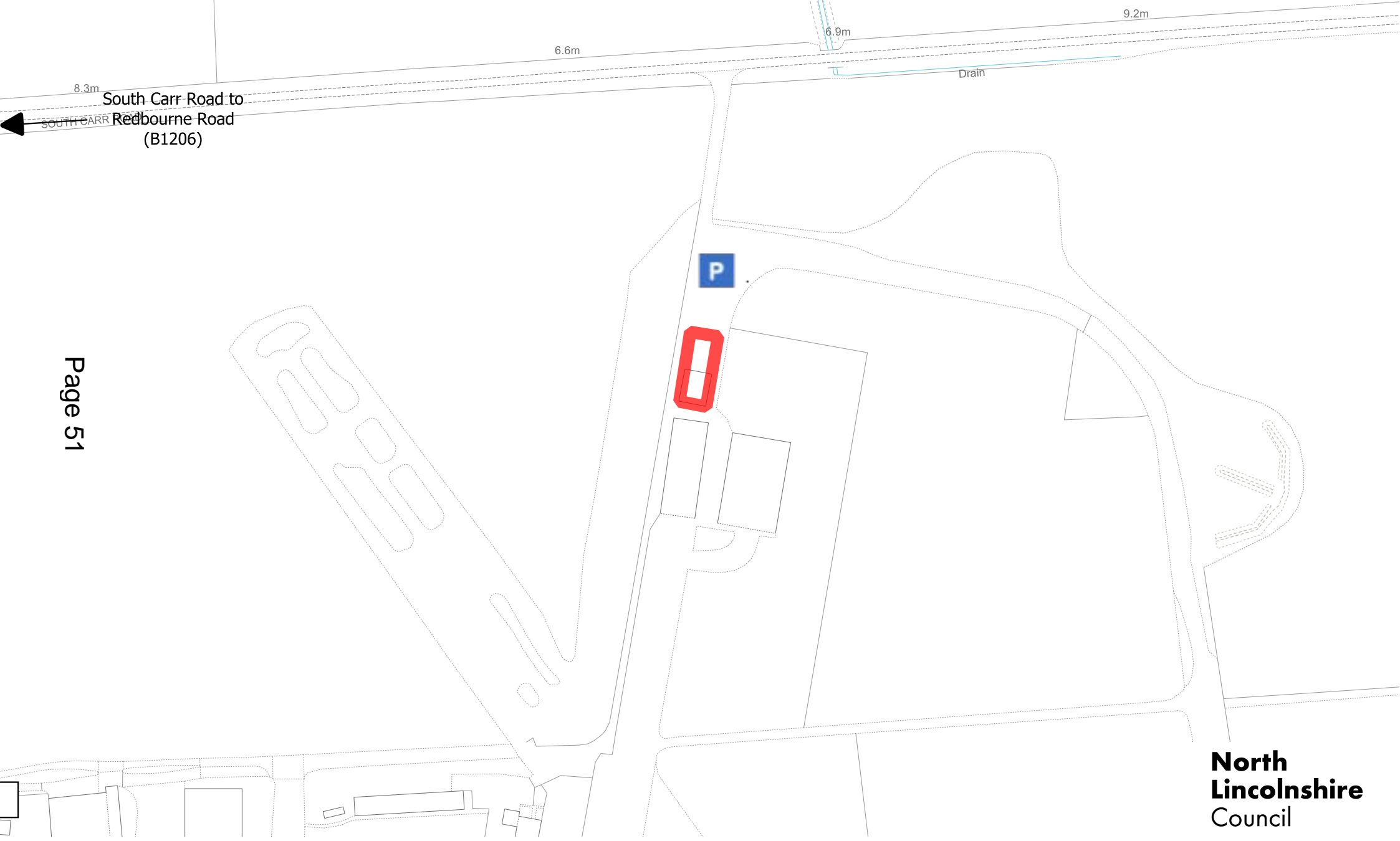


Proposed West Elevation

NOT FOR CONSTRUCTION

rev.	amendment	date
1	Ex. & P. 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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Page 51

**North
Lincolnshire
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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 06 December 2023

Date: 27 November 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/2020/1482
APPLICANT	Trustees of Lt Col R Sutton Nelthorpe's Will Trust 1 May 2002
DEVELOPMENT	Outline planning permission for 60 dwellings with appearance, landscaping, layout and scale reserved for subsequent consideration
LOCATION	Land off Oak Avenue, Scawby
PARISH	SCAWBY
WARD	Broughton and Scawby
CASE OFFICER	Paul Skelton
SUMMARY RECOMMENDATION	Subject to completion of a section 106 agreement, 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
- 5 Delivering a sufficient supply of homes
- 8 Promoting healthy and safe communities
- 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
- 16 Conserving and enhancing the historic environment

North Lincolnshire Local Plan:

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

T2 Access to development
T6 Pedestrian routes and footpaths
T19 Car parking provision and standards
C1 Educational facilities
LC5 Species protection
LC6 Habitat creation
LC7 Landscape protection
LC11 Areas of amenity importance
LC12 Protection of trees, woodland and hedgerows
HE2 Development in conservation areas
HE9 Archaeological excavation
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
CS6 Historic environment
CS7 Overall housing provision
CS8 Spatial distribution of housing sites
CS9 Affordable housing
CS16 North Lincolnshire's landscape, greenspace and waterscape
CS17 Biodiversity
CS18 Sustainable resource use and climate change
CS19 Flood risk

CS22 Community facilities and services

CS23 Sport, recreation and open space

CS25 Promoting sustainable transport

CS27 Planning obligations

Housing and Employment Land Allocations DPD:

PS1 Presumption in favour of sustainable development

Inset Map 35 – Scawby

SPG8 Developer contributions to schools

SPG10 Provision of open space in new housing developments

North Lincolnshire Local Plan Important Open Space Assessment – October 2022

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

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

SS1 Presumption in favour of sustainable development

SS2 A spatial strategy for North Lincolnshire

SS3 Development principles

SS5 Overall housing provision

SS6 Spatial distribution of housing sites

SS11 Development limits

HE1 Conserving and enhancing the historic environment

DQE1 Protection of landscape, townscape and views

DQE3 Biodiversity and geodiversity

DQE5 Managing flood risk

DQE6 Sustainable drainage systems

DQE10 Important open space

DQE11 Green infrastructure network

DM1 General requirements

Scawby Conservation Area Appraisal (adopted June 2005)

Scawby Conservation Area Supplementary Planning Guidance (adopted June 2005)

Scawby Village Design Statement

CONSULTATIONS

Place Planning: Notwithstanding the application site's existing designation as an area of amenity importance, 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 the decision maker's satisfaction that the application is of a suitable scale for its location in line with policy CS2, and the site's location adjacent to the conservation area is acceptable in line with policy CS6. Further issues, including suitable design, housing mix and tenure, and surface water drainage, should be considered at reserved matters stage.

Highways: No objections to the proposals in principle. Amended illustrative layout shows the primary access from Mill Croft as previously requested, although a small number of dwellings off Oak Avenue is acceptable as shown on the submitted layout. Recommend conditions, including one to limit the number of new dwellings accessed from Oak Avenue, and an advisory note relating to works on the highway.

LLFA Drainage: No objection subject to conditions in respect of the detailed design, proposed discharge points/rates, storage capacities/locations and full consideration to SuDS features for the development.

Environmental Protection: Further investigation is required into potential contaminants as recommended in the applicant's Phase 1 Survey. If the council is minded to grant permission without this further information, a condition is recommended. Further conditions also recommended in respect of noise, hours of construction and a requirement for a construction environmental management plan.

S106 Officer: Advises the following obligations should be secured via a section 106 agreement:

- six affordable dwellings
- £520,560 contribution towards primary and secondary education
- provision of 10 square metres of on-site informal open space
- £54,106 contribution towards the improvement of existing play facilities at Scawby playing field
- £57,286 contribution towards recreation facilities, including a contribution towards a new 3G artificial grass pitch at Brigg Recreational Ground; improvement of grass pitches at Scawby playing field; swimming facilities and sports hall improvements at Ancholme Leisure Centre; and improvements to Scunthorpe Indoor Bowls Club
- £846.03 per market dwelling health contribution towards improvements to surgeries in Brigg.

Ecology: The site has limited biodiversity value at present and low potential for protected species. Planning conditions are proposed to minimise harm to protected and priority species and habitats and to seek biodiversity enhancement in accordance with policy CS17, the National Planning Policy Framework and Biodiversity Metric.

Tree Officer: The arboricultural report and other tree related information submitted with the application appears to give accurate information on the location, species, condition and retention values of the trees, hedges and shrubs on or adjacent to the site, and this information has been used in order to determine the scheme for the site and the locations of dwellings.

Archaeology: No objections subject to planning conditions securing the implementation of the strategy in accordance with the agreed Written Scheme of Investigation.

Conservation: No objection in principle. It is important to conserve the character of the settlement as a whole which includes the conservation area at its core. Therefore, in order to preserve and enhance the character of the conservation area and the local character and distinctness of Scawby afforded protection by council policy HE2 and section 72 of the Planning (Listed Building and Conservation Areas Act) 1990, and council policy CS6 (see above), it is important that the scale, form and style of the proposed buildings is sympathetic to the settlement. This can be secured at reserved matters stage.

Education: Seek both primary and secondary education contributions in respect of this development.

Recycling and Waste: Provide information on the council's waste and recycling strategy.

Public Health: Support the comments made by other consultees. Note should be taken of Sport England's advice on active design. Electric vehicle charging points should be included. Houses should be energy efficient and affordable to run. Affordable housing should be secured.

NHS North Lincolnshire CCG: Contribution requested towards the Kirton Lindsey Practice.

Environment Agency: Objects to the application, owing to remaining uncertainty that the issues relating to a lack of capacity at the Hibaldstow Water Recycling Centre can be resolved satisfactorily within the timespan of the planning permission, if granted.

Anglian Water: The foul drainage from this development is in the catchment of Hibaldstow Water Recycling Centre which currently does not have capacity to treat the flows from the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the planning authority grant planning permission. No objection to the application subject to a condition requiring a scheme for on-site foul drainage works to be approved and delivered. A feasible drainage strategy will need to be agreed to avoid unacceptable flooding downstream.

Humberside Police: Advice provided on Secure by Design guidance.

Humberside Fire and Rescue: Advice provided on access for the Fire Service and water supplies for fire-fighting.

PARISH COUNCIL

Objects to the application for the following reasons:

1. The proposed development is situated on LC11 land with no obvious village amenity compensation for the development of this land.
2. The proposed site layout, design and density of housing is unacceptable.
3. The parish council supports the view of the Environment Agency in that they foresee surface water drainage problems leading to flooding. If North Lincolnshire Council is minded to approve planning on this proposed site the parish council wishes the following conditions be imposed on the permission granted:
 - (i) The land situated behind the village hall – known as Nutshell Paddock – should be handed to the parish as amenity land and be exempt from all future development.
 - (ii) Any S106 money associated with this development should be made in favour of Scawby parish with particular emphasis on education and recreational facilities.

PUBLICITY

Advertised by site and press notice. Sixty-four responses have been received over the lifetime of the application. The planning-related comments are summarised as follows:

- The village is not a sustainable location for this scale of development and therefore the proposals conflict with local plan policies for housing which focus new development on larger settlements.
- There are insufficient public transport links and services to make the village sustainable.
- The proposals result in the unacceptable loss of important open space (LC11 land) which would conflict with the NPPF's social objective.
- The plans should be amended to have a significant number of bungalows near the existing bungalow on Oak Avenue.
- Houses should be no more than two storeys.
- The proposals would result in a 9% increase in the size of the village.
- The Scawby Conservation Area Appraisal highlights that the loss of important open spaces in the village would lead to the erosion of the spacious rural quality of historic Scawby.
- The Village Design Statement has been adopted by North Lincolnshire Council and says that any major building development, especially on the inner green area and at the rear of the village hall, will totally destroy the rural village character. This proposal conflicts with that statement.
- The proposed density, albeit lower than the local plan rate of 30–35 dwellings per hectare, is out of proportion for this rural village.

- The proposals would be detrimental to the natural and historic environment of the village.
- There are concerns about flood on site and further downstream.
- There will be a loss of high-quality agricultural land.
- The council can demonstrate a five-year supply and the 'tilted balance' should not therefore need to be engaged.
- Infill development can turn villages into small towns.
- Part of The Rookery has flooded in the recent past and extra houses would add pressure.
- Some years in the local school are full; the development will add more children.
- Whilst there is a case for more housing, expensive housing in rural areas will not address that problem.
- The surface of Oak Avenue is in poor condition and the extra traffic would worsen this.
- It is understood the site was bequeathed to the Scawby residents to be used for any amenities valuable to the village.
- Breeding hedgehogs on the site would be put at risk; deer and herons have also been seen on the site.
- Additional pressures will be placed on doctors' surgeries.
- With most of the new traffic being accessed via Mill Croft, it will become like a race track, making it impossible for residents in Meadow Vale or The Rookery to get out of their roads and cause danger for schoolchildren who congregate around the bus stop at the end of Mill Croft.
- There will be disruption during the construction phase.
- A development of this size would irreversibly alter the character of Scawby.
- The impact on wildlife would be significant.
- We moved to the village for the scenery and peace – 60 houses will crush that. We currently have views of the countryside behind us...we do not want houses overlooking us.

A petition, signed by 59 local residents (some of whom have also submitted individual objections) was submitted in November 2020. The petition raises the following planning-related issues:

- increased flood risk
- increased traffic flow, particularly in smaller streets, and danger to pedestrians
- the village school is very popular, and most year groups are at capacity and unable to take extra students

- close proximity and overlooking of properties will mean a loss of privacy for many people who purchased their houses many years ago.

STATEMENT OF COMMUNITY INVOLVEMENT

The council is not aware of any community consultation carried out in this case.

ASSESSMENT

The site and its location

This application relates to an area of land within the settlement boundary of Scawby. The site is made up of two agricultural fields: the first is a smaller field to the rear of the Co-op, between Ingram Gardens and Beechwood Drive; the second is a larger field which has clearly been used for arable farming, to the east of the site, which is backed onto by houses on The Rookery, Mill Croft, Meadow Vale, Cedar Close, Beechwood Drive, Ingram Gardens and Francis Gardens. A strip of land between the Co-op and 47 West Street is also included in the application site.

There is very limited vegetation within the site; this is largely limited to boundary hedgerows, including that which divides the two fields. To the north-west of the site is a small balancing pond which has been constructed following the development at the neighbouring Francis Gardens.

The site is in flood zone 1 although there is some history of flooding at properties in The Rookery to the east. There are no public footpaths crossing the site.

The site location plan also shows an area of land to the north as being within the applicant's ownership. This land falls within the Scawby conservation area, as are the neighbouring properties on Chapel Lane, Church Street and West Street. There are a number of listed buildings to the north (see Historic Environment section of this report, below).

Planning history

Planning application PA/1997/1523 was refused in June 1999. Whilst the application was in outline, the Traffic Impact Assessment indicated that the site could accommodate 78 dwellings. The single reason for refusal was the scale of development proposed and that the proposals would prejudice the outcome of the local plan process being carried out at the time (which led to the 2004 local plan).

It is understood the site was previously allocated in the West Glanford Local Plan prior to Local Government Reorganisation and was promoted through the 2004 local plan process. This is perhaps unsurprising given the layout of the surrounding estate roads which appear to terminate at the site's edge. However, the site was not included as it did not meet the strategy for the emerging plan at the time. The local plan inspector also noted the proposed allocation of the site as an 'important open space' (now protected under saved policy LC11 as discussed below).

The proposed development

The application is for outline planning permission for 60 dwellings with appearance, landscaping, layout and scale reserved for subsequent consideration. The application is supported by an illustrative masterplan which shows how a development of 60 houses could

be achieved on the site. An area of open space, including a SuDS pond, is proposed to the north of the larger agricultural field.

The means of access to the site is included in the application. The illustrative masterplan shows that the primary vehicular access would be via Mill Croft, with a secondary access, serving approximately nine dwellings, taken from Oak Drive. The restricted access via Oak Avenue has been incorporated following the response of the Highways Officer. Pedestrian accesses are shown in the strip of land to the south of the Co-op from West Street and from the north, via the parcel of land south of Chapel Lane.

The illustrative masterplan indicates single-storey dwellings adjacent to the rear gardens of properties in Ingram Gardens, Beechwood Drive and Cedar Close. The applicant advises that this has been shown to address concerns raised by residents.

Whilst the application was submitted on the basis that the council could not demonstrate a five-year supply of deliverable housing sites, the application stated, 'even in the circumstance where the council could demonstrate a five-year land supply, this is a minimum requirement and does not prevent them from approving applications for residential development in sustainable locations of which this is clearly one being within the settlement boundary of Scawby.'

In addition to the obvious social and economic benefits that would arise from a development of this nature, the applicant has suggested the following benefits would also arise:

- the provision of bungalows and smaller houses
- the provision of open space and securing the land to the north as open space into the future
- better access across the village, reducing traffic, especially vehicular trips to the school
- support for existing services
- education contributions
- recreational contributions to the village
- biodiversity net gain across the whole site, securing biodiversity in the centre of the village for the next generation.

The main issues in determining this application are:

- **principle of development**
- **accessibility**
- **highway safety**
- **area of amenity importance**
- **historic environment**
- **design and amenity**

- **flood risk and drainage**
- **ecology**
- **contaminated land**
- **planning obligations**
- **other matters.**

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 included the National Planning Policy Framework (the NPPF), the emerging North Lincolnshire Plan and a suite of supplementary planning documents.

Scawby has been designated as a Neighbourhood Plan Area; however, the plan-making process is at a very early stage and can be given no weight in the decision-making process.

The Scawby Village Design Statement has been adopted as Supplementary Planning Guidance by North Lincolnshire Council. The Design Statement aims to influence building development in the village to help retain its rural character. The statement identifies the application site as a 'central green area' and that village residents consider developments on this and other 'inner green areas' would destroy the rural village character of Scawby.

Principle of development

The application site falls wholly within the development limits of Scawby as defined on inset map 35 of the Housing and Employment Land Allocations DPD (HELA). Scawby is defined as a 'larger rural settlement' in the 2019 Settlement Survey. The Settlement Survey indicates that these villages are unsuitable for substantial growth but capable of accommodating an allocation either within or adjoining the settlement. This accords with the spatial strategy for housing growth in the district set out in the Core Strategy. Policy CS1 sets out that rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing existing local services to meet local needs. Development will be limited and should take into account levels of local service provision, infrastructure capacity and accessibility. Any development that takes place should be in keeping with the character and nature of the settlement.

Core Strategy policy CS2 sets out a sequential approach to the location of new development. Firstly, development should be focused on previously developed land in Scunthorpe, and then previously developed land in the district's market towns. Finally, development should be

focused on small-scale developments within the defined development limits of rural settlements to meet identified local needs.

Core Strategy policy CS3 refers to development limits and explains the rationale as to how they are applied having regard to existing settlement patterns, capacity, existing permissions/development and character.

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.

Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. 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. Nevertheless, local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Whilst, given the stage it has reached, only limited weight is afforded to the emerging local plan, its strategy is similar to that of the Core Strategy. Nevertheless, in respect of larger rural settlements, including Scawby, policy SS2 states:

'Larger rural settlements will accommodate an appropriate level of development that supports their function. Sites of an appropriate scale and nature will be allocated in the plan. Non-allocated sites within the defined settlement development limit will also be supported. All development should take into account the nature and character of these settlements.'

The application site is not allocated for development in the emerging plan (and was not promoted through the plan-making process) which expects (policy SS6) 30 dwellings to be delivered in Scawby during the plan period. Of these, six are already committed on a site on West Street (which have now been completed at Francis Gardens) and a further 24 are proposed on an allocation south of Main Street. The current site is not allocated for development and the 'important open space' designation is carried forward from the local plan (discussed in more detail below).

Given the scale of development proposed in this case, there is a clear conflict with the development plan strategy which seeks to restrict the amount of development delivered in settlements such as Scawby. The presumption is, therefore, that permission should be refused unless material considerations indicate otherwise, in accordance with s38(6) of the 2004 Act and paragraph 12 of the NPPF.

Notwithstanding the conflict with policy, this is an unusual case. It is rare that such a large site in private ownership and with no public access would become available within a settlement of this size. It is clear from the history of the site (note comments regarding the West Glanford Local Plan allocation above), and from the nature of the surrounding estate roads, that the site has been expected to come forward for housing at some stage.

It is also noteworthy that the Place Planning Team do not, on balance, raise any objections to the application.

In light of the above, given the scale and nature of the site and the development proposals, and the benefits which would arise from the proposals, it is considered that there are material considerations in this case that indicate that a decision may be made contrary to the provisions of the development plan, subject to other policy considerations discussed below.

Accessibility

The council's adopted strategy for the location of new houses is heavily predicated on locating new houses in sustainable/accessible locations. This is a common thread running through the strategic policies in the Core Strategy (as discussed above) as well as the new local plan. Policy T1 of the local plan provides that development will be permitted where there is good foot, cycle and public transport provision or where there are opportunities for foot, cycle and public transport to be provided.

Core Strategy policy CS2 sets out various sustainable development principles including:

- locating development so as to minimise the need to travel and to encourage any journeys that remain necessary to be possible by walking, cycling and public transport;
- making the best use of existing transport infrastructure and capacity;
- contributing towards to the creation of locally distinctive, sustainable, inclusive, healthy and vibrant communities;
- ensuring that everyone has access to health, education, jobs, shops, leisure and other community and cultural facilities that they need for their daily lives;
- ensuring the appropriate provision of services, facilities and infrastructure to meet the needs of the development.

Core Strategy policy CS25 seeks to support and promote sustainable transport that offers a choice of transport modes and reduces the need to travel, including by managing transport demand through reducing the need to travel, improving accessibility and reducing car-based travel.

The NPPF seeks to actively manage patterns of growth. Paragraph 105 advises that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, the NPPF recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

A number of concerns have been raised about the suitability of Scawby for a development of this size, given the lack of certain facilities/services in the village and the level of public transport provision.

Scawby is defined as a 'larger rural settlement' in the 2019 Settlement Survey. These settlements are termed 'local service centres'. Scawby ranks 20th overall in the survey with a total score of 32. It has four of the seven key facilities measured in the survey, including a primary school, public house and village hall, and is within 30 minutes' walking or cycling distance/public transport travel time to a major employment centre. Since the survey was

carried out, the Co-op food store has also opened meaning that Scawby now has five of the key facilities.

The services/facilities not present in Scawby are a doctor's/GP surgery or health centre, and an hourly bus service, although there are bus services which stop in the village. The 94 offers four services a day each way to Brigg and Kirton in Lindsey, and the x4 offers one service per day to and from Brigg. It is possible, for example, to arrive in Brigg at about 8.30am (with onward connections to Scunthorpe) and then travel back at 5.45pm, and to make other journeys to and from Brigg and Kirton in Lindsey during the day; however, it is recognised that this falls short of the hourly service expected in the Settlement Survey.

Notwithstanding this, the issue of accessibility was considered by an appeal inspector in respect of a proposal for up to 48 homes in May 2021, on land to the west of Scawby, south of St Martins Road, following refusal of planning application PA/2019/1977). The inspector concluded:

'Residents of the proposal would most likely rely on the private vehicle to access employment. However, Scawby is located near to Scunthorpe, and the length of journey to access employment opportunities there would be relatively short. The site would be near to bus stops and, whilst the evidence suggests that bus services are limited, this would reduce reliance on the private car. Mindful of the scale of development proposed and the relationship with employment opportunities, this matter carries only limited weight against the proposal.'

Whilst the current development plan does not anticipate the scale of development proposed in settlements such as Scawby, given the facilities and services in the village and its relative proximity to Brigg and Scunthorpe and the employment opportunities and higher order services in those settlements, the location of the site is not a matter which weighs significantly against the grant of proposals.

Highway safety

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

The NPPF (paragraph 100) similarly requires safe and suitable access to the site for all users, and, amongst other things, seeks to ensure that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. 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.

The application seeks outline planning permission for a development with all matters reserved other than means of access. As mentioned above, the illustrative layout submitted with the application shows that the main vehicular access would enter the site via Mill Croft to the east, which itself is accessed from Mill Lane. A secondary access would serve up to nine dwellings from Oak Avenue to the south, whilst a pedestrian link would be provided on the strip of land to the south of the Co-op food store. Less formal pedestrian access is also indicated from the north.

For the purposes of this outline application, 'access' is taken to mean the roadways leading from Oak Avenue and Mill Croft shown on the indicative masterplan, from the site boundary

to a point 10m into the application site. The remainder of the roadways serving the proposed dwellings would be considered as part of the reserved matters (layout).

The Highways Officer has raised no objection to the principle of the development on highway safety grounds. They initially raised concerns about the suitability of Oak Avenue to cater for the number of vehicles which could access the development as per the original illustrative layout. Following those comments, an amended illustrative layout plan was submitted which limits the number of dwellings on the proposed development accessed via Oak Avenue to nine. The Highways Officer is now satisfied with this, subject to a planning condition restricting the use of Oak Avenue as shown on the amended plan.

Concerns have been raised regarding the impact of the proposals on the operation of existing junctions, including those at Meadow Vale or The Rookery. The applicant has provided updated vehicle trip generation rates for the development which show that in the weekday 'am peak hour' there would be expected to be 13 arrivals and 44 departures to/from site. In the 'pm peak hour' there would be expected to be 31 arrivals and 17 departures. Based on these figures, bearing in mind that these trips would be distributed between the Oak Avenue and Mill Croft junctions (the latter serving The Rookery and Meadow Vale), it is not considered that the proposals would lead to a severe impact on the operation of the road network; nor any consequent impacts on highway safety.

Overall, the Highways Officer has no objection subject to conditions, and it is not considered that the proposal would result in unacceptable impacts on the highway network.

Area of amenity importance

The site is designated in the current and emerging local plans as an 'area of amenity importance' and 'important open space' respectively. Saved policy LC11 of the local plan provides that development will only be permitted where it would 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. This is reflected in policy DQE10 of the emerging plan.

In this instance the area of amenity importance is essentially divided into two separate areas. To the north, the area to the south of Chapel Lane is outside the application site. As described above, the second area, which forms the application site, is divided into two distinct parcels: an arable field with narrow grassland margins, and a small, fallow arable field to the rear of the Co-op store.

The emerging local plan has assessed each of the areas of amenity importance designated in the 2004 plan and the results are contained in the Important Open Space Assessment prepared as part of the local plan evidence base. Each site has been assessed in terms of whether its status has changed since adoption of the 2004 local plan and whether it has been considered for an alternative allocation in the emerging plan. It then considers the following factors in respect of each open space:

- Does it contribute to the open character or appearance of a settlement?
- Is it open to public view?
- Does it have ecological or landscape value?

- Does it have a recreational or social function?

The application site as a whole has been assessed, having regard to the above factors, as meeting the criteria for designation.

In light of the above, the application conflicts with local plan policy LC11.

The Scawby Village Design Statement also identifies the application site as part of the 'inner green space' (which is essentially the area of amenity importance) and that development on it would 'totally destroy the rural village character'. In terms of the village design statement, because of its age, it should be afforded limited weight in the decision-making process. It is useful in providing a reference for the historic development of the village in particular.

Whilst the contribution of the wider area of amenity importance is recognised, it is considered that the southern parcel of land (the application site) makes a limited contribution to the importance of the open space as a whole. It is open to public view and does create separation between the housing on its boundaries; however, the contribution this makes to the character of the place is limited when compared to the northern parcel which forms part of the setting of the conservation area and the listed buildings/structures on Church Street and Chapel Lane. There is no public access to the land and as such it has no recreational or public function and has limited ecological value. It has no connections with the wider landscape other than the parcel of land to the north.

On balance, therefore, it is considered that whilst the designation of the site as a whole performs a function as important open space, it is not considered that the loss of the agricultural fields forming the application site would cause significant harm to the character of the village. The part of the open space between Chapel Lane and the edge of the proposed built development as shown on the illustrative layout, which meets the criteria set out in the Important Open Space Assessment, would be safeguarded and would continue to exist as an important open space in the village, with an appropriate level of public access. An s106 obligation is included in the agreed Heads of Terms of a legal agreement which would secure this.

For these reasons, whilst there would be conflict with the development plan, and in particular policy LC11, given the proposed benefits of the development, this is not considered to be a matter which weighs significantly against the proposals in the overall planning balance.

Historic environment

The parcel of land to the north of the application site is within the Scawby conservation area, as are the neighbouring properties on Chapel Lane, Church Street and West Street. There are a number of listed buildings to the north, including The Old Almshouses on Chapel Lane/Church Street, and an old K6 type telephone kiosk and pump, and surrounding railed enclosure on Chapel Lane, all of which are grade II listed. There are also a number of grade II listed buildings along Church Street, including Church Cottage, whilst there are also glimpsed views of the grade II* St Hybald's Church which is set back from the road. To the west is the grade II listed The Grove, a large detached house set back from West Street in mature grounds

Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Section 66 of

the Act requires the local planning authority to have special regard to the desirability of preserving listed buildings or their setting, or any features of special architectural or historic interest which they possess. These requirements are reflected in Core Strategy policy CS6 and saved policies HE2 and HE5 of the local plan.

Paragraph 199 of the NPPF advises that great weight should be given to the conservation of heritage assets (and the more important the asset, the greater the weight should be), irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 states 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.

The Conservation Officer has advised that, importantly, the housing would not impinge upon the greenspace that encompasses the southern aspect of the conservation area south of Church Street and Chapel Lane. This is the original open green space that is the setting for the historic buildings on Church Street and Chapel Lane. Furthermore, they note that an additional piece of green infrastructure, in the form of the proposed SuDS pond, would lie on the northern edge of the built development.

On the basis that the proposed built development would therefore be separated from the built development within the conservation area and the listed buildings within it, it is not considered that the proposed development would result in harm to those heritage assets. Because of the distance to and intervening features between the site and The Grove, it is similarly concluded that there would be no harm to the setting of that listed building. As with any development within the setting of heritage assets, some care will need to be taken with the final design and a condition is recommended requiring a detailed design statement, taking full account of the nearby heritage assets, to accompany reserved matters applications relating to appearance.

In light of the above there is no objection to the scheme on conservation grounds and, subject to detailed design at reserved matters stage, there would be no harm to the conservation area in accordance with the requirements of the 1990 Listed Buildings and Conservation Areas Act, local plan policies HE2 and HE5, Core Strategy policy C6 and guidance at section 16 of the NPPF.

Design and amenity

Local plan policy DS1 and Core Strategy policy CS5 require a high standard of design for new development, as do, by implication, the heritage policies referred to above. Section 12 of the NPPF (Achieving well-designed places) similarly requires high quality design, saying this is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

Objections have been received raising concerns that the proposals would not be sympathetic to the character and appearance of the area.

As set out above, the detailed design of the scheme is reserved for future consideration and there is, in principle, no barrier to achieving the high quality required by policy and guidance. Whilst the submitted layout plan is for illustrative purposes only, it does fall to be considered as part of the outline application. The illustrative layout has been amended, as referred to above, to limit the number of properties served by vehicular access from Oak Avenue. The illustrative layout shows proposed dwellings backing on to existing dwellings, or where appropriate being side on, particularly in locations where the existing road network feeds into

the site, at Mill Croft and Oak Avenue, to continue the existing street scene. The broad arrangement of dwellings and road network appears logical and is broadly acceptable in urban design terms.

The development would clearly result in a change in outlook for existing residents of dwellings adjoining the application site, given that the site is currently open fields. Where there are back-to-back relationships with adjoining dwellings indicated on the illustrative masterplan, there appears to be sufficient distance to avoid any undue impacts. Nevertheless, these are matters which can be properly addressed at reserved matters stage. It is therefore considered that the illustrative plan indicates that 60 dwellings could be achieved on the site without resulting in undue impacts on the living conditions of neighbouring residents.

Overall, it is considered that the site is capable of delivering 60 dwellings in an environmentally acceptable way, and without undue harm to the living conditions of future or existing residents, in accordance with the development plan policies and NPPF guidance which require high quality design.

Flood risk and drainage

Policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the Core Strategy, and paragraphs 155, 157, 163 and 165 of the NPPF are relevant to the proposal.

Foul sewage is proposed to be discharged into the public sewer network, with surface water run-off from the dwellings discharged to individual soakaways.

The application site is within SFRA flood zone 1, the area at lowest risk of flooding, where housing is considered acceptable in terms of flood risk compatibility.

The application is supported by a Flood Risk and Drainage Assessment which considers all potential sources of flooding. The assessment concludes that whilst there is a potential of flooding from overland surface water, this can be addressed in the design of the new external levels and elevated floor construction levels for the development. Conditions are suggested to secure this. The assessment also concludes that there would be no risk to third parties as a result of the development subject to the installation of surface water drainage for the site, which again is proposed to be secured by condition. Overall, the Flood Risk and Drainage Assessment concludes that the flood risk to the site is 'very low to low' and therefore acceptable.

The LLFA has been consulted and advises the provision of source control features for the development will require full consideration at reserved matters stage to provide the level of water treatment in line with SuDS and the Environment Agency's requirements. The Environment Agency similarly encourages the use of SuDS.

Overall, the LLFA has no objection, subject to conditions requiring a scheme of surface water drainage for the site to be approved and implemented, setting out the criteria which need to be considered in designing the scheme, and that it should be based on the submitted Flood Risk and Drainage Assessment, and effective surface water mitigation from hard-paved areas onto the highway.

In terms of foul sewage, it is clear that there is an existing issue in the locality and the Environment Agency objects to the application on the grounds of risk to surface water quality, due to lack of capacity at the Hibaldstow Water Recycling Centre. There is an identified need to update the water recycling centre.

The applicant has provided a 'Foul Drainage Technical Supplement' which notes:

'...it is a legal requirement in the Water Industry Act 1991 for Water Companies to provide pervasion for the removal of waste flows from all developments, and it is anticipated in this case that AW [Anglian Water] will fulfil its legal duties as the incumbent Water Company in this case.'

Notwithstanding this, as a fallback position, the Foul Drainage Technical Supplement proposes the use of package treatment plants as an alternative to mains connection, should a solution to provide capacity not be identified in time to accommodate the development. It suggests that the final means of treating foul sewage could be approved at a later stage via a pre-commencement condition.

However, the Environment Agency maintains its objection owing to remaining uncertainty that the issues can be resolved satisfactorily within the timespan of the planning permission, if granted. They suggest that paragraph 174 of the National Planning Policy Framework supports refusal of the application in stating that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other things, 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. Without certainty in respect of foul water disposal, the Environment Agency's position is that the application is also contrary to policies CS2 and CS18(10) of the North Lincolnshire Core Strategy, which seeks to deliver sustainable development and protect the water environment.

Notwithstanding the Environment Agency's view, Anglian Water raises no objection to the proposals subject to a condition requiring a foul water drainage scheme to be agreed and implemented. More recently, as the relevant statutory undertaker, Anglian Water has confirmed that, whilst works to establish exactly what improvements are required to be made to the Hibaldstow Water Recycling Centre, the improvement works required, taking into account future growth (including the current application), have been scheduled in, and it is anticipated they will be completed by mid-2026.

Whilst there is no absolute certainty as to when any required improvements to the water recycling centre may be completed, it is possible to impose a planning condition prohibiting any of the dwellings from being occupied until such time as the need for improvement works to the facility have been investigated, and any such improvements fully implemented and completed. The Environment Agency has queried whether such an approach is suitable, given the possible timescales for improvements to the water recycling centre; however, the condition proposed has been used elsewhere, suitably restricts the development to avoid harm to the environment, and the applicant is satisfied with such a condition being applied.

Overall, whilst it is clear that there are issues to be resolved, it is not considered that this should be a bar to the grant of permission. Grampian-style conditions are recommended to ensure the necessary foul sewerage improvements are identified and fully implemented, and a drainage scheme for the site implemented prior to the occupation of any dwelling. This is an approach which has been used by planning inspectors elsewhere.

Ecology

Policy CS17 of the Core Strategy seeks to promote effective stewardship of North Lincolnshire's wildlife.

Paragraph 170(d) of the NPPF seeks to minimise impacts on, and provide net gains for, biodiversity. Paragraph 175(a) of the NPPF sets out that 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.

The presence of protected species, including those protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2017, is a material planning consideration.

The application is accompanied by an Ecology and Protected Species Survey carried out in 2020. That survey concluded that there are no protected species constraints on site, and the proposed development site would not meet the Local Wildlife Site criteria. Some precautionary measures and ecological enhancements are required to ensure legal compliance and no net loss of biodiversity. The survey was supplemented by a Biodiversity Assessment in August 2023 that confirms the site has changed very little since the original assessment was carried out in 2020.

The council's ecologist has been consulted and agrees with the conclusions of the applicant's survey work. He is satisfied that the site has limited biodiversity value at present and low potential for protected species. Planning conditions are proposed to minimise harm to protected and priority species and habitats, and to seek biodiversity enhancement in accordance with policy CS17 and the National Planning Policy Framework. It is likely that the required biodiversity enhancements will be achieved on site and/or on the land within the applicant's ownership to the north.

Overall, in terms of ecology/biodiversity, the proposals are considered acceptable.

Contaminated land

Policy DS7 of the North Lincolnshire Local Plan sets out 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 Desk Study with Walkover Survey carried out in May 2021. The report concludes that a further intrusive investigation is required to assess the ground conditions and to obtain soil and water samples for contamination analysis. It further concludes that ground gases might be present on the site due to nearby historic quarries, as well as an infilled reservoir on the site. It is therefore recommended that monitoring is carried out over a period of time to allow an assessment to be made.

Overall, the report concludes that, based on the findings of the site walkover, history of the site, conceptual site model and preliminary risk assessment, the site has been assessed as moderate to low risk. This means that there is potential for mild harm arising from contamination that requires further assessment and possibly some remedial works.

The Environmental Protection officer has been consulted and is satisfied with the desk study, agreeing that a robust intrusive ground investigation will need to be submitted and approved by the department. Subject to conditions requiring the submission and implementation of a scheme of remediation for the site, they have no objections in respect of land contamination.

S106 contributions

Policy CS27 sets out that where a development proposal generates an identified need for additional infrastructure, North Lincolnshire Council will, through the negotiation of planning obligations, seek obligations that are necessary to make proposals acceptable in planning terms. The council's SPG8 and SPG10 and Regulation 122 of the CIL Regulations are also material. Regulation 122 requires obligations to be:

- (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.

Core Strategy policy CS9 requires that new residential housing development of three or more dwellings in rural settlements must make provision for 10% of proposed dwellings to be affordable housing which is accessible to those unable to compete in the general housing market.

Following discussions with the Section 106 Officer, the following heads of terms of an s106 agreement have been agreed:

- six affordable dwellings
- £520,560 contribution towards primary and secondary education
- the provision of 10 square metres of on-site informal open space
- £54,106 contribution towards the improvement of existing play facilities at Scawby playing field
- £57,286 contribution towards recreation facilities, including a contribution towards a new 3G artificial grass pitch at Brigg Recreational Ground; improvement of grass pitches at Scawby playing field; swimming facilities and sports hall improvements at Ancholme Leisure Centre; and improvements to Scunthorpe Indoor Bowls Club
- £846.03 per market dwelling health contribution towards improvements to surgeries in Brigg
- securing the land to the north as public open space.

Whilst the concerns of the local community regarding the social impacts of the proposals are noted, it is considered these obligations would satisfactorily address the impacts on local infrastructure in accordance with the relevant development plan policies. The obligations also meet the requirements of Regulation 122.

Other matters

In respect of air quality, the Environmental Protection officer had suggested a condition requiring the approval and implementation of a scheme for the provision of electric vehicle charging points on the site; however, this matter is now addressed by Building Regulations and it is no longer Environmental Protection's practice to require such conditions, which are unnecessary.

In terms of potential noise and disturbance during the construction phase, Environmental Protection recommend a condition requiring a construction environmental management plan to be secured before commencement of development. This will help manage potential pollution from noise and vibration, light and dust, to protect the living conditions of nearby residents.

The Natural England Agricultural Land Classification map indicates that the site comprises grade 2 (very good) agricultural land, albeit the applicant advises caution over the use of the maps which are not definitive, noting that the whole of Scawby village is covered by that classification.

Whilst it is clear that the development would result in the permanent loss of this land, the applicant has advised that the field to the rear of the Co-op is not farmed at all. The larger field is separate to any other land parcel owned by the applicant and is farmed in a way to minimise conflict with residents (as the field is bounded by housing on three sides), rather than one of increased productivity. The applicant thus advises that the loss of the site from farming will therefore have no adverse impact on the farming business or productivity as the site cannot be farmed effectively now due to the above limitations. Therefore, whilst the proposal would result in the loss of some best and most versatile agricultural land, given the scale and nature of the site, and the negligible impact on the farm business, this does not weigh against the proposals in the overall planning balance.

All pre-commencement conditions recommended below have been agreed by the applicant.

Overall planning balance and conclusions

Section 38(6) of the 2004 Act and paragraph 12 of the NPPF, make it clear that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

In this case, given the scale of development proposed in this case, there is a clear conflict with the development plan strategy which seeks to restrict the amount of development delivered in settlements such as Scawby. The presumption therefore is that permission should be refused unless material considerations indicate otherwise. Other material considerations are considered below.

Benefits

The provision of up to 60 dwellings on the site is an obvious benefit which would contribute to housing supply. The provision of six affordable dwellings, which would be secured by an s106 obligation, is an additional benefit. The applicant indicates the provision of bungalows and smaller houses is an additional benefit; however, there is no specific detail of this in the application and these matters would be considered at reserved matters stage.

Economic benefits would arise during both the construction phase and post development with residents spending money in the local economy, helping support local services and facilities. The s106 obligation towards the local doctor's surgery is required to meet the needs of new patients arising from the development, but any infrastructure improvements are likely to be experienced by other patients.

The proposals would deliver additional open space which could be used by the existing community, including the public use of the land to the north of the site which would be secured by an s106 obligation.

As a result of the proposed road/footpath network, there would be improved access across the village, which could result in reduced traffic, especially vehicular trips to the school.

Whilst the contributions to healthcare, recreation, open space and education are policy requirements based on the number of houses proposed, the improvements in infrastructure are likely to have a beneficial impact on the wider community.

The applicant indicates that biodiversity net gain would also be provided, securing biodiversity in the centre of the village for the next generation.

Harm

Harm arises from the proposal as a result of the conflict with the development plan as referred to above. Nevertheless, this is an unusual site which does not result in the extension of the village into the open countryside. Whilst this site has not been allocated (it was not promoted through the local plan process), Scawby has been identified as a village which can accommodate more growth, and in this case, no significant planning harms have been identified through the application process to justify refusal of the application.

The proposal would also see development within a large part of the protected area of amenity importance; however, the application site comprises two agricultural fields which are not considered to contribute significantly to the character and appearance of the area. The northern part of the area of amenity importance, which plays an important role in the setting of the conservation area and various listed buildings, would be unaffected by built development. Indeed, the proposed s106 obligations would safeguard this land and enhance it by providing community access to it, which is currently not in place.

Neutral considerations

The proposals would not harm the setting of the Scawby conservation area or nearby listed buildings.

Whilst the detailed design of the proposal is reserved for future consideration, there are no identifiable reasons why an appropriate design could not be achieved at reserved matters stage.

Comments from local residents have indicated that there would be harm arising from, amongst other things, additional traffic, loss of wildlife, school capacity and flood risk. However, as demonstrated in this report, those matters can be satisfactorily addressed through planning conditions and section 106 obligations as recommended.

Whilst the proposals would result in the loss of some grade 2 agricultural land, given the circumstances of the site, this is not considered to weigh against the proposals.

Conclusion

The conflict with the development plan is not underestimated. Nevertheless, it is considered that the benefits of the proposals weigh significantly in favour of the development.

These benefits are considered to comprise material considerations which outweigh the policy conflict and indicate that a decision can be made other than in accordance with the development plan policies which seek to restrict the scale of new housing development in this location.

On the converse, no significant technical objections have been identified to warrant refusal of the application.

For these reasons, the application is recommended for approval.

RECOMMENDATION

Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 providing for affordable housing, education, health, and open space, play and recreational facilities, the committee resolves:

- (i) it is minded to grant permission for the development;**
- (ii) the decision be delegated to the Development Management Lead upon completion of the agreement;**
- (iii) if the agreement is not completed by 6 June 2024, the Development Management Lead be authorised to refuse the application on grounds that, in the absence of a completed planning agreement, the proposed development does not adequately provide for affordable housing, education, health, and open space, play and recreational facilities; 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), and the landscaping of the site, (hereinafter called 'the reserved matters') shall be obtained from the local planning authority in writing before any development is commenced.

Reason

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

2.

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

Reason

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

3.

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

Reason

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

4.

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

Reason

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

5.

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

- Drawing number 20/360-0 (site location plan)
- Drawing number 20/360-03A (Illustrative layout) only insofar as it relates to the first 10 metres of the access roads connected to Mill Croft and Oak Avenue from the site boundary.

Reason

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

6.

No more than 9 dwellings shall be accessed from Oak Avenue.

Reason

In the interests of highway safety and because Oak Avenue is not designed to cater for larger numbers of dwellings.

7.

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

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

Reason

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

8.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are included with any approval of reserved matters granted pursuant to condition 1 above to prevent the material from spilling onto the highway. Any such approved measures shall be implemented before the dwelling(s) served by the driveway or parking area in question is/are first occupied and thereafter retained for the lifetime of the development.

Reason

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

9.

No dwelling served by a private driveway shall be occupied until that driveway has been constructed in accordance with details which shall be included with any reserved matters applications for layout submitted pursuant to condition 1 above. The details shall include:

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

Once constructed, the private driveway shall be retained in accordance with the approved details for the lifetime of the development.

Reason

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

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 site, and these facilities shall be retained for the duration of the works.

Reason

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

11.

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

- (i) the layout, drainage, construction, services and lighting of the proposed access road, including the junction with the adjacent highway;
- (ii) the number and location of vehicle parking spaces on the site;
- (iii) footway connections throughout the site, including to West Street.

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.

The penultimate dwelling on site shall not be occupied until all proposed access roads and footways, including connections to West Street, have been completed in accordance with the approved plans.

Reason

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

16.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (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 approved in writing by 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.

17.

No development shall take place until a construction phase traffic management plan, including the following details, has been submitted to and approved in writing by the local planning authority:

- (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.

Development shall be carried out in strict accordance with the construction phase management plan so approved.

Reason

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

18.

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 based upon the submitted Flood Risk and Runoff Assessment prepared by Neo Flood Ltd dated July 2020, ref: R01A. The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100 year critical storm (including an allowance for climate change) will not exceed the run-off from the existing site. It shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development so that flood risk, both on and off the site, is not increased. SuDS must be considered. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, focusing on above-ground solutions.

Reason

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

19.

The drainage scheme approved under condition 18 above shall be completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter retained and maintained in accordance with the scheme for the lifetime of the development.

Reason

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

20.

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

Reason

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

21.

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

Reason

To prevent environmental and amenity problems arising from flooding.

22.

None of the dwellings hereby permitted shall be first occupied until the need for foul sewerage improvements have been investigated and the resulting foul sewerage improvements fully implemented, completed and confirmed in writing as such by Anglian Water Limited to the local planning authority.

Reason

To ensure adequate infrastructure is in place to cater for the development.

23.

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.

24.

All reserved matters applications for layout and appearance shall be accompanied by a noise impact assessment to assess the impact of activities generated by the Co-op food store adjoining the site on proposed dwellings within the site. The noise impact assessment shall be carried out with reference to:

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

The noise impact assessment shall provide details of existing background noise levels, likely noise sources which will impact upon the proposed development, mitigation methods/measures 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

affected dwellings identified in the noise impact assessment are first occupied and shall be retained thereafter for the lifetime of the development.

Reason

To protect the living conditions of future residents.

25.

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, 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.

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

Reason

To minimise the impact of construction work on the occupiers of nearby dwellings.

26.

No 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) 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.

The development shall be carried out in strict accordance with the construction environmental management plan so approved.

Reason

To minimise the impact of construction works on nearby residents and site workers.

27.

Development shall take place in accordance with the archaeological mitigation strategy 'Land off Oak Avenue, Scawby, North Lincolnshire, Written Scheme of Investigation for Strip Map and Sample, Archaeological Research Services Ltd, March 2021', and the approved details and timings.

Reason

To comply with paragraph 199 of the National Planning Policy Framework, policy CS6 of the Core Strategy, and policy HE9 of the North Lincolnshire Local Plan because the site contains archaeologically significant remains that the development would otherwise destroy. The archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding.

28.

The applicant, or their agents or successors in title, shall submit the following details to the local planning authority for their written approval at least six weeks prior to the commencement of archaeological work:

- (i) evidence that a contract has been entered into with an archaeological contractor to undertake all stages of the archaeological mitigation programme
- (ii) a timetable that provides sufficient notification and allowance of time to ensure the completion of the archaeological site work ahead of construction commencing

- (iii) details of the archaeological organisation proposed to implement the approved mitigation strategy
- (iv) a list of all staff involved, including sub-contractors and specialists, their responsibilities and qualifications
- (v) arrangements to notify the North Lincolnshire Historic Environment Officer of the commencement of archaeological works at least 10 working days before commencement and a schedule of visits to monitor such works.

Reason

To comply with paragraph 199 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy, and policy HE9 of the North Lincolnshire Local Plan because details pursuant to the approved archaeological mitigation strategy are required prior to implementation to ensure a competent archaeological organisation undertake the works in accordance with the strategy without unnecessary delay to the commencement of development.

29.

The development shall not be occupied until the site investigation and post excavation assessment has been completed in accordance with the programme set out in the approved archaeological mitigation strategy, and provision secured for the subsequent analysis, publication and dissemination of results and archive deposition, to be approved by the local planning authority.

Reason

To comply with paragraph 199 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy, and policy HE9 of the North Lincolnshire Local Plan because details pursuant to the post-excavation assessment are required to ensure satisfactory provision and the timely undertaking of the final stages of the approved archaeological mitigation strategy.

30.

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

Reason

To comply with paragraph 199 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy, and policy HE9 of the North Lincolnshire Local Plan and place the results of the archaeological mitigation strategy in the public domain in a timely fashion within an agreed timetable.

31.

No development shall take place until the applicant or their successor in title has submitted a biodiversity metric assessment and biodiversity management plan to the local planning authority for approval in writing. The document shall include:

- details of measures required to provide at least 10% biodiversity net gain in accordance with the Defra biodiversity metric 4.0 compared to the baseline assessment described in 'Ecology and Protected Species Survey: Oak Avenue Field, Scawby, Lincolnshire' dated April 2020;
- details of sensitive working practices to avoid harm to bats, hedgehogs, badgers and nesting birds;
- details of bat boxes and bat bricks to be installed on at least 15% of houses;
- details of swift boxes and sparrow terraces to be installed on at least 15% of houses combined;
- details of nesting sites to be installed to support a variety of other species, including house martin and starling;
- restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- prescriptions for the retention, planting and aftercare of native trees, shrubs, hedgerows and wildflowers of high biodiversity value;
- details of wetland habitat to be created and managed as part of sustainable drainage;
- appropriate phasing mechanisms to ensure that significant areas of habitat are created and are becoming properly established before each phase of construction;
- procedures for monitoring and ongoing management of created habitats;
- measures to avoid light, noise and water pollution, fly-tipping and other factors that would harm habitats and species;
- prescriptions for the provision of a wildlife gardening leaflet for each new resident;
- proposed timings for the above works in relation to the completion of the dwellings.

Biodiversity units should be delivered on site, within the red line and blue line boundaries shown on submitted location plan number 20/360/01. Those that cannot viably be delivered on site should be delivered locally on land controlled by the applicant or successor in title, according to a local plan or strategy. The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter.

Reason

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

32.

Prior to the occupation of the 55th dwelling hereby approved, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the biodiversity management plan approved pursuant to condition 31 above.

Reason

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

Informatives

1.

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

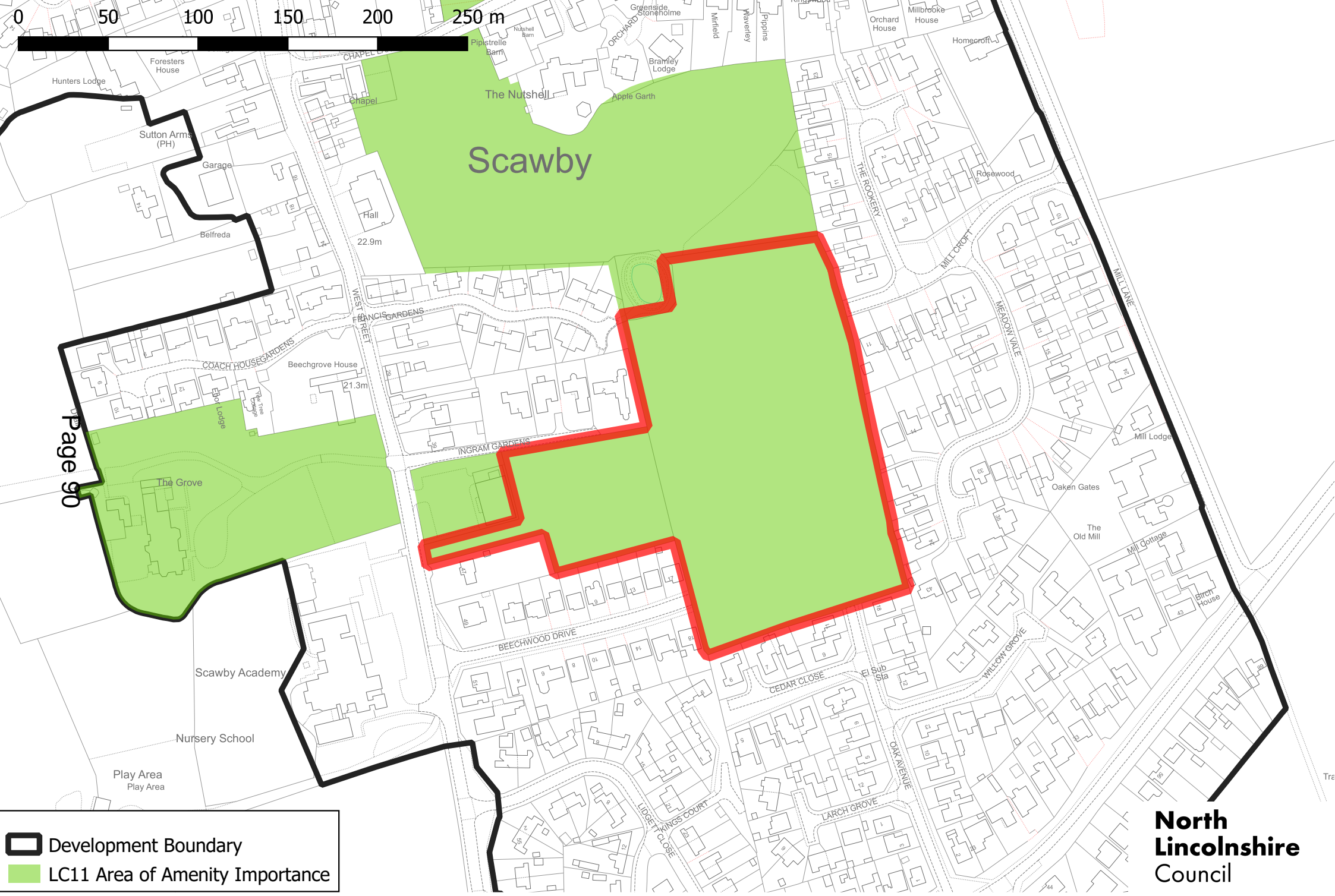
2.

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.



Scawby

Page 90

-  Development Boundary
-  LC11 Area of Amenity Importance

**North
Lincolnshire
Council**

PA/2020/1482

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PA/2020/1482 Illustrative layout (not to scale)

REV A. RESTRICTED VEHICULAR ACCESS FROM OAK AVENUE. 07/01/21
 REV B. SCALEBAR REPOSITIONED 14/11/23

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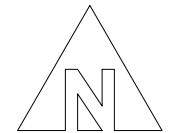
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THIS PLAN SHOULD BE READ IN CONJUNCTION WITH OTHER REPORTS AND DETAILS BY ALL OTHER ASSOCIATE CONSULTANTS.



- A** Primary Vehicular Access Taken from Mill Croft with Limited Plots Served from Oak Avenue
 - B** Pedestrian Route to Local Amenities for Existing and New Residents
 - C** Public Amenity Space Containing LAP Activity Zone
 - D** Amenity Space Containing SuDS Feature (as defined by Neoflood Ltd)
 - E** Possible Pedestrian-only Link into Applicant's Retained Land
 - F** Retained Trees and Hedges to be Supplemented by New Planting
- Single Storey Dwellings
 - Dwellings Above Single Storey

Page 91



JVH TOWN PLANNING CONSULTANTS LTD

Residential Development Proposal
 on Land North of
 Oak Avenue, SCAWBY
 for The Scawby Estate

ILLUSTRATIVE
 LAYOUT

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APPLICATION NO	PA/2023/58
APPLICANT	Harmony KB Ltd
DEVELOPMENT	Planning permission for a battery energy storage system and associated works
LOCATION	Land north of Chapel Lane, Keadby
PARISH	KEADBY WITH ALTHORPE
WARD	Axholme North
CASE OFFICER	Paul Skelton
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Keadby with Althorpe Parish Council

POLICIES

North Lincolnshire Local Plan:

RD2 Development in the open countryside

T1 Location of development

T2 Access to development

LC7 Landscape protection

LC12 Protection of trees, woodland and hedgerows

DS1 General requirements

DS11 Polluting activities

DS12 Light pollution

DS14 Surface water drainage

DS16 Flood risk

DS21 Renewable energy

North Lincolnshire Core Strategy:

CS1 Spatial strategy for North Lincolnshire

CS2 Delivering more sustainable development

CS3 Development limits

CS5 Delivering quality design in North Lincolnshire

CS11 Provision and distribution of employment land

CS16 North Lincolnshire's Landscape, greenspace and waterscape

CS17 Biodiversity

CS18 Sustainable resource use and climate change

CS19 Flood risk

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

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

SS1 Presumption in favour of sustainable development

SS2 A spatial strategy for North Lincolnshire

SS3 Development principles

SS11 Development limits

RD1 Supporting sustainable development in the countryside

DQE1 Protection of landscape, townscape and views

DQE3 Biodiversity and geodiversity

DQE5 Managing flood risk

DQE7 Climate change and low carbon living

DQE8 Renewable energy proposals

T1 Promoting sustainable transport

T3 New development and transport

T4 Parking

DM1 General requirements

DM3 Environmental protection

Housing and Employment Land Allocations Development Plan Document:

PS1 Presumption in favour of sustainable development

National Planning Policy Framework:

2 Achieving sustainable development

4 Decision-making

6 Building a strong, competitive economy

8 Promoting healthy and safe communities

12 Achieving well-designed places

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

15 Conserving and enhancing the natural environment

Planning Practice Guidance: Renewable and Low Carbon Energy

The Noise Policy Statement for England (NPSE)

North Lincolnshire Council's Supplementary Planning Document – November 2011 – Planning for Renewable Energy Development

CONSULTATIONS

Highways: No objections subject to conditions requiring a scheme of pre/post development highway condition surveys; and a construction phase traffic management plan. An informative note regarding works required on the highway is also suggested.

LLFA Drainage: No objection subject to conditions requiring a detailed surface water drainage scheme for the site; an effective method of preventing surface water run-off from hard-paved areas within the site onto the highway; an effective method of preventing surface water run-off from the highway onto the developed site; and informative notes.

Environmental Protection: No objection following submission of additional noise information.

Ecology: Medium to major landscape and visual impacts likely for the nearest residents and users of the adjacent public right of way. The landscape proposals closely follow the adopted landscape guidelines, which is welcomed. However, it will take 10 years+ for landscaping to mature. In the short term, landscape and visual impacts will be at their most significant.

There is no likely significant effect on the Humber Estuary SAC/SPA/Ramsar site.

The Biodiversity Metric Assessment reveals biodiversity net gain of >10%, which is acceptable.

Planning conditions are proposed to minimise harm to protected and priority species and habitats and to seek a measurable net gain in biodiversity.

Tree Officer: The native planting proposed appears reasonable. Suggests a condition requiring maintenance.

Public Rights of Way Officer: No objection. The surface of the bridleway may need altering and would require express approval of the council, however any impact on users would be minimal given the short length of bridleway from the road to the site access.

Environment Agency: No objection following submission of Flood Risk Assessment addendum subject to a condition requiring mitigation measures to reduce the risk of flooding.

Natural England: No comments to make on the application.

Humberside Fire and Rescue: Advise development should be in accordance with Building Regulations in respect of adequate access for firefighting; adequate water supplies should be available.

Humberside Police Crime Reduction Officer: Sets out various recommendations to improve security.

Isle of Axholme and North Nottinghamshire Water Level Management Board: Provide general advice on the drainage requirements.

Canals and River Trust: The application falls outside the notified area for its scale. Therefore, no comments to make.

Northern Powergrid: No objections following submission of revised plans.

