

<b>APPLICATION NO</b>	<b>PA/2022/645</b>
<b>APPLICANT</b>	Mr Jonathan Wroot, Wroot Homes Ltd
<b>DEVELOPMENT</b>	Outline planning permission for five dwellings with appearance, landscaping and scale reserved for subsequent consideration
<b>LOCATION</b>	Land to the rear of The White House, High Street, Garthorpe, DN17 4RP
<b>PARISH</b>	<b>GARTHORPE AND FOCKERBY</b>
<b>WARD</b>	Axholme North
<b>CASE OFFICER</b>	Scott Jackson
<b>SUMMARY RECOMMENDATION</b>	<b>Refuse</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Cllrs John Briggs and Julie Reed – significant public interest) Departure from the development plan

## **POLICIES**

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

2 Achieving sustainable development

5 Delivering a sufficient supply of homes

12 Achieving well-designed and beautiful places

14 Meeting the challenge of climate change, flooding and coastal change

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

RD2 Development in the open countryside

H5 New housing development (part saved)

H8 Housing design and mix

LC7 Landscape protection

DS1 General requirements

DS3 Planning out crime

DS7 Contamination

DS14 Foul sewerage and surface water drainage

DS16 Flood risk

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

CS7 Overall housing provision

CS8 Spatial distribution of housing sites

CS17 Biodiversity

CS18 Sustainable resource and climate change

CS19 Flood risk

CS25 Promoting sustainable transport

**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 late 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:

SS1 Presumption in favour of sustainable development

SS2 A spatial strategy for North Lincolnshire

SS3 Development principles

SS5 Overall housing provision

SS11 Development limits

RD1 Supporting sustainable development in the countryside

DM1 General requirements

DQE1 Protection of landscape, townscape and views

DQE3 Biodiversity and geodiversity

DQE5 Managing flood risk

H8 Replacement, alteration and extensions to dwellings in the open countryside

## CONSULTATIONS

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

**Environment Agency:** The proposed development will only meet the requirements of the National Planning Policy Framework (NPPF) if the measure(s) as detailed in the submitted Flood Risk Assessment are secured by way of a planning condition.

**LLFA Drainage:** There are still some fundamental design issues that need to be resolved at reserved matters stage: for example, the agreement with the relevant risk management authorities and landowners with respect to the outfall drainage from the development, including discharge rates. The detailed design needs to fully explore and rule out infiltration but we accept that, given the anticipated geology, it is unlikely to be feasible. Parts of the site lie within medium risk of localised flooding which is not mentioned in the flood risk assessment. Notwithstanding the above, the LLFA Drainage Team has no objection to the proposed development subject to conditions.

**Severn Trent Water:** No objections subject to a condition and informative.

**Environmental Protection:** Following receipt of additional information, recommend conditions in respect of noise and noise mitigation, contaminated land investigation, and construction and site clearance working hours.

**Archaeology:** I have checked the HER database for known and potential heritage assets that may be affected. There are no known heritage assets of archaeological interest recorded within the site and the potential for the presence of as yet unrecorded archaeological remains is judged to be low. No further recommendations for archaeology.

**Waste/Recycling:** No objections (sets out guidance regarding bin storage requirements).

**Trees:** The preliminary assessment of planting proposals gives an indication of an ability for trees and green infrastructure to be placed on this site. There is a need for careful consideration as to the species that are used in order to ensure that there is sufficient space for them to grow into good mature trees and/or shrubs without them becoming too big for the site or that they are not able to mature into independent trees in the restricted planting soils and areas that they may be within. Slightly smaller trees that can do this successfully and survive would be better than trees that are larger which cannot be accommodated by the underground limitations.

**Ecology:** The site has potential for nesting birds, badgers, reptiles and hedgehogs. The submitted Proposed Block Plan indicates a significant net loss of biodiversity contrary to policy CS17 (Biodiversity). The alternative tree planting and scrub retention proposals do not seem realistic. Overall, I object to the proposal as it stands.

## PARISH COUNCIL

One new survey has been actioned since the last plans were called in by the planning committee. Many objections exist in the village as the plans are outside the building line and not in keeping with the character of the village. Last time there was significant public

objection but this time not as many are recorded so hopefully the objections can be considered once again. The site has unsafe access and ingress crossing a footpath, being near a blind corner and the children's bus stop. All councillors objected to these plans.

