

<b>APPLICATION NO</b>	<b>PA/2022/2230</b>
<b>APPLICANT</b>	Executors of the late Mrs Joan Burkinshaw
<b>DEVELOPMENT</b>	Outline planning permission to erect a detached dwelling with appearance, landscaping, layout and scale reserved for subsequent consideration
<b>LOCATION</b>	37 North Street, West Butterwick, DN17 3JR
<b>PARISH</b>	West Butterwick
<b>WARD</b>	Axholme South
<b>CASE OFFICER</b>	Scott Jackson
<b>SUMMARY RECOMMENDATION</b>	<b>Approve with conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by West Butterwick 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
- 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
- DS16 – Flood Risk
- H5 – New Housing Development
- H8 – Housing Design and Housing Mix

LC5 – Species Protection

LC14 – Area of Special Historic Landscape Interest

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

CS17 – Biodiversity

CS19 – Flood Risk

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

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

Policy SS1 – Presumption in Favour of Sustainable Development

Policy SS2 – A Spatial Strategy for North Lincolnshire

Policy SS3 – Development Principles

Policy SS5 – Overall Housing Provision

Policy SS6 – Spatial Distribution of Housing Sites

Policy SS11 – Development Limits

Policy RD1 – Supporting Sustainable Development in the Countryside

Policy DQE1 – Protection of Landscape, Townscape and Views

Policy DQE5 – Managing Flood Risk

Policy DQE6 – Sustainable Drainage Systems

Policy HE1 – Conserving and Enhancing the Historic Environment

## **Housing and Employment Land Allocations Development Plan Document (DPD)**

### **CONSULTATIONS**

**Highways:** No objection, recommend conditions.

**Environment Agency:** No objection, recommend a condition.

**LLFA Drainage:** No objection, recommend conditions.

**Environmental Protection:** No objection, recommend conditions.

**Isle of Axholme and North Nottinghamshire Water Level Management Board:** There are no Board-maintained watercourses in close proximity to the site. The Board's consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required).

The suitability of soakaways, as a means of surface water disposal, should be ascertained prior to planning permission being granted. Soakaways should be designed to an appropriate standard and to the satisfaction of the approving authority in conjunction with the local planning authority. If the suitability is not proven the applicant should be requested to re-submit amended proposals showing how the site is to be drained. Should this be necessary this Board would wish to be re-consulted.

The design, operation and future maintenance of site drainage systems must be agreed with the lead local flood authority and local planning authority.

**Archaeology:** The application affects the Area of Special Historic Landscape Interest of the Isle of Axholme (Local Plan Policy LC14). This area is designated for its unique historic landscape retaining the pattern of ancient open strip fields and enclosures surrounding the villages on the Isle. The application site is in a well-preserved area of the core historic landscape in the Riversides Ancient Open Strip Field character area. 33 North Street (adjacent) is a traditional 19th century house perpendicular to the street frontage, typical of the Isle vernacular, that together with its single storey outbuildings to the rear contributes to the historic settlement form and the setting of the historic landscape to the rear.

It will be important that the scale, design and building materials of any new dwelling on this plot is appropriate to the area and in accordance with policies LC14 and DS1 to avoid adverse effect on the character and setting of the heritage asset. Any new dwelling should be single-storey only to avoid the unacceptable extension and intrusion of the built environment into the historic landscape and overshadowing the existing historic house and surrounding modern bungalows.

Physical enclosure and high fencing would be inappropriate in this landscape, including along the historic track or mere on the north side of the application and the site boundaries. Standard planning conditions should be attached to secure the above criteria to ensure the details of a dwelling on this plot will comply with policy LC14, including restricting the building height, use of appropriate building materials and boundary treatment, and the

removal of permitted development rights to avoid the unregulated extension of the built environment into the protected historic landscape area at the rear of the dwelling.

## **PARISH COUNCIL**

Object on the following grounds:

- The access for the property at the moment is not used and there are concerns that this access is not suitable for a shared access.
- The parish council wish to know where the telegraph pole and post with the bus stop attached will be re-sited.
- The parish council have concerns as to what type of housing is proposed as this should be in keeping with the bungalow-style housing in the vicinity.
- The proposed access to the property is land known as the Mere and is common land owned by the parish and their permission would be required for right of access.

## **PUBLICITY**

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

## **ASSESSMENT**

### **Planning history**

PA/2021/1314: Outline planning permission for a detached dwelling with all matters except means of access reserved for subsequent consideration – withdrawn.

The application site comprises garden land within the curtilage of a detached bungalow to the west of North Street in West Butterwick. The site contains two single-storey outbuildings: one constructed from brick and profile sheeting, and the other from brick, timber and profile sheeting to its roof. The site is within flood zone 2/3a and is bordered by residential properties on three sides. It is also within the Isle of Axholme Area of Special Historic Landscape Interest (policy LC14) along part of its western edge and the developable site area extends to some 544m<sup>2</sup>. Outline planning permission is sought to erect a detached dwelling with means of access being considered at this outline stage.

**The main issues in the determination of this application are the principle of development, and impact on the character and appearance of the LC14 land, upon residential amenity, upon highway safety and flood risk.**

### **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 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 buildings) and the erection of a detached dwelling. The part of the application site where the dwelling is proposed is within the defined development boundary for West Butterwick as shown in the Housing and Employment Land Allocations DPD. Furthermore, the application site is in a sustainable location, within walking distance of local services, and North Street, which is a local bus route. The proposal therefore accords with the principles of sustainable development as set out within the policies of the local plan, Core Strategy and the National Planning Policy Framework on delivering residential development in appropriate locations.

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 West Butterwick, in a sustainable location. There is, therefore, a presumption in favour of residential development.

### **Historic landscape/settlement character**

The council's online mapping system also shows that a small section of the site along its western fringes extends into the LC14 landscape with the dwelling on the neighbouring site to the west (37 North Street) located wholly within the historic landscape. The Historic Environment Record (HER) has commented the application site is in a well-preserved area of the core historic landscape in the Riversides Ancient Open Strip Field character area, that any new dwelling should be single-storey to avoid the extension of the built environment into the historic landscape and it will be important to ensure the scale, design and materials of any new dwelling is appropriate to the area. The comments from the HER are noted; however, it is also worth noting the comment above that only a small section of the site extends into the LC14 landscape, and a dwelling could feasibly be accommodated on the site without it extending into the historic landscape, particularly as the width of the site is in excess of 20 metres at its widest point. It is considered the erection of a dwelling on the site would not be at odds with the character, appearance and setting of the historic landscape as a dwelling could be accommodated on the site which still allows extensive views into and across the landscape from North Street (looking in a westerly direction) and where 33 North Street remains visually prominent within such a view and can be appreciated within that view.

This is an outline planning application with matters relating to scale reserved for future consideration (as part of any reserved matters submission); however, issues have been raised in relation to the height of any dwelling proposed on the site. Due to the proposed flood mitigation measures required (with finished floor levels proposed at 1 metre above existing site levels), it is anticipated that any subsequent dwelling would be of a dormer style or two-storey in height; this would be consistent with the height of the dwelling immediately to the east (33 North Street) and there a number of examples along the western side of North Street where modern two-storey dwellings border and encroach into the historic landscape. Therefore, the introduction of a dwelling with more than one storey would not be at odds with either the character and appearance of the street scene or with the setting of the historic landscape.

In addition, the layout of the site is not being considered at this outline stage, but any resultant detached dwelling could be orientated on the site to ensure it allows views into and across the historic landscape without having an adverse impact on the historic

landscape beyond, and which results in the introduction of a dwelling which is perpendicular to the street frontage, thereby aligning with the orientation of the traditional dwelling at 33 North Street highlighted in the consultation response from the HER. The HER has also recommended a condition which removes permitted development rights from the development if the application is granted permission; however, this is a site with existing built form located wholly within the defined settlement boundary for West Butterwick and any boundary treatment and outbuildings which could be erected under householder permitted development rights would not obstruct or have a negative impact on the character, appearance and setting of the historic landscape.

It should also be noted there are examples of modern dwellings within the vicinity of the site and that have recently been erected on sites which border the historic landscape on the western side of North Street. The proposal is considered to be infill development which follows the existing ribbon development pattern along North Street and which results in the redevelopment of this site (it currently contains two outbuildings). It is accepted that the proposal will close the 'gaps' along North Street enclosing this area of the LC14 landscape, but the proposed development will be viewed in context with the existing ribbon development along North Street, where new dwellings have been recently permitted. Therefore, on balance, the proposal will not cause significant harm to the character, appearance and setting of the LC14 in this location and is therefore acceptable.

### **Impact on amenity**

It is considered that a dwelling could be designed/accommodated on the site that is in keeping with the surrounding area and would not adversely affect the amenity of adjoining neighbours. In addition, it is considered a dwelling could reasonably be positioned on the site which ensures there is sufficient provision for both off-street parking and private amenity space and sufficient separation distance from existing houses to mitigate any potential loss of residential amenity which could arise (for example overlooking, overshadowing or having an overbearing impact). These issues would be considered and assessed at the reserved matters stage under policies H5, H8 and DS1 of the North Lincolnshire Local Plan and CS5 of the Core Strategy.

### **Highway issues**

In terms of highway and pedestrian safety matters, Highways have no objections to the proposal subject to conditions which will be imposed on any planning permission granted. Following concern from Highways, the applicant has amended the position of the proposed vehicular access to ensure it does not conflict with the existing bus stop and telegraph pole located on North Street to the east. The access is from North Street along a section of track which also serves 37 North Street to the west. The comments made by West Butterwick Parish Council in respect of the access track being part of the 'Mere' is noted and any future owner of the site would therefore have to seek the permission of the parish council to gain a right of access over the track; however, this does not prevent the local planning authority from determining whether it is a suitable means of access to the development site; in this regard no objection has been received from Highways. The proposal therefore accords with policies T2 and T19 of the North Lincolnshire Local Plan.

### **Flood risk and drainage**

In terms of flood risk, the site is within flood zone 2/3a of the council's SFRA and is therefore at high risk of flooding. There are no available sites within the development

boundary of West Butterwick within a lower flood risk zone. The sequential test is therefore passed. In terms of the exceptions test, the proposal will contribute to the council's five-year land supply, will deliver a new dwelling in a sustainable location, will provide jobs during the construction period and will support local services/amenities within the settlement of West Butterwick.

The FRA submitted is acceptable to the Environment Agency, subject to conditions which will be imposed on any planning permission. It is considered there is sufficient reasoning to justify that the development would provide wider sustainability benefits sufficient to outweigh the risk of flooding. The proposal therefore accords with the NPPF, policy CS19 of the Core Strategy and policy DS16 of the Lincolnshire Local Plan.

In terms of drainage, no objections have been received subject to conditions which will be imposed should planning permission be granted. The proposal therefore accords with the NPPF, policies CS18 and CS19 of the Core Strategy, and policy DS14 of the North Lincolnshire Local Plan.

### **Other issues**

The previous use of the buildings on the site is unknown and the land therefore has the potential to contain contaminated material such as asbestos. Therefore, a pre-commencement condition is recommended for contaminated land investigation; this aligns with the consultation response from Environmental Protection. Whilst no formal response has been received from the council's ecologist in relation to this planning application, they did provide comment on the previous application which was withdrawn (PA/2021/1314). Given the previous application was considered recently, it is considered the comments from the ecologist are still valid and pertinent to this application; in this regard no ecological surveys were requested, and a condition recommended that a biodiversity management plan be submitted for consideration – this will ensure biodiversity net gain from the development proposals and accords with policies CS5 and CS17 of the Core Strategy.

### **Pre-commencement conditions**

A pre-commencement condition is recommended in respect of contaminated land investigation – no response has yet been received from 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), 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.

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.

6.

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 dwelling is 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.

7.

The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan and B/01/01/019/21/R.

Reason

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

8.

No above ground works shall take place until 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;

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.

9.

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.

10.

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.

11.

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

**Reason**

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

12.

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.

13.

No above ground works shall take place until details of the relocation of the street lighting column and BT pole have been submitted to and approved in writing by the local planning authority. Thereafter only the approved scheme shall be implemented.

Reason

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

14.

The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) (produced by Roy Lobley Consulting, ref: RLC/0811/FRA01, dated 07 February 2023). In particular, finished floor levels shall be set no lower than 5.0 metres above Ordnance Datum (AOD), as detailed within Section 5.4 of the FRA.

Reason

To reduce the risk of flooding to the proposed development and future occupants.

15.

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.

16.

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

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.

17.

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

- (a) an assessment of biodiversity loss based on the habitat and hedgerow baseline from the submitted 'Existing Site Plan' drawing ref A/01/01/019/21;

- (b) details of measures required to provide at least 1% biodiversity net gain in accordance with the Defra Small Sites metric;
- (c) details of bat boxes and nest boxes to be installed;
- (d) proposed timings for the above works in relation to the completion of the bungalow.

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

#### Reason

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

#### 18.

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

#### Reason

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

#### 19.

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.

## **Informatives**

1.

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

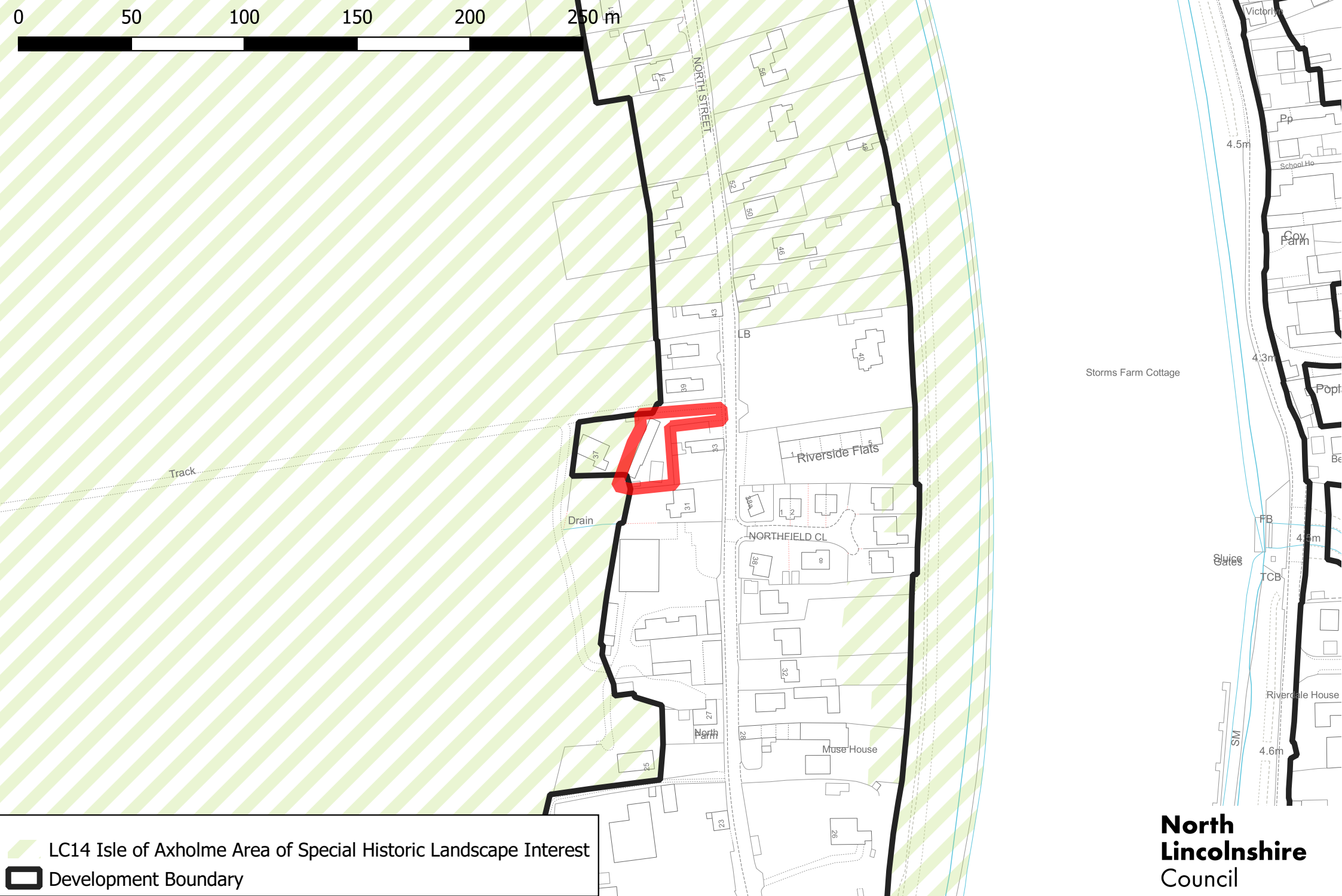
- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you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

You are advised to refer to the comments made by West Butterwick Parish Council in relation to the proposed means of access to the site. They have highlighted they are the owners of the proposed vehicular access and their prior permission may be required to gain a right of access over the land.



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

**North  
Lincolnshire  
Council**

**PA/2022/2230**