PARISH COUNCIL

Objects to the application and comments are summarised as follows:

- The amended proposals appear to be minimal. The community feels that it is saturated with industrial developments as there is a wind farm, two power stations and a third to come and does not want any further development in the area.
- We have also just come to the end of a three-year project on the Keadby Pumping Station, which caused disruption due to a traffic-light system which was in place for the majority of the period plus the ongoing traffic to and from PD Ports' Wharf in Keadby.
- The proposed route for the delivery of materials to the site would cause issues. 'Lived experience' shows that there would be problems negotiating Chapel Lane and feel that an independent Swept Path analysis, should be conducted. Access via the SSE road from the A18 is the preferred route. Alternatively Bonnyhale Road could be re-opened. These options would avoid use of the populated area of Chapel Lane.
- Deliveries should be made overnight, when traffic through the village is lightest, as 'lived experience' shows that, otherwise, such traffic will result in chaos on Station Road.
- Residents should be recompensed and local workers should be preferred.
- The weight of the delivery vehicles is a concern due to the very poor state of the road surface of Chapel Lane.

- Councillors expect (following assurance by the applicant) that, once the system is operational, noise impact will be minimal.

PUBLICITY

Advertised by site and press notice. Twelve separate responses have been received from nine individuals objecting to the application, which are summarised as follows:

- The area is already saturated with industrial developments as there is a wind farm, two power stations and a third to come and do not want any further development in the area.
- The proposal, along with the windfarm and power stations, will mean the area is turned into an industrial estate.
- This installation would be opposite our house and would ruin the view from our house and garden; what is open aspect now would be obstructed by trees and fencing.
- All of the batteries have cooling fans on top which emit noise pollution.
- Noise from the battery farm will affect lives, enjoyment of the natural countryside and possibly mental wellbeing of residents.
- This is a very quiet, rural area where families walk and children play, this development will have a detrimental impact on country living.
- There are more suitable areas closer to the power station where this development could be developed.
- It is the duty of the council to protect the public use and enjoyment of highways.
- The proposals would give rise to fire risks, with consequent toxic fumes and polluted water run-off.
- The fire brigade would have to be specially trained to cope with a fire from these batteries which can burn for hours once alight.
- Concerns about working hours and contractors parking on the already congested lane.
- Loss of habitat for birds and animals who use the site.
- The road is in a poor state of repair and is not suitable to cater for the proposal, particularly heavy construction traffic.
- Construction traffic should access the site from the A18 through the power station. Speed and vibrations from the vehicles using Chapel Lane would affect the residents and our homes.
- Concerns about security – are we all to experience a rise in insurance cost due to opportunist thefts; will there be 24-hour security in the area?
- What are the benefits to local residents?
- Maybe the village could get more help in respect of the energy on our doorstep.

- Either a direct supply at a cheaper rate from the farm, or grants for our own solar panels as well to further aid the growth of renewable energy in the area.

Two letters of support have also been received making the following comments:

- It's a good idea as we need more environmental options to help with the energy crisis. I hope this will go to help the people in the local village like me; we need to be more independent away from foreign imports of oil.
- I agree with this as it would be a great place for it to go within the power plant area, and in [the] location of the wind farms and solar farms, and would bring more job opportunities to the area.

STATEMENT OF COMMUNITY INVOLVEMENT

The applicants carried out community consultations in November 2022, including a leaflet drop to 'approximately 836' local residents, and held two consultation events, one in Keadby and one in Althorpe on 28th and 29th November 2022 respectively. The applicants presented the proposals to the parish council meeting on 16th November 2022 and on 18th November sent a copy of the above-mentioned leaflet to the three Axholme North ward members. The feedback received from the local community was considered in the application, and is representative of the issues raised by residents in respect of the current application.

ASSESSMENT

Application site

The application site comprises an undeveloped area of agricultural land to the north of Chapel Lane, west of Keadby village. The field the subject of the application is bounded on all sides by open ditches, with a hedgerow on the eastern boundary where it abuts a public bridleway.

On the south side of Chapel Lane, opposite the eastern portion of the site, lie two dwellings, Holly House and Hawthorn House. Keadby Power Station lies further to the south, with further energy infrastructure, including an electricity substation, to the west. There is open countryside to the north and west with further infrastructure in the form of rows of electricity pylons and wind turbines in close proximity to the site. The nearest dwellings in Keadby village itself are approximately 150m to the east of the site boundary, and 230m from the battery storage units proposed.

There are no landscape or heritage constraints affecting the site, which lies in SFRA flood zone 2/3 (a) tidal.

Planning history

There is no history of planning applications on the site. A screening opinion was provided in May 2022 that the development would not comprise EIA development.

The proposal

The application proposes a battery energy storage system (BESS) contained within a fenced compound, screened by acoustic fencing and surrounded by landscaping. The layout of the proposed development and detailed layout of the proposed equipment is shown on the

attached site layout plan. The operational lifetime of the development is expected to be 40 years.

The application sets out that the equipment proposed comprises of 56 high efficiency BESS units housed within individual containers, each with a height of 3m, and 28 transformer units with a height of 3.5m. None of the ancillary equipment would exceed 4m in height. The proposed 33kv transformer and associated equipment would have a maximum height of up to 7m.

In addition, there would be two switchgear rooms, at a height of 3.6m, as well as a transformer and a control room to be operated by Northern Powergrid, with heights of 7m and 4m respectively. A single auxiliary transformer is proposed within the site, also with a height of 7m.

It is proposed that the BESS units would be screened from the nearby dwellings by a 4m high acoustic fence.

The equipment is proposed to sit on concrete plinths within a fenced compound. The remainder of the compound surface would be finished in type 1 aggregate, with a harder sub-base used for the short section of access track within the site. The compound would be surrounded by a 2.4m palisade fence with 4m high CCTV and thermal imaging poles to ensure site security also proposed.

Access to the site would be taken via an improved access onto Chapel Lane via a short stretch of the public bridleway, and then along Chapel Lane to its junction with the B1392. Vehicle parking for site workers during all stages of construction and operation would be accommodated on site with no vehicles allowed to park or wait on the adjoining road network during any stage of the development.

Existing landscape features are proposed to be retained, with hedges and boundaries enhanced with additional native, tree, shrub and hedgerow planting. A SUDs pond is proposed both for drainage purposes and to aid biodiversity improvements.

The main issues in determining this application are:

- **the principle of development;**
- **landscape and visual issues;**
- **highway safety; and**
- **living conditions.**

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), the North Lincolnshire Core Strategy (NLCS) and the Housing and Employment Land Allocations (HELA) DPD. Material considerations include the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and the council's Supplementary Planning Documents in respect of renewable energy development (November 2011).

Local plan policy DC21 supports the generation of energy from renewable sources, but was drafted before the technology to store electricity in the way that is currently proposed, so whilst providing support for the industry generally, is not directly relevant.

Core Strategy policy CS18 is broader in its support for sustainable resource use, and provides that the council will actively promote development that utilises natural resources as efficiently and sustainably as possible. This includes supporting renewable sources of energy in appropriate locations, where possible.

The UK Government has declared a climate emergency and set a statutory target of achieving net zero emissions by 2050, and this is also a material consideration.

Paragraph 152 of the NPPF explains that:

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

At paragraph 158 the NPPF sets out that applicants for energy development are not required to demonstrate the overall need for renewable or low-carbon energy and should recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. Most importantly, a proposal should be approved if its impacts are, or can be made, acceptable.

The government’s existing and draft National Policy Statements (NPSs) set out the national position supporting the renewable energy industry. The draft NPS EN-1, whilst of limited weight as a material consideration, seeks to update national policy in the light of new technologies and explains that there are several different types of electricity infrastructure that are needed to deliver the government’s energy objectives, including storage facilities (BESS) as proposed here. Storage of electricity, increasingly generated from renewable sources, can provide flexibility, meaning that less of the output of the generating facilities is wasted as it can either be stored or exported when there is excess production. BESSs can supply electricity when domestic demand is higher than generation, providing enhanced energy resilience in the National Grid.

Planning Practice Guidance (PPG) on renewable and low carbon energy states that ‘there are no hard and fast rules about how suitable areas for renewable energy should be identified but, in considering locations, local planning authorities will need to ensure they take into account the requirements of the technology and, critically, the potential impacts on the local environment, including from cumulative impacts.’

Overall, both development plan policies and the NPPF support the delivery of renewable and low-carbon energy and associated infrastructure. Although the development is not itself designed to deliver renewable energy, it is clear that the proposal would directly support energy-generating facilities which will increasingly be delivered from renewable energy sources and therefore the proposal can be regarded as low carbon energy associated infrastructure. The acceptability of any particular proposal will be dependent on its environmental impacts, and these are considered below.

Landscape and visual impact

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. Policies H5 and DS1 include 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.

Core Strategy policy CS2 requires a high standard of design. Development should contribute towards the creation of locally distinctive, sustainable, inclusive, healthy and vibrant communities. Policy CS5 requires good design which is appropriate to its context. Proposals should consider the relationship between any buildings and the spaces around them, and how they interact with each other as well as the surrounding area. Policy CS8 reflects this need for good design, in keeping with the character of the area, and protecting the rural landscape.

The NPPF also calls for high quality design (paragraph 130 refers). In respect of planning applications for low carbon energy development, paragraph 157(b) advises that local planning authorities should take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

In terms of its design, the proposals are of industrial form by their nature and there is little further in pure design terms that could be done to make the equipment more aesthetically pleasing.

The application is supported by a Landscape and Visual Appraisal (LVA) which confirms that the site is identified in the North Lincolnshire Landscape Character Assessment & Guidelines as being located in the Trent Levels landscape character area, and specifically the Flat Drained Farmland local landscape type. The application is also supported by a series of photomontages, showing the site as existing and how it would appear when developed, subject to landscaping.

The existing flat, arable site is (other than crops) largely devoid of vegetation, this being limited to the hedgerow on the eastern boundary which includes occasional trees. The structures on the site would be sited 0.55 above existing ground levels on the advice of the Environment Agency.

The LVA advises that, in terms of landscape condition (the physical state of the landscape) the site is considered to be 'poor'. This rating acknowledges that the site comprises agricultural land with limited landscape components apart from the drainage ditches, the eastern boundary vegetation and the bridleway to the site's eastern boundary. In terms of landscape value (how the landscape is valued by society), the LVA considers the site to be of overall low value.

The LVA identifies a number of visual receptors: residents of the single dwelling immediately adjacent the south-east corner of the application site (known as Holly House) and residents of the westernmost properties on Chapel Lane within the village of Keadby itself; and road users of Chapel Lane and the public footpath network, including the bridleway immediately to the east, and a connecting public footpath which runs east-west, to the north of the site.

The LVA concludes that open and partial views into the site are available from these receptors. Potential partial views and partial glimpses are also anticipated from Keadby

Power Station to the south and footpath NI|KEAD|9 to the north of the site. Where views are available they are seen within the context of the built form of the existing energy infrastructure (Keadby Power Station), the substation to the west and the pylons and wind turbines to the north/east, which are all in close proximity to the site.

The LVA explains that the proposed development has been laid out to largely retain the existing landscape features, including the mature boundary trees to the east of the site, hedges and ditches. Hedges and boundaries will be enhanced with additional (native) tree, shrub and hedgerow planting where appropriate. Effects of the development are anticipated to reduce over time as the proposed planting matures.

The LVA anticipates that minor to negligible adverse effects are anticipated in relation to vegetation and landscape features within the site. Minor to negligible adverse effects are anticipated to landscape character and minor adverse effects on the bridleway immediately adjacent to the site. This is all in the context of the existing landscape which is dominated by existing infrastructure. Visual effects are anticipated to range from major/moderate for receptors of the dwellings immediately adjacent to the site to negligible adverse for the majority of receptors and limited to those in close proximity to the site.

Overall, the LVA concludes that the proposed development would sit within the existing landscape character without causing significant harm. It should also be noted that the expected lifetime of the development is 40 years.

The Natural Environment Policy Specialist (NEPS) has been consulted and is happy that the submitted LVA has been produced following the relevant guidelines. The NEPS advises that the LVA highlights that the development is proposed in a landscape that is already significantly degraded by the prevalence of wind turbines and electricity pylons, with Keadby Power station dominating some viewpoints. Whilst the additional visual impact is likely to be of negligible significance for most receptors and viewpoints, medium to major effects are likely for the nearest residents and users of the adjacent public right of way, as described above. The conclusions of the LVA are noted; however, the NEPS highlights that it would likely take 10+ years for the proposed landscaping to mature and that the landscape and visual impacts would be at their most significant during this period.

The built development is proposed to the west of the application site, away from the existing dwelling, Holly House. Given the orientation of the house there would be very limited, oblique views of the development from upper floor windows in the rear elevation of Holly House; however, these views are already dominated by existing energy infrastructure. Views from ground floor and the garden are largely screened by the existing boundary hedge to Holly House.

The development would be visible in views from the public footpath network to the north; however, it would be very much read against the backdrop of the Power Station and other infrastructure. The developed site would be obvious in close proximity to it from the bridleway and Chapel Lane; however, this would not significantly alter the users' experience of travelling through this landscape which is already dominated by energy infrastructure.

Whilst the addition of the proposed BESS would add to the cumulative impact of energy infrastructure in the area, in views from all the identified receptors, it is not considered that the cumulative impact would be significant. The long-term impact of the proposals is tempered by the fact that the operational lifetime of the BESS is expected to be 40 years and a condition is suggested below to require the site to be decommissioned and all structures

etc. removed from the site in accordance with a decommissioning scheme which must be approved by the council.

Overall, the proposals would result in some harm to the existing landscape. This harm would reduce over time (and be removed in its entirety after 40 years) as the proposed landscaping matures, and it is also recognised that the proposals, from the majority of views, would be read in the context of existing energy infrastructure. This harm will need to be balanced against the benefits in the overall planning balance.

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. Policy CS25 of the Core Strategy promotes sustainable transport and is in two parts: firstly, it sets out to manage demand; and secondly, it seeks to manage the transport networks that serve North Lincolnshire's settlements.

There have been a number of concerns raised by the local community, in particular regarding the use of Chapel Lane to access the site, including during construction. Further concerns are raised regarding the use of a short stretch of the bridleway immediately to the east of the site to access the development.

The application is supported by a Transport Statement (TS) which confirms that the BESS would operate on an unmanned basis most of the time and would generate approximately between 10 and 20 vehicle trips per annum to support site operations and general maintenance activities. These trips will be typically made by cars/vans. There would therefore be negligible impact on the local highway network following construction. For the same reasons there would be very limited impacts on users of the bridleway.

The TS estimates that construction would take place over a 16-month period, with the frequency of construction traffic movements depending on the individual activities taking place at any one time. At most there would be expected to be 15 staff on site at any one time. The total number of two-way heavy construction vehicle movements is expected to be 2,520, with a maximum of 260 trips in any one month, although generally the number would be less than this. Staff trips would generally be at the start and end of the working day and would not be expected to coincide with movements of heavy construction vehicles. Vehicle parking for site workers during all stages of construction would be accommodated on site.

The TA confirms that a swept path analysis has been undertaken to establish whether the largest vehicles proposed to access the site (an abnormal indivisible load vehicle (a low loader) and a heavy commercial vehicle) could adequately navigate Chapel Lane, the access junction and the Chapel Lane/Trent Lane priority junction, which appears to be of most concern to local residents. The results of the swept path analysis demonstrate that an abnormal indivisible load vehicle would be able to adequately enter and leave the site via Chapel Lane and the Chapel Lane/Trent Side priority junction, with the exception of some minor vehicle overhang of the footway on the northern side of Chapel Lane and the eastern grassed verge of Trent Side when turning in and out of the Chapel Lane/Trent Side junction.

The Highways Officer (HO) has been consulted and they share the local community's view that accessing the site via the A18 would have been preferable as this would lessen the potential impact on residents of Chapel Lane. However, they recognise that this land is in

third party ownership and as such permission to use this route may not be granted. The HO has reviewed the additional information submitted by the applicant (in the form of a Construction Traffic Management Plan), which addresses the HO's initial comments regarding the impact on Chapel Lane. The HO notes there would be eight movements per day on average during the peak period.

The HO recognises that, due to the nature of the proposals, the main impact in terms of vehicle movements will be during the construction phase and any movements during the operational phase will be minimal. The volume of HGVs during the construction phase means there would likely be a detrimental impact on the condition of Chapel Lane as a result, and a condition is therefore recommended to secure pre/post-construction condition surveys and a requirement for the applicant to rectify any defects. This has already been discussed with the applicant, who is amenable to this. Whilst it is noted the parish council has suggested deliveries should be made at night, this would likely result in undue impacts on residents of Chapel Lane. Overall, the HO has no objection to the proposals, subject to conditions securing condition surveys and a construction phase traffic management plan.

The Public Rights of Way (PROW) Officer has also commented and has highlighted various matters regarding the public bridleway immediately to the east of the site. The PROW Officer raises no objection as the access only affects the first 15m or so of the bridleway from its junction with Chapel Lane. Safe passage across this first 15 metres will need to be provided for users of the bridleway during construction. Confirmation of how this is proposed to be achieved can be secured as part of the construction phase traffic management plan required by condition as set out below.

Overall, whilst the concerns of the local community are not underestimated, in light of the views of the Highways Officer, it is not considered that the proposed development would give rise to unacceptable impacts on the local highway network, subject to the conditions explained above.

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.

Paragraph 130(f) of the NPPF requires new development to create places which, amongst other things, promote health and well-being, with a high standard of amenity for existing and future users. Paragraph 185 provides that new development should be appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment.

The Noise Policy Statement for England (NPSE) was published on 15 March 2010. It sets out the long-term vision of government noise policy, to promote good health and a good quality of life through the management of noise. The NPSE includes key phrases used to determine the levels of noise impacts, including the LOAEL (Lowest Observed Adverse Effect Level). British Standards BS4142 and BS8233 both deal with noise levels. BS4142 provides a method of assessing the impact of a source of industrial or commercial sound, including sound from, amongst other things, fixed installations, as proposed here.

Nearby residents have expressed concern that the proposed development could give rise to unacceptable impacts on the enjoyment of their property, in particular in respect of noise.

The application is accompanied by a Noise Assessment which advises that operational noise from the facility would come predominantly from the cooling fans. The assessment assumes that the technology provider for the site would be Tesla. The assessment has considered predicted operational noise levels at the closest noise sensitive receptors using 'likely case' real-world data measured by the applicant at an equivalent operational BESS facility, with additional predictions undertaken using 'worst-case' data provided by Tesla.

The noise assessment advises that assessment of the operational BESS site elsewhere indicates that noise arising from the battery cooling fans is less than has been predicted previously using the data provided by Tesla. Noise was measured at a point 90m from the facility, and noise from the battery cooling fans was assessed as inaudible at that location.

The closest noise sensitive receptors were identified as the residential dwelling approximately 120m south of the operational parts of the facility (Holly House), and those 170m east, on the western edge of Keadby village.

The application proposes noise mitigation in the form of 4m-high acoustic fences surrounding the noise-generating infrastructure within the site. Overall, the noise assessment concludes that the predicted noise levels for the proposed facility using the 'likely case' source noise levels meet the 35dB criterion which may be considered 'objectively low', during both the daytime and the night-time periods. As such, actual impacts associated with operation of the proposed facility are expected to be low at all the noise sensitive receptors, including the nearest dwellings. Even if a precautionary +2dB correction is applied, the rating level is marginally (1dB) above the objectively low criterion, however the noise assessment considers the associated noise impacts would remain low.

The noise assessment concludes that the assessment has determined, through supplementary consideration of predicted internal noise levels within bedrooms of Holly House, that the facility would meet BS8233 criteria, which is further evidence of the facility having a low noise impact and being highly unlikely to cause sleep disturbance.

Predicted daytime noise levels at the nearest dwellings in the village and more distant receptors meet the adopted evaluation criteria during both the daytime and night-time periods and resultant noise impacts are therefore low.

With reference to the NPPF and NPSE, the assessment has determined that predicted noise levels due to the facility are below the Lowest Observed Adverse Effect Level.

The Environmental Protection Officer (EPO) initially raised concerns as to whether the proposed development could operate in this location without causing adverse impact. However, following the submission of additional information by the applicant, and a meeting with the applicant's noise consultants, the EPO is satisfied that there would be no unacceptable noise arising from the proposals. The EPO therefore raises no objection subject to conditions, including post-development assessment. A condition is also suggested to deal with any valid complaints that are received, however it is considered that this would fall to be considered under Environmental Health legislation and is not therefore appropriate to be attached in this case.

Whilst there would inevitably be some noise and disturbance during the construction stage from associated traffic, including heavy construction vehicles, as described in the Highways section above, daily movements would be limited.

Overall, therefore, it is concluded that the proposals would not give rise to unacceptable noise impacts for nearby residents, and thus comply with local and national policies, and guidance in this regard.

Other matters

The site is located in flood zone 2/3 (a) tidal. Given the operational needs for the facility to be located close to the existing substation at Keadby, it is not considered that it is necessary to consider sequentially preferable locations in respect of flood risk. In any event, all the land in close proximity to the site is in the same flood zone, and the energy benefits of the scheme represent sustainability reasons which outweigh any risk from flooding, should the exceptions test be applied. The Environment Agency originally raised concerns; however, following submission of further information, raises no objection subject to a condition requiring the proposed equipment to be sited 0.55m above existing flood levels and implementation of an emergency shutdown procedure where the critical flood level is predicted.

In terms of ecology, the Natural Environment Policy Specialist has confirmed there would be no likely significant effect on the Humber Estuary SAC/SPA/Ramsar site as a result of the proposals. The applicant's Biodiversity Metric Assessment has been carried out fairly and reveals biodiversity net gain of greater than 10%, which exceeds current policy requirements. Therefore, subject to planning conditions to minimise harm to protected and priority species and habitats, and to seek a measurable net gain, there is no objection in respect of ecology.

Concerns have been raised regarding potential fire risks. The Planning Practice Guidance advises the relevant local fire service be consulted on applications for BESSs. The Humberside Fire and Rescue Service has been consulted and commented specifically that access for the fire service should be provided, along with adequate water supplies. The applicant has commented that the proposed access track is sufficient to allow access for firefighting/emergency vehicles as the access track must be sufficient to carry the weight of the construction vehicles/HGVs which will enter the site during the construction phase. Furthermore, the applicant will provide a hydrant on this project site if considered necessary and practical, which would be agreed during post-consent discussions with Humberside Fire and Rescue Service as a matter of course.

The site comprises grade 2 (good) agricultural land. The applicant comments that the loss of the land to agriculture would be temporary (albeit expected to have a lifetime of 40 years), and that there is no land of a lower classification which would meet the needs of the proposals given the requirement to be close to the substation at Keadby. In light of this, and the clear energy benefits associated with the proposals, the loss of this relatively small area (approximately 2.2ha) of good quality agricultural land is considered to be of very limited weight.

It is relevant that an EIA screening opinion request was received in May this year, on the land immediately to the west and north of the current application site for a BESS facility. The council deemed that in its view the proposal in that case was not EIA development. No further submissions have been made in respect of that proposal which was for a significantly larger facility than that the subject of the current application. There is no policy requirement to assess alternative sites and there is no indication that both proposals could not sit alongside

each other. The merits of the neighbouring site will need to be considered should a proposal come forward for it, but it is not considered that the possibility another site may come forward has any significant effect on the acceptability or otherwise of the current application.

Conditions

It should be noted that the applicant has agreed to the suggested pre-commencement conditions. It should also be noted that the applicant has requested an 8-year time limit for commencement of the development. Whilst it is hoped that development would commence sooner, this is requested because National Powergrid has offered, based on current grid offers in other areas, a connection date within the next 7 to 10 years. In this context, it is considered that the requested timescale for condition 1 is acceptable in this case.

Overall planning balance and conclusions

The benefits of the proposal, contributing to the statutory target of achieving net zero emissions by 2050, are clear. Both development plan policies and government policy and guidance support the delivery of renewable and low-carbon energy and associated infrastructure. This proposal will improve energy security and ensure energy generated close by would not be lost over time.

Whilst the comments of the local community are noted, impacts arising in respect of noise, highway safety/parking, fire safety and ecology can be satisfactorily addressed by condition and/or other legislation as explained above. There are no technical objections to the proposals.

Whilst the proposal is expected to have a life expectancy of 40 years, there would be obvious harm to the landscape as a result of developing what is currently open agricultural land. This harm would reduce over time (until the development is removed) as the proposed landscaping matures, and it is also recognised that the proposals, from the majority of views, would be read in the context of existing energy infrastructure. Despite the temporary nature of the development, there would also be some loss of good quality agricultural land.

Overall, it is concluded that the clear energy benefits arising from the proposals would outweigh the identified harms, and it is recommended that planning permission is granted subject to the conditions set out below.

RECOMMENDATION Grant permission subject to the following conditions:

1.

The development must be begun before the expiration of eight 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 KB_LP_RevC (Location Plan)
- Drawing number KB_PSP_RevO (Proposed Site Plan)

- Drawing number KB_SE_RevD (Site Elevations)
- Drawing Number UG_1635_LAN_SL_DRW_02 Revision P10.

Reason

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

3.

The planning permission hereby granted is for a period of 40 years beginning with the date of the facility hereby permitted being first brought into use. Written notification of the date of the facility hereby permitted being first brought into use shall be given to the local planning authority no later than 14 days after the event.

Reason

To define the temporary permission.

4.

Not less than 12 months before the cessation of the use of the site for electricity storage, a decommissioning method statement (DMS) shall be submitted to the local planning authority for its approval in writing. The DMS shall include details of the removal of all buildings, structures, hardstandings, underground equipment and fencing from the site, and a timetable for decommissioning the site. The DMS shall also include details of the proposed restoration and a decommissioning traffic management plan and access route, including provision for addressing any abnormal wear and tear to the highway. The site shall be decommissioned in accordance with the approved DMS and timetable within 6 months of the expiry of this permission or within 6 months of the cessation of the use of the site for electricity storage (whichever is sooner). For the purposes of this condition, the cessation of use shall be taken to mean a period of at least 24 months during which the site has not been used for the storage of electricity.

Reason

To ensure remediation of the site in accordance with the terms of the temporary permission.

5.

Operational hours of any site clearance and construction activity, including vehicle movements to and from the site, are restricted to 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, and at no time on Sundays or Bank and Public Holidays.

Reason

To protect the living conditions of nearby residents.

6.

The scheme of landscaping shown on Drawing Number UG_1635_LAN_SL_DRW_02 Revision P10 shall be completed within 16 months of development being commenced. Any trees or plants which die, are removed or become seriously damaged or diseased within five years from the date the scheme was completed shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority agrees in writing to any variation.

Reason

To enhance the appearance of the development in the interests of amenity.

7.

The development hereby permitted shall be completed in accordance with details of all facing and surfacing materials proposed to be used which have first been submitted to and approved in writing by the local planning authority.

Reason

In the interests of good design.

8.

The noise level from the BESS hereby permitted shall not exceed a rating level (including any applicable character corrections) of 35 LAr,15min determined in accordance with BS4142:2014+A1:2019, when measured at a location within, or representative of, the garden area of the closest residential properties to the BESS.

Reason

To protect the living conditions of nearby residents.

9.

Within three months of the BESS first being brought into use for the storage of electricity, a noise validation report, to demonstrate that the requirements of condition 8 above have been complied with, shall be submitted to the local planning authority. The measurements and assessment within the validation survey shall be made according to BS4142:2014 + A1:2019.

Reason

To protect the living conditions of nearby residents.

10.

The development hereby permitted shall not be brought into use until acoustic fencing, in accordance with details which have first been submitted to and approved in writing by the local planning authority, has been erected on site in the locations indicated on drawing number KB-SE-RevD. The acoustic fencing shall then be retained and maintained in accordance with the approved details for the lifetime of the development.

Reason

In the interests of good design and to protect the living conditions of nearby residents.

11.

Prior to the development hereby permitted first being brought into use, a lighting plan for the operation phase of development shall be submitted to and approved in writing by the local planning authority. All lighting shall be designed in accordance with Bat Conservation Trust/Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK. Submitted lighting plans should be accompanied by contour diagrams that demonstrate minimal levels of lighting on receptor habitats, including trees and hedges. Development shall be carried out in accordance with the approved details and retained for the lifetime of the development.

Reason

To protect the amenity of nearby residents, the landscape and bats.

12.

No development shall start until details of a scheme of pre/post construction carriageway condition surveys of Chapel Lane have been submitted to and approved in writing with the local planning authority. The details shall include:

- a proposed survey methodology;
- a timetable for undertaking the surveys;
- a process for sharing the results with the local highway authority; and
- a process for agreeing and completing any necessary remedial works.

All survey and remedial works shall be completed in accordance with the details so approved.

Reason

In the interests of highway safety.

13.

Notwithstanding the submitted details, no development shall take place until a construction phase traffic management plan (CPTMP) has been submitted to and approved in writing by the local planning authority. The CPTMP shall include the following details:

- all associated traffic movements, including delivery vehicles and staff/construction movements;
- scheduling of deliveries;
- any abnormal load movements;
- contractor parking and welfare facilities;
- storage of materials;
- temporary signage strategy, including details of location, installation and removal of signs;
- 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;
- how the public bridleway to the east of the site, and its users, will be protected during the construction phase.

The development hereby permitted shall be carried out in strict accordance with the terms of the CPTMP so approved.

Reason

In the interests of highway safety.

14.

The development hereby permitted shall be carried out in accordance with the Ecology Priority Matrix set out in section 4.5.31 of the submitted Preliminary Ecological Appraisal report dated November 2022.

Reason

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

15.

Within 3 months of the commencement of development, the applicant or their successor in title shall submit a biodiversity management plan to the local planning authority for approval in writing. The biodiversity management plan include:

- (a) details of bat boxes and nest boxes to be installed;
- (b) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (c) prescriptions for the creation of wildlife habitats in accordance with submitted drawing number UG_1635_LAN_SL_DRW_02 revision P06;
- (d) prescriptions for the ongoing management of habitats to achieve and maintain the target condition set out in the Biodiversity Metric 3.1, version V1 dated 10/11/2022;
- (e) provision for hedgehogs to pass through any boundary fencing installed;
- (f) proposed timings for the above works in relation to the installation of the batteries.

The biodiversity management plan shall be carried out in accordance with the approved details and timings for a period of at least 30 years, and the approved features shall be retained thereafter.

Reason

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

16.

Prior to the first use of the site for the storage of electricity, 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.

17.

The development shall be carried out and maintained in accordance with the submitted flood risk assessment (ref GON.0070.0038, dated 9 November 2022) and the Flood Risk and Drainage Assessment Addendum (dated 6 March 2023) and the following mitigation measures detailed therein:

- the equipment to be raised at least 0.55m above existing ground levels
- an emergency shutdown procedure to be implemented should the critical flood level be predicted.

Reason

To reduce the risk of flooding to the proposed development in accordance with the North Lincolnshire Core Strategy 2011.

18.

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 hydrogeological context of the development and the submitted Flood Risk & Drainage Assessment Report, Version 1, dated 09/11/2022, submitted by Gondolin, Land & Water Civil Engineers. The scheme shall include proposed drainage layouts, details of raising of land levels and detailed site investigation. The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100-year critical storm (including an allowance for climate change which should be based on the current national guidance) will not exceed the run-off from the existing site. It shall also include details of how the development would be maintained and managed for its lifetime, including the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime so that flood risk, both on and off the site, is not increased. SuDS must be fully considered in accordance with current PPG guidance. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, focusing on above-ground solutions. The surface water drainage scheme shall be completed prior to the development hereby permitted first bring brought into use and thereafter retained and maintained for the lifetime of the development.

Reason

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

19.

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 an effective method of preventing surface water run-off from the highway onto the developed site, have been submitted to and approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

Reason

In the interests of highway safety, to prevent the increased risk of flooding to themselves and others, to improve and protect water quality and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policies DS16 and

T19 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and guidance in the National Planning Policy Framework.

Informatives

1.

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

2.

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

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

3.

The applicant's attention is drawn to the informative advice set out in the Environment Agency's consultation response letter dated 3rd April 2023.

4.

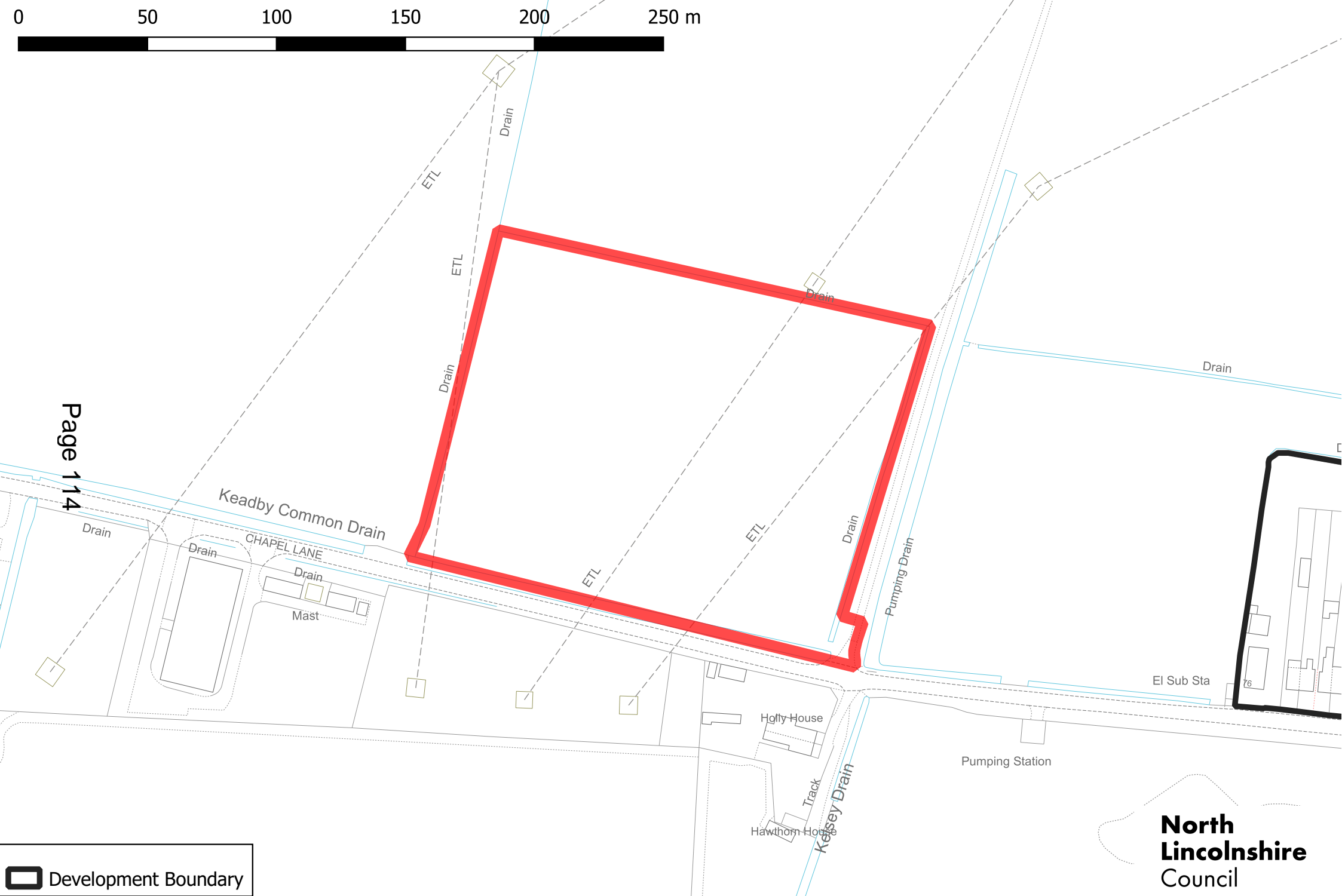
The site lies within the Isle of Axholme and North Nottinghamshire Water Level Management Board area of jurisdiction. The development site is bounded by watercourses on the southern (internal drainage board maintained) and eastern (riparian) boundaries. An easement adjacent to the watercourse may need to be provided for future maintenance. Please refer to North Lincolnshire Council's 'Guide to Watercourses and Riparian Ownership' detailing riparian rights and responsibilities. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development. Alterations and/or connections into the above watercourse network must be consented by the local Internal Drainage Board through an Ordinary Watercourse Consent and appropriate discharge rates must be agreed. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

5.

The proposals indicate a new entrance to be provided onto Chapel Lane. A surface water culvert exists at this location and therefore consent is required to carry out this work. This must be consented by North Lincolnshire Council's LLFA Drainage Team, in their capacity as Lead Local Flood Authority through an Ordinary Watercourse Consent. Please contact the LLFA Drainage team on 01724 297522 or via email to llfadrainageteam@northlincs.gov.uk for further details. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.



Page 114



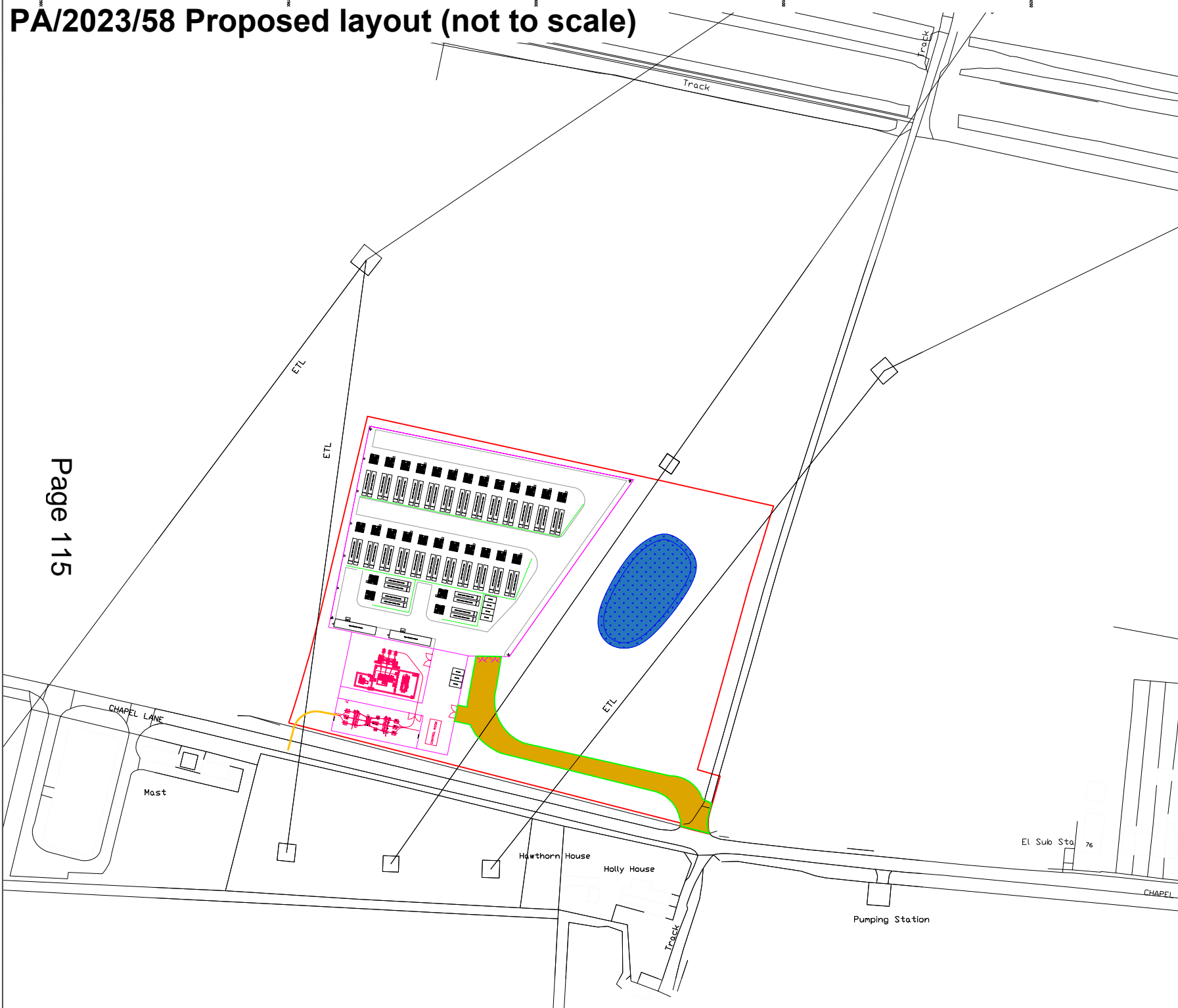
 Development Boundary

PA/2023/58

**North
Lincolnshire
Council**

PA/2023/58 Proposed layout (not to scale)







Page 115

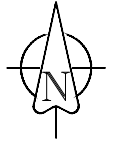


Notes:

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KEY:

	Cable Route
	Site Access
	Planning Application Boundary (2.23ha)
	4m High Acoustic Fence
	Internal BESS Road
	SUDS Pond



REV:	DESCRIPTION:	BY:	DATE:
STATUS:			



HARMONY ENERGY
 Conyngham Hall
 Knarborough
 HG5 9AY



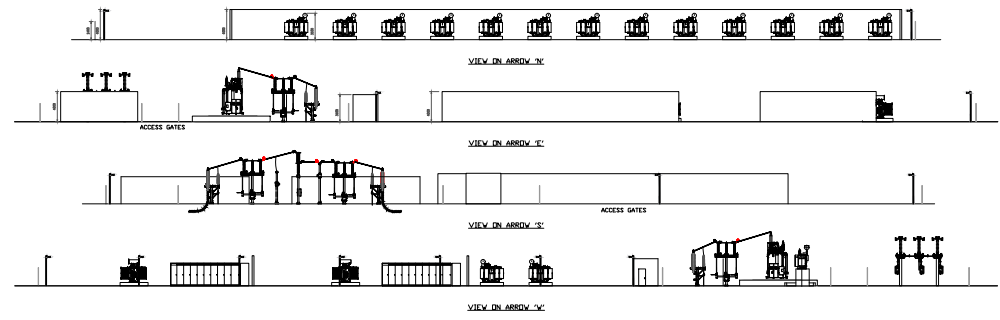
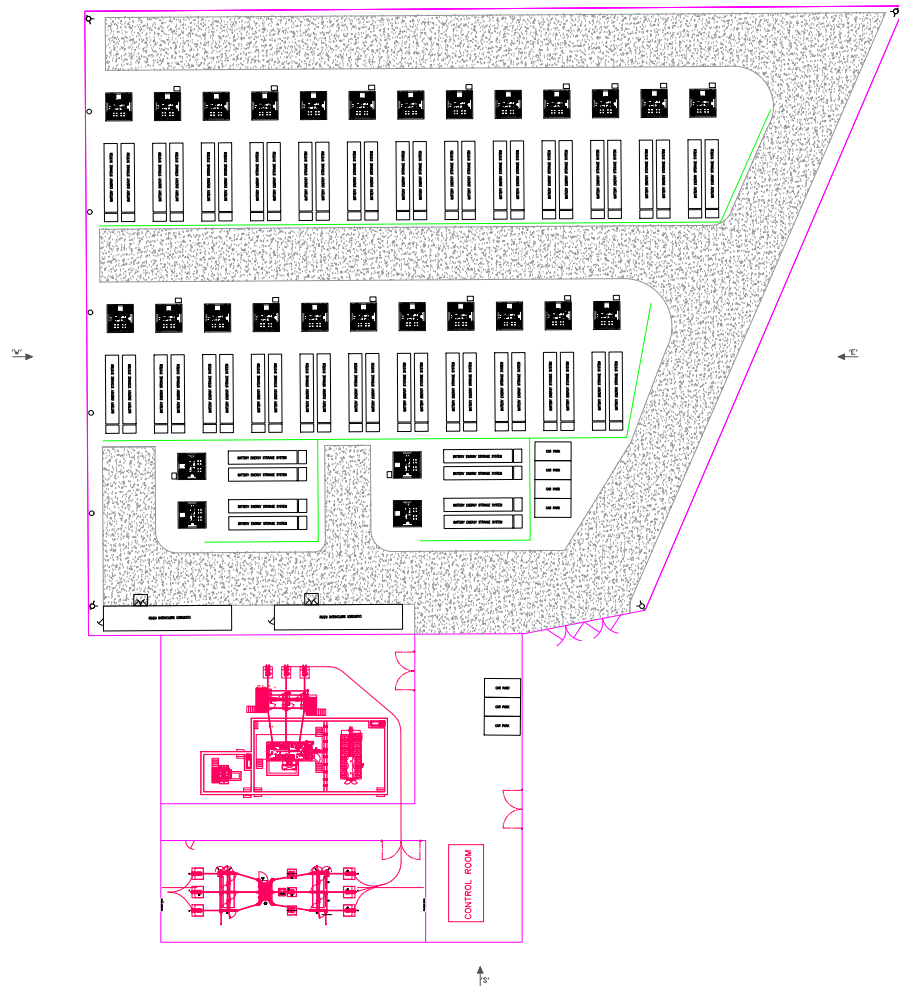
PROJECT: **KADBY**

TITLE: **PROPOSED SITE PLAN**

SCALE:	DATE:	DRAWN:	CHECKED:
A0 @ 1:500	24/05/2022	EL	HC
DRAWING NO:	REVISION:		
KB_PSP_Rev0			○

PA/2023/58 Proposed elevations (not to scale)

Page 116



Notes:

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KEY:

- 2.4m High Paillisade Fence
- Internal BESS Road
- 4m High Acoustic Fence



2.4m High Paillisade Fence

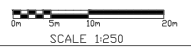


4m High Acoustic Fence

REV:	DESCRIPTION:	BY:	DATE:
STATUS:			

HARMONY ENERGY

Conyngham Hall
Knaresborough
HG5 9AY



PROJECT:
KADBY

TITLE:
SITE ELEVATIONS

SCALE: A0 @ 1:150	DATE: 17/07/2023	DRAWN: EL	CHECKED: HC
DRAWING NO: KB_SE_RevD		REVISION: D	

PHOTOGRAPHY AND ACCURATE VISUAL REPRESENTATION METHODOLOGY

Photography by:

Robert Aspray Digital, <http://robert-aspray-digital.com/>

Photomontage views produced by Robert Aspray Digital follows the guidance of Visual Representation of development Proposals by the Landscape Institute, Technical Guidance Note 06/19 17 September 2019. Please refer to these documents for detailed information.

The following equipment was used on site to carry out the photography.

Photographic Equipment

- Digital SLR Camera with full frame sensor: Canon EOS 5D Mk II
- Fixed focal length prime Lens: Canon EF 50mm - f/1.4 USM Lens
- Hoya 58mm Pro-1 Digital UV Screw in Filter
- Remote Shutter release
- Panoramic Head: Nodal Ninja 6
- Leveller: Nodal Ninja EZ Levelling Base
- Tripod: Manfrotto 190XDB/496RC2 Tripod

Other Equipment

- GPS locator
- Digital compact camera
- Tape measure
- Plumb Line
- Line spray and survey nails

Software

- PTGui
- 3DS Max
- Corona Renderer
- Affinity Photo
- Affinity Publisher

Site Photography

At each receptor survey station, the following procedure was carried out in sequence, during suitable day light hours:

- Set up the camera time and date and ensure setup to capture images in RAW format.
- Determine the best position for camera location in relation to the type of receptor (specific or representative).
- Determine the approximate angle of view to the nearest visible feature of the proposed new scheme using detailed scheme proposals overlaid on a detailed OS plan.
- Setup the tripod with a camera height of 1.6m above ground, using a tape measure.
- Level the camera on the horizontal plane using the tripod mounted levelling base and check level through 360 degrees.

- Set up first camera shot, centred on the nearest visible feature (as determined above) and set the fixed increments on the panoramic head to 10 degrees.
- Manually focus the camera to infinity and ensure all setting are set to manual mode.
- Take a full panoramic sequence of 36 shots (clockwise) at 10 degree fixed intervals, to give a full 360 degree sweep, using the remote shutter release to avoid accidental adjustment of the camera settings.
- Record GPS location of the camera.
- Mark the centre location of camera using a line spray. Take a photo of the camera setup and location using a compact camera to allow for reproduction.

Panoramic Stitching

- Composite 360 degree panoramic images were created by stitching and blending using cylindrical projection, all using the automated PT GUI photo-merge application.
- After stitching, the composite image was cropped top and bottom to maintain a vertical field of view.
- Using Affinity Photo the resulting 360 degree panoramic images were proportionally resized and cropped to produce a accurate 120 degree field of view.

Photomerge Methodology

- The camera view points, reference points from the Survey and a 3D model of the proposed structures were created in 3DS Max and digital wireframe 'snapshots' of each view were saved using a virtual 120 degree lens selected from within the software.
- The digital wireframe 'snapshots' for each viewpoint were then superimposed on top of the existing viewpoint panoramas in Affinity Photo and positioned accurately over the reference points.
- A rendered image using corona renderer plugin for each view was then created.
- The rendered images were then superimposed onto the photo using the previous correctly located wireframe. The rendered images were then masked out where existing topography or vegetation would appear in front of the proposals.



Project

Keadby Energy Storage

RAD

Architectural Illustration

www.robert-aspray-digital.com



Page 118



Project	Keadby Energy Storage
Title	Verified View 01 - Existing

Lens, FL, max aperture:	Canon EF 50mm f/1.4 USM
Camera:	Canon EOS 5D MkII
Panoramic Head:	Nodal Ninja 6
Height above ground:	1.6m
Horizontal field of view:	120 Degrees

OS X (Eastings)	442620.437m
OS Y (Northings)	428215.997m
OS Z (Height)	17.249m





Page 119



Project	Keadby Energy Storage
Title	Verified View 01 - Proposed Year 1

Shrub Planting 1m Approx.
Tree Planting 4m Approx.

Lens, FL, max aperture:	Canon EF 50mm f/1.4 USM
Camera:	Canon EOS 5D MkII
Panoramic Head:	Nodal Ninja 6
Height above ground:	1.6m
Horizontal field of view:	120 Degrees

OS X (Eastings)	442620.437m
OS Y (Northings)	428215.997m
OS Z (Height)	17.249m





Project	Keadby Energy Storage
Title	Verified View 01 - Proposed Year 10

Shrub Planting 3m Approx.
Tree Planting 6m Approx.

Lens, FL, max aperture:	Canon EF 50mm f/1.4 USM
Camera:	Canon EOS 5D MkII
Panoramic Head:	Nodal Ninja 6
Height above ground:	1.6m
Horizontal field of view:	120 Degrees

OS X (Eastings)	442620.437m
OS Y (Northings)	428215.997m
OS Z (Height)	17.249m





Project	Keadby Energy Storage
Title	Verified View 01 - Survey Locations

Shrub Planting 3m Approx.
Tree Planting 6m Approx.

Lens, FL, max aperture:	Canon EF 50mm f/1.4 USM
Camera:	Canon EOS 5D MkII
Panoramic Head:	Nodal Ninja 6
Height above ground:	1.6m
Horizontal field of view:	120 Degrees

OS X (Eastings)	483036.277m
OS Y (Northings)	411899.997m
OS Z (Height)	2.7m



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NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

PLANNING AND OTHER APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

1. OBJECT

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

2. BACKGROUND

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

3. INFORMATION

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

4. RESOURCE IMPLICATIONS

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

5. RECOMMENDATION

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

DEVELOPMENT MANAGEMENT LEAD

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

Reference: RL/JMC/Planning committee 06 December 2023

Date: 27 November 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/2022/1852
APPLICANT	Mr Nick Hammond, Barnetby Developments Ltd
DEVELOPMENT	Outline planning permission for 9 dwellings with associated access and public open space (appearance, landscaping, layout and scale reserved for subsequent consideration)
LOCATION	Land off Braithwaites Close, Barnetby le Wold, DN38 6BF
PARISH	BARNETBY LE WOLD
WARD	Brigg and Wolds
CASE OFFICER	Tanya Coggon
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllrs Rob Waltham MBE and Carl Sherwood – significant public interest) Objection by Barnetby le Wold Parish Council Departure from the development plan

POLICIES

National Planning Policy Framework:

- 2 Achieving sustainable development
- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 9 Promoting sustainable transport
- 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
- 16 Conserving and enhancing the historic environment

North Lincolnshire Local Plan:

- H5 New housing development
- H7 Backland and tandem development

H8 Housing design and housing mix
RD2 Development in the open countryside
LC7 Landscape protection
LC12 Protection of trees, woodland and hedgerows
DS1 General requirements
DS3 Planning out crime
DS11 Polluting activities
DS14 Foul sewage and surface water drainage
DS16 Flood risk
HE9 Archaeological evaluation
T2 Access to development
T19 Car parking provision and standards

North Lincolnshire Core Strategy:

CS1 Spatial strategy for North Lincolnshire
CS2 Delivering more sustainable development
CS3 Development limits
CS5 Delivering quality design in North Lincolnshire
CS6 Historic environment
CS7 Overall housing provision
CS8 Spatial distribution of housing sites
CS16 North Lincolnshire's landscape, greenspace and waterscape
CS17 Biodiversity
CS18 Sustainable drainage use and climate change
CS19 Flood risk

Housing and Employment Land Allocations DPD

PS1 Presumption in favour of sustainable development

The site, apart from the access, is outside the development limit of Barnetby le Wold – Inset 05.

Supplementary planning guidance

Countryside Design Summary

Landscape Character Assessment and Guidelines

New North Lincolnshire Local Plan Submission: The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until 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 site, apart from the access, remains outside the development limit of Barnetby and 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

HE1 Conserving and enhancing the historic environment

DM1 General requirements

DM3 Environmental protection

DQE1 Protection of landscape, townscape and views

DQE3 Biodiversity and geodiversity

DQE5 Managing flood risk

DQE6 Sustainable drainage systems

T1 Promoting sustainable transport

T3 New development and transport

T4 Parking

T5 Cycle and motorcycle parking

CONSULTATIONS

Highways: Braithwaites Close is currently a private drive and we have previously been reluctant to accept any additional development, over and above that which has already been granted, as it was not possible to construct (geometrically) a road to a standard that would be acceptable for adoption by the highway authority. The revised site access layout proposed as part of this application, means that it is possible to construct a suitable access arrangement, which would allow Braithwaites Close to be offered up for adoption. This would be subject to the required works being completed, to the highway authority's satisfaction, to bring Braithwaites Close up to an adoptable standard. The proposals are for 9 dwellings, which will only generate a small number of additional vehicle movements on the highway network. As the applicant has demonstrated that an adoptable access can be achieved, conditions are proposed in relation to access, visibility, car parking and construction traffic plans

Drainage (Lead Local Flood Authority): No objections subject to conditions in relation to the submission of a surface water strategy.

Anglian Water: The applicant should check whether any Anglian Water assets cross or are within close proximity to the site. Any encroachment should be reflected in the site layout.

Environmental Protection:

Noise: No objection subject to the submission of a noise attenuation scheme, a technical specification of an acoustic barrier and restrictions on site clearance operations and construction hours.

Contamination: The site is predominantly covered by open grassland and is within a residential area. The report identifies the land as undeveloped with a rail line immediately south within 1887 historical mapping. There are no changes noted on the site between 1907 and 1951. Maps from 1970 highlight a circular-mounded feature within the northern section of the site, along with two small structures. No further changes were noted from 1970 to 2003. However, a pollution incident occurred 111m southwest of the site, relating to firefighting runoff. A historical ground investigation concluded elevated levels of PAHs or fuel/oils were present at a former public house which fronts onto Kings Road. A sight walkover was conducted on 26 September 2019, identifying a caravan and outbuilding with suspected asbestos in the far northwest corner. The mound noted in the historical maps was witnessed but was too overgrown to inspect, and an empty structure was adjacent to the mound. The site walkover concluded that there are no significant sources of contamination. The submitted report has failed to assess the risk imposed due to the potential asbestos on site and the risk from the adjacent railway and to assess the elevated levels of PAHs that have been historically reported within close proximity of the site. Recommends the submission of a Phase 1 assessment or a full contamination condition.

Historic Environment Record: The application site contains the remains of a WWII military site and has potential for buried archaeology of prehistoric and Romano-British date. Further archaeological field evaluation is required comprising excavation of trial trenches to identify and describe the significance of the heritage assets and any archaeological evidence within the site. This report has now been submitted to the council. The evaluation comprised the excavation of eight trial trenches across the application site. The results confirm the presence of upstanding and below-ground features associated with a probable WWII anti-aircraft gun emplacement. Middle Bronze Age pottery indicates the potential for further archaeology.

Archaeological mitigation will be required to preserve in situ or by record any prehistoric remains and the 20th century military site, and to include provision of on-site interpretation within the public open space. Recommend planning conditions to secure the implementation of a prior approved archaeological mitigation strategy.

Ecology: Any reserved matters design will need to comply with the Landscape Assessment Guidelines. The site has potential for nesting birds, reptiles, badgers, hedgehogs and foraging bats. The Biodiversity Metric Assessment has been carried out fairly and reveals biodiversity enhancements of >10% which is acceptable. 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 NPPF and the Biodiversity Metric.

Network Rail: No objection in principle but some requirements must be met. These include a recommendation for conditions requiring details of construction methodology to be submitted to the council for approval, details of surface water drainage, the submission of trespass-proof fencing adjacent to the railway, landscaping to be submitted for approval to the council, and adequate soundproofing for the dwellings.

PARISH COUNCIL

Objects on grounds of surface water flooding, sewerage and highway entrance and exit safety concerns.

PUBLICITY

Original and amended plans have been advertised by site notices. Four responses have been received objecting to the application and raising the following planning issues:

- increased flooding of Skeggar Beck
- soakaways not shown on the plans
- increased traffic and congestion
- the new junction arrangement would reduce the road width
- increased on-street parking
- the noise assessment shows an inaccurate boundary
- future development
- loss of privacy/overlooking
- retention of trees and hedgerows
- contamination
- HGV deliveries should not use Windsor Way to access the site
- buses are limited
- pressure on existing infrastructure.

ASSESSMENT

Proposal

The proposal has been amended during its process to include access to be considered at this outline stage. The application pending consideration is an outline application for 9 dwellings with associated access and public open space (with appearance, landscaping, layout and scale reserved for subsequent consideration).

Site and planning history

The site is primarily outside the development limit of Barnetby. Only part of the access to the site lies within the development limit. The site gently slopes from north to south and from west to east. It is surrounded by residential development to the north and west, To the south is the railway line and Skegger Beck and to the east is open countryside. Various bushes, hedgerows and small trees surround the site boundaries. The site is accessed from Kings Road. This access also forms access for the residential developments listed below. These approved residential developments have been built out on the site and the dwellings occupied. There is a housing allocation in the new local plan – (H1P-19) Land at Kings Road, Barnetby – for 43 dwellings, which is in close proximity to this application site.

PA/2017/1989: Planning permission to erect three pairs of semi-detached houses – approved 07/06/2018

PA/2019/752: Planning permission to erect four pairs of semi-detached dwellings – approved 27.09.2019

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 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 in this case.

The application site is primarily outside the development limit for Barnetby, apart from the access, as defined in the Housing and Employment Land Allocations DPD Inset 05. For policy purposes this would constitute development within the countryside.

Policy CS1 of the Core Strategy sets out a spatial strategy for North Lincolnshire, which, amongst other matters, provides that rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing local services to meet local needs and that any development that takes place should be in keeping with the character and nature of the settlement.

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. This overall approach is supported by policy CS2 which sets out a sequential approach for development.

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. This policy only supports residential development outside defined development limits where it is to meet an essential proven need and the open countryside is the only appropriate location for the development. Whilst this policy remains, it has largely been overtaken by policies in subsequent plans addressing the same issue (such as policies CS2 and CS3 referenced above).

The aforementioned policies are aimed at focusing housing within settlement limits as defined in the Housing and Employment Land Allocations DPD. The application site is exclusively in the open countryside, outside of any designated development boundary and is therefore in breach of policies CS2, CS3 and CS8 of the Core Strategy and policy RD2 of the local plan.

Notwithstanding the above, paragraph 7 of the NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three overarching objectives to sustainable development as set out in paragraph 8 of the Framework: economic, social and environmental. These objectives are independent and need to be pursued in mutually supportive ways.

The proposed development would have the social and economic benefits contributing to the supply of housing land by the provision of market housing and there are local facilities within easy reach of the site on foot and a wide range of further services, accessible by bicycle and public transport, including the railway station, readily available. Therefore the proposal accords with the need to site development in locations with accessible local services. These matters weigh heavily in favour of the proposal in terms of the economic and social dimensions of sustainability.

In terms of environmental impacts, the proposed development would not significantly alter or harm the character or appearance of the countryside or the landscape. Given that the site is

comparatively enclosed, and lies directly adjacent to existing new residential development and close to the defined development boundary, it is considered that any impact would be limited in this instance. Biodiversity net gain and biodiversity enhancements can be provided on the site.

In considering the principle of development, the site represents a suitable and logical infill development site. This is because the site is well related to the existing settlement pattern of Barnetby with the site surrounded by dwellings to the north and west. To the south is the railway line with dwellings beyond. The site is relatively enclosed by these features and the existing boundary hedging and trees provide a degree of separation between the site and agricultural land beyond. The site is also not in agricultural production. Eight dwellings have recently been constructed and occupied under PA/2019/752 – the access for this development is also the proposed access for this pending application. PA/2019/752 was also outside the development limit of Barnetby. PA/2017/1989 also approved 6 dwellings on the site frontage adjacent to Kings Road and alongside the access road for Braithwaites Close. The application site is located centrally within the village, in a sustainable location, with residential development surrounding the site and the railway line. The earlier planning permissions (which have been built out) confirm that the site is in a sustainable location and residential development was considered acceptable in sustainability terms despite the conflict with the development plan.

Therefore, whilst there is a conflict with policies CS2, CS3 and CS8 and RD2 of the development plan, this policy conflict is considered to result in limited harm in this particular case. Overall it is considered that the proposal represents sustainable development in the context of the Framework and HELA DPD policy PS1, which sets a presumption in favour of sustainable development. An assessment of the technical merits of the proposal will now be undertaken to establish if the application is acceptable in all other aspects.

