

APPLICATION NO	PA/2022/1315
APPLICANT	Mr R Mills, North Lincs Property Ltd
DEVELOPMENT	Planning permission to retain eight dwellings
LOCATION	Land at Harris View, Epworth, DN9 1GJ
PARISH	Epworth
WARD	Axholme Central
CASE OFFICER	Deborah Oikeh
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Departure from the development plan Objection by Epworth Town Council

POLICIES

National Planning Policy Framework: Chapters 2, 4, 5, 9, 11, 12 and 15

North Lincolnshire Local Plan: H5, H7, H8, DS1, DS14, DS16, LC14, RD2, T1, T2, T19

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS5, CS7, CS8, CS17, CS18, CS19

Housing and Employment Land Allocations Development Plan Document: Policy PS1 (Presumption in Favour of Sustainable Development)

New North Lincolnshire Local Plan Submission: The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until early in 2023. The Submitted North Lincolnshire Local Plan can be given some weight as a material planning consideration in the determination of planning applications. The relevant policies concerning this application are as follows:

RD1: Supporting Sustainable Development in the Countryside

SS1: Presumption in favour of Sustainable Development

SS3: Development Principles

SS6: Spatial Distribution of Housing Sites

SS11: Development Limits

HE2: Area of Special Historic Landscape Interest

DQE5: Managing Flood Risk and Sustainable Urban Drainage Systems

CONSULTATIONS

Highways: No comments or objections.

LLFA Drainage: No further objections subject to conditions.

Ecology: It will be important to retain the previously approved planting scheme; if not, new landscaping and biodiversity enhancement proposals will be required.

Archaeology: No objection.

Environmental Protection: No objection subject to a contamination condition.

Waste & Recycling: Have provided informative advice.

TOWN COUNCIL

Objects on the following grounds:

- (i) the siting, design and scale of the development has changed without any further planning permission
- (ii) the stability of the embankment immediately behind the development
- (iii) potential contamination risk and no evidence to say how it has been addressed
- (iv) flooding of the site.

PUBLICITY

Advertised by site and press notice – one comment has been received raising the following issues:

- The railway banking should be put back to its original size. It is a protected structure after all. The developer has removed a huge section of the banking. The residents of Fernbank, Orchard Croft, Swallow Court and Fields Close have made features of the embankment, without the need to remove large parts of the banking. The height of the embankment should not be reduced.

ASSESSMENT

Relevant planning history

PA/2017/1929: Planning permission to erect seven dwellings and associated garages – approved 22/08/2018

PA/2017/1583: Planning permission to erect a detached house with integral garage – approved 15/03/2018

PA/2020/199: Planning application to vary condition 2 of PA/2017/1929, namely to amend plans of the house design – approved 30/06/2020.

Background

This application site was granted planning permission to erect seven dwellings under planning reference PA/2017/1929 and an additional one dwelling under PA/2017/1583 in 2018. However, there had been material changes to the approved scheme following the initial approvals, namely changes in design and the red line boundary to provide acceptable amenity/garden space for the dwellings. This application is essentially a resubmission of the previously approved eight dwellings given the material changes to the scheme. It is a retrospective application as the dwellings externally have been built out on the site. Essentially, the proposal is to 'finish off' the Harris View estate which has been developed as a piecemeal development over the years following an outline permission for 14 dwellings approved under planning reference PA/2006/1898.

Proposal and site characteristics

The application site comprises a mix of eight detached and semi-detached dwellings. The site is primarily within the defined settlement boundary for Epworth and is bordered by the former railway embankment to the west. A small part of the site to the western boundary lies outside the development boundary of Epworth, within the open countryside and within the Area of Historic Landscape Importance (LC14). The site is bounded by housing to the south and east. A number of modern dwellings have already been erected and occupied on Harris View. Dwellings in the vicinity of the site are detached and constructed in red brick with red pantile roofs.

The development proposed comprises eight dwellings, of which four will be detached and four semi-detached. They will be of similar appearance and design to the existing properties on Harris View. Part of the existing railway embankment will be removed to form the rear gardens of the properties with a retaining wall installed to prevent land spillage. No changes to the height of the embankment are proposed.

