

APPLICATION NO	PA/2023/144
APPLICANT	Pale Close Ltd
DEVELOPMENT	Planning permission to erect a new detached dwellinghouse (including demolition of existing barn)
LOCATION	Land to the rear of Pale Close, Sand Pit Lane, Alkborough, DN15 9JG
PARISH	Alkborough
WARD	Burton upon Stather and Winterton
CASE OFFICER	Deborah Oikeh
SUMMARY RECOMMENDATION	Refuse
REASONS FOR REFERENCE TO COMMITTEE	Departure from the development plan

POLICIES

National Planning Policy Framework:

Section 12 – Achieving well designed places

Section 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

T2 – Access to Development

T19 – Car Parking Provision and Standards

HE2 – Development in Conservation Areas

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

CS6 – Historic Environment

CS7 – Overall Housing Provision

CS8 – Spatial Distribution of Housing Sites

CS16 – North Lincolnshire’s Landscape, Greenspace and Waterscape

CS17 – Biodiversity

CS19 – Flood Risk

Housing and Employment Land Allocations Development Plan Document:

PS1 (Presumption in Favour of Sustainable Development)

Supplementary Planning Guidance:

Alkborough Conservation Area Appraisal

Supplementary Planning Guidance

Conservation Area Map and Townscape Analysis

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:

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

DQE1: Protection of Landscape, Townscape and Views

HE1: Conserving and Enhancing the Historic Environment

DM1: General Requirements

CONSULTATIONS

Highways: No objection subject to conditions.

Drainage (Lead Local Flood Authority): No objection subject to conditions and an informative.

Environmental Protection: No objection subject to a pre-commencement condition and waste note transfer.

Conservation: Objection – design change recommended.

Ecology: Recommends planning conditions.

Archaeology: No further recommendation.

Trees and Landscape: Recommends conditions to secure replacement trees.

PARISH COUNCIL

No response received.

PUBLICITY

Advertised by site notice in accordance with Article 15 of the Development Management Procedure Order 2015. No comments have been received.

ASSESSMENT

Planning history

None.

Proposal and site characteristics

This proposal relates to a full planning application to erect a four-bedroom detached dwelling and an attached garage following demolition of the existing barn. The application site sits on a cul-de-sac on Sandpit Lane in Alkborough. The site is bordered by dwellings to the north, east and west, and flat land and shrubs to the north-east. The application site is set within Alkborough's conservation area and outside the settlement development boundary.

Site constraints

- The site is outside the development boundary of Alkborough according to the HELADPD 2016.
- The site is within SFRA flood zone 1.
- The site is within the conservation area.

Main considerations

- **principle of development**
- **impact upon residential amenity**
- **impact upon the character of the conservation area**
- **impact upon highway safety**
- **flood risk and drainage**
- **land contamination.**

Principle of development

The application site is classed as a rural dwelling within the development boundary of the settlement. Policy CS1 states, '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. In supporting the delivery of the spatial strategy set out in policy CS1, as well as determining how future development needs will be met in North Lincolnshire, policy CS2 sets out a sequential approach. Development should be focused on: Small-scale developments within the defined development limits of rural settlements to meet identified local needs. The policy further states that 'Any development that takes place outside the defined development limits of settlements or in rural settlements in the countryside will be restricted. Only development which is essential to the functioning of the countryside will be allowed to take place. This might include uses such as those related to agriculture, forestry or other uses which require a countryside location or which will contribute to the sustainable development of the tourist industry.

Policy CS6 relates to the historic environment. It states, 'The council will seek to protect, conserve and enhance North Lincolnshire's historic environment as well as the character and setting of areas of acknowledged importance including historic buildings, conservation areas, listed buildings (both statutory and locally listed), registered parks and gardens, scheduled ancient monuments and archaeological remains. All new development must respect and enhance the local character and distinctiveness of the area in which it would be situated, particularly in areas with high heritage value.

