

<b>APPLICATION NO</b>	<b>PA/2023/1146</b>
<b>APPLICANT</b>	Mr & Mrs Richards
<b>DEVELOPMENT</b>	Planning permission to erect two dwellings
<b>LOCATION</b>	Land south of Church Street, Elsham, DN20 0RG
<b>PARISH</b>	<b>ELSHAM</b>
<b>WARD</b>	Brigg and Wolds
<b>CASE OFFICER</b>	Jennifer Ashworth
<b>SUMMARY RECOMMENDATION</b>	<b>Refuse</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Departure from the development plan Third party request to address the committee

## **POLICIES**

### **National Planning Policy Framework:**

- 2 Achieving sustainable development
- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 9 Promoting sustainable transport
- 11 Making effective use of land
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 16 Conserving and enhancing the historic environment

### **North Lincolnshire Local Plan:**

- RD2 Development within the open countryside
- H5 New housing development (part saved)
- H7 Backland and tandem development
- H8 Housing design and housing mix
- DS1 General requirements
- DS3 Planning out crime

DS14 Foul sewage and surface water drainage

DS16 Flood risk

T1 Location of development

T2 Access to development

T19 Car parking provision and standards and Appendix 2

LC5 Species protection

LC7 Landscape protection

LC12 Protection of trees, woodland and hedgerows

**North Lincolnshire Core Strategy:**

CS1 Spatial strategy for North Lincolnshire

CS2 Delivering more sustainable development

CS3 Development limits

CS5 Delivering quality design in North Lincolnshire

CS7 Overall housing provision

CS8 Spatial distribution of housing sites

CS17 Biodiversity

CS19 Flood risk

CS25 Promoting sustainable transport

**Housing and Employment Land Allocations DPD:**

Part of the site (proposed dwelling 1 – northern part of the site) is within the development limits for Elsham. The remaining part of the site (proposed dwelling 2 – southern part of the site) lies outside the development limits of Elsham, within the open countryside as shown on the Proposals Map.

**Supplementary Planning Guidance:**

SPG3 Design in the countryside

SPG Landscape character assessment and guidelines

SPG Trees and development

**New North Lincolnshire Local Plan Submission:** The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022.

Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until early 2024.

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

The site is identified as being outside the development limits for Elsham, within the open countryside and is identified as an area of high landscape value within the emerging plan.

SS1 Presumption in favour of sustainable development

SS2 A spatial strategy for North Lincolnshire

SS3 Development principles

SS11 Development limits

DM1 General requirements

RD1 Supporting sustainable development in the countryside

DQE1 Protection of landscape, townscape and views

## **CONSULTATIONS**

**Highways:** No objections subject to conditions and an informative.

**LLFA Drainage:** Object. The application proposes a fixed layout, and the southern plot is positioned in very close proximity to a critical (riparian) watercourse feature for the village of Elsham. It also fails to recognise that the development is within a prominent area susceptible to springs/groundwater. To overcome our objection the developer must provide:

- a condition survey of the watercourse, including upstream and downstream of the proposed development; it must also confirm adoption and maintenance responsibilities of this critical feature on completion of the development;
- a method statement for excavation works carried out within the vicinity of a chalk cutting and springs and the required mitigation works.

We await clarification on the above matter before commenting further.

**Tree officer:** Initially commented that there are a number of large and mature trees on and adjacent to the site; however, no arboricultural report has been submitted to BS5837:2012 to show that proper consideration has been given to the location, size, species, condition, shadowing and root protection area required around them to ensure that any trees worthy of retention are given sufficient space to continue to grow and thrive in this location.

A request for such an arboricultural survey was therefore made to allow these trees to be properly considered prior to determination of this application.

The applicant provided additional information which was reviewed by the tree officer; however, further information was still required:

'The development [developers] need to indicate their methods and locations for any fencing to prevent incursion into the root protection areas. BS5837 gives clear information about the requirements in that respect.'

**Archaeology:** The HER team have reviewed the application and comment that the applicant has undertaken an archaeological assessment, including field evaluation comprising excavation of sample trial trenches. Archaeological features are present across much of the site that may evidence activity associated with the medieval hospital and priory documented at Elsham. Other features and pottery of late Roman date indicate a settlement in the immediate area. Mitigation to offset the harm resulting from the proposed development will be required in the form of pre-construction archaeological excavation and recording within the construction footprint.

A written scheme of investigation (WSI) detailing the archaeological work to be undertaken should be submitted and approved **prior to determination** of the planning application. The HER advises a **holding objection** until this information is submitted. Following receipt of a satisfactory WSI, planning conditions would be recommended to secure the implementation of the agreed programme of works.

**Conservation:** No objection.

**Environmental Protection:** No objection subject to a pre-commencement condition to address the potential for contamination at the site.

## **PARISH COUNCIL**

Objects, raising the following concerns:

- The development is outside the development boundary contrary to policies CS2, CS3 and CS8 of the Core Strategy, and RD2 of the local plan, and is identified as an area of high landscape value.
- There is no justification for a second property on this site. Elsham has available properties for sale. The village has very limited services and facilities and requires private transport to access local amenities.
- The Dutch barn design is not in keeping with the character of this area. The design does not meet policy CS5 and is not informed by the surrounding context.
- The Design and Access Statement says that the designs respond to the rural context of the area around Elsham – but not in Elsham itself. There is no history of a barn there, and this is not a converted brick barn of the type that exists more commonly locally, but a timber-clad and metal construction that has no relevance to the rest of the street.
- The Design and Access Statement mistakenly states, 'The new properties have been designed to follow the scale of adjacent agricultural buildings' – there are no adjacent agricultural buildings, only residential.

## **PUBLICITY**

Site notices have been displayed around the site in four separate locations on two separate occasions: once when the application was received, and again following the receipt of additional information.

Twenty responses have been received, together with a request for the application to be determined by the planning committee to allow the third party to speak at the meeting.

Three responses were received in support of the application making the following comments:

- Off-street parking is a concern but this could be designed out by a small change to the proposals.
- The design is different but not an issue.
- More housing is needed within the village.
- The design will add some progressive architectural richness to the village; they have done their research and the barns reflect a Dutch barn in keeping and used in Lincolnshire, and a common sight. Do consider there will be drainage issues to be resolved.
- No objection to a house being built on the land...it would benefit, and add even more safety to our own property, and one or two other properties, as access via the back would more difficult, but we really do not want to have a house built which will be out of keeping with the village.