## **PUBLICITY**

Site notices have been displayed and nine responses have been received raising the following issues:

- the land is outside the development limits
- safety concerns regarding bus stop and access
- flood risk and drainage capacity concerns
- traffic generation
- infrastructure capacity concerns
- overlooking concerns.

## **ASSESSMENT**

### **Planning history**

PA/2021/824: Outline planning permission for five dwellings with appearance, landscaping and scale reserved for subsequent consideration – refused 22 October 2021.

### **Site and proposal**

The application site is on the east side of High Street to the rear of a property known as The White House. The site appears to be flat garden land with outbuildings, although the site was somewhat overgrown at the time the case officer visited. Access to the site is directly opposite

a Methodist Church, between The White House and the neighbouring property, Orewa. The majority of the site is within the open countryside but also abuts the edge of the Garthorpe settlement boundary. It is not within a conservation area, does not affect any listed buildings and there are no tree preservation orders on the site or in the nearby vicinity. The site is within SFRA flood zone 2/3 (a) tidal. Outline planning permission is sought to erect five dwellings with matters relating to appearance, landscaping and scale reserved for subsequent consideration.

**The main issues in determining this application are the principle of development, flood risk, impact on residential amenity and other matters including highway issues and ecology.**

### **Principle of development**

The majority of the site is outside the adjacent settlement boundary of Garthorpe and the proposal would represent a departure from the development plan. In determining whether the principle of residential development outside the settlement boundary is acceptable in

this instance, it is necessary to consider whether the proposed development is sustainable in planning policy terms.

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) (HELADPD).

Policy CS1 of the CS sets out a spatial strategy for North Lincolnshire, which, amongst other matters, provides that rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing local services to meet local needs and that any development that takes place should be in keeping with the character and nature of the settlement.

Policy CS8, whilst restricting housing outside development limits, contemplates some greenfield development as it refers to allowing development on such sites where it can be demonstrated that this would bring additional community benefits, contribute to building sustainable communities and be acceptable in terms of its impact on the high-quality environment and adjoining countryside. This overall approach is supported by policy CS2 which sets out a sequential approach for development.

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 HELADPD, and the majority of the application site is located outside the designated development limit for Garthorpe/Fockerby. There are no allocated housing sites within Garthorpe/Fockerby.

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 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 majority of the application site is outside the nearest settlement boundary for Garthorpe and would not meet the criteria for development within the open countryside as outlined in policy RD2 of the local plan. The proposal is thereby considered to conflict with policies CS2, CS3 and CS8 of the Core Strategy and policy RD2 of the North Lincolnshire Local Plan.

It is acknowledged the development would provide limited benefits in terms of open market housing and delivery of economic benefits during construction and through the spending of future occupiers. The proposal would also provide some benefit in terms of housing provision, however the weighting to be attached to this benefit is considered to be limited given the majority of the siting would be within the open countryside.

Importantly, North Lincolnshire can demonstrate a five-year supply of deliverable housing sites, as illustrated within the North Lincolnshire Council Five Year Housing Land Supply Statement August 2023. Therefore, in accordance with paragraph 12 of the NPPF, the relevant policies concerning the supply of housing should be considered up-to-date and

consequently the 'tilted balance' as per paragraph 11 d (ii) of the NPPF is not engaged. It should be noted the applicant has not submitted any supporting information to substantiate whether the site and development proposals are considered sustainable, taking into account North Lincolnshire Council's five-year housing land supply position.

The North Lincolnshire Sustainable Survey 2018 (2019 Revision) ranks the settlement of Garthorpe/Fockerby as 42<sup>nd</sup> out of the 79 settlements scored within the survey and is classified as a Smaller Rural Settlement having three of the seven key facilities; however, the shop has now closed and been converted to a dwelling, and the public house has been closed since 2013.

Whilst the proposal would increase the local population, there would be a reliance on the private car to access facilities in the nearest larger settlements, namely Crowle, Goole and Scunthorpe, particularly given the number of dwellings being proposed in this case (five). The proposal is not for affordable housing and does not constitute dwellings for the specific circumstances associated with this countryside location; it will be for up to five market houses. In terms of the NPPF, paragraph 83 states that where there are groups of smaller settlements, development in one village may support services in a village nearby; however, in the case of Garthorpe and Fockerby the nearest settlements are Amcotts (4.4 miles to the south-east), Luddington (2.3 miles to the south-west) and Adlingfleet (1.1 miles to the north) which have a similar, if not less, service provision and are not accessible via a highway footpath.

There are limited public services or amenities within Garthorpe and Fockerby (particularly as the shop has been lost and the public house has been vacant for a number of years). Whilst it is recognised that there is a regular bus service between Scunthorpe and Goole (which is accessible from a bus stop outside and opposite the site entrance) and to the wider area, including Scunthorpe, these services are infrequent. It is considered, given the lack of facilities within Garthorpe/Fockerby, that the development will necessitate the use of a private motor vehicle.

Considering the above, the proposed development would be unsustainable as the majority of the site is within the open countryside, outside the defined development boundary of a small rural settlement with limited facilities and would not meet any of the exceptions noted for development. Therefore, in principle, the proposal would prejudice the local area and, as such, would be in conflict with policy RD2 of the local plan, and policies CS2 and CS3 of the Core Strategy.

### **Flood risk**

The site is within flood zone 2/3a as defined in the North Lincolnshire Strategic Flood Risk Assessment (SFRA) – this is the highest level of flood risk. A flood risk assessment (FRA) has been submitted with the planning application and reviewed by the Environment Agency. No objection has been received on flood risk grounds, but a condition is recommended that development takes place in accordance with the flood risk assessment, including the mitigation measures which are: finished floor levels at 4.4m AOD. The proposal is for 'more vulnerable' development in a high flood risk zone; there is therefore a requirement for the sequential and exceptions tests to be applied and passed.

In respect of the sequential test, the FRA states that both Garthorpe and Fockerby are within flood zone 2/3a and that based on a land sales search there are no sites available

which can accommodate the scale of development proposed at a lower risk of flooding. It is therefore considered that the sequential test is passed in this case.

The exceptions test then needs to be applied. The applicant has provided information in support of the planning application within the FRA. This supporting information sets out how the development is considered to be sustainable in terms of proximity and support to local services. In terms of community benefits, the FRA highlights the proposal would widen the local housing stock, make use of a vacant site, promote the use of sustainable, locally sourced materials, and support and retain local services. The FRA states the finished floor levels of the proposed dwellings will be set at 4.4m AOD, which is above the critical flood level for this area.

Essentially, the two parts to the test require proposed development to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

It is considered that the revised FRA satisfactorily demonstrates that the development will be safe without increasing flood risk elsewhere. As noted above, the applicant has provided information as to how the development is considered to be of wider sustainable community benefit; however, as the proposal is not considered to represent a sustainable form of development and cannot support local services which no longer exist within the settlement, the proposal is not considered to be of wider sustainable community benefit.

Therefore, the exceptions test is not passed in this case. Consequently, the proposal does not comply with policies DS16 and CS19, or the NPPF, in terms of flood risk as the wider sustainability benefits of the scheme to the community do not outweigh flood risk.

### **Residential amenity**

This is an outline planning application with means of access and the layout of the development to be considered and assessed at this outline stage. Matters relating to scale, landscaping and appearance of the dwellings would be considered at a reserved matters stage if planning permission were to be granted. The site layout shows a cul-de-sac arrangement with dwellings proposed to the north and south of the access road and the creation of a private drive from High Street to the west. A proposed block plan has been submitted which outlines the design of the development. It is considered the development would not appear cramped and would not prejudice the pattern of development within the locality, and the site layout drawing shows that sufficient separation distances can be achieved between the proposed and existing dwellings, and between the dwellings proposed within the development site itself. Furthermore, the layout plan shows that each dwelling would have sufficient private amenity space provision, a minimum of two off-street parking spaces per dwelling and provision for a turning head at the eastern most part of the access road.

The proposal, in terms of layout, would therefore accord with the NPPF, policies CS1, CS2, CS5, CS7 and CS8 of the Core Strategy, and policy DS1 of the North Lincolnshire Local Plan.

## **Other issues**

### ***Highways***

In terms of access, this would be from High Street into a new private drive. Two parking spaces are to be provided for each dwelling which meets planning guidance requirements. No further on-street parking would be required along High Street. The new access would be 6 metres north of Orewa and 3 metres south of The White House, which is owned by the applicant.

Highways have raised no objections to the proposal on highway or pedestrian safety grounds and conditions are recommended in respect of securing the access, visibility splays, parking and turning facilities for the development, as well as the means of constructing, draining and lighting the proposed private drive. The proposal would therefore accord with policies T2 and T19 of the North Lincolnshire Local Plan.

The existing bus stop would be repositioned further north by approximately 10 metres; however, the repositioning of the bus stop is not considered to prejudice highway and pedestrian safety in this regard.

### ***Ecology***

Following review of the development, the council's ecologist has objected to the proposals on the grounds that the submitted block plan indicates a significant net loss of biodiversity from the site, which is contrary to policy CS17 of the adopted Core Strategy, and the alternative tree planting and scrub retention proposals do not seem realistic. Since the ecologist's consultation response was received, the applicant has submitted an Adaptive Management and Monitoring Plan which seeks to set out the habitat protection, creation and management approaches for the proposed development. This principally consists of the retention of existing trees within the site, the creation of residential gardens with associated planting and the loss of a single plot (plot 1) which will be set aside for habitat creation and enhancement. The document also puts forward a management programme over a 30-year period (as prescribed in the legislation) and includes options to monitor and review the management plan. The document was to be read alongside an amended site layout plan (which showed the deletion of plot 1 from the development proposals), however an amended planning application form was never received to confirm the net reduction in the number of dwellings.

The council's ecologist has not provided an updated consultation response to the additional document; however, it is considered the reduction in the number of dwellings within the development site, with the land set aside in plot 1, together with the additional planting and grassed areas being proposed across the four remaining plots, would be sufficient to meet the biodiversity net gain targets and the terms of policy CS19.

### ***Contaminated land***

This proposal is for residential development on a site which historically had buildings on it and the risk to human health is high with potential for contaminants present. The applicant has submitted a Preliminary Investigation report, and this recommends an intrusive geo-environmental investigation is carried out to assess the risks identified to sensitive receptors (residential end-users). With this highlighted in the report, a condition is recommended by Environmental Protection for contaminated land investigation; this would



highlight whether there is a requirement for remediation of the site to ensure it is free from contamination and therefore appropriate for residential development.

## **Conclusion**

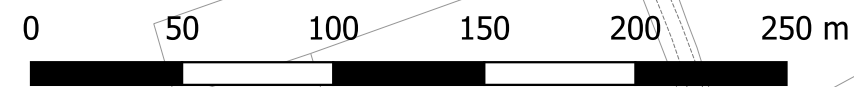
It is considered that the proposed development is contrary to policies RD2 of the North Lincolnshire Local Plan and CS2, CS3 and CS8 of the adopted Core Strategy in that the site is outside a defined settlement boundary and is not for specific purposes associated with a rural location, which include agriculture, forestry or to meet a special need associated with the countryside. In addition, in flood risk terms the proposal for the five dwellings fails the exceptions test as it is considered the wider sustainability benefits of the scheme to the community do not outweigh flood risk. The proposal is thus contrary to policies DS16 of the North Lincolnshire Local Plan, CS19 of the adopted Core Strategy, and paragraphs 170 and 171 of the National Planning Policy Framework. The application is therefore recommended for refusal.

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

1.  
The proposed development is contrary to policies RD2 of the North Lincolnshire Local Plan, and CS2, CS3 and CS8 of the adopted Core Strategy, in that the majority of the site is outside of a defined settlement boundary and is not for specific purposes associated with a rural location, which include agriculture, forestry or to meet a special need associated with the countryside.
2.  
The proposed development is classified as 'more vulnerable' development in terms of flood risk and the site is within flood zones 2/3a in the North Lincolnshire Strategic Flood Risk Assessment. The Planning Practice Guidance states that development should only be allowed where it passes the sequential and exceptions tests. The proposal for the five dwellings fails the exceptions test as it is considered the wider sustainability benefits of the scheme to the community do not outweigh flood risk. The proposal is thus contrary to policies DS16 of the North Lincolnshire Local Plan, CS19 of the adopted Core Strategy, and paragraphs 170 and 171 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.