Policy CS7 states, 'Housing development will be required to make efficient use of land but the density of new development should be in keeping with the character of the area and should support the development of sustainable, balanced communities'. The policy allows a net density of 30 to 35 dwellings per hectare within a residential development site of rural settlements and the countryside.

Policy CS8 relates to spatial distribution of housing sites and states, 'The first priority is to re-use previously developed land and buildings within North Lincolnshire's built-up areas. Second priority will be given to other suitable infill opportunities in North Lincolnshire's built-up areas. The policy further states that 'New housing within 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 HE2 relates to development in conservation areas. It states that all development proposals in or which affect the setting of conservation areas should preserve or enhance the character and appearance of the area and its setting. It is expected that the design of any development should be of a standard which respects the appearance and character of the conservation area in terms of its bulk, height, mass, vertical and horizontal emphasis, proportions, layout, siting and landscaping.

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 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 immediately outside the defined development boundary of Alkborough and so it is considered to be in breach of policies CS2 and CS3 of the Core Strategy and RD2 of the local plan.

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 10 of the NPPF states, 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.' Paragraph 11(d) of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, relevant policies which were most important to determining the application should not be considered up to date.

In a recent appeal decision dated 20 July 2022 (PA/2020/554) the inspector concluded that the council does not currently have a five-year housing land supply of deliverable sites. The council's Five Year Housing Land Supply Position Statement is awaiting an update and as such any decisions made by the planning authority will take account of the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF. The current local policies which are most important for determining the application will carry reduced weight during this period.

Accordingly, the 'tilted balance' in paragraph 11 of the NPPF is triggered, whereby there is a presumption in favour of sustainable development and development proposals should be approved 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 this Framework taken as a whole.

In this case the proposed dwelling would be within the outer edge of the conservation area and it is therefore important that the replacement dwelling preserves and enhances the character of the conservation area in all respects.

Impact upon landscape and character of heritage asset

Policy H8 is concerned with housing design and housing mix. The policy permits new housing development where it respects and reflects the form, scale, massing, design and detailing, materials, and nature of the local environment. The development should incorporate a high standard of layout and protect existing natural and built features amongst others.

Policy LC7 relates to landscape protection and seeks to protect the scenic quality and distinctive local character of the landscape where development is permitted in rural settlements or the countryside.

Policy DS1 also requires that the design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area; and the design and layout should respect and where possible retain and/or enhance the existing landform of the site.

Policy HE2 is primarily concerned with proposals that affect the setting of a conservation area. When determining applications for development in conservation area, the following criteria will be considered:

- development should be of a standard of design which respects the appearance and character of the conservation area in terms of its bulk, height, mass, vertical and horizontal emphasis, proportions, layout, siting, landscaping and other matters of design such as roofscape and architectural style and detailing; and
- development should harmonise with adjoining buildings, preserve or enhance the street scene and should not detract from important existing spaces and views; and
- building materials should be appropriate to the locality and context and sympathetic to those of existing and nearby buildings in terms of type, texture, colour and size. Walls, gates and fences should be of a type traditionally used in the locality; and
- the development must have a satisfactory means of access which does not detract from the character of the area, not generate excessive traffic and where appropriate should provide for adequate car parking in a way which is sympathetic to the conservation area. In instances where there is conflict between the highway requirements and the retention of the character of the area, the latter shall prevail; and
- the development should retain important landscape and ecological features and where possible, include measures to enhance these features; and
- the development should avoid the loss of open areas, gaps in frontages, and natural and built features (such as trees, hedges, fences, walls and paving materials) if they are important to the character of the conservation area; and
- the development should not spoil or destroy attractive views and vistas into, within and out of the conservation area if they are important to the character of the area.

Section 2.4 of the Alkborough conservation area SPG permits the demolition and replacement of negative buildings provided they are specifically designed to preserve and enhance the character of the conservation area. In terms of design, Alkborough

conservation area SPG requires new development to reflect the dimensions and rhythms of traditional building depths and the height should be sympathetic to existing buildings amongst other criteria. The barn to be demolished is considered to have a negative effect on the character of the conservation area, being a modern building, and so the proposal is acceptable in principle subject to meeting the criteria in the relevant policies.

However, the conservation officer has raised some concerns regarding the proposed choice of materials, layout of the proposed dwelling and the overall impact upon the setting of the Alkborough conservation area. Recommendations include altering the proposed dwelling to a smaller-scale, longitudinal, converted barn styled building, built in local limestone with red brick quoins and traditional timber sliding sash windows.

Paragraph 130d of the NPPF encourages that planning decisions should ensure developments 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.

Paragraph 194 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal, including by development affecting the setting of a heritage asset. Paragraph 197 of the NPPF advises what a local planning authority should take into account when determining applications and of particular note to this application states that they should take into account in any decision the desirability of new development making a positive contribution to local character and local distinctiveness. Paragraph 199 of the NPPF requires, '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.' Further to this, paragraph 200 of the NPPF requires, 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification....' Paragraph 201 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposals. Paragraph 203 of the NPPF confirms that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. 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 setting of the proposal (the Alkborough conservation area) is a designated asset and is also at the heart of the council's proposals for an Area of Outstanding Natural Beauty (AONB); hence, matters of design and scale are material.

Whilst the proposed dwelling would be smaller than the existing barn, it will be larger than traditional 18th and 19th century dwellings in the conservation area and would have an angled twist to the shape which is not typical of traditional dwellings in conservation areas, especially at the outer edge as it would be readily visible. It is noted that some of the dwellings along Prospect Farm Lane are agricultural barn conversions with non-linear shape; however, most of these dwellings are screened by built form.

To reflect the material use, size and detailing of most dwellings along Prospect Farm Lane and adjacent site, red facing bricks, stone-faced cills, natural slate roof and uPVC windows/aluminium doors are proposed. The Alkborough Conservation Area SPG,

however, states that 'The use of material other than timber is unacceptable for windows, doors and conservatories in conservation areas.' In this case, the materials for the windows and doors would be white uPVC and aluminium doors which conflict with the recommendation of the SPG.

The Alkborough Conservation Area Appraisal considers that the industrial barn has a negative impact on the setting and appearance of the conservation area due to the dome-shaped corrugated roofscape of the barn which can be seen from residential dwellings on Prospect Farm Lane and Sandpit Lane. However, design, materials and layout are critical to the redevelopment of this site, being on the outer edge of the conservation area.

Attempts made to negotiate a better scheme were unsuccessful. It is therefore considered that the impacts of allowing the development to take place would significantly and demonstrably outweigh its benefits with regards the preservation of the Alkborough conservation area.

Impact on residential amenity

Policy CS5 of the North Lincolnshire Core Strategy is relevant. 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' and '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 aims to ensure that development does not unduly impact neighbouring amenity in terms of noise, smell, fumes, dust or other nuisance.

The nearest dwellings to the application site are those to the rear of the site on Prospect Farm Lane and Pale Close to the south-west. The proposal will look out onto the open field to the west, Prospect Farm Lane driveway to the east, Sandpit Lane to the south and a neighbour's parking area/garage to the north. Although the first-floor windows to the north elevation would permit views into the neighbouring site, this view will be limited to the parking/turning area and garage which are considered non-habitable spaces. Whilst the proposed dwelling may be visible from surrounding properties, this will not result in an unacceptable amenity loss to neighbours given the separation distance, the installation of approximately 1.8m high fencing around the perimeter of the site and the presence of mature trees which will provide some level of screening.

In terms of noise, it is considered that an additional dwelling would not create an unacceptable impact upon the amenity of current residents given the sparse housing density in the area. The site is set forward of surrounding dwellings and also benefits from existing soft and hard landscaping and screens. Therefore, the proposal's impact upon neighbouring amenity is minimised.

