

APPLICATION NO	PA/2020/1066
APPLICANT	Mr M Richards
DEVELOPMENT	Outline planning permission for up to five dwellings and associated works with appearance, landscaping, layout and scale reserved for subsequent consideration
LOCATION	Butchers Arms, White House Lane, West Halton, DN15 9AZ
PARISH	West Halton
WARD	Burton upon Stather and Winterton
CASE OFFICER	Emma Sheppard
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllrs Elaine Marper, Ralph Ogg and Helen Rowson – significant public interest)

POLICIES

National Planning Policy Framework:

Paragraph 7 states, 'The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.'

Paragraph 8 states, 'Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- (a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- (b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural wellbeing; and
- (c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and

pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.'

Paragraph 11 sets out the presumption in favour of sustainable development and confirms that, for decision-taking, this means:

- '(c) approving development proposals that accord with an up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission 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 the Framework as a whole.'

Paragraph 12 states, 'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan...permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

Paragraph 38 states, 'Local planning authorities should approach decisions on proposed development in a positive and creative way...Decision-makers at every level should seek to approve applications for sustainable development where possible.'

Paragraph 54 states, 'Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.'

Paragraph 59 states, 'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.'

Paragraph 70 states, 'Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.'

Paragraph 73 states, 'Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should identify and update annually a supply of specific deliverable sites

sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should, in addition, include a buffer (moved forward from later in the plan period) of:

- (a) 5% to ensure choice and competition in the market for land; or
- (b) 10% where the local planning authority wishes to demonstrate a five-year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or
- (c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.'

Paragraph 74 states, 'A five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:

- (a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and
- (b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.'

Paragraph 75 states, 'To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority's housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of under-delivery and identify actions to increase delivery in future years.'

Paragraph 109 states, 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

Paragraph 163 states, 'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.'

Paragraph 182 states, 'Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.'

North Lincolnshire Local Plan:

Policy DS1 (General Requirements)

Policy RD2 (Development in the Open Countryside)

Policy H5 (New Housing Development)

Policy H8 (Housing Design and Housing Mix)

Policy T2 (Access to Development)

Policy T19 (Car Parking Provision and Standards)

Policy DS1 (General Requirements)

Policy DS13 (Groundwater Protection and Drainage)

Policy DS14 (Foul Sewage and Surface Water Drainage)

North Lincolnshire Core Strategy:

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Design)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Policy CS17 (Biodiversity)

Policy CS18 (Sustainable Resource Use and Climate Change)

Policy CS19 (Flood Risk)

Housing and Employment Land Allocations DPD:

Inset Map for West Halton

Policy PS1 (Presumption in Favour of Sustainable Development)

CONSULTATIONS:

Highways: Advise conditions relating to access, parking and turning of vehicles.

Drainage (Lead Local Flood Authority): Originally objected to the application due to the failure to provide a flood risk assessment. This was subsequently submitted and the objections withdrawn subject to the imposition of several conditions relating to surface water drainage.

Environmental Protection: Originally objected to the application due to the failure to provide a noise impact assessment. This was subsequently submitted and the objections withdrawn subject to the imposition of a condition seeking the installation of an acoustic barrier/wall prior to occupation of the development.

PARISH COUNCIL

Objects for the following reasons:

1. Effect on the public house:

- current use is as a beer garden and car parking, the latter being necessary for the size of the establishment and given its context; this will restrict social functions
- restricting the space will be inadequate for the continued operation of the pub
- insufficient retention of parking
- concerns over where the smokers will go
- concerns over deliveries and lack of space
- application forms not filled out correctly

2. Access to the development:

- no separate pedestrian access
- parking is inadequate; infrequent nature of public transport therefore most residents have two vehicles
- bin storage facilities?
- access is over land not owned by the applicant

3. Relevance of recent appeal decisions:

- appeal decisions relate to development outside the settlement boundaries but none relate to issues raised in the PC objection and none relate to any impact upon existing services

4. Compliance with planning procedures:

- failure to provide an existing block plan

5. Drainage:

- SUDS system to be provided; however, flash floods in the recent past raise concerns that this would make things worse
- no mention of drainage from the public house
- no evidence provided that the site is capable of handling the water
- foul drainage issues – can the existing pumping station handle the increase in load?

6. Public consultation:

- failure to comply with paragraph 128 of the NPPF which seeks to promote public engagement.