Seventeen responses have been received objecting to the application:

- The development is outside the development limits.
- The development is for two dwellings not one initially planned on the site.
- The development, if allowed, would set a dangerous precedent for further development along that strip of land, and once lost it would not be regained.
- The stream running into the plot raises the risk of flooding. There is also multiple natural springs in the area.
- There is the potential to interfere with the riparian watercourse that runs at the back of this plot.
- As regards the watercourse, the development is very near to this critical stream. The plans state that the water will drain by soakaway, but if this land is used for building then there is less land for the water to soakaway into and therefore the water will have to find other places to disperse. It is easy for this watercourse to become blocked.
- Any application affecting this land should include a drainage report. Measures need to be in place to protect existing residents and their gardens.
- There is insufficient parking leading to safety issues in the wider village, especially on Maltkiln Lane.
- There is no footpath on Maltkiln Lane, reducing pedestrian safety.
- Social media suggests the rear barn/dwelling has been advertised for a 'reflective days' business which will increase vehicle movements to the site leading to more traffic and parking issues.

- This is a very narrow road with no footpaths and therefore any further parking required would lead to cars parking further down the road towards the bend where Church Street joins with Maltkiln Lane, leaving pedestrians and children having to walk further into the road and cars having to travel further on the wrong side of the road.
- The front building will lead to issues of overlooking/overshadowing/loss of light of the nursing home it overlooks.
- It is understood there were covenants on the site to prevent building.
- Wildlife and natural habitat would be destroyed. There are mature trees on the plot and a significant amount of wildlife.
- There are also many mature trees and shrubs on this site which provide natural habitat for wildlife, help soak up the water and provide privacy to our home. We do not wish any of the trees or bushes down the boundary line to be altered in any way. If lost this would result in loss of privacy.
- It is an area of high landscape value and has a main watercourse running through it. It is a valuable area and corridor for wildlife - deer, pheasants, hedgehogs, ducks and birds to name but a few. If development is allowed it will set a precedent that will encourage further development in this area of the village and also go against the policies of the council.
- The building style is not in keeping with the village.
- A redesign is required – a reduction in height and more conventional roof design; the dwellings proposed are huge.
- Dutch-style barns are not in keeping with this village location; buildings tend to be more traditional in style. The proposed properties are more in keeping with agricultural buildings, of which there are none in the village.
- If the applicant wants a Dutch barn there is already one on the market with Strike Estate Agents. It is less than two miles away, with full planning permission to convert it to a five-bedroom house. It looks remarkably similar to Priory Barn. It is on Middlegate Lane near Worlaby, set in open fields where it looks right, rather than in the middle of a village where it certainly doesn't.
- The roofing style does not reflect the area and is more akin to a farming community.
- The nearest actual Dutch barn that we are aware of is on Middlegate Lane above Worlaby, 2 miles away and in open countryside.
- The proposed Mulberry Barn, being adjacent to Church Street, would look out of place in the streetscape, especially the roof structure which is more suited to an industrial building. The domed roof shape is also totally incongruous; all other buildings on the street have angular roofs.
- The proposed size of Priory Barn is excessive. It is equal in size to seven of the bungalows on Astley Corner and would totally dominate their rear views. It would also dwarf the cottages at 2 and 4 Church Street.

- The proposed site of Mulberry Barn is a relatively narrow plot/entrance to begin with. To confine it further by the requirement for an access drive to the proposed Priory Barn is unnecessary. Siting a building on the other side of the plot, away from 4 Church Street would prevent that dwelling from being completely overshadowed and give a more pleasing streetscape (with amended roofing).
- There are no large agricultural buildings within the village.
- There is a lack of services in Elsham: no shop, pub, school or doctor's, and no public transport.
- If this property is for a family, it must be fully understood from any family's point of view, that there are no facilities which do not require car travel: no shop, school or pub, and limited bus services etc. If you need to get food, take any children on out-of-school activities, or generally need to get to work, you will need to travel by car, which will also put pressure on our narrow village roads.
- There is already a high usage of cars in the village due to the lack of available facilities/amenities.
- Due to two large properties being proposed, there would be a risk of noise pollution.

## **ASSESSMENT**

### **Planning history/designations**

*Land within the development limits:*

PA/2020/874: Planning permission to erect a dwelling with integral garage including improved vehicle access and landscaping – approved 19/08/2020

PA/2021/1121: Planning permission to vary condition 2 of approved application PA/2020/874 (amended drawings to reflect amendments to proposed dwelling) - approved 18/11/2021

*Wider site:* No planning history.

The site is within SFRA flood zone 1.

The site is not within a conservation area and there are no listed buildings or tree preservation orders within the site.

The grade II\* listed building Church of All Saints is located east of the site off Church Street, some 150m from the site.

### **Site characteristics/proposal**

The site is located to the south of Church Street and comprises an area of private grassland; the boundaries include hedges, trees and other vegetation. To the north are residential properties including an existing nursing home (Home Farm Residential Home), which is immediately adjacent to the entrance to the site.

The northern part of the site is within the development limits for Elsham and sits between 4 and 14 Church Street. 4 Church Street is a semi-detached property and the land sits lower than the application site. 14 Church Street is a detached two-storey dwelling situated within large grounds.

The southern part of the site is outside the development limits and is bounded on three sides by residential development within the northern part of the site, the rear gardens of 2 and 4 Church Street forming the northern boundary, properties off Maltkiln Lane forming the western boundary and 2 Dunns Paddock the southern boundary.

The northern part of the site benefits from planning permission for a single dwelling, albeit the permission has now lapsed.

This current application seeks permission for the development of two large detached Dutch barn style residential properties with associated garages and private amenity space.

The site, in part, is outside the development limits for Elsham and is therefore within the open countryside. The emerging local plan, whilst only limited weight can be attached, follows the same development limits in this location, keeping the boundary line tight with existing development. Changes to the development boundary are proposed to the southern part of Elsham, however this does not impact this site.