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 site is within the existing settlement boundary and benefits from access to public transport links and local services. It is therefore considered that the scheme is within a sustainable location.

Highways have been consulted on the proposals and have stated, 'the revised site access layout proposed as part of this application, means that it is possible to construct a suitable access arrangement, which would allow Braithwaites Close to be offered up for adoption. This would be subject to the required works being completed, to the highway authority's satisfaction, to bring Braithwaites Close up to an adoptable standard. The proposals are for 9 dwellings, which will only generate a small number of additional vehicle movements on the highway network.' A Stage 1 Road Safety audit has also been submitted with the application. Concerns from the parish council and objectors are noted in relation to the access arrangements and congestion on Kings Road. However, Highways have no objections and are recommending planning conditions. These conditions include access, parking, visibility and a construction traffic management plan, and are recommended below. The cost of the works within the highway, relocation of the bus stop, reinstatement of the bus layby and provision of the footway connections will be paid by the developer through the appropriate S278/S38 highway agreement. Subject to the aforementioned conditions, the proposal will align with policies T2, T19 and DS1 of the NLLP.

Flood risk and drainage

The site is within flood zone 1 of the council's SFRA 2011 and is therefore at low risk of flooding. The SFRA is the most up-to-date flood risk assessment for North Lincolnshire. Flood zone 1 is the optimum place for development in terms of flood risk. As the site lies within an area at low risk of flooding, the proposal is considered to be acceptable in terms of flood risk and aligns with the NPPF, policy CS19 of the Core Strategy and policy DS16 of the North Lincolnshire Local Plan.

Objections have been raised in relation to drainage matters. The LLFA and Anglian Water have been consulted on the proposals. The applicant has submitted a soakaway report with the application and referred to drainage principles in the submitted Design and Access Statement with reference to proposals to discharge into the downstream Skeggar Beck watercourse. There are well known groundwater issues within the locality so soakaway proposals require detailed analysis and evaluation. The LLFA are therefore recommending planning conditions to ensure a detailed surface water strategy is submitted to the council for approval before development commences on the site. Anglian Water have raised no objections to the proposals. It is also considered that details of the foul water for the development can be secured by planning conditions. In terms of Network Rail, the surface drainage condition will need to demonstrate that the drainage scheme for the site will not impact on the railway. Subject to the aforementioned conditions, the proposal will align with policies DS14 and DS16 of the NLLP, and CS18 and CS19 of the CS.

Impact on the character and appearance of the area and on the landscape

In terms of character, appearance and impact on the landscape, these matters will be assessed at reserved matters stage when details of layout, appearance, scale and landscaping will need to be submitted to the council for approval.

The site is well screened and enclosed by boundary hedgerows, trees and bushes. Details of the retention of these features can be secured by planning conditions. Due to the relatively enclosed nature of the site and surrounding development, the site is more akin to an infill development within existing residential development to the majority of the site boundaries and the railway to the southern boundary. The site will be viewed in context with existing development, including the existing planning permissions on the adjacent sites that have now been built out.

Overall, due to specific nature of the site and its surroundings, residential development comprising 9 dwellings with the open space associated with the proposal will not result in any significant harm to the landscape, character and appearance of the open countryside. Any reserved matters scheme will need to include the open space area and significant landscaping to allow the development site to soften into the open countryside beyond the application site. The proposal will therefore align with policies LC7, H8 and DS1 of the NLLP and policies CS5 and CS7 of the CS.

Ecology and biodiversity

A preliminary ecological appraisal has been submitted by the applicant: the site supports nesting birds and has the potential to support reptiles, badgers, hedgehogs and foraging bats. The council's ecologist has not requested any further protect/priority species reports and has recommended conditions that are included below to protect wildlife on the site in accordance with policy LC5 of the NLLP.

In terms of biodiversity, the site comprises neutral grassland in poor-moderate condition, ruderal and ephemeral species, hedgerows and bramble scrub. The applicant has submitted a BNG (biodiversity net gain) report which demonstrates that a biodiversity net gain on the site can be achieved. Planning conditions will be used to ensure net gain is provided on the site before any subsequent reserved matters are approved. Subject to conditions, the proposal will align with policies CS5 and CS17 of the CS and paragraphs 174 and 180 of the NPPF in terms of BNG and biodiversity enhancements.

Archaeology

In terms of archaeology, archaeological evaluation has now taken place on the site in the form of trial trenching. The results of this evaluation have revealed the presence of upstanding and below-ground features associated with a probable WWII anti-aircraft gun emplacement and middle Bronze Age pottery indicates the potential for further archaeology. The majority of the military features appear to lie within the public open space across the eastern half of the application site. The current outline application indicates that the open space will be managed as a proposed meadow to remain in private ownership. This plan is only indicative though as the layout of the development is a reserved matter. Preservation in situ is therefore feasible for the above- and below-ground archaeological features but will require careful management during and after construction to ensure that the archaeology is not damaged.

In addition, the trial trenches revealed a series of linear ditches across the southwest part of the site. These features have been interpreted as a probable 19th century field system. A small assemblage of Middle Bronze Age pottery was recovered from the fill of one of these ditches which the excavator considered to be residual, but is likely derived from nearby prehistoric activity of this early date. Construction of the proposed dwellings in this part of the site, such as foundations, drainage, flood alleviation schemes and storage, therefore has the potential to disturb and/or destroy archaeological evidence of early date within the site, including below the later 20th century levelling layers.

These archaeological matters can be dealt with by appropriate mitigation measures to conserve the archaeological evidence of the site. Where preservation in situ, such as in the area of public open space retaining the accessibility of the remains for future study, is not feasible, a programme of archaeological preservation by record would be necessary. Such measures will need to comprise a programme of observation, excavation and recording in advance of or during groundworks associated with the proposals. The archaeological fieldwork would be followed by post-excavation assessment, reporting, analysis and publication of any results as required. These matters can be dealt with by planning conditions that are recommended below. Subject to these conditions the proposal will align with policy HE9 of the NLLP, policy CS6 of the CS and Chapter 15 of the NPPF.

Noise

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

Policy DS11 of the North Lincolnshire Local Plan is concerned with polluting activities. It states that planning permission for development, including extensions to existing premises and changes of use, will only be permitted where it can be demonstrated that the levels of potentially polluting emissions, including effluent, leachates, smoke, fumes, gases, dust,

steam, smell or noise, do not pose a danger by way of toxic release, result in land contamination, pose a threat to current and future surface or underground water resources, or create adverse environmental conditions likely to affect nearby developments and adjacent areas.

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

It is not considered that the proposed 9 dwellings utilising the existing access along Braithwaites Close will result in any significant noise disturbance to adjoining residents. Vehicular movements will be small and staggered throughout the day. The site boundary abuts the railway line which causes noise from trains. A noise assessment has been submitted with the application. This noise assessment was re-submitted to refer to the correct application site boundaries. Environmental Protection have been consulted on this report and propose planning conditions to mitigate noise from the railway. These conditions relate to the submission of a noise attenuation scheme, a technical specification of an acoustic barrier and restrictions on site. Further conditions are also proposed to control site clearance and construction working times to reduce noise and disturbance to existing neighbours. Subject to these conditions to reduce noise impacts on potential occupiers of the development from railway noise and to safeguard existing residential amenity, the proposal would align with the NPPF, and policies DS1 and DS11 of the NLLP.

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

Residential amenity

Policies H5 and DS1 of the NLLP state that any new developments should be well designed and appropriate for their context, with no unacceptable loss of amenity to neighbouring properties. Policy CS5 seeks to deliver quality design in North Lincolnshire. The proposal is in outline form to establish the principle of residential development on this site. Due to the overall size, location and shape of the land, a scheme could be designed on the site for 9 dwellings without causing demonstrable harm to the amenity of adjoining neighbours. It is more pertinent to assess these impacts at reserved matters stage when the final design and layout is submitted. That said, it is considered that an acceptable scheme could be designed to avoid loss of residential amenity to adjoining residents and therefore the proposal would align with policies H5 and DS1 of the NLLP, and CS5 of the CS.

Other matters

Concerns about future development are noted, but are not material to this application as there are no further pending applications on adjacent sites. Concerns about pressure on existing infrastructure are noted, but there is no evidence to suggest this is the case. It should be noted that the new local plan contains a proposed housing allocation – (H1P-19) Land at

Kings Road, Barnetby – for 43 dwellings; Barnetby is therefore able to accommodate some growth. Comments from Network Rail are also noted with regard to the adjacent railway. Network Rail have requested planning conditions to safeguard the railway which are recommended below.

Pre-commencement conditions

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

Planning balance and conclusion

The development falls primarily outside the development limit for Barnetby and is therefore in conflict with the strategic policies of the development plan. However, in this particular case, after carefully assessing the location, size and setting of the application site and proposal, together with the surrounding developments, the proposal is considered to have a limited impact on the character and appearance of the open countryside and on the landscape. The proposed site is fairly enclosed and resembles infill development, and will not result in any significant harm or impacts on the character of the area, on the landscape, on heritage assets, highway safety, residential amenity, or flood risk and drainage. Where impacts have been identified, these can be mitigated by planning conditions,

The benefits of this proposed development are the provision of nine market dwellings, which will be a positive contribution to the council's housing land supply. The proposed dwellings are in a very sustainable location with public transport links very close to the application site. The occupiers of the dwellings will support the existing services and facilities that Barnetby has to offer. The proposed dwellings will be constructed with energy efficient methods such as insulation, lighting, solar control film glazing and only materials that achieve an A+, A or B rating only on the BRE Green Guide for materials will be used on the development. The proposal, due to its location and layout, has a limited impact on the landscape and open countryside. These impacts can be largely mitigated by appropriate landscaping on the site which is a reserved matter. The benefits of providing market dwellings in this very sustainable location are considered to significantly and demonstrably outweigh the limited harm accruing from the identified conflict with the development plan and on the landscape and open countryside. As such, the proposed development is considered to be acceptable and is recommended for approval.

RECOMMENDATION Grant permission subject to the following conditions:

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

Reason

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

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

Reason

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

3.

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

Reason

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

4.

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

Reason

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

5.

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

- Site location plan RD:4735-03A
- Indicative Proposed Layout (access details only) Drawing no RD:4735-04D
- Section 278 General Arrangement 1115-1143-CIV-100 Rev P1.

Reason

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

6.

No development shall start on site until details of the proposed works to bring Braithwaites Close up to an adoptable standard, including the access alterations, drainage, construction, services and lighting, have been submitted to and approved in writing by the local planning authority.

Reason

To ensure satisfactory access arrangements and highway safety in accordance with policy T2 of the North Lincolnshire Local Plan.

7.

Prior to the occupation of the first dwelling, the works approved under condition 6 shall be completed in accordance with the approved details and Braithwaites Close offered up for adoption.

Reason

To ensure satisfactory access arrangements and highway safety in accordance with policy T2 of the North Lincolnshire Local Plan.

8.

Prior to the occupation of the first dwelling, the within-highway improvements at the junction of Kings Road, the Kings Road Service Road and Braithwaites Close, including the reinstatement of the bus layby, relocated bus stop and provision of a footway connection to the bus stop, shall have been completed in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

In the interests of highway safety.

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.

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.

11.

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

Reason

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

12.

No development shall begin until details of:

- (i) the layout, drainage, construction, services and lighting of the proposed access road, including the junction with the adjacent highway; and
- (ii) the number and location of vehicle parking space(s) on the site;

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

Reason

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

13.

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.

14.

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.

15.

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.

16.

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.

17.

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.

18.

No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development.

The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100-year critical storm (including an allowance for climate change which should be based on current national guidance) will not exceed the run-off from the existing site. It shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime so that flood risk, both on and off the site, is not increased. SuDS must be fully considered in accordance with current PPG guidance. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, focusing on above-ground solutions.

Reason

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

19.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 18 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, and to the railway line, 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.

20.

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.

21.

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.

22.

No development shall take place until a scheme for the disposal of foul water has been agreed in writing by the local planning authority and none of the dwellings shall be occupied until it is connected to the approved drainage system.

Reason

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

23.

The landscaping details required by condition 2 shall include details of all existing trees and hedgerows on the site to be retained and set out measures for their protection throughout the course of development.

Reason

In the interests of visual amenity and to protect existing trees and hedgerows on the site.

24.

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

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

Part 2: Submission of Remediation Scheme

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

Part 3: Implementation of Approved Remediation Scheme

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

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

Part 4: Reporting of Unexpected Contamination

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

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

Reason

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

25.

Before development commences on the site, a construction methodology shall be submitted to and approved in writing by the local planning authority. The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. The development thereafter shall be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the local planning authority.

Reason

To ensure the development is carried out safely and will not impact on the operational railway safety.

26.

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

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

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

27.

Prior to the occupation of the development hereby permitted, a scheme of noise attenuation, including windows and ventilation as recommended in report reference NIA-10975-23-11165-v1 Barnetby, dated 3 October 2023, shall be installed and maintained thereafter.

Reason

To safeguard the amenity of occupiers of the development.

28.

Prior to the occupation of the development hereby permitted, an acoustic barrier shall be erected on the site. A detailed technical specification of the acoustic barrier shall be submitted to and approved in writing by the local planning authority. The specification shall include details of the location, size and design of the barrier, with predicted noise reduction over the frequency spectrum. The approved acoustic barrier shall be installed prior to commencement of the occupation of this site and shall be maintained thereafter.

Reason

To safeguard the amenity of occupiers of the development.

29.

Following completion of the installation of the mitigation measures specified in conditions 27 and 28 above, and in accordance with the approved technical specifications, a verification report that demonstrates the effectiveness of the mitigation measures shall be undertaken. The verification report shall be submitted to and approved in writing by the local planning authority.

Reason

To safeguard the amenity of future occupiers.

30.

No dwelling shall be occupied until details of the positions, design, materials and type of boundary treatment to be built/planted including a trespass proof fence adjacent to Network Rail's boundary fence 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 on the site in accordance with policies H8 and DS1 of the North Lincolnshire Local Plan and to prevent trespass onto the railway in accordance with policy DS3 of the North Lincolnshire Local Plan.

31.

At least 3 months prior to the submission of any application for the reserved matters, the applicant or their agents or successors in title shall submit an archaeological mitigation

strategy for the written approval of the local planning authority. The archaeological mitigation strategy shall provide for the following:

- (i) measures to ensure the preservation in situ of the above and below-ground archaeology within the area of public open space in advance of, during and after construction of the dwellings permitted by this permission
- (ii) measures to interpret the archaeology within the public open space to enhance public understanding
- (iii) measures to ensure the preservation by record of archaeological features of identified importance within the footprint of the development
- (iv) methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts
- (v) methodologies for the recording of the historic buildings and recovery of archaeological remains, including artefacts and ecofacts
- (vi) post-fieldwork methodologies for assessment and analyses
- (vii) report content and arrangements for dissemination, and publication proposals
- (viii) archive preparation and deposition with recognised repositories including the digital archive with the ADS
- (ix) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy and the timely provision of site interpretation
- (x) monitoring arrangements, including the notification in writing to the North Lincolnshire Historic Environment Record of the commencement of archaeological works and the opportunity to monitor such works
- (xi) a list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities, and qualifications.

Reason

To comply with paragraphs 195 and 205 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy, and saved policy HE9 of the North Lincolnshire Local Plan because the site contains archaeologically significant remains that the development may otherwise disturb or destroy; the archaeological mitigation strategy is required to preserve archaeological evidence in situ or by record.

32.

No development shall take place until the applicant or their agents or successors in title has secured the implementation of the approved archaeological mitigation strategy and has notified the planning authority in writing of the intention to commence the archaeological site

works at least two weeks before commencement. Thereafter, the archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.

Reason

To comply with paragraphs 195 and 205 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy and saved policy HE9 of the North Lincolnshire Local Plan.

33.

The final dwelling constructed shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved archaeological mitigation strategy, and provision made for analysis, publication and dissemination of results, and archive deposition secured, and until the approved site interpretation within the public open space is provided.

Reason

To comply with paragraphs 195 and 205 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy and saved policy HE9 of the North Lincolnshire Local Plan.

34.

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

Reason

To comply with paragraphs 195 and 205 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy and saved policy HE9 of the North Lincolnshire Local Plan.

35.

Works shall be carried out strictly in accordance with the recommendations set out in sections 5.1.2 to 5.5.2 of the submitted Preliminary Ecological Appraisal report dated July 2021.

Reason

To accord with policies LC5 of the North Lincolnshire Local Plan and CS17 of the North Lincolnshire Core Strategy.

36.

Prior to the approval of reserved matters, 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 cover a period of at least 30 years from the commencement of development and shall include:

- (a) details of at least three bat roosting features to be installed;
- (b) details of nesting sites to be installed to support a variety of bird species;

- (c) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (d) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (e) prescriptions for the eradication of invasive non-native species, including Japanese knotweed;
- (f) prescriptions for the retention, planting and aftercare of native trees, scrub, shrubs and hedgerows of high biodiversity value;
- (g) prescriptions for the enhancement and management of neutral grasslands;
- (h) procedures for monitoring and on-going management of created habitats;
- (i) details to confirm that the measures proposed will provide a measurable net gain in in biodiversity value of least 1% in accordance with the Defra biodiversity metric 3.1;
- (j) proposed timings for the above works in relation to the completion of the buildings.

Reason

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

37.

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 completion of the approved development, 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. Thereafter, monitoring reports shall be submitted to the local planning authority every five years for thirty years to provide evidence of compliance with the biodiversity management plan and monitoring and management measures carried out to maintain target condition.

Reason

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

Informatives

1.

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

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

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

2.

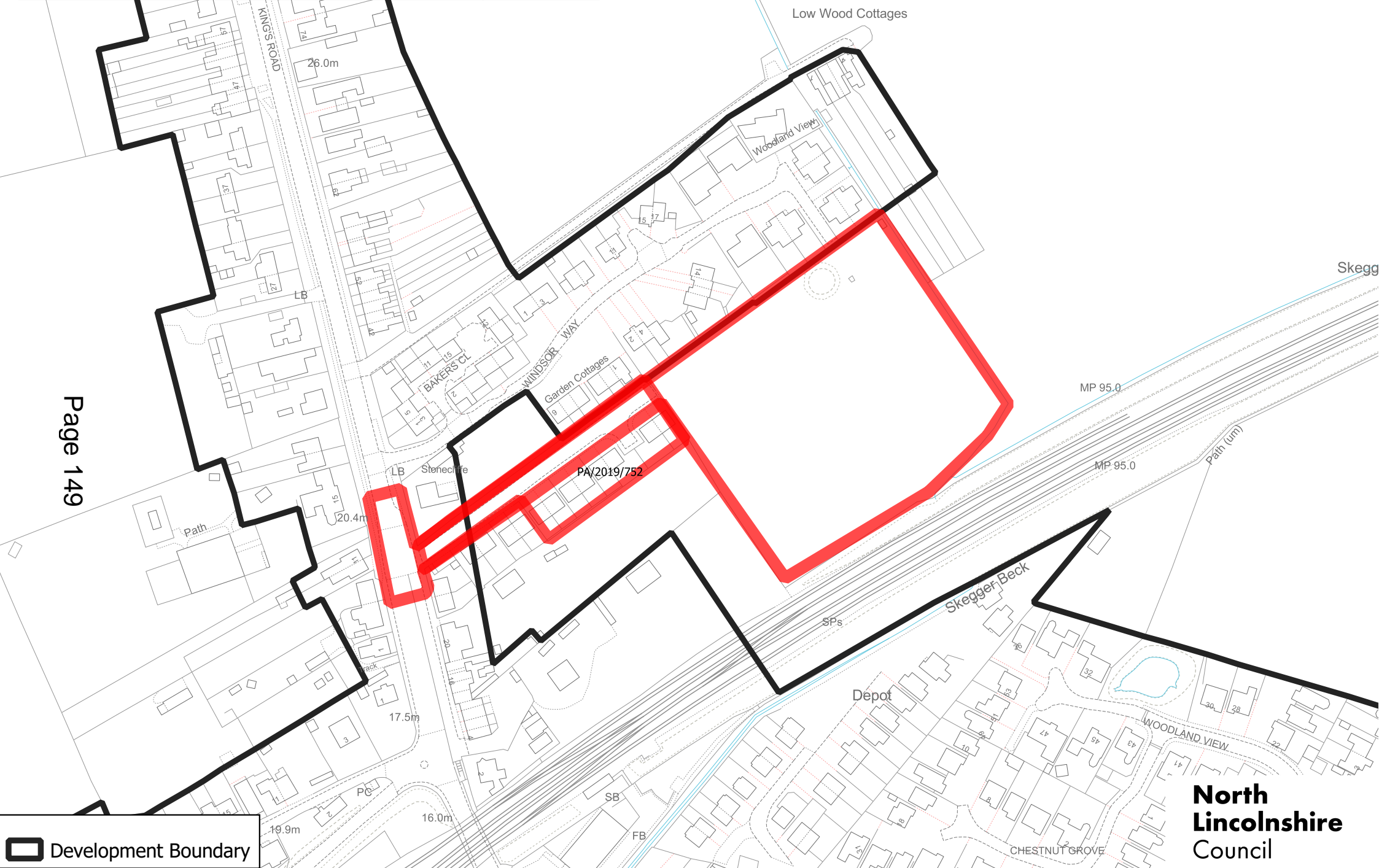
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

3.

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



Page 149



 Development Boundary

PA/2022/1852

**North
Lincolnshire
Council**

PA/2022/1852 Indicative layout (not to scale)

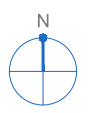


Scale Bar
 0m 5m 10m 15m 20m

Notes
 Drawing prepared by Ross Davy Associates
 Used Figure Information only. As not scale for this drawing.
 All materials specified must be the exact size and construction with finish/texture unless otherwise stated or current codes of practice.
 Should the client fall under the scope of the Equality Act, Party Wall Act or the CDM Regulations, it is the Employer's responsibility to provide the necessary
 (Employer's Name)
 (Employer's Address)
 (Employer's Contact Details)
 (Employer's Contact Details)
 (Employer's Contact Details)

Revisions and Status
 Where elements of the construction are not visible on the drawing, it is the contractor's responsibility to identify structural elements and to verify their status and sequencing in relation to the construction works and to ensure that the construction is in accordance with the approved drawings.
 Additional work may be required for reasons. The surveyor does not include any structural investigation.

- Drawing Revisions**
- A 21/03/22 - House types revised plots 4, 5, 6 & 9
 - B 11/05/22 - Open space enlarged and changed to meadow planting, housing site amended to suit
 - C 22/05/22 - Notes amended for planning application
 - D 16/01/23 - Driveway / tree positioned revised to Plot 8



Ross Davy Associates
 Pelham House, 1 Grosvenor Street,
 Gimsby, N.E. Lincolnshire, DN32 0QH
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Project Proposed Development off Braithwaites Close, Barnetby-le-Wold, North Lincolnshire

Drawing Title Indicative Proposed Layout

Drawn MD **Scale** 1:500

Date Mar 22 **Size** A1

Drawing No. RD:4735 - 04 D

APPROVAL

APPLICATION NO	PA/2022/2217
APPLICANT	Mr Graham Boag
DEVELOPMENT	Outline application for three dwellings, including demolition of existing workshop, with all matters reserved
LOCATION	77–79 High Street, Wootton, DN39 6RR
PARISH	Wootton
WARD	Ferry
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Wootton Parish Council Significant public interest

POLICIES

National Planning Policy Framework:

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

North Lincolnshire Local Plan:

- DS1 General requirements
- DS7 Contaminated land
- DS14 Foul sewage and surface water drainage
- H5 New housing development
- H7 Backland and tandem development
- H8 Housing design and housing mix

LC5 Species protection

T2 Access to development

T19 Car parking provision and standards

North Lincolnshire Core Strategy:

CS1 Spatial strategy for North Lincolnshire

CS2 Delivering more sustainable development

CS5 Delivering quality design in North Lincolnshire

CS7 Overall housing provision

CS8 Spatial distribution of housing sites

CS17 Biodiversity

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

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

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

DQE6 Sustainable drainage systems

CONSULTATIONS

Highways: No objection, recommend conditions.

LLFA Drainage: No objection, recommend conditions.

Environmental Protection: No objection, recommend conditions.

PARISH COUNCIL

Objects on the grounds the access is inadequate and will create visibility problems, aggravated by on-street parking.

PUBLICITY

Original submission:

Site notices were displayed and 13 letters of objection received (including 3 from the same address) raising similar issues as the parish council, together with the following:

- narrow entrance to the site
- it will aggravate existing highway issues
- the parking for the existing houses is unlikely to be used
- there is poor visibility along the High Street
- impact from plot 3 on residential amenity
- overlooking from the pair of semi-detached houses
- over-development
- no windows should overlook gardens
- the existing building to be demolished should be considered as a designated heritage asset
- increase in congestion and risk of accidents
- the existing building should be protected and retained
- not in keeping with the character of the area
- loss of light to conservatory
- questionable separation distances
- insufficient parking provision
- there are bats in the existing building
- impact on property prices
- there are a number of empty houses in the village
- no need for new dwellings
- the local school is oversubscribed

- impact on local services
- potential for an increase in vehicles being parked in the highway
- difference in ground levels will exacerbate potential for loss of amenity
- no backland development in Wootton
- cramped development
- backland form of development
- concern over size, scale and siting of plot 3 and potential for overlooking and overshadowing.

Amendments:

Following the receipt of amended plans, additional site notices were displayed. Four further letters of objection were received, raising similar issues to those raised by members of the public and the parish council previously, together with the following:

- this application should be considered on its own merits – it should not take into account any previous applications on the site
- the bat and environmental surveys have not been undertaken
- security lights will affect the privacy of neighbouring properties
- tandem, backland development
- the proposed access is narrower than the plan suggests
- there is no provision for bin collection
- it represents a significant departure from the previous application on the site
- dense form of development
- elevated ground levels for the dwelling proposed to the rear
- it will set a precedent for further development of this nature
- on-street parking has worsened in recent months
- the current site plan revision is incorrect and doesn't reflect true land ownership
- it is a fraudulent, invalid application.

Further amendments:

The applicant has since revised the plans further to reflect the extent of land ownerships. Additional site notices have been displayed and the same four objectors have responded, raising the following issues:

- not enough services in the village for the development to support
- loss of light and privacy to neighbouring properties
- the plans are still incorrect in respect of land ownership
- the applicant is not the sole owner of the land to which the application relates
- the proposed siting of four car parking spaces along the eastern edge of the development is not possible as the land is not in the ownership of the applicant.

ASSESSMENT

Planning history

PA/2005/1565: Outline planning permission to erect 3 dwellings (resubmission of PA/2005/1114) –refused 07/11/2005

PA/2005/1114: Outline planning permission for residential development – refused 30/08/2005

PA/2009/0501: Application for approval of reserved matters pursuant to outline application PA/2005/1565 determined by appeal dated 08/05/2006 for the erection of two linked dwellings and a single detached dwelling – approved 02/07/2009

The application site comprises a single-storey building which fronts High Street in Wootton and land to the rear. The site was used as a workshop and associated yard and the building to the site frontage has the remnants of a steel frame attached at the rear. The site at the rear is laid to hardstanding and is undulating in its ground levels, it is bordered by residential properties on three sides and is located within the defined settlement boundary for Wootton. The site extends to approximately 700m² in area, it is located in flood zone 1 and borders large sheds to the west which are used in association with a haulage yard. Outline planning permission is being sought to erect three dwellings with associated parking and amenity space; this involves the demolition of the existing workshop and the steel frame.

The main issues in the determination of this application are the principle of development, impact on residential amenity and highway issues.

Principle of development

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

This proposal is for the redevelopment of the site (following demolition of the existing building and lean-to) and the erection of three dwellings. The whole of the application site where the

dwellings are proposed is within the defined development boundary for Wootton as shown in the Housing and Employment Land Allocations DPD. Furthermore, the application site is in a sustainable location, within walking distance of local services (including a school, public house, church and village hall), and with access to the local bus route which is opposite the Nags Head public house, providing a regular bus service to Barton upon Humber, Hull and Grimsby. The proposal therefore accords with the principles of sustainable development as set out in the policies of the local plan, Core Strategy and the National Planning Policy Framework on delivering residential development in appropriate locations. The proposal would deliver three additional market dwellings within the defined settlement boundary for Wootton and as such would help to support these local services/amenities.

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

A number of objectors have questioned the need for additional housing in Wootton, taking into account recent approvals for new dwellings. However, if a developable site within the defined settlement boundary for a settlement is put forward for redevelopment (through the submission of a planning application) the local planning authority can only consider the proposal on its own merits, irrespective of whether a particular settlement has had dwellings approved within the past few years. Concerns raised in relation to the strain on existing services/utilities that would be caused by the development are noted. However, no evidence has been submitted to suggest that the proposed additional dwellings would result in any demonstrable harm to existing services/utilities in Wootton. The development falls under the threshold for contributions to be sought under a Section 106 agreement in this case.

Issues have been raised in relation to land ownership and that the application is invalid in its present form. The applicant has revised the plans to take account of the small parcel of land which is in the ownership of the neighbouring property owner, and it is the opinion of the local planning authority that the supporting drawings reflect the extent of the applicant's land ownership. In addition, the local planning authority can only assess the application on the basis the applicant has provided plans and information which reflect the true extent of their land ownership and the plans (whilst indicative) show that six off-street parking spaces can be accommodated within the site parameters, including the provision of four parking spaces adjacent to part of the eastern boundary.

Finally, it is worth noting that planning permission was granted at appeal for the erection of three dwellings on the site under PA/2005/1565. This comprised the demolition of the building to the site frontage and the erection of a detached dwelling to the rear (together with a pair of semi-detached dwellings along the site frontage), this draws parallels with the proposals being considered in this case. It is acknowledged the previous planning permission from 2005 has expired but it serves to demonstrate the principle of redeveloping this brownfield site, including the demolition of the existing workshop, for the erection of three dwellings has previously been considered acceptable in principle by the Planning Inspectorate.

Residential amenity

A number of objections have been received on the basis the proposal has the potential to result in loss of residential amenity through the effects of loss of light, overshadowing, overlooking and having an overbearing impact. It is worth noting that this is an outline planning application with all matters reserved for future consideration (through the submission of a reserved matters application). Therefore, issues in relation to the position of windows, the heights of the dwellings and the proximity to existing residential properties will be taken into account during the assessment of any subsequent reserved matters application and cannot be accurately assessed during this application; the submission of any reserved matters would allow the local planning authority the opportunity to ensure the potential for loss of residential amenity can be mitigated and also allows for amended plans to be submitted at that stage of the planning process if the local planning authority required changes to the scheme.

Notwithstanding the above, the applicant has submitted an indicative plan with the planning application, which serves to demonstrate that three dwellings with associated off-street parking and private amenity space and a means of access to the site can be achieved.

The plan (whilst indicative) shows the developable site area to be 700m² in which three dwellings with areas for parking (six off-street parking spaces), private amenity space and a vehicular access retained for 81 High Street can be suitably accommodated. In addition, the plan shows that the existing vehicular access can be utilised to serve the development; this is proposed to be 5 metres in width. No objections have been raised on highway or pedestrian safety grounds to the development or to the means of access (although this matter is reserved for future consideration).

The indicative layout plan shows that a pair of semi-detached dwellings can be accommodated along the site frontage and can be sited a sufficient distance (20 metres) from the nearest residential property to the rear (to the south) to mitigate any potential for loss of residential amenity. It is noted a detached dwelling is shown indicatively to the rear of the site and the supporting text on the drawing states it will partly be two-storey in height; taking this into consideration, and taking into account the difference in ground levels from the front to the rear of the site (a rise of 1.7 metres from north to south), it is considered that any dwelling proposed at the rear of the site (plot 3) would need to be of a height appropriate to its position within the site. Although shown indicatively, the separation distance from the eastern elevation of plot 3 to the rear elevation (its conservatory) is 12 metres; therefore, the height of any resultant dwelling proposed on plot 3 would need to take this into account if a reserved matters application is submitted for future consideration. This would also be the opportunity for the local planning authority to accurately assess the potential for any loss of residential amenity arising from the development proposals at that time. However, it is considered that the application site can accommodate the scale of development proposed without it resulting in a contrived or cramped form of residential development and where sufficient separation distances from proposed and existing dwellings can be achieved.

Highway issues

A number of objectors have raised issues in respect of the increase in the number of vehicles, a potential increase in pedestrian and highway safety matters, the level of parking provision, the width of the proposed vehicular access and existing issues with parking within the public highway. Firstly, it is worth noting Highways have considered the proposals and raise no objection on either highway or pedestrian safety grounds. The erection of three dwellings in

this residential location is not considered to result in an increase in vehicular movements over and above that reasonably anticipated in a residential area. Whilst means of access is a matter for future consideration, it is the opinion of the local planning authority that the existing vehicular access to the site can be utilised to serve the proposed development and can be widened to a sufficient width (5 metres) to facilitate this. The level of parking provision shown (two spaces per dwelling) is considered sufficient to meet the needs of each of the three dwellings proposed and the plans show the proposed access can be widened to a minimum width of 5 metres between the High Street and the parking area.

The comments made in relation to vehicles being parked in the public highway are noted; however, this is as a consequence of local residents choosing to park their vehicles within the public highway and the lack of available off-street parking. It is considered that the development proposals will provide sufficient off-street parking without facilitating additional vehicles being parked in the public highway. In addition, it is for the future occupants of these dwellings to ensure they enter and leave the site in a safe and considered manner, taking into account any existing vehicles being parked within the public highway. In conclusion, it is considered the additional traffic movements from the proposed development will not cause material harm to highway safety along High Street, the access to be widened will not impede the free flow of traffic to and from High Street and the proposed development is therefore in accordance with the provision of policy T2 of the North Lincolnshire Local Plan and the NPPF.

Other issues

Street scene and settlement character

The proposal will result in the loss of the building from the site frontage, which will be replaced with two dwellings. The building along the frontage is constructed from brick (painted white in part) with a pantile roof and UPVC fixtures, it was used as a workshop. Whilst it is acknowledged that this building contributes to the street scene (given its position abutting the highway footpath), this is not a listed building, it is not located within a conservation area and is not listed in the Historic Environment Record (or HER) as a non-designated heritage asset. In addition, if the building was not demolished it would prevent the comprehensive redevelopment of the site for a small-scale residential development, preventing the local authority from delivering market dwellings in a sustainable location that would contribute to housing delivery targets in North Lincolnshire.

A single-storey commercial building presently occupies the site frontage, and this would be demolished to make way for the proposed development. Older properties along High Street front directly onto the back of the footway, and a pair of dwellings in this position would be fully in keeping with the character of the area. The development proposes the introduction of a new dwelling to the rear, which would constitute backland development. However, this is not necessarily harmful and there are comparable examples of such development in the vicinity of the application site. There is also a somewhat irregular pattern to the siting of dwellings along this section of the High Street which in turn breaks up what would otherwise be a regimented settlement pattern. Based on the conclusions in previous parts of this report, it is the opinion of the local planning authority that a dwelling could be positioned on the rear portion of the site at a sufficient distance from neighbouring properties to avoid overlooking and loss of privacy. It is also evident that existing development in the immediate area is quite dense in character and, as such, the proposed development would be in keeping with its surroundings.

Contaminated land

Owing to the previous operations on the site (which includes a workshop), there is potential for contamination both within the existing building and the surrounding land. Given demolition works are proposed and the proposed development will introduce sensitive receptors onto the land (residential use), it is considered both reasonable and necessary to recommend a condition for contaminated land investigation; this is consistent with the updated consultation response from Environmental Protection.

Drainage

The site is located within flood zone 1, therefore a flood risk assessment is not required in this case. The comments made by LLFA Drainage in respect of the requirement for the submission of a drainage strategy as part of any reserved matters application is noted; however, this is a site which is already laid to hardstanding and the introduction of dwellings with associated garden land and parking areas would feasibly reduce surface water run-off from the site. In addition, the online surface water drainage maps on Gov.uk show this is a site which is at very low risk from surface water drainage flooding and as such it is considered there is no requirement for the submission of a surface water drainage strategy in this case.

Conclusion

It is considered that the proposal represents sustainable development in the context of the NPPF and Housing and Employment Land Allocations DPD policy PS1, which sets a presumption in favour of sustainable development, particularly as the site is located wholly within the defined settlement boundary for Wootton. The proposal would have no demonstrable adverse impact on the character of the existing settlement pattern of High Street and the development proposals are not considered to have a detrimental impact on highway safety or residential amenity. The application is therefore recommended for approval.

Pre-commencement conditions

The pre-commencement conditions in respect of contaminated land investigation and the submission of a scheme for wheel-washing facilities have been agreed by the applicant's agent.

RECOMMENDATION Grant permission subject to the following conditions:

1.

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

Reason

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

2.

Plans and particulars of the reserved matters referred to in condition 1 above, relating to the layout, scale and appearance of any buildings to be erected, the means of access to the site

and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

Reason

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

3.

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

Reason

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

4.

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

Reason

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

5.

The development hereby permitted shall be carried out in accordance with the following approved plans: RD:4753-02 C and RD:4753-01 E (Existing Site Plan only).

Reason

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

6.

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

Reason

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

7.

No above ground works shall take place until details of the positions, design, materials and type of boundary treatment to be built/planted have been agreed in writing by the local planning authority. The agreed boundary treatment shall be built/planted before the dwellings are occupied and once built/planted it shall be retained

Reason

To provide an appropriate level of screening in accordance with policies H8 and DS1 of the North Lincolnshire Local Plan.

8.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking and turning facilities serving it have been completed in accordance with details to be

submitted to and approved in writing beforehand with the local planning authority and, once provided, the vehicle parking and turning facilities shall be retained.

Reason

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

9.

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

Reason

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

10.

No above ground works shall take place until details of the private driveway serving the development have been submitted to and agreed in writing by the local planning authority. The details shall include:

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

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

Reason

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

11.

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

Reason

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

12.

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

Part 1: Site Characteristics

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

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

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

Part 2: Submission of Remediation Scheme

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

Part 3: Implementation of Approved Remediation Scheme

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

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

Part 4: Reporting of Unexpected Contamination

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

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

Reason

To ensure the site is safe for future users and construction workers in accordance with policy DS1 of the North Lincolnshire Local Plan.

13.

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

Reason

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

14.

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

Reason

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

Informatives

1.

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

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

2.

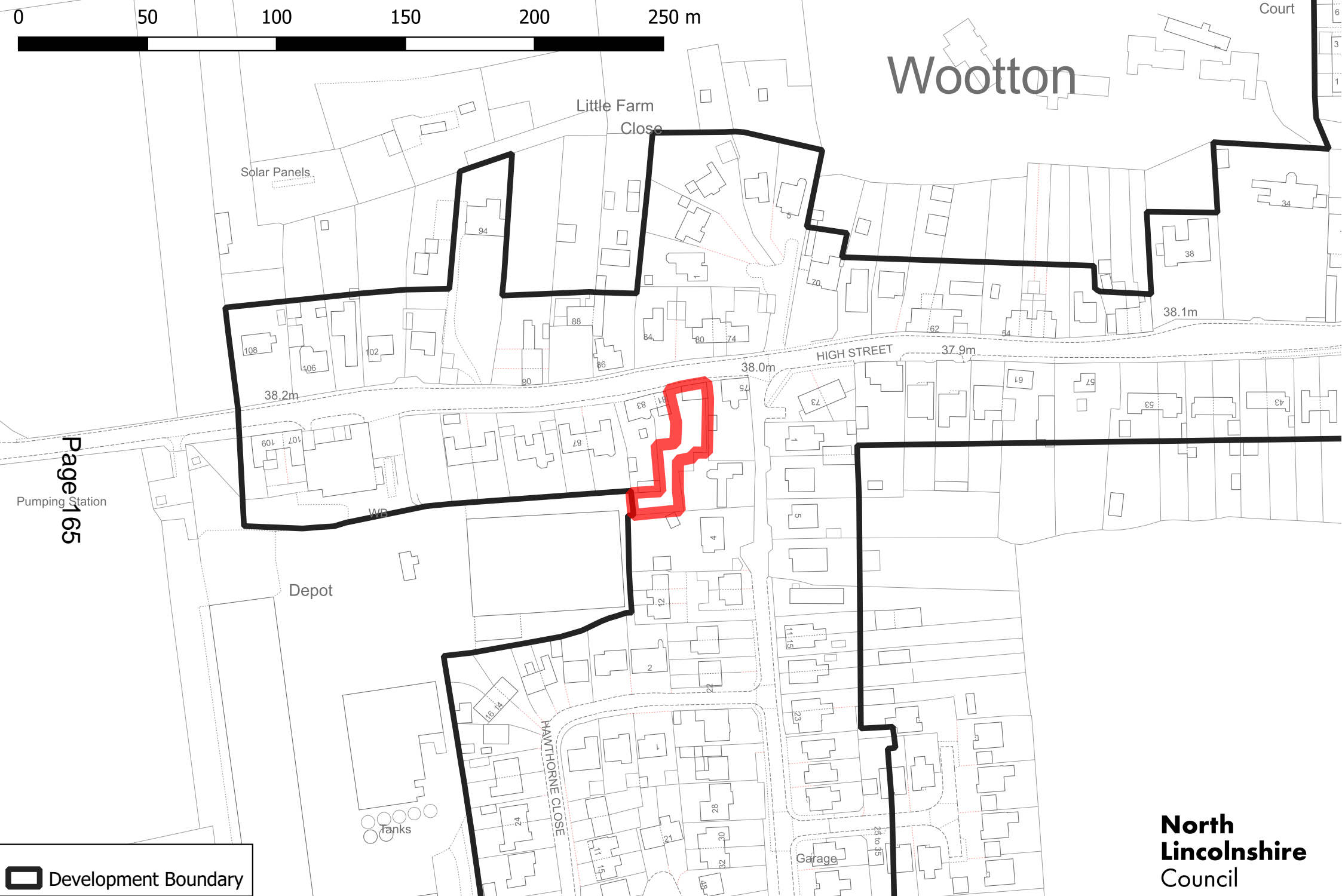
When considering the dwelling proposed on plot 3 to the rear of the site you are advised to take into account the rise in ground levels across the site from north to south with the ground levels at the rear being significantly higher. This may require the ground levels to be lowered and a plan should be submitted at reserved matters stage to demonstrate this. In addition, the height and any proposed windows in the side elevations/roof of plot 3 should also be carefully considered, particularly in relation to the proximity to 2 Cherry Lane to the east.

3.

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



Wootton



Page 165

Development Boundary

**North
Lincolnshire
Council**

PA/2022/2217

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APPLICATION NO	PA/2023/613
APPLICANT	Peter Snell
DEVELOPMENT	Outline planning permission for one dwelling with access, all other matters reserved for subsequent consideration
LOCATION	Land opposite Ridgewood, 76 West End Road, Epworth, DN9 1LB
PARISH	EPWORTH
WARD	Axholme Central
CASE OFFICER	Daniel Puttick
SUMMARY RECOMMENDATION	Refuse
REASONS FOR REFERENCE TO COMMITTEE	Support by Epworth Town Council

POLICIES

National Planning Policy Framework:

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

North Lincolnshire Local Plan:

- H8 Housing design and housing mix
- RD2 Development in the open countryside
- T2 Access to development
- T19 Car parking provision and standards

DS1 General requirements

DS7 Contaminated land

DS14 Foul sewage and surface water drainage

DS16 Flood risk

LC14 Area of special historic landscape interest

North Lincolnshire Core Strategy:

CS1 Spatial strategy for North Lincolnshire

CS2 Delivering more sustainable development

CS3 Development limits

CS5 Delivering quality design in North Lincolnshire

CS6 Historic environment

CS7 Overall housing provision

CS8 Spatial distribution of housing sites

CS18 Sustainable resource use and climate change

CS19 Flood risk

CS25 Promoting sustainable transport

Housing and Employment Land Allocations DPD:

Settlement boundary for Epworth

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

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

SS1 Presumption in favour of sustainable development

SS2 Spatial strategy for North Lincolnshire

SS3 Development principles

SS5 Overall housing provision

SS6 Spatial distribution of housing sites

H1 Site allocations

H2 Housing mix and density

DQE1 Protection of landscape, townscape and views

DQE5 Managing flood risk

T1 Promoting sustainable transport

T3 New development and transport

DM1 General requirements

HE2 Area of special historic landscape interest

CONSULTATIONS

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

Environmental Protection: Recommend conditions relating to site investigation, remediation, verification and unexpected contamination.

LLFA Drainage: No objections subject to conditions.

TOWN COUNCIL

Support the application.

PUBLICITY

A site notice has been displayed and two letters of objection have been received. These raise issues as summarised below:

- Why would this planning application be allowed to be passed when it is not in the proposed local plan and has been rejected in the call for sites?
- The previous permission on the site and the two on Scawcett Lane should not have been approved in any way because they are open countryside but sneaked through due to a lack of a local plan.
- The proposed development would overlook our land.
- In the current climate of trying to preserve our countryside, protect nature and replant hedgerows we are astonished any planning applications were even considered in the surrounding area.
- Animals, including horses, cannot now be exercised and trained correctly in nearby fields due to constant disturbance now going on in the near vicinity that they have never been used to.

ASSESSMENT

Planning history

- PA/2020/664: Outline planning permission to erect a dwelling with all matters reserved for subsequent consideration – approved 03/07/2020
- PA/2021/379: Application for approval of reserved matters following outline approval PA/2020/664 dated 03/07/2020 to erect a dwelling, namely access, appearance, scale, layout and landscaping – approved 13/05/2021
- PA/2021/1303: Application to discharge conditions attached to planning permission PA/2020/664 – approved 19/10/2021

Site characteristics

The application site comprises a parcel of land on the south-western side of West End Road. The site is within open countryside beyond the identified settlement boundary for Epworth, forming part of an open field. The remaining part has been developed, having been granted outline planning permission under application PA/2020/664 on 14 July 2020 following consideration by the planning committee. The application proposes an additional dwelling within the site adjacent to the new property constructed pursuant to PA/2020/664.

The site is within flood zone 2/3a (fluvial). It is not within any conservation area and no listed buildings are affected by the proposals. The site lies within the Area of Special Historic Landscape Interest of the Isle of Axholme. This area is locally designated for its unique historic landscape, retaining the pattern of ancient open strip fields and enclosed fields surrounding the villages on the Isle.

Proposal

Outline planning permission is sought to construct one dwelling with some matters reserved. Matters being dealt with as part of this application include access, which is proposed to be taken directly from West End Road just north of centre within the site.

An indicative plan has been submitted as part of the application which shows an access leading from the carriageway into the site, with a driveway leading towards a detached garage with turning space and pedestrian routes leading to the dwelling. The indicative plan shows a dwelling with an irregular footprint, having a SUDS compliant driveway and finished floor levels at 4.4m above Ordnance Datum (AOD), 0.5m above the site level of 3.9m AOD.

The indicative plan shows the site would be bounded by a combination of existing and proposed post and rail fence, with vegetated area to the rear and existing hedgerow to the front retained.

Matters relating to landscaping, layout, scale and appearance are reserved for future consideration as part of any reserved matters application in the event that outline planning permission is granted.

Material considerations

Outline planning permission is sought to construct one dwelling. The application site is within open countryside beyond the identifiable settlement boundary for Epworth, but adjacent to a

site which has recently been granted outline planning permission for a similarly proportioned dwelling. This decision is a material consideration which members ought to have regard to in determining this application.

The main issues in determining this application are:

- **principle of development**
- **flood risk and drainage**
- **design and heritage impacts**
- **highway safety.**

Principle of development

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

The site lies beyond the settlement boundary for Epworth, a settlement where residential development would generally be acceptable in principle. For planning purposes, the site therefore falls within open countryside where policy RD2 of the North Lincolnshire Local Plan seeks to restrict new development.

Policy CS1 of the Core Strategy identifies Epworth as a market town and a main service centre for the southern portion of the Isle of Axholme. The settlement has a very strong range of services and facilities which are mainly located in the town centre. The supporting text within the Core Strategy indicates that the town is surrounded by historic landscape, which limits opportunities for expansion. Public transport is recognised as being limited and existing constraints such as traffic and parking result in the level of future development in Epworth being limited to that which is already committed through previous plans. As such there is no further housing development allocated for Epworth as part of the Core Strategy.

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

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

Policy RD2 of the Local Plan seeks to restrict development in the open countryside. The policy identifies a limited number of types of development for which planning permission will only be granted, none of which include market housing.

Given the site's location outside the settlement boundary, the proposed development would conflict with policy RD2 of the Local Plan. The NPPF maintains that the determination of planning applications should be done in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making, and goes on to state that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.

In this instance, as the council is able to demonstrate a supply of deliverable housing sites equivalent to 6 years and 10 months, the development plan can be considered up to date. Policies which seek to steer new housing to locations within existing settlements can therefore be attributed full weight in decision-making.

As a matter of principle, the development of the site would conflict with policies which seek to protect the countryside from encroachment of development. Members are advised that the decision to grant planning permission for development of the adjacent portion of the original field was done at a time when the local planning authority could not demonstrate a five-year supply of deliverable housing sites, a matter which was a significant material consideration. This decision should therefore have a limited bearing on determining whether the principle of the development is acceptable in respect of this application.

In summary, the proposed development is outside the settlement boundary of Epworth within open countryside. Development of market housing in this location would conflict with policies in the development plan which seek to protect the countryside and direct new housing to within settlement limits. The principle of the development is therefore considered unacceptable and the proposals are viewed to be contrary to policy RD2 of the North Lincolnshire Local Plan, and CS2, CS3 and CS8 of the Core Strategy.

Flood risk and drainage

The application site is within flood zone 2/3a and the proposed development is classed as 'more vulnerable' in terms of flood risk. Collectively, policies DS16 of the Local Plan and CS19 of the Core Strategy, which concern flood risk, seek to direct new development to areas at lower risk of flooding by avoiding areas of current or future flood risk, and seek to ensure proposals do not increase the risk of flooding elsewhere. This involves 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.

Paragraph 159 of the NPPF makes clear that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). It goes on to state that where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraph 161 indicates that plans should manage residual risk by applying a sequential test and then, if necessary, the exception test. The purpose of the sequential test is to steer new

development to areas at lowest risk of flooding from any source. Paragraph 162 of the NPPF states that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas at lower risk of flooding, and that the sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

Given the site's location within flood zone 2/3a, there is a need for a sequential assessment to be undertaken in support of the development. The Development and Flood Risk Guidance Note (April 2013) states that the council expects the area of search for most forms of development to be the individual settlement development limit as laid out in the development plan.

The council has previously assessed potential housing and employment sites within Scunthorpe and the market towns of Barton, Brigg, Crowle, Kirton in Lindsey and Winterton. The note states that for individual planning applications on a site or in settlements that have not been sequentially tested through work that has been carried out by the council in preparing the Local Development Framework, the applicant must provide evidence to demonstrate that alternative sites in lower flood risk zones within the settlement development limit have been assessed.

The sequential assessment submitted in support of the application concludes that there are no comparable sites available or deliverable within Epworth. From a review of market evidence, there are not believed to be any available sites within Epworth which would be suitable or which are available for the development. Owing to this, there are not considered to be any sites within the settlement which are sequentially preferable to the application site.

Paragraph 163 of the NPPF states that if it is not possible for development to be located in areas at lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. It states that the need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3 of the Framework.

Paragraph 164 states that 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.

Paragraph 165 makes clear that both elements of the exception test should be satisfied for development to be allocated or permitted.

The supporting information provided with the application highlights the positive environmental, social and economic benefits which would arise from the development. These include the provision of employment opportunities through construction, the positive economic benefits that would arise from income expenditure by occupants of the dwelling, and the short-term impacts on the supply chain arising from the building of the house. In addition, the supporting information indicates that the development would lead to biodiversity enhancement; however, as landscaping is a reserved matter, the extent of any enhancement or net gain is unknown and can therefore only be afforded limited weight.

There are considered to be sustainability benefits resulting from the proposed development; however, given the scale of the development, any benefits are very limited and some of those identified would be required in any event to make the development acceptable in planning terms. In light of the local planning authority being able to demonstrate a supply of deliverable housing sites in excess of five years, any contribution towards maintaining or increasing supply is likely to be negligible. The social, environmental and economic benefits are therefore considered to be very limited and in this instance would not amount to wider sustainability benefits which would outweigh the risks of flooding associated with development of the site. The proposals are therefore considered to fail the first part of the exception test.

The second part of the exception test requires the applicant to demonstrate that the development will be safe from flooding for its duration, without increasing the risk of flooding elsewhere. The flood risk assessment submitted in support of the application details measures to mitigate against the risk of flooding, which include raising site levels to 4.1m AOD, with finished flood levels to be set no lower than 4.4m AOD to allow for a 300mm freeboard above critical flood level. Other flood resilience measures would be incorporated into the design of the building, with the owners to subscribe to flood warnings provided by the Environment Agency (EA).

The EA have been consulted on the application and do not object to the proposed development on flood risk grounds. On this basis it is considered that the proposed development would be safe from flooding for its duration, without increasing the risk of flooding elsewhere.

However, as the site would not deliver wider sustainability, the development would not meet the exceptions test in respect of flooding. Paragraph 165 of the NPPF is clear that both elements of the exception test should be satisfied for development to be allocated or permitted. The proposals are therefore considered to be unacceptable in terms of flood risk and would introduce new housing development in an area of flooding risk contrary to policies DS16 of the Local Plan and CS19 of the Core Strategy, and the aims of the NPPF.

Design and impact on the character and form of the area and heritage impacts

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

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

For developments which are considered suitable within the open countryside, policy RD2 of the Local Plan states that permission will be granted provided that, amongst other requirements, the development would not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials.

The application site is within the Isle of Axholme Area of Special Historic Landscape Interest. Policy CS6 of the Core Strategy identifies how the council will promote the effective management of North Lincolnshire's historic assets, one of which includes safeguarding the nationally significant medieval landscapes of the Isle of Axholme (notably the open strip fields and turbaries) and supporting initiatives which seek to realise the potential of these areas as a tourist, educational and environmental resource.

Policy LC14 of the Local Plan states that the Isle of Axholme is designated as an area of special historic landscape interest, and goes on to state 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. It also identifies a high standard of design and siting in new development will be required, reflecting the traditional character of buildings in the area and the character of the historic landscape, and using materials sympathetic to the locality.

The NPPF states at paragraph 197 that in determining applications, local planning authorities should take account of:

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

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 203 makes clear that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. It states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The application is for outline planning permission only. Matters relating to the detailed design of the proposed development are therefore reserved for future consideration. However, the potential impacts of the development must be determined at this stage, and members must be satisfied that a suitable scheme is capable of being brought forward which is appropriate in terms of its design and impacts upon the historic landscape.

The site is located within the Early Enclosed Land (EEL) historic landscape character zone within the Isle of Axholme, an area which has a degree of historic interest worthy of consideration in the assessment of applications for new development and therefore considered as a non-designated heritage asset. This area forms the setting to Epworth's Ancient Open Strip Fields (AOSF) core historic landscape character zone, the Recent Enclosed Land lies to the west of the site. The essential character and appearance of the EEL areas comprises amalgamated blocks of strips within the former open fields served as 'home closes' for stock-keeping and mixed farming, and date from the late-medieval period

onwards. These areas contribute towards a sense of openness which the Isle of Axholme possesses, with the character areas defining characteristics contributing towards the significance of this special landscape. The persistence of these features of the former landscape and the resultant openness of the core area remains the dominant characteristic of the Isle of Axholme.

The proposed development would result in the encroachment of housing into the countryside, resulting in harmful impacts upon its defining character of openness which contributes towards its special historic interest. Development further beyond the settlement boundary and extent of built form would be considered harmful to the historic landscape character of the area as a result. Whilst the proposals do not involve the development of notable strip fields and turbaries, the site is located in an area which contributes towards the understanding and significance of the Isle of Axholme as an area of special historic landscape interest. The strip fields and turbaries are notable features within it, however the special historic landscape interest encompasses numerous other characteristics and traits.

In view of the above, the proposed development would be considered to result in encroachment of development into the open countryside in an area of special historic landscape interest. The development would result in the loss of openness at the site and the rural fringes of Epworth, harming the character and appearance of the area, and in turn resulting in harm to the character and appearance of the Isle of Axholme as a non-designated heritage asset. The proposals are therefore considered to be contrary to the aims of policies DS1, LC14 and RD2 of the North Lincolnshire Local Plan, and policies CS5 and CS6 of the North Lincolnshire Core Strategy.

In arriving at this conclusion, it is noted that planning permission was previously granted for development of the adjacent site. In reaching this past decision, the HER Officer raised concerns about the impact of the development on the historic landscape. These impacts were carefully considered by officers and a balanced judgement was made in light of the council's inability to demonstrate a five-year supply of deliverable housing sites at the time the application was determined. As each planning application must be assessed on its merits, Members are advised that the previous decision to grant planning permission adjacent to the application site should not provide reasonable grounds to approve further harmful development in light of the council's ability to demonstrate a supply of deliverable housing sites in excess of five years.

Highway safety

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

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

Policy CS19 of the Core Strategy states that development will be required, wherever practicable, to incorporate sustainable urban drainage systems (SUDS) to manage surface water drainage.

Paragraph 111 of the NPPF makes clear that 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.

The council's Highways department has been consulted and does not object to the proposed development subject to a number of conditions. Overall, it is considered that the development can be accommodated on the road network without compromising road safety, and that sufficient access and parking can be provided within the site. Similarly, the LLFA have assessed the application and raise no objections subject to conditions to secure details of measures to prevent surface water run-off to and from the highway.

Subject to the imposition of suitably worded conditions, in the event that planning permission were to be recommended for approval the proposal would be considered acceptable in terms of highway safety and surface water drainage in accordance with policies T1, T2, T19 and DS14 of the North Lincolnshire Local Plan, and CS25 of the Core Strategy. However, compliance with these policies does not overcome the conflict with policies elsewhere in the development plan as described above, and should not provide sufficient grounds to approve development in this location.

Residential amenity

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

Paragraph 130 of the NPPF seeks to ensure that new developments are safe, inclusive and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users.

The application is made in outline form and as such detailed design for the development is reserved for future consideration. Indicative plans submitted with the application demonstrate that the site can comfortably accommodate a generously proportioned dwelling with sufficient separation from existing properties.

Although some concerns have been raised by local residents, officers are satisfied that a suitably designed scheme could be brought forward at reserved matters stage which ensures sufficient standards of amenity are provided for future occupants without compromising the amenity of occupants of existing dwellings nearby in terms of overlooking and overbearing impact. Whilst the concerns of residents are noted, the introduction of an additional dwelling is unlikely to give rise to harmful impacts sufficient to justify withholding planning permission, with the process of dealing with reserved matters of landscaping, scale and appearance providing the authority with an opportunity to ensure an appropriate design is brought forward in the event that planning permission is granted.

The Environmental Protection team recommends a number of conditions to ensure that the development is safe for vulnerable end users in respect of potential land contamination issues. Subject to accordance with such conditions, contamination is unlikely to pose a risk to new development of the site.

In light of the above, it is considered that adequate standards of amenity would be capable of being provided for occupants of the proposed development and that the existing standards of amenity of existing residents would be preserved. The proposed development is considered acceptable in this respect in accordance with policies DS1 and DS7 of the North Lincolnshire Local Plan, and CS5 of the North Lincolnshire Core Strategy, and the aims of the NPPF, in this respect.

Conclusion

Outline planning permission is sought to construct a single dwelling on land outside the settlement boundary for Epworth, and therefore within open countryside. Development in this location would conflict with the development plan, which supports development within the countryside in only a limited number of circumstances, none of which apply here.

The site is also within an area of flood risk where housing should not usually be located. The proposals fail to meet both parts of the exception test by failing to provide wider sustainability benefits to the community, despite being capable of being made safe for the lifetime of the development without increasing flood risk elsewhere.

In addition to the above issues, the proposals would result in harm to the area of special historic landscape interest of the Isle of Axholme through encroachment into the open setting of Epworth. The Isle of Axholme is regarded as a non-designated heritage asset and there is a requirement to reach a balanced judgement having regard to the scale of harm and loss of significance of the heritage asset.

The council are now able to demonstrate a five-year supply of deliverable housing sites. The policies which are most important for determining the application should therefore be considered up to date in the context of the NPPF. In line with paragraph 12 of the NPPF, as the planning application conflicts with policies within an up-to-date development plan, permission should not usually be granted. It is therefore recommended that planning permission be refused for the reasons set out below.

RECOMMENDATION Refuse permission for the following reasons:

1.
The application site is outside the settlement boundary for Epworth, within open countryside, where development is strictly controlled. The proposed development would not meet any of the exceptions listed within policy RD2 of the North Lincolnshire Local Plan and is inconsistent with the spatial strategy for the distribution of housing contained within policies CS2, CS3 and CS8 of the North Lincolnshire Core Strategy.
2.
The proposals are located in an area at risk of flooding. Whilst the application demonstrates that it would be safe for its lifetime without increasing flood risk elsewhere, the proposals fail to provide wider sustainability benefits to the community that outweigh the flood risk. The proposals therefore fail to meet both parts of the exception test as required by paragraph 165 of the National Planning Policy Framework (NPPF) and are considered to be unacceptable in terms of flood risk, contrary to policies DS16 of the North Lincolnshire Local Plan and CS19 of the North Lincolnshire Core Strategy, and the aims of the NPPF.

3.