PUBLICITY

A site notice has been posted and 25 objections received. The points are summarised below:

- increase in traffic
- loss of pub parking
- flooding issues
- property values will decrease
- disruption during construction
- issues with sewers
- plot of land isn't big enough
- being rushed through - Covid to cash in
- layout plans out of date
- pub will close
- disrupt village power
- impact on pub social events; these will inevitably reduce or even stop – marquees for weddings, bonfires, parking for the hunts
- loss of views

- houses being built will stop live music at the pub
- not conducive to sustainable infill
- outside the defined settlement boundary
- doctors and local schools won't cope
- applicant isn't local so unaware of village concerns
- part of the building was a slaughter house; what provision has been made to test for anthrax spores during groundworks?
- poor grammar and punctuation in the statement
- all three dwellings are inaccurate; the pumping station is not in the correct place
- gross over-development.

ASSESSMENT

Site

Covering an area of 0.18 hectares, the application site comprises a parcel of land at the rear of The Butchers Arms public house. The site is bordered to the west and south-west by residential development along Walker Close and Water Lane and beyond White House Lane to the north. A pumping station adjoins the southern boundary, which is accessed along the eastern part of the site. Beyond the site to the east lies open agricultural land.

The public house itself is within the settlement boundary of West Halton, whilst the site of the proposed dwellings is outside the boundary and therefore defined as within the open countryside.

The Design and Access statement confirms that the site is not currently being used effectively or efficiently, with some informal car parking on the hardstanding and storage on the grassed area. Existing vehicular access points to the site are located to the east and west sides of the public house.

There are no designated heritage assets in the immediate vicinity of the site. The nearest listed building (The Hollies Farmhouse) is a short distance to the south but is not viewed in the same context. The site is not within a conservation area but it should be noted that there is a slight difference in land levels, the site to the rear being at a lower level than the pub itself.

Proposal

Permission is sought to erect up to five dwellings. The application is in outline form with all matters reserved other than access. Whilst these properties will have their own residential curtilages, the current access to the east of the pub will be utilised to serve the dwellings. This is intended to open out in front of the proposed dwellings with turning facilities and parking provision.

Whilst there is no requirement to submit plans at outline stage, an indicative site layout plan has been submitted that demonstrates five dwellings on the site.

Material considerations

Outline planning permission is sought to erect up to five dwellings, together with access. Appearance, landscaping, layout and scale are all reserved for subsequent consideration; however, indicative layouts and plans have been provided and these will be examined against relevant policy.

The main issue in the determination of this application is the principle of the development and whether the site can be developed without having an adverse impact on the character of the site and surrounding area. Other issues below will be considered based on the submitted information:

- **flood risk and drainage**
- **contamination**
- **noise**
- **access and parking**
- **indicative plans.**

Principle of development

The application site lies on the southern side of White House Lane. Due to its location, the access to the site is within the settlement boundary of West Halton. The siting of the dwellings and their associated amenity space, however, lie outside of any defined development boundary and are therefore classed as being within the open countryside for the purposes of planning. The main issue is whether the principle of developing this site for residential purposes is acceptable in policy terms.

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

Policy RD2 of the North Lincolnshire Local Plan sets out the type of development that is appropriate in the open countryside and the criteria against which all applications in the countryside will be assessed. Policy RD2 only supports residential development in the countryside where it is to meet some essential countryside need, such as farm workers' dwellings. Policy CS3 of the Core Strategy also restricts development in the countryside to that which is essential to the functioning of the countryside. The proposed development is contrary to these policies as it is for market housing not essential to the functioning of the countryside, or any rural business, nor does it meet any special need such as providing affordable housing.

Given the siting, the proposed development would be outside the defined development boundary for West Halton and is therefore considered to be in breach of policies CS2, CS3 and CS8 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 11 and Footnote 7 (page 6) of the NPPF states the presumption in favour of sustainable development applies for applications involving the provision of housing where the local planning authority cannot demonstrate a five year supply of housing and that housing applications should be considered in the context of the presumption in favour of sustainable development.

Late in 2020 the council started to review the Five Year Housing Land Position Statement. As part of this review the council has identified that the deliverability of a number of the sites has changed due to planning permissions having lapsed or a delay in delivery due to site funding changes. The initial review has identified that the council housing land supply has reduced from five years to four years. The council has prepared a Housing Delivery Action Plan in accordance with the NPPF and PPG. The Action Plan will assist in securing a five year land supply. Some of the actions include reviewing the windfall allowance calculation and working with developers to bring forward outline planning applications.