Ecology

Policy CS17 relates to biodiversity. In this regard, a biodiversity enhancement and management plan, as well as landscaping measures, were submitted and would be implemented by imposing a condition to comply with Core Strategy policies CS17 and CS18, and local plan policy HE2.

Impact upon 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. Both are considered relevant.

The parking and access to the new dwelling would be via the existing driveway and entrance off Sand Pit Lane as indicated on the proposed block plan. The driveway will provide a minimum of two parking spaces for the proposed dwelling with turning area to allow vehicles to leave the site in a forward gear. The highways team have assessed the proposal and recommend conditions which shall be attached to any permission granted.

Drainage and flood risk

Policy CS19 of the Core Strategy is concerned with flood risk, whilst DS14 and DS16 of the local plan are concerned with flood risk, drainage and foul water. Policy CS19 in particular states, 'The council will support development proposals that avoid areas of current or future flood risk, and which do not increase the risk of flooding elsewhere.'

The proposed site is situated within SFRA flood zone 1 and is therefore a suitable location for development. The proposed driveway will have an 'ACO' drainage channel (taken to soakaway) across the entrance of the driveway to prevent surface water run-off, either onto or off Sand Pit Lane. The proposed driveway shall be constructed of hard paving for its entire length. The LLFA drainage team was consulted and has raised no concerns subject to certain conditions being met. It is therefore assessed that the proposal accords with policies DS14 and DS16 of the local plan and CS19 of the Core Strategy.

Land contamination

Policy DS7 of the local plan relates to contaminated land. As part of the documents submitted with the application, a preliminary risk assessment and asbestos survey were provided and reviewed by the Environmental Protection team. However, further investigation is still required to ascertain that the site is safe for residential use. In lieu of this, a pre-commencement condition was recommended by Environmental Protection and agreed with the applicant. This condition should be attached to any permission granted.

Trees

The applicant stated in the submitted design and access statement that there is a line of several overgrown poplar trees to the west of the proposed dwelling which would be removed to enhance views around the plot and a scheme of replacement planting has been proposed as detailed in the attached report. Therefore, the trees and landscape officer has recommended that conditions should be imposed to ensure the replacement planting and green infrastructure enhancement is undertaken and conditions would be attached to any permission granted.