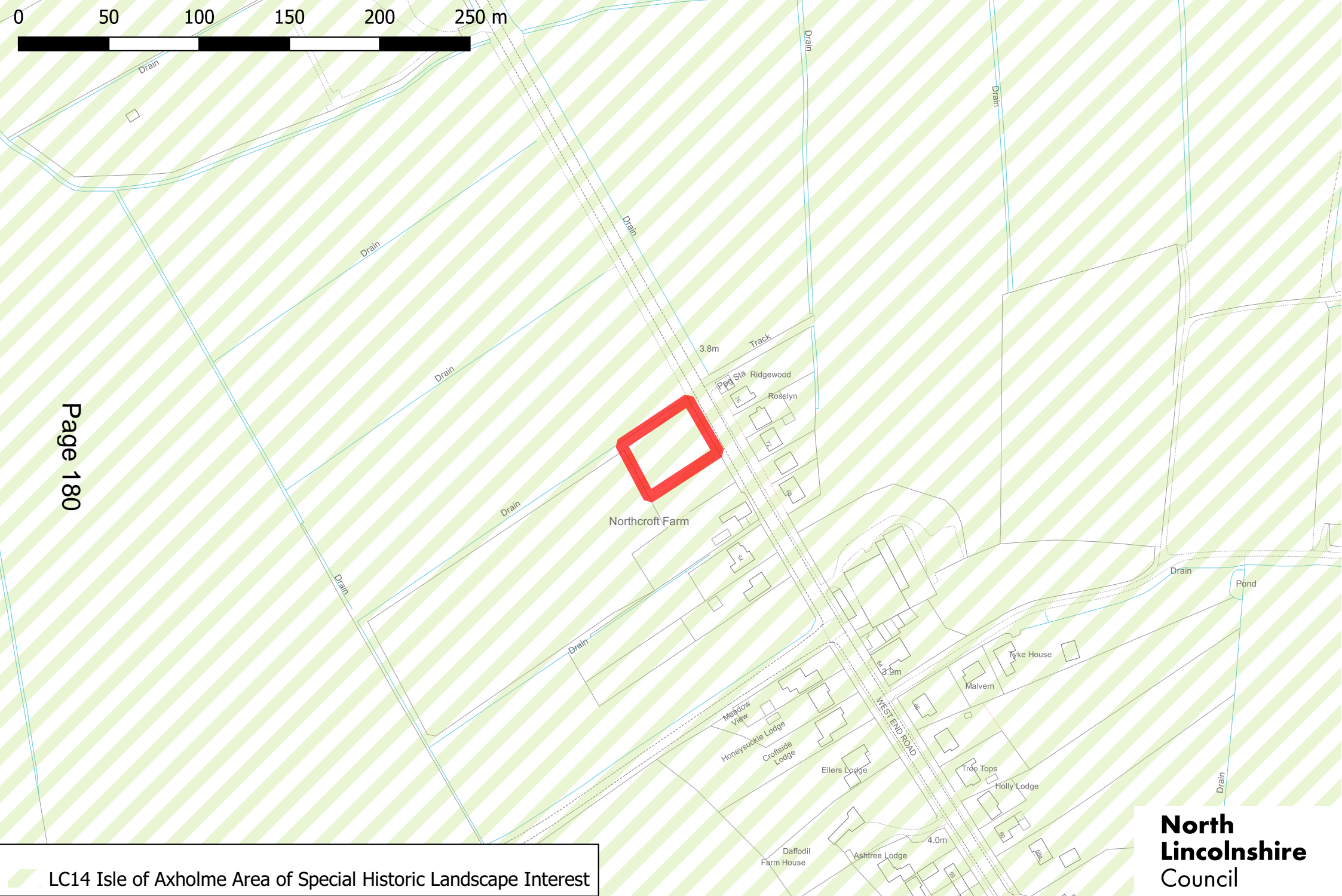
The application site is within the Isle of Axholme Area of Special Historic Landscape Interest. The proposals would result in harmful encroachment into the open landscape surrounding Epworth, imposing harm upon the character and appearance of the area and significance of the Isle of Axholme as a non-designated heritage asset. The proposals are considered to be contrary to the aims of policies DS1, RD2 and LC14 of the North Lincolnshire Local Plan, and CS5 and CS6 of the North Lincolnshire Core Strategy.

Informative

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



Page 180



LC14 Isle of Axholme Area of Special Historic Landscape Interest

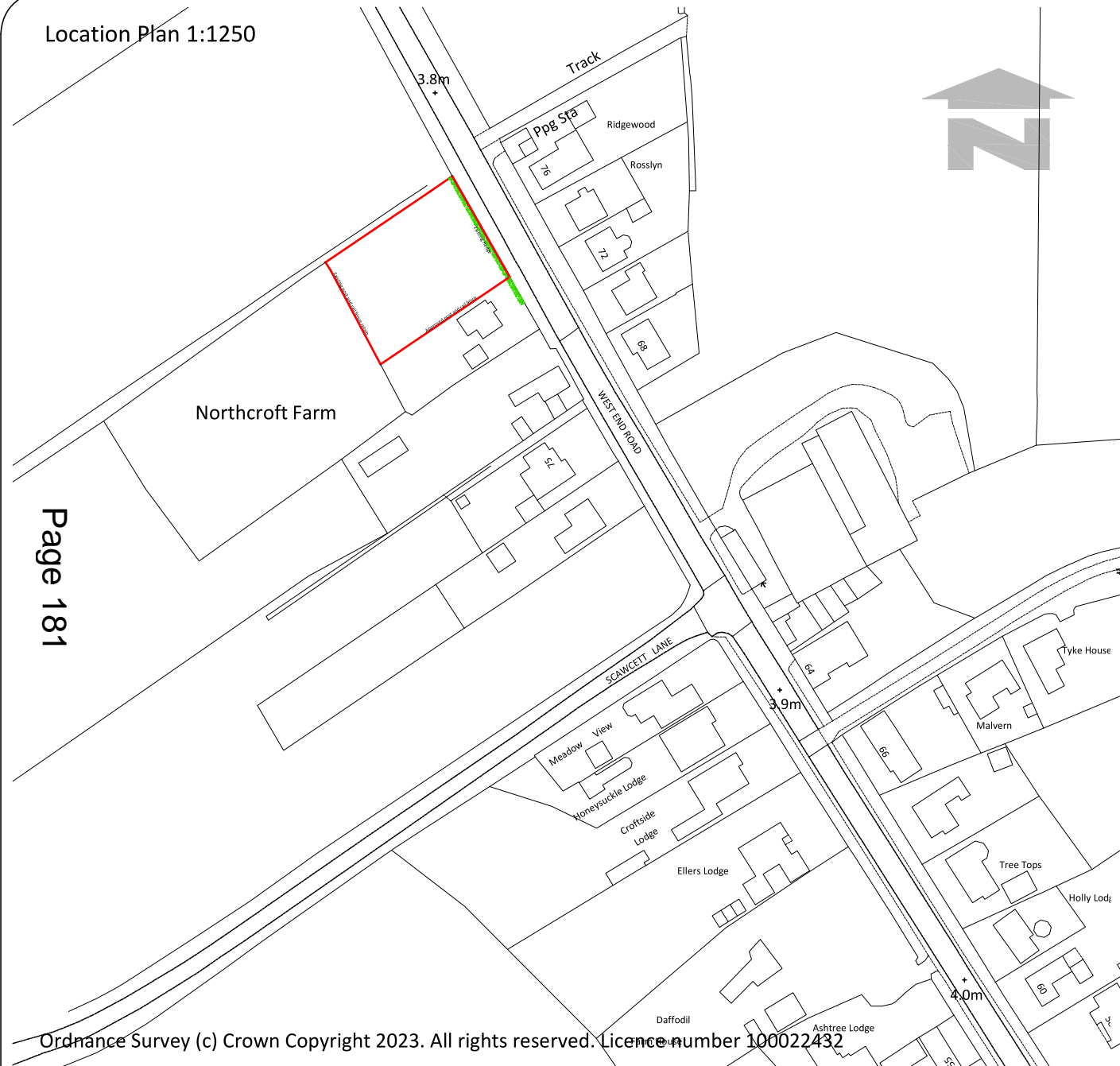
**North
Lincolnshire
Council**

PA/2023/613

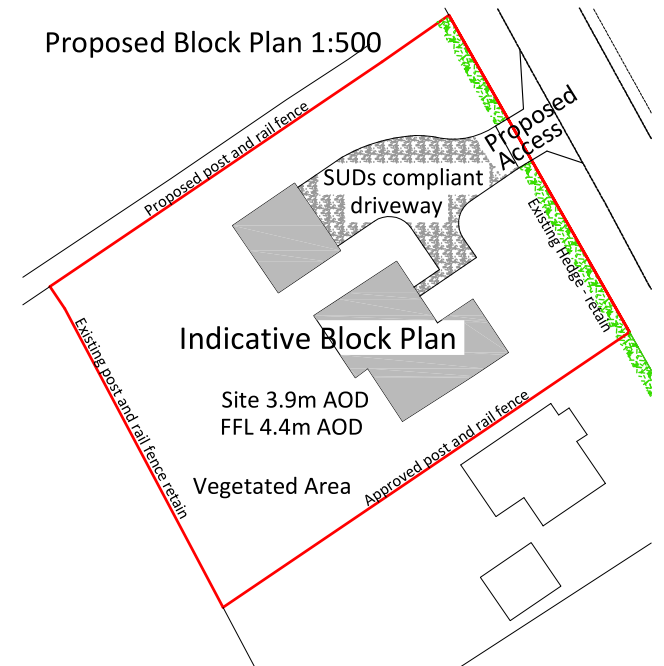
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PA/2023/613 Indicative layout (not to scale)

Location Plan 1:1250



Proposed Block Plan 1:500

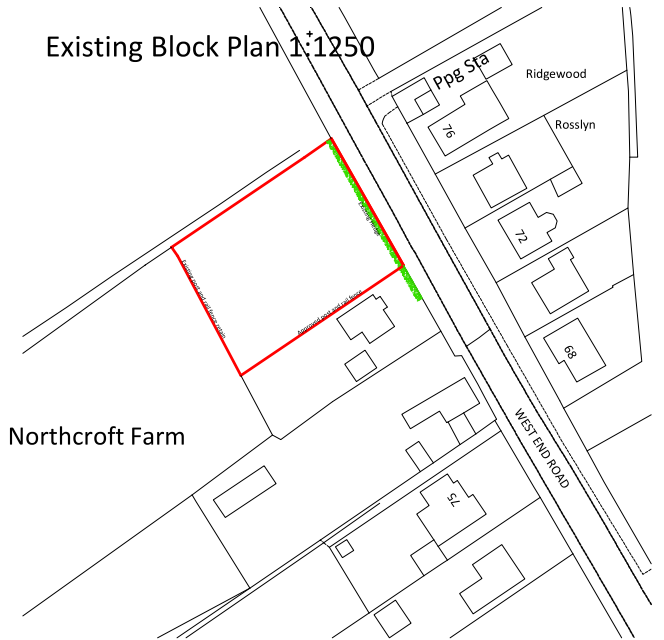


Indicative Block Plan

Site 3.9m AOD
FFL 4.4m AOD

Vegetated Area

Existing Block Plan 1:1250



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APPLICATION NO	PA/2023/616
APPLICANT	Patrick Gilboy
DEVELOPMENT	Planning permission to erect a detached dwelling and garage
LOCATION	Elsham House, Brigg Road, Wrawby, DN20 8RH
PARISH	WRAWBY
WARD	Brigg and Wolds
CASE OFFICER	Paul Skelton
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Departure from the development plan

POLICIES

National Planning Policy Framework:

2 Achieving sustainable development

4 Decision-making

5 Delivering a sufficient supply of homes

12 Achieving well-designed places

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

15 Conserving and enhancing the natural environment

North Lincolnshire Local Plan:

H5 New housing development

H8 Housing design and housing mix

RD2 Development in the open countryside

T1 Location of development

T2 Access to development

T19 Car parking provision and standards

LC7 Landscape protection

DS1 General requirements

DS14 Foul sewage and surface water drainage

DS16 Flood risk

North Lincolnshire Core Strategy:

CS1 Spatial strategy for North Lincolnshire

CS2 Delivering more sustainable development

CS3 Development limits

CS5 Delivering quality design in North Lincolnshire

CS7 Overall housing provision

CS8 Spatial distribution of housing sites

CS9 Affordable housing

CS16 North Lincolnshire's landscape, greenspace and waterscape

CS17 Biodiversity

CS18 Sustainable resource use and climate change

CS19 Flood risk

CS20 Sustainable waste management

CS22 Community facilities and services

CS23 Sport, recreation and open space

Housing and Employment Land Allocations DPD:

PS1 Presumption in favour of sustainable development

Inset 47 - Wrawby

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

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

SS1 Presumption in favour of sustainable development

SS2 Spatial strategy for North Lincolnshire

SS3 Development principles

SS5 Overall housing provision

SS6 Spatial distribution of housing sites

SS11 Development limits

H2 Housing mix and density

H3 Affordable housing

H11 Backland and tandem development

RD1 Supporting sustainable development in the countryside

DQE1 Protection of landscape, townscape and views

DQE3 Biodiversity and geodiversity

DQE5 Managing flood risk

DQE6 Sustainable drainage systems

DQE7 Climate change and low carbon living

DQE12 Protection of trees, woodland and hedgerows

CSC1 Health and wellbeing

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

CSC10 Community facilities and services

WAS6 Waste management in development

T1 Promoting sustainable transport

T3 New development and transport

T4 Parking

DM1 General requirements

DM3 Environmental protection

DM4 Telecommunications and broadband

ID1 Delivering infrastructure

CONSULTATIONS

Highways: No objection subject to conditions.

LLFA Drainage: No objection subject to a condition and informatives.

Environmental Protection: Potential pollutants have been identified on site. No objection subject to a contaminated land condition.

PARISH COUNCIL

No objections.

PUBLICITY

Site notices were displayed initially and following amendments to the scheme. One response was received objecting strongly to the bar/poolroom with master bedroom and balcony part of the house which would be located 13 feet away from their boundary and would intrude on the privacy of their rear garden and the amenity value.

Following display of the second notice, pursuant to the amended scheme which has addressed a number of the original concerns, no objections have been received.

ASSESSMENT

The site and its location

The site comprises a parcel of land to the rear (north) of the property known as Orchard Rise. The site is just outside the development boundary of Wrawby and within flood zone 1.

To the west is a property known as Mayfield House which is separated from the site by a mature hedgerow. To the east is a large property (Priory Garth), which is set on mature grounds, with a dense, high hedgerow on the common boundary.

To the north is land which has been subject, along with the application site, to a number of planning permissions for residential development. Outline planning permission was granted for four residential units on this site in 2018, but this permission has lapsed (PA/2018/1093). Subsequently, outline planning permission reference PA/2021/1850 'to erect four detached dwellings with appearance, landscaping and access reserved for subsequent consideration (part of access roadway completed)' was granted in February 2022. This permission remains extant.

More recently reserved matters application PA/2022/1586 was submitted; however, due to technical issues relating to differences between that application and the outline, the application was withdrawn. A full planning application was submitted (PA/2022/2200) on one of the other plots on the wider site but this has not been proceeded with at this time due to concerns regarding the design.

A new access drive has been constructed which would serve the four plots, without the benefit of planning permission.

The proposed development

The current application is for the erection of a single dwelling with garage, and for the retention of that part of the access drive which would serve the proposed dwelling. The red line also includes a strip of land running along the western boundary which is intended to house the drainage infrastructure, which it is understood could also serve the other plots to the north.

The original application was considered unacceptable both in terms of design and impact on the neighbouring property. It was not considered that the scale of the original dwelling reflected its position adjacent to the neighbouring bungalow on a lower level. The proposals would also have resulted in unacceptable overlooking of Mayfield House to the rear.

Amended plans have therefore been submitted to address the previous concerns (see 'design' and 'living conditions' sections below).

Material considerations

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

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

The main issues for consideration are the principle of development, design/character and appearance, living conditions, highway safety, flood risk and drainage, and contaminated land.

Principle of development

The site is outside the settlement boundary of Wrawby as defined in the Housing and Employment Land Allocations DPD, in an area where new housing is strictly controlled by development plan policies.

Saved local plan policy RD2 sets out that development in the open countryside will be strictly controlled. This policy only supports residential development outside defined development limits in certain circumstances, none of which apply in this case. Core strategy policies CS2, CS3 and CS8 similarly strictly limit housing development outside development boundaries to that which is essential to the functioning of the countryside.

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.

The proposals therefore conflict with the development plan.

Nevertheless, the extant outline permission granted in February 2022 is a significant material consideration which indicates that permission should be granted in this specific case.

Design/character and appearance

Local plan policy H8 requires, amongst other things, a high standard of layout which maintains, and where possible improves and enhances the character of the area. It also seeks to protect existing natural and built features, landmarks or views that contribute to the amenity of the area.

Core Strategy policy CS2 requires a high standard of design. Development should contribute towards the creation of locally distinctive, sustainable, inclusive, healthy and vibrant communities. Policy CS5 requires good design which is appropriate to its context. Proposals should consider the relationship between any buildings and the spaces around them, and how they interact with each other as well as the surrounding area. Policy CS8 reflects this need for good design, in keeping with the character of the area.

The NPPF calls for high quality design. In particular, paragraph 130 requires, amongst other things, developments which will function well and add to the overall quality of the area; are visually attractive as a result of, amongst other things, good layout; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish or maintain a strong sense of place; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. The NPPF is supported by the National Design Guide (NDG) which forms part of the government's planning practice guidance. Amongst other things, the NDG sets out 10 characteristics including 'context', 'identity' and 'built form'. Together, these particular characteristics require development that enhances its surroundings, is attractive and distinctive and which results in a coherent pattern of development.

The dwelling is shown on the block plan as broadly in the same location as plot 1 on the layout which was permitted as part of the outline permission granted in 2022.

The original scheme submitted was not considered to respect the character of the area in terms of its form, scale and elevational treatment, bearing in mind that Mayfield House to the rear is a 1.5-storey dwelling and to the north is a bungalow. To address those design concerns an amended scheme was submitted showing the main bulk of the house as a 1.5-storey dwelling with dormer windows and a two-storey projection to the front. To the west is a garage with room above, served by a dormer window to the front and rooflights to the rear. In design terms this proposal is considered to better reflect the character of this particular part of the village and the sloping land to the rear of the existing settlement.

The materials would be a mix of brick and off-white render for the walls, and dark coloured roofing tile. The suggested tile would not match existing roofs in the area which are predominantly red Roman type tiles or slate. The applicant's agent has confirmed a dark colour is preferred for the roof and in this case a natural or good quality synthetic slate would be appropriate. Details of this can be secured by condition.

Overall, the amended design is considered to address the previous concerns and is acceptable in light of local and national policies requiring good design.

Living conditions

Paragraph 130(f) of the NPPF requires new development to create places which, amongst other things, promote health and wellbeing, with a high standard of amenity for existing and future users. Paragraph 185 provides that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects

(including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

Local plan policy H5 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.

In terms of future occupiers, the dwelling would provide adequate accommodation/natural light. The existing bungalow to the south is on a higher level and, given the scale and nature of the proposed side wall of the new dwelling (as amended), there would be no undue impacts on the amenity of the bungalow.

The relationship between the proposed dwelling and the neighbour to the east is also acceptable bearing in mind the distances involved and the mature intervening hedgerow and trees between them.

The original scheme raised significant issues in terms of overlooking of the garden of Mayfield House, to the east. The original proposals showed a two-storey rear projection with a balcony within close proximity to the common boundary. The scale of the amended scheme is much reduced with the balcony element removed. Whilst there are dormer windows and rooflights on the rear elevation of the proposed dwelling, they are a minimum of 12.5m from the common boundary which is considered acceptable in this context. Furthermore, those dormers closest to the rear of the neighbouring property serve an en-suite and a bathroom. The rooflights would serve a master bedroom.

Overall it is considered that there would be no undue impacts on the living conditions of surrounding properties.

Highway safety

Local plan policy T2 requires all development to be provided with a satisfactory access. The NPPF, at paragraph 100(b), requires safe and suitable access to the site to be achieved for all users.

The access drive to serve the outline permission has already been installed, albeit seemingly without permission. In dealing with the most recent outline permission, it was reported that 'The traffic generation created by an additional four dwellings would not, in planning terms, represent a significant increase and the proposal includes improvements to the access, which will afford a visibility splay that conforms with the requirements of Manual for Streets.'

The highways officer has been consulted on the current application and raises no objection subject to the conditions applied to the previous outline permission. Some of those conditions are not necessary or relevant for this full application and where necessary have been omitted or amended as appropriate.

Flood risk and drainage

Local plan policy DS16 and Core Strategy policy CS19 reflect the advice in section 14 of the NPPF which aims to direct development to areas of lowest flood risk. Paragraph 159 of the

NPPF similarly states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.

The site falls inside flood zone 1, the area at least risk of flooding. The extant outline application was subject to a requirement for a drainage scheme that would have served all four properties granted under that permission.

The LLFA has again suggested that this is the preferred approach. Whilst this is of course the preferable solution if four dwellings are constructed, we are currently looking at a full application for a single dwelling. If this development proceeds, then the outline permission will fall away and there is no certainty the rest of the scheme would come forward; therefore, a condition requiring a drainage scheme for a larger development would not be reasonable.

Notwithstanding this, an outline drainage strategy has been submitted which advises that it has been confirmed by the representative of the current landowner and future owner of plot 4 that the existing pond in the northwest corner of the (outline) site will remain in the ownership of plot 4 and can be utilised for the disposal of surface water from all four plots. The pond has a connection and outlet into the watercourse system and this outlet will remain in its current form and size. An alternative condition has been agreed with the LLFA to reflect the current circumstances, requiring a drainage scheme to be agreed and implemented before occupation of the dwelling.

Overall, the site is not at risk of flooding and, subject to an appropriate drainage scheme, is capable of being developed without unacceptable impacts on others.

Contaminated land

Policy DS7 of the North Lincolnshire Local Plan sets out 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.

A phase 1 desk study report (for the outline site for four dwellings) has been submitted which identifies potential for pollutants on the site. The Environmental Protection Officer has been consulted and raises no objection subject to a condition requiring a remediation scheme to be approved and implemented.

Overall planning balance and conclusions

Whilst the proposal is for housing development on a site outside the settlement boundary of Wrawby, the extant outline planning permission is a significant material consideration which indicates that permission can be granted in this case otherwise than in accordance with the development plan.

The proposals would result in minor benefits in terms of providing an additional dwelling to the council's housing land supply, economic benefits during construction and post occupation, and through taxation.

The amended proposals would be acceptable in terms of design and there would be no undue impacts on surrounding property. Other technical planning issues can be addressed, where necessary, by appropriate conditions as outlined above.

In light of the above, the application is recommended for permission, subject to the conditions set out below.

Pre-commencement conditions

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

RECOMMENDATION Grant permission subject to the following conditions:

1.

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

Reason

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

2.

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

- Drawing number 22-526 - 100 Revision D (Site Location Plan and Block Plan)
- Drawing number 22-526 - 200 Revision E (Proposed Layouts and Elevations)
- Drawing number 22-526 - 102 Revision A (Site Long Section).

Reason

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

3.

The walling of the dwelling hereby permitted shall be constructed of materials as shown on drawing number 22-526 - 200 Revision D (Proposed Layouts and Elevations). The roofing shall be completed in accordance with details of materials which have first been submitted to and approved in writing by the local planning authority.

Reason

In the interests of good design.

4.

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.

5.

The dwelling hereby permitted shall not be first occupied until the proposed parking facilities have been provided in accordance with the approved plans. The parking spaces shall thereafter be retained, available for the parking of vehicles, for the lifetime of the development.

Reason

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

6.

The dwelling hereby permitted shall not be first occupied until the private driveway has been completed up to its junction with the vehicular access to that dwelling in accordance with details which have first been approved in writing by the local planning authority. The private driveway shall thereafter be maintained in accordance with the approved details for the lifetime of the development.

Reason

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

7.

No loose material shall be placed on the access driveway serving the site within 10 metres of the adopted highway.

Reason

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

8. 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.

9.

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

- (a) details of measures to avoid harm to great crested newts, hedgehogs, bats and nesting birds during demolition, vegetation clearance and construction works;
- (b) details of habitat and hedgerow creation, enhancement and ongoing management measures required to deliver a net gain in biodiversity units of at least 1% in accordance with the Defra Small Sites Metric;
- (c) details of bird nesting and bat roosting features to be installed on the new buildings;
- (d) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (e) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland
- (f) prescriptions for the retention, planting and aftercare of trees and shrubs of high biodiversity value;
- (g) proposed timings for the above works in relation to the completion of the building; activity/development will require a licence.

Biodiversity units shall be delivered on site, within the red line and blue line boundaries shown on the submitted Location Plan.

Reason

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

10.

The biodiversity management plan approved under condition 9 above, shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter. Prior to the occupation of the dwelling hereby permitted, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the biodiversity management plan.

Reason

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

11.

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

contamination to the extent specified by the Local Planning authority in writing until part 4 has been complied with in relation to that contamination.

Part 1: Site Characteristics

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

- (i) a survey of the extent, scale, and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes;
 - adjoining land;
 - groundwaters and surface waters;
 - ecological systems;
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and a proposal of the preferred option(s). This must be conducted in accordance with Environment Agency's Land Contamination Risk Management (LCRM) guidance July 2023.

Part 2: Submission of Remediation Scheme

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

Part 3: Implementation of Approved Remediation Scheme

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

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

Part 4: Reporting of Unexpected Contamination

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

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

Reason

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

12.

The dwelling hereby permitted shall not be occupied until a detailed surface water drainage scheme for the site has been fully implemented in accordance with details which have first been submitted to and approved in writing by the local planning authority. The surface water drainage scheme shall be based upon the submitted Outline Sustainable Drainage Strategy, prepared by Roy Loble, Issue No: 1, dated: 20/06/2023 and shall fully address overland flow flood risk and surface water drainage for the existing and proposed access road leading to all properties. The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100-year critical storm (including an allowance for climate change which should be based on current national guidance) will not exceed the run-off from the existing site. It shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime so that flood risk, both on and off the site, is not increased. SuDS must be fully considered in accordance with current PPG guidance. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, focusing on above-ground solutions.

Reason

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

13.

No development shall commence until the local planning authority has been provided with either:

- (a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified development to go ahead; or
- (b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason

To conserve great crested newts in accordance with saved policy LC5 of the North Lincolnshire Local Plan and policy CS17 of the Core Strategy.

Informatives

1.

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

2.

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

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

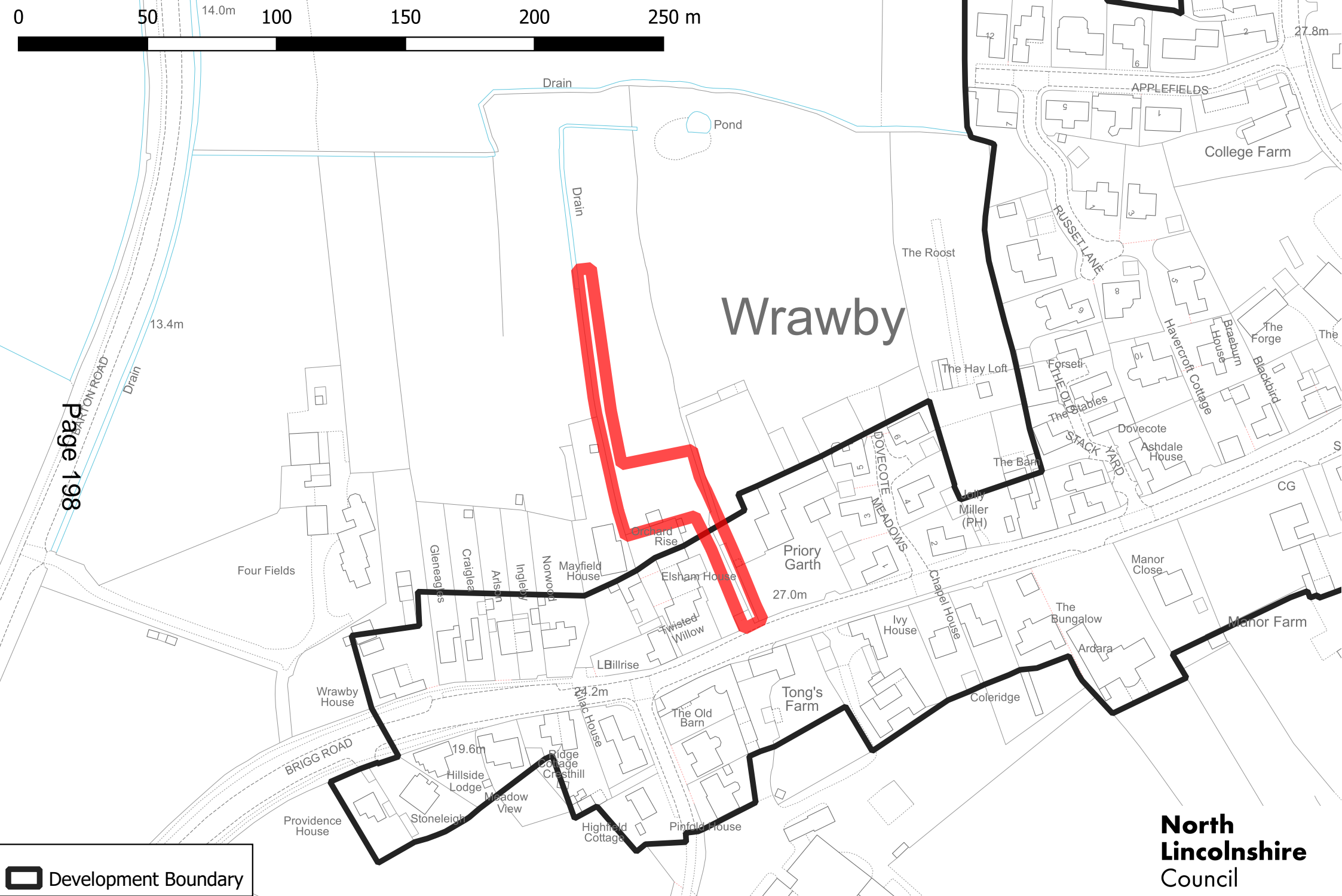
3.

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

4.

Alterations and/or connections into the watercourse must be consented by North Lincolnshire Council's LLFA Drainage Team, in their capacity as Lead Local Flood Authority, through an

Ordinary Watercourse Consent and appropriate discharge rates must be agreed. Please contact the LLFA Drainage team 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.



Page 198

 Development Boundary

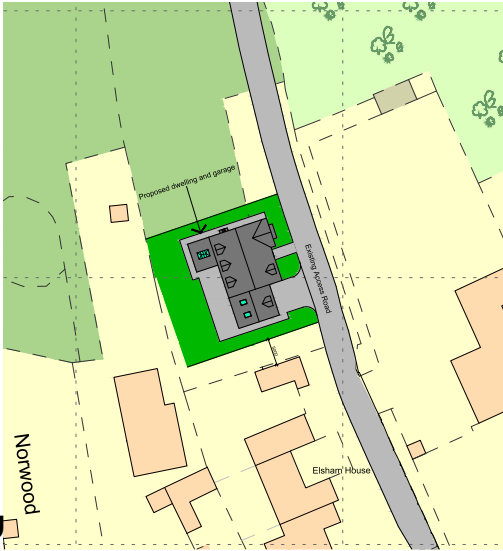
**North
Lincolnshire
Council**

PA/2023/616 Proposed layout (not to scale)

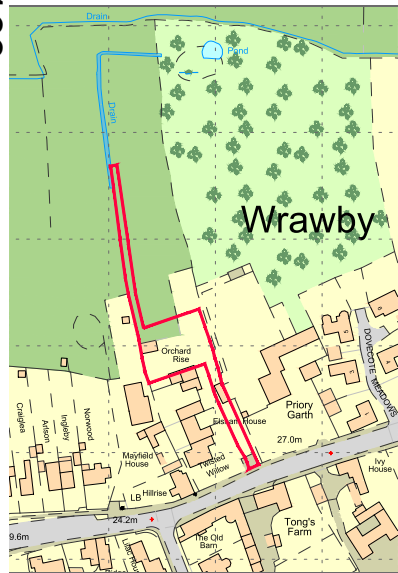
AMENDED PLANS

Notes
 1. Do not Scale.
 2. All dimensions to be checked on site.

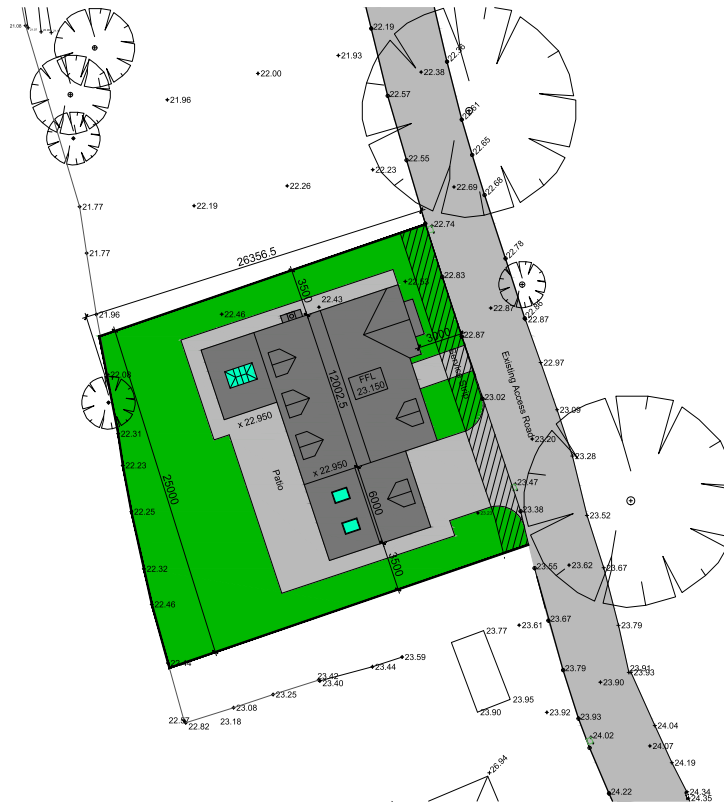
Revisions
 Rev A 25.10.2022 - General amendments.
 Rev B 25.03.2023 - Red line amended.
 Rev C 25.05.2023 - Site boundary's amended.
 Rev D 11.09.2023 - General amendments.



Block Plan (1:500)



Site Location Plan (1:1250)



Proposed Site Plan (1:200)

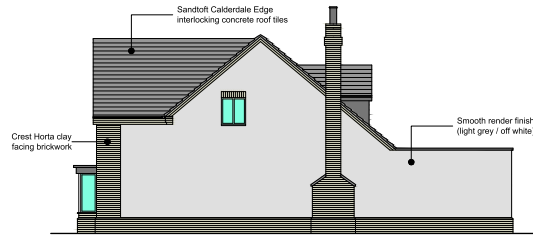
Project			
Proposed Dwelling and Garage Land at Brigg Road, Wrawby			
Title			
Site Location Plan & Block Plan			
Scale	Size	Date	
1:200	A1	12.07.2022	
Drawing No	100	Rev	D
22-526			

CDC Architecture Limited
 35 Louth Road, Scartho, Grimsby
 North East Lincolnshire, DN33 2HP

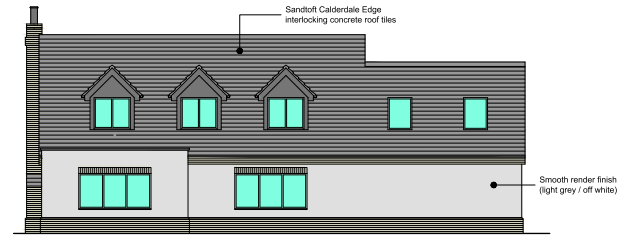
ARCHITECTURE www.cdc-architecture.com

PA/2023/616 Proposed elevations (not to scale)

Notes
 1. Do not Scale.
 2. All dimensions to be checked on site.
 Revisions
 Rev A 25.10.2022 - General amendments.
 Rev B 25.03.2023 - General amendments.
 Rev C 11.09.2023 - House design amended.
 Rev D 19.06.2023 - External materials added.



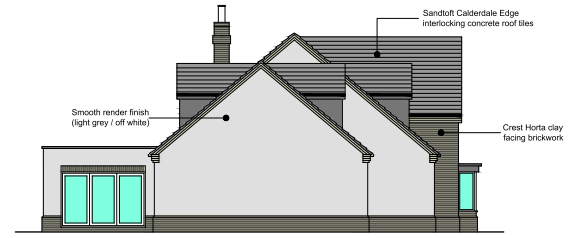
EAST ELEVATION



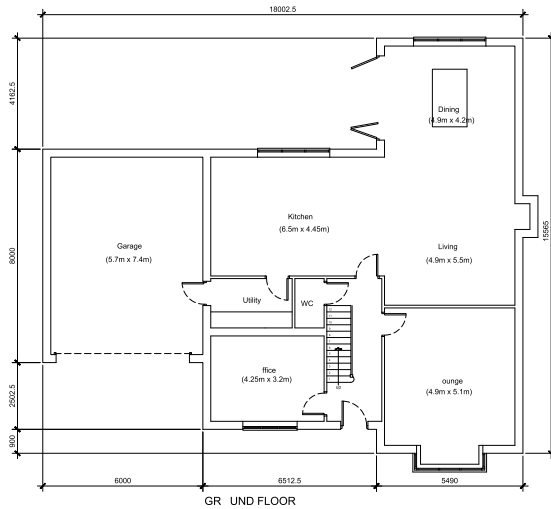
SOUTH ELEVATION



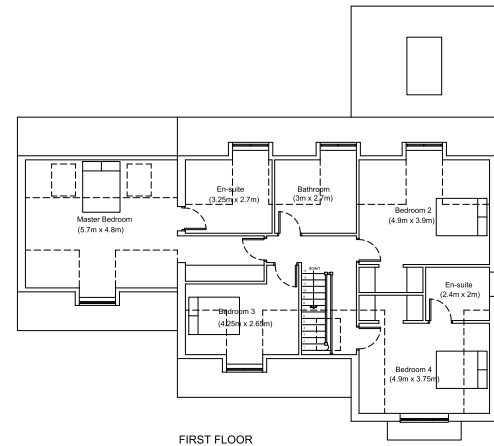
NORTH ELEVATION



WEST ELEVATION



GR UND FLOOR



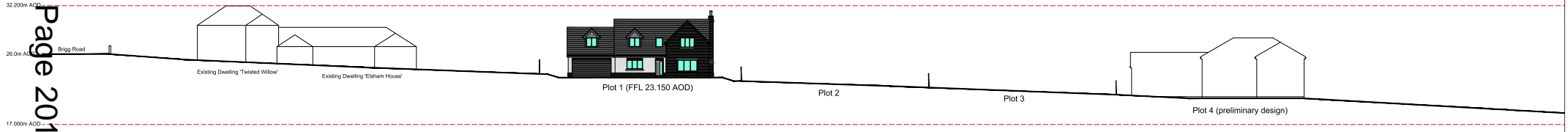
FIRST FLOOR

Project Proposed Dwelling and Garage Land at Brigg Road, Wrawby			
Title Proposed Layouts & Elevations			
Scale 1:100	Size A1	Date 09.06.2022	
Drawing No 22-526	200	Rev D	

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 North East Lincolnshire, DN33 2HP
 ARCHITECTURE www.cdc-architecture.com

PA/2023/616 Site long section (not to scale)

Notes
 1. Do not Scale.
 2. All dimensions to be checked on site.
 Revisions
 Rev A 11.09.2023 - House design amended.



Page 201

Project			
Proposed Dwelling and Garage Land at Brigg Road, Wrawby			
Title			
Site Long Section			
Scale	Size	Date	
1:250	A1	31.07.2023	
Drawing No.	102	Rev	A
22-526			

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APPLICATION NO	PA/2023/1026
APPLICANT	Mr John Ward
DEVELOPMENT	Planning permission for the change of use of land for the stationing of caravans and the erection of a dayroom for residential purposes, laying of hardstanding and other associated works
LOCATION	Plots 3 and 4, Leys Lane, Winterton, DN15 9QT
PARISH	WINTERTON
WARD	Burton upon Stather and Winterton
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Refuse
REASONS FOR REFERENCE TO COMMITTEE	Significant public interest Member 'call in' (Cllrs Elaine Marper, Ralph Ogg and Helen Rowson – significant public interest)

POLICIES

National Planning Policy Framework:

Paragraph 4 states, 'The Framework should be read in conjunction with the Government's planning policy for traveller sites, and its planning policy for waste. When preparing plans or making decisions on applications for these types of development, regard should also be had to the policies in this Framework, where relevant.'

Paragraph 7 states, 'The purpose of the planning system is to contribute to the achievement of sustainable development. 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 8 states, 'Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- (a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- (b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with

accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural wellbeing; and

- (c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.'

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.

Paragraph 10 states that at the heart of the Framework is a presumption in favour of sustainable development.

Paragraph 11 sets out the presumption in favour of sustainable development and confirms that, for decision-taking, this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless:
 - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

Paragraph 38 states, 'Local planning authorities should approach decisions on proposed development in a positive and creative way...Decision-makers at every level should seek to approve applications for sustainable development where possible.'

Paragraph 47 makes clear that '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 62 states, 'Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).'

Paragraph 80 states, 'Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- (a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- (b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- (c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- (d) the development would involve the subdivision of an existing residential building; or
- (e) the design is of exceptional quality, in that it:
 - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.'

Paragraph 130 states, 'Planning policies and decisions should ensure that developments:

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

Planning policy for traveller sites (August 2015) (PPTS)

North Lincolnshire Local Plan:

DS1 General requirements

RD2 Development in the open countryside

T2 Access to development

T19 Car parking provision and standards

LC7 Landscape protection

LC12 Protection of trees, woodland and hedgerows

North Lincolnshire Core Strategy:

CS1 Spatial strategy for North Lincolnshire

CS2 Delivering more sustainable development

CS3 Development limits

CS5 Delivering quality design in North Lincolnshire

CS10 Gypsies, Travellers and Travelling Showpeople sites

Housing and Employment Land Allocations Development Plan Document (DPD)

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

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

SS1 Presumption in favour of sustainable development

SS2 A spatial strategy for North Lincolnshire

SS3 Development principles

SS11 Development limits

T1 Promoting sustainable transport

T3 New development and transport

T4 Parking

DM1 General requirements

RD1 Supporting sustainable development in the countryside

H6 North Lincolnshire's travelling communities

CONSULTATIONS

LLFA Drainage: No objection, but recommend conditions.

PARISH/TOWN COUNCILS

Winterringham Parish Council: Objects on the following grounds:

- it sets a precedent for further plots on the same site to come forward
- the site is currently natural/partially cultivated and has biodiversity
- the site hosts hedgerows, trees and species
- barn owls and hen harriers have been spotted in the area
- no consideration for household waste collection or recycling provision
- the site on Normanby Road was purpose-built and left in a poor state
- poor road condition along Leys Lane.

Appleby Parish Council: Objects on the following grounds:

- This proposed development would put additional pressure on already overstretched infrastructure, health, education, leisure and business services in Winterton and the surrounding area.
- The nearby public highways and single-track Leys Lane are not suitable for the increased traffic volumes. Leys Lane itself is a poorly maintained single-track road.
- The agricultural land, for which the change of use is being proposed, is not suitable for residential dwellings.
- The site is rich in biodiversity and concerns have been raised that the development would adversely affect the natural environment and variety of wildlife that live on or close to the site.
- Other concerns that have been raised include whether or not the drainage systems in the immediate vicinity would cope with the extra surface water and foul waste produced, and lack of information about how domestic waste would be stored, disposed of or recycled.
- A number of residents expressed concern about the site developing from 2 caravans to multiple caravans and how this will adversely affect Winterton and its neighbouring towns and parishes.

Winterton Town Council: Objects on the following grounds:

- Leys Lane is a single-track road which is unsuitable for extra traffic
- the two roads which Leys Lane intersects are busy, fast flowing roads making them unsuitable for vehicles to access and exit
- the land is agricultural and unsuitable for dwellings
- impact on the environment, animals and birds

- it is questioned whether existing services can cope with additional demand
- little information in relation to the disposal of foul and surface water drainage disposal.

PUBLICITY

A site notice has been displayed; Over 150 letters of objection have been received raising similar issues to the parish and town councils, together with the following:

- local infrastructure cannot cope
- it will exacerbate existing drainage issues
- poorly maintained road
- do not want a travelling community in the area
- potential increase in crime rates
- this is a rural area
- impact/devaluation of house prices
- the site was meant to be for allotments
- no footpaths or lighting for children and adults
- no council tax will be paid
- the application doesn't consider the needs/welfare of children
- impact on character and appearance of the countryside
- increased traffic along North Street
- need for the development has not been demonstrated
- proposed facilities/accommodation seems to be excessive and unnecessary
- outside the settlement boundary
- evidence shows that Traveller sites do not fit with harmonised living
- close to agricultural properties and farm machinery uses the local roads
- increase in crime/disorder/littering
- the site should remain in arable use
- it ruins the sense of community
- it would not contribute towards the local community

- Winterton is overburdened with housing development
- no need for a day room
- impact on local residents
- impact on public safety
- not a suitable site
- the site is at risk of flooding.

Two responses have been received in support of the application, making the following comments:

- it fulfils the obligation of North Lincolnshire Council to provide sites for Traveller communities
- misinformed public comments
- disappointed in the response from Winteringham Parish Council
- one-sided comments
- not a good example of democracy
- need provision for legal places to stop
- it is a small area of unproductive land
- no negative impact on the natural environment
- we should be supporting tolerance, diversity and inclusivity.

ASSESSMENT

Planning history

- 7/1990/0096: Retain the siting of two caravans: one for residential use and one for storage already in use in connection with an agricultural smallholding – approved 05/04/1990
- PA/2018/170: Planning permission to erect a barn with small annex – approved 09/05/2018
- PA/2003/1190: Outline planning permission for residential development – refused 13/10/2003
- PA/2016/1290: Planning permission to retain a timber cabin, two sheds and a container – approved 14/12/2016

PA/2013/1389: Planning permission to retain an existing temporary building and erect a storage building associated with the growing of Christmas trees – approved 14/02/2014

PA/2016/1295: Planning application to retain two sheds and a greenhouse for agricultural use and associated micro wind turbine – approved 14/12/2016

PA/2016/1346: Planning permission to retain a building and clad with pine, including an extension – approved 29/09/2016.

The application site consists of an area of overgrown vegetation which was previously in agricultural production and is bordered by a line of mature trees and a hedge along its western boundary and the northern boundary with Leys Lane. The site is relatively flat, rectangular in shape and extends to 1,765 square metres in area. It is outside the defined settlement boundary for Winterton, in the open countryside and in flood zone 1. The site has wooden posts demarcating it from the site to the north; these have an open wire fence at a height of approximately 1 metre between them.

Planning permission is sought to change the use of the land for the stationing of a mobile home, a touring caravan pitch and the erection of a utility/day room.

The main issues in the determination of this application are the principle of development (including impact on the character and appearance of the rural landscape and impact on residential amenity) and impact upon highway safety.

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); the suite of documents comprising National Planning Practice Guidance (NPPG) and Planning Policy for Traveller Sites (PPTS).

PPTS Annex 1: Glossary provides the following definitions:

1. For the purposes of this planning policy 'Gypsies and Travellers' means: Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of Travelling Showpeople or circus people travelling together as such.
2. In determining whether persons are 'Gypsies and Travellers' for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:
 - (a) whether they previously led a nomadic habit of life
 - (b) the reasons for ceasing their nomadic habit of life

- (c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.

The application, and its additional supporting statements (consisting of a planning statement and a supporting statement), show the application is made on the basis that this is a site for a Gypsy family which would inherently comply with the above definition. In the event the site is not occupied by persons meeting the definition it would become an enforcement matter. It is worth noting no representations have been received which would seem to challenge the status of the proposed site occupants.

The North Lincolnshire Local Plan is silent on the matter of applications involving the provision of accommodation for Gypsies and Travellers, the relevant policy not having been 'saved'.

Core Strategy policy CS10 identifies a demand for approximately 46 residential Gypsy and Traveller pitches between 2007 and 2016 and a further 10 transit pitches jointly across North and North East Lincolnshire within the same period. The policy goes on to list criteria that were to be used to designate such sites in the General Policies DPD, namely:

- safe and convenient vehicular and pedestrian access to the site, including public transport
- be large enough to provide adequate on-site facilities for parking, storage, play and residential amenity
- should be well located on the highway network
- be in or near to existing settlements with access to local services, including shops, schools and healthcare
- not have an adverse impact on environmental assets such as landscape, historic environment, biodiversity, open space and green infrastructure, and avoid areas shown as at risk of flooding in the Strategic Flood Risk Assessment (SFRA)
- should not be detrimental to amenities of adjacent occupiers
- must be suitable for such accommodation with a realistic likelihood that the site can come forward within the plan period.

It goes on to state that these criteria are also to be used to assess planning applications in advance of the adoption of the Housing and Employment Land Allocations DPD (HELADPD), and that previously developed land, derelict land and land on the edge of urban areas will be considered before any rural sites as with all other types of accommodation.

The General Policies DPD has not been produced and the HELADPD does not provide a Gypsy and Traveller accommodation policy as was anticipated in policy CS10. There is no monitoring evidence or five-year supply evidence regarding whether the 46 pitches were delivered within the plan period or to date. The proposal is to be considered under the criteria in policy CS10.

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. Access would be onto a national speed limit (60mph) road which is straight and relatively flat road in this location with good visibility; however, it is a narrow section of public highway (single-track) with no passing places and in poor condition. It forms a

secondary link road between North Street (B1207) and Ermine Street and has relatively low traffic volumes. There is no room for a vehicle towing a caravan or a light goods vehicle to pull off the highway without overhanging the carriageway and obstructing the public highway. There is no pedestrian footway from the site entrance to the nearest section of highway footpath located 640 metres to the west; in addition, Leys Lane is unlit. The nearest public transport facilities are bus stops on North Street (B1207) approximately 700 metres to the north-west; this is via the 625 metre section of public highway along Leys Lane with no highway footpath, which is unlit. It is accepted that cycling would be an option; however, again, this would be via an unlit, narrow section of public highway (Leys Lane) which is single width with no passing places. In conclusion, it is not considered that safe pedestrian access to the site can be achieved, and any development would be reliant on the use of the car to access local services/amenities and sustainable modes of travel.

The site is located 680 metres to the east of the Winterton settlement boundary. Winterton has a wide range of services and facilities which include both a primary and secondary school, doctor's surgery, petrol filling station, three convenience stores, a post office, two public houses, shops, a village hall, youth centre, hot food takeaways and hairdresser's. Winterton is ranked 6th out of 76 settlements in the North Lincolnshire Settlement Survey 2018 (2019 Revision). The settlements have been scored based on the services and facilities available within each settlement boundary, and a rank attributed based on the overall outcome. Its facilities and services are very good with seven out of seven key facilities and services present. The distances to these services and facilities from the application site are noted as follows:

- Winterton Community Academy (Secondary School) – 0.8 miles or 1,287 metres
- Winterton Junior School – 1 mile or 1,609 metres
- Winterton Infant School – 1.1 miles or 1,770 metres
- Tesco Express – 1.2 miles or 1,931 metres
- Coop Foodstore – 1.2 miles or 1,931 metres (1.3 miles or 2,092 metres by car)
- George Hogg Public House – 1.2 miles or 1,931 metres
- Doctor's surgery – 1.7 miles or 2,735 metres.

Based on the above distances it is considered the prospect of site residents using a non-motorised form of transport to access these local services and amenities is not realistic, particularly given Leys Lane is narrow, without highway footpaths and is unlit. The supporting statement provided by the applicant's agent states the distance to local services supports the assertion the application site is a sustainable location.

The site is in the open countryside, outside the defined settlement boundary for Winterton and policy CS10 requires the site to 'be in or near to existing settlements'. The site is not within Winterton and, whilst it is relatively close to the defined settlement boundary (a distance of 680 metres), it is considered to be located away from services and amenities (including shops, schools and healthcare), where there is a lack of built form (mainly consisting of farmsteads and the occasional bungalow) and no means of pedestrian access (a highway footpath). As such it is not considered to be 'in or near' an existing settlement.

Policy CS10 requires previously developed land, derelict land and land on the edge of urban areas to be considered before any rural sites, as with all other types of accommodation. This policy is consistent with the locational criteria set out in PPTS which advises that 'authorities should very strictly limit new Traveller site development in open countryside that is away from existing settlements or areas allocated for development'. Despite the content of the supporting statement from the applicant, the local planning authority is of the opinion that this site is located away from existing settlements and does not constitute previously developed land as it is an agricultural smallholding.

The site is reasonably well screened by existing trees and hedges along its respective outer boundaries and further plans to introduce landscaping within the site would help screen the proposed caravan and day room, and glimpsed views of the site and its buildings would only be available from the site access along Leys Lane to the north and through seasonal losses in vegetation cover. The plans show the provision of a day room, an area for a touring caravan pitch and for the provision of a mobile home. The level of amenity/service provision and external area is considered to meet the needs of a Traveller and their family in this case.

Whilst landscaping is required to obscure views of the site in the interest of protecting the character and appearance of the open countryside, it is noted that paragraph 26(d) advises against deliberately isolating the occupiers of the site from the rest of the community. It is noted that this specifically relates to hard landscaping. But the intention of this policy is still relevant. The additional landscaping required to protect the character and appearance of the area would also potentially give the appearance of isolating the occupiers of the site. Therefore, whilst it may be possible to condition significant landscaping on site, this could then render the scheme unacceptable in other aspects.

Policy LC7 (Landscape Protection) states, 'Where development is permitted within rural settlements or within the open countryside, special attention will be given to the protection of the scenic quality and distinctive local character of the landscape. Development which does not respect the character of the local landscape will not be permitted.' The site has existing landscaping, as noted in the paragraph above in this report. The site is not of heritage interest nor are there any heritage assets near the site.

The site is, and was prior to development, of low biodiversity value as it was a grass field forming part of a smallholding or allotment, and the peripheral vegetation (which may be of some ecological value for nesting birds and as bat commuting corridors) is shown as being retained on the plans. The site is in flood zone 1 (low risk) which means the proposal avoids areas shown as at risk of flooding in the Strategic Flood Risk Assessment (SFRA). Policy DS14 states, 'The council will require satisfactory provision to be made for the disposal of foul and surface water from new development, either by agreeing details before planning permission is granted, or by imposing conditions on a planning permission.' It is proposed foul drainage would be to package treatment plant, but no further details are provided. Final details can be secured by condition. The use of permeable paving (a layer of gravel on a sub-base of clean hardcore and a base course of crushed aggregate) for the caravan pitches, parking and turning area would intercept rain where it falls, with water passing through the surface voided hardcore. Roof water flow from the caravans and day room/amenity block is considered inconsequential within this site context and does not require further consideration. The lack of objection from the LLFA is noted.

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

site is approximately 62 metres from the front elevation of the nearest residential property to the north-east (known as 2 Leys Lane). The nature of the proposed use in itself, coupled with this separation distance, does not give rise to harm to residential amenity.

The proposal is considered to conflict with Core Strategy policy CS10 in that it fails to provide safe and convenient vehicular and pedestrian access to the site, including public transport, and is not in or near to existing settlements with access to local services, including shops, schools and healthcare. The proposed development, when taking into account the level of accommodation proposed, is not considered to place undue pressure on the local infrastructure.

The Gypsy and Traveller Accommodation Assessment' dated October 2021 (GTAA) is relevant. This identifies, in Appendix D, a total of 34 authorised and 8 unauthorised pitches within North Lincolnshire; and a need for 17 pitches between 2021–2038 and, for up to 4 pitches for Gypsies whose Gypsy status is currently unknown.

The National Planning Practice Guidance (NPPG) and the Planning Policy for Traveller Sites (PPTS) is relevant. Paragraph 24 of the PPTS states:

'24. Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- (a) the existing level of local provision and need for sites
- (b) the availability (or lack) of alternative accommodation for the applicants
- (c) other personal circumstances of the applicant
- (d) that the locally specific criteria used to guide the allocation of sites in plans, or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- (e) that they should determine applications for sites from any travellers and not just those with local connections.'

The North Lincolnshire Gypsy and Traveller Accommodation Assessment (October 2021) identifies that North Lincolnshire needs to find provision for 17 permanent residential pitches and 0 transit pitches between 2021 and 2038. The GTAA identifies a need for 8 permanent residential pitches between the first five years of the plan. Currently North Lincolnshire has two locations (Brigg and Kirton in Lindsey) providing permitted permanent Gypsy and Travellers facilities, all of which are privately owned.

The council has not allocated any Gypsy and Traveller sites in any adopted or draft local plan.

To ensure delivery the council, in its draft local plan, has to set out a criteria-based policy and work with the market to bring forward sites to meet the identified needs within the plan period. This has shown there is a need of 8 pitches for the first five years.

To meet the requirements of national policy as stated, North Lincolnshire Council's local plan must identify a supply of deliverable sites or sites to meet the housing needs for Gypsy and Travellers within the first five years (2021 to 2026); this equates to 8 pitches and takes account of the unauthorised, tolerated pitches. The NPPF also requires the local plan to identify developable sites or broad locations for years 6 to 10. This requirement has therefore

not been met as the council has not allocated any Gypsy and Traveller sites in the new local plan (which is due to be submitted before the end of this year). In the absence of the council not identifying a five-year supply of pitches and there being an unmet need in the area, the tilted balance in paragraph 11d) of the NPPF is engaged.

Whilst the council may not be able to demonstrate a five-year supply of Gypsy and Traveller sites at this time, this does not automatically result in the requirement to give planning permission without consideration of other matters but to apply a tilted balance. Whilst the need for the Gypsy and Traveller sites may hold a greater weight in the planning balance, the planning balance must be applied, nonetheless.

Planning applications in this area have consistently been considered to fall within the open countryside. Core Strategy policies CS1, CS2 and CS3, policy RD2 of the local plan and the development limit defined in the HELADPD combine to restrict development in the countryside to that which is essential to its functioning and does not name Gypsy and Traveller sites as being a development type that may be acceptable in such locations. There is conflict with the development plan in this regard.

In this regard, when the tilted balance is engaged and the benefits of the scheme put forward by the applicant are taken into account, the local planning authority is of the opinion the application proposals do not constitute sustainable development and thus the application is considered contrary to policies CS1, CS2, CS3 and CS10 (bullet points 1 and 4 in that a safe and convenient pedestrian access to the site cannot be achieved and the site is not in or near to existing settlements with access to local services, including shops, schools and healthcare) of the adopted Core Strategy, and RD2 and guidance in the PPTS which states local planning authorities should strictly limit new Traveller site development in open countryside that is away from existing settlements.

Highway safety

Due to the location of the site outside the defined settlement boundary for Winterton, there is a need to consider whether the use of the land and its position in this rural location is acceptable from a highway and pedestrian safety perspective. The site is afforded good visibility along a straight section of public highway that connects Ermine Street to North Street, and there is sufficient space within the site to provide off-street parking for a minimum of two vehicles, together with space to accommodate a touring caravan and a mobile home. Whilst no comments have been received from Highways, it is considered the existing vehicular access (which gives access to multiple plots on the site) could be utilised for access and egress purposes. There may be instances where access to the site will be required for larger vehicles such as a vehicle towing a touring caravan; this could obstruct the carriageway along Leys Lane but this will be short-term and relatively infrequent.

The main issue is the lack of connectivity to the settlement of Winterton due to the absence of a highway footpath along Leys Lane, which is unlit. There is no alternative pedestrian access to Winterton by way of a public footpath and as such it is considered the proposed development does not promote sustainable modes of travel; and the location of the site along this rural lane is not conducive to promoting safe and secure travel for pedestrians.

Conclusion

The application has been submitted on the basis it is for a Gypsy family. Planning policy conflict arises because the proposed development does not have a safe and convenient

pedestrian access to the site, including by public transport; it is not located in or near to an existing settlement with access to local services, including shops, schools and healthcare; and is in open countryside, away from existing settlements, where local planning authorities should strictly limit new Traveller site development. This conflicts with the PPTS and Core Strategy policy CS10. The proposal is not named as a type of acceptable development in the countryside contrary to policies CS2, CS3 and RD2 and the development proposals do not constitute sustainable development. This is the case in this instance and this weighs against the proposal when the tilted balance is engaged. In conclusion, it is considered the balance of harm and benefits falls in favour of planning permission being refused.

RECOMMENDATION Refuse permission for the following reasons:

1.

The proposed development is in the open countryside, away from a settlement, in an unsustainable location. In addition, the site does not provide for a safe and convenient pedestrian access to the site, is not located in or near an existing settlement with access to local services, including shops, schools and healthcare, and the local planning authority should strictly limit new Traveller site development in open countryside that is away from existing settlements. The proposal is contrary to policies CS1, CS2, CS3 and CS10 of the Core Strategy, policy RD2 of the North Lincolnshire Local Plan, and the Planning Policy for Traveller Sites (PPTS).

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.

Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention Rights.

3.

Equality Act 2010

It is considered that a decision made in accordance with this recommendation would not result in any breach of Rights under the Equality Act and fulfils the council's duties and obligations accordingly.