Site constraints

The site lies within the development boundary of Epworth according to the HELA DPD 2016; however, a part of the site to the west is set outside the development boundary and within the LC14 area, including the railway embankment.

The site is within SFRA flood zone 1.

Main considerations

- **the principle of the development**
- **impact upon residential amenity**
- **impact upon character and appearance**
- **archaeology**
- **impact upon access and highway safety**
- **flood risk and drainage**
- **land contamination**

- **ecology.**

The principle of the development

The proposal seeks planning permission to retain eight dwellings on a site primarily within the settlement boundary for Epworth. Epworth is designated as a market town in the adopted Core Strategy and is a very sustainable settlement as it comprises a wide range of shops, services and employment opportunities, and has public transport links to the larger settlements of Scunthorpe and Doncaster.

Policies CS1 and CS2 state that development should be focused on previously developed land and buildings within the defined development limits of North Lincolnshire's market towns followed by other suitable infill opportunities.

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

Although a small portion of the site is within the open countryside, this area forms part of the rear gardens of the plots and will be screened from wider views of the open countryside by the railway embankment and proposed retaining wall. Whilst policy RD2 restricts development in the open countryside other than in exceptional circumstances, this policy may not strictly apply, given that the majority of the application site is set within the development boundary. The proposal is considered to be a sustainable form of development within Epworth and will contribute to the council's five-year land supply. As a result, the proposal will have a minimal impact on the open countryside.

In principle, therefore, the proposal accords with guidance in the National Planning Policy Framework and strategic policies CS1, CS2, CS3 and CS8 of the Core Strategy.

Impact on residential amenity

In terms of residential amenity, plots 4 to 7 are adjacent to the railway embankment. The front of these properties face the access road and are set about 15 metres from the opposite dwellings on Harris View; consequently, no loss of privacy will result from the siting of plots 4 to 7. The flank wall of plot 8 is adjacent to plot 9. No windows are proposed in the flank wall of plot 8 so no loss of privacy will occur to plot 9. Plot 3a is adjacent to an existing detached dwelling on Harris View and a detached dwelling to the south known as 3 Fernbank. Plot 3a will not result in an unacceptable loss of privacy to the detached dwelling on Harris View given the separation distance and position of windows. Plot 3b has a window in the bedroom and bathroom at first floor level. A condition to ensure all bathroom and toilet windows are obscure glazed to mitigate any overlooking impact will therefore be applied to any permission granted. In addition, the bedroom window is at an oblique angle and is a considerable distance from 3 Fernbank. The proposal therefore accords with policies CS5 of the Core Strategy and H5, H8 and DS1 of the North Lincolnshire Local Plan.

Impact on the character and appearance of the street scene

This site constitutes developable land primarily within the settlement boundary of Epworth and completes the residential cul-de-sac known as Harris View. The proposed development is a similar design, character and appearance to the adjacent properties. As a result no adverse impact will be caused in the street scene. The proposed dwellings will primarily only be visible from within Harris View as they will be screened substantially by the railway embankment and the existing dwellings on Harris View, and by other dwellings on Station Road and Battle Green. The proposal therefore accords with policies CS5 of the Core Strategy and H5, H8 and DS1 of the North Lincolnshire Local Plan.

Archaeology (LC14)

A small area of the site to the west will be within an area of historic landscape interest (LC14). The garden to the dwellings will be bordered by the former railway embankment to the west. The council's archaeologist has raised no objections to the proposal following the submission of a heritage statement. The development will have a very minimal impact on the LC14, particularly as most of the railway embankment will be retained in situ. As a result the proposal accords with policies CS6 of the Core Strategy and LC14 of the North Lincolnshire Local Plan.

Impact upon highway safety

In terms of impact on the highway, the proposed dwellings will be served from the existing access located on Harris View. Highways have raised no objections to the access and parking arrangements for the proposed dwellings subject to conditions which will be imposed on this planning permission. The proposal therefore accords with policies T2 and T19 of the North Lincolnshire Local Plan.