The revised Five Year Housing Land Supply Position Statement is due at any time. Any decisions therefore 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 relating to housing will carry reduced weight during this period.

In such circumstances paragraph 11 d) relating to decision-taking is engaged, which means, 'where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission 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.'

Footnote 7 to paragraph 11 explains:

'This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.'

Whilst policy CS1 sets out the principal elements that make up the overall spatial strategy, policy CS2 sets out how this will be implemented using a sequential approach to the location of future development that is based on the settlement hierarchy and taking into account other sustainability criteria. This meets national and regional planning policy requirements to deliver development in the most appropriate places. It also states that accessibility to new developments is a key consideration to ensure sustainability. As such development should be located where it is readily accessible by sustainable forms of transport including public transport, walking and cycling, and where the need to travel is minimised.

In relation to the dimensions of sustainable development under paragraph 8 of the Framework, there are three dimensions to sustainable development. These relate to economic, social and environmental. The proposal would accord with the economic role, through its construction and the expenditure of the future occupiers. With regard to the

social role, this too would make a positive contribution to addressing the deficit in the housing land supply, albeit a very limited contribution. From an environmental perspective, the site lies adjacent to the settlement boundary and therefore is in an accessible location for local services. A bus stop along Short Lane/Church Side is within the 400 metre threshold set out in the accessibility criteria of the Housing and Employment Land Allocations DPD ensuring no requirement for reliance on the car as the primary means of transport and therefore complying with the environmental role.

The development would therefore be acceptable in terms of a sustainability perspective. It should also be noted that sustainable development is the key emphasis of the National Planning Policy Framework, which sets out a presumption in favour of sustainable development.

Based on the supporting information, the proposed development is contrary to policies CS3 of the Core Strategy and RD2 of the local plan as it is predominantly for market housing not essential to the functioning of the countryside, or any rural business. However, restricting development to land within development limits, if strictly applied, would severely affect the ability of the authority to address the need for housing. It is acknowledged that the proposed site falls directly adjacent to the settlement boundary. On balance, therefore, it is considered that the proposal does represent sustainable development in the context of the NPPF and Housing and Employment Land Allocations DPD policy PS1 and would benefit from this presumption in favour.

Visual amenity/landscape character

Paragraphs 124 and 130 of the NPPF express the importance of good design, high quality buildings and improving the character and quality of an area.

Core Strategy policy CS5 (Delivering Quality Design in North Lincolnshire) 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.’

Policy H7 of the local plan relates to Backland and Tandem Development. It states, ‘..backland development or tandem development will be permitted provided that:

- i) there is no adverse effect on the amenities of any residential premises or adjoining use through:
 - a) overlooking and loss of privacy;
 - b) loss of amenity area to the adjoining dwellings;
 - c) the level of nuisance resulting from the movement of vehicles to and from the proposed development.
- ii) it would not affect the general quality and character of the area in which it is located by:
 - a) unacceptably increasing the density of development in that area;
 - b) resulting in the loss of important natural and man-made features;

- c) leading to an unacceptable proliferation of vehicular accesses to the detriment of the street scene and/or road safety.'

The indicative site plan shows the dwellings would be sited to the rear of the pub and offset from the properties to the west along Walker Close and Water Lane to the south-west. The surrounding area has no overriding character with regard to property styles and sizes, with both semi-detached and detached properties, and two-storey dwellings and bungalows in evidence.

Policy H8 (Housing Design and Housing Mix) applies and states that new residential development will be permitted provided that it incorporates a high standard of layout which maintains, and where possible improves and enhances, the character of the area and protects existing natural and built features, landmarks or views that contribute to the amenity of the area.

Due to the existing site constraints, the dwellings could only be achieved to the rear of the public house. In terms of access, the existing site access to the pub and the car park is to be utilised. The indicative plan shows that the proposed dwellings would be set back a considerable distance from the street scene and behind the existing built form of the public house, and therefore would not contribute directly to the wider street scene but would only be visible from small glimpses between existing buildings. It is therefore considered that very limited to no views of the proposed dwellings would be achievable from White House Lane.

Issues regarding massing, design and landscaping will be considered in detail as part of a reserved matters application; however, an indicative site layout plan has been submitted which demonstrates that the dwellings could be accommodated within the site that would achieve a minimum separation distance of 14 metres between the proposed dwellings and the side/rear elevations of the bungalows on Walker Close and 18 metres to 'Harvesters Rest' along Water Lane. Further to this, an approximate distance of 13 metres will be retained to the rear of the site that borders the garden area of 'Harvesters Rest'. It is therefore considered that the proposal would not result in a cramped form of development.