Page 217

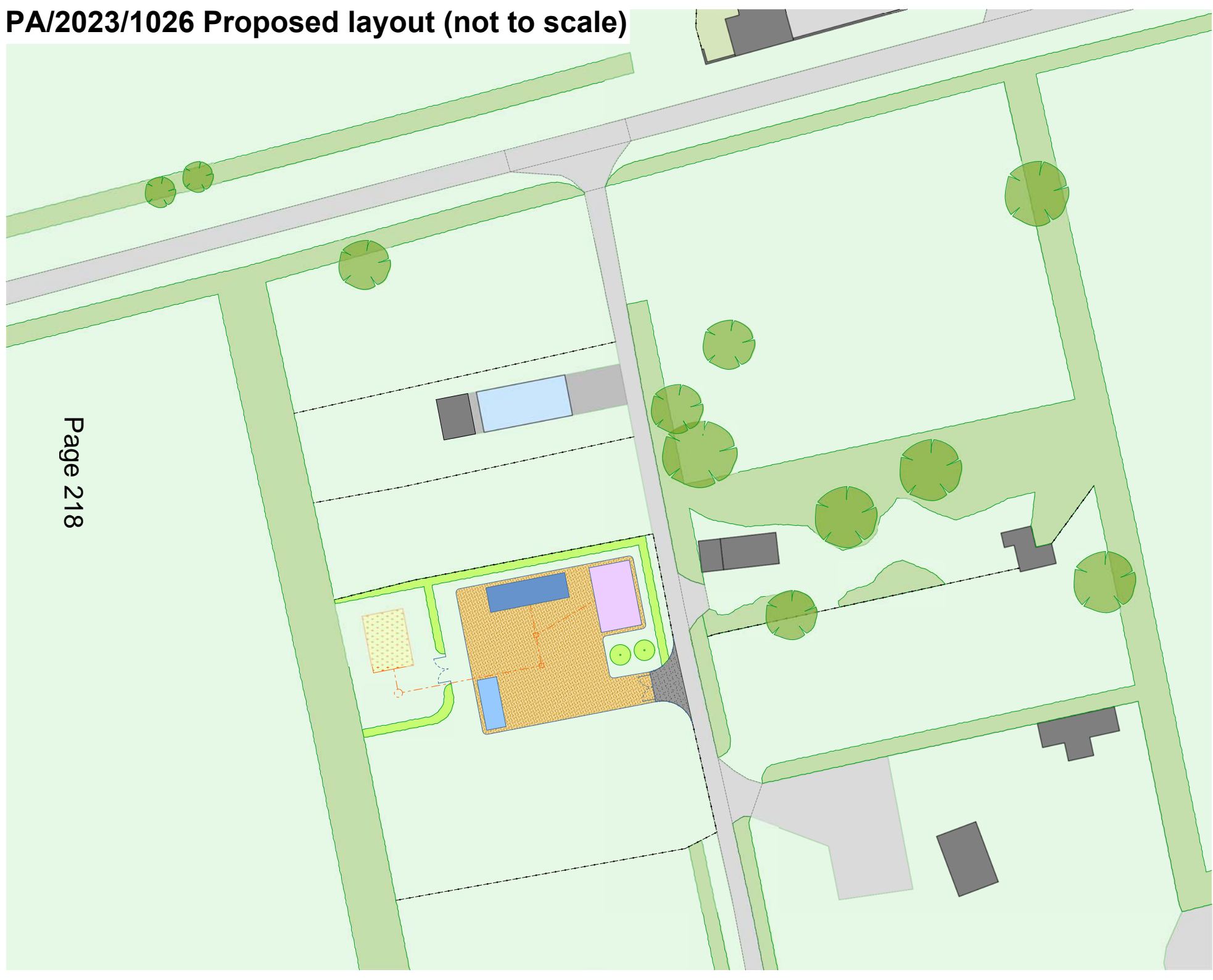
LEYS LANE

Track

**North
Lincolnshire
Council**

PA/2023/1026

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- ### Site Plan Key/Legend
- Residential gardens
 - Grassed area
 - Existing buildings/structures
 - Existing caravan
 - Existing hardstanding
 - Existing hedgerow
 - Existing trees
 - Existing Watercourse
 - Existing post & rail timber fence
 - Existing close boarded timber fence
 - Existing gate
 - Proposed mobile home
 - Proposed touring caravan
 - Proposed utility/day room
 - Proposed loose bound permeable hardstanding
 - Proposed tarmac/asphalt surface
 - Proposed native hedge & tree planting
 - Proposed soakaway
 - Proposed foul drainage
 - Proposed package treatment plant
 - Proposed inspection chamber
 - Proposed trees

Issue ID	Initial Transmittal	Issue Name	Current Revision	Initials	Date
P01			P01	EG	18/05/2023

Do not scale from this drawing except for planning application purposes. The contractor is to check all site dimensions, levels and sewer inverts before works commence. This drawing must be checked and not against any structural or specialist consultant drawings. The contractor is to comply in all respects with the current Building Regulations and BS Codes of Practice whether or not specifically stated on these drawings. This drawing is not intended to show details of foundations, ground conditions or ground contaminants and confirmation and/or investigation is to be carried out by suitable experts. This drawing and the building work/designs depicted are the copyright of Green Planning Studio Ltd and are not to be reproduced in any form or by any means without the written consent of Green Planning Studio Ltd.
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Client
John Ward

Project
23_1277 Plot 3 & 4 Leys Lane - Land Use

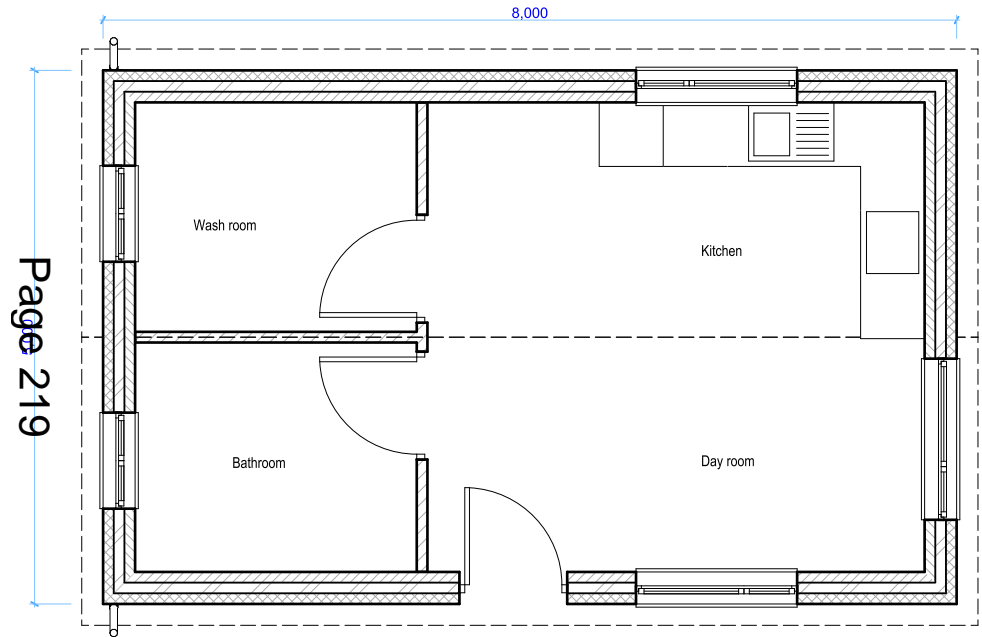
Plots 3 & 4,
 Leys Lane,
 Wilminton,
 Southroppe,
 DN15 9QT

Drawing Title Proposed Site Plan		Scale @A1 1:200	Date 18/05/2023	Drawn EG
Case No 23_1277				Status Initial Status
Dwg No 003				Rev P01

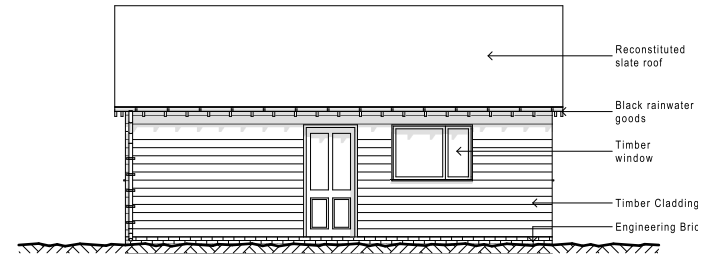
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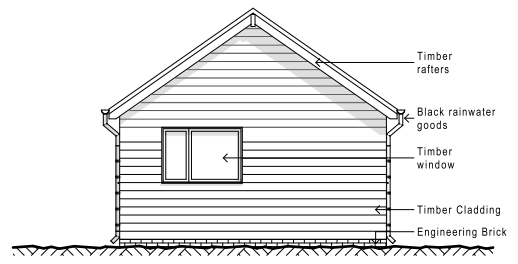
RIBA
 Chartered Practitioner



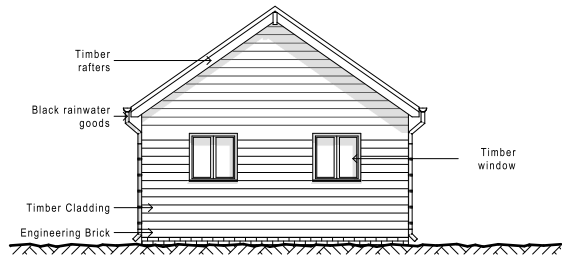
1:50 Utility/Day Room - Indicative internal layout



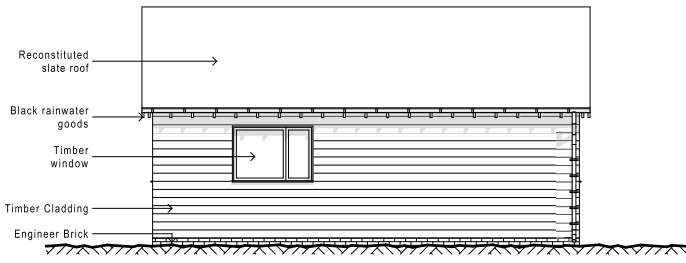
1:100 South Elevation



1:100 East Elevation



1:100 West Elevation



1:100 North Elevation

Issue ID	Issue Name	Current Revision	Initials	Date
P01	Initial Transmittal	P01	EG	18/05/2023

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Client
John Ward
Project
23_1277 Plot 3 & 4 Leys Lane - Land Use
Plots 3 & 4,
Leys Lane,
Winterston,
Southwicks,
DN15 9QT

Drawing Title		Proposed Dayroom - Plans and Elevations	
Scale @A3	Date	Drawn	EG
1:50, 1:100	18/05/2023		
Case No	Status	Initial	Status
23_1277			
Dwg No	Rev	Rev	P01
005			
ISO 10650 No: 23_1277-GPS-ZZ-ZZ-DR-A-005			

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APPLICATION NO	PA/2023/1059
APPLICANT	Paul Jones
DEVELOPMENT	Planning permission to site a shipping container
LOCATION	Netherholme, 53 Brethergate, Westwoodside, Haxey, DN9 2AA
PARISH	HAXEY
WARD	Axholme South
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Haxey Parish Council Member 'call in' (Cllr Judy Kennedy – large industrial building on the land, the area will turn into a brownfield site, no clear justification has been put forward and contrary to planning policy)

POLICIES

National Planning Policy Framework:

- 12 Achieving well-designed places
- 16 Conserving and enhancing the historic environment

North Lincolnshire Local Plan:

- RD2 Development in the open countryside
- DS1 General requirements
- LC14 Area of special historic landscape interest

North Lincolnshire Core Strategy:

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

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

Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until early 2024.

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

SS1 Presumption in favour of sustainable development

SS2 A spatial strategy for North Lincolnshire

SS3 Development principles

SS11 Development limits

HE1 Conserving and enhancing the historic environment

CONSULTATIONS

Highways: No objection or comments.

LLFA Drainage: No objection or comments.

Archaeology: This proposal does not adversely affect any heritage assets of archaeological interest or their settings. The site is within the Area of Special Historic Landscape Interest of the Isle of Axholme (local plan policy LC14).

The nature, scale and use of the shipping container are such that I do not consider this proposal adversely affects the character of the landscape heritage asset or its setting at this location. No objection subject to standard conditions removing permitted development rights to avoid the unregulated extension of the built environment into the protected historic landscape area.

Environmental Protection: No objection or comments.

PARISH COUNCIL

Objects on the following grounds:

- unsure over the proposed use of the storage container
- the application does not stipulate whether it is for private or commercial use
- if it is for private use its size does not substantiate the number of animals on the land
- if for commercial use it may increase traffic
- noise and dust
- question whether it is policy compliant
- access to the site is not suitable.

PUBLICITY

Site notices have been displayed. Seven responses have been received objecting to the application and raising similar issues to the parish council together with the following:

- there is an ongoing appeal on the site
- no change of use of the land has been applied for
- the applicant has turned the area into a 'dumping ground'
- infestation of rats and vermin
- the storage container is excessive in size and its requirements
- object to its siting
- it would support a significant amount of livestock
- the container is out of keeping with the character and appearance of the historic landscape.

One response has been received in support of the application.

ASSESSMENT

Planning history

PA/2021/1188: Outline planning permission to erect 9 dwellings – pending

PA/2022/1101: Outline planning permission to erect 5 dwellings – refused 02/12/2022

Planning permission is sought to retain a metal storage container to the rear of 51a Brethergate. The application site consists of an area of land to the rear of the applicant's dwelling which is located to the south-east. The area is somewhat mixed in appearance with it seemingly used for the incidental parking of vehicles: it contains sheds, a polytunnel, building materials, tools and garden equipment, with an area laid to loose stone. Essentially, the land is used as a smallholding with a number of sheds and some animals on the land. The land is outside the defined settlement boundary for Westwoodside and the land to the north is laid to grass. The whole site is within the Isle of Axholme Area of Special Historic Landscape Interest and there are residential properties and a doctor's surgery to the east.

The main issues in the determination of this application are the principle of development, impact on the historic landscape and upon residential amenity.

Principle

Planning permission is sought to retain a metal storage container in connection with the use of the land as a smallholding. There is no planning history attributed to the wider application site marked in blue, but part of the land is used as a smallholding (with some animals on the land). The remainder of the land to the north is grassland with trees along the boundaries. Following a request from the case officer, the applicant has provided further information to substantiate the retention of the storage container in this location. The supporting statement

highlights it is to be used to store machinery and tools for the maintenance of the land, and to provide a more robust solution for the storage of animal feed and bedding, preventing vermin so that animal feed/bedding can be stored in bulk.

It is worth noting the local planning authority is only considering the retention of the storage container and its relationship to the use of the land, not any matters relating to the planning appeal for dwellings, the use of the land surrounding the container or whether the applicant has attempted to encroach into the countryside to extend their garden. The size of the storage container and the number of animals the applicant has is noted (in relation to proportionality) but the storage container does offer a more robust and secure method of storing animal feed/bedding, machinery and other maintenance equipment and would help prevent vermin. It would also offer additional space if the applicant were to purchase bedding/feed in bulk should they increase the number of livestock they currently have on the surrounding land (the intentions of which are set out in the applicant's supporting information). It may also transpire that the applicant does not require as many outbuildings or structures on the land as the retention of the storage container would displace their requirement.

The supporting information provided by the applicant demonstrates the storage container is to be used in connection with the use and maintenance of the land (namely a smallholding and grassland/trees) and that a commercial use has not been established. To ensure the storage container is used for the purposes associated with the land and for the avoidance of doubt, a condition is recommended that it is only used for the purposes set out in the supporting information received from the applicant. Should permission be granted, an informative is also included highlighting to the applicant that the grant of planning permission does not give permission for the garden to be extended.

The retention of the storage container on land to the rear of the applicant's property is considered to comply with policies RD2 of the North Lincolnshire Local Plan and CS3 of the adopted Core Strategy in that it is to be used for purposes related to agriculture.

Historic landscape

As noted in the consultation response from the council's archaeologist, the storage container is located on land beyond the applicant's rear garden, within the Area of Special Historic Landscape Interest on the Isle of Axholme (policy LC14 of the North Lincolnshire Local Plan). This is an area which is designated for its significant areas of medieval open strip fields and turbaries, both of which are of considerable national importance.

It is worth noting the storage container is to be retained on a section of land where a previous building once stood, thought to be a piggery. The storage container measures 6.1 metres x 2.44 metres with a height of 2.59 metres and is not considered to constitute a large, bulky, industrial structure on the land.

Within this area (the historic landscape) 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. In this case the siting and scale of the storage container is not considered to be at odds with the thrust of the policy as it does not form an alien or discordant feature in the historic landscape – it has been sited close to the rear of residential gardens (and not in the middle of the field to the north for example) and on the site of a former piggery. The storage container is not highly visible in the landscape, being screened by existing properties and sited 70 metres from the public highway to the south. In the wider area it is screened by existing trees along its northern, eastern and western boundaries and

is only accessible via the driveway which provides further screening with a fence and gate across the track 52 metres from Brethergate (B1396) to the south. The council's archaeologist has stated the nature, scale and use of the shipping container is such that it is not considered to adversely affect the character of the landscape heritage asset or its setting at this location.

To ensure greater visual assimilation into the rural landscape a condition is recommended that the storage container is painted a dark green colour, which the applicant has acknowledged they are prepared to do. In conclusion, it is considered that the retention of the storage container in this location does not form a highly visible or discordant form of development in the rural landscape and will not adversely affect the character, appearance or setting of the LC14 historic landscape.

Residential amenity

A number of objections have been received highlighting issues relating to the use of the land and whether a change of use has been made in that regard. The local planning authority can only assess the nature of what is being applied for, in this case the storage container and whether its retention has an impact on residential amenity. The container is sited 31 metres from the rear elevation of 51a Brethergate and, given the stated use of the container, it is not considered to result in loss of residential amenity through the effects of odour or noise, or through having an overbearing impact.

Some objectors have highlighted issues relating to the initial delivery of the container by an HGV and the inadequacy of the access, together with potential blocking of the access. The applicant would be able to accept bulk deliveries (such as animal feed/bedding) at the roadside, which could then be transported to the container via the driveway; this would negate any HGVs or large delivery vehicles attempting to access the driveway in future.

In conclusion, the retention of the storage container to the north-west of the applicant's property is not considered to result in loss of residential amenity and as such it is considered to comply with policy DS1 of the North Lincolnshire Local Plan.

Conclusion

In conclusion, it is considered the applicant has satisfactorily demonstrated to the local planning authority that the storage container is not to be retained for any commercial use on the land and that it will be used in connection with the smallholding and maintenance of the grassland. In addition, the retention of the storage container in this location is not considered to constitute development which is out of keeping with the character and appearance of the rural landscape and will not adversely affect the character, appearance and setting of the historic landscape in this case. Finally, the use and siting of the storage container is not considered to result in loss of residential amenity through the effects of noise, odour or having an overbearing impact. The application is therefore considered to comply with policies DS1, RD2 and LC14 of the North Lincolnshire Local Plan, and CS3, CS5 and CS6 of the adopted Core Strategy, and is recommended for approval.

RECOMMENDATION Grant permission subject to the following conditions:

1. The metal storage container hereby permitted shall only be used in connection with the purposes set out in the supporting email from the applicant dated 18 October 2023 (strictly for the storage of animal feed/bedding and for equipment in connection with maintenance of the grassland) and not for any domestic storage, commercial or business use at any time.

Reason

To define the terms of the permission, for the avoidance of doubt and to ensure the container is used for the purposes set out in the supporting information.

2.

Within 3 months of the date of this permission, the metal storage container hereby permitted shall be painted in a dark green colour and once it has been painted, it shall thereafter be retained in that colour.

Reason

To define the terms of the permission, in the interests of visual amenity and taking into account the location of the container within the rural and historic landscape.

Informatives

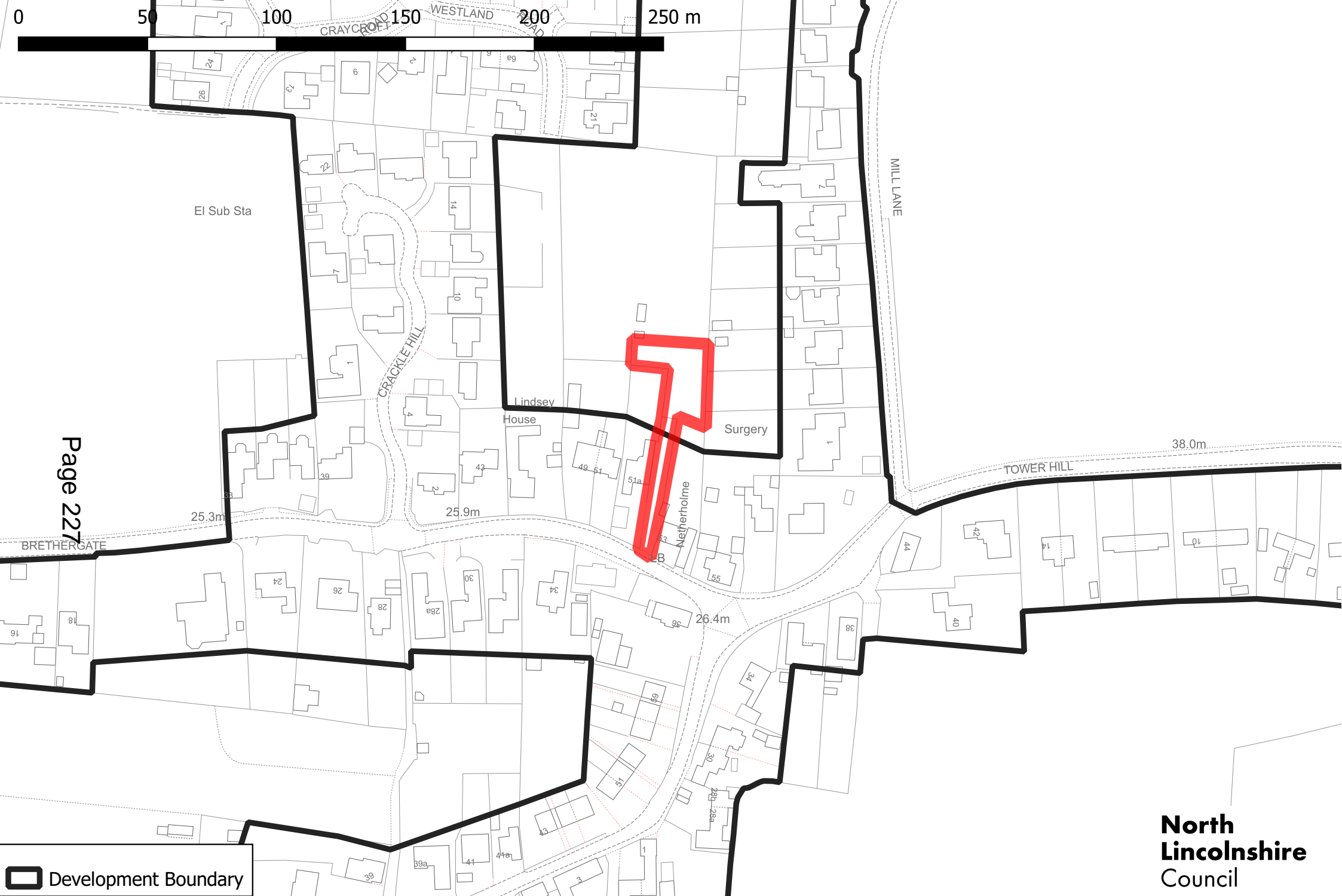
1.

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 granting of planning permission for the storage container does not grant any planning permission for the extension of the applicant's garden into the land marked in red on drawing DRWG/PA/2023/1059/01.

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Page 227

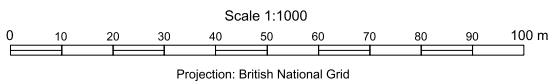
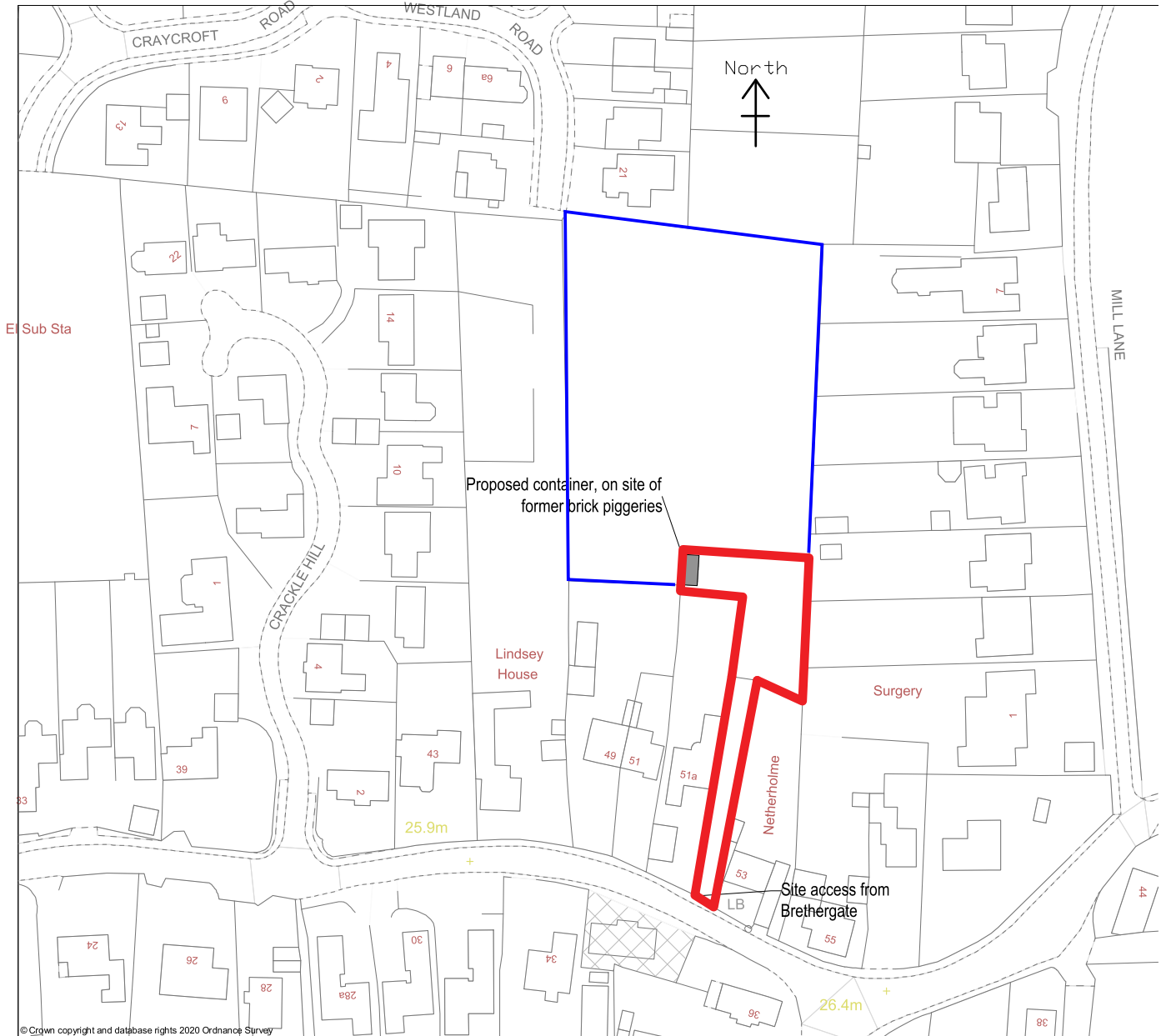
 Development Boundary

**North
Lincolnshire
Council**

PA/2023/1059

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DRWG/PA/2023/1059/01



APPLICATION NO	PA/2023/1146
APPLICANT	Mr & Mrs Richards
DEVELOPMENT	Planning permission to erect two dwellings
LOCATION	Land south of Church Street, Elsham, DN20 0RG
PARISH	ELSHAM
WARD	Brigg and Wolds
CASE OFFICER	Jennifer Ashworth
SUMMARY RECOMMENDATION	Refuse
REASONS FOR REFERENCE TO COMMITTEE	Departure from the development plan Third party request to address the committee

POLICIES

National Planning Policy Framework:

2 Achieving sustainable development

4 Decision-making

5 Delivering a sufficient supply of homes

9 Promoting sustainable transport

11 Making effective use of land

12 Achieving well-designed places

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

16 Conserving and enhancing the historic environment

North Lincolnshire Local Plan:

RD2 Development within the open countryside

H5 New housing development (part saved)

H7 Backland and tandem development

H8 Housing design and housing mix

DS1 General requirements

DS3 Planning out crime

DS14 Foul sewage and surface water drainage

DS16 Flood risk

T1 Location of development

T2 Access to development

T19 Car parking provision and standards and Appendix 2

LC5 Species protection

LC7 Landscape protection

LC12 Protection of trees, woodland and hedgerows

North Lincolnshire Core Strategy:

CS1 Spatial strategy for North Lincolnshire

CS2 Delivering more sustainable development

CS3 Development limits

CS5 Delivering quality design in North Lincolnshire

CS7 Overall housing provision

CS8 Spatial distribution of housing sites

CS17 Biodiversity

CS19 Flood risk

CS25 Promoting sustainable transport

Housing and Employment Land Allocations DPD:

Part of the site (proposed dwelling 1 – northern part of the site) is within the development limits for Elsham. The remaining part of the site (proposed dwelling 2 – southern part of the site) lies outside the development limits of Elsham, within the open countryside as shown on the Proposals Map.

Supplementary Planning Guidance:

SPG3 Design in the countryside

SPG Landscape character assessment and guidelines

SPG Trees and development

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

Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until early 2024.

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

The site is identified as being outside the development limits for Elsham, within the open countryside and is identified as an area of high landscape value within the emerging plan.

SS1 Presumption in favour of sustainable development

SS2 A spatial strategy for North Lincolnshire

SS3 Development principles

SS11 Development limits

DM1 General requirements

RD1 Supporting sustainable development in the countryside

DQE1 Protection of landscape, townscape and views

CONSULTATIONS

Highways: No objections subject to conditions and an informative.

LLFA Drainage: Object. The application proposes a fixed layout, and the southern plot is positioned in very close proximity to a critical (riparian) watercourse feature for the village of Elsham. It also fails to recognise that the development is within a prominent area susceptible to springs/groundwater. To overcome our objection the developer must provide:

- a condition survey of the watercourse, including upstream and downstream of the proposed development; it must also confirm adoption and maintenance responsibilities of this critical feature on completion of the development;
- a method statement for excavation works carried out within the vicinity of a chalk cutting and springs and the required mitigation works.

We await clarification on the above matter before commenting further.

Tree officer: Initially commented that there are a number of large and mature trees on and adjacent to the site; however, no arboricultural report has been submitted to BS5837:2012 to show that proper consideration has been given to the location, size, species, condition, shadowing and root protection area required around them to ensure that any trees worthy of retention are given sufficient space to continue to grow and thrive in this location.

A request for such an arboricultural survey was therefore made to allow these trees to be properly considered prior to determination of this application.

The applicant provided additional information which was reviewed by the tree officer; however, further information was still required:

'The development [developers] need to indicate their methods and locations for any fencing to prevent incursion into the root protection areas. BS5837 gives clear information about the requirements in that respect.'

Archaeology: The HER team have reviewed the application and comment that the applicant has undertaken an archaeological assessment, including field evaluation comprising excavation of sample trial trenches. Archaeological features are present across much of the site that may evidence activity associated with the medieval hospital and priory documented at Elsham. Other features and pottery of late Roman date indicate a settlement in the immediate area. Mitigation to offset the harm resulting from the proposed development will be required in the form of pre-construction archaeological excavation and recording within the construction footprint.

A written scheme of investigation (WSI) detailing the archaeological work to be undertaken should be submitted and approved **prior to determination** of the planning application. The HER advises a **holding objection** until this information is submitted. Following receipt of a satisfactory WSI, planning conditions would be recommended to secure the implementation of the agreed programme of works.

Conservation: No objection.

Environmental Protection: No objection subject to a pre-commencement condition to address the potential for contamination at the site.

PARISH COUNCIL

Objects, raising the following concerns:

- The development is outside the development boundary contrary to policies CS2, CS3 and CS8 of the Core Strategy, and RD2 of the local plan, and is identified as an area of high landscape value.
- There is no justification for a second property on this site. Elsham has available properties for sale. The village has very limited services and facilities and requires private transport to access local amenities.
- The Dutch barn design is not in keeping with the character of this area. The design does not meet policy CS5 and is not informed by the surrounding context.
- The Design and Access Statement says that the designs respond to the rural context of the area around Elsham – but not in Elsham itself. There is no history of a barn there, and this is not a converted brick barn of the type that exists more commonly locally, but a timber-clad and metal construction that has no relevance to the rest of the street.
- The Design and Access Statement mistakenly states, 'The new properties have been designed to follow the scale of adjacent agricultural buildings' – there are no adjacent agricultural buildings, only residential.

PUBLICITY

Site notices have been displayed around the site in four separate locations on two separate occasions: once when the application was received, and again following the receipt of additional information.

Twenty responses have been received, together with a request for the application to be determined by the planning committee to allow the third party to speak at the meeting.

Three responses were received in support of the application making the following comments:

- Off-street parking is a concern but this could be designed out by a small change to the proposals.
- The design is different but not an issue.
- More housing is needed within the village.
- The design will add some progressive architectural richness to the village; they have done their research and the barns reflect a Dutch barn in keeping and used in Lincolnshire, and a common sight. Do consider there will be drainage issues to be resolved.
- No objection to a house being built on the land...it would benefit, and add even more safety to our own property, and one or two other properties, as access via the back would more difficult, but we really do not want to have a house built which will be out of keeping with the village.

Seventeen responses have been received objecting to the application:

- The development is outside the development limits.
- The development is for two dwellings not one initially planned on the site.
- The development, if allowed, would set a dangerous precedent for further development along that strip of land, and once lost it would not be regained.
- The stream running into the plot raises the risk of flooding. There is also multiple natural springs in the area.
- There is the potential to interfere with the riparian watercourse that runs at the back of this plot.
- As regards the watercourse, the development is very near to this critical stream. The plans state that the water will drain by soakaway, but if this land is used for building then there is less land for the water to soakaway into and therefore the water will have to find other places to disperse. It is easy for this watercourse to become blocked.
- Any application affecting this land should include a drainage report. Measures need to be in place to protect existing residents and their gardens.
- There is insufficient parking leading to safety issues in the wider village, especially on Malkiln Lane.
- There is no footpath on Malkiln Lane, reducing pedestrian safety.
- Social media suggests the rear barn/dwelling has been advertised for a 'reflective days' business which will increase vehicle movements to the site leading to more traffic and parking issues.

- This is a very narrow road with no footpaths and therefore any further parking required would lead to cars parking further down the road towards the bend where Church Street joins with Maltkiln Lane, leaving pedestrians and children having to walk further into the road and cars having to travel further on the wrong side of the road.
- The front building will lead to issues of overlooking/overshadowing/loss of light of the nursing home it overlooks.
- It is understood there were covenants on the site to prevent building.
- Wildlife and natural habitat would be destroyed. There are mature trees on the plot and a significant amount of wildlife.
- There are also many mature trees and shrubs on this site which provide natural habitat for wildlife, help soak up the water and provide privacy to our home. We do not wish any of the trees or bushes down the boundary line to be altered in any way. If lost this would result in loss of privacy.
- It is an area of high landscape value and has a main watercourse running through it. It is a valuable area and corridor for wildlife - deer, pheasants, hedgehogs, ducks and birds to name but a few. If development is allowed it will set a precedent that will encourage further development in this area of the village and also go against the policies of the council.
- The building style is not in keeping with the village.
- A redesign is required – a reduction in height and more conventional roof design; the dwellings proposed are huge.
- Dutch-style barns are not in keeping with this village location; buildings tend to be more traditional in style. The proposed properties are more in keeping with agricultural buildings, of which there are none in the village.
- If the applicant wants a Dutch barn there is already one on the market with Strike Estate Agents. It is less than two miles away, with full planning permission to convert it to a five-bedroom house. It looks remarkably similar to Priory Barn. It is on Middlegate Lane near Worlaby, set in open fields where it looks right, rather than in the middle of a village where it certainly doesn't.
- The roofing style does not reflect the area and is more akin to a farming community.
- The nearest actual Dutch barn that we are aware of is on Middlegate Lane above Worlaby, 2 miles away and in open countryside.
- The proposed Mulberry Barn, being adjacent to Church Street, would look out of place in the streetscape, especially the roof structure which is more suited to an industrial building. The domed roof shape is also totally incongruous; all other buildings on the street have angular roofs.
- The proposed size of Priory Barn is excessive. It is equal in size to seven of the bungalows on Astley Corner and would totally dominate their rear views. It would also dwarf the cottages at 2 and 4 Church Street.

- The proposed site of Mulberry Barn is a relatively narrow plot/entrance to begin with. To confine it further by the requirement for an access drive to the proposed Priory Barn is unnecessary. Siting a building on the other side of the plot, away from 4 Church Street would prevent that dwelling from being completely overshadowed and give a more pleasing streetscape (with amended roofing).
- There are no large agricultural buildings within the village.
- There is a lack of services in Elsham: no shop, pub, school or doctor's, and no public transport.
- If this property is for a family, it must be fully understood from any family's point of view, that there are no facilities which do not require car travel: no shop, school or pub, and limited bus services etc. If you need to get food, take any children on out-of-school activities, or generally need to get to work, you will need to travel by car, which will also put pressure on our narrow village roads.
- There is already a high usage of cars in the village due to the lack of available facilities/amenities.
- Due to two large properties being proposed, there would be a risk of noise pollution.

ASSESSMENT

Planning history/designations

Land within the development limits:

PA/2020/874: Planning permission to erect a dwelling with integral garage including improved vehicle access and landscaping – approved 19/08/2020

PA/2021/1121: Planning permission to vary condition 2 of approved application PA/2020/874 (amended drawings to reflect amendments to proposed dwelling) - approved 18/11/2021

Wider site: No planning history.

The site is within SFRA flood zone 1.

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

The grade II* listed building Church of All Saints is located east of the site off Church Street, some 150m from the site.

Site characteristics/proposal

The site is located to the south of Church Street and comprises an area of private grassland; the boundaries include hedges, trees and other vegetation. To the north are residential properties including an existing nursing home (Home Farm Residential Home), which is immediately adjacent to the entrance to the site.

The northern part of the site is within the development limits for Elsham and sits between 4 and 14 Church Street. 4 Church Street is a semi-detached property and the land sits lower than the application site. 14 Church Street is a detached two-storey dwelling situated within large grounds.

The southern part of the site is outside the development limits and is bounded on three sides by residential development within the northern part of the site, the rear gardens of 2 and 4 Church Street forming the northern boundary, properties off Maltkiln Lane forming the western boundary and 2 Dunns Paddock the southern boundary.

The northern part of the site benefits from planning permission for a single dwelling, albeit the permission has now lapsed.

This current application seeks permission for the development of two large detached Dutch barn style residential properties with associated garages and private amenity space.

The site, in part, is outside the development limits for Elsham and is therefore within the open countryside. The emerging local plan, whilst only limited weight can be attached, follows the same development limits in this location, keeping the boundary line tight with existing development. Changes to the development boundary are proposed to the southern part of Elsham, however this does not impact this site.

The following considerations are relevant to this proposal:

- **principle of development**
- **archaeology/conservation**
- **appearance/quality of design**
- **residential amenity**
- **flood risk and drainage**
- **highway safety.**

Principle of development

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

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

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

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 outside the defined development limit for Elsham.

Policy CS8 strictly limits housing development in rural settlements in the countryside and in the open countryside outside development limits (the proposal site). Consideration will be given to development which relates to agriculture, forestry or to meet a special need associated with the countryside. All 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 CS2 and CS3 referenced above).

Whilst part of the site is within the development limits, a larger part of the site is within the open countryside. There is, therefore, a development plan presumption against housing development in this location. The proposal is not in overall accordance with the development plan, and so the starting point would be to refuse unless other material considerations indicate otherwise. It is also acknowledged that the council can currently demonstrate an up-to-date five-year housing land supply (6 years and 10 months) as identified within the North Lincolnshire Council Five Year Housing Land Supply Statement, issued in August 2023. Therefore, full weight can be attributed to the local plan and local development framework policies. The council's position is that the 'tilted balance' set out in paragraph 11(d) of the NPPF is not engaged in relation to this development.

Notwithstanding the above, the sustainability of the development is considered an important consideration and housing figures should not be considered as a ceiling figure; where sites are found to be suitable, they can and should come forward for development.

A recent planning appeal (APP/Y2003/W/23/3315141) at 32 Church Street, Elsham, some 300m from the site, was dismissed, the inspector considering that the site would not represent sustainable development in terms of the spatial strategy of the development plan and in terms of accessibility to services and facilities. The same conclusion was drawn by an inspector for the same site at an earlier appeal (APP/Y2003/W/21/3284175), stating that the proposal 'would not constitute a suitable location for the scheme and results in harm in achieving the planned distribution of development across the area with regard to access to services and facilities.'

Previous appeals on land close to the site judged that development in this location would have poor accessibility for residents to access the necessary services and facilities, which

would necessitate a greater reliance upon less sustainable forms of travel, making this an unsustainable location for the proposal.

The application is for the development of two dwellings; it is therefore considered that the limited economic benefits associated with the development and the limited contribution it would bring to the housing land supply are not sufficient enough to outweigh the harm in relation to the suitability of the site in relation to development within the open countryside or the poor/limited access to services and facilities and the over-reliance on the private car.

It is for this reason that the proposal is considered contrary to policies RD2 and H5 of the local plan and CS1, CS2, CS3 and CS8 of the Core Strategy, as well as the NPPF, in particular paragraph 79 and that the overall harm would outweigh the limited benefits.

Archaeology/conservation

The applicant undertook archaeological field evaluation in late July 2023. The evaluation comprised the excavation of sample trial trenches to identify and assess the potential for the site to contain archaeological remains and what further measures may be appropriate to avoid, minimise or otherwise preserve any archaeological evidence. The applicant has submitted an interim archaeological evaluation report, awaiting some specialist reports, as additional information to the planning application.

The results of the field evaluation demonstrate that the application site contains features considered to be of potential regional significance that are capable of contributing archaeological evidence relevant to the East Midlands Historic Environment Research Agenda for the High Medieval period (see <https://researchframeworks.org/emherf/>). In addition, the late Roman remains from the site have evidential value and potential to inform regional research agenda and objectives.

The impact of the groundwork associated with the construction of the two dwellings would be to destroy the archaeological evidence through direct physical impacts, removing the potential for future investigation of the archaeological interest. The damage to irreplaceable archaeological remains amounts to substantial harm to a non-designated heritage asset.

Paragraph 203 of the NPPF directs local planning authorities that in the case of non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The archaeological significance of the application site and the impact of development should therefore inform the determination of this application.

There are no overriding reasons to object to the principle of development on archaeological grounds, but it will be important to ensure that any further archaeological remains are preserved by record to offset the harm of the adverse effects of the development.

A written scheme of investigation (WSI) is still awaited and the HER team recommends a holding objection until this information has been submitted and agreed. Once agreed, and if the planning committee is minded to grant permission, conditions to secure the implementation of the agreed archaeological mitigation strategy and WSI would be necessary.

Given this information was not provided prior to the preparation of this report, it is considered that development is contrary to paragraphs 195, 203 and 205 of the NPPF, Core Strategy policy CS6, and local plan policy HE9, because the applicant has provided inadequate

information to ensure mitigation of damage and to allow the local planning authority to approve an appropriate mitigation strategy.

Conservation

Whilst the site is not within a conservation area, a grade II* listed building is located approximately 150m east of the site. The Conservation Officer has considered the proposal and has no objection. They consider the development will not affect the setting of this listed building. Two other listed buildings are noted by the applicant; however, based on assessment, these will not be impacted by this development.

The Conservation Officer also notes that the pair of estate cottages immediately next to the site sit in a smaller plot than they did historically (p4, heritage statement) which now forms the development proposal plot. It is noted there would be some impact on the setting of these heritage assets.

The cottages themselves are of low to moderate significance, primarily for historic interest. It is the Conservation Officer's view that whilst the proposal will introduce a modern barn-style development into their setting (which is different to the character of the area and the later 20th century development that has taken place in the vicinity), it is not considered to be a harmful impact.

Design/character/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 that it is appropriate for its location and is informed by its surrounding context. Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.' This is reinforced by policies DS1 and CS5 as noted above.

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

The development is contrary to policy RD2 and as such the principle of development is not acceptable. Policy RD2 is clear in that development shall 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.

Whilst the Conservation Officer has assessed the proposals in relation to impact on the listed buildings in the area, as well as neighbouring properties, and does not consider there to be a harmful impact, he does note that the dwellings will introduce a new modern barn-style development into the area.

The planning officer is of the view that the development would result in harm within the open countryside as well as within the street scene when viewed from Church Street and the surrounding properties overlooking the site.

The two dwellings are much larger than existing properties in this location and, whilst that in itself is not a reason for refusal, the land in this area is elevated, making the dwellings more prominent within the landscape.

As mentioned in several comments which have been received, the Dutch barn style dwellings proposed do not reflect the character of development within the development limits of Elsham. The examples provided by the applicant of Dutch barn style dwellings are near Worlaby, Gunness, one labelled 'North Lincolnshire' and one just outside Elsham. The majority of examples provided are isolated barns or within existing farmsteads and not close to the built-up area as proposed. The development is completely at odds with any examples of development within Elsham and would introduce a completely new style of development into a village which is characterised by more traditional buildings. Whilst the development is of a high standard, it is not considered appropriate for a site in this part of Elsham.

Mulberry Barn is proposed adjacent to existing property, 4 Church Street. The development is proposed to run along the full length of the boundary with the neighbouring property. The property is the same height throughout and is considered, by nature of its design, to be bulky. Dutch barns were designed in a simple modular shape and by their nature are large and bulky giving them a massive presence on sites and thus appear dominant within the landscape in which they sit. It is understood that Dutch barns were specifically designed within the UK to store hay and straw. Many do not include sites and their specific use is one of agriculture.

Planning permission was granted in 2020 for a detached dwelling on this part of the site. The property was much larger in size to the proposed Mulberry Barn, but was more traditional in design and therefore more in keeping with the surrounding landscape.

The second dwelling proposed, Priory Barn, is similar in nature to Mulberry Barn but also includes a side extension design creating additional ground-floor space. The bulk of the development and longest elevation will sit adjacent to the boundary with 4 Church Street, albeit set further back. Windows in this elevation will largely serve the landing and en-suite bathroom, as well as the main bathroom, bedroom 2 and the master bedroom.

The NPPF is clear at paragraph 130 that planning policies should ensure that developments 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).

It is therefore considered that the design is incongruous within the area, out of character with the local residential context and distinctiveness of the area, is not consistent with local vernacular and would be more appropriate in an agricultural or farmstead setting. It is therefore considered that the development is contrary to local plan policies RD2, H5, H7 and DS1, and Core Strategy policy CS5.

Residential amenity

Saved policy DS5 of the North Lincolnshire Local Plan (2003) is concerned with residential extensions. It states that planning applications for residential extensions and the erection of garages, outbuildings, walls and other structures will be allowed providing that the proposal does not unreasonably reduce sunlight or daylight, or result in overshadowing, overbearing

impact or loss of privacy to adjacent dwellings. The proposals should also be sympathetic in design, scale and materials to the existing dwelling and its neighbours.

Policy RD2 also states development should not be detrimental to residential amenity or highway safety.

The proposal includes two windows in the west elevation of Mulberry Barn overlooking the adjacent residential property, 4 Church Street. There is potential for overlooking to occur into the neighbouring garden. It is recommended, should permission be granted, that these windows be omitted or obscure glazed. Whilst the property and its garden wraps around the rear garden of 4 Church Street, there are not considered to be any amenity impacts which would warrant refusal of this application.

Priory Barn is set 10m from the boundary with the neighbouring property and a further 10m from the adjacent dwellings themselves. This is considered sufficient distance for first floor to first floor windows. Whilst there will be an element of visibility into gardens, the windows proposed in this elevation serve the en-suite and bathroom, and are small secondary windows serving the master bedroom and bedroom 2. The preference would be to have these windows omitted or to include a condition which requires these windows to be obscure glazed. The large windows serving the first-floor landing also has the potential to lead to overlooking of rear gardens and again should be omitted from this elevation.

No information has been provided in relation to loss of light and overshadowing. The height of Mulberry Barn is similar to the building previously approved on the site and as such is not considered to lead to additional loss of light. Priory Barn is set further back in the site and has the potential to cast a shadow on the southern part of the two adjacent gardens. This information should be provided to make a thorough assessment of overshadowing and loss of light.

The proposal has the potential to lead to overlooking/privacy issues and overshadowing/loss of light. Further information should be provided to address these matters, including a shadow path analysis and addressing windows in the first-floor elevations as highlighted above. At this time further information is required to fully assess the potential amenity impacts. The proposal is therefore contrary to policies DS5 and RD2 of the local plan.

Drainage

The LLFA Drainage team have considered the proposals and object to the proposed development.

The application proposes a fixed layout, and the southern plot is positioned in very close proximity to a critical (riparian) watercourse feature for the village of Elsham. It also fails to recognise that the development is within a prominent area susceptible to springs/groundwater.

To overcome the LLFA Drainage team's objection, the developer must provide:

- a condition survey of the watercourse, including upstream and downstream of the proposed development; it must also confirm adoption and maintenance responsibilities of this critical feature on completion of the development;
- a method statement for excavation works to be carried out within the vicinity of a chalk cutting and springs and the required mitigation works.

The team awaits clarification on the above matters before commenting further.

With these factors in mind, and in the absence of the information being requested, it is considered that the proposal conflicts with local plan policies DS13 and DS14, and Core Strategy policy CS19.

Highway safety

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

The Highways team have considered the proposals and have no objections at this time, and consider the location of the access to be suitable. There are no concerns in terms of highway safety subject to the inclusion of recommended conditions. It is considered that the proposal provides adequate off-road parking for residents and visitors to the site.

With the inclusion of the recommended conditions, it is considered that the proposal is acceptable in highway safety terms in accordance with policy T2.

Trees

The Tree Officer has commented and notes that there are a number of large and mature trees on and adjacent to the site; however, no arboricultural report has been submitted to BS5837:2012 to show that proper consideration has been given to the location, size, species, condition, shadowing and root protection area required around them to ensure that any trees worthy of retention are given sufficient space to continue to grow and thrive in this location.

A request for such an arboricultural survey was made to allow these trees to be properly considered prior to determination of this application. The applicant provided updated information in the form of a site plan which adds the tree protective fencing and arrangements. However, further feedback from the Tree Officer suggested further information was required in relation to the methods being proposed. It is considered that this matter can be dealt with through an appropriately worded condition should the application be recommended for approval.

Conclusion

For the reasons set out in this report, it is not considered that development on the site is suitable at this time and that the principle of development conflicts with the development plan. An assessment of the settlement survey and the inspector's findings of the previous appeal conclude that the site is not in a sustainable location in terms of access to services and facilities. The other benefits of development do not outweigh the conflict with the development plan and the principles of sustainable development. There are also outstanding issues to be resolved on the site in relation to archaeology, drainage, design and amenity.

RECOMMENDATION Refuse permission for the following reasons:

1.

The proposal is within the open countryside and is considered unacceptable in principle. The site is not within a sustainable location, having regard to the spatial strategy for the plan area and considering access to services and facilities. The proposal is therefore contrary to policy

RD2 of the North Lincolnshire Local Plan, policies CS2, CS3 and CS8 of the North Lincolnshire Core Strategy, and the National Planning Policy Framework.

2.

The design of the proposed development is considered incongruous and would conflict with the character of the immediate surrounding area. The design is considered to be more akin to an agricultural or farmstead setting and would result in harm. The proposal is therefore contrary to policies RD2, DS1, H7 and H5 of the North Lincolnshire Local Plan, policy CS5 of the North Lincolnshire Core Strategy, and section 12 of the National Planning Policy Framework.

3.

Insufficient evidence has been provided to demonstrate that the design of the current dwellings would not result in harmful amenity impacts in terms of overlooking, overshadowing, loss of light and impacts on the privacy of neighbouring properties. The provision of a sun path analysis and further information to address windows in elevations overlooking 4 Church Street, as well where the proposed Priory Barn overlooks Mulberry Barn, should be provided to the local planning authority for consideration. As such the proposal is contrary to the provisions of policies DS1, H5 and RD2 of the North Lincolnshire Local Plan, policy CS5 of the North Lincolnshire Core Strategy, and guidance set out in the National Planning Policy Framework and Planning Policy Guidance.

4.

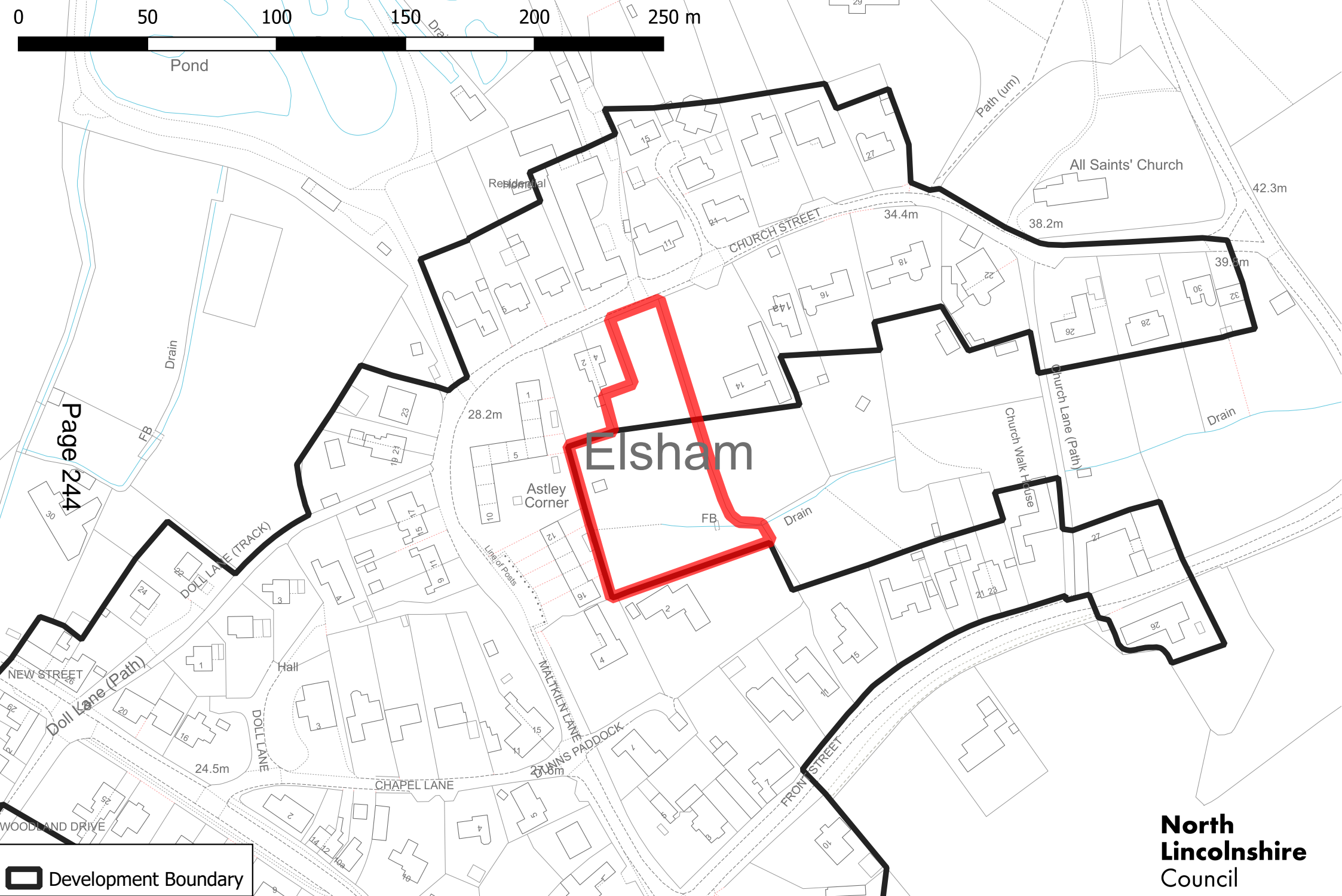
Insufficient information has been provided in relation to archaeology to ensure mitigation of damage and an appropriate mitigation strategy at the site. The Historic Environment Record team requested a written scheme of investigation to be submitted and agreed prior to determination of the application. As such the proposal is contrary to paragraphs 195, 203 and 205 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy and policy HE9 of the North Lincolnshire Local Plan.

5.

Insufficient evidence has been provided to demonstrate that the proposed development would adequately address the drainage requirements for the site. As such the proposal is contrary to the provisions of policies DS13 and DS14 of the North Lincolnshire Local Plan, CS19 of the North Lincolnshire Core Strategy and guidance set out in the National Planning Policy Framework and Planning Policy Guidance.

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.



Elsham

 Development Boundary

PA/2023/1146

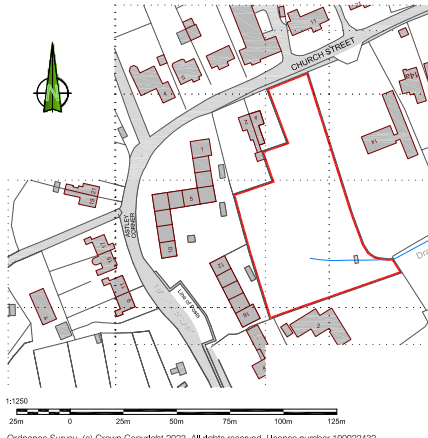
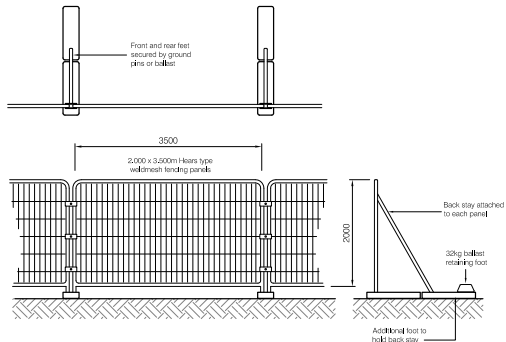
**North
Lincolnshire
Council**

Page 244

PA/2023/1146 Proposed layout (not to scale)

PROTECTIVE FENCING

Fences according to BS: 5837
Trees in relation to construction



Location Plan
scale 1:1250

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 used to be notified to keystone architecture.

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

All materials shall be fixed, applied or related in accordance with the manufacturers written instructions, recommendations and specifications. Violations to specified materials shall be specifically notified with keystone architecture.

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

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PARTY WALL NOTICES

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

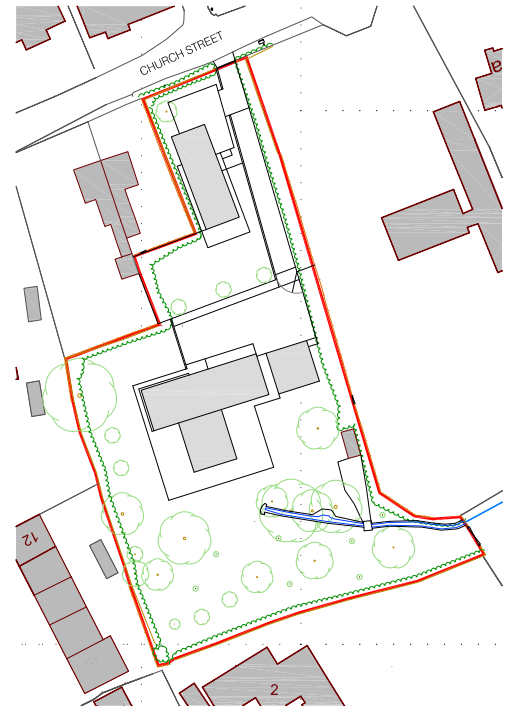
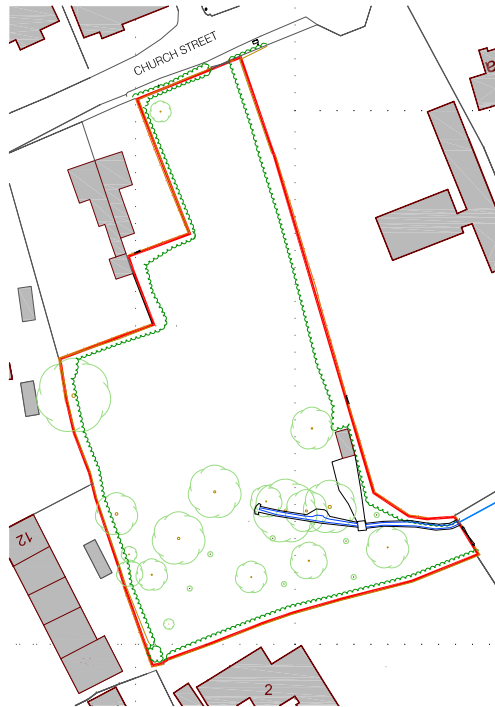
If you plan to build a party wall astride or against the boundary line, you must inform the Adjoining Owner by serving a Notice.

Excavating near neighbouring buildings:

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

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

Page 245



Timescales for Tree Protection:

Tree Protection Fencing:

The protective fencing shall be erected prior to any machine access into the site, to the extent as indicated on the plan, once the trimming back of the existing hedges is complete.

The protective fencing shall remain in situ until all building work has been completed.

All tree protection strictly in accordance with BS:5837.