Flood risk and drainage

In terms of drainage, concerns from the drainage team initially included risk of slippage from the embankment. This concern was echoed by the town council. The applicant submitted further details in the form of a bund slope stability assessment which has been reviewed by an independent consultant contracted by the council. Conditions to prevent surface water discharging onto the site from the embankment and to prevent surface water discharging onto the highway have been recommended by the drainage team and will be applied to any permission granted. The application site is set within flood zone 1 (at low risk of flooding) and the Environment Agency did not wish to comment on the previous approvals given that the dwellings are set within flood zone 1. Subject to conditions, the proposal is therefore considered to accord with policies DS14 and DS16 of the North Lincolnshire Local Plan and CS18 and CS19 of the Core Strategy.

Land contamination

Policy DS7 of the local plan relates to contaminated land. The former use of the rear of the site as a railway track has the potential to have led to contamination of the site by diesel, lubricating oils, PAH's (Polycyclic Aromatic Hydrocarbons) and asbestos, along with other contaminants, all of which are harmful to human health. Therefore, a contaminated land condition has been recommended given that residential development represents a sensitive end use. This condition will be applied to any permission the council is minded to grant.

Ecology

The proposed design will retain the planting outside the gardens on the embankment. Given that the site has been built up, little can be achieved in terms of biodiversity. The council's ecologist has raised no objection provided the planting outside the gardens on the railway embankment is retained. This has been confirmed in writing by the agent.

Other concerns raised by the town council

The town council has also raised concerns regarding the changes to the proposals without the grant of planning permission. This current application aims to rectify this matter and therefore seeks retrospective planning permission for the development carried out on the site. Issues of embankment stability and flooding have been addressed under the drainage section.

With regard to potential contamination risk, Environmental Protection have recommended a contaminated land condition which will be attached to any permission the council is minded to grant.

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

1.

The development is hereby permitted in accordance with the following approved plans:

- Location plan: 19190/002; site plan: 19190/001
- Elevation and floor plans: Plot 3a – 1776/003 rev A; Plot 3b – 1776/004; Plot 4 – 19190/002; Plots 5 to 8 – 19190/001; Plot 9 – 19190/005 & 19190/006
- Garage plans: 3a and 3b – 19190/009 rev A
- Drainage plans: EWE/2825/01, Heritage Statement, and Design, Access and Planning Statement.

Reason

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

2.

Within one month of the date of this permission, a detailed surface water drainage scheme for the site shall be submitted to and approved in writing by the local planning authority. This must be based upon the submitted Technical Note: 001, Ref: 2021/825, submitted by: EWE Associates Ltd, Dated: 05/10/2021 and Drawing No: EWE/2825/01, Rev: 0, Dated: 13/02/2023. 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.

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.

3.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 2 above, completed prior to the occupation of any dwelling 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.

4.

Within one month of the date of this permission, details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway shall be submitted for approval to the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

Reason

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

5.

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

Reason

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

6.

Within one month of the date of this permission, details showing an effective method of preventing surface water run-off from the embankment onto the application site shall be submitted to and approved in writing by the local planning authority. Thereafter the

approved scheme shall be implemented prior to the occupation of any dwelling on the site and thereafter so retained.

Reason

To prevent the increased risk of surface water flooding in accordance with policies DS14 and DS16 of the North Lincolnshire Local Plan, and CS18 and CS19 of the Core Strategy.

7.

Before any dwelling is occupied details of the foul water drainage shall be submitted to and agreed in writing by the local planning authority. Thereafter, only the approved scheme shall be installed on the site.

Reason

To ensure satisfactory foul drainage for the site in accordance with policy DS14 of the North Lincolnshire Local Plan.

8.

No dwelling on the site shall be occupied until a verification report, in accordance with Part 3, for the remediation carried out on the site pursuant to discharge of condition application PA/2020/1314 has been submitted to and approved in writing by the local planning authority.

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 below and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2 below, which is subject to the approval in writing of the local planning authority.

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.

9.

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

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

No operations shall take place on Sundays or public/bank holidays.

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

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

Reason

To protect residential amenity.

10.

The existing vegetation on the embankment shall be retained. Any vegetation which dies, is removed or becomes seriously diseased or damaged within three years from the date of this permission shall be replaced in the next planting season with vegetation of similar size and species to that originally planted on the site unless the local planning authority agrees in writing to any variation.

Reason

To safeguard the visual amenity of the locality in accordance with policies LC14 and DS1 of the North Lincolnshire Local Plan.

11.

Before the occupation of the dwellings, all bathroom and toilet windows shall be obscure glazed and retained in that condition thereafter.

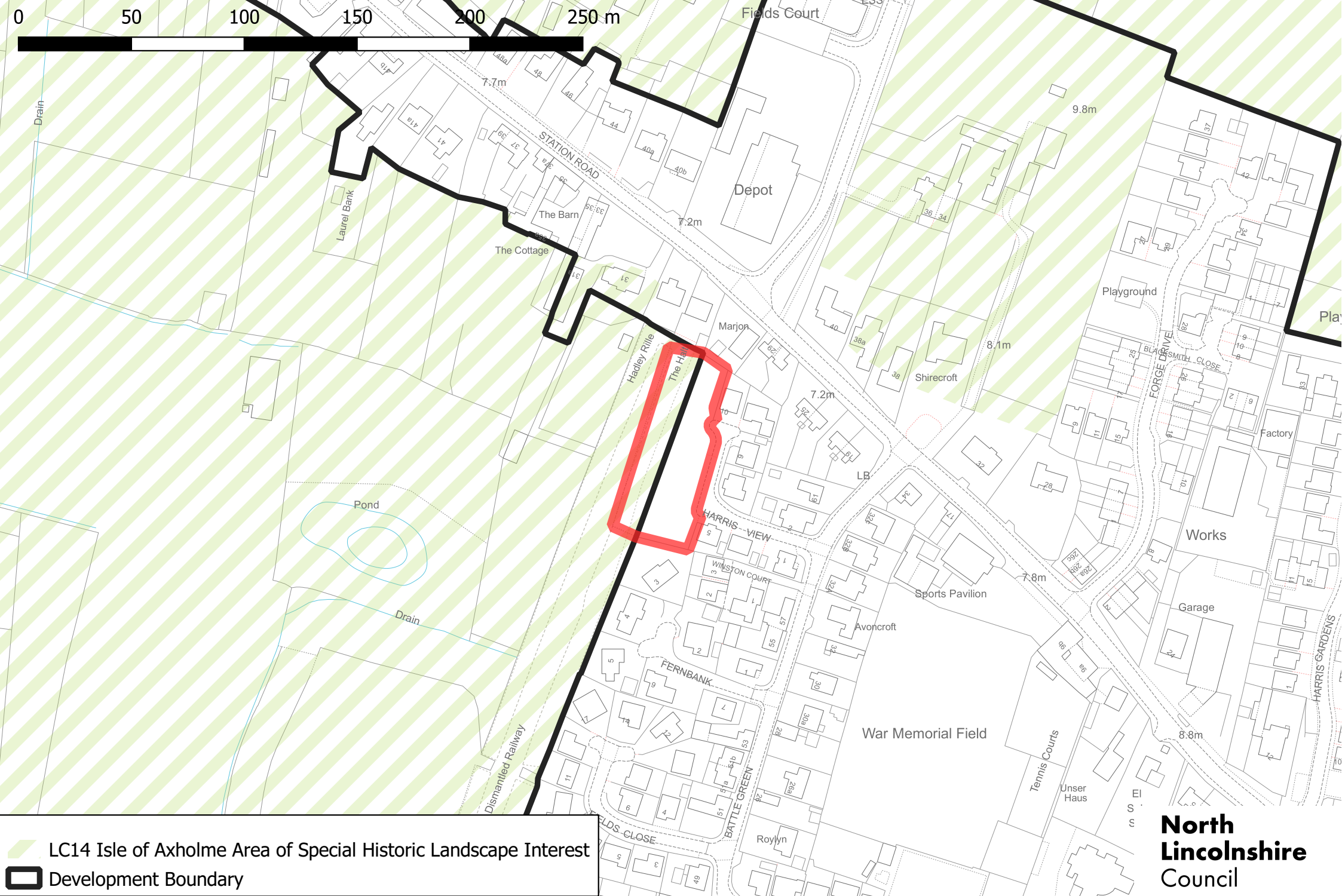
Reason



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

Informative

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

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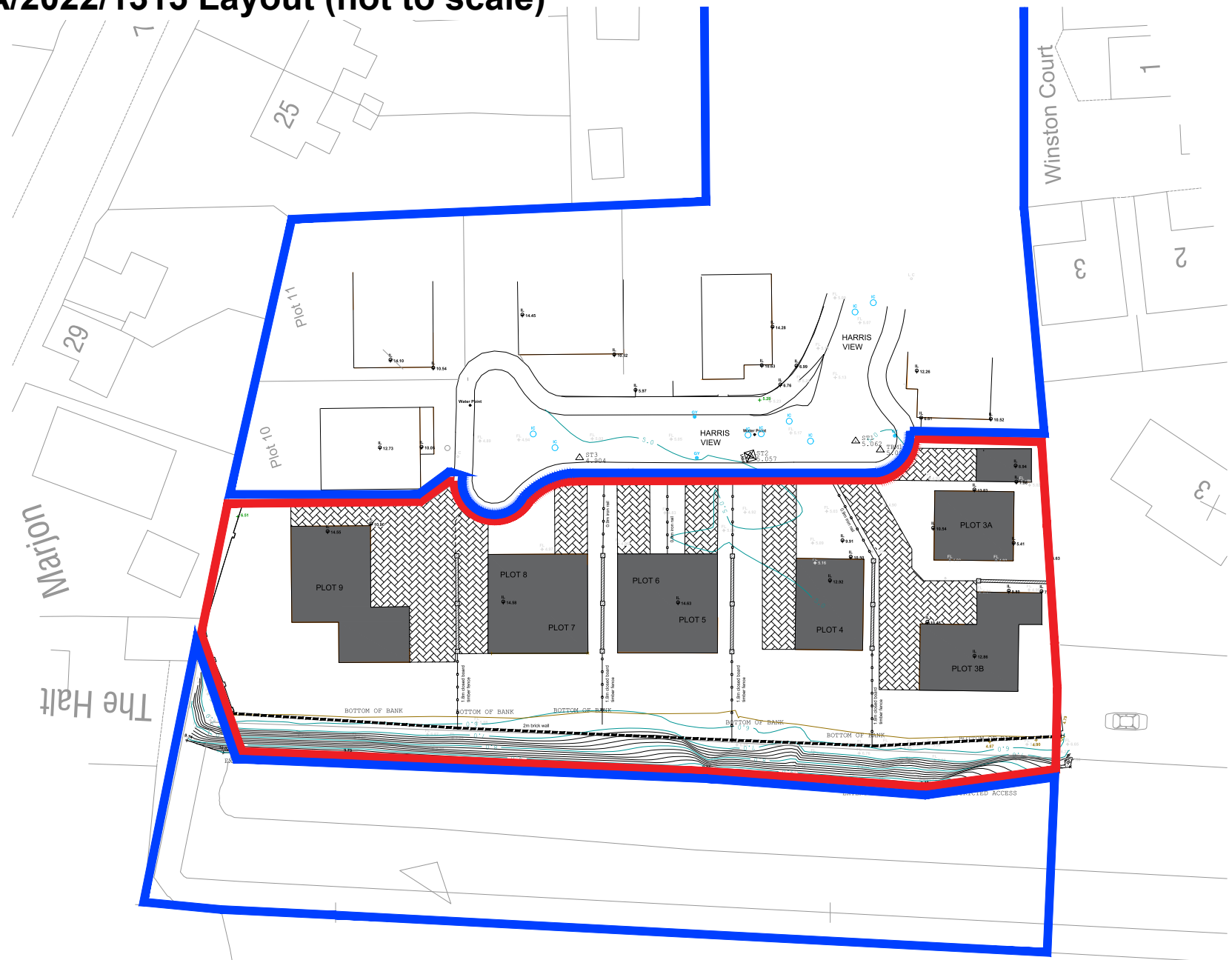
 LC14 Isle of Axholme Area of Special Historic Landscape Interest
 Development Boundary

**North
Lincolnshire
Council**

PA/2022/1315

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PA/2022/1315 Layout (not to scale)



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project: Harris View, Battle Green, Epworth			
title: Site plan			
scale: 1:200@A1		date: JUL 2022	
project no.:	drawn:	number:	rev.:
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