Given the proximity of the dwellings to their boundaries, permitted development rights would need to partly be removed by the use of a condition, should permission be granted. This would ensure future occupants would have to apply for planning permission to erect any extensions, outbuildings or garages to the dwellings without further approval by the local planning authority, which otherwise could lead to an erosion of space around the dwellings and affect the overall composition of the properties, along with ensuring any further built form is suitably managed given its siting.

The proposal would lead to the loss of a significant amount of hardstanding at the rear of the pub. Whilst additional built form is proposed, additional landscaping and planting would improve the visual appearance of the site. The landscaping and appearance of the scheme would be dealt with through the reserved matters application.

Subject to the above conditions, and on balance, the proposed development is considered acceptable without detriment to the site itself or the wider street scene. The proposal is therefore considered to be in line with policies DS1, H7 and H8 of the local plan and policy CS5 of the Core Strategy.

Residential amenity

Policy DS5 of the local plan seeks to ensure that the living conditions of existing neighbours are taken into consideration with respect to light, noise, disturbance, loss of privacy, outlook and whether or not a scheme causes an overbearing or overshadowing impact.

Policy H5 of the local plan relates to 'New Housing Development' and states that all new housing developments should meet certain criteria, inter alia, '..development does not result in overlooking or a loss of privacy to existing developments, or any other loss of amenity to existing dwellings...'

Whilst a 'site plan' and 'massing view plan' have been submitted, these are purely indicative as the application only seeks outline consent with appearance, landscaping, layout and scale reserved for subsequent consideration. No specific details have been provided of the appearance and scale of the dwellings with only the indicative massing plan indicating these could be two-storey.

It is considered that the dwellings could be designed, with the appropriate orientation, window layout and landscaping, to limit any adverse overlooking, overbearing impact and shadowing. The impact on residential amenity in terms of overlooking and loss of privacy would be re-visited at the reserved matters stage when the scale and appearance of the dwellings can be fully assessed.

Whilst only an indicative site plan has been submitted, the site area would allow for modest private garden areas to be provided to serve the proposed dwellings. It is therefore considered that the proposed development could achieve an acceptable level of amenity for future occupants of the development.

Whilst it cannot be contested that there will be an intensification on the site through the proposed development, the proposed dwellings would be accessed via an existing access to the east of the public house with a driveway laid out that would lead to a turning head and parking provision in front of the new dwellings. Given it is an existing access to be utilised which currently serves a car park and storage area, it is not considered that the proposed development would cause any perceived detrimental impact upon neighbouring residents so significant as to warrant refusal in this instance.

With regard to the protection of the amenity to potential occupiers, this is addressed in the 'Noise' section below.

The appearance, scale and layout of the proposed dwellings would be considered at reserved matters stage, upon which neighbours would have further opportunity to comment. The proposal therefore accords with policies DS1, H5, H7 and RD2 of the North Lincolnshire Local Plan and policies CS1, CS2, CS5 and CS7 of the Core Strategy.

Highway safety

The plans show that the development would be accessed via an existing access to the east of the pub from White House Lane. This is intended to open out in front of the proposed dwellings with turning facilities and parking provision to serve the new dwellings.

No objections have been raised by the highways department in relation to highway safety, and conditions are recommended to ensure that adequate parking, access and turning can be provided to ensure compliance with policies T2 and T19 of the local plan.

Contaminated land

This application for residential development is a sensitive end use. In addition, contamination might be an issue at the site as it has previously been developed as a car park. It is the developer's responsibility to assess and address any potential contamination risks, however no supporting information has been provided that demonstrates potential risks can be reduced to an acceptable level.

Whilst the submission fails to include a Phase 1 report, the Environmental Health team were consulted and commented that despite the omission of the report, a condition can be imposed which would ensure details are submitted to address the contamination issues and render the development safe and suitable for use prior to use.

Noise

Paragraph 182 of the National Planning Policy Framework states, '...Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.'

The proposed development is immediately adjacent to an existing business, a public house. There is therefore the potential for activities at the public house to negatively impact on the proposed development, such as extraction/chiller plant, comings and goings of patrons and entertainment. There is also an existing pumping house adjacent to the proposed development. A Noise Impact Assessment has been submitted at the request of Environmental Health.

All noise sources have been assessed and the report recommends the inclusion of an acoustic fence to protect the outside areas of the development from noise. It is proposed that the new boundary treatment to the public house curtilage should be a solid barrier at least 1.8 metres high. To be effective in practice, a barrier should have no cracks or gaps, be continuous to the ground, and have a surface density of at least 10 kilograms per square metre, such as a timber fence with overlapping board, a brick wall, or a combination of both.

Based on the report and its findings, a condition is to be imposed to ensure that, prior to first occupation, an acoustic barrier/wall is installed to the north and west boundaries of the site with the public house.

With regard to construction hours, a condition was recommended limiting construction to the hours of 8am to 6pm. However, the Environmental Health department has changed its stance on construction hours recognising the constraints COVID-19 has placed on construction, and in light of Government guidance on this matter, it is considered that a start time of 7am can be allowed in this circumstance.

With the safeguard of conditions referenced above, this will ensure the amenity of occupiers of the dwellings will be mitigated and is therefore in compliance with policy DS1 of the North Lincolnshire Local Plan and the requirements within the NPPF.

Flooding/drainage issues

Policies CS18 and CS19 of the Core Strategy and DS14 of the North Lincolnshire Local Plan are considered relevant. The latter allows for the imposition of conditions for the disposal of foul and surface water should mitigation be required.

The LLFA drainage team were notified of the application and originally objected due to the failure to provide a flood risk assessment (FRA) and principle drainage strategy as the development falls within the lower threshold assessment levels. Upon submission and review of the FRA subsequently submitted, the LLFA team withdrew the objection subject to conditions relating to surface water drainage for the site and the submission of an effective method of preventing surface water run-off from paved areas onto the highway and from the highway onto the developed land. These are to be imposed on any forthcoming planning permission.

With the safeguard of attached conditions, the proposal would align with policies CS18 and CS19 of the Core Strategy and DS14 of the North Lincolnshire Local Plan, and the requirements within the NPPF.

Other issues

Policy H10 (Public Open Space Provision in New Housing Development) of the North Lincolnshire Local Plan applies and states that on sites of less than 0.5 hectares, the developer will be expected to make an appropriate commuted payment to off-site recreational open space provision within the catchment area and to contribute to future maintenance in accordance with supplementary planning guidance. The site area is 0.18 hectares; however, further to recent appeal decisions taken within North Lincolnshire that appear to have been directed by a recent appeal determined by the Secretary of State for Communities and Local Government (SOS vs West Berkshire and Reading Borough Council [2016] EWCA Civ 441), the council will not be requiring any contributions to affordable housing or social infrastructure on sites that propose 10 dwellings or less.

Several comments from neighbours make reference to property values decreasing. This is not a material planning consideration in the determination of an application and therefore the local planning authority cannot withhold permission should the application be otherwise deemed acceptable.

Disruption during construction has been raised. This is something that can be controlled by condition. Further to this, any issues surrounding noise would be dealt with through Environmental Health legislation.

With regard to the comment that the plot of land isn't big enough, this is an application for outline planning permission only, but with an indicative layout that shows the number of dwellings could be accommodated comfortably; however, the details relating to appearance, landscaping, layout and scale would be addressed as part of any subsequent reserved matters application.

With regard to impact upon pub activities and that the pub will close, there is no evidence to show that the pub would close should the application be approved.

Possible strain on existing services/utilities that would be caused by the development are noted. However, there is no evidence to suggest that the proposed additional dwellings would result in any demonstrable harm being caused to existing services/utilities.

With respect to the comment that houses being built would stop live music at the pub, a noise impact assessment has been submitted that addresses any impact upon the pub.

In relation to additional strain on sewers and drainage issues, the council's drainage team has no objections to the proposal, subject to the imposition of conditions.

With regard to the comment that part of the building was a slaughter house and what provision has been made to test for anthrax spores during groundworks, this is controlled through a contaminated land condition.

Planning balance and conclusion

The principle of residential development in this area is considered to be acceptable and in accordance with both national and local planning policy. Due to the existing character and appearance of the site, a subsequent reserved matters application should ensure compatibility of design with the traditional, semi-verdant street scene.

It is considered that the site is of sufficient size to accommodate acceptable plot sizes and a suitable layout to provide adequate parking, turning and access as shown, and sufficient amenity for occupants and existing neighbouring properties.

Pre-commencement conditions

The pre-commencement conditions that are included within the recommendation have been agreed with the applicant/agent.

RECOMMENDATION Grant permission subject to the following conditions:

1.
Approval of the details of the layout, scale and appearance of the building(s), and the landscaping of the site, (hereinafter called 'the reserved matters') shall be obtained from the local planning authority in writing before any development is commenced.

Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

2.
Plans and particulars of the reserved matters referred to in condition 1 above, relating to the layout, scale and appearance of any buildings to be erected, and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

3.
Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

4.

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

5.

No development shall take place until details of:

- (i) the location and layout of the vehicular access; and
- (ii) the number, location and layout of vehicle parking and turning spaces within the curtilage of the site;

have been submitted to and approved in writing by the local planning authority.

Reason

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

6.

The existing vehicular access to the site shall be improved within highway limits in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

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

7.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

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

8.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking and turning space serving it have been completed and, once provided, the vehicle parking and manoeuvring space shall be retained.

Reason

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

9.

No dwelling served by any shared private driveway on site shall be occupied until it has been constructed in accordance with details including:

- (i) the proposed method of forming access from the highway, including the required visibility splays;
- (ii) the method of constructing/ paving the drive;
- (iii) the provision of adequate drainage features;
- (iv) the provision of suitable bin collection facilities adjacent to the highway;
- (v) the provision of suitable lighting arrangements; and
- (vi) the provision of street name plates that shall include the words 'Private Drive' which have been agreed in writing by the local planning authority. Once constructed the private driveway shall be retained.

Reason

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

10.

Prior to the occupation of the development, an acoustic barrier or masonry wall shall be erected on the north and west boundaries of the site with the public house. A detailed technical specification of the acoustic barrier or wall shall be submitted to and approved in writing by the local planning authority. The specification shall include details of the location, size and design of the barrier, with predicted noise reduction over the frequency spectrum. The approved acoustic barrier or wall shall be installed prior to commencement of the use of this site and shall be maintained thereafter.

Reason

In the interests of residential amenity and to comply with policy DS1 of the North Lincolnshire Local Plan.

11.

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

Part 1: Site Characteristics

A Phase 1 desk study shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk

study and a non-technical summary shall be submitted to the local planning authority for approval prior to proceeding to further site investigation.

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes;
 - adjoining land;
 - groundwaters and surface water;
 - ecological systems;
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and a proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the management of Land Contamination, CLR 11'.

Part 2: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part 3: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks' written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

Part 4: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

12.

No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. This must be based upon the submitted Flood Risk Assessment & Drainage Strategy, dated October 2020, ref: 218/gfw/ba/fra/1020. The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100 year critical storm (including an allowance for climate change) will not exceed the run-off from the existing site. It shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development so that flood risk, both on and off the site, is not increased. SuDS must be considered. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document, which is available to view online. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, focusing on above-ground solutions.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 155, 157, 163 and 165 of the National Planning Policy Framework.

13.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 12 above, completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter retained

and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 155, 157, 163 and 165 of the National Planning Policy Framework.

14.

No development shall take place until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have been approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraph 163 of the National Planning Policy Framework.

15.

No development shall take place until details showing an effective method of preventing surface water run-off from the highway onto the developed site have been submitted to and approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 155, 157, 163 and 165 of the National Planning Policy Framework.

16.

Construction and demolition operations shall be limited to the following hours:

- 7am to 7pm Monday to Friday

- 8am to 1pm on Saturdays.

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

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

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

Reason

In the interests of residential amenity and to comply with policy DS1 of the North Lincolnshire Local Plan.

17.

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express grant of planning permission, other than that expressly authorised by this permission:

- (i) Part 1, Class A (enlargements, improvements or other alterations);
- (ii) Part 1, Class B (additions etc to the roof of a dwellinghouse);
- (iii) Part 1, Class C (other roof alterations); and
- (iv) Part 1, Class E (incidental buildings, enclosures, swimming or other pools).

Reason

To enable the local planning authority to exercise control over the development in order to safeguard the character and appearance of the development itself and the locality in general, by ensuring there are no inappropriate extensions, buildings or other alterations within the curtilage of the dwelling and to prevent unacceptable harm being caused to the residential amenity of occupiers of adjoining property, having regard to policies DS1 and DS5 of the North Lincolnshire Local Plan, policy CS5 of the Core Strategy and relevant guidance within the National Planning Policy Framework.

Informative 1

The applicant's attention is drawn to the comments made by Waste and Recycling Services dated 3 August 2020.

Informative 2

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

- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

Informative 3

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.