NOT FOR CONSTRUCTION

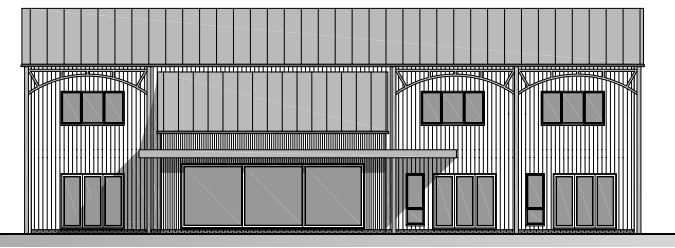
C	Tree Protection Fencing and Schedule A/Part 2	14/08/23
B	Tree Protection Areas A/Part 2	21/07/23
A	Existing F/6 Sewer Added to West of Site	11/07/23
rev	agreement	date
Proposed Development at Land off Church Street, Ebbw Vale, North Llanochter	Site Plans	1656.01 rev C
stage	Planning	June 23
scale	as noted	drawn by JCB

architecture building consultants energy assessors project managers

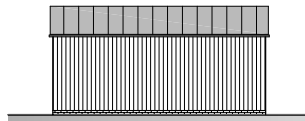
ka keystone architecture

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Tel: 01728 229 122
www.keystonetechnical.co.uk
info@keystonetechnical.co.uk

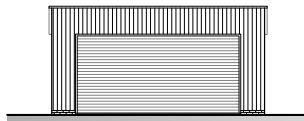
PA/2023/1146 Proposed elevations (Priory Barn) (not to scale)



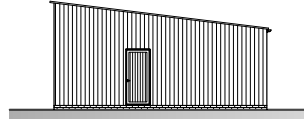
South Elevation



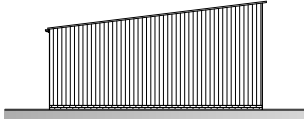
Garage South Elevation



Garage North Elevation



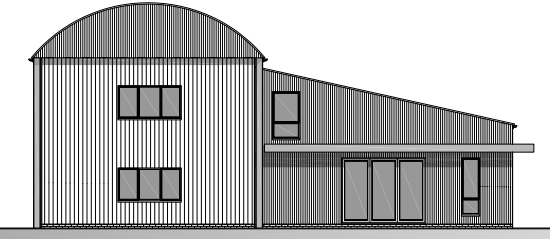
Garage West Elevation



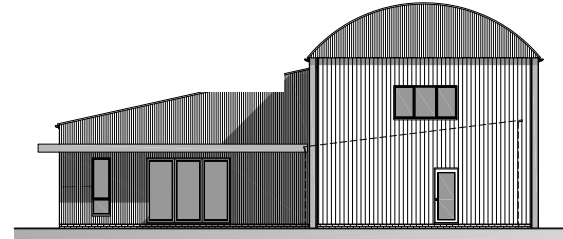
Garage East Elevation



North Elevation



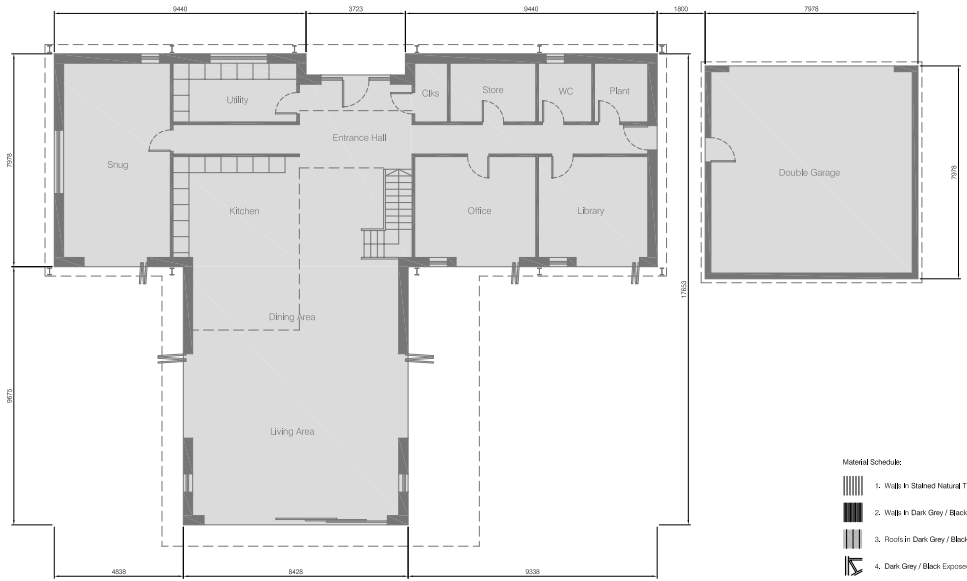
West Elevation



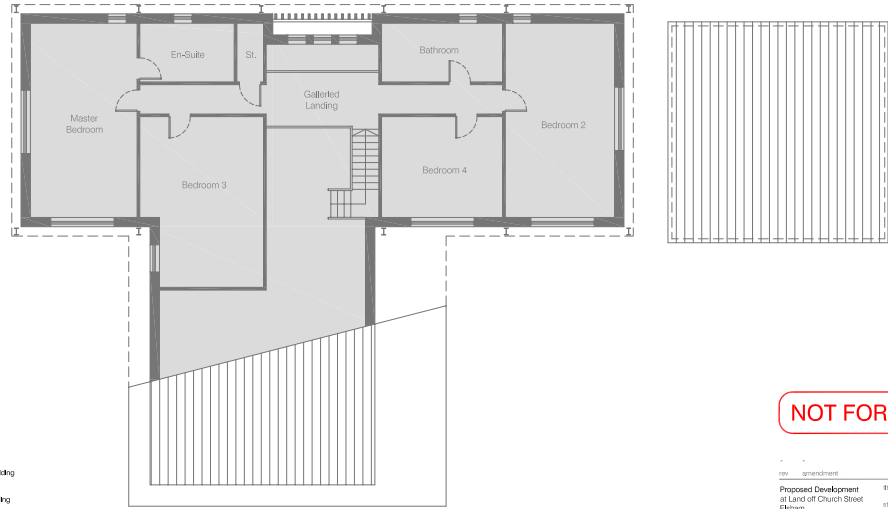
East Elevation

Page 246

Ground Floor Plan



First Floor Plan



- Material Schedule:**
- 1. Wall in Stained Natural Timber Cladding
 - 2. Wall in Dark Grey / Black Vertical Profiled Cladding
 - 3. Roof in Dark Grey / Black Profiled Metal Cladding
 - 4. Dark Grey / Black Exposed Steelwork
 - 5. Windows & Doors in Dark Grey / Black uPVC or aluminium

NOT FOR CONSTRUCTION

rev	agreement	date	stage	drawn	date
			Planning	JCB	June 23

Proposed Development at Land Off Church Street, Ebbw Vale, North Wales
 scale: 1:1000
 design by: JCB

PA/2023/1146 Proposed elevations (Mulberry Barn) (not to scale)

NOTES:

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

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

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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:

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

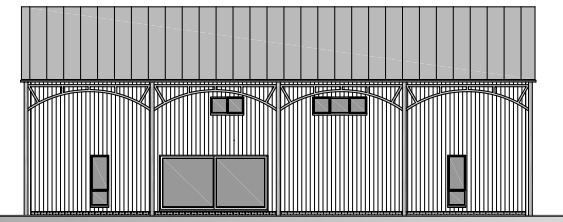
If you plan to build a party wall beside or against the boundary line, you must inform the Adjoining Owner by sending a Notice.

Excavating near neighbouring buildings:

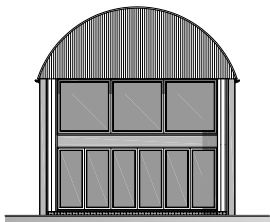
If you plan to excavate foundations within 3 metres of a neighbouring building or structure, where the excavation will go deeper than the neighbour's foundations, you must inform the Adjoining Owner by sending a Notice.

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 sending a Notice.

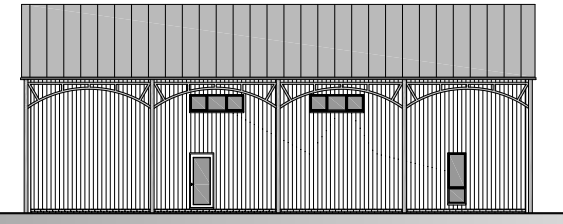
- Material Schedule:**
- 1. Walls in Stained Natural Timber Cladding
 - 2. Walls in Dark Grey / Black Vertical Profiled Cladding
 - 3. Roofs in Dark Grey / Black Profiled Metal Cladding
 - 4. Dark Grey / Black Exposed Steelwork
 - 5. Windows & Doors in Dark Grey / Black UPVC or aluminium



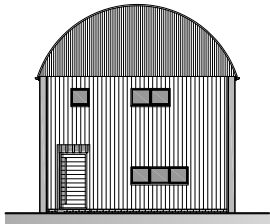
East Elevation



South Elevation

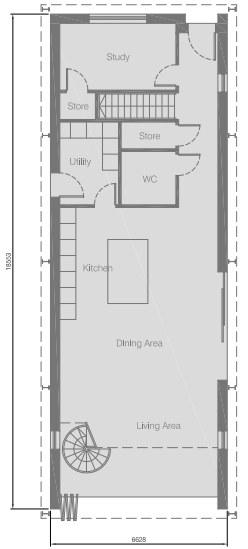


West Elevation

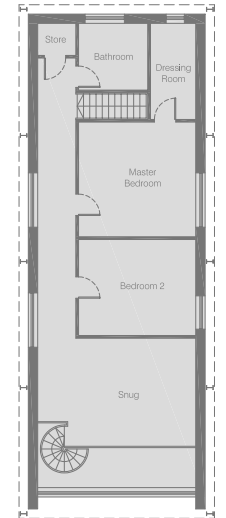


North Elevation

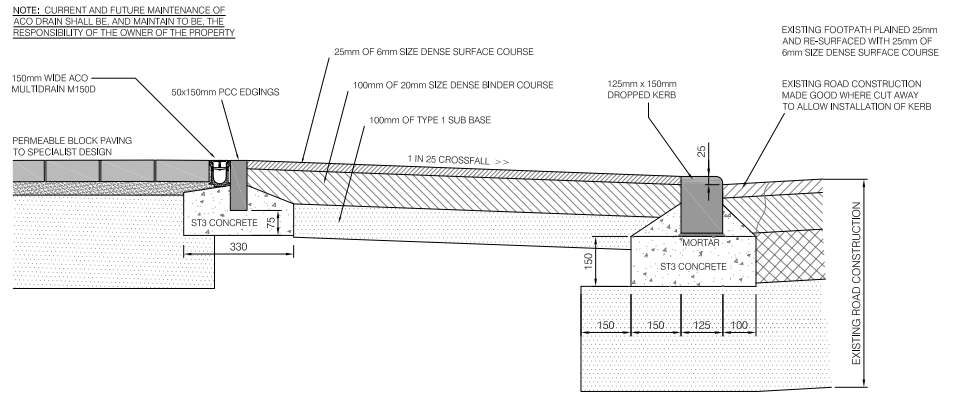
Proposed Ground Floor Plan



Proposed First Floor Plan



VEHICLE CROSSING CONSTRUCTION DETAIL



Page 247

NOT FOR CONSTRUCTION

rev	agreement	date
Proposed Development at Land off Church Street, Ebbw North Wales	Mulberry Barn Planning	16/06/23
stage	scale	drawn by
1:100	JCB	



Page 248















APPLICATION NO	PA/2023/1150
APPLICANT	Mrs Justina Gedmine
DEVELOPMENT	Planning permission for a replacement shed
LOCATION	15 Hammerton Road, Bottesford, DN17 2SA
PARISH	BOTTESFORD
WARD	Bottesford
CASE OFFICER	Matthew Gillyon
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Bottesford Town Council

POLICIES

National Planning Policy Framework:

12 Achieving well-designed places

North Lincolnshire Local Plan:

DS1 General requirements

DS5 Residential extensions

North Lincolnshire Core Strategy:

CS1 Spatial strategy for North Lincolnshire

CS2 Delivering more sustainable development

CS3 Development limits

CS5 Delivering quality design in North Lincolnshire

Housing and Employment Land Allocations Development Plan:

PS1 Presumption in favour of sustainable development

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

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

SS1 Presumption in favour of sustainable development

SS2 A spatial strategy for North Lincolnshire

SS3 Development principles

SS10 Development limits

DM1 General requirements

CONSULTATIONS

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

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

TOWN COUNCIL

Objects to this application in its current form (size and cladding) with its overbearing appearance.

PUBLICITY

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

ASSESSMENT

Planning history

No previous planning applications.

Site constraints

The proposed site is within the development boundary and SFRA flood zone 1.

The site and proposal

The proposal is for retrospective planning permission for a shed to be located at the rear of the existing garage at 15 Hammerton Road. The outbuilding has a maximum height of 2.72m, a width of 2.99m and a length of 2.93m. It is finished in timber and felted to protect the outbuilding, and will be used for storage.

The main issues in the determination of this planning application are:

- **the principle of development**
- **impact on the character and appearance of the area**
- **residential amenity**

- **impact on highway safety.**

Principle of development

Policy CS2 of the North Lincolnshire Core Strategy (NLCS) sets out a sequential approach to locations of new development within North Lincolnshire with previously developed land in the Scunthorpe urban area being the most preferable location for new development.

Policy DS5 of the North Lincolnshire Local Plan (NLLP) supports development for outbuildings providing that the proposal does not unreasonably reduce sunlight or daylight, or result in overshadowing, overbearing impact or loss of privacy to adjacent dwellings.

This proposal is for development within the curtilage of a residential property, within the development limit of Scunthorpe; it is in accordance with these policies and acceptable in principle.

Impact upon the character of the area

Policy CS5 of the NLCS states that new development should be well designed and appropriate for their context and contribute to creating a sense of place, with any proposed development needing to respect the character and appearance of the local amenity.

The retrospective application is for the erection of a shed at the rear of the existing garage. The shed will not be visible from the highway, only being visible by the host dwelling and adjoining neighbours. The shed will be constructed in a timber cladding and felt, which are traditional shed materials, with other examples of similar outbuildings in the area. The shed is of functional design and is not out of character with the area, and is in accordance with policy CS5 of the adopted core strategy.

Impact upon residential amenity

Policies DS1 and DS5 of the NLLP state that new development should be well designed and appropriate for their context with no unacceptable loss of amenity to neighbouring properties. Outbuildings will be allowed providing that the proposal does not unreasonably reduce sunlight or daylight, result in overshadowing or a loss of privacy to adjacent dwellings, and is sympathetic in design, scale and materials to the existing dwelling and its neighbours.

The proposal is for a shed at the rear of the existing garage and will not be visible in the public realm due to its siting behind the current built form. The proposed shed is marginally taller than what could be done under permitted development rights (by 22cm). It is located alongside the boundary with the neighbour, there currently being a small wall that defines the boundary. The shed sits between a garage and greenhouse located in the rear curtilage of the dwelling.

The town council's objection is noted regarding the size and overbearing impact of the proposed development. However, given the small-scale nature of the shed and its siting to the rear, between existing outbuildings, it is considered that the proposal will not be overbearing or create an unacceptable adverse impact on residential amenity through overshadowing. No comments have been received from other residents and the proposal is considered to be in accordance with policies DS1 and DS5 of the NLLP.

Highway safety

Policies T2 and T19 of the NLLP are concerned that development should be served by a satisfactory access and parking provision. The proposal does not impact access or parking provision at the dwelling. The Highways officer has no comments or objections to make on the proposal.

Conclusion

The retrospective application for planning permission for a replacement shed is not considered to have any unacceptable adverse impact on the character of the area, highway safety or residential amenity. The proposal is considered to comply with policy 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:

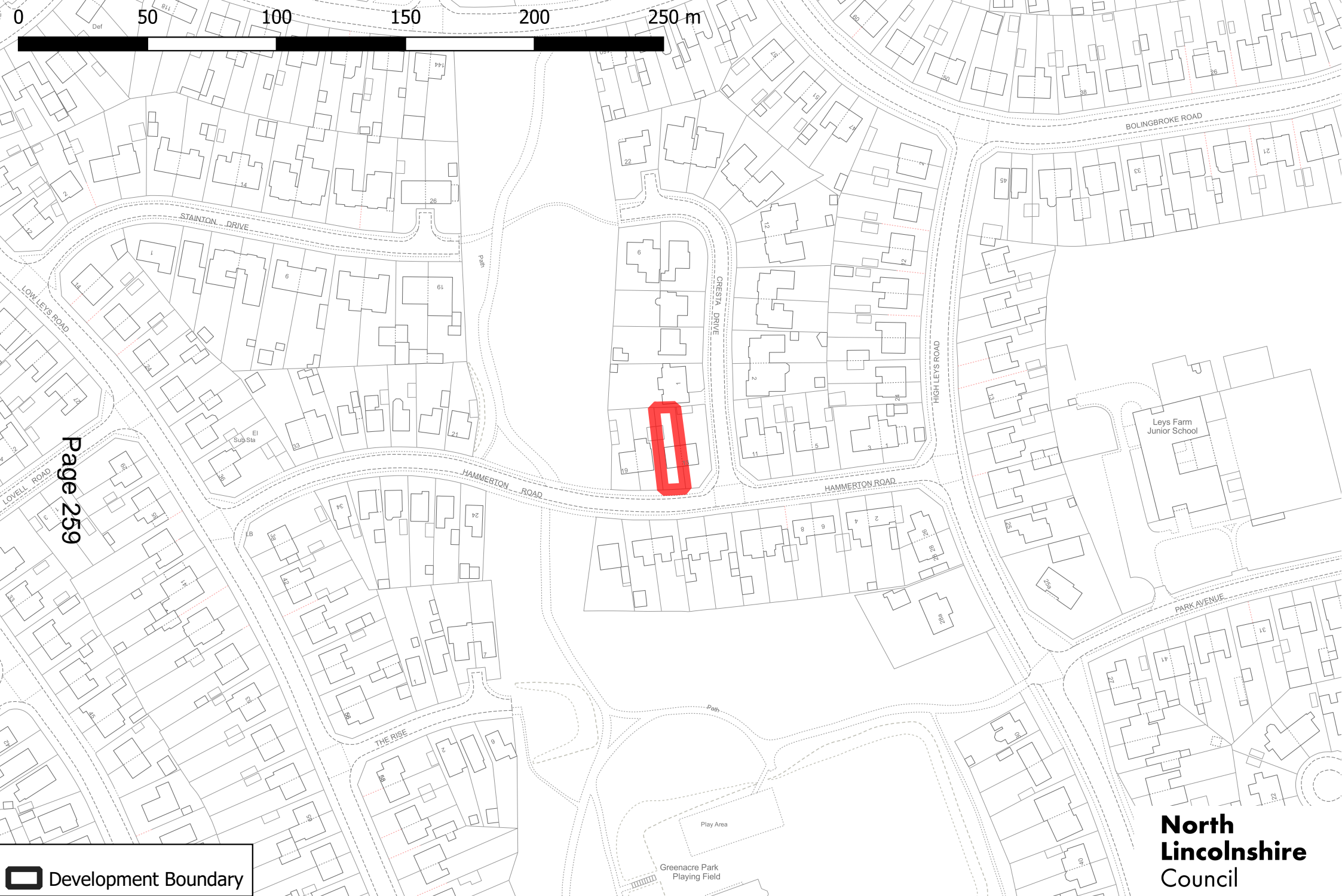
- Existing and Proposed Plans Drawing No. 1844.01.

Reason

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

Informative

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



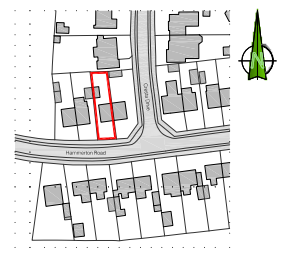
Page 259

 Development Boundary

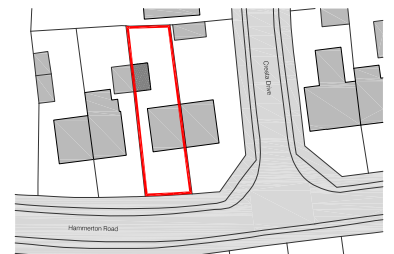
PA/2023/1150

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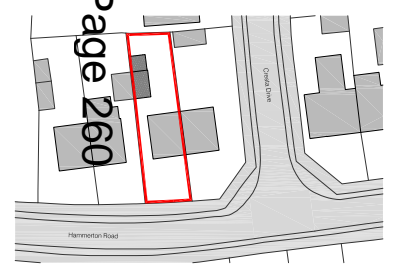
PA/2023/1150 Proposed layout (not to scale)



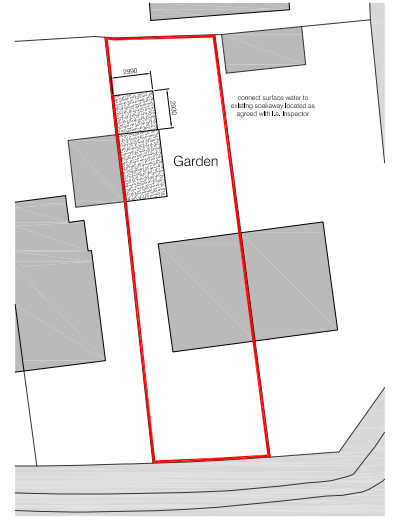
Location Plan
scale 1:1250
Ordnance Survey. (c) Crown Copyright 2023. All rights reserved. Licence number 100022432



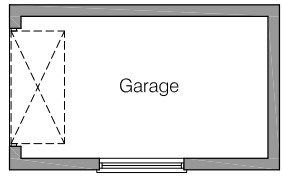
Existing Block Plan
scale 1:500



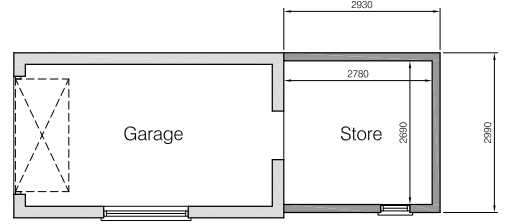
Proposed Block Plan
scale 1:500



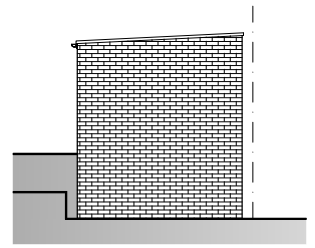
Proposed Site Plan
scale 1:200



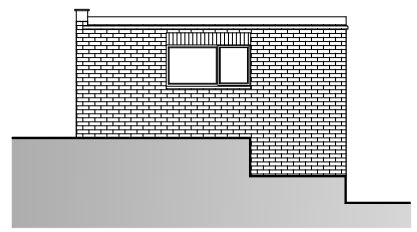
Existing Floor Plan



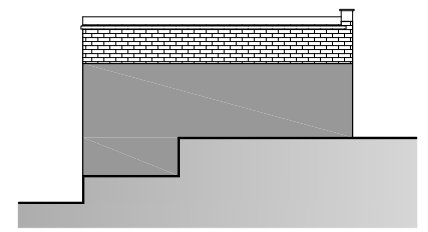
Proposed Floor Plan



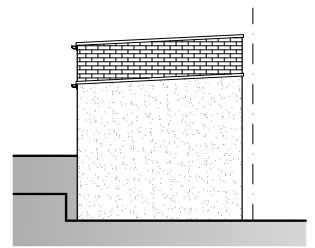
Existing North Elevation



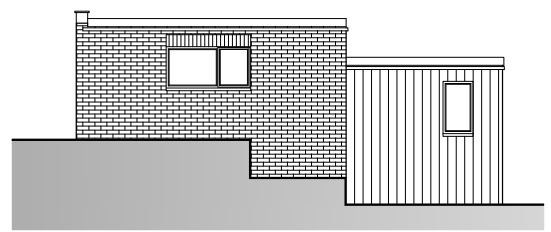
Existing East Elevation



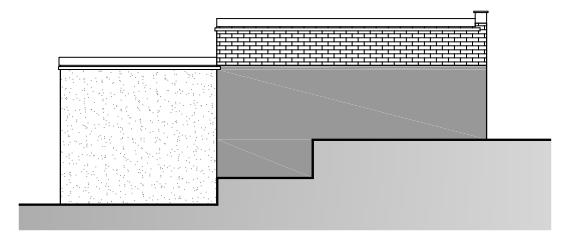
Existing West Elevation



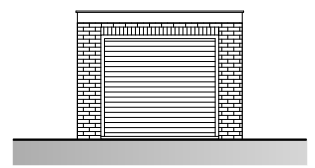
Proposed North Elevation



Proposed East Elevation



Proposed West Elevation



Existing South Elevation
(Unaltered)

Material Schedule:
 Roof: dark grey single ply roof membrane to flat roof and grey facias
 Gutters: black uPVC rainwater goods
 Walls : Vertical naturally stained timber cladding
 Windows : white uPVC

All dimensions & details given on this drawing are to be checked and verified on site prior to works being undertaken. Any discrepancies and/or variations to the specifications will be these drawings or associated documents are to be notified to keystonearchitecture.
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NOT FOR CONSTRUCTION

APPLICATION NO	PA/2023/1258
APPLICANT	Mr Garry Hirst, Delta Salvage Ltd
DEVELOPMENT	Planning permission to erect a storage and distribution unit
LOCATION	Sandtoft Gateway, Sandtoft Road, Westgate, Belton, DN9 1FA
PARISH	BELTON
WARD	Axholme Central
CASE OFFICER	Jennifer Ashworth
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Departure from the development plan

POLICIES

National Planning Policy Framework:

2 Achieving sustainable development

6 Building a strong, competitive economy

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

North Lincolnshire Local Plan:

DS1 General requirements

DS7 Contaminated land

DS12 Light pollution

DS14 Foul sewage and surface water drainage

DS16 Flood risk

T1 Location of development

T2 Access to development

RD2 Development in the open countryside

RD3 Industrial and commercial development in minimum and medium growth settlements

North Lincolnshire Core Strategy:

CS1 Spatial strategy for North Lincolnshire

CS2 Delivering more sustainable development

CS3 Development limits

CS5 Delivering quality design in North Lincolnshire

CS11 Provision and distribution of employment land

CS16 North Lincolnshire's landscape, greenspace and waterscape

CS17 Biodiversity

CS19 Flood risk

Housing and Employment Land Allocations DPD:

PS1 Presumption in favour of sustainable development

The site lies within the open countryside outside the development limits of Belton as shown on Proposals Map (Inset 56 – Sandtoft Airfield).

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

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

SS1 Presumption in favour of sustainable development

SS2 A spatial strategy for North Lincolnshire

SS3 Development principles

SS8 Employment land requirements

SS11 Development limits

EC1 Employment land supply

EC2 Existing employment areas

EC6 Supporting the rural economy

RD1 Supporting sustainable development in the countryside

DQE1 Protection of landscape, townscape and views

DQE3 Biodiversity and geodiversity

DQE5 Managing flood risk

DQE6 Sustainable drainage systems

The site lies within the open countryside outside the development limits of Belton/Sandtoft as shown on the Submission Local Plan Inset Map. Land to the east is allocated as an existing employment area. Land to the immediate west is allocated as a proposed employment site.

CONSULTATIONS

Highways: No objection or comments to make.

LLFA Drainage: No objection subject to conditions requiring detailed surface water design to be agreed, as well as informatives.

Environmental Protection: No objection subject to a monitoring condition should contamination be found to be present at the site.

Archaeology: No objections. There are no known heritage assets of archaeological interest within the site and previous evaluation of the site indicates the potential for the presence of as yet unrecorded archaeological remains to be low. The proposal will not adversely affect any heritage assets or their settings.

Environment Agency: Initially objected to the proposal but on receipt of further information addressing their concerns, no objection subject to conditions requiring the development to be carried out in accordance with the submitted flood risk assessment.

PARISH COUNCIL

No comments received.

PUBLICITY

Advertised by site notice. No comments received.

ASSESSMENT

Planning history

The following planning history is relevant to the wider site:

PA/2003/1690: Planning permission to change the use of land for general industrial (B2) and car storage (B8) – refused 19/02/2004

2/1991/0695: Erection of a truck stop and installation of a cesspool with associated works – refused 22/11/1991

PA/2020/1458: Planning permission to erect a brick structure for the purpose of storage and distribution (B8 use class) – approved 07/10/2022

PA/2007/2017: Outline planning permission for an industrial estate within B2 (General Industrial) and B8 (Storage and Distribution) Use Classes – refused 27/02/2008

PA/2006/0674: Application for certificate of lawfulness for the existing use of the manufacture and storage of roof tiles and the storage and processing of materials for their manufacture – approved 21/07/2006

PA/2021/736: Planning permission to erect an insulated steel-framed storage and distribution structure (Use Class B8) – approved 07/07/2022.

Pre-application advice

No pre-application advice has been sought prior to this application.

Site location and proposal

The site lies to the rear of the existing Sandtoft Gateway and permission is sought to erect a new storage and distribution unit. The site is outside the development boundary of Belton and Sandtoft Airfield and is not allocated for commercial use. Land to the east is identified as employment land and land to the west is identified as future employment land within the emerging local plan.

The wider site is currently in use with a series of existing commercial units on the site having gained permission over the year. The applicant seeks the further expansion of this existing site to erect a further B8 unit. The proposed unit is an insulated steel-framed storage and distribution unit measuring 1,672 square metres, 18.3 metres wide by 91.4 metres long, which will be divided into 5 units each being 18.3 metres by 18.3 metres.

The site is located north-west of Belton village; Belton is identified as a minimum growth settlement in the North Lincolnshire Local Plan. Further to the south of the proposed site is Sandtoft Airfield, which contains six hangers for storing aircraft. To the west and north of the proposed site is the disused airfield. The access to Sandtoft Gateway is to the west of Delta Salvage's current site.

The main issues for consideration are:

- **principle of development**
- **design/character/appearance**
- **amenity**
- **highway safety**
- **contamination**
- **flood risk and drainage**
- **archaeology.**

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 Development Plan Document (HELA DPD) 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 Planning Practice Guidance (PPG). The application site is outside any defined development limits within the HELA DPD and as such is considered to be in the open countryside for planning purposes.

Policy CS1 of the Core Strategy states, ‘...Rural settlements and the open countryside will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing existing local services to meet local needs. Development will be limited and should consider levels of local service provision, infrastructure capacity and accessibility. Any development that takes place should be in keeping with the character and nature of the settlement.

Policies CS2 and CS3 relate to developments that takes place outside defined limits of settlements or in rural settlements in the countryside. Both policies permit ‘Only development which is essential to the functioning of the countryside.’

Policy RD2 strictly controls development within the open countryside, but does support employment-related development which is appropriate to the open countryside provided that:

- (i) the open countryside is the only appropriate location and development cannot reasonably be accommodated within defined development boundaries;
- (ii) the proposed development accords with the specific requirements set out in the relevant policies of this chapter and elsewhere in this Local Plan;
- (iii) 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
- (iv) the development would not be detrimental to residential amenity or highway safety; and
- (v) account is taken of whether the site is capable of being served by public transport; and
- (vi) the development is sited to make the best use of existing and new landscaping.

Policy RD3 (Industrial and Commercial Development in Minimum and Medium Growth Settlements) is relevant. Belton is identified as a minimum growth settlement. The policy supports proposals for industrial and commercial development and the redevelopment of existing sites provided:

- (i) the proposal does not lead to an over intensification of an activity on the site to the detriment of residential amenity and highway safety; and
- (ii) the proposal would not be detrimental to the character or appearance of the settlement or the open countryside in terms of siting, scale, massing, design and use of materials; and
- (iii) the site is within walking or cycling distance of the local workforce, or is capable of being served by public transport.

The principle for development on the site has previously been established on the wider site to the south as shown by the planning history.

The NPPF represents a material consideration in determining this application. Paragraph 8 of the NPPF sets out key considerations for sustainability; namely social, economic and environmental objectives. In economic and social terms, the new units will allow the site to grow and expand.

Whilst the site is outside of any defined development boundary, it should be noted that it is surrounded by existing industrial and commercial development. Therefore, the character of the area is industrial and not rural as would normally be expected in the open countryside.

The proposed development effectively comprises the erection of a storage and distribution building within a cluster of similar buildings, all within the wider industrial landscape. This proposal also has to be considered with regard to the wider policy context of the area which is promoted under the allocation of SANE-1 Sandtoft Business Park of the HELA DPD for large-scale industrial development.

The application site is outside the SANE-1 allocation, but is within an established industrial area adjacent to it and is surrounded by existing and proposed (allocated) industrial land. Therefore, whilst the site is located in the open countryside as defined by planning policy, the proposed industrial development is considered to be acceptable in this location due to the industrial nature of the area.

As evident in the planning history, other industrial buildings outside development limits have been approved in this location in recent years. In these instances, significant weight was given to the fact that the development would support the expansion of existing businesses and safeguard jobs.

Similarly, the proposed development would support the expansion of the existing business to the benefit of the local economy. This is in line with guidance contained within section 3 of the NPPF which seeks to promote economic growth in rural areas.

Although the application site lies outside of any established development limit and the development is therefore contrary to local planning policy which seeks to restrict development in the open countryside, the economic benefit of the development would outweigh any conflict with policy, particularly given the fact that there would be limited impact on the character and appearance of the open countryside in this instance. It is therefore considered that the proposal would align with paragraph 47 of the NPPF in that there are material considerations that would indicate a departure from the plan is appropriate in this instance.

Design/character/appearance

As noted above in policies RD2, RD3 and DS1, it is important that any development respects the appearance of the site and wider area.

As indicated earlier, the site is outside of any defined development boundary. The proposal comprises the erection of a storage and distribution building within a cluster of similar buildings, but is surrounded by existing industrial and commercial development. In this case, it is judged that the development is within the wider industrial landscape.

The proposed unit is an insulated steel-framed storage and distribution unit measuring 1,672 square metres, 18.3 metres wide by 91.4 metres long, which will be divided into 5 units each being 18.3 metres by 18.3 metres.

The proposed materials are set out within the application form as follows:

- Proposed materials walls – Rustic Red brick or similar to a height of 2.4 metres insulated (80 millimetres thick) Kingspan KS1000RW trapezoidal wall panel in colour ‘Goosewing Grey’ (RAL 080 70 05, BS 10A05)
- Proposed materials roof – insulated (115 millimetres thick) Kingspan KS1000TW trapezoidal profile roof panels in colour ‘Goosewing Grey’ (TAK 080 70 05, BS 10A05)
- Proposed materials doors – steel single doors (pedestrian), powder-coated to RAL 7045 (Matt Grey) insulated steel roller shutter doors
- Proposed materials guttering – PVC guttering and downpipes (Merlin Grey).

The materials are considered to be in keeping with the existing units within the wider site and are therefore considered acceptable. A condition to secure the materials is recommended.

Having considered the location of the building, together with the scale and the surrounding area, it is judged acceptable as it is close to existing industrial and commercial development. Furthermore, the character of the area is industrial and not rural as would normally be expected in the open countryside.

Impact upon residential amenity

Policy DS1 is partly concerned with ensuring that development (including changes of use) does not unduly impact on neighbouring amenity in terms of noise, smell, fumes, dust or other nuisance and notes that no pollution of water, air or land should result which poses a danger or creates detrimental environmental conditions.

There are no residential properties immediately adjacent to the application site. The nearest dwellings are some distance to the east, separated from the site by adjacent industrial premises. On this basis, there is limited potential for the development to adversely affect the amenity of neighbouring properties. Neither Environmental Protection nor Highways have raised any concerns or objections regarding amenity impact, and it is therefore considered that the proposed building would have no unacceptable impact on residential amenity.

It is considered that the development would not result in significant residential amenity impacts and would therefore be in accordance with the relevant policies of the development plan.

Impact upon highway safety

Policies T2 and T19 seek to ensure that proposals are acceptable in terms of impact upon highway safety and have sufficient parking available. In this regard the Highways Officer has been consulted and has not raised any objections or comments.

Access to the unit would be from the existing gated access into the site off Sandtoft Road. The site, in its current state, is fenced off on the north, south, east and west sides, meaning that the proposal will not encroach on any surrounding property boundaries.

Highways originally assessed the proposals and requested further information in the form of a more detailed site plan showing the parking arrangements for the proposed unit. Having reviewed the updated information the team do not have any objections in relation to highway design, vehicle movements, parking access or safety.

Overall, the access arrangements, parking provision and overall impact on the highway network safety and capacity are regarded as acceptable. There are no outstanding objections from the Highways team and the application is considered to be in accordance with policies T1, T2 and T19 of the local plan in this regard.

Contamination

The council's Environmental Protection team has reviewed the application and indicated that, due to the previous use of the site as a military airfield, there is the potential for the site to have been impacted upon by contaminants such as hydrocarbons and contaminants from degreasing fluids, munitions pits and burning pits.

As a consequence, should the application be approved, the team recommends a condition be attached requiring the developer to cease work and report any unforeseen contamination found during construction. This condition will be attached to any permission, given the industrial processes/uses that are abundant in the area.

An informative is also recommended, due to the previous use of the site, advising the applicant to contact their water provider to ensure the use of suitably appropriate protective piping for any proposed water supply to the development.

Flood risk

Policy CS19 is concerned with flood risk, whilst policy DS14 is concerned with foul sewage and surface water drainage. The site is within flood risk zone 2/3 (a) fluvial (a high flood risk zone).

The Environment Agency originally objected to the proposal due to no flood risk assessment being provided.

The applicant submitted the requested information and the Environment Agency removed their original objection and recommended a condition requiring the development to be carried out in accordance with the submitted flood risk assessment prepared by EWE Associates Ltd, Rev A, dated September 2023, and the following mitigation measures it details:

- finished floor levels shall be set no lower than 3.30 metres above Ordnance Datum (AOD)

- flood resilience measures are to be incorporated into the development up to 3.8m AOD as stated;

all mitigation measures being fully implemented prior to occupation.

The LLFA Drainage team have considered the proposals and undertaken several discussions with the applicant. They note the applicant is aware that a combined surface water drainage strategy for the whole site needs to be carried out moving forward. The developer is fully aware this is 'tag on' development to previously approved and consented developments:

- PA/2020/386
- PA/2020/1311
- PA/2020/1458
- PA/2021/736.

This development therefore needs to take into consideration the above previous approved developments and consents. The LLFA Drainage team have withdrawn their initial objection and, subject to the inclusion of planning conditions to address the drainage scheme for the site, including surface water drainage, then they have no objection.

Archaeology

The Historic Environment Record have been consulted and advise that there are no known heritage assets of archaeological interest recorded within the site, and previous evaluation of the site indicates the potential for the presence of as yet unrecorded archaeological remains to be low. The proposal will not adversely affect any heritage assets or their settings.

Conclusion

This proposal represents a departure from the development plan but is being recommended for approval and therefore requires to be determined by the planning committee.

Whilst the application site is outside of any defined development boundary, and industrial/commercial development is not normally acceptable in such locations, the site is adjacent to an existing industrial/commercial business and is surrounded by industrial/commercial development. The proposed development would directly support the expansion of a local business, securing employment and thereby benefiting the local economy, which is strongly supported by the NPPF.

Furthermore, it has been demonstrated that the development would not harm the existing highway network or the amenity of residential properties and poses no unacceptable risk of flooding.

On a balance of assessment, the principle of the development is acceptable because of the reasons above. It is also considered that the proposed development is an acceptable departure from the development plan and that this application should be supported subject to conditions.

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 plans:

- Location Plan - LNSG 003
- Proposed Site Plan - LNSG 001
- Elevation & Floor Plans – LNSG 004.

Reason

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

3.

No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. This development must provide a combined surface water drainage strategy for the whole site and previously approved applications.

The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100-year critical storm (including an allowance for climate change which should be based on current national guidance) will not exceed the run-off from the existing site. It shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime so that flood risk, both on and off the site, is not increased. SuDS must be fully considered in accordance with current PPG guidance.

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.

4.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 3 above, completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter retained

and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

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

5.

The development shall be carried out in accordance with the submitted flood risk assessment prepared by EWE Associates Ltd, Rev A, dated September 2023, and the following mitigation measures it details:

- finished floor levels shall be set no lower than 3.30 metres above Ordnance Datum (AOD)
- flood resilience measures are to be incorporated into the development up to 3.8 metres AOD as stated.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

To reduce the risk of flooding to the proposed development and future occupants and ensure the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment, in accordance with policy CS19 of the North Lincolnshire Core Strategy.

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 the site represents an acceptable risk to end users, property, controlled waters and ecological systems, and to ensure that site workers are not exposed to unacceptable risks from contamination during construction.

7.

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

Reason

In the interest of visual amenity of the area.

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.

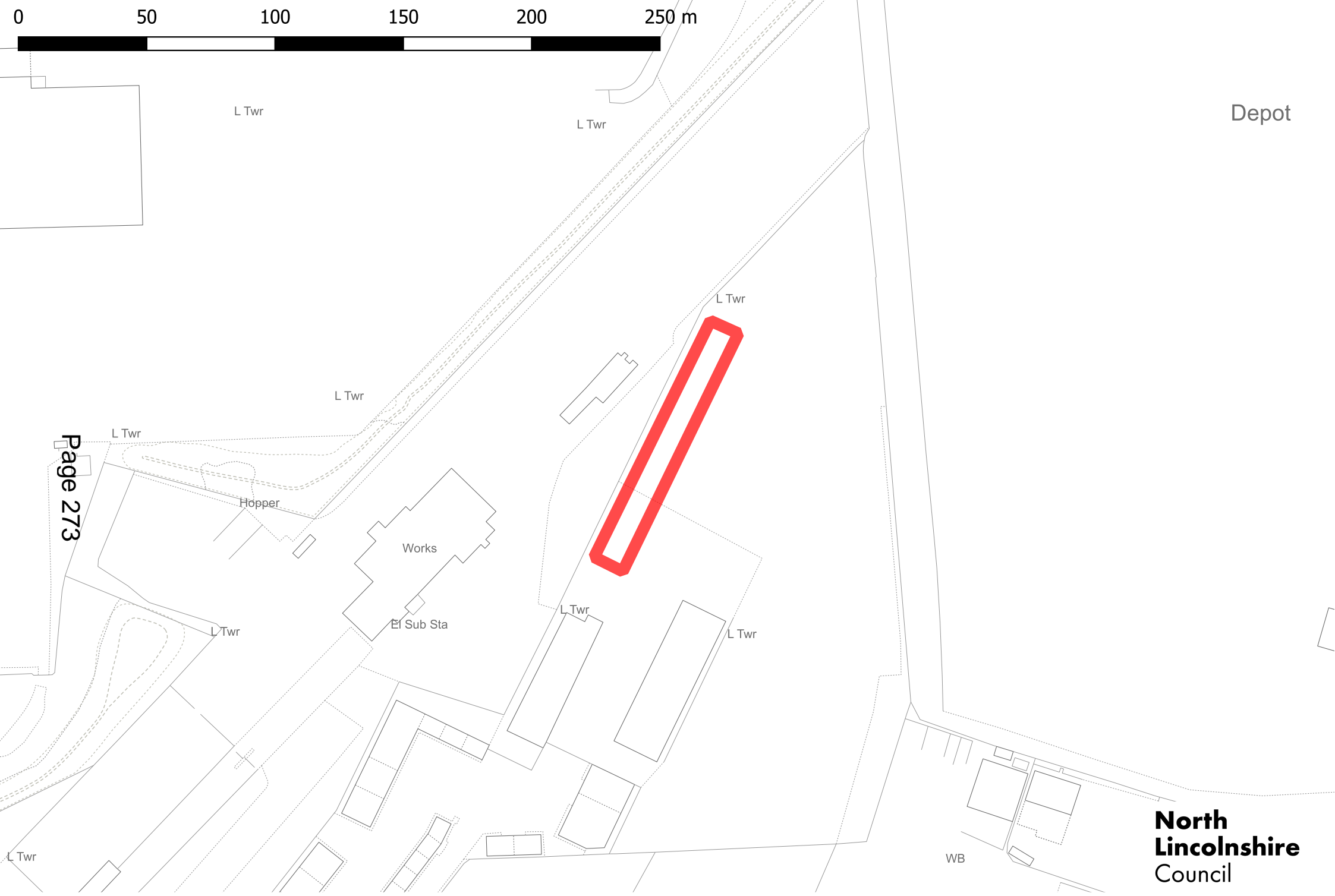
The site lies within the Doncaster East Internal Drainage Board area of jurisdiction. The development site has a watercourse on the northern (riparian) boundary. Please refer to North Lincolnshire Council's 'Guide to Watercourses and Riparian Ownership' detailing riparian rights and responsibilities. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

3.

Alterations and/or connections into the above watercourse network must be consented by the local Internal Drainage Board through an Ordinary Watercourse Consent and appropriate discharge rates must be agreed. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

4.

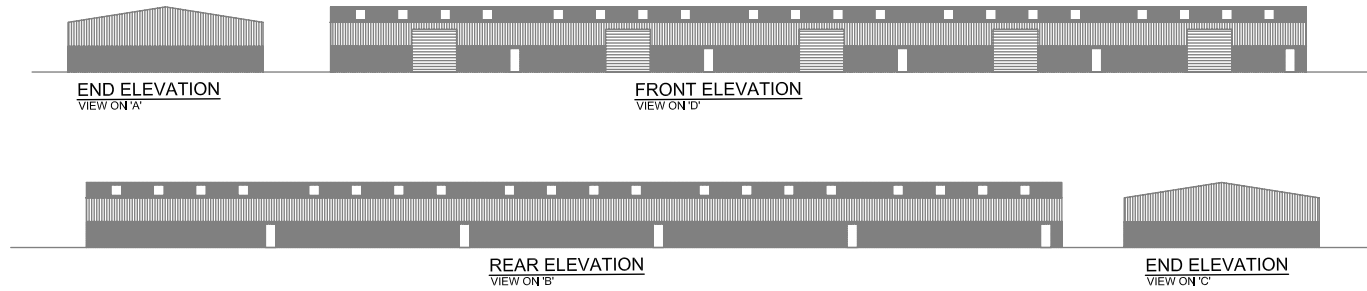
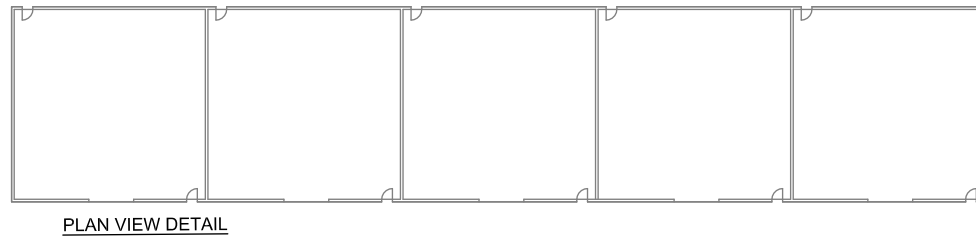
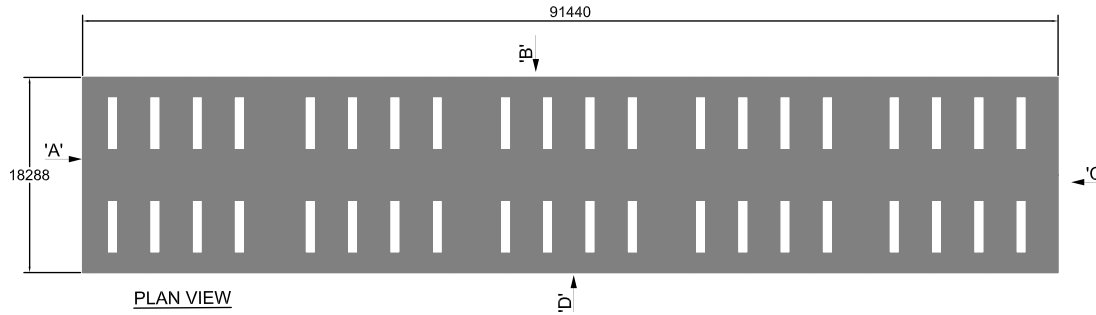
Due to the previous use of the site, the applicant is advised to contact their water provider to ensure the use of suitably appropriate protective piping for any proposed water supply to this development.



Page 273

**North
Lincolnshire
Council**

PA/2023/1258 Proposed elevations (not to scale)



Page 274

Drawing Title			mark@trinitytownplanning.co.uk Mark Simmonds Managing Director Trinity Town Planning and Design Ltd Mercury House Willoughton Drive Foxby Lane Gainsborough DN21 1DY
BUILDING DETAILS SANDTOFT GATEWAY SANDTOFT ROAD			
Ref: LNSG 004	Scale @ A3 1:500	Date NOV/22	

APPLICATION NO	PA/2023/1364
APPLICANT	Mr and Mrs Anthony Ash
DEVELOPMENT	Planning permission for extension and internal alterations plus new garage and drive
LOCATION	122 High Street, Epworth, DN9 1JS
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

DS5 Residential extensions

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

CS19 Flood risk

Housing and Employment Land Allocations DPD (2016): The site lies within the development limits of Epworth and is unallocated as shown on Proposals Map Insert 18 Epworth.

Supplementary Planning Guidance: SPG1 Design Guidance for House Extensions

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

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

SS1 Presumption in favour of sustainable development

SS2 A spatial strategy for North Lincolnshire

SS3 Development principles

SS11 Development limits

DM1 General requirements

CONSULTATIONS

Highways: Highways advise conditions and an informative.

LLFA Drainage: The LLFA Drainage Team has no objection to the proposed development subject to conditions to address surface water run-off from hard paved areas and the highway.

Environmental Protection: Advise a condition to address any odorous, discoloured or otherwise visually contaminated material found during development.

TOWN COUNCIL

Consulted initially and upon receipt of amendments to the proposed layout/design, the town council objects to the proposals for the following reasons:

- overdevelopment of the site
- it would have a negative impact on Tottermire Lane and High Street
- it does not fit the street scene in the area
- little green garden space left
- concerns over the new access.

PUBLICITY

Site notice displayed initially and following receipt of amended plans. No comments have been received.

ASSESSMENT

Planning history

2/1993/0872: Erection of a bathroom extension – approved 08/12/1993

2/1995/0503: Erection of a detached garage – approved 16/08/1995

PA/2013/0685: Planning permission to erect a two-storey extension – approved 06/08/2013.

Land adjacent

PA/2021/2119: Planning permission to erect a detached dwelling with new access from Tottermire Lane and demolition of existing garage with new access from High Street to existing dwelling – approved 14/02/2022

The site lies within SFRA flood zone 1. There are no listed buildings or tree preservation orders within the site or in close proximity to it. It is not within a conservation area.

Site characteristics/proposal

The site comprises an existing two-storey detached property which has previously been extended. The property is currently accessed on foot from the front (south-west) off High Street, and on foot and by vehicle access from the rear (north-east) off Tottermire Lane. The site includes an existing parking space to the east of the existing dwelling, accessed off Tottermire Lane.

Residential properties surround the site to the north-east, north-west, south, east and west. Immediately north of the site is a fire station. The properties to the east and west comprise a mix of detached bungalows and houses, as well as semi-detached properties. To the immediate south-east is an existing detached residential property which sits on the boundary with the application site. Planning permission has also recently been granted for a detached dwelling to the east which is set off the boundary with the site.

The existing property fronts Tottermire Lane with a parking space to the east and garden to the rear.

The application seeks permission for a double-storey extension to the east and south of the property. The proposal also seeks to create a new vehicle access into the site off High Street as well as a detached garage.

The site is within a residential area where similar extensions have taken place.

The following considerations are relevant to this proposal:

- **principle of development**
- **residential amenity**

- **appearance/quality of design**
- **drainage.**

Principle of development

The site is unallocated and located within the development limits of Epworth. The application relates to an existing residential property and as such the principle of a residential extension is acceptable.

The main issues in determining this planning application are consideration of character and appearance impacts, residential amenity, highway safety and drainage matters.

Residential amenity

Saved 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 applicant seeks to extend the property further east, replacing the existing area of land which is currently used as a car parking space, as well as a minor extension to the front of the property (south elevation). The proposed extension is two-storey and stepped off the boundary with the adjacent property. No first-floor windows are proposed in this elevation, only a ground-floor window which is set at a slight angle to the neighbouring property and screened by existing boundary treatments. This is a reduced design to the original submission which extended the property to the boundary line. This proposal leaves approximately a 1.5m set off distance. The property to the east (recently granted permission under PA/2021/2119) does not include any windows in this elevation. The increased set off distance requested by the case officer and no windows in either elevation result in no amenity concerns at this part of the site. The adjacent property is also set off the boundary with the neighbour, a specific design request at the time of that application to take account of residential amenity in terms of loss of outlook and overbearing impacts.

The existing adjacent property to the south (Autum Cottage) includes a round window at first floor in its northern elevation, which is obscure glazed. The single-storey element of the adjacent property has no windows in its northern elevation other than a rooflight. Existing planting, including overgrown trees and hedgerows, screens the boundary with the neighbouring property. There are currently no issues with overlooking/privacy between the two properties. The proposals extend further south by approximately 1.9m within the site, maintaining an approximate 2.1m separation distance between the closest point of the extension and the adjacent property (previously approximately 3.3m). Whilst this will bring the building line of the application site closer to the adjacent property, it is not considered to result in any amenity issues.

Replacement and new windows and openings are proposed in its southern elevation but these are not expected to result in amenity impacts. A large, full height window is proposed at first floor in the southern elevation; however, this is recessed and again not considered to result in overlooking impacts or loss of light.

The northern elevation fronts onto Tottermire Lane. There are not considered to be any amenity impacts on this elevation.

There are no windows proposed in the western or eastern elevations at first floor. A window is proposed on the ground floor serving the new lounge. There are no windows on the adjacent property in this location.

The site is within an existing residential area. The plots in this location are mixed in size and the application site has a good-sized garden in relation to the size of the property. The development will infill a small section of land which is currently used for parking, as well as slightly extend the property south into the rear garden. A new access will be created into the site off High Street and provide off-street parking for one car in a detached garage and combined log store, as well as sufficient space for two or three cars on the new drive/parking area. The rear garden will include patio and lawn and, whilst reduced in size, this is still considered a suitable amount of space for amenity purposes.

The proposed extension is to the north of the adjacent property and is therefore not considered to result in any loss of light or overshadowing.

The town council considers the proposals would lead to overdevelopment of the site and little remaining garden space. Whilst the proposal does increase the footprint of the built form on site, the proposals include a good-sized garden and an increase in the amount of available off-road parking.

The proposals are not expected to result in any amenity impacts.

Appearance/quality of design

Policies DS5 and CS5 are both concerned with visual amenity, the former stating that proposals should be sympathetic in design, scale and materials. Both seek to improve the quality of design across North Lincolnshire.

Epworth Town Council has commented and considers that the development would have a negative impact on Tottermire Lane and High Street, and that the development does not fit the street scene.

The proposals are considered to be designed to a high standard and the materials are confirmed within the plans package, including roof tiles to match the existing, a render and timber finish to external walls, and white UPVC windows and UPVC/aluminium doors. Whilst a modern design has been achieved, the development does continue the traditional character of the original building, continuing the style along Tottermire Lane and using materials sympathetic to the existing building. It is recommended that materials be secured by condition.

The development will continue the building line along Tottermire Lane and the proposed extension is stepped back similar to the existing design of the property. The design also seeks to include dormers into the roofline; these have been design sympathetically to the existing building using the same external materials. Larger windows have also been introduced into this elevation; however, again, these are not considered to have an adverse impact. Tottermire Lane includes a mix of property styles with some properties having large windows which front the highway.

The proposals will alter the street scene on High Street. The site boundary on this elevation currently comprises a small brick wall as well as overgrown shrubs and trees. There are examples of buildings which front the High Street as well as those which are set back. The proposals seek to retain the existing brick wall, removing a section to create a new vehicle access. The proposed garage will form the boundary with the public footpath.

The proposed works are considered to be sympathetic to the host property as well as the wider street scene and will not result in any amenity impacts. It is considered the proposals would align with policies DS5 and CS5.

Drainage

The LLFA Drainage team have considered the proposals and recommend two conditions to address surface water drainage and run-off at the site to prevent the risk of flooding. The agent has identified an existing surface water drain which runs through the site. This same drain has been realised on an adjacent site. The planning officer has raised this with the agent who has stated that Severn Trent have confirmed the applicant can build within easement strips for an extension to an existing dwelling.

Highways

The highways team has considered the proposals and recommends a series of conditions to address highway safety at the site. The team has no objections to the creation of the new access nor any concerns over visibility in relation to the siting of the proposed garage adjacent to the main highway. With the inclusion of the recommended conditions, there are considered to be no concerns in terms of highway safety.

Environmental Protection

The Environmental Protection team has reviewed historical maps and identified the presence of a potentially contaminative land use in close proximity to the site. Considering the development's proposed sensitive end use, the team recommends a condition, should permission be granted, that if during development any potentially contaminated material is found, no further development shall take place until the method by which the contamination shall be dealt with has been agreed by the local planning authority, the approved method to then be implemented prior to development recommencing on site.

Conclusion

The proposal is acceptable in principle, is well designed and would not harm residential amenity, nor would it result in any highway, drainage or environmental impacts. It is recommended that planning permission is granted subject to the inclusion of appropriate conditions as recommended within this report.

Pre-commencement conditions

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

- CWX1013 - 101D - PROPOSED AMENDED

- CWX1013 - 01B - EXISTING.

Reason

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

3.

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

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and 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 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.

5.

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

Reason

To protect human health.

6.

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.

7.

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 2m 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.

8.

The proposed new vehicle parking and turning facility shall not be brought into use until the vehicular access serving it has been completed within highway limits.

Reason

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

9.

The external materials to be used in the construction of the development hereby approved shall be as provided in the materials section of the application form and drawing ref. CWX1013 - 101D - PROPOSED AMENDED.

Reason

In the interest of the visual amenity of the area.

Informatives

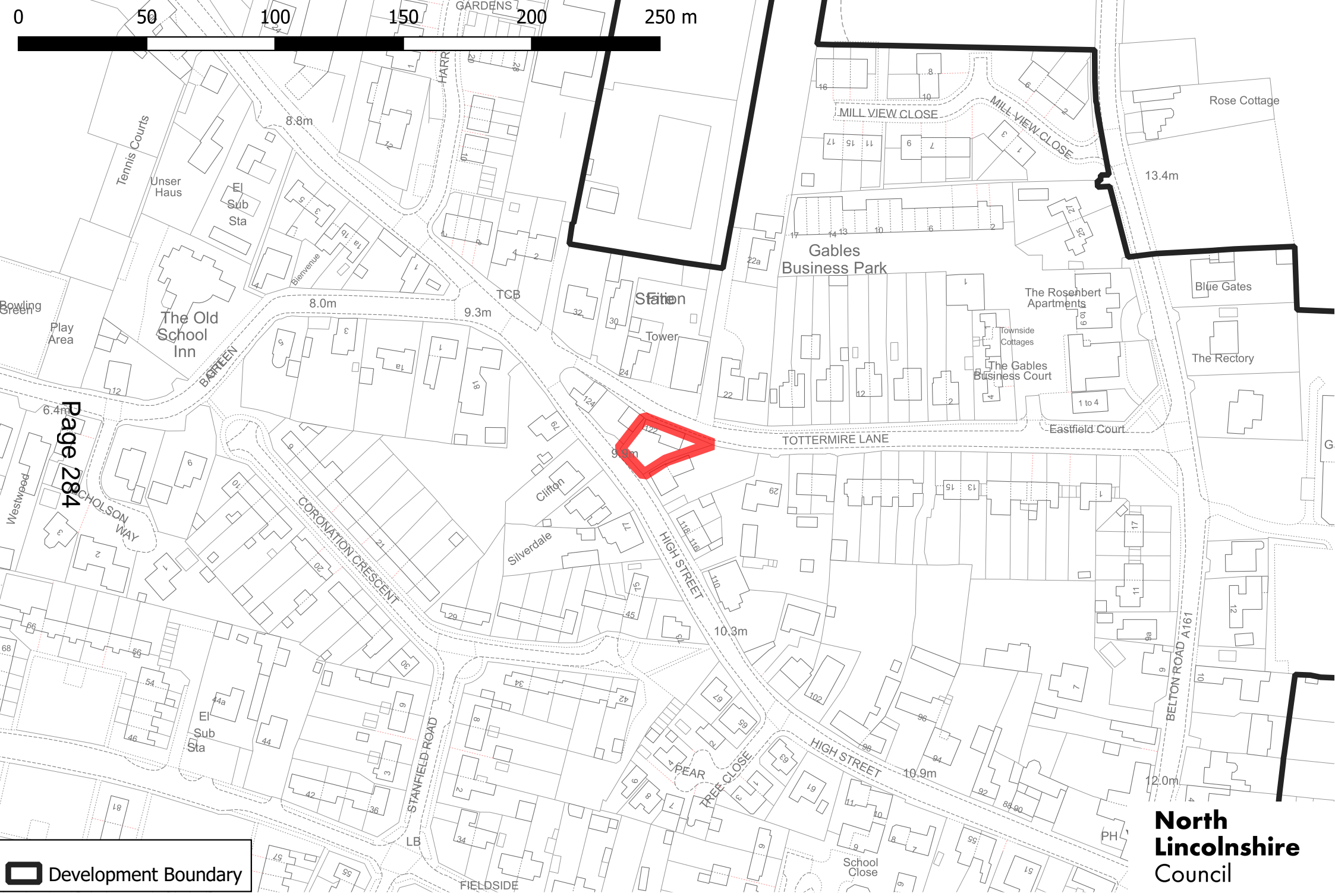
1.

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.