Conclusion

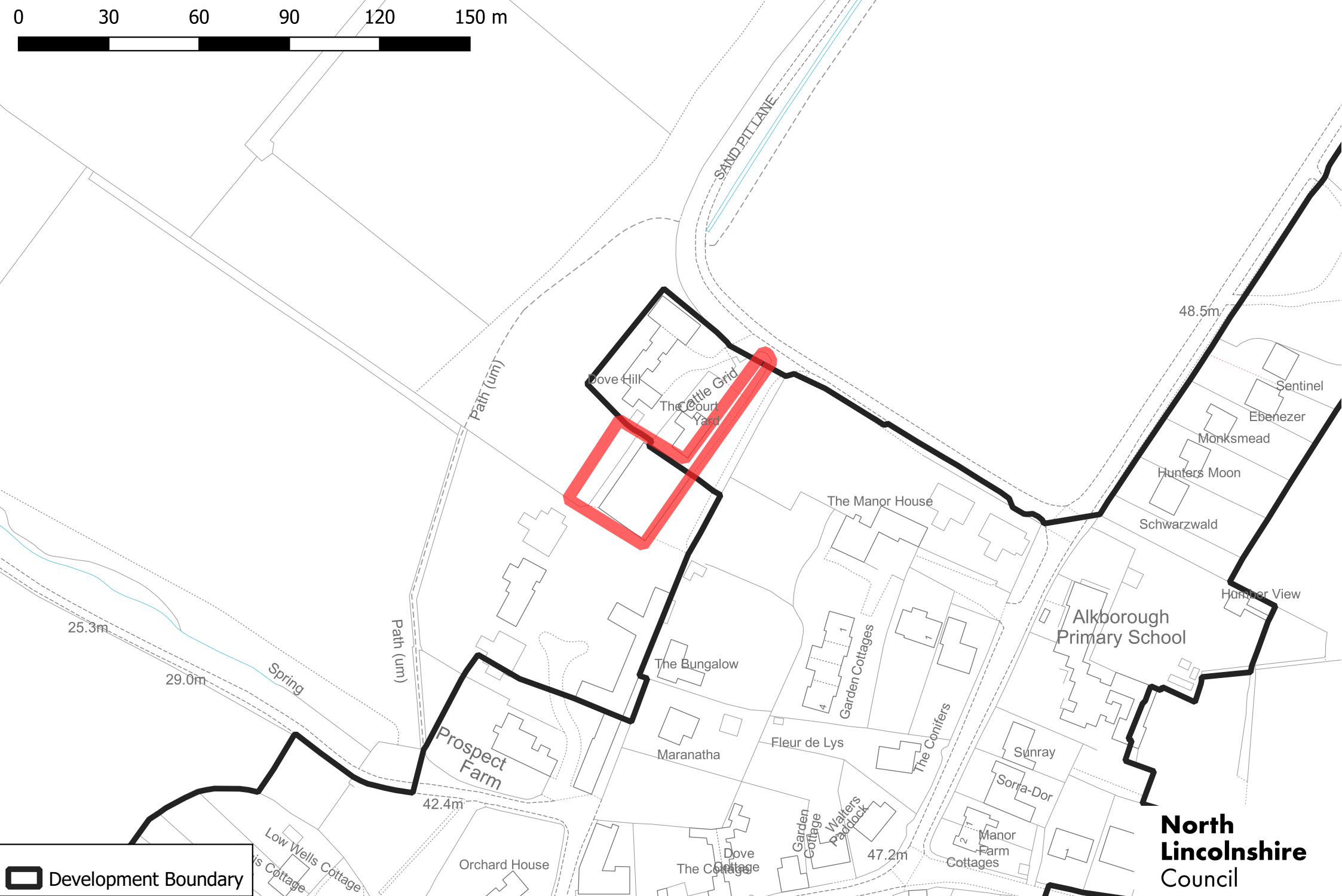
The application site, immediately outside the development boundary, could be viewed as an infill development given the existing dwellings. The proposed scheme or design, however, will conflict with relevant policies concerning the historic environment, including the NPPF. All attempts made to negotiate a better scheme have been unsuccessful.

RECOMMENDATION Refuse permission for the following reasons:

The proposed dwelling, by virtue of its shape, scale and choice of materials, is considered to neither preserve nor enhance the character or appearance of the conservation area. The proposals would not provide sufficient public benefits that would outweigh the harm. It is therefore contrary to policies HE2 and DS1 of the North Lincolnshire Local Plan, CS5 and CS6 of the adopted Core Strategy, and paragraphs 194, 197, 199, 201 and 202 of the National Planning Policy Framework.

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.