#### **The following considerations are relevant to this proposal:**

- **principle of development**
- **archaeology/conservation**
- **appearance/quality of design**
- **residential amenity**
- **flood risk and drainage**
- **highway safety.**

#### **Principle of development**

The development plan for North Lincolnshire comprises three parts: those policies of the North Lincolnshire Local Plan (2003) (LP) which were saved by a direction of the Secretary of State in September 2007, the North Lincolnshire Core Strategy DPD (2011) (CS), and the Housing and Employment Land Allocations DPD (2016) (HELAP).

The combined effect of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 is that a planning application should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

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

Policy CS2 states, 'any development that takes place outside the defined development limits of settlements or in rural settlements in the countryside will be restricted. Only development



which is essential to the functioning of the countryside will be allowed to take place. This might include uses such as those related to agriculture, forestry or other uses which require a countryside location or which will contribute to the sustainable development of the tourist industry.'

Policy CS3 provides that development limits will be defined in future development plan documents. Outside these boundaries, development will be restricted to that which is essential to the functioning of the countryside. The development limits were subsequently defined in the HELAP, and the application site is outside the defined development limit for Elsham.

Policy CS8 strictly limits housing development in rural settlements in the countryside and in the open countryside outside development limits (the proposal site). Consideration will be given to development which relates to agriculture, forestry or to meet a special need associated with the countryside. All development should not have an adverse impact on the environment or landscape.

Local plan saved policy RD2 restricts development in the open countryside other than in exceptional circumstances. This policy only supports residential development outside defined development limits where it is for affordable housing to meet a proven need or for the replacement, alteration or extension of an existing dwelling; and even then, strict criteria must be achieved as set out in parts a–f of the policy. Whilst this policy remains, it has largely been overtaken by policies in subsequent plans addressing the same issue (such as CS2 and CS3 referenced above).

Whilst part of the site is within the development limits, a larger part of the site is within the open countryside. There is, therefore, a development plan presumption against housing development in this location. The proposal is not in overall accordance with the development plan, and so the starting point would be to refuse unless other material considerations indicate otherwise. It is also acknowledged that the council can currently demonstrate an up-to-date five-year housing land supply (6 years and 10 months) as identified within the North Lincolnshire Council Five Year Housing Land Supply Statement, issued in August 2023. Therefore, full weight can be attributed to the local plan and local development framework policies. The council's position is that the 'tilted balance' set out in paragraph 11(d) of the NPPF is not engaged in relation to this development.

Notwithstanding the above, the sustainability of the development is considered an important consideration and housing figures should not be considered as a ceiling figure; where sites are found to be suitable, they can and should come forward for development.

A recent planning appeal (APP/Y2003/W/23/3315141) at 32 Church Street, Elsham, some 300m from the site, was dismissed, the inspector considering that the site would not represent sustainable development in terms of the spatial strategy of the development plan and in terms of accessibility to services and facilities. The same conclusion was drawn by an inspector for the same site at an earlier appeal (APP/Y2003/W/21/3284175), stating that the proposal 'would not constitute a suitable location for the scheme and results in harm in achieving the planned distribution of development across the area with regard to access to services and facilities.'

Previous appeals on land close to the site judged that development in this location would have poor accessibility for residents to access the necessary services and facilities, which

would necessitate a greater reliance upon less sustainable forms of travel, making this an unsustainable location for the proposal.

The application is for the development of two dwellings; it is therefore considered that the limited economic benefits associated with the development and the limited contribution it would bring to the housing land supply are not sufficient enough to outweigh the harm in relation to the suitability of the site in relation to development within the open countryside or the poor/limited access to services and facilities and the over-reliance on the private car.

It is for this reason that the proposal is considered contrary to policies RD2 and H5 of the local plan and CS1, CS2, CS3 and CS8 of the Core Strategy, as well as the NPPF, in particular paragraph 79 and that the overall harm would outweigh the limited benefits.

### **Archaeology/conservation**

The applicant undertook archaeological field evaluation in late July 2023. The evaluation comprised the excavation of sample trial trenches to identify and assess the potential for the site to contain archaeological remains and what further measures may be appropriate to avoid, minimise or otherwise preserve any archaeological evidence. The applicant has submitted an interim archaeological evaluation report, awaiting some specialist reports, as additional information to the planning application.

The results of the field evaluation demonstrate that the application site contains features considered to be of potential regional significance that are capable of contributing archaeological evidence relevant to the East Midlands Historic Environment Research Agenda for the High Medieval period (see <https://researchframeworks.org/emherf/>). In addition, the late Roman remains from the site have evidential value and potential to inform regional research agenda and objectives.

The impact of the groundwork associated with the construction of the two dwellings would be to destroy the archaeological evidence through direct physical impacts, removing the potential for future investigation of the archaeological interest. The damage to irreplaceable archaeological remains amounts to substantial harm to a non-designated heritage asset.

Paragraph 203 of the NPPF directs local planning authorities that in the case of non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The archaeological significance of the application site and the impact of development should therefore inform the determination of this application.

There are no overriding reasons to object to the principle of development on archaeological grounds, but it will be important to ensure that any further archaeological remains are preserved by record to offset the harm of the adverse effects of the development.

A written scheme of investigation (WSI) is still awaited and the HER team recommends a holding objection until this information has been submitted and agreed. Once agreed, and if the planning committee is minded to grant permission, conditions to secure the implementation of the agreed archaeological mitigation strategy and WSI would be necessary.

Given this information was not provided prior to the preparation of this report, it is considered that development is contrary to paragraphs 195, 203 and 205 of the NPPF, Core Strategy policy CS6, and local plan policy HE9, because the applicant has provided inadequate

information to ensure mitigation of damage and to allow the local planning authority to approve an appropriate mitigation strategy.

## **Conservation**

Whilst the site is not within a conservation area, a grade II\* listed building is located approximately 150m east of the site. The Conservation Officer has considered the proposal and has no objection. They consider the development will not affect the setting of this listed building. Two other listed buildings are noted by the applicant; however, based on assessment, these will not be impacted by this development.

The Conservation Officer also notes that the pair of estate cottages immediately next to the site sit in a smaller plot than they did historically (p4, heritage statement) which now forms the development proposal plot. It is noted there would be some impact on the setting of these heritage assets.

The cottages themselves are of low to moderate significance, primarily for historic interest. It is the Conservation Officer's view that whilst the proposal will introduce a modern barn-style development into their setting (which is different to the character of the area and the later 20th century development that has taken place in the vicinity), it is not considered to be a harmful impact.

## **Design/character/appearance**

Policies H5 (part saved), CS5 and DS1 seek to deliver quality design in North Lincolnshire. Policy DS1 requires the design and layout to respect, and where possible retain and/or enhance, the existing landform of the site.

Policy CS5 of the North Lincolnshire Core Strategy is concerned with delivering quality design in North Lincolnshire. It states, '...All new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place. The council will encourage contemporary design, provided that it is appropriate for its location and is informed by its surrounding context. Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.' This is reinforced by policies DS1 and CS5 as noted above.

Policy CS5 requires new development to consider the relationship between any buildings and the spaces around them, and how they interact with each other, as well as the surrounding area. The function of buildings should also be considered in terms of its appropriateness for the context in which it is located.

The development is contrary to policy RD2 and as such the principle of development is not acceptable. Policy RD2 is clear in that development shall not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials.

Whilst the Conservation Officer has assessed the proposals in relation to impact on the listed buildings in the area, as well as neighbouring properties, and does not consider there to be a harmful impact, he does note that the dwellings will introduce a new modern barn-style development into the area.

The planning officer is of the view that the development would result in harm within the open countryside as well as within the street scene when viewed from Church Street and the surrounding properties overlooking the site.

The two dwellings are much larger than existing properties in this location and, whilst that in itself is not a reason for refusal, the land in this area is elevated, making the dwellings more prominent within the landscape.

As mentioned in several comments which have been received, the Dutch barn style dwellings proposed do not reflect the character of development within the development limits of Elsham. The examples provided by the applicant of Dutch barn style dwellings are near Worlaby, Gunness, one labelled 'North Lincolnshire' and one just outside Elsham. The majority of examples provided are isolated barns or within existing farmsteads and not close to the built-up area as proposed. The development is completely at odds with any examples of development within Elsham and would introduce a completely new style of development into a village which is characterised by more traditional buildings. Whilst the development is of a high standard, it is not considered appropriate for a site in this part of Elsham.

Mulberry Barn is proposed adjacent to existing property, 4 Church Street. The development is proposed to run along the full length of the boundary with the neighbouring property. The property is the same height throughout and is considered, by nature of its design, to be bulky. Dutch barns were designed in a simple modular shape and by their nature are large and bulky giving them a massive presence on sites and thus appear dominant within the landscape in which they sit. It is understood that Dutch barns were specifically designed within the UK to store hay and straw. Many do not include sites and their specific use is one of agriculture.

Planning permission was granted in 2020 for a detached dwelling on this part of the site. The property was much larger in size to the proposed Mulberry Barn, but was more traditional in design and therefore more in keeping with the surrounding landscape.

The second dwelling proposed, Priory Barn, is similar in nature to Mulberry Barn but also includes a side extension design creating additional ground-floor space. The bulk of the development and longest elevation will sit adjacent to the boundary with 4 Church Street, albeit set further back. Windows in this elevation will largely serve the landing and en-suite bathroom, as well as the main bathroom, bedroom 2 and the master bedroom.

The NPPF is clear at paragraph 130 that planning policies should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

It is therefore considered that the design is incongruous within the area, out of character with the local residential context and distinctiveness of the area, is not consistent with local vernacular and would be more appropriate in an agricultural or farmstead setting. It is therefore considered that the development is contrary to local plan policies RD2, H5, H7 and DS1, and Core Strategy policy CS5.

### **Residential amenity**

Saved policy DS5 of the North Lincolnshire Local Plan (2003) is concerned with residential extensions. It states that planning applications for residential extensions and the erection of garages, outbuildings, walls and other structures will be allowed providing that the proposal does not unreasonably reduce sunlight or daylight, or result in overshadowing, overbearing

impact or loss of privacy to adjacent dwellings. The proposals should also be sympathetic in design, scale and materials to the existing dwelling and its neighbours.

Policy RD2 also states development should not be detrimental to residential amenity or highway safety.

The proposal includes two windows in the west elevation of Mulberry Barn overlooking the adjacent residential property, 4 Church Street. There is potential for overlooking to occur into the neighbouring garden. It is recommended, should permission be granted, that these windows be omitted or obscure glazed. Whilst the property and its garden wraps around the rear garden of 4 Church Street, there are not considered to be any amenity impacts which would warrant refusal of this application.

Priory Barn is set 10m from the boundary with the neighbouring property and a further 10m from the adjacent dwellings themselves. This is considered sufficient distance for first floor to first floor windows. Whilst there will be an element of visibility into gardens, the windows proposed in this elevation serve the en-suite and bathroom, and are small secondary windows serving the master bedroom and bedroom 2. The preference would be to have these windows omitted or to include a condition which requires these windows to be obscure glazed. The large windows serving the first-floor landing also has the potential to lead to overlooking of rear gardens and again should be omitted from this elevation.

No information has been provided in relation to loss of light and overshadowing. The height of Mulberry Barn is similar to the building previously approved on the site and as such is not considered to lead to additional loss of light. Priory Barn is set further back in the site and has the potential to cast a shadow on the southern part of the two adjacent gardens. This information should be provided to make a thorough assessment of overshadowing and loss of light.

The proposal has the potential to lead to overlooking/privacy issues and overshadowing/loss of light. Further information should be provided to address these matters, including a shadow path analysis and addressing windows in the first-floor elevations as highlighted above. At this time further information is required to fully assess the potential amenity impacts. The proposal is therefore contrary to policies DS5 and RD2 of the local plan.

## **Drainage**

The LLFA Drainage team have considered the proposals and object to the proposed development.

The application proposes a fixed layout, and the southern plot is positioned in very close proximity to a critical (riparian) watercourse feature for the village of Elsham. It also fails to recognise that the development is within a prominent area susceptible to springs/groundwater.

To overcome the LLFA Drainage team's objection, the developer must provide:

- a condition survey of the watercourse, including upstream and downstream of the proposed development; it must also confirm adoption and maintenance responsibilities of this critical feature on completion of the development;
- a method statement for excavation works to be carried out within the vicinity of a chalk cutting and springs and the required mitigation works.

The team awaits clarification on the above matters before commenting further.

With these factors in mind, and in the absence of the information being requested, it is considered that the proposal conflicts with local plan policies DS13 and DS14, and Core Strategy policy CS19.

### **Highway safety**

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by a satisfactory access. Policy T19 of the local plan is concerned with parking provision as well as general safety and is also considered relevant.

The Highways team have considered the proposals and have no objections at this time, and consider the location of the access to be suitable. There are no concerns in terms of highway safety subject to the inclusion of recommended conditions. It is considered that the proposal provides adequate off-road parking for residents and visitors to the site.

With the inclusion of the recommended conditions, it is considered that the proposal is acceptable in highway safety terms in accordance with policy T2.

### **Trees**

The Tree Officer has commented and notes that there are a number of large and mature trees on and adjacent to the site; however, no arboricultural report has been submitted to BS5837:2012 to show that proper consideration has been given to the location, size, species, condition, shadowing and root protection area required around them to ensure that any trees worthy of retention are given sufficient space to continue to grow and thrive in this location.

A request for such an arboricultural survey was made to allow these trees to be properly considered prior to determination of this application. The applicant provided updated information in the form of a site plan which adds the tree protective fencing and arrangements. However, further feedback from the Tree Officer suggested further information was required in relation to the methods being proposed. It is considered that this matter can be dealt with through an appropriately worded condition should the application be recommended for approval.

### **Conclusion**

For the reasons set out in this report, it is not considered that development on the site is suitable at this time and that the principle of development conflicts with the development plan. An assessment of the settlement survey and the inspector's findings of the previous appeal conclude that the site is not in a sustainable location in terms of access to services and facilities. The other benefits of development do not outweigh the conflict with the development plan and the principles of sustainable development. There are also outstanding issues to be resolved on the site in relation to archaeology, drainage, design and amenity.

### **RECOMMENDATION      Refuse permission for the following reasons:**

1.  
The proposal is within the open countryside and is considered unacceptable in principle. The site is not within a sustainable location, having regard to the spatial strategy for the plan area and considering access to services and facilities. The proposal is therefore contrary to policy

RD2 of the North Lincolnshire Local Plan, policies CS2, CS3 and CS8 of the North Lincolnshire Core Strategy, and the National Planning Policy Framework.

2.

The design of the proposed development is considered incongruous and would conflict with the character of the immediate surrounding area. The design is considered to be more akin to an agricultural or farmstead setting and would result in harm. The proposal is therefore contrary to policies RD2, DS1, H7 and H5 of the North Lincolnshire Local Plan, policy CS5 of the North Lincolnshire Core Strategy, and section 12 of the National Planning Policy Framework.

3.

Insufficient evidence has been provided to demonstrate that the design of the current dwellings would not result in harmful amenity impacts in terms of overlooking, overshadowing, loss of light and impacts on the privacy of neighbouring properties. The provision of a sun path analysis and further information to address windows in elevations overlooking 4 Church Street, as well where the proposed Priory Barn overlooks Mulberry Barn, should be provided to the local planning authority for consideration. As such the proposal is contrary to the provisions of policies DS1, H5 and RD2 of the North Lincolnshire Local Plan, policy CS5 of the North Lincolnshire Core Strategy, and guidance set out in the National Planning Policy Framework and Planning Policy Guidance.

4.

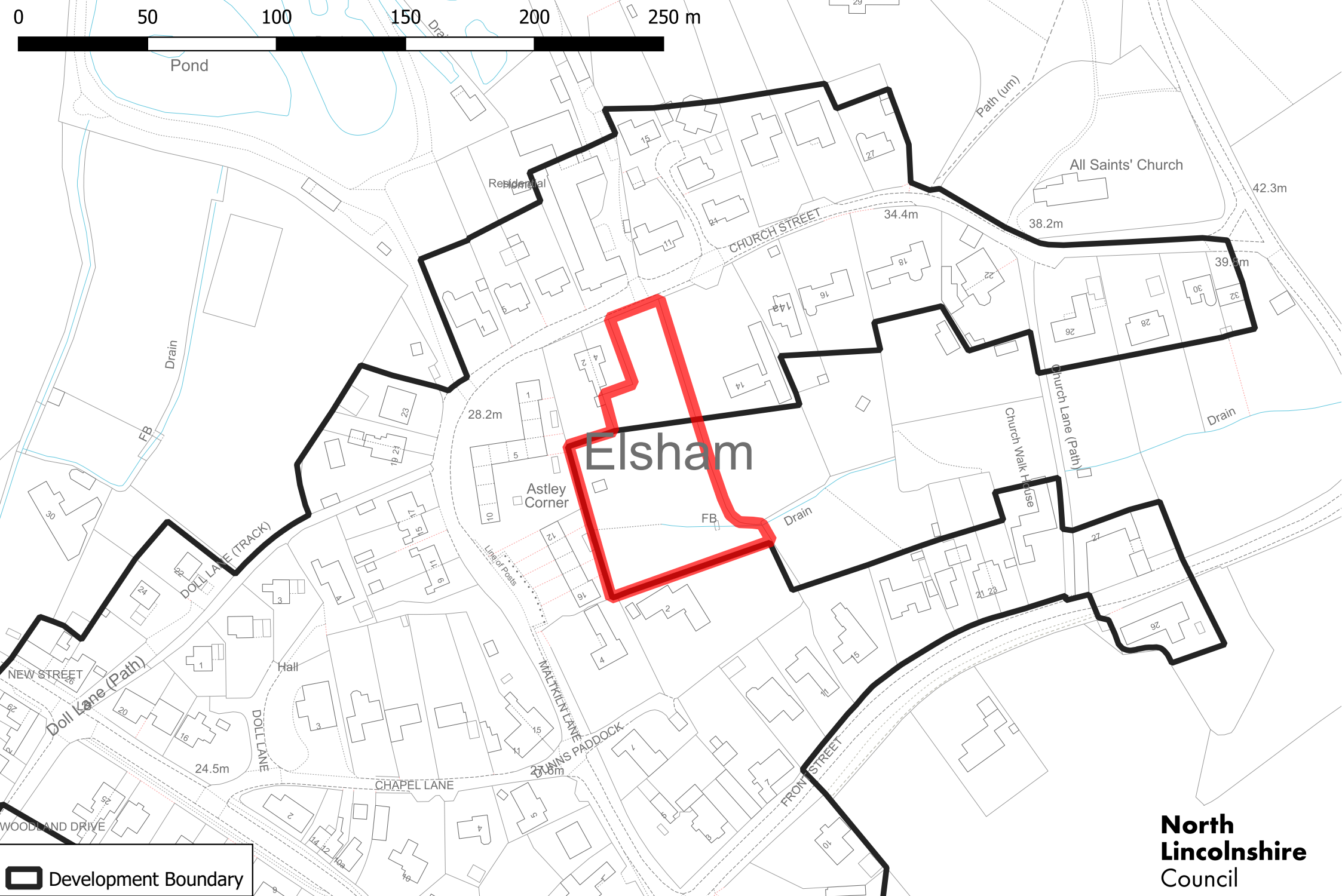
Insufficient information has been provided in relation to archaeology to ensure mitigation of damage and an appropriate mitigation strategy at the site. The Historic Environment Record team requested a written scheme of investigation to be submitted and agreed prior to determination of the application. As such the proposal is contrary to paragraphs 195, 203 and 205 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy and policy HE9 of the North Lincolnshire Local Plan.

5.

Insufficient evidence has been provided to demonstrate that the proposed development would adequately address the drainage requirements for the site. As such the proposal is contrary to the provisions of policies DS13 and DS14 of the North Lincolnshire Local Plan, CS19 of the North Lincolnshire Core Strategy and guidance set out in the National Planning Policy Framework and Planning Policy Guidance.

### **Informative**

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



# Elsham

 Development Boundary

**North  
Lincolnshire  
Council**

**PA/2023/1146**

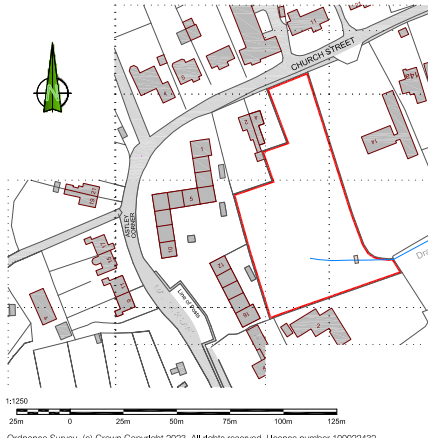
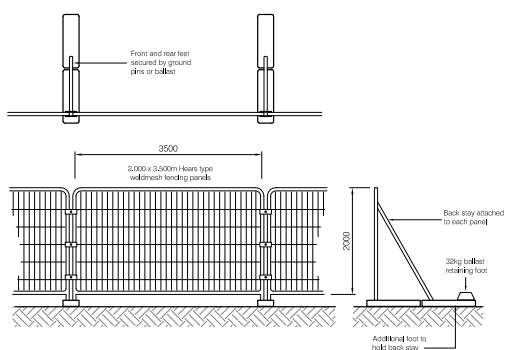
© Crown copyright and database rights 2023. Ordnance Survey AC0000819831



# PA/2023/1146 Proposed layout (not to scale)

## PROTECTIVE FENCING

Fences according to BS: 5837  
Trees in relation to construction



Location Plan  
scale 1:1250

All dimensions & details given on this drawing are to be checked and verified on site prior to works being undertaken. Any discrepancies and/or variations to the specifications will be those drawings or associated documents are to be referred to by the contractor.

Do not scale from these drawings - if in doubt - ask.

All materials shall be fixed, applied or installed in accordance with the manufacturers written instructions, recommendations and specifications. Violations to specified materials shall be specifically called out by keystone architecture.

The Contractor shall take into account everything necessary for the proper execution of the works and to the satisfaction of the Local Authority, whether or not indicated on the drawings or in the specification.

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### PARTY WALL NOTICES

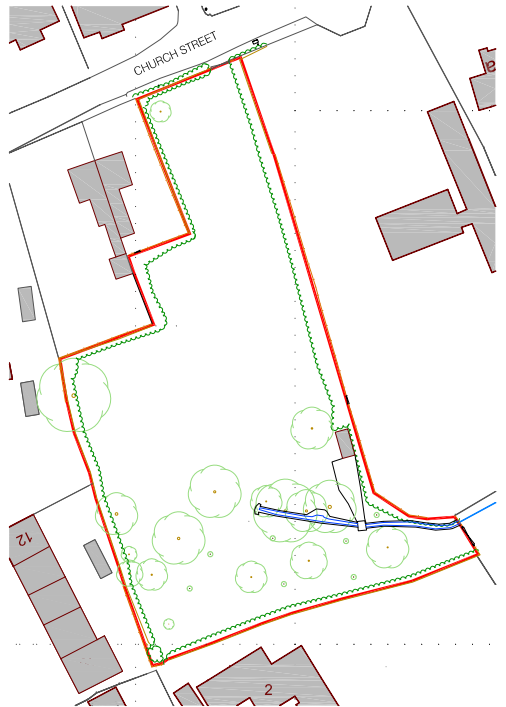
Building astride (A) or against (B) the boundary line:

If you plan to build a party wall astride or against the boundary line, you must inform the Adjoining Owner by serving a Notice.

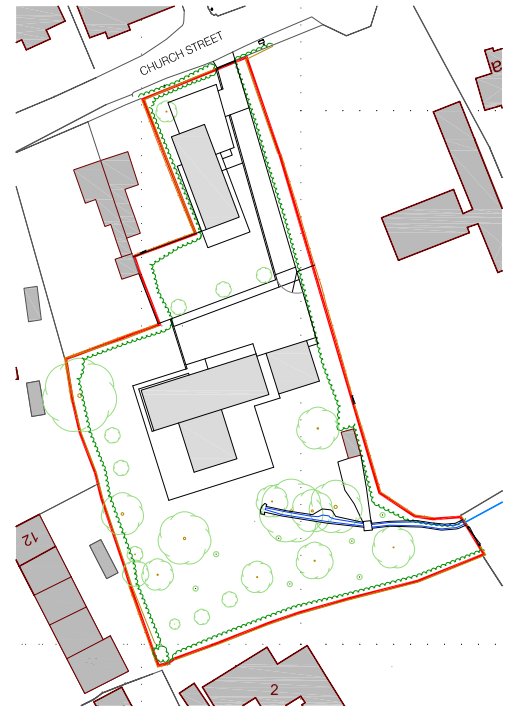
Excavating near neighbouring buildings:

If you plan to excavate foundations within 3 metres of a neighbouring building or structure, where the excavation will go deeper than the neighbour's foundations, you must inform the Adjoining Owner by serving a Notice.

If you plan to excavate foundations within 6 metres of a neighbouring building or structure, where the excavation will cut a line drawn at 45° from the bottom of the neighbour's foundations, you must inform the Adjoining Owner by serving a Notice.



Existing Block Plan  
scale 1:500



Proposed Block Plan  
scale 1:500

**Timescales for Tree Protection:**

**Tree Protection Fencing:**

The protective fencing shall be erected prior to any machine access into the site, to the extent as indicated on the plan, once the trimming back of the existing hedges is complete.

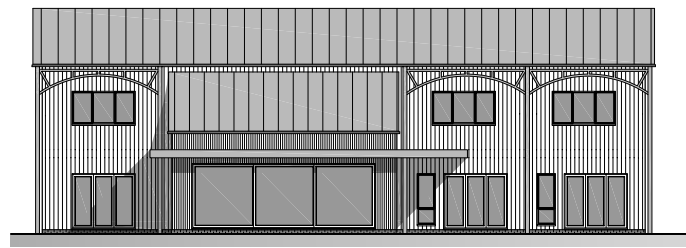
The protective fencing shall remain in situ until all building work has been completed.

All tree protection strictly in accordance with BS:5837.

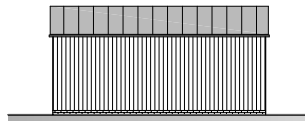
**NOT FOR CONSTRUCTION**

C	Tree Protection Fencing and Schedule A/Part 2	14/08/23
B	Tree Protection Areas A/Part 2	21/07/23
A	Existing F16 Sewer Added to West of Site	11/07/23
rev	agreement	date
Proposed Development at Land off Church Street, Ebbw Vale, North Llanochter	Site Plans	1656.01 rev C
stage	Planning	drawn June 23
scale	as noted	drawn by JCB
		architecture building consultants energy assessors project managers T: 01754 220 122 E: info@keystonetechnical.co.uk www.keystonetechnical.co.uk

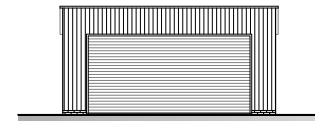
# PA/2023/1146 Proposed elevations (Priory Barn) (not to scale)



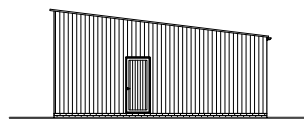
South Elevation



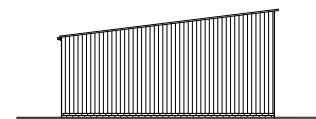
Garage South Elevation



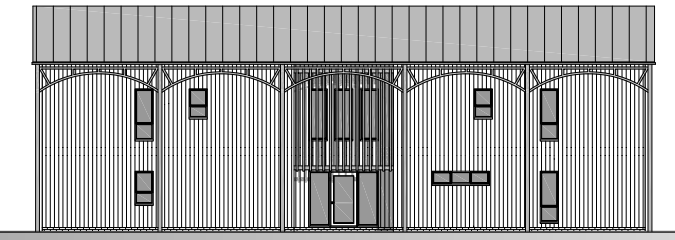
Garage North Elevation



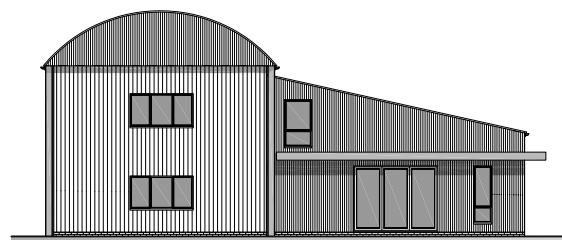
Garage West Elevation



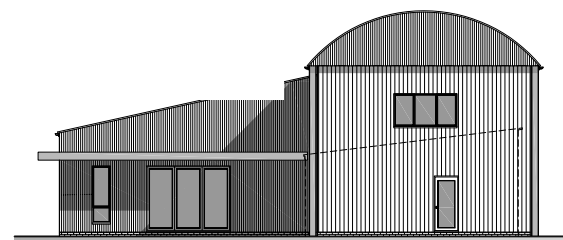
Garage East Elevation



North Elevation



West Elevation



East Elevation



Ground Floor Plan



First Floor Plan

- Material Schedule:
- 1. Walls in Stained Natural Timber Cladding
  - 2. Walls in Dark Grey / Black Vertical Profiled Cladding
  - 3. Roofs in Dark Grey / Black Profiled Metal Cladding
  - 4. Dark Grey / Black Exposed Steelwork
  - 5. Windows & Doors in Dark Grey / Black uPVC or aluminium

All dimensions & details given on this drawing are to be checked and verified on site prior to works being undertaken. Any discrepancies and/or variations to the specifications within these drawings or associated documents are to be notified to keystonearchitecture.

Do not scale from these drawings - if in doubt - ask.

All materials shall be fixed, applied or related in accordance with the manufacturers written instructions, recommendations and specifications. Variations to specified materials shall be agreed in writing with keystone architecture.

The Contractor shall take into account everything necessary for the proper execution of the works and to the satisfaction of the Local Authority, whether or not indicated on the drawings or in the specification.

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**PARTY WALL NOTICE(S)**

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

If you plan to build a party wall astride or against the boundary line, you must inform the Adjoining Owner by sending a Notice.

Excavating near neighbouring buildings:

If you plan to excavate foundations within 3 metres of a neighbouring building or structure, where the excavation will go deeper than the neighbour's foundations, you must inform the Adjoining Owner by sending a Notice.

If you plan to excavate foundations within 6 metres of a neighbouring building or structure, where the excavation will cut a line down at 45° from the bottom of the neighbour's foundations, you must inform the Adjoining Owner by sending a Notice.

**NOT FOR CONSTRUCTION**

rev	agreement	date	stage	drawing	date	drawn by	checked by
01			Planning	Priory Barn	16/06/22	JCB	JCB
02			Planning	Priory Barn	23/06/23	JCB	JCB

# PA/2023/1146 Proposed elevations (Mulberry Barn) (not to scale)

**NOTES:**

All dimensions & details given on this drawing are to be checked and verified on site prior to works being undertaken. Any discrepancies and/or variations to the specifications within these drawings or associated documents are to be notified to keystonearchitecture.

Do not scale from these drawings - if in doubt - ask.

All materials shall be fixed, applied or related in accordance with the manufacturers written instructions, recommendations and specifications. Variations to specified materials shall be agreed in writing with keystone architecture.

The Contractor shall take into account everything necessary for the proper execution of the works and to the satisfaction of the Local Authority, whether or not indicated on the drawings or in the specification.

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**PARTY WALL NOTICES:**

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

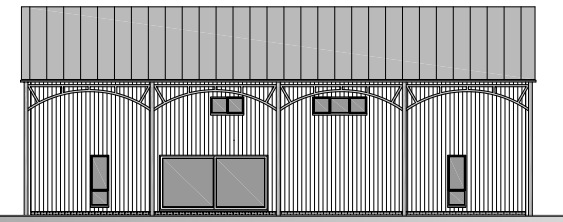
If you plan to build a party wall beside or against the boundary line, you must inform the Adjoining Owner by sending a Notice.

Excavating near neighbouring buildings:

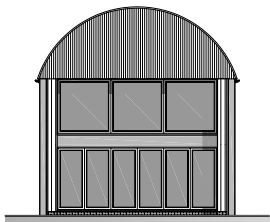
If you plan to excavate foundations within 3 metres of a neighbouring building or structure, where the excavation will go deeper than the neighbour's foundations, you must inform the Adjoining Owner by sending a Notice.

If you plan to excavate foundations within 6 metres of a neighbouring building or structure, where the excavation will cut a line drawn at 45° from the bottom of the neighbour's foundations, you must inform the Adjoining Owner by sending a Notice.

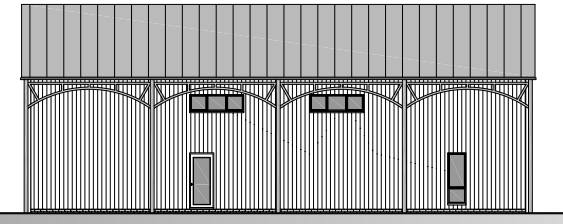
- Material Schedule:**
- 1. Walls in Stained Natural Timber Cladding
  - 2. Walls in Dark Grey / Black Vertical Profiled Cladding
  - 3. Roofs in Dark Grey / Black Profiled Metal Cladding
  - 4. Dark Grey / Black Exposed Steelwork
  - 5. Windows & Doors in Dark Grey / Black UPVC or aluminium



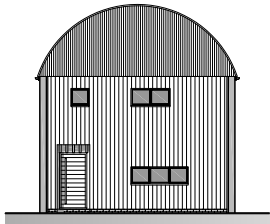
East Elevation



South Elevation

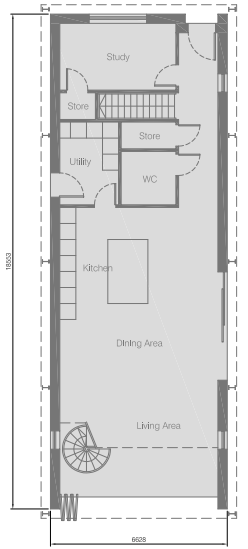


West Elevation

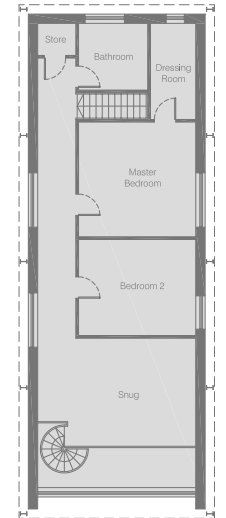


North Elevation

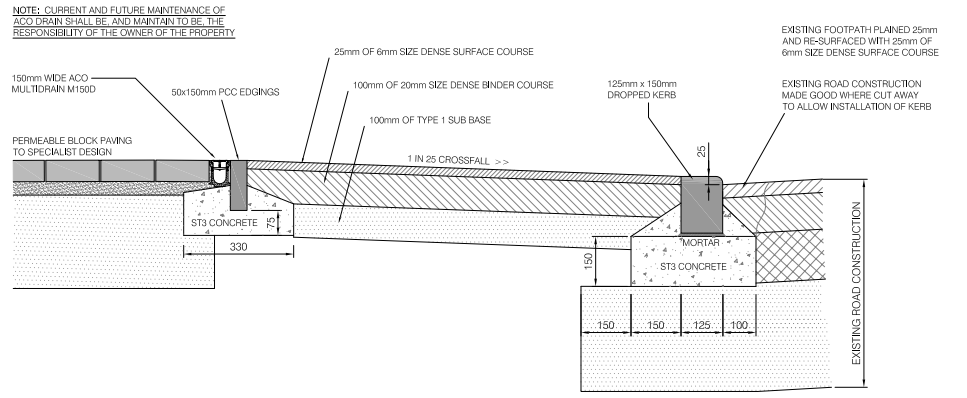
Proposed Ground Floor Plan



Proposed First Floor Plan



## VEHICLE CROSSING CONSTRUCTION DETAIL



**NOT FOR CONSTRUCTION**

rev	agreement	date
Proposed Development at Land off Church Street, Ebbw Vale, North Wales	Mulberry Barn	16/06/23
stage	Planning	June 23
scale	1:100	drawn by JCB

# PA/2023/1146 Indicative 3Ds (not to scale)