 Development Boundary

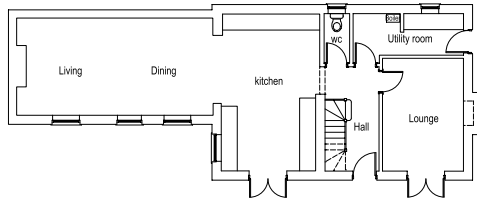
PA/2023/1364

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Council**

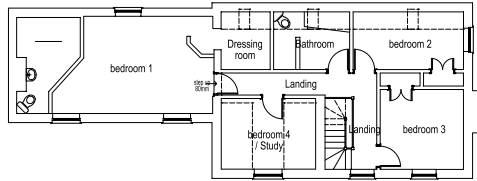
© Crown copyright and database rights 2023. Ordnance Survey AC0000819831

Page 284

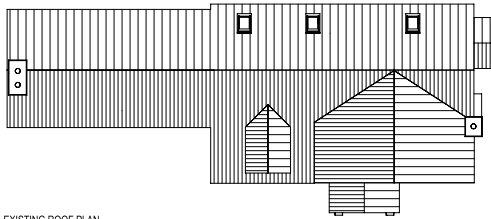
PA/2023/1364 Existing plans and elevations (not to scale)



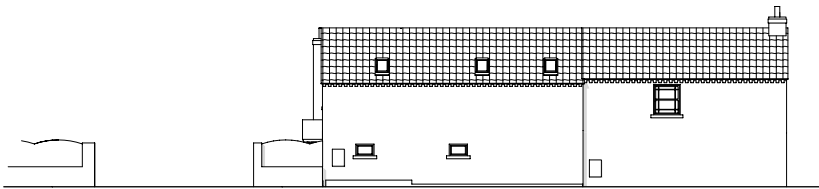
EXISTING GROUND FLOOR PLAN
1:100



EXISTING FIRST FLOOR PLAN



EXISTING ROOF PLAN



EXISTING NORTH ELEVATION
1:100



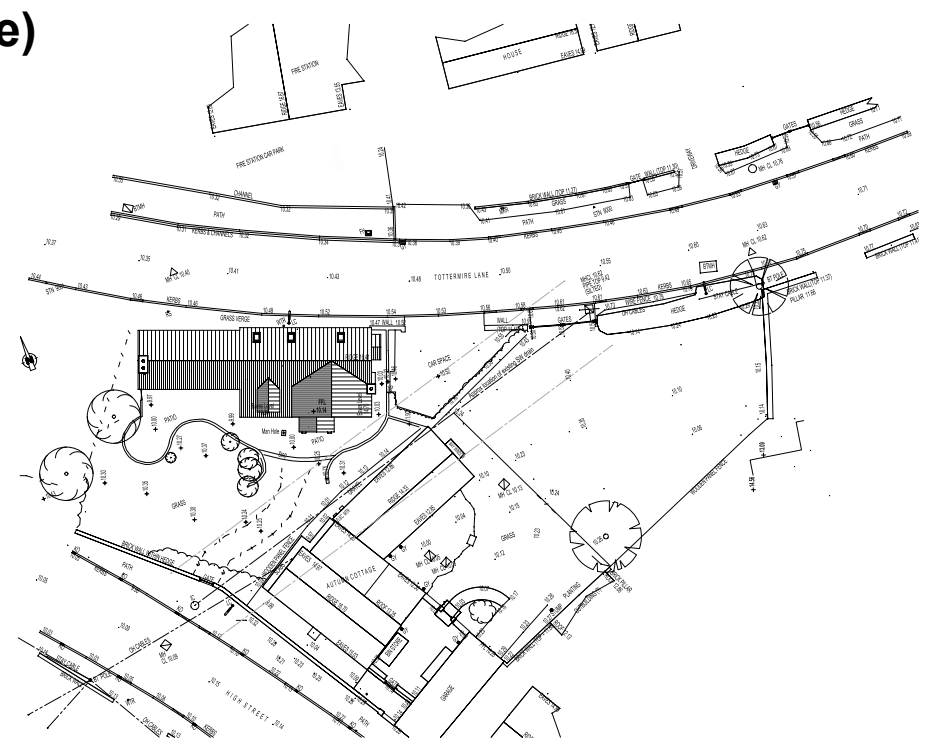
EXISTING EAST ELEVATION



EXISTING SOUTH ELEVATION



EXISTING WEST ELEVATION



EXISTING SITE PLAN
1:200



Scale 1:1250
© Crown copyright and database rights 2023 OS 100064136. Map area bounded by: 477760, 403879
477890, 404170. Produced on 27 July 2023 from the OS National Geographic Database. Supplied by
UKPlanningMaps.com. Unique plan reference: p4e1uk/981573/1323069

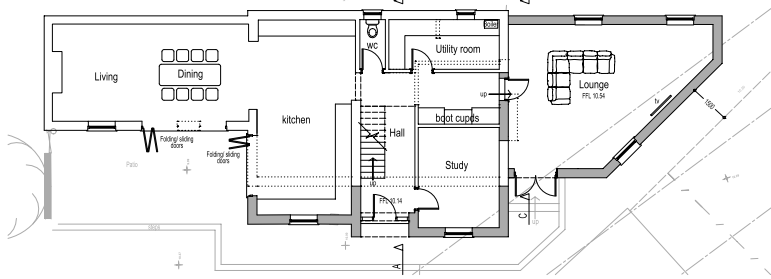
LOCATION PLAN
1:1250


Cadworx Ltd
Architectural design and 3d Visualisations
Linden House, Bracken Hill Road
East Lond, Nr Doncaster DN9 2LR

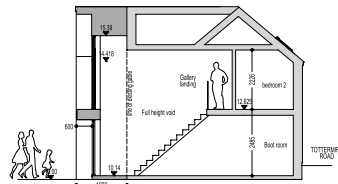
- Project
- PROPOSED EXTENSIONS, ALTERATIONS
PLUS NEW GARAGE AND DRIVE
- 122 HIGH STREET
EPWORTH
-
-
-
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-
- Title:
- EXISTING PLANS AND ELEVATIONS
-
-
-

Scale	Date	Drawn
1:100 @ A1	05-2023	DS
Drawing No. CWX1013 - 01 B		
A B C D E F G H I J		

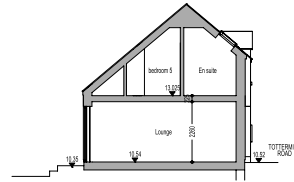
PA/2023/1364 Proposed plans and elevations (not to scale)



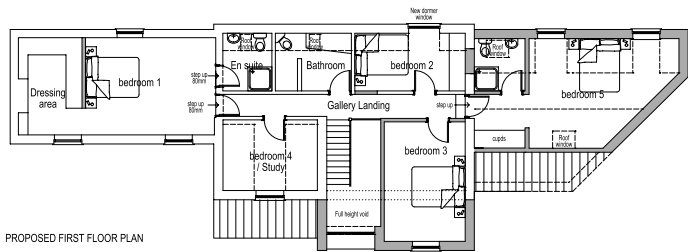
PROPOSED GROUND FLOOR PLAN
1:100



PROPOSED SECTION A-A
1:100

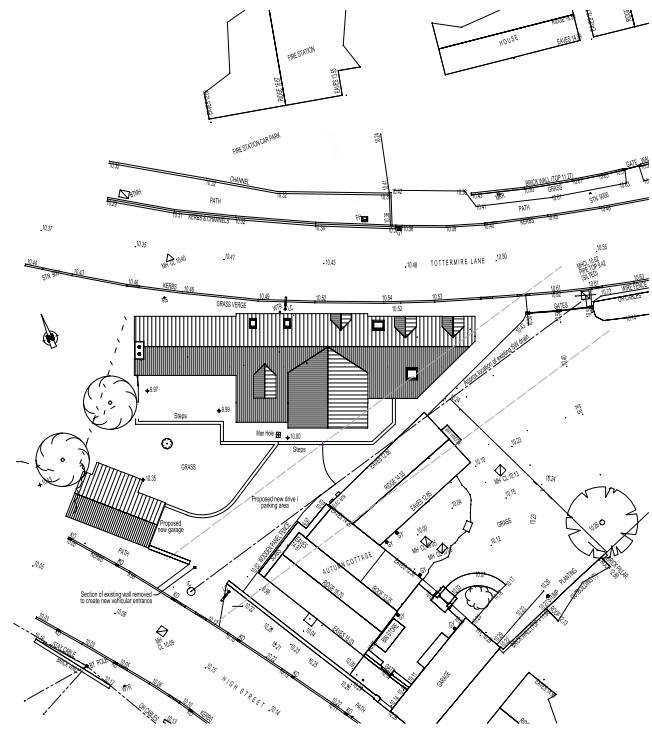


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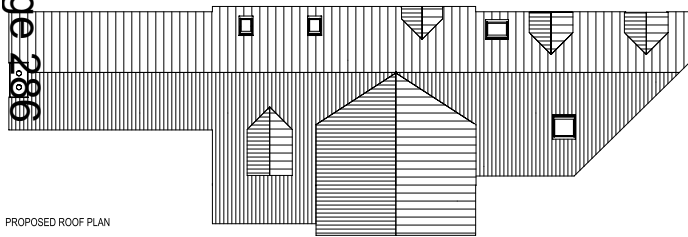


PROPOSED FIRST FLOOR PLAN

AMENDED



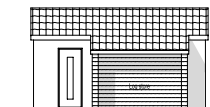
PROPOSED DETACHED GARAGE



PROPOSED ROOF PLAN



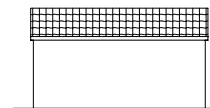
VIEW FROM NEW DRIVE ENTRANCE



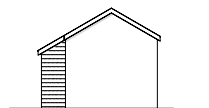
PROPOSED NORTH ELEVATION
1:100



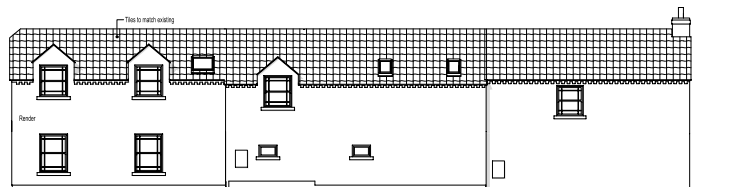
PROPOSED EAST ELEVATION



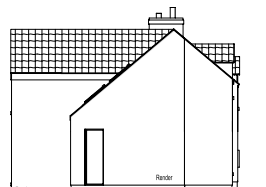
PROPOSED SOUTH ELEVATION



PROPOSED WEST ELEVATION



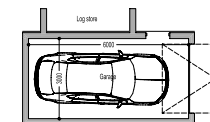
PROPOSED NORTH ELEVATION
1:100



PROPOSED EAST ELEVATION



VIEW FROM GARDEN



PROPOSED PLAN
1:100



PROPOSED SOUTH ELEVATION



PROPOSED WEST ELEVATION



VIEW FROM TOTTENMIRE LANE



- Project
- PROPOSED EXTENSIONS, ALTERATIONS
- PLUS NEW GARAGE AND DRIVE
- 122 HIGH STREET
- EPWORTH

Title:
PROPOSED PLANS AND ELEVATIONS

Scale	Date	Drawn
1:100 @ A1	05-2023	DS

Drawing No. CWX1013 - 101 D

A B C D E F G H I

Page 2 of 6

APPLICATION NO	PA/2023/1489
APPLICANT	Birkett
DEVELOPMENT	Proposed new dwelling and garage
LOCATION	Parbola, Thornton Road, Goxhill, DN19 7HN
PARISH	GOXHILL
WARD	Ferry
CASE OFFICER	Matthew Gillyon
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Goxhill Parish Council

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

H8 Housing design and housing mix

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 Development Plan:

PS1 Presumption in favour of sustainable development

Settlement Inset Map – 21 Goxhill

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

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

SS1 Presumption in favour of sustainable development

SS2 A spatial strategy for North Lincolnshire

SS3 Development principles

SS10 Development limits

DM1 General requirements

CONSULTATIONS

Highways: Recommend a condition requiring the vehicle access, parking and turning space to be completed before the dwelling is occupied and thereafter retained.

LLFA Drainage: No objection to the proposed development subject to a condition requiring the development to be carried out in accordance with submitted drawing number 1729-01 rev b, and informative comments.

North East Lindsey Drainage Board: Under the terms of the Board's bylaws, the prior written consent of the Board is required for any proposed temporary or permanent works or structures in, under, over or within the byelaw 9m distance of the top of the bank of a Board-maintained watercourse. The application and agent have been in contact with the Board and it is noted the 9m distance has been left clear of obstructions as discussed.

The new soakaways as a means of surface water disposal should be to an appropriate standard and to the satisfaction of the approving authority in conjunction with the local planning authority.

Environmental Protection: The applicant has demonstrated that they are the current owners of the barn adjacent to the site, which will be demolished prior to commencement of

works on site. Therefore, the department is no longer concerned with noise and odour due to the proximity of a barn housing livestock to a residential dwelling. Also recommend the inclusion of a condition regarding the risk of land contamination.

PARISH COUNCIL

Objects to the planning application with further developments on green space or paddocks setting a precedent for further development on similar sites. The objection is in connection with policies of the Core Strategy CS2 and CS8. In regards to CS2, it fails due to Goxhill not requiring any more houses and increasing the pressures on the existing resource, and the development shows no benefits to the community of Goxhill for CS8. It is more development on an already busy road, potential for more felling of cherry trees which is part of the identity and aesthetic of Goxhill, and the design of the dwelling is not in keeping with the surrounding area.

PUBLICITY

A site notice has been displayed with one comment received on the proposal.

The comment objects to the application with the village already under strain for local amenities and drainage. Thornton Road already experiences regular flooding as well as the sewers regularly being blocked, with the issue only getting worse with more dwellings.

ASSESSMENT

Planning history

No previous applications.

Site constraints

The proposed site is within the development boundary and SFRA flood zone 1.

The site and proposal

The proposal is for a new dwelling and garage south of Parbola, Thornton Road, Goxhill. The site is currently an area of grassed land with a barn sited on the adjacent land to the west, which is in the ownership as the applicant. It has been confirmed that this barn will be demolished prior to the commencement of work for the new dwelling.

The proposed dwelling has been designed as a traditional rural farmhouse which is two and a half storeys, with five bedrooms. The proposed dwelling will be constructed out of Wienerberger Bamberg Red Stock brickwork, Marley Anglia interlocking concrete tiles in Old English Dark Red, off-white timber sash effect uPVC windows and composite doors, and black uPVC rainwater goods. It has also been confirmed within the applicant that any existing tree and hedge planting will be retained.

The main issues in determining this application are:

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

- **residential amenity;**
- **impact on highway safety; and**
- **flood risk and drainage.**

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), the North Lincolnshire Core Strategy (NLCS) and the Housing and Employment Land Allocations DPD. Other material planning considerations include the National Planning Policy Framework (NPPF), the emerging North Lincolnshire Plan and the 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 within the development limit for Goxhill as defined in the Housing and Employment Land Allocations DPD. Policy CS2 of the Core Strategy sets out a sequential approach to locations of new development within North Lincolnshire with small-scale developments within the defined development limits of rural settlements to meet identified local needs identified as one of the preferences for new development, ranking third in the sequential hierarchy. Policy CS3 sets out how development boundaries will be defined and seeks to strictly control development that falls outside these boundaries. The proposed site is within the development boundary for Goxhill and is considered to be in accordance with the policies.

Policy CS8 sets out the spatial distribution of housing sites and confirms that 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, Goxhill is a sustainable rural settlement with local services available and as such the proposed development is considered to be in accordance with this policy.

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 a loss to privacy to existing developments or any other loss of amenity to existing dwellings.

In considering the principle of development, the proposal is within the defined development limit of Goxhill and would represent sustainable development that accords with the spatial aspirations of the development plan, and is acceptable in principle.

Impact upon the character of the area

Policy CS5 of the NLCS states that new development should be well designed and appropriate for their context and contribute to creating a sense of place, with any proposed development needing to respect the character and appearance of the local area.

Policy H5 of the NLLP 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.

The site is currently an area of grassland, with two recent residential developments to the north of the proposed site. It is located on a predominantly residential street. It is separated from Thornton Road by a deep grass verge and a row of mature trees that run along the road frontage. The proposed dwelling has been designed to follow the scale of the adjacent properties with proposed materials being sympathetic to existing dwellings in the area. There is also an eclectic mix of design within the local area with a number of different dwelling types and styles. The proposed dwelling will be of a traditional farmhouse style which is appropriate for its context, on the edge of a small rural settlement. It has also been stated that any existing trees and hedges will be retained, which will help the new development integrate with the existing street scene. It is considered that the proposal will not impact the character of the area.

Impact upon residential amenity

Policies H5 and DS1 of the NLLP state that any new development should be well designed and appropriate for their context, with no unacceptable loss of amenity to neighbouring properties.

The proposed development has been designed to reflect its siting, with the majority of windows in the south elevation that will overlook open fields with just one window in the north elevation to limit the potential for loss of privacy to neighbouring dwellings. There is sufficient distance to the dwellings north and east of the proposed dwelling to prevent unacceptable overlooking and loss of light.

There is also an agricultural building to the west of the proposed site with concern raised by Environmental Protection regarding noise and odour from the development. The agricultural building has been confirmed to be owned by the applicant with plans to demolish the building being secured through a pre-commencement condition which has been agreed with the agent.

Overall, it is considered that the proposed development will not create an unacceptable adverse impact on the amenity of neighbouring residential properties and is considered to be in accordance with H5 and DS1 of the local plan.

Highway safety

Policies T2 and T19 of the NLLP are concerned that development should be served by a satisfactory access and parking provision. The proposal has sufficient access and parking shown on the submitted plans. The Highways officer has commented on the proposal,

recommending the inclusion of a condition to ensure highway safety is maintained by securing the proposed access and parking arrangements prior to occupation of the dwelling.

Flood risk and drainage

Policy CS19 of the NLCS states the council will support development proposals that avoid areas of current or future flood risk. The application site is within flood zone 1 and is therefore in a location which is considered to be low risk in terms of flooding. The LLFA Drainage team has reviewed the proposal and recommends the inclusion of a condition and informatives on any permission granted in response to the amended plans that have been submitted. Subject to the recommended condition it is considered the proposed development will have no unacceptable impact in respect of drainage and flood risk.

Conclusion

The proposal for a new dwelling and garage is appropriately designed and not considered to have any adverse impact on the character of the area, highway safety or residential amenity. The proposal is considered to comply with the relevant development plan policies discussed above 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:

- Existing and Proposed Site Plan Drawing No. 1729.01 rev B

- Proposed Plans and Elevations Drawing No. 1729.02 rev B.

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.

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.

5.

The development shall be carried out in accordance with the submitted drawing number 1729-01 Rev B.

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.

Prior to the occupation of the dwelling, the agricultural building on the adjacent site to the west shall be demolished and all material removed.

Reason

To ensure no loss of amenity for potential future residents in accordance with policy DS1 of the North Lincolnshire Local Plan.

Informatives

1.

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

2.

The developer needs to be mindful of the poor infiltration rate likely to be encountered. For this reason we advise that the developer considers a high level overflow connection into the adjacent watercourse. This will require consent from the Internal Drainage Board.

3.

Alterations and/or connections into the watercourse network must be consented by the local Internal Drainage Board through an Ordinary Watercourse Consent and appropriate discharge rates must be agreed. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

4.

The proposals indicate a new dropped crossing over the riparian watercourse on the eastern boundary. This must be consented by North Lincolnshire Council's LLFA Drainage Team, in

their capacity as Lead Local Flood Authority, and/or the local Internal Drainage Board through an Ordinary Watercourse Consent and appropriate discharge rates must be agreed. Please contact the LLFA Drainage team via email 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.

5.

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

6.

For your information we are fully aware of foul sewer flooding and capacity issues in this area of Goxhill. For this reason, we advise that all surface water from the development cannot be connected into the foul sewer network. Anglian Water needs to provide clarification on foul water capacities and approvals of design and new connections into their foul water sewer.



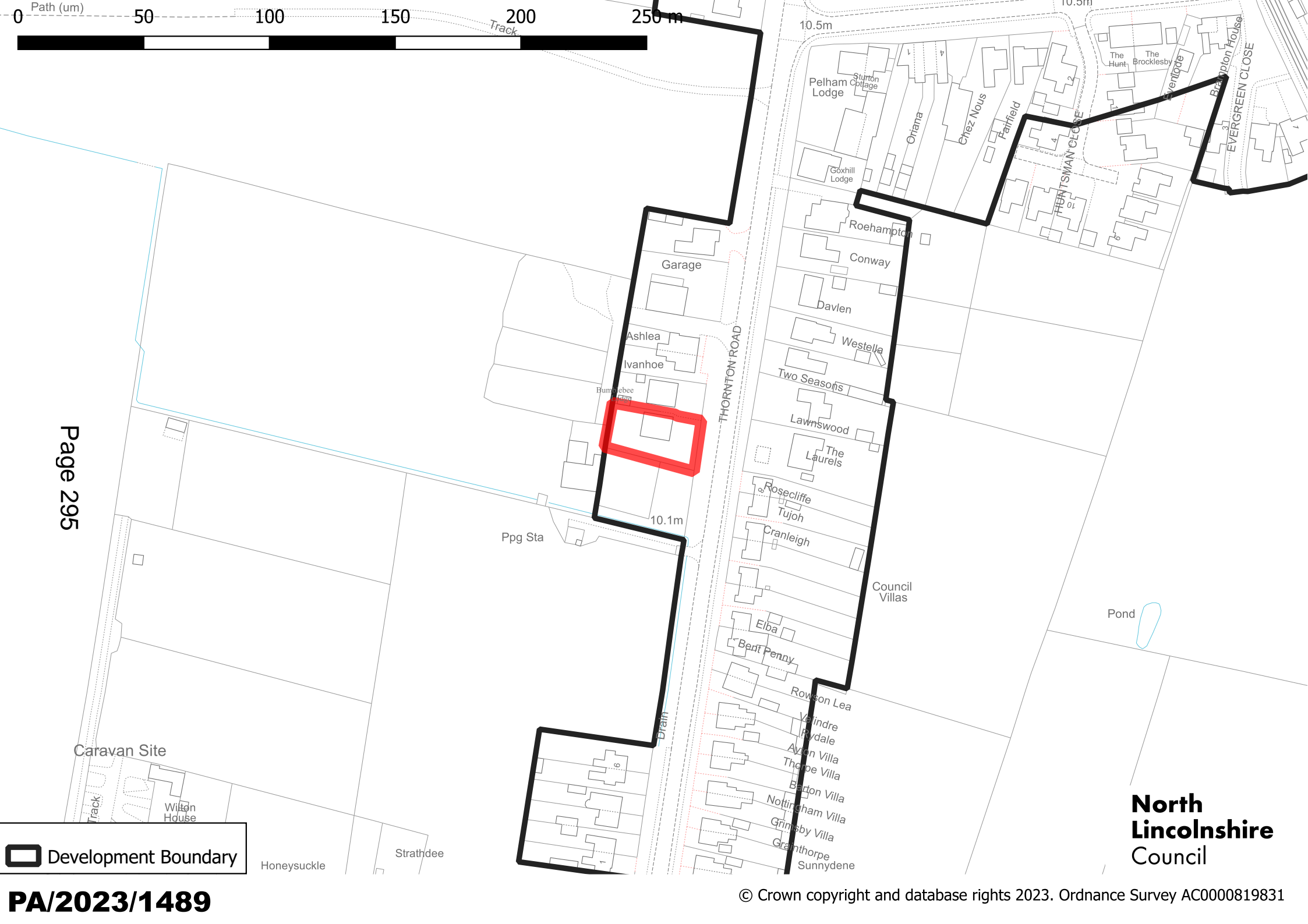
Page 295

Development Boundary

PA/2023/1489

**North
Lincolnshire
Council**

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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 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 raised in accordance with the manufacturers written instructions, recommendations and specifications. Violations to specified materials shall be specific writing with keystone architecture.

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

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PARTY WALL NOTICES:

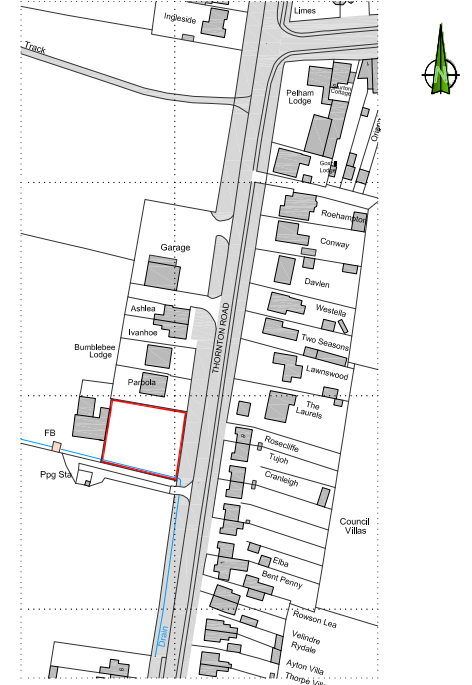
Building inside (A) or against (B) the boundary line.

If you plan to build a party wall inside 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.



Page 296

Existing Block Plan
scale 1:500

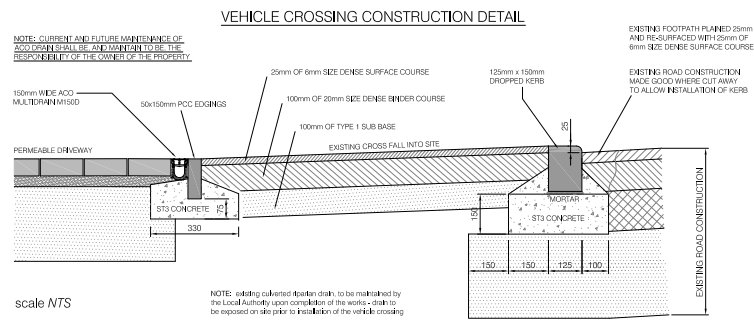
Proposed Block Plan
scale 1:500

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

Location Plan
scale 1:1250



Proposed Site Plan
scale 1:200



scale NTS

AMENDED

NOT FOR CONSTRUCTION

B Client Name: Ashlea
A Client Amendments
rev. agreement
stage: Planning
scale: as noted
date: Aug 23
drawn by: JCB
17/26/01 rev B

ka
keystone architecture
architecture building consultants energy assessors project managers
4th Floor, High Street, Southsea, PO5 1HA
T: 01753 239 122
info@keystonearch.co.uk

PA/2023/1489 Proposed elevations (not to scale)

NOTES:

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PARTY WALL NOTICES:

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Material Schedule:

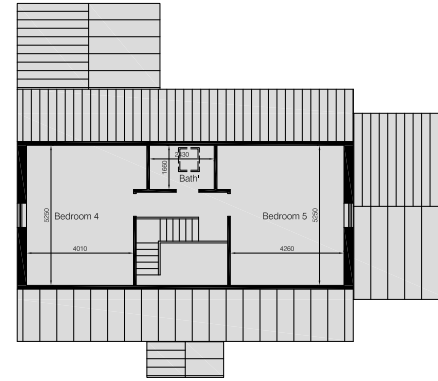
Blockwork: Meneberger Barnburgh Red Stock blockwork
 Roof Tiles: Mowley Anika Interlocking concrete roof Tiles In Old English Dark Red
 Windows: Off white timber sash effect uPVC windows and composite doors
 Rainwater Goods: Black uPVC rainwater goods on flue & full brackets
 Porch: Oak timber porch with Ash floor
 Details: Swept sash courses over windows & reconstructed stone window cills



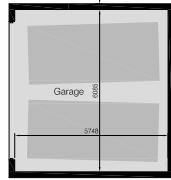
Ground Floor Layout



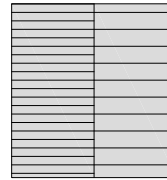
First Floor Layout



Second Floor Layout



Garage



Page 297



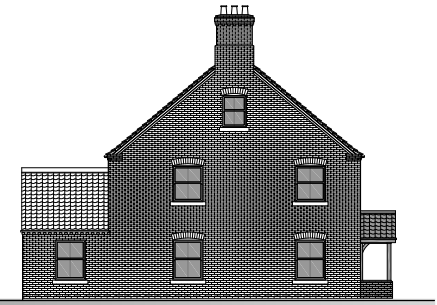
East Elevation



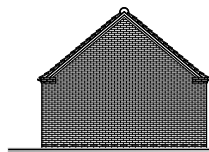
North Elevation



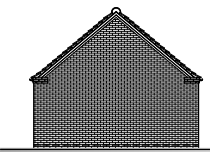
West Elevation



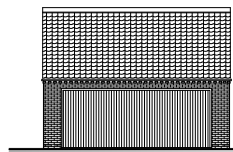
South Elevation



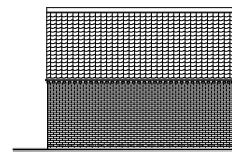
Garage East Elevation



Garage West Elevation



Garage South Elevation



Garage North Elevation

NOT FOR CONSTRUCTION

B Client Amendments to Windows 22/08/23
 A Client Amendments 22/08/23
 rev. agreement date

Proposed New Dwelling at Land South of Phoenix Thornton Road Good North Lincolnshire
 stage Planning
 scale 1:100
 sheet no. 1726.02 rev B
 drawn Aug 23
 drawn by JCB

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APPLICATION NO	PA/2023/1494
APPLICANT	Mr Stephen North
DEVELOPMENT	Planning permission to erect a two-storey house and detached double garage
LOCATION	Land between Nasza Chata and Fairlawns, Jericho Lane, East Halton, DN40 3PZ
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
- H8 Housing design and housing mix
- RD2 Development 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 early 2024.

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

SS1 Presumption in favour of sustainable development

SS2 A spatial strategy for North Lincolnshire

SS3 Development principles

SS10 Development limits

DM1 General requirements

CONSULTATIONS

Highways: Recommend conditions and an informative as follows:

- Before development commences on site details of the relocation of any street apparatus should be submitted to and approved in writing by the local planning authority.
- Nothing shall at any time be erected, retained, planted or allowed to grow over 1.05m in height above the level of the adjoining carriageway for a distance of 2m from the highway boundary across the site frontage.
- The dwelling shall not be occupied until the vehicular access to it and the vehicle parking and turning space serving it have been completed and once provided shall be retained.
- An informative to ensure that correct permissions are obtained prior to commencing work within the limits of the adopted highway.

LLFA Drainage: No objections to the proposed development subject to the following condition and informative:

- 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 and vice versa from the highway onto the developed site.

- Consider upsizing the pipe network to increase storage around the development to cater for more intense storm conditions.

Environmental Protection: Recommend a pre-commencement condition requiring a contaminated land report to be completed as well as an asbestos survey to identify any asbestos on site.

National Grid: There are no National Grid Electricity Transmission assets affected in this area.

Cadent Gas: Require further information to assess the risk associated with the planned works.

National Gas Transmission: Based on the location entered into the system for assessment, the area has been found to not affect any National Gas Transmission apparatus.

PARISH COUNCIL

No comments to make.

PUBLICITY

A site notice has been displayed along with a press notice. One comment has been received on the proposal:

'...no objections to the above planning and welcome the improvements the development may make to the aesthetics of Jericho Lane. However, there are concerns regarding possible flooding risk; during heavy rain the water builds up to a level where properties are potentially at risk of flooding. The current drainage system cannot cope with heavy rainfall along with the sewage drains. The new development may exacerbate the current situation and would like some reassurances from the local authority that improvements to the current drainage system will be in place before planning is granted.'

ASSESSMENT

Planning history

7/1974/0362: Erect two new poultry houses and make extensions to two existing ones, and construct a vehicular access – approved 14/11/1974

7/1985/0103: Erection of dwellings – approved 30/05/1985

PA/2006/0462: Planning permission to retain a wooden gate (resubmission of application PA/2005/1131) – approved 22/05/2006

Site constraints

The proposed site is outside the development boundary and within SFRA flood zone 1.

The site and proposal

The proposal is to erect a two-storey house and detached double garage on land that is currently used as container storage as part of Jericho Farm. The property will be sited between Fairlawns to the south and Nasza Chata to the north, with a 1800mm fence around the site and keeping the mature tree line to the north.

The two-storey property will have six bedrooms and will be constructed of red rustic facing bricks, white uPVC windows and rainwater goods and a dark grey concrete tile. Access will be provided by a horseshoe driveway direct from Jericho Lane.

The main issues in determining this application are:

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

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), the North Lincolnshire Core Strategy (NLCS) and the Housing and Employment Land Allocations DPD. Other material considerations include the National Planning Policy Framework (NPPF), the emerging North Lincolnshire Local Plan and a suite of supplementary planning documents.

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

The application site is located outside the development limit for East Halton as defined in the Housing and Employment Land Allocations DPD. For policy purposes this would constitute development within the countryside and therefore policy RD2 of the current North Lincolnshire Local Plan needs to be considered. Policy RD2 looks to control development in the open countryside, with development granted for applications essential to agriculture or forestry, the re-use or adaptation of existing rural buildings, or the replacement, alteration or extension of an existing dwelling, amongst others.

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 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 for 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 set 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 a loss to privacy to existing developments or any other loss of amenity to existing dwellings.

In considering the principle of development, it is noted that the proposal is a departure from the adopted development plan, conflicting with policies which aim to strictly control development outside of defined development boundaries in order to protect the character of the open countryside. However, it is also noted that the application site is currently developed and used for container storage associated with adjacent farming activities. The site sits between existing development, including residential dwellings to the north and south and the proposal would constitute infill development. As such the proposed development would have no adverse impact on the character and appearance of the area with the dwelling replacing existing built form on the site in the form of sheds and storage containers. Indeed, the proposed development would be considered a betterment in visual amenity terms and to have a positive impact on the character and appearance of the area.

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. The policy conflict is considered to result in minimal harm and to be outweighed by the benefits associated with the provision of a sustainable dwelling in this location.

Impact upon the character 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 area. Policy RD2 of the NLLP also seeks to protect the character and appearance of the countryside.

The site is currently being used for storage as part of the commercial development, with the proposal converting this to residential. There is already residential development along Jericho Lane with the proposed development sited between two dwellings. It is considered, as noted in the third-party comment received on the application, that the proposal will improve the aesthetics of the area and will have a positive impact on the character of the area. There will

be no wider impact upon the character or appearance of the open countryside due to the nature of the site, it being surrounded by existing development.

The scale and design of the proposed dwelling is considered to be appropriate and acceptable, particularly given the size and siting of the application site.

Impact upon residential amenity

Policies H5 and DS1 of the NLLP state that any new developments should be well designed and appropriate for their context, with no unacceptable loss of amenity to neighbouring properties.

The proposed development is sited a sufficient distance away from properties to the north, south and west, and there is mature vegetation between the properties to the north and west and the commercial property to the south. The proposed dwelling is at least 20m away from any of these dwellings, which is sufficient distance to prevent unacceptable overlooking and loss of light.

The proposed development is adjacent to Jericho Farm, which is an agricultural and commercial property. At present there is access to this site on the site of the proposed dwelling, with this access being removed; however, it has been confirmed by the agent that there is a secondary access to the site via King Street which will be utilised instead. With other residential properties around Jericho Farm, it is considered there would be no adverse impact on the proposed dwelling, or vice versa restricting the existing business, as a result of development taking place since they were established.

Overall, it is considered that the proposed development will have limited impact on the amenity of neighbouring residential properties and it is considered to be in accordance with H5 and DS1 of the local plan.

Highway safety

Policies T2 and T19 of the NLLP are concerned that development should be served by a satisfactory access and parking provision. The plans show sufficient parking provision and access to the dwelling to allow vehicles to enter and leave the site in a forward gear. The Highways officer has commented on the proposal recommending a condition to ensure highway safety is maintained.

Flood risk and drainage

Policy CS19 of the NLCS states the council will support development proposals that avoid areas of current or future flood risk. The application site is within flood zone 1 and is therefore in a location considered to be low risk in terms of flooding. The LLFA Drainage team has reviewed the proposal and recommends the inclusion of conditions requiring the submission of an effective method of preventing surface water run-off from hard paved areas within the site onto the highway and vice versa from the highway onto the site, as well as an informative suggesting the applicant considers upsizing the pipe network to increase storage around the development to cater for more intense storm conditions. This also addresses the comment received about the proposal and the concern regarding the risk in flooding in the area.

Conclusion

Despite falling outside the development limit for East Halton, the proposal is considered to have a positive impact on the character and appearance of the open area. It is considered that the proposed two-storey dwelling and detached garage are appropriately designed and will not have any adverse impact on character, setting, highway safety or residential amenity.

Whilst the proposal conflicts with the requirements of policy RD2 by creating a new dwelling in the countryside, this policy conflict would, as confirmed above, have limited harm. In contrast, the proposal would allow for the delivery of an additional market dwelling in a sustainable, infill location and would be a visual betterment given the current condition of the site: this benefit is considered to outweigh any harm.

On balance, the proposal is recommended for approval.

Pre-commencement conditions

These have been agreed with the applicant/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. 23/13/15
- Existing Block Plan Drawing No. 23/13/13
- Proposed Block Plan Drawing No. 23/13/14
- Elevations Drawing No. 23/13/03
- Ground Floor Layout Drawing No. 23/13/01
- First Floor Layout Drawing No. 23/13/02
- Cross Section Drawing No. 23/13/04
- Roof Plan Drawing No. 23/13/10
- Double Garage Drawing No. 23/13/07
- Foundations Drawing No. 23/13/08
- Ground Floor Slab Drawing No. 23/13/09
- Front Canopy Drawing No. 23/13/06
- Roof Carcassing Drawing No. 23/12/12
- First Floor Carcassing Drawing No. 23/13/11
- Main Services Layout Drawing No. 23/13/17
- Drainage Drawing No. 23/13/16.

Reason

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

3.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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.

4.

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

Reason

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

5.

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.

6.

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.

7.

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

Part 1: Site Characteristics

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed), including buildings, crops, livestock, pets, woodland, and service lines and pipes;
 - adjoining land;
 - groundwaters and surface waters;
 - ecological systems;
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and a proposal of the preferred option(s). This must be conducted in accordance with Environment Agency's Land Contamination Risk Management (LCRM) guidance July 2023.

Part 2: Submission of Remediation Scheme

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

Part 3: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless

otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks' written notification of commencement of the remediation scheme works.

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

Part 4: Reporting of Unexpected Contamination

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

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

Reason

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

8.

An asbestos survey shall be undertaken prior to commencement of demolition works to identify the location, type and amount of asbestos-containing material, and a proposal for managing and disposing of any asbestos identified.

Reason

To ensure that risks from asbestos to the environment, future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, nearby residents, and other off-site receptors.

9.

Waste transfer notes following removal and disposal of any asbestos materials shall be sent to the local planning authority to demonstrate correct disposal.

Reason

To ensure that risks from asbestos to highways, the environment, future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors; and to avoid conflict with policy.

Informatives

1.

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

2.

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

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

3.

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

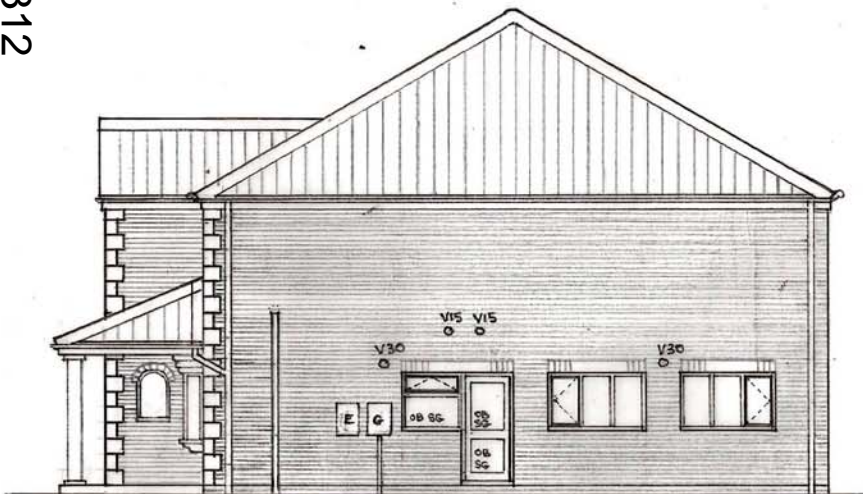
PA/2023/1494 Proposed elevations (not to scale)



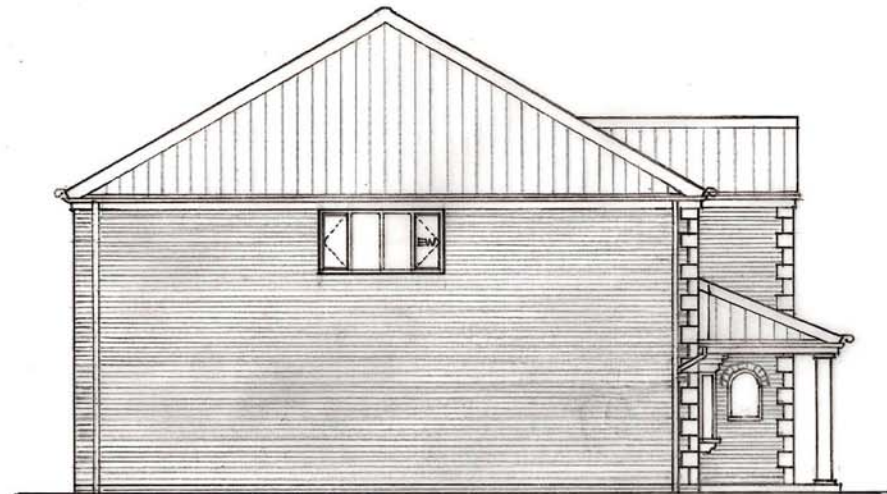
West 1:100 @ A3.



East



South



North

Page 312

PROPOSED TWO STOREY DWELLING AND DETACHED DOUBLE GARAGE at LAND BETWEEN 'NASZA CHATA' and FAIRLAWNS, JERICO LANE, EAST HALTON, N. LINGS., DN40 3PZ for Mr & Mrs S. North of 17, WELLAND DRIVE, BURTON-upon-STATHER, DN15 9DR.

ELEVATIONS (A3)

Date: August 2023 Drwg. No. 23/13/03.

APPLICATION NO	PA/2023/1540
APPLICANT	Iona Johnson
DEVELOPMENT	Planning permission to erect a two-storey side extension
LOCATION	2 Cobblestone Court, Belton, DN9 1PF
PARISH	BELTON
WARD	Axholme Central
CASE OFFICER	Jennifer Ashworth
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Departure from the development plan

POLICIES

National Planning Policy Framework:

2 Achieving sustainable development

4 Decision-making

12 Achieving well-designed places

North Lincolnshire Local Plan:

RD2 Development in the open countryside

RD10 Replacement, alteration and extensions to dwellings in the open countryside

LC14 Area of special historic landscape interest

DS1 General requirements

DS5 Residential extensions

T2 Access to development

T19 Car parking provision and standards

DS14 Foul sewage and surface water drainage

North Lincolnshire Core Strategy:

CS1 Spatial strategy for North Lincolnshire

CS2 Delivering more sustainable development

CS3 Development limits

CS5 Delivering quality design in North Lincolnshire

Housing and Employment Land Allocations DPD:

The site is within policy area LC14 and outside the development limits of Belton as shown on the Proposals Map.

Supplementary Planning Guidance:

SPG1 Design guidance for house extensions

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

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

SS1 Presumption in favour of sustainable development

SS2 A spatial strategy for North Lincolnshire

SS3 Development principles

SS11 Development limits

DM1 General requirements

RD1 Supporting sustainable development in the countryside

CONSULTATIONS

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

LLFA Drainage: No comments or objections to make on this application.

Isle of Axholme and North Nottinghamshire Water Level Management Board: The site is within the Isle of Axholme and North Nottinghamshire Water Level Management Board district. The Board-maintained Medley Drain, an open watercourse, exists to the southern boundary of the site and to which byelaws and the Land Drainage Act 1991 apply. The Board's consent is required to erect any building or structure (including walls and fences), whether temporary or permanent, or plant any tree, shrub, willow or other similar growth, within 9 metres of the top edge of any Board-maintained watercourse or the edge of any Board-maintained culvert.

PARISH COUNCIL

No comments received.

PUBLICITY

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

ASSESSMENT

Planning history/designations

PA/1999/0700: Outline planning permission to erect a detached house and garage – approved 03/08/1999

PA/1999/0774: Planning permission to erect a detached house and detached double garage – approved 24/09/1999

2/1990/0086: Demolition of existing buildings and erection of residential development – approved 18/07/1990

PA/2001/1018: Planning permission to erect a detached 4-bedroom house with garage – approved 11/10/2001

The site is within SFRA flood zone 1.

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

Site characteristics/proposal

The site is a corner plot off Cobblestone Court and relates to an existing detached property. The existing property has a detached garage to the side. The applicant seeks to extend to the side of the property to connect the existing house to the detached garage. The proposal also seeks to extend above the existing detached garage.

The site is within a residential area where similar extensions have taken place.

The following considerations are relevant to this proposal:

- **principle of development**
- **residential amenity**
- **appearance/quality of design**
- **drainage.**

Principle of development

The site is outside the development limits of a rural settlement and therefore open countryside policies apply. Policy RD2 strictly controls development within the open countryside but allows development which is for the replacement, alteration or extension of an existing dwelling.

The main issues in the determination of this application are the impact upon the open countryside, on the character and appearance of the dwelling and upon residential amenity.

Residential amenity

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

Policy RD10 states the appearance or use of the dwelling as extended or altered should not adversely affect the amenity of local residents or the appearance of the locality.

The applicant seeks to convert the existing integral garage into a kitchen, with a new dining room in the extension and a utility room in part of the detached garage. A section of the existing detached garage will remain as a garage space. At first floor the proposals seek a master bedroom with en-suite and dressing room above the new extension and integral garage, whilst a new guest bedroom and en-suite will be created above the existing detached garage with three dormers to the front and three to the rear.

The site is within an existing residential area. The plots in this location are mixed in size with the application site having a large garden in relation to the size of the property. The development would infill a small section of land between the existing property and the detached garage as well as develop above the existing detached garage. The proposed double-storey extension is set away from the adjacent property. Whilst the proposed first-floor extension over the garage is adjacent to the neighbouring property, this does not extend any further than the existing footprint of the existing building and is set lower than the existing property. The use of dormers results in this section of the proposal being 1.5-storeys in height. The proposal is not considered to impact in terms of overshadowing or loss of light.

There are no windows proposed in the western elevation of the detached garage extension. All new openings overlook the applicant's driveway, the rear garden and adjacent open countryside.

The case officer has also considered the windows within the adjacent property, Lowena. The adjacent property was granted permission in 2000 for a dormer bungalow. The property includes a window in the gable end with the application site. This window serves an en-suite bathroom and appeared on site to be obscure-glazed. This application seeks to increase the height of the existing garage from single-storey to 1.5-storeys in height. Whilst this would bring the roof line of the application site closer to the adjacent property, it is not considered to result in any amenity issues. All other windows in the adjacent property overlook the rear garden and the driveway of land within its own ownership. This proposal does not seek to bring the footprint of development any closer to the adjacent property and there are already windows within the frontage of the property. It is therefore not considered that additional windows in the frontage would result in amenity concerns.

The proposals are not expected to result in any overlooking or privacy impacts.

Appearance/quality of design

Policies DS5 and CS5 are both concerned with visual amenity, the former stating that proposals should be sympathetic in design, scale and materials. Both seek to improve the quality of design across North Lincolnshire.

Policy RD10 relates to the replacement, alteration, and extension of dwellings in the open countryside. Policy RD10 does require the volume of the proposed extension to not exceed 20% and the original dwelling should form the dominant visual feature. Policy RD10 requires all new construction to be of a high standard of design and in particular to reflect the architecture of the building and/or vernacular styles in the locality; and that the appearance or use of the dwelling as extended or altered will not adversely affect the amenity of local residents or the appearance of the locality.

The applicant has confirmed that the existing house plus the existing garage has a volume of approximately 1020m³. The proposed extension's volume equates to approximately 540m³. This equates to a 61.5% increase which is 41.5% over the policy requirements. Whilst the policy is relevant, each case should be taken on its own merits. The property forms part of an existing residential cul-de-sac and the proposed development seeks to infill an area between the existing garage and the main property. The majority of the additional volume is within the first floor and roof space and has been carefully designed to consider neighbouring properties and this countryside location. Whilst the volume calculations are noted, from a street scene perspective, visually, the proposed extension would not appear as a 61.5% increase from the street scene. This is largely due to the corner position of the property and infilling of a space to the rear of the property as well as above the original garage.

The proposals are considered to be designed to a high standard, albeit no materials schedule has been provided even though the application form suggests this information is provided within the plans package. The site is within policy area LC14, which requires a high standard of design and siting in new development reflecting the traditional character of buildings in the area and the character of the historic landscape, and using materials sympathetic to the locality. It is recommended that materials be secured by condition.

The proposed works, other than materials which are yet to be confirmed but can be secured by condition, are considered to be sympathetic to the host property as well as the wider street scene and would not result in amenity impacts. It is considered that the proposal would align with policies RD10, LC14, DS5 and CS5.

Drainage

The LLFA Drainage team have considered the proposals and have no comments or objections at this time. The IDB have reviewed the proposals and offer informative advice.

Highway safety

The highways team have considered the proposals and have no comments or objections at this time. There are no concerns in terms of highway safety given the proposal is to the side/rear of the property.

Conclusion

The proposal is acceptable in principle, is well designed and would not harm residential amenity. It is recommended that planning permission be granted.

RECOMMENDATION: Grant permission subject to the following conditions:

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

Reason

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

2.

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

- Proposed Plans - DWG No. 1651.02
- Existing and Site Plans - DWG No. 1651.01.

Reason

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

3.

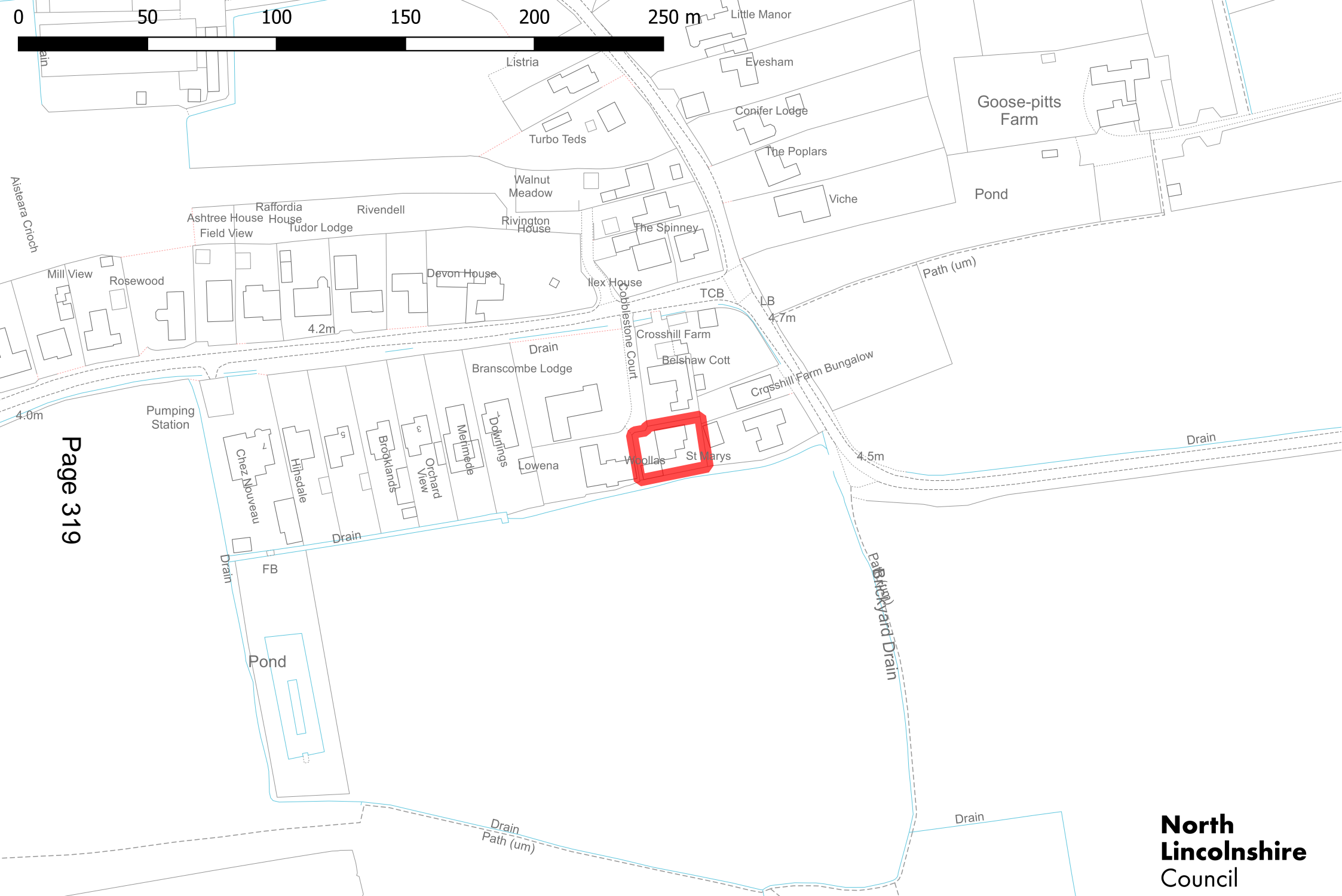
Notwithstanding the hereby approved plans (condition 2 above), no above-ground development shall take place until details have been submitted to and approved in writing by the local planning authority of the make, type and colour of all external facing materials for the development and only the approved 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 policies DS1, LC14 and RD10 of the North Lincolnshire Local Plan.

Informative

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



Page 319

North Lincolnshire Council

PA/2023/1540 Existing plans and elevations, and proposed layout (not to scale)

NOTES:

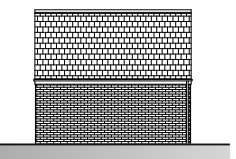
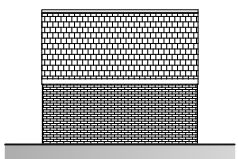
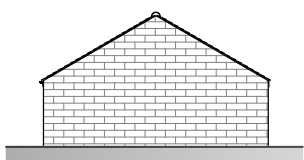
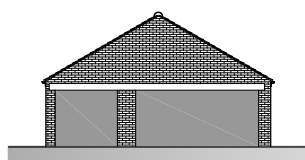
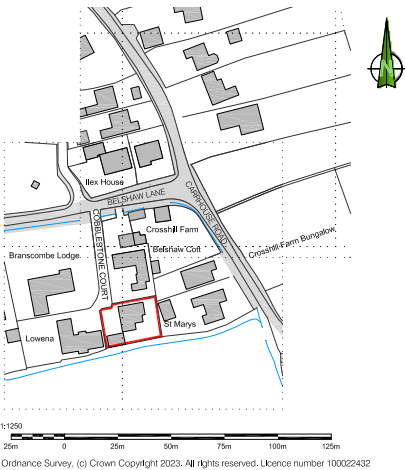
All dimensions & details given on this drawing are to be checked and verified on site prior to works being undertaken. Any discrepancies and/or variations to the specifications will be the responsibility of the client. Variations to specified materials shall be agreed in writing with Keystone Architecture.

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

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

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

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PARTY WALL NOTICES:

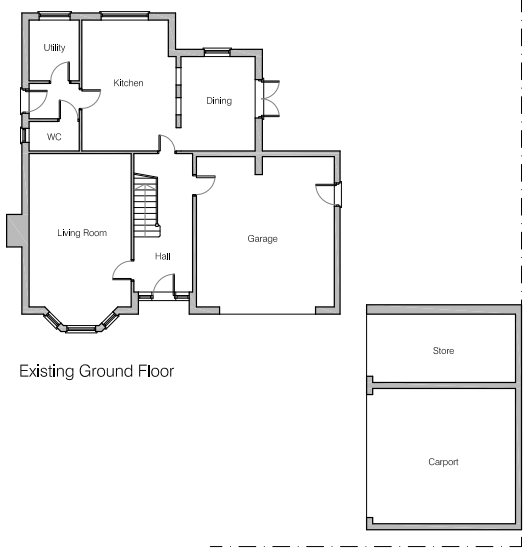
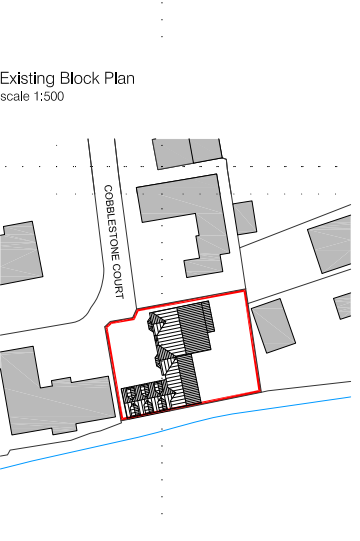
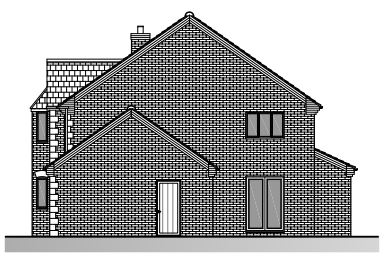
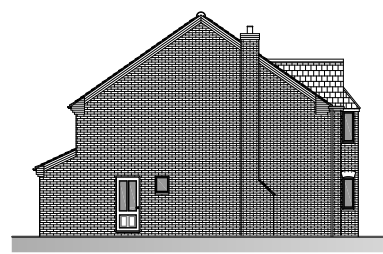
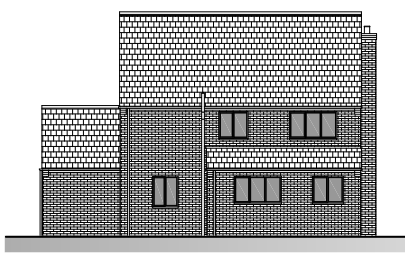
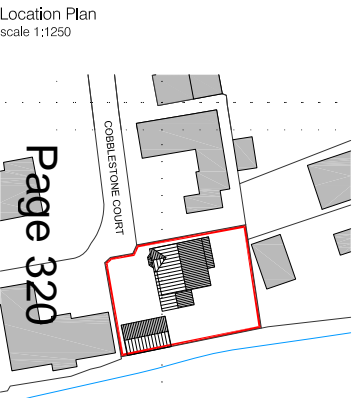
Building within (A) or against (B) the boundary line:

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

Excavating near neighbouring buildings:

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

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



NOT FOR CONSTRUCTION

rev.	agreement	date
01	Existing & Site Plans	16/11/21
02	Planning	Aug 23
03	as noted	

PA/2023/1540 Proposed plans and elevations (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 referred to keystonearchitecture.

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

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

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

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PARTY WALL NOTICES

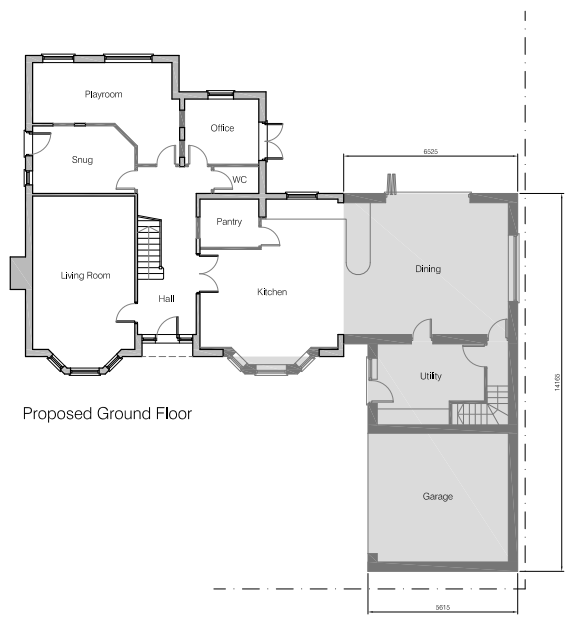
Building against (A) or against (B) the boundary line:

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

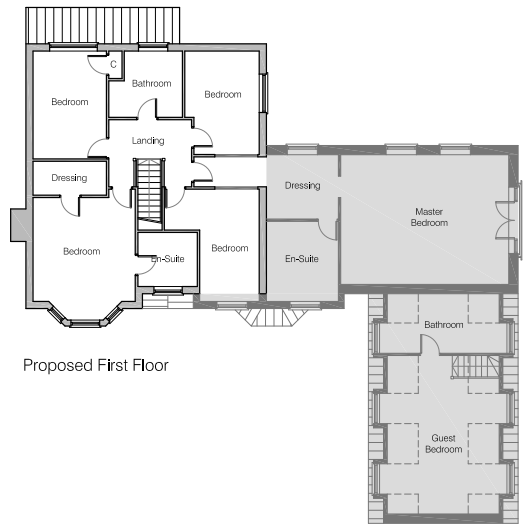
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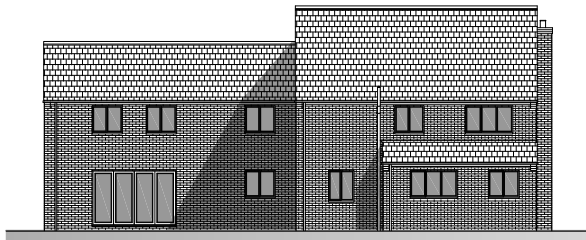
Proposed Ground Floor



Proposed First Floor



Proposed West Elevation



Proposed East Elevation



Proposed South Elevation



Proposed North Elevation

Page 321

NOT FOR CONSTRUCTION

rev	agreement	date
01	Proposed Plans	16/11/22
02	stage Planning	08/23
03	at 2 Cobblestone Court Bolton North Lancashire	08/23
04	scale: 1:100	drawn by: JCB

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APPLICATION NO	PA/2023/1559
APPLICANT	Mark Wall, NPP Properties
DEVELOPMENT	Application to vary condition 3 of PA/2019/930 dated 23/10/2020 to read "Prior to the occupation of the dwelling marked as plot 1."
LOCATION	Land south of Tetley House, Tetley, Crowle, DN17 4HY
PARISH	CROWLE
WARD	Axholme North
CASE OFFICER	Matthew Gillyon
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Crowle Town Council

POLICIES

National Planning Policy Framework:

- 11 Making effective use of land
- 12 Achieving well-designed places
- 16 Conserving and enhancing the historic environment

North Lincolnshire Local Plan:

- H5 New housing development
- RD2 Development in the open countryside
- RD10 Replacement, alteration and extensions to dwellings in the open countryside
- T2 Access to development
- T19 Car parking provision and standards
- HE5 Development affecting listed buildings
- DS1 General requirements
- DS16 Flood risk

North Lincolnshire Core Strategy:

- CS1 Spatial strategy for North Lincolnshire

CS2 Delivering more sustainable development

CS3 Development limits

CS5 Delivering quality design in North Lincolnshire

CS6 Historic environment

CS19 Flood risk

Housing and Employment Land Allocations Development Plan:

PS1 Presumption in favour of sustainable development

Settlement Inset Map 13 - Crowle

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

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

SS1 Presumption in favour of sustainable development

SS2 A spatial strategy for North Lincolnshire

SS3 Development principles

SS10 Development limits

RD1 Supporting sustainable development in the countryside

DQE5 Managing flood risk

HE1 Conserving and enhancing the historic environment

DM1 General requirements

CONSULTATIONS

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

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

TOWN COUNCIL

This council objects to this application. Quoting the original application: '1.0 Condition 3. Prior to the occupation of the dwelling marked as Plot 2 (amended to Plot 1) on the site plan (dwg 4 of 4 dated 27.04.20) all works recommended within the Structural Survey (Capstone, October 2017) to the Stable (and Dovecote) and Carriage House, as well as all of the works within their curtilage, shall be completed. The applicant must evidence these works through

both written documentation and photomontage, and this is to be agreed in writing with the local planning authority.'

Failure to carry out these works is a breach of the conditions stipulated in the original application. Referring to the comments submitted to NLC Planning Department by Alison Williams, Historic Environment Record dated 23 Dec 2022, 'The change of use and proposed alterations would result in a high level of harm to the significance of two these listed buildings, notably the architectural, historic and archaeological interest of these non-domestic buildings.' The full objection should be referred to in detail as it states numerous planning considerations that affect this application.

Additionally, the Dovecote is unique in the fact that the nesting boxes are built into the fabric of the building into all internal walls. The loss of these 18th Century buildings will have a detrimental, negative and irreversible impact on the heritage of the Hamlet of Tetley.

PUBLICITY

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

ASSESSMENT

Planning history

PA/2019/930: Planning permission to erect a replacement dwelling and two detached dwellings – approved 23/10/2020

PA/2019/1028: Listed building consent to repair and refurbish carriage house and stable/dovecote – approved 04/08/2022

PA/2021/902: Planning permission to erect replacement dwelling, re-submission of PA/2021/902 – refused 16/08/2021

PA/2021/2053: Planning permission to erect a replacement dwelling, including larger footprint with detached garage (resubmission of PA/2021/902) – approved 10/03/2023

PA/2021/2061: Planning permission to remove condition 13 of PA/2019/930 relating to ecology and biodiversity – approved 09/06/2022

Site constraints

Outside the development boundary

SFRA flood zone 2/3 (a) tidal

The site and proposal

The site was granted permission for a replacement dwelling and two dwellings under planning application PA/2019/930, the previous report stating for the purpose of enabling two listed buildings to be brought back to optimum viable use. This application is looking to alter condition 3, an occupancy restriction, from 'prior to occupancy of plot 2' to 'prior to the occupation of plot 1' due to the order in which the dwellings have been completed.

Development has commenced on the site with the replacement dwelling associated with the application and conditions discharged as per the original application with existing compliance conditions to be carried across to this application.

The main issue in determining this application is whether the variation of condition 3 of PA/2019/930 is acceptable.

Condition 3 reads:

'Prior to the occupation of the dwelling marked as Plot 2 on the site plan (dwg 4 of 4 dated 27.04.20) all of the works recommended within the Structural Survey (Capstone, October 2017) to the Stable (and Dovecote) and Carriage House, as well as all of the works within their curtilage, shall be complete. The applicant must evidence these works through both written documentation and photomontage, and this is to be agreed in writing with the local planning authority.

Reason: In the interest of the historic environment and to align with the terms of this planning permission, in accordance with policies CS6 of the Core Strategy and HE5 of the North Lincolnshire Local Plan'

The applicant seeks the variation of condition 3 which currently states 'prior to the occupation of the dwelling marked as Plot 2...' to 'prior to the occupation of the dwelling marked as Plot 1...'. It is explained that this is due to the permission considering that Plot 2 would be the last dwelling on the site to be occupied. However, this is not the case, with Plot 2 being completed first and the need to change the condition to Plot 1 which will now be completed last.

Whilst the concerns raised by the town council are acknowledged, the proposed variation of condition only alters the occupancy restriction to allow the dwellings to be built/occupied in a different order. The variation in the occupancy condition simply changes the order in which the plots will be occupied, with the rest of the condition remaining the same to ensure the work to the Stable (and Dovecote) and Carriage House is completed prior to the occupation of the last dwelling, as previously agreed.

Varying condition 3 will not absolve the applicant of the need to undertake the previously agreed works or alter the approved scheme in any other way.

Conclusion

The variation of condition 3 from 'prior to occupation of the dwelling marked as Plot 2' to '...Plot 1' is considered to be acceptable, with the rest of the condition detailing work to the Stable (and Dovecote) and the Carriage House remaining in place. The application is therefore recommended for approval.

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

1.

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

- Site Plan (4 of 4 27.04.20)
- Replacement House Elevations (1 of 4 27.4.20)
- Replacement House Floor Plans (2 of 4 27.04.20)
- Garage (3 of 4 27.04.20)

- Plot 1 elevations and floor plans (25.5/2019)
- Plot 2 elevations and floor plans (25.5/2019)
- Tree Protection Plan (July 2019) and Drives for Plots 1 and 2 Plan, Ref: 1045-23, dated 2/10/2023.

Reason

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

2.

Prior to the occupation of the dwelling marked as Plot 1 on the site plan (dwg 4 of 4 dated 27.04.20) all of the works recommended within the Structural Survey (Capstone, October 2017) to the Stable (and Dovecot) and Carriage House, as well as all of the works within their curtilage, shall be complete. The applicant must evidence these works through both written documentation and photomontage, and this is to be agreed in writing with the local planning authority.

Reason

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

3.

Prior to occupation of any of the dwellings, a detailed scheme showing the position and type of boundary treatments shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be retained thereafter.

Reason

In the interest of the historic environment and to accord with policies CS6 of the North Lincolnshire Core Strategy and HE2 of the North Lincolnshire Local Plan.

4.

The development shall be carried out in accordance with the submitted flood risk assessment (ref 20 May 2019 by Howard J Wroot) and the following mitigation measures it details:

- finished floor levels to be set no lower than 4.4 metres above Ordnance Datum (AOD)
- additional flood proofing measures as set out in section 5.1.

These mitigation measures shall be fully implemented prior to occupation and shall subsequently remain in place.

Reason

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

5.

The drainage scheme shall be implemented in accordance with the approved submitted details under applications PA/2021/1242, PA/2023/1545 and PA/2023/1629, completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation, and future adoption and maintenance, of the sustainable drainage features in accordance with policy DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

6.

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

Reason

To comply with paragraph 199 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy, and policy HE9 of the North Lincolnshire Local Plan because historic buildings will be demolished and archaeologically significant remains may be destroyed during construction groundwork; the proposed recording will ensure that these heritage assets are appropriately recorded and a permanent archive created.

7.

The biodiversity management plan shall be carried out in accordance with the approved details and timings under application PA/2021/1242, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. Prior to the occupation of the second dwelling hereby approved, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the biodiversity management plan.

Reason

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

8.

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

Reason

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

9.

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.

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.

10.

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, and where remediation is necessary a remediation scheme must be prepared, 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.

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.

11.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development normally allowed under Part 1, A–E of Schedule 2 shall be allowed on the replacement dwelling, nor on plots 1 and 2 shown on the approved site plan, without planning permission 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.

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.

APPLICATION NO	PA/2023/1567
APPLICANT	Dobbs
DEVELOPMENT	Planning permission to erect a first-floor side and rear extension
LOCATION	55 Battle Green, Epworth, DN9 1JT
PARISH	EPWORTH
WARD	Axholme Central
CASE OFFICER	Deborah Oikeh
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Epworth Town Council

POLICIES

National Planning Policy Framework:

2 Achieving sustainable development

12 Achieving well designed places

North Lincolnshire Local Plan:

DS1 General requirements

DS7 Contaminated land

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

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 2024.

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

SS1 Presumption in favour of sustainable development

SS3 Development principles

SS10 Development limits

DM1 General requirements

CONSULTATIONS

Highways: No comments or objections.

LLFA Drainage: No comments or objections.

TOWN COUNCIL

Objects to the proposal for the following reasons:

- overdevelopment of the site
- negative impact on the street scene
- its proximity to the boundary having an impact on the neighbour.

PUBLICITY

A site notice has been displayed and three responses have been received relating to the following:

- overdevelopment of the site and impact upon parking and highway safety
- the distance of the build to the common boundary between 55 Battle Green and Ashley House on the south is less than 500mm
- likely overbearing and overshadowing impact upon Ashley House and the inappropriate choice of material (cladding).

ASSESSMENT

Planning history

2/1984/0715: Demolish outbuildings and erect two dwellings – approved 09/01/1985

PA/2023/214: Planning permission to erect a first-floor side and rear extension with a carport below – refused 28/07/2023.

Proposal and site characteristics

Planning permission is sought to erect a first-floor side and rear extension with a carport at 55 Battle Green, Epworth. The site and wider area is within the development limit of Epworth comprising predominantly residential properties characterised by a mix of single-storey and two-storey dwellings. The properties in the area are traditional with pitched roofs built of a mix of brick and rendered walls painted white/cream. The property is a two-storey dwelling with a porch at the front. It has a single-storey construction occupying a gap at the rear. The site contains an outbuilding alongside the rear boundary and a driveway on the side (south of the property). The property fronts Battle Green and is bordered by 57 Battle Green to the north, Ashley House, Fernbank to the south and 2 Gemmelly, Fernbank to the rear.

The proposal was refused planning permission earlier this year under PA/2023/214 for the following reason:

The proposed development is contrary to policies DS1 General Requirements, DS5 Residential Extensions of the local development plan, CS5 Delivering Quality Design in North Lincolnshire of the Core Strategy and SPG1 Design Guidance for House Extensions. In that, the siting, scale and design are not appropriate and would harm the character of the dwelling, the surrounding area, and the street scene.

The scheme has been amended under this new application to feature a pitched roof with external materials to match those of the existing dwelling.

Site constraints

- The site is within the development boundary of Epworth 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.**

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 developments in the market towns, including Epworth, as thriving places to live, work and visit.

Policies CS2 and CS3 relate to development limits within the Scunthorpe urban area, the market towns and rural settlements. 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.

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, loss of privacy or overbearing impact to adjacent dwellings. Proposals should also be sympathetic in design, scale and materials to the existing dwelling and its neighbours.

In this case, the proposal is within the development limit of the settlement. Therefore, the principle of the extension to the dwelling is acceptable subject to appropriate design.

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 council's SPG1 design guidance for house extensions requires that householder extensions should not dominate the original building in terms of scale, materials or situation and policies DS5 and CS5 both seek to ensure that a proposal does not unreasonably reduce sunlight or daylight, or result in overshadowing, overbearing impact or loss of privacy to adjacent dwellings.

With regard to the impact of the extension on adjacent properties, there would be no significant issue of privacy due to the windows in the south elevation being on the ground floor. Also, the site is sufficiently screened by trees and boundary treatment.

The first-floor windows to the front and rear of the extension would not pose any greater impact detrimental to the residential amenity of neighbours given that there are existing first-floor windows to the rear and front elevations of the dwelling. Further, there is sufficient separation between the windows and the common boundary with the property at the rear and they are therefore considered acceptable.

Whilst the proposed extension would be close to the common boundary with the adjacent property to the south (1 Fernbank) and could potentially create an overbearing impact, it is considered that the impact will not be detrimental given that both properties are two-storey dwellings and 1 Fernbank is moderately set back from the boundary. 1 Fernbank is set well back from the building line along Battle Green which permits much of the rear of the dwelling to receive a level of sunlight. The roofscape of the extension has been amended to a double-pitched roof to break up the volume of the extension. The proposed extension would not extend beyond the existing rear wall of the dwelling. The existing tall planting lining the boundary of both dwellings already screens or shades both dwellings to a degree; the impact of the proposed extension in terms of overshadowing and overbearing will not therefore be significant to warrant a refusal.

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 proposed extension would permit the enlargement of the three-bedroom accommodation on the first floor and a carport. The amount of accommodation remains unchanged, albeit the internal space would increase. The scale of this extension is considered moderate in accordance with policy DS5. The design of the roof has been amended to reflect the common theme in the area being pitched roofs. Cladding has been removed from all elevations of the scheme as shown on the amended plan 003 Rev B. The amended plan reflects an external appearance that matches that of the existing dwelling.

Given the assessment under this section, the amended scheme is considered a better design with limited impact upon the character of the area. It is therefore considered that the design complies with policies DS5 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 Battle Green and has provision for off-road parking. Comments regarding parking on the site have been received and are noted. The proposal would not undermine or remove the on-site parking provision as a carport below the first floor would serve this purpose. Given that the proposal would not introduce a new dwelling but an extension to serve the existing occupants, it is not expected that the current arrangement will significantly impact upon parking and highway safety in the area. The highways department, following consultation, have raised no objections to the proposed scheme. The proposal is therefore considered to be in accordance with policies T1 and T19 of the local plan.

Other matters

Comments regarding parking, overshadowing and overbearing impacts have been addressed in the sections above. With regard to overdevelopment of the site, the proposed extension is considered minor in scale. There are a number dwellings along the street sited in such a way as to fill the full width of the plot, being a location within the development boundary. Notwithstanding, assessment of impact of this development upon the amenity of the adjoining property is overriding which has been conducted in the above sections.

Conclusion

The proposal is set within the development boundary of Epworth and is, therefore, in principle, an acceptable scheme. This amended scheme has addressed to a degree the reason for refusal under PA/2023/214, namely siting, scale and design, through the use of appropriate building materials that match the existing dwelling and the incorporation of double pitched

roofscape in place of a flat roof. The double pitched roof design also lessens the impact of the extension upon the overall scale of the dwelling. The design and materials of the extension are considered sympathetic and therefore in accordance with policies DS1 and DS5. The proposal is therefore recommended for approval subject to conditions.

RECOMMENDATION Grant permission subject to the following conditions:

1.

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

Reason

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

2.

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

- Location plan, existing and proposed site layout: 001 Rev A
- Proposed floor and elevation plans: 003 Rev B.

Reason

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

3.

Notwithstanding the details of materials provided on the application form, the proposed extensions hereby permitted shall have a render finish to match the existing dwelling and shall not include 'larch wood cladding'.

Reason

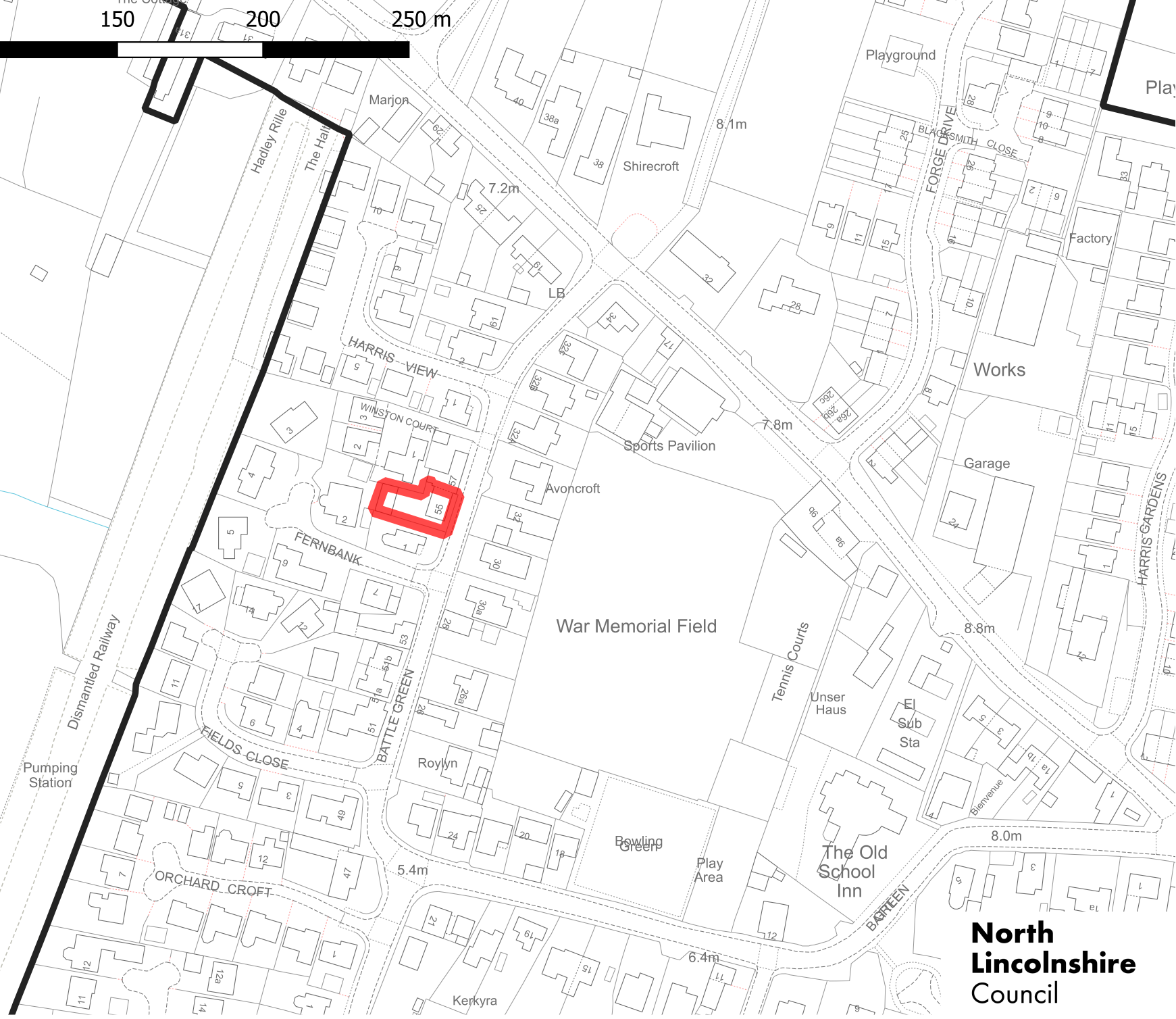
In the interest of the visual amenity of the area in accordance with policy DS1 of the North Lincolnshire Local Plan.

Informative

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



 Development Boundary



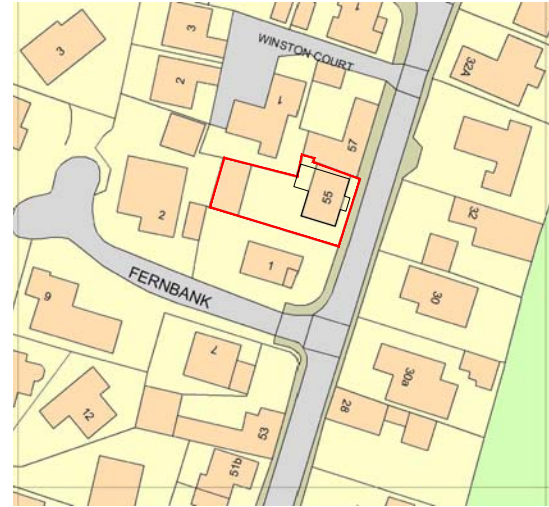
**North
Lincolnshire
Council**



0 10 20m

LOCATION MAP
SCALE 1:1250

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0 10 20m

EXISTING SITE LAYOUT
SCALE 1:500



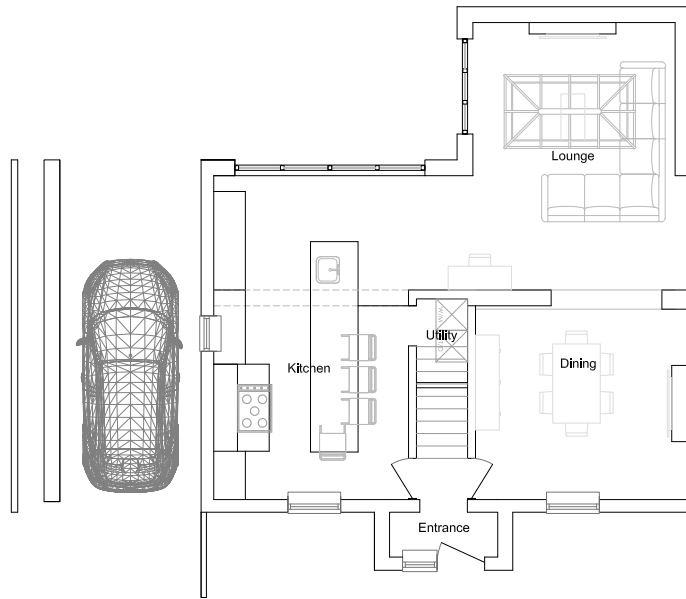
0 10 20m

PROPOSED SITE LAYOUT
SCALE 1:500

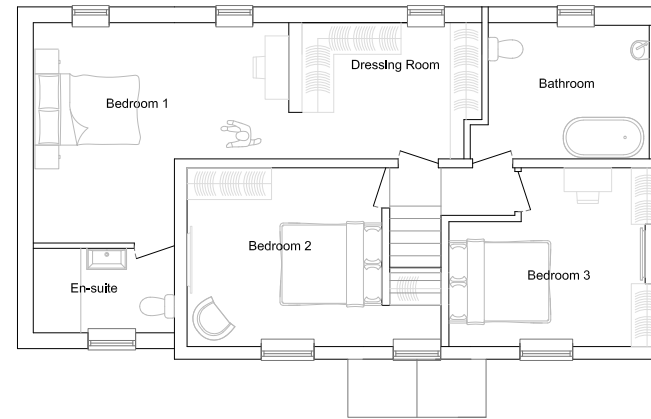
Project Name: **Existing side & rear extension**
 Project Address: **55 Battle Green, Epworth DN9 1JT**
 Drawing Title: **Location Map and Site Layouts**
 Drawn: **CH** Checked: **KD** Approved: **CH**

Date: FEB 2023 Rev: **A**
 Scale: 1:1250 & 1:500 @ A1
 Drawing No: **001**
 Centrelines Design Consulting Ltd.
 7 Park Drive, Huddersfield, West Yorkshire, HD7 3JZ
 T: 01754 410100 M: 07534 910720
 E: info@centrelinesdesign.co.uk

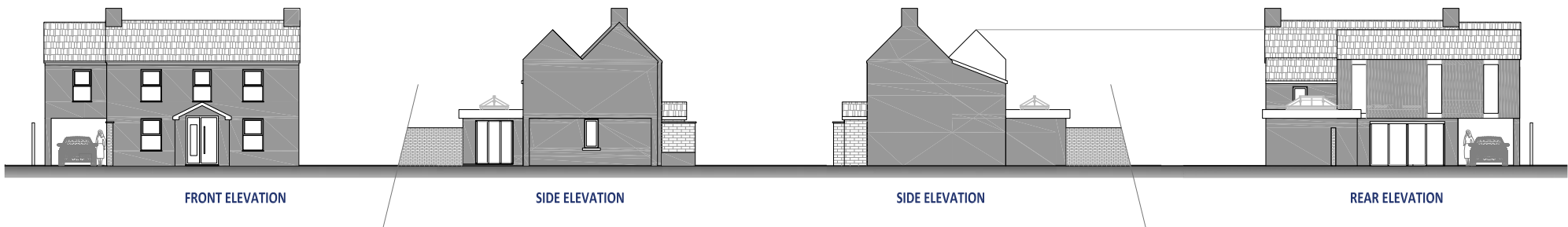
CENTRELINES
 DESIGN CONSULTING LTD.



GROUND FLOOR PLAN



FIRST FLOOR PLAN



FRONT ELEVATION

SIDE ELEVATION

SIDE ELEVATION

REAR ELEVATION

Project Name: **Proposed side & rear extension**
Project Address: **55 Battle Green, Epworth DN9 1JT**
Drawing Title: **Proposed Plans & Elevations**
Drawn: **CH** Checked: **KD** Approved: **CH**

Date: SEP 2023 Rev: **B**
Scale: 1:50 & 1:100 @ A1
Drawing No. **003**
Centreline Design Consulting Ltd.
7 West Co. Avenue, Epworth, CN7 7JZ
T: 01524 410100 F: 01524 410120
E: info@centreline.co.uk

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DESIGN CONSULTING LTD.

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NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

APPLICATIONS FOR APPROVAL OF RESERVED MATTERS FOLLOWING THE GRANT OF OUTLINE PERMISSION FOR DETERMINATION BY THE COMMITTEE

1. OBJECT

- 1.1 To inform the committee about applications for approval of reserved matters 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 Outline planning permission has already been granted and the development is therefore agreed in principle. Consideration is required of the layout, scale, external appearance, means of access and landscaping of the development (excluding any of these matters which were expressly approved at the time outline planning permission was granted).
- 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

Ref: RL/JMC/Planning committee 06 December 2023

Date: 27 November 2023

Background papers used in the preparation of this report:

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

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

Statement of publication's purpose

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

APPLICATION NO	PA/2021/1034
APPLICANT	A E and D M Swaby
DEVELOPMENT	Application for approval of reserved matters (access, appearance, landscaping, layout and scale) pursuant to outline planning permission PA/2017/392 dated 15/06/2018 for six four-bedroomed detached dwellings and integral garages
LOCATION	Land north of Thistle Downe, Scotter Road, Messingham, DN17 3QE
PARISH	MESSINGHAM
WARD	Messingham
CASE OFFICER	Daniel Puttick
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Messingham Parish Council

POLICIES

National Planning Policy Framework:

Paragraph 127 states that 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.

North Lincolnshire Core Strategy:

CS2 Delivering more sustainable development

CS5 Design

CS19 Flood risk

North Lincolnshire Local Plan:

H5 New housing development

H8 Housing design and housing mix

T2 Access to development

T19 Car parking provision and standards

DS1 General requirements

DS14 Foul sewage and surface water drainage

DS16 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 early 2024.

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

SS1 Presumption in favour of sustainable development

SS2 Spatial strategy for North Lincolnshire

SS3 Development principles

H2 Housing mix and density

DQE1 Protection of landscape, townscape and views

DQE5 Managing flood risk

DQE6 Sustainable drainage systems

DQE12 Protection of trees, woodland and hedgerows

T1 Promoting sustainable transport

T3 New development and transport

T4 Parking

DM1 General requirements

DM3 Environmental protection

CONSULTATIONS

Highways: No objection subject to conditions regarding access provision and final design, and requiring a construction phase traffic management plan to be agreed prior to development.

Recycling: General informative advice provided on the requirements for waste management.

Drainage (Lead Local Flood Authority):

First response: Objects to this reserved matters application. The proposed layout makes no reference or provides no mitigation to safeguard the existing riparian watercourse located on the southern boundary, in very close proximity to plots 3 and 4. This was previously referenced in our correspondence for PA/2017/392. The applicants must consider diversion of this feature and into the new road network for the development.

Second Response: Following discussions, the LLFA Drainage team are prepared to remove their objection. The developer should be aware of the drainage requirements to successfully discharge existing drainage conditions.

Third response dated 20 March 2023: The LLFA Drainage team object to the proposed reserved matters layout application. Whilst we have previously approved this reserved matters application and were to await a detailed surface water drainage strategy to discharge conditions for outline application PA/2017/392, the revised proposals indicate a surface water drainage strategy with connections into the adjacent watercourse. The adjacent watercourse location is not shown on the documentation. This requires clarification. It is our assumption the developer is referring to the watercourse on the southern boundary which is unacceptable unless appropriate mitigation measures are put in place? The development also proposes 2-metre high fencing on the southern boundary which restricts the future riparian owners of this drain's ability to maintain this drainage feature.

Notes to developer:

- We have previously suggested diverting the watercourse on the southern boundary (from north of the new access road) into the development. This must be fully explored.
- Pipe is under the hedge and unmaintainable from anywhere but the roadside and behind Thistle Downe.
- Install manholes in affected plots? This possibly increases the likelihood of pollution misconnections moving forward?
- Current condition of the watercourse is unknown?

We await clarification on the above matters before commenting further.

Fourth response dated 17 May 2023: Whilst we have no objections to this reserved matters layout we note figure 3.16 refers to a diverted watercourse within the highway on or just beyond the western boundary of this development. The exact location of this watercourse requires further confirmation by the developer. Whilst it is acceptable for a management company to maintain ALL surface water drainage features on private property, it is not acceptable for the surface water drainage under the adopted highway, so further consideration needs to be carried out for this also. We have no further comments to make at this stage.

Fifth response dated 17 November 2023: It must be noted that surface water drainage conditions were not linked to the reserved matters application and therefore we cannot object to this application due to lack of information relating to our conditions.

The developer is aware of the need to provide a combined surface water drainage strategy for the whole site. Our response to this reserved matters application would be no objections in principle. However, until we receive satisfactory A & M [adoption and maintenance] details for all surface water drainage, including the existing riparian watercourses on the eastern and southern boundaries, we will not discharge our surface water drainage conditions. Leaving these features alone without an appropriate maintenance agreement in place is unacceptable which may lead to a resubmission of housing layout and/or abortive works. Transferring the ownership of the watercourses under numerous property owners is unacceptable.

Humberside Police – Designing Out Crime: Concerns over the low-level fencing to the rear of plots 1–3 which back onto a road. Could result in increased risk of theft as the rear of these dwellings would be exposed and easily accessible.

Ecology: Ecological surveys and revised proposals are required in order to deliver biodiversity enhancements in accordance with the NPPF, policy CS17 and condition 8 of PA/2017/392.

PARISH COUNCIL

Objects to the application, noting that it does not address the following:

- *Surface water management* – concerns that there is no mitigation to address the present ineffective and overloaded system with regular presence of foul water in the currently overgrown and inadequately maintained open drain.
- *Foul water drainage system* – no proposals to address the increased pressure on the already overloaded system or to address the existing issues which are exacerbated during heavy rain, causing overflowing inspection covers and toilets on the adjacent development.
- On planning application PA/2017/392 Severn Trent stated the need to investigate the effectiveness of the current foul sewerage system and implementation of the resulting improvements. There is a lack of evidence to indicate that these conditions have been met.
- *Attenuation pond* – documentation submitted by the same applicants for planning application PA/2019/164 on adjacent plot included an attenuation pond but has not been referenced in this application.

- Concerns that the proposed development is not in keeping with the neighbouring street scene as three of the proposed properties back onto the A159.

PUBLICITY

Advertised by site and press notice. Three responses have been received objecting to the proposal raising the following concerns:

- effect of the development on the existing drainage network and the potential for flooding in the local area
- the current proposal has been amended substantially from that originally submitted
- the rear of dwellings facing the road could encourage crime
- lack of information – various reports
- lack of privacy to the rear gardens of the new dwellings
- the access is dangerous
- noise impacts from traffic on existing residents
- overshadowing and loss of light
- overlooking
- loss of outlook
- the access road could facilitate further future development
- loss of wildlife habitats on the site.

Since the resolution to defer the application at the committee meeting on 6 September 2023 further correspondence has been received from local residents. The correspondence received does not raise any new issues which Members will need to consider; however, it is considered necessary to draw Members' attention to these additional representations in light of the deferral of the application and the subsequent discussions between the developer, officers and the LLFA Drainage team.

ASSESSMENT

This application was initially deferred by Members at the meeting on 17 November 2021 to allow for the submission of further drainage information. The application was presented back to committee on 6 September 2023, where Members again resolved to defer the application.

The minutes of the meeting note that Cllr Poole stated he had a number of concerns around flooding and the watercourse, and urged the committee to seek further clarification on certain aspects including ownership and responsibility for the dyke. Cllr J Davison stated the committee required more detailed worked up plans on the foul and surface water management/ownership and that the application should be deferred until that is received.

The minutes record that the motion to defer the application for additional drainage information to be received was moved by Cllr J Davison and seconded by Cllr Ross. The motion was carried.

Since the 6 September meeting, the applicants have been in discussion with officers regarding the concerns raised by the committee. The applicants have provided further information about the intended method of treatment of surface and foul water from the development, which has been the subject of further negotiations with the LLFA. These are assessed in more detail within this report; however, it is now the case that sufficient detail has been provided to satisfy officers a suitable scheme can be brought forward as part of the discharge of conditions imposed on the original outline planning permission. It is therefore the case that there are no objections from the LLFA as highlighted above. This recommendation comes with strict caveats which the developers have been made aware of.

Site description

The application site is part of an existing field, set between existing residential development formed of properties on Gelder Beck Road and Scotter Road. It fronts onto Scotter Road. The site lies within Zone 1 of the North and North East Lincolnshire Strategic Flood Risk Assessment (SFRA) November 2011. It is mostly within the development limits of Messingham as per the Housing and Employment Land Allocations Development Plan Document, with the exception of a small section to the northwest corner. A ditch runs along the front boundary.

The application site has outline planning permission (as of June 2018) for six detached dwellings (PA/2017/392). PA/2019/164 granted outline planning permission for up to 25 dwellings on land to the west of the site.

Proposal

This reserved matters application seeks approval for the submitted details in relation to the outline permission referenced above. All matters are reserved and this application will therefore consider access, appearance, scale, layout and landscaping, along with any other relevant material considerations.

The proposed six dwellings are laid out in a linear fashion with two rows of three, all facing into the centre of the site. The rear of three of the dwellings will back on to Scotter Road. The dwellings are all of the same house type, featuring pitched roofs, single-storey front porches and rear lean-to elements. Each dwelling would have a built-in garage with living accommodation above, set down from the main ridge and behind the front elevation. The dwellings are shown to be constructed in red brick with clay tiling.

Post and rail fencing is proposed to the Scotter Road (east) boundary of the site, with timber fencing and brick walling elsewhere.

Each of the dwellings would have parking to the frontage accessed from a private shared drive in the centre of the site, which itself would connect to the adopted access road to the northern boundary, providing vehicle and pedestrian access to and from the highway.

The principle of six dwellings on this site has been deemed acceptable via outline planning permission PA/2017/392.

The main considerations in the determination of this reserved matters application are:

- **layout, scale and appearance;**
- **access;**
- **landscaping;**
- **drainage;**
- **residential amenity;**
- **ecology.**

Appearance, scale and layout

The NPPF attaches great importance to the design of the built environment. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. Policies H5 and DS1 of the North Lincolnshire Local Plan and policy CS5 of the Core Strategy are concerned with quality of design and visual amenity. In respect of impact on character, policy DS1 states that the design and external appearance of a proposal should reflect or enhance the character, appearance and setting of the immediate area.

Layout

In terms of the visual impact of the proposed layout, the site has previously been identified as being large enough to accommodate six detached dwellings as it has outline planning permission as proposed here. The site layout provides access to the north with a driveway dividing the three western dwellings and three eastern dwellings, all of which are arranged in a broadly linear manner parallel to Scotter Road.

The layout as proposed would ensure that adequate separation distances would be achieved between the dwellings to avoid loss of amenity, and to neighbouring dwellings to the north and south – this matter will be further discussed later in this report. Furthermore, adequate private amenity areas would be ensured which are commensurate with the scale of the dwellings proposed, with rear gardens of an acceptable scale.

The layout of the site is designed with the rear elevations of Plots 1–3 facing Scotter Road. The building line of the street will be largely followed, with a set back of the buildings from the highway by over 10 metres. Whilst plots 1–3 would not front onto the road, the dwellings to the north at Gelder Beck Road are aligned perpendicular to the road, and the single dwellings to the south of the site vary in terms of appearance and scale. It is not considered that the proposed layout would break with any uniform layout along the street scene. The use of appropriate boundary treatment is proposed through the use of low impact post and rail fencing. Planting shall be secured to provide privacy and further reduce the visual impact.

Scale

The scale of the proposed two-storey dwellings is appropriate. The dwellings would not be excessively high or cover large footprints and would have a similar scale to the dwellings at Gelder Beck Road to the immediate north, as well as Thistle Down to the south. Plots 1–3

would sit slightly higher (less than 1 metre) at ground level than plots 4–6, which would limit the impact of the latter when viewed from the highway.

Appearance

Further to the above considerations regarding the visual impact of the layout and scale of the proposal, the overall design of the dwellings is considered. The use of red brick and clay tiling would tie the dwellings in well with those to the north and south, and would be appropriate for this semi-rural location, reflecting the local rural vernacular. Samples of materials are required by condition 5 of the outline permission, and this remains extant. The porch features and the set down design of the garage end of the dwellings would provide a degree of visual interest to the houses themselves and reduce the overall massing.

The proposed timber and post and rail fencing would be appropriate for the site, and the use of spacious front gardens and brick walling to the north bounding the access road would also be appropriate. Planting to the eastern boundary will reduce the overall visual impact of the development and provide a greater degree of visual interest to the street scene, softening the impact of the built development.

It is considered that the overall appearance of the site as proposed is appropriate to the street scene and character of the wider area and would ensure good quality design within the site. The proposal is of an appropriate density and scale for its location on the southern edge of Messingham. In this regard, the proposal accords with policies DS1 and H5 of the North Lincolnshire Local Plan and CS5 of the Core Strategy.

Highways, access and parking

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. Outline planning permission has been granted for this site, and the sustainability of the travel options to and from the site, or impact on existing highway capacity, is not a determining factor in the assessment of the reserved matters.

The application proposes direct access from Scotter Road to the east. An adopted road would run alongside the northern boundary of the site, with a private driveway running from north to south through the site and providing private driveways to garages on each plot. It is considered that the proposed layout plan shows adequate private parking for each of the six plots. A pedestrian footpath is proposed to link with the existing on the opposite (east) side of the main road.

The Highway authority has been consulted and has no objection to the proposal subject to the provision of adequate parking as shown, prior to occupation. As most of the recommended conditions are attached to the outline permission, it is not necessary to add them to the reserved matters approval. An additional condition relating to the retention of good visibility splays will be added, as will a detailed condition on the construction of the proposed private driveway.

Subject to the above, it is not considered that there are any issues in relation to access or parking.

Landscaping

The proposed layout drawing shows shrub planting to the east and west boundaries of the site, which would provide a degree of security, in addition to soft screening between the dwellings and the road to the east in particular. The planting of 13 trees throughout the site, including along the external boundaries and along the shared driveway between the six plots, would provide a degree of visual interest and design benefit. The revised NPPF calls for the use of tree-lined streets and beauty in design. The use of trees, at a proportion of more than two per dwelling, would contribute towards the enhancement of the development.

Hedging to the southern boundary would be retained, which would provide screening between the existing dwellings and the new development. The use of timber fencing and walling throughout would provide privacy to the dwellings without harming the overall appearance of the area. The mix of post and rail fencing and planting to the boundary with Scotter Road and the existing drainage dyke would provide a low impact boundary treatment which would be appropriate for the site location on the edge of Messingham.

The use of lawned gardens to the frontages of the six plots in addition to brick paved driveways would provide a further degree of visual interest to the site and contribute positively to its overall appearance. Overall, the proposed landscaping, hard surfacing and boundary treatments would be acceptable.

Drainage

As with the outline stage, concern has been raised about the drainage system in the area. These concerns have been raised by local residents and have been the subject of detailed discussion by Members, resulting in past decisions to defer determination of the application.

The LLFA Drainage team have previously been consulted on the proposals and whilst they initially objected, this objection was removed after clarification over the scope of the current reserved matters application and the retention of conditions on the outline permission. Condition 10 on the outline permission for this site requires details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway to be submitted to and approved in writing by the local planning authority. This condition remains in place and must be discharged prior to the commencement of development. Similarly, the drainage scheme and details for the whole site must be submitted and agreed prior to the occupation of any building on the site.

Members will recall that the application has been deferred twice by the committee to allow further drainage information to be submitted. Following the September committee, the applicants provided further information which has been the subject of further discussion with the LLFA. Prior to this, the applicants provided additional information in the form of a revised Outline Sustainable Drainage Strategy, which allows for the proposed diversion of the watercourse affecting the site.

As noted above, following these discussions the LLFA have formally stated that they have no objections to the reserved matters layout. Condition 10 of the outline planning permission states:

'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 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.'

Additional information has previously been provided by the applicants' consultant team which demonstrates that there would be a potential route for the diversion of the watercourse, and that this can be accommodated within the detailed design of development proposals affecting the adjacent site. The applicants have since provided further conceptual information which would see the roadside and southern watercourses unaffected, with all surface water to be discharged via sewers to be adopted by Severn Trent Water and discharged into the watercourse on the western boundary of the site which was granted planning permission under application PA/2019/164. This watercourse and land to the west are within the applicants' ownership, and the applicants have indicated that it would be possible to provide above-ground storage for the site through the creation of a pond or by works to the existing watercourse.

There are still matters which require consideration as part of the proposed development of the site, including matters raised by the LLFA in respect of riparian watercourses and responsibilities going forward. The LLFA have made it clear that leaving features alone without an appropriate maintenance agreement in place is unacceptable, and that transferring the ownership of the watercourses to numerous properties is too.

On the basis of the information provided following Members' resolution to defer the application, it is recommended that approval of reserved matters be granted in the absence of any outstanding technical objection from consultees. Conditions remain in place to control the detailed design of the drainage scheme for the site through those imposed on the original outline permission and further information will need to be submitted before any development commences on site.

Based on the information provided by the applicants in support of this application, it is not considered reasonable for the local planning authority to continue to withhold approval of reserved matters and to do so would prejudice the delivery of housing in an area which has previously been considered suitable for residential development. Doing so would also unnecessarily delay development which has previously been found to be acceptable in planning terms.

The conditions imposed on the outline permission are in place to ensure adequate on-site drainage is provided prior to the dwellings being occupied, and to ensure that surface and foul water is appropriately managed. The reserved matters layout plan indicates that works in connection with the existing dyke are to be agreed with the local authority; however, further information has been provided which demonstrates that diversions are capable of being achieved. The precise detail of these arrangements can continue to be adequately controlled by conditions imposed upon the outline permission, and the LLFA Drainage team have made clear that an appropriate method of drainage for the site must be agreed for the above conditions to be discharged.

The fundamental requirement of the drainage scheme is that it must ensure that existing dwellings are not adversely affected. The additional information provided by the applicants has confirmed that suitable provision can be made for drainage to serve the development without impacting upon existing dwellings. The finer technical details remain something which would be addressed through the discharge of planning conditions on the outline permission.

Following further discussion with consultees, in the absence of any objection from the LLFA Drainage team, and in light of the stringent conditions which still apply to the development, Members are advised that the reserved matters for which approval is sought are considered

to be compliant with policies CS19 of the Core Strategy and DS16 of the North Lincolnshire Local Plan.

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.

The proposed dwellings would each be no closer than approximately 9 metres from any of the existing dwellings to the north or south (Thistle Down). Plots 1–3 would generally be in excess of 15 metres from plots 4–6. The new dwellings would not be positioned in such a manner as to result in any unacceptable loss of sunlight or outlook to either new or existing dwellings. There would be a loss of view from the rear of the properties to the north, however this is not a material planning consideration and sufficiently open outlook would be retained across the proposed access road.

In terms of privacy and overlooking, the dwellings would have primary windows facing either into open land to the west (plots 4–6) or Scotter Road (plots 1–3). The respective front elevation windows on each of the proposed dwellings would be between 15 and 20 metres apart and would not result in unacceptable levels of overlooking. Planting to the eastern boundary of the site will ensure a good degree of privacy to the rear ground floor windows and rear gardens of plots 1–3. Given the layout of the site, there would be no direct views from any habitable room window into corresponding windows at Thistle Down or the Gelder Beck Road properties.

Concerns have been raised regarding the impact of noise from traffic using the access road on the rear gardens of the three dwellings adjoining it to the north. It is not considered, given the proposed 1.8 metre timber fencing and the scale of the current proposal (six dwellings), that there would be an unacceptable level of activity which would be over and above that expected from a housing development. The access road will be constructed from bound material which will limit any road noise; furthermore, vehicles are likely to be travelling at lower speed, given the nature of the road, compared to the busier Scotter Road to the east.

General noise from the dwellings is unlikely to exceed that present in the existing developments to the north, or levels which would be abnormal for an urban area, particularly given the relatively modest scale and density of the proposal.

It is not considered that there would be any unacceptable impact on residential amenity of neighbouring dwellings nearby, particularly those to the north and south. The proposal therefore accords with policy DS1 of the North Lincolnshire Local Plan in this regard.

Ecology

The issue of ecology has been raised in letters of objection. The site at present is fairly nondescript open land and is not considered likely to provide a substantial wildlife habitat; also, some wildlife is likely to be present as with all undeveloped land of this nature. The loss of the grassed area is considered likely to be offset by the provision of trees and planting within the site. The cherry trees would attract pollinators and provide fruits for birds. The rowans (*Sorbus*) would also provide similar opportunities. Other planting proposed would provide biodiversity benefits to birds and insects.

Condition 8 of the outline permission, requiring ecological surveys etc, remains extant and must still be discharged. The current proposed landscaping is acceptable for its ecological and design benefit to the site; nevertheless, the developer should be aware that additional planting maybe required to provide adequate biodiversity net gain on the site at the discharge of condition stage.

Other matters

With regard to the lack of a number of surveys and reports as indicated in one objection, the local planning authority has previously considered that sufficient information has been provided to make an accurate recommendation on this proposal.

The concerns regarding the rear of plots 1–3 facing the road and the potential for increased crime have previously been noted. As with any new development, adequate security provision is recommended. As indicated previously, the police (Designing Out Crime team) have been consulted on the proposal and suggest improved security measures via screening and planting to the eastern boundary of the site with the main road. The application has previously been amended to add thorny shrubs to the rear boundaries of plots 1–3 to deter intrusion and provide an additional degree of security.

The previous report identified that outline planning permission had been granted for up to 25 dwellings on the land to the west of the site (PA/2019/164). This would likely be served by the same access road as the current proposal site, as indicated on the submitted site layout plan. No applications for approval of reserved matters in respect of this application are currently being considered by the local planning authority. Any matters relating to further development to the west need to be addressed via future application where it will also be assessed on its own merits.

Conclusion

In summary, this reserved matters application is considered to be in accordance with relevant policy in relation to access, appearance, landscaping, layout and scale. Matters relating to drainage have been adequately addressed through the submission of further information in the form of an updated Outline Sustainable Drainage Strategy and through further discussion with officers.

Detailed arrangements for drainage at the site remain the subject of a condition imposed on the outline permission, and as a result further precise details would need to be submitted before any development commences on site. There are no longer any objections to the scheme from the LLFA Drainage team, subject to strong caveats which put the onus on the applicants to produce a suitable scheme which would not give rise to risks associated with surface water flooding or drainage issues from the development, and which deal with ownership issues associated with the management and maintenance of riparian watercourses.

The additional information provided by the applicants following the committee's deferral of the application has satisfied officers that a suitable drainage scheme can be brought forward at the site. The application is therefore recommended for approval subject to conditions.

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

1.

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.

2.

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.

3.

The planting shown on approved drawing 1360.03 shall be implemented prior to first occupation of the first dwelling on the site, and shall be retained thereafter unless otherwise agreed in writing by the local planning authority. Any tree or planting which becomes diseased, dies or is removed within the first five years of completion of the development shall be replaced with a similar species during the next available planting season.

Reason

In the interest of the ecology and appearance of the site in accordance with policy CS5 of the North Lincolnshire Core Strategy and policy DS1 of the North Lincolnshire Local Plan.

4.

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

1360.03 Layout

1360.02 Proposed dwellings.

Reason

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

Informatives

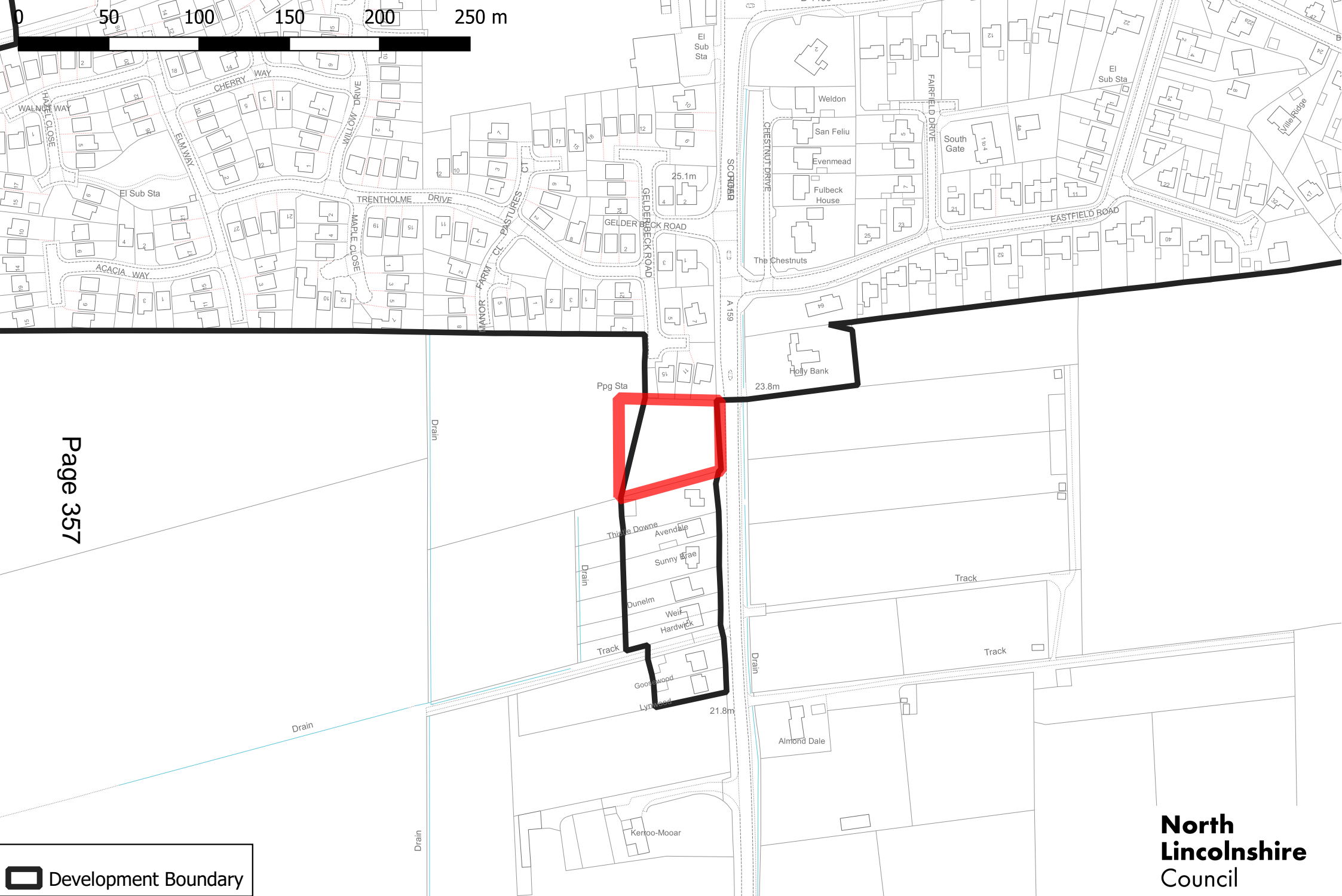
1.

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.



Page 357

 Development Boundary

PA/2021/1034

**North
Lincolnshire
Council**

AMENDED

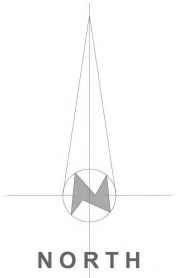
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Revision	Date

NCTE - this drawing is to be read in conjunction with drawing reference 18E5/001 prepared by Shire Surveys

Vehicular crossover to details to be agreed with the Local Authority



- LANDSCAPING SCHEDULE**
- T01 - Sorbus 'Vilmorinii'
 - Vilmorin's Rowan Trees
 - T02 - Prunus 'Accolade'
 - Flowering Cherry Tree
 - T03 - Prunus 'Ukon'
 - Japanese Flowering Cherry Tree
 - T04 - Prunus 'Pandora'
 - Flowering Cherry Tree
 - T05 - Sorbus 'Joseph Rock'
 - Tree
 - Yellow Berried Mountain Ash

- SITE FRONTAGE PLANTING -**
- Berberis Stenophylla
 - Ilex Aquifolium 'Ferox Argentea'
 - Mahonia Media 'Winter Sun'
 - Pyracantha Orange Glow.

Proposed Site Layout

Project:
 Proposed Housing Development
 Land off Scotter Road, Messingham
 North Lincolnshire

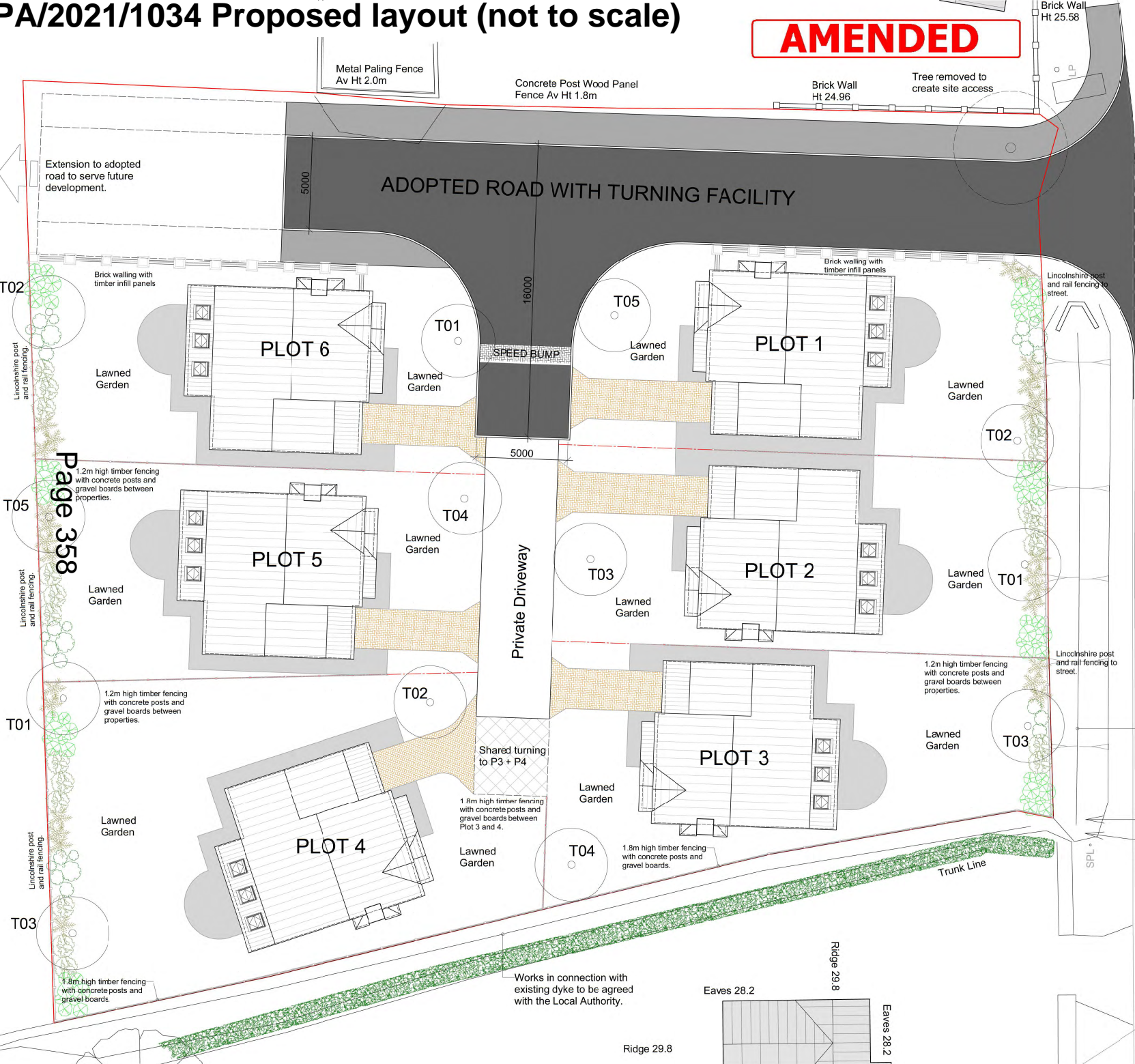
Client:
 Mr. A.E. Swaby and Mr. D.M. Swaby

ADS Architectural Design Services (Scunthorpe) Ltd

3 Central Square
 Scunthorpe
 North Lincolnshire
 DN15 9AA
 TEL: 01724 854444
 EMAIL: ads.scun@rswmtd.com

Date	September 2021
Scale	1:100 @ A1
Drawn	A. Chaffings
Drawing No.	1360.03
Revision	-

Page 358



PA/2021/1034 Proposed dwellings (not to scale)

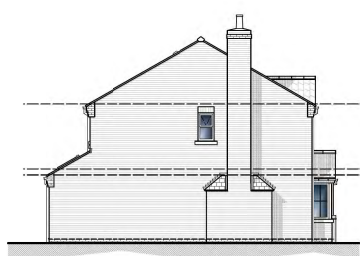
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Revision	Date



STREET SCENE ELEVATION TO SCOTTER ROAD



SIDE ELEVATION



REAR ELEVATION



View on leaving Messingham



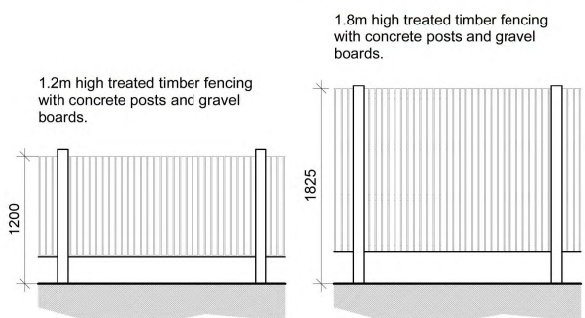
View on entering Messingham



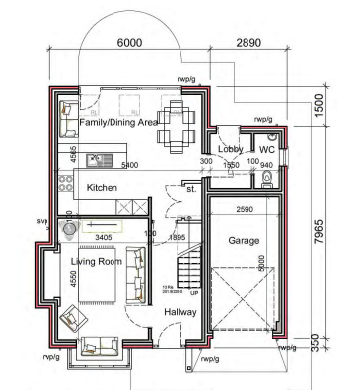
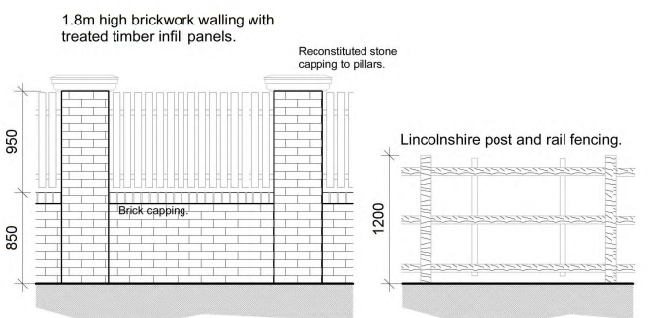
FRONT ELEVATION



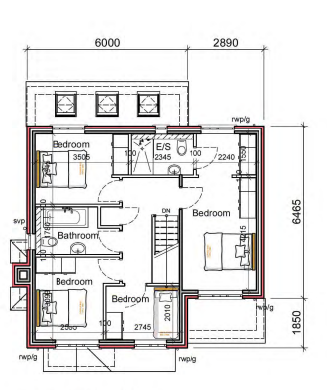
SIDE ELEVATION



BOUNDARY FENCING and WALLING DETAILS



GROUND FLOOR PLAN



FIRST FLOOR PLAN

Floor Plans Indicate Plots 1 and 4
 Plots 2, 3, 5 and 6 handed



View to the rear of Plots 1 - 3

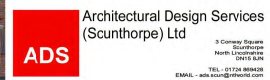


View to front of Plots 4 - 6

Proposed Dwellings

Project:
 Proposed Housing Development
 Land off Scotter Road, Messingham
 North Lincolnshire

Client:
 Mr. A.E. Swaby and Mr. D.M. Swaby



Date: May 2021
 Scale: 1:100 @ A1
 Drawn: A. Chaffings
 Drawing No: 1360.02
 Revision: -

Page 359



PA 12017/392
 DEVELOPMENT CONTROL SECTION
 09 MAR 2017
 DATE RECEIVED
 Referred To

JEM MANAGEMENT SERVICES
 45 Oswald Road
 Scunthorpe
 North Lincolnshire
 DN15 7PN

client:
 Mr A.E. & Mr D.M. Swaby
 Land West of Scotter Road (A159), Messingham

project:
 Proposed Residential Development

drawing title:
 Proposed Block Plan

drawn by: NwP	date: 03.03.2017	scale: 1 / 500
drawing No: SW / 17 / 03		rev: