

APPLICATION NO	PA/2022/829
APPLICANT	Mr & Mrs P L Clayton
DEVELOPMENT	Outline planning permission for two detached dwellings, with all matters reserved for subsequent consideration
LOCATION	Roseholme Farm, Main Street, Howsham, LN7 6JZ
PARISH	Cadney
WARD	Ridge
CASE OFFICER	Alan Redmond
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Cadney cum Howsham Parish Council Departure from the development plan

POLICIES

National Planning Policy Framework:

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 15 – Conserving and enhancing the natural environment.

North Lincolnshire Local Plan: Policies RD2, LC12, H5, H8, HE9, T2, T19, DS1, DS7, DS14 and DS16 apply.

North Lincolnshire Core Strategy: Policies CS1, CS2, CS3, CS5, CS6, CS7, CS8, CS17, CS18 and CS19 apply.

North Lincolnshire Housing and Employment Land Allocations Development Plan Document

CONSULTATIONS

Highways: No objections subject to a condition.

LLFA Drainage: No objections, subject to conditions.

Environmental Protection: No objections subject to appropriate investigation for contaminants.

Waste Management Services: No objections. Recommendations given with regard to refuse storage and collection.

Archaeology: The application site lies within an area where archaeological remains of Roman date can be anticipated. A programme of archaeological monitoring and recording should be undertaken during all groundwork to offset the harm to any archaeological remains that may be disturbed or destroyed by construction.

PARISH COUNCIL

Object to the application with concerns raised regarding amenity, highway safety, drainage and the capacity of existing services to accommodate additional dwellings.

PUBLICITY

Advertised by site notice. Three letters of objection have been received raising the following points:

- Cramped form of development out of keeping with the character of the locality
- Highway safety
- Impact on residential amenity through comings and goings
- Insufficient parking
- No amenities in the village to support new residents
- No need for additional housing in the locality
- The development is outside of the settlement framework.

Appropriate re-consultation has been undertaken with regard to the reduced scheme from three to two dwellings.

ASSESSMENT

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

The key considerations in assessing this proposal are:

- **principle of development**
- **visual amenity**
- **residential amenity**
- **highway safety.**

Principle of development

This is an outline application for the erection of two dwellings, with all matters reserved for future consideration.

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the development plan comprises the North Lincolnshire Local Plan 2003, the Core Strategy 2011 and Housing and Employment Allocations DPD. The following policies are considered relevant to the consideration of this application.

The site is within the rural settlement of Howsham. It lies partly within the settlement limits of Howsham as set out by the Housing and Employment Land Allocations Development Plan Document (DPD) where sustainable development is supported under the provisions of saved policy CS3. As the remainder of the site is outside the settlement framework set out in the DPD, for policy purposes, this would constitute development within the countryside and therefore the provisions of saved policy RD2 are applicable. Policy RD2 restricts residential development outside development limits unless it is for agriculture, forestry or to meet some special need.

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

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.

The proposal is not in overall accordance with the development plan due to part of the site falling outside the development boundary for Howsham, and so the starting point is refusal unless other material considerations indicate otherwise. It is, however, acknowledged that the council cannot currently demonstrate an up-to-date five-year housing land supply.

The council's most recent update of the housing land supply position, by way of an appeal decision, shows a supply of 4.8 years, as at August 2022. In these circumstances, having regard to paragraph 11 of the NPPF, this means that the development plan policies relating to the delivery of housing are considered to be out of date and that the provision of housing development through these proposals must carry significant weight in the planning balance, subject to the proposals meeting the definition of sustainable development as set out in paragraph 8 of the NPPF.

Paragraph 11 states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, there is a presumption in favour of sustainable development and permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The application site is considered to be within a sustainable location on the urban fringe insofar as it is bounded by built development to the south, north, eastern and to some extent the western boundaries of the application site. Furthermore, there are no protected

areas or assets that would be affected by the development and as such there would be no conflict with any of the protective policies within the NPPF.

On balance the principle of development is considered acceptable subject to there being no impacts that would significantly and demonstrably outweigh the benefits.

Visual amenity

This application is for outline permission only, with all matters reserved for future consideration. Therefore, the detailed design on the dwellings is not known and would be considered at the reserved matters stage.

The scheme has been reduced through the processing of the application from three dwellings to two. The application site forms part of the residential curtilage of Roseholme Farm.

The proposal will form a single point of access off Main Street which will serve the two dwellings.

The site is within a residential area, with dwellings surrounding the site.

It is considered that a scheme could be achieved at reserved matters stage which will positively address the local vernacular of the area, and it is therefore considered that the proposal is in accordance with saved policies H5 and DS1 of the local plan, CS5 of the Core Strategy and Part 12 of the National Planning Policy Framework which seek to secure high quality design in developments.