Fockerby

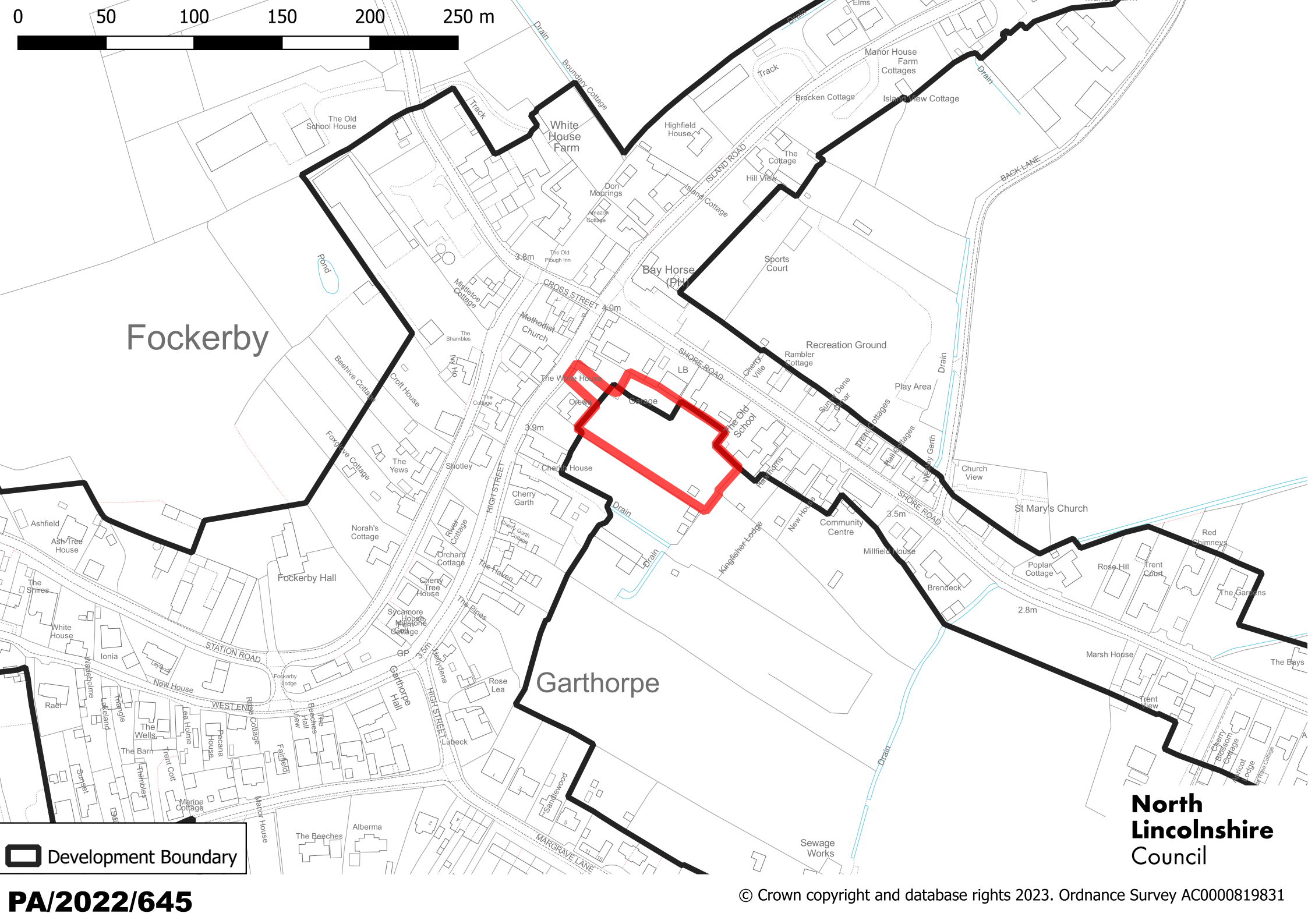
Garthorpe

North  
Lincolnshire  
Council

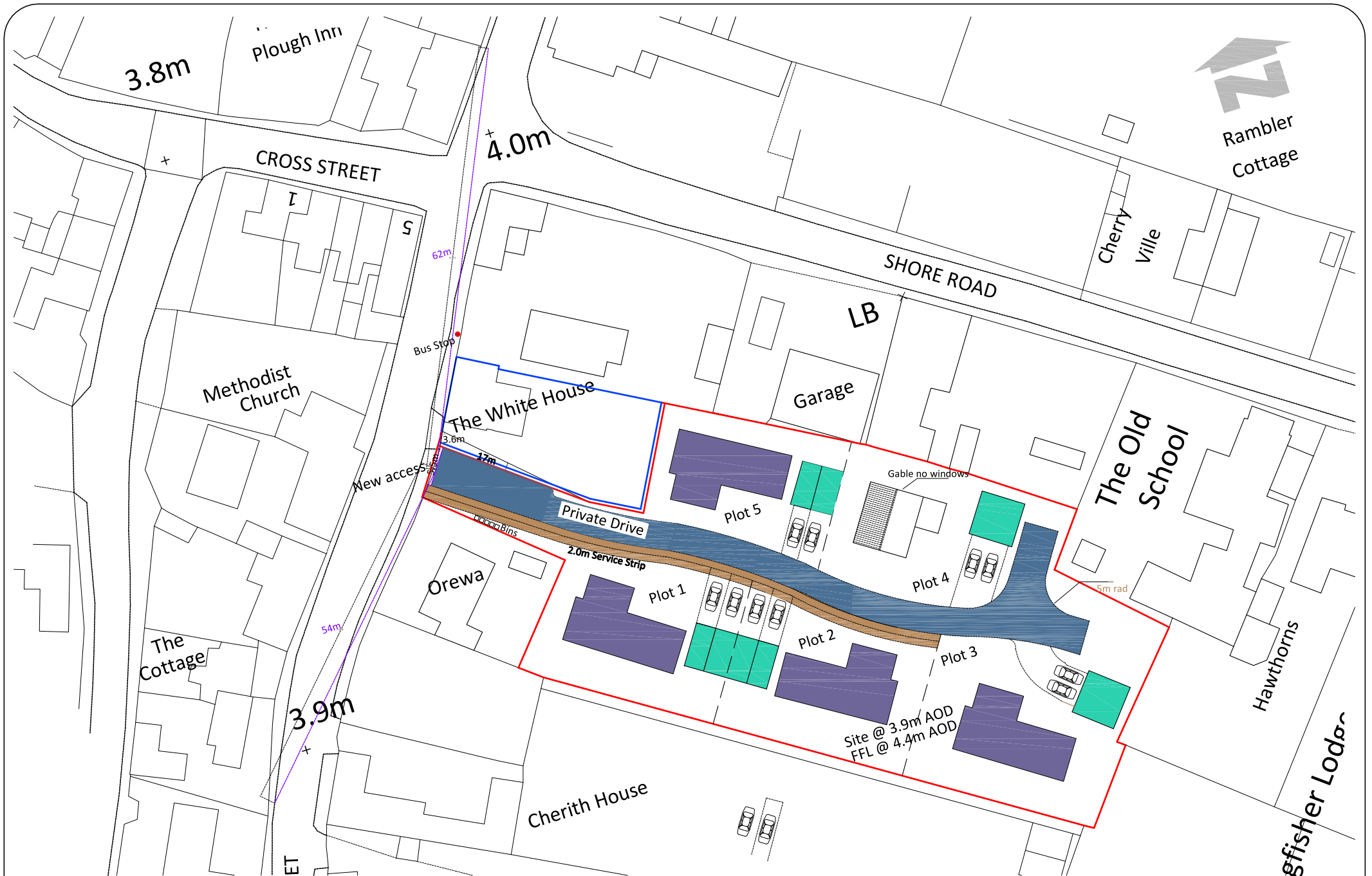
 Development Boundary

PA/2022/645

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# PA/2022/645 Proposed layout (not to scale)



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Client	Wroot Homes Ltd		
Date	3/11/22	Dwg No	1 of 2
Scale	1:500	Ref No	1136

Proposal	Residential development at site R/O The White House, High Street, Garthorpe, DN17 4RP
Drawing	Proposed Block Plan amended