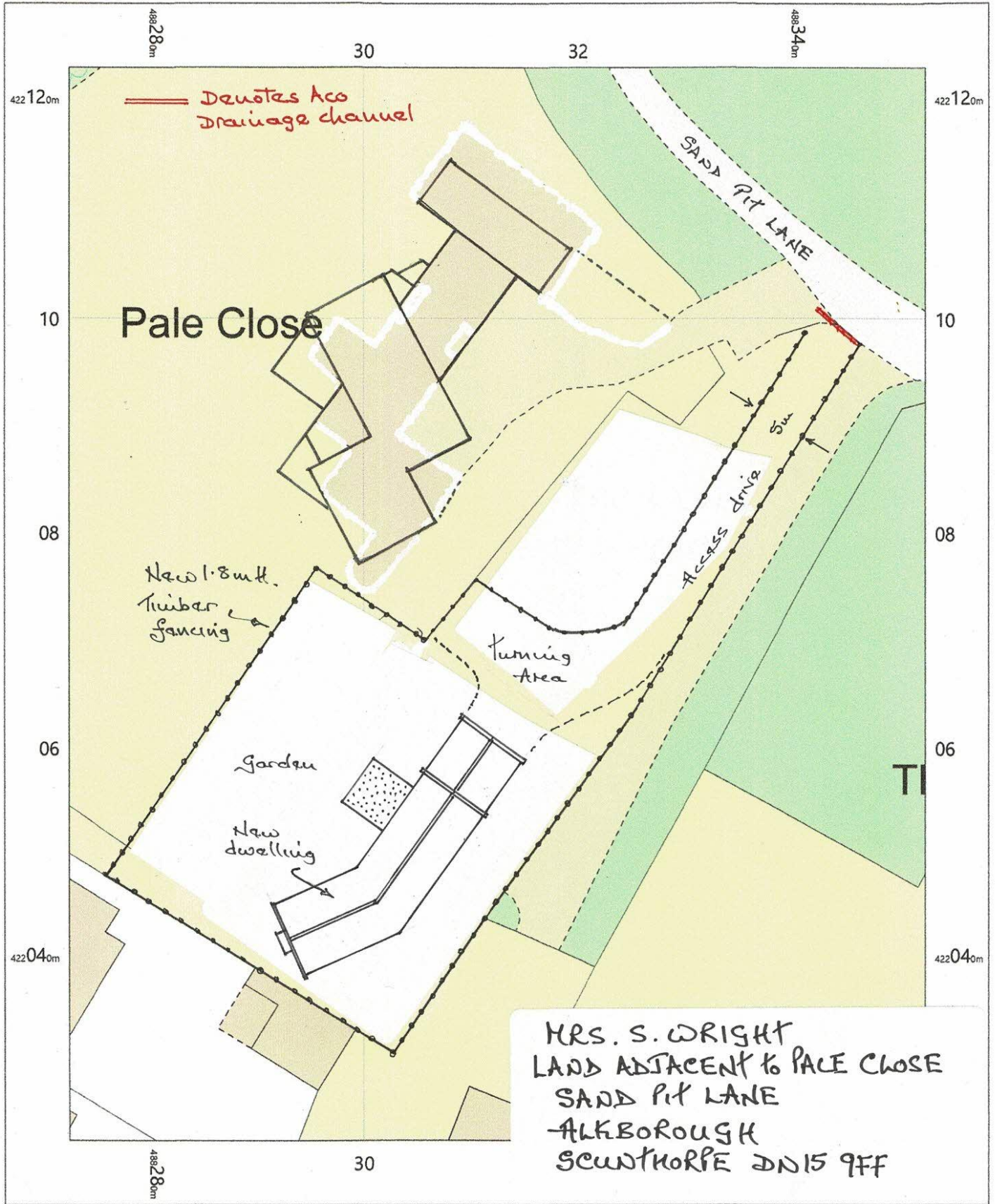


 Development Boundary

**North
Lincolnshire
Council**

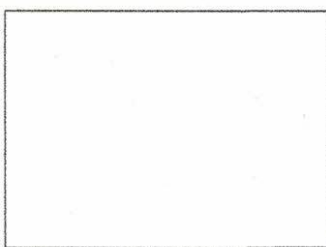
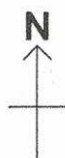
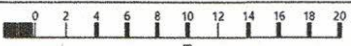
PA/2023/144

PA/2023/144 Proposed layout (not to scale)



"PROPOSED BLOCK PLAN"