Residential amenity

The nearest residential property shares the eastern boundary of the application site. It is considered that an appropriate scheme could be secured at reserved matters stage which would provide adequate amenity for both existing and future occupiers in accordance with the requirements of saved policies H5 and DS1 of the local plan, CS5 of the Core Strategy and Part 12 of the National Planning Policy Framework which seek to secure high quality design in developments.

Concern has been raised by the council's Environmental Health Officer (EHO) with regard to the potential for the proposed dwellings to be impacted by noise, and vice versa, the proposal's impact upon existing commercial activities in the locality. The EHO has requested a noise impact assessment be submitted as part of this application. Whilst their concerns are noted, the site forms part of a residential curtilage and is surrounded by residential land uses. The farm to the north and café use are noted; however, given the make-up of surrounding land uses, it is considered that to require a noise impact assessment would be unnecessary and overly onerous. No noise complaints from existing residential properties have been identified by the Environmental Health Officer.

Highway safety

The indicative site layout demonstrates a single point of access off Main Street. It shows an appropriate level of off-street parking and suitable turning area can be accommodated within the site to enable vehicles to enter and leave in a forward gear.

There would be sufficient area within the site to provide parking. The Highways officer has considered the access and no objections have been raised. It is therefore considered that an appropriate scheme could be achieved as part of any reserved matters scheme and appropriate conditions, relevant to this outline application, are recommended accordingly.

Flood risk and drainage

Concern has been raised with regard to drainage within the application site.

The site is within Flood Zone 1 (Low Risk of Flooding, 1 in 1000 years) and it is considered that development in this location is appropriate.

The Lead Local Flood Authority has assessed the proposal and considers that a conditioned approach to controlling drainage is acceptable. Conditions are recommended accordingly.

Concern has been raised with regard to the capacity of mains water. The service provider, as a statutory undertaker, must allow connection to the network. The proposal is for two dwellings which would not result in any significant demand on water resources over the existing situation and it is therefore considered that a refusal on this ground could not be sustained.

Archaeology

The application has been assessed by the council's archaeologist and no objections have been raised to the proposal subject to a written scheme of investigation being secured. A condition is recommended accordingly.

Sustainability consideration

The NPPF, at paragraph 8, states that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.

In regard to this proposal, the development would provide economic benefits through job creation through the construction of the dwellings and the associated wider benefits through the supply chain to the development. The increase in local population as a result of the development will have a positive impact on local retail etc.

A social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high-quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being.

In regard to this proposal, the development would provide housing which would contribute to the council's demonstrable five-year housing land supply.

An environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change, including moving to a low carbon economy.

There is potential to secure biodiversity net gain from the proposals.

It is considered that the proposal represents a sustainable form of development and is therefore consistent with the provisions of paragraph 11 of the National Planning Policy Framework.

Conclusion

Whilst the proposal is contrary to policies RD2, CS3 and CS8 of the development plan, it is considered to be in accordance with the National Planning Policy Framework which places substantial emphasis on the delivery of new and sustainable housing development, and the release of sites for such uses where a local planning authority does not have a five-year supply of housing land and where a proposal is considered sustainable.

As such, the site is consistent with the approach of the National Planning Policy Framework, and taking into account all other material considerations, including the number of representations, it is considered that, on balance, the proposal is acceptable, in accordance with the council's strategic priorities in terms of economic growth and renewal, and the provision of housing, which is demonstrated to be required by the council's current lack of a deliverable five-year housing land supply.

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 and the landscaping of the site shall be submitted in writing to the local planning authority and 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: Location Plan – Scale 1:1250.

Reason

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

6.

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 of identified importance within the footprint of the development
- (ii) methodologies for the recording and recovery of archaeological remains, including artefacts and ecofacts
- (iii) post-fieldwork methodologies for assessment and analyses
- (iv) report content and arrangements for dissemination, and publication proposals
- (v) archive preparation and deposition with recognised repositories, including the ADS
- (vi) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy
- (vii) monitoring arrangements, including the notification in writing to the North Lincolnshire Historic Environment Record of the commencement of archaeological works and the opportunity to monitor such works
- (viii) a list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

Reason

In the interests of archaeology in accordance with saved policy HE9 of the North Lincolnshire Local Plan, policy CS6 of the Core Strategy and part 16 of the National Planning Policy Framework.

7.

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

Reason

In the interests of archaeology in accordance with saved policy HE9 of the North Lincolnshire Local Plan, policy CS6 of the Core Strategy and part 16 of the National Planning Policy Framework.

8.

The final dwelling to be constructed shall not be occupied until the local planning authority has received written confirmation of commencement of any analysis, publication and dissemination of results following post-excavation assessment and until the archive deposition has been secured.

Reason

In the interests of archaeology in accordance with saved policy HE9 of the North Lincolnshire Local Plan, policy CS6 of the Core Strategy and part 16 of the National Planning Policy Framework.

9.

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

Reason

In the interests of archaeology in accordance with saved policy HE9 of the North Lincolnshire Local Plan, policy CS6 of the Core Strategy and part 16 of the National Planning Policy Framework.

10.

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

Part 1: Site Characteristics

A Phase 1 desk study shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant

linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the local planning authority for approval prior to proceeding to further site investigation.

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

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

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

11.

Within three months of the commencement of development, a scheme to demonstrate biodiversity net gain shall be submitted to and approved in writing by the local planning authority.

Reason

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

12.

The approved biodiversity scheme 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.

Reason

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

13.

The details to be submitted in respect of reserved matters for any phase of development shall include a scheme for the provision of surface water drainage works, which shall include the following criteria:

- (a) any proposal to discharge surface water to a watercourse from the redevelopment of a brownfield site should first establish the extent of any existing discharge to that watercourse
- (b) peak run-off from a brownfield site should be attenuated to a minimum of 70% of any existing discharge rate (existing rate taken as 1.4 litres per second per hectare)

(l/s/ha) or the established rate, whichever is the lesser for the connected impermeable area)

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

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

Reason

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

14.

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

Reason

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

15.

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.

16.

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

Reason

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

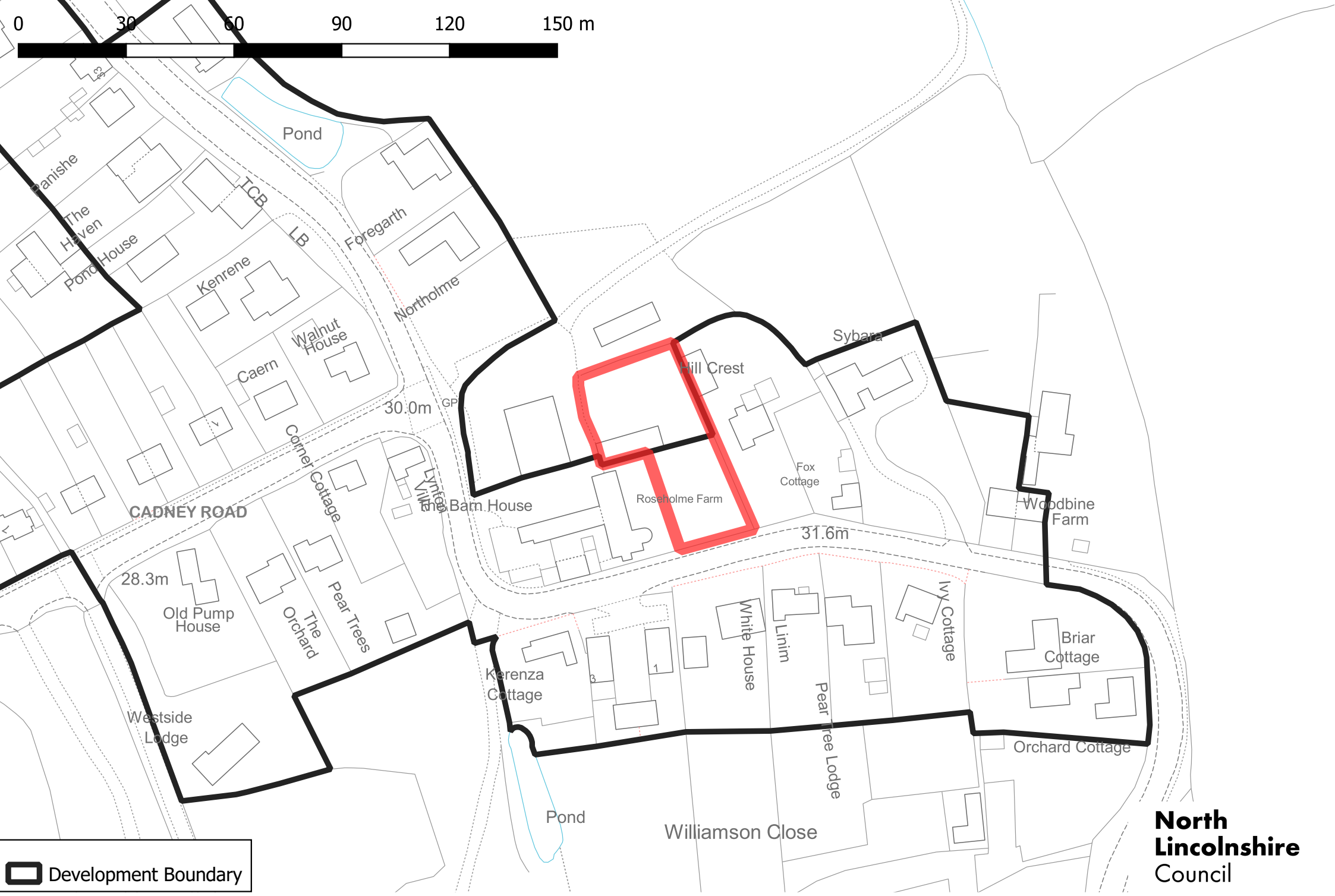
Informative 1

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.

Informative 2

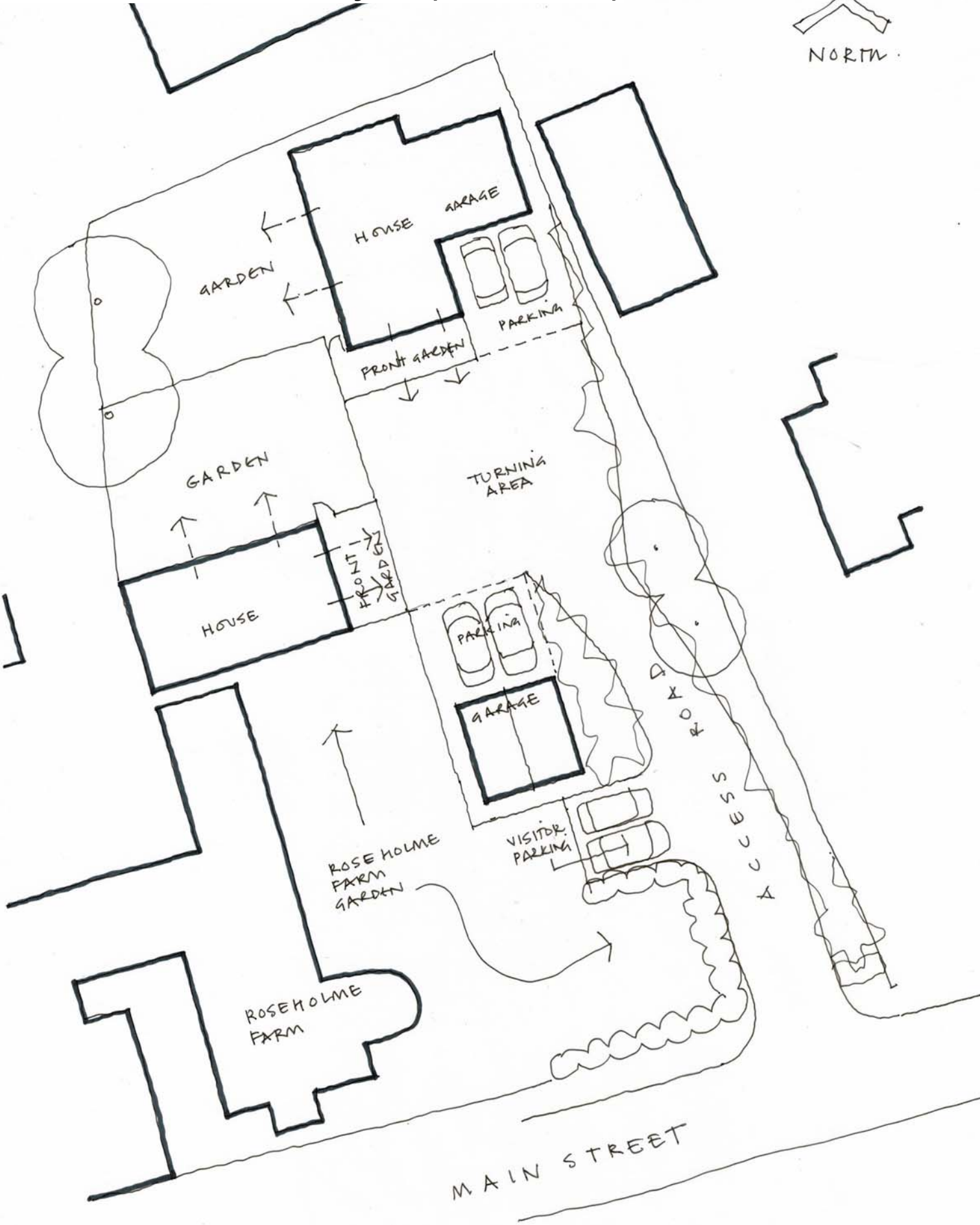
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



 Development Boundary

PA/2022/829

**North
Lincolnshire
Council**



ROSEHOLME FARM, HANSHAM

SKETCH PLAN 1:250
JUNE 2022 542 JK01