DRS. NO. SW/22/02A



Monday, June 13, 2022, ID: BW1-01043999
maps.blackwell.co.uk

1:500 scale print at A4, Centre: 488312 E, 422073 N

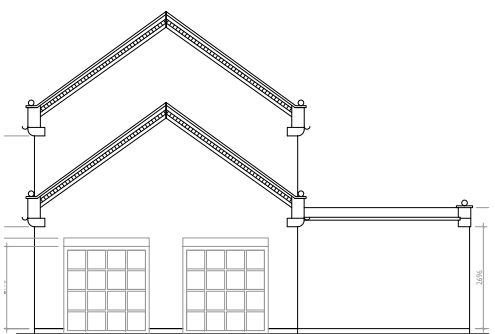
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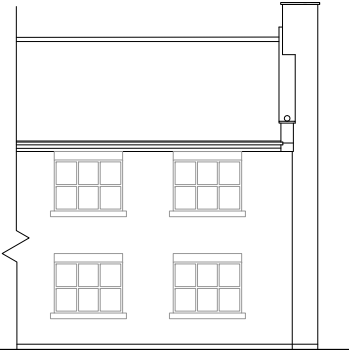
PA/2023/144 Proposed elevations (not to scale)



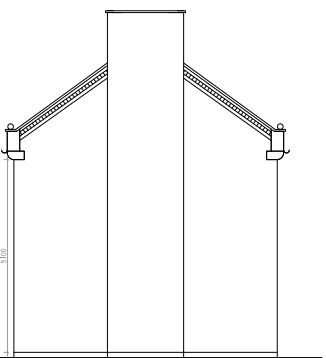
North East Elevation



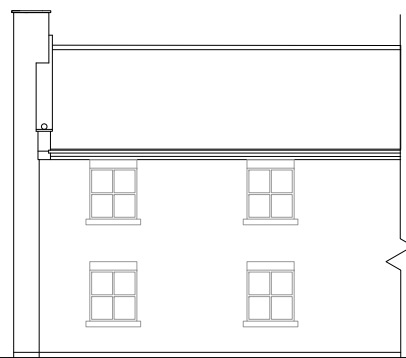
North West Elevation



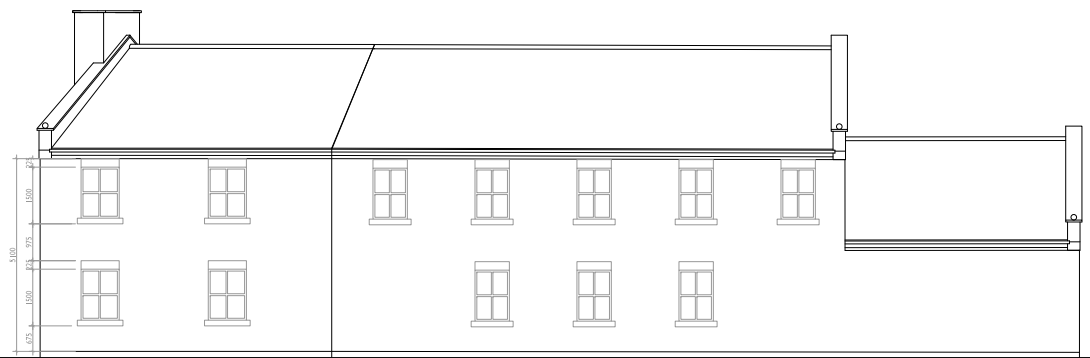
North Elevation



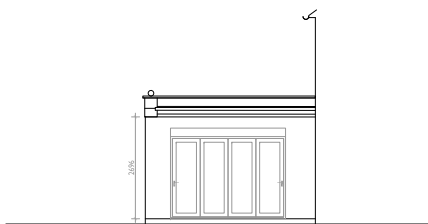
West Elevation



South Elevation



South East Elevation



South West Sun Room Elevation

**JEM
MANAGEMENT
SERVICES**

45 Oswald Road
Scunthorpe
North Lincolnshire
DN15 7PN

client:
Mrs S Wright

project:
Proposed New Dwelling
Land Rear of Pale Close, Sand Pit Lane
Alkborough, DN15 9FF

drawing title:
Proposed Elevations

drawn by: NWP	date: 01.02.23	scale: 1 / 100 @ A2
drawing No: SW/ 22 / 04		rev: