

APPLICATION NO	PA/2020/1354
APPLICANT	Mr Paul Chapman
DEVELOPMENT	Planning permission to erect six two-storey detached dwellings and change the use of the main building of the Duke William Motel to residential use (and demolish an existing side extension to the Duke William and rear chalets)
LOCATION	Duke William Hotel, 27 Church Street, Haxey, DN9 2HY
PARISH	Haxey
WARD	Axholme South
CASE OFFICER	Emmanuel Hiamey
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr David Rose – significant public interest) Objection by Haxey Parish Council

POLICIES

National Planning Policy Framework:

Paragraph 11 – Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- (a) plans should positively seek opportunities to meet the development needs of their area and be sufficiently flexible to adapt to rapid change;
- (b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
 - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type, or distribution of development in the plan area; 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.

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are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: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.

Paragraph 92 – To provide the social, recreational, and cultural facilities and services the community needs, planning policies and decisions should:

- (a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- (b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
- (c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- (d) ensure that established shops, facilities, and services can develop and modernise, and are retained for the benefit of the community; and
- (e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

North Lincolnshire Local Plan:

Policy DS1 – General Requirements

Policy DS14 – Foul Sewage and Surface Water Drainage

Policy DS16 – Flood Risk

Policy H5 – New Housing Development

Policy T2 – Access to Development

Policy T19 – Car Parking Provision and Standards

LC14 – Area of Special Historic Landscape Interest

North Lincolnshire Core Strategy

CS1 – Spatial Strategy for North Lincolnshire

CS2 – Delivering More Sustainable Development

CS3 – Development Limits

CS5 – Delivering Quality Design in North Lincolnshire

CS6 – Historic Environment

CS7 – Overall Housing Provision

CS8 – Spatial Distribution of Housing Sites

CS19 – Flood Risk

CS22 – Community Facilities and Services

CONSULTATIONS

Environmental Protection (Contaminated Land): No adverse comments to make subject to conditions.

Spatial Planning: Confirms that the proposal does conform to the council's adopted development plans. The applicant has provided evidence that the facility has been unviable over a period of time, efforts have been made to continue the facility and an accessible replacement facility exists elsewhere in the local centre.

Conservation officer: No objection subject to conditions.

CPRE: Objects to the proposal. The proposal does not comprise a sustainable form of development at this location which, if approved, could result in a harmful impact on the area's character.

Severn Trent Water: No adverse comments to make, subject to a condition and an informative.

LLFA Drainage Team: No objection, subject to the imposition of conditions and informative comment.

IANN Water Level Management Board: No adverse comments to make. However, commented that no development should be commenced until the local planning authority, in consultation with the Lead Local Flood Authority, has approved a scheme for the provision, implementation and future maintenance of a surface water drainage system.

Historic Environment Record: Recommends this application should be refused because it would adversely affect the historic landscape of the Isle of Axholme, a heritage asset of national significance. The proposed dwellings to the rear would adversely affect the character, appearance and setting of the historic landscape of the Isle of Axholme, specifically the character and setting of the core historic landscape of the Ancient Open Strip Fields north of Haxey and the Early Enclosed Land, as well as of the historic settlement form and listed buildings that contribute to the character, setting and legibility of the historic landscape. This is contrary to local plan policies LC14, LC7 and DS1, and Core Strategy policy CS6. Also, the proposal would not be in accord with paragraphs 192 or 200 of the National Planning Policy Framework as the proposed development would not make a positive contribution to local character and distinctiveness, and would detract from the significance of the historic landscape at this location. They have indicated that if the

planning authority is minded to grant permission contrary to the HER advice, an appropriate condition should be imposed removing all permitted development rights to avoid inappropriate structures and buildings in the designated historic landscape. In addition, standard archaeological conditions would be appropriate to secure the implementation of a programme of historic building recording in advance of demolitions, and archaeological monitoring and recording during construction.

Highways: No adverse issues to raise, subject to conditions.

PARISH COUNCIL

Haxey Parish Council objects to the proposal on the basis that it would not be in full conformity with the development plan. Development at this location would not constitute sustainable development and there would be a negative impact on the setting of Heritage Assets and the Area of Special Historic Landscape Interest. The development at this location would not be in keeping with the character and nature of the settlement. The development fails to deliver quality design and lacks a good standard of amenity.

PUBLICITY

Advertised by press and site notice.

A total of 233 valid letters of comment have been received. This includes multiple comments received from the same household. All issues raised have been considered. The letters raise the following material issues:

Objection

- detrimental effect of the demolition on the adjacent listed building
- car parking and highways implications on Church Street
- impact on ancient hedgerow which borders a public footpath and is in the Area of Special Historic landscape
- concerns with surface water within the village
- concerns with waste collection
- concerns with the detrimental effect on the street scene and heritage
- concerns with site contamination
- concerns with loss of employment
- concerns with loss of tourist accommodation and impact on local tourism
- concerns over compliance with the current North Lincolnshire Council policies set out in the Core Strategy and Local Plan
- concern over the reasons the Planning Inspector upheld the decision to refuse the previous application

- concerns with over-development of the site
- significantly detrimental to the Isle of Axholme Area of Special Historic Landscape Interest (ASHLI)
- concerns with overshadowing and overlooking into the property to the east
- concerns over the design of the development
- concerns with loss of valuable public amenity
- concerns with impact upon a listed building
- concerns with impact upon the Haxey Hood.

Support

- Supports the development on the basis that there are two other public houses in the village and the country is desperately short of housing.
- The number of dwellings has now been reduced compared to the previous application.
- The dwellings now fall within the development boundary of Haxey and do not encroach on LC14 land.
- The site is screened from open countryside to the north by a 20 feet high dense conifer hedge which will remain.
- The parking and access facilities all conform to Highways' requirements.
- The development will not add to parking problems on Church Street as every dwelling has two off-road parking spaces.
- The Duke William Motel has been closed for over a year due to lack of use and support from the community.
- The Duke William is rapidly becoming derelict and is now an unsightly part of Church Street.
- The site should be developed with much needed housing which will benefit Haxey.
- Haxey Hood is not relevant to the proposal.

ASSESSMENT

The site is within the development boundary of Haxey which is identified by the Housing and Employment Land Allocations DPD 2016. However, the northernmost part of the site is within the Isle of Axholme Area of Special Historic Landscape Interest (ASHLI).

It is bounded by a listed building (23 and 25 Church Street) to the west, a road to the south, vehicular access to the east and the rear of the plot is outside the development boundary for Haxey, though it is a developed plot and within the Area of Special Historic Landscape.

This proposal is a revision of PA/2018/814 (planning permission to erect seven two-bedroomed detached bungalows, and a two-storey detached dwelling adjacent to the Duke William and change the use of the main building of the Duke William to residential use, including demolition of an existing side extension to the Duke William and rear chalets). The application was refused by the council and the decision for the refusal was upheld at appeal.

The planning inspector, on balance, judged that the council lacks a five-year supply of deliverable housing sites. As such, policies which are most important for determining the application are to be considered out of date and the tilted balance is engaged, as set out by Paragraph 11 of the Framework.

The inspector's view was that the proposal would make a modest contribution to local housing supply, in the form of seven bungalows, a four-bedroom home and conversion of the public house into a dwelling, with associated socio-economic benefit, during and after construction. The proposal would also provide investment into the fabric of the main Duke William building, albeit as a residence rather than a public house.

Nonetheless, there would be significant harm to the character and appearance of the area and they concluded that there would be harm arising from the proposed development's impact on the area of special historic landscape interest and the setting of the listed building.

The inspector also recognised that the Framework sets out a presumption in favour of sustainable development, but even where the tilted balance is engaged, the benefits of additional housing do not necessarily outweigh all other concerns.

The inspector highlighted that case law has found that even where policies can be considered out of date, this does not mean that they carry no weight. The balancing exercise remains a matter of planning judgement and as such, given the harm identified, concluded that the adverse impacts of the proposed development would significantly and demonstrably outweigh the public and other benefits when assessed against the policies in the Framework taken as a whole and therefore the proposal failed to comply with the relevant policies of the development plan and national guidance.

The key difference between the current proposal and the previously refused application is the site boundary, the layout of the site and the scale of the dwellings. The site boundary has been decreased to the limit of the development boundary, and six two-storey dwellings are proposed, together with the change the use of the main building of the Duke William Motel to residential, which is a decrease by a two-storey detached dwelling and bungalow.

The main issues to consider in this application are whether the reasons for the previous refusal have been addressed and whether this design is appropriate.

Principle of development

Policy CS1 of the Core Strategy states that development within rural settlements 'will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing existing local services to meet local needs. The development will be limited and should consider levels of local service provision, infrastructure capacity and accessibility. Any development that takes place should be in keeping with the character and nature of the settlement.'

It also states of development within the open countryside, ‘...In the countryside, support will be given to development that promotes rural economic diversification and small-scale employment opportunities, particularly on previously used land or in existing rural buildings. Tourism development will also be supported, the development of green tourism making the most of the area’s important natural and built environments.’

Policy CS2 is concerned with delivering more sustainable development. It states, ‘...Small-scale developments within the defined development limits of rural settlements to meet identified local needs’ would constitute sustainable development.

Policy RD2 of the North Lincolnshire Local Plan is concerned with development within the open countryside. It states that development will generally be resisted in these areas unless it relates to a typical countryside use or is related to tourism unless it is ‘...for the re-use and adaptation of existing rural buildings.’

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 11(d) of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, relevant policies which guide the supply of housing should not be considered up to date.

A recent Supreme Court judgement (Suffolk Coastal DC v Hopkins Homes Ltd [2017] UKSC 37) provides clarity on the policies which are considered ‘relevant policies’ for the supply of housing. These do not include general restrictive policies such as those restricting development in the open countryside. As such, policies RD2 and CS3 are considered up-to-date. However, the weight to be afforded to them needs to be balanced against the need to deliver new housing and the broader merits of the scheme when viewed in the context of sustainable development.

The five-year housing land supply statement sets out North Lincolnshire Council's assessment of its supply of housing land from 1 April 2016 to 31 March 2021, having regard to Government guidance on how this is calculated. This report states that North Lincolnshire has a 3.9 year housing land supply of deliverable sites during the period April 2016 to March 2021.

This statement confirms that North Lincolnshire Council does not currently have a five-year supply of deliverable housing sites. The consequence of this shortfall is to demonstrate that current policies are failing to deliver a five-year supply of housing in accordance with paragraph 11 (footnote 7) of the NPPF and they are, therefore, failing to meet short-term housing needs. As such it is considered that there is a clear and demonstrable need for housing development in the area. Accordingly, the operation of paragraph 11 of NPPF triggers a tilted balance whereby there is a presumption in favour of sustainable development and development proposals should be approved unless the adverse impacts significantly and demonstrably outweigh the benefits (paragraph 11, b, ii).

At present, the built form of the hotel extends into the open countryside. However, this development shows that all the dwellings are located within the settlement boundary, and is considered acceptable in principle and the proposal should be approved.

Loss of community facilities

The Localism Act 2011 introduced provisions to help communities safeguard land and buildings for a community purpose. The Duke William was registered in 2018 as an asset of community value (ACV). In terms of the weight given to this as part of the planning assessment, there is a local policy which considers the loss of community facilities as well as the NPPF (paragraph 92). The assessment of the proposal against these policies therefore reflects its status as a community asset. Policy C2 of the North Lincolnshire Local Plan is concerned with community facilities in minimum growth settlements, rural hamlets and villages in the open countryside. The settlement hierarchy within the Core Strategy describes Haxey as a rural settlement and therefore policy C2 is considered relevant. The policy states, 'Proposals which would lead to the loss of key village services, (Uses falling under Classes A1, A2, A3, C1, C2, D1 and D2 of the Town and Country Planning (Use Classes) Order 1987), including the change of use of vacant premises to uses outside these classes located in rural local centres, will only be permitted where it can be demonstrated that these facilities are not economically viable and that all options for their continuance have been fully explored, and/or an accessible replacement facility exists elsewhere in the local centre.' (At the time of the local plan adoption, drinking establishments were A3.)

Furthermore, policy CS22 of the Core Strategy, which deals with community facilities and services, states, 'The loss of community facilities or land allocated for such purposes will be resisted, unless there is no longer a need for the land or building in any form of community use, or there is an acceptable alternative means of meeting such need.' The above policies are reinforced by paragraph 92 of the NPPF.

Currently, there are no changes to the number of public houses indicated in the previous application. There are three public houses within Haxey and another in the wider ward in Westwoodside. The Duke William Motel is the only one closed since 10 November 2019 due to lack of use and continued losses. The Loco is located 10 metres from the Duke William Motel and offers an accessible alternative facility.

Policy C2 states that the loss of these services will only be supported if it is demonstrated that the facilities are not economically viable, or an accessible replacement facility exists elsewhere. Policy CS22 states that the loss of community facilities or land allocated for such purposes will be resisted, unless there is no longer a need for the land or building in any form of community use, or there is an acceptable alternative means of meeting such need. Paragraph 92(c) of the NPPF guards against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

The applicant has submitted financial figures which show that the facility has been unviable over 10 years, together with a scheme of marketing of the premises. The facility has also been advertised but there have been no takers. Furthermore, other available facilities are accessible within the locality and these can meet the day-to-day needs of residents.

These matters were reflected in the appeal statement for the previous refusal (PA/2018/814). The Inspector appointed by the Secretary of State's judgement was that the financial statement is unaudited; this may still be the case for this application. Furthermore, while the Loco offers an alternative pub facility nearby, the Duke William has 'kerb appeal' with an attractive traditional main frontage, and its location on the main 'spine' road through Haxey gives it some prominence. Moreover, the Duke William has a cultural heritage profile

as part of the traditional annual Haxey Hood event. The volume of passionate community support for the retention of the pub use, and the asset of community value registration, indicate potential customer interest in the Duke William.

These matters have been considered in this application, and it appears there has been no customer interest to take over the Duke William and run it as it exists, because there is no indication in the public comments to suggest there has been an attempt to take over the Duke William and bring it back to community use. Also, the applicant has indicated that there has not been an offer since it was put on the market. It is therefore considered that if the Duke William is not brought into use shortly, it runs the risk of complete run-down. There is also a possibility that there would be repeated applications for a change of use to a dwelling.

Given the above, while the Duke William has a special place in terms of appeal and history at Haxey, the proposal would not result in unnecessary loss of valued facilities and services and would not reduce the community's ability to meet its day-to-day needs. The proposal is judged reasonable and is in accordance with policies C2 of the local plan and CS22 of the Core Strategy, and paragraph 92 of the NPPF, as the loss of the community asset is offset by other facilities in the area, as well as it is proved to be unviable.

Highway safety

Policy T2 of the North Lincolnshire Local Plan is concerned with access to development and states that all development should be served by satisfactory access. Policy T19 is concerned with parking provision as well as general highway safety; both policies are considered relevant.

The applicant has submitted a layout plan showing the access arrangement and parking provision to satisfy the visibility requirements of Highways. The council's Highways department has assessed the submission and has no adverse comments to make on the application subject to the imposition of conditions relating to, amongst other things, the laying out of hard areas, surface water, lighting, the relocation of services, drainage details and construction of the proposed access roads.

It is therefore considered that the proposal is in accordance with policies T2 and T19 of the North Lincolnshire Local Plan.

Flooding and drainage

Policy CS19 of the Core Strategy is concerned with flood risk and policy DS14 of the NLLP is concerned with foul sewage and surface water drainage. The LLFA Drainage Team have indicated that there is insufficient detail to enable a full assessment to be carried out for the proposed development. However, due to the scale of the development, the LLFA Drainage Team have no objection to the proposals, subject to the imposition of conditions and an informative.

North Nottinghamshire Water Level Management Board has indicated that the suitability of soakaways, as a means of surface water disposal, should be ascertained prior to planning permission being granted, but this can be dealt with by condition. Yorkshire Water Services has not responded at the time of writing this report; however, they stated in response to the previous application that there is a right to a connection under the 1991 Water Industries Act.

In terms of foul drainage, the site is already connected to the network. Severn Trent Water has not raised any issue subject to conditions. It is worth noting that this is subject to separate legislation: sections 106–109 of the Water Industries Act 1991, which relate to ‘communication of drains and private sewers with public sewers’ and it is considered that this is sufficient mitigation. The proposal is therefore in accordance with the planning policies.

Environmental issues

Policy DS11 is concerned with polluting activities. It states that planning permission for development, including extensions to existing premises and changes of use, will only be permitted where it can be demonstrated that levels of potentially polluting emissions, including effluent, leachates, smoke, fumes, gases, dust, steam, smell or noise, do not pose a danger by way of toxic release. Policy DS1 is also concerned with the protection of amenity.

The council’s Environmental Protection (Contaminated Land) officer, following consideration of the information submitted, has recommended a condition be attached to any permission granted. The condition requires the developer to submit information relating to lighting and the control of dust and noise during construction. Furthermore, to mitigate the impact of construction on residents, the Environmental Health officer also proposes construction hours. These will be attached to any permission, being both necessary and reasonable.

Given the above mitigation, it is considered that the proposal would accord with policy DS11 of the North Lincolnshire Local Plan.

Land quality

On land quality, policy DS7 of the North Lincolnshire Local Plan is concerned with contaminated land. It states that permission will only be granted on contaminated sites where a detailed site survey has been submitted, and a suitable scheme of remedial measures has been agreed to overcome any existing contamination.

The applicant has not submitted a sufficient level of information in relation to land quality and the Environmental Health officer has recommended that a full suite of contamination conditions be attached to any approval.

Given the site has already been previously developed and functions as a hotel, this is the same end-use as the proposed residential use and it is therefore considered that the impact on receptors would not be worse than existing. It is considered that a condition requiring the developer to stop work and report any unforeseen contamination should be attached; this is considered to pass the test of reasonableness, where the full suite of conditions would fail.

The above conditions will be duly attached and are in accordance with the tests for conditionality outlined within Planning Practice Guidance (formally Circular 11/95). It is therefore considered that the proposal is in accordance with policy DS7.

Archaeology

Part of the site is located within the Area of Special Historic Landscape Interest of the Isle of Axholme. Policy LC14 of the North Lincolnshire Local Plan is therefore relevant and states ‘...Within this area, the development will not be permitted which would destroy,

damage or adversely affect the character, appearance or setting of the historic landscape, or any of its features.'

The archaeologist has recommended refusal on the basis plots 2–4 and the land to the rear is located within the core historic landscape character zone of the Ancient Open Strip Fields north of Haxey. However, the Heritage Statement does not describe the effects of development on the character and setting of the landscape heritage asset and therefore the proposed development would be an unacceptable extension and intrusion of the built environment into the historic landscape, contributing to adverse character change and erosion of the setting affecting the legibility of the landscape and the listed buildings that share this setting.

It must be noted that the built form of the existing hotel/motel does extend into the LC14 policy area and encroaches into the open countryside. It is considered that a level of harm already exists. Notwithstanding the above, this revised application has decreased the built area into the development boundary to ensure that the dwellings do not extend into the LC14 area. That said, the proposal would intensify the amount of built form in this area which would have a more localised character impact (rather than impacting upon the wider LC14 policy area per se). It is therefore considered that the proposal has minimal impact on the open countryside.

Character and historic environment

Policy CS6 of the Core Strategy is concerned with the historic environment and states that the council will seek to protect, conserve and enhance North Lincolnshire's historic environment, as well as the character and setting of areas of acknowledged importance, including historic buildings, conservation areas, listed buildings (both statutory and locally listed), registered parks and gardens, scheduled ancient monuments and archaeological remains. The Duke William is located next to 25 Church Street, a grade II listed building, and within the setting of St Nicholas's Church, a grade 1 listed building. The applicant proposes the retention of the Duke William (with the removal of subsequent extensions and original outbuildings to the rear) and the erection of six two-storey dwellings to the rear.

The conservation officer has assessed the application and has no objection to it. The officer has indicated that, should the planning committee be mindful to approve the application, then appropriate conditions should be attached requiring details of the facing and roofing materials, and scale drawings of the proposed windows and doors (with material specification) to be submitted for consideration before installation. It is therefore considered that the proposal complies with policies CS6 of the Core Strategy and HE2 of the North Lincolnshire Local Plan. Any permission will be subject to the agreement of external facing materials.

Turning to the comments of the Historic Environment Record officer, who recommends refusal, the officer identifies that plots 3 and 4 would sit within the Isle of Axholme Area of Special Historic Landscape Interest (ASHLI), along with much of plot 2, and the vehicular turning head and hard surfacing, as well as the land to the rear of the field at the rear of the plot located within the core historic landscape character zone of the Ancient Open Strip Fields north of Haxey.

It is worth noting that the application site, shown edged red on the site location plan, is within the development boundary of Haxey and includes all land necessary to carry out the proposed development. Nevertheless, the northern half is within the Isle of Axholme Area of Special Historic Landscape Interest (ASHLI).

It is also worth noting, in judging whether the development is appropriate, that a balanced judgement has to be made between development, policy CS3 – Development Limits, which supports development within the settlement boundary, and National Planning Policy Framework (NPPF) 2019, which makes provision for the presumption in favour of sustainable development, and policy LC14 – Area of Special Historic Landscape Interest, which generally seeks to protect the open countryside.

In this case, on balance, it is judged that the development would not have a significant adverse impact on the designation of the Isle of Axholme Area of Special Historic Landscape Interest (ASHLI). Plus, the benefit of the development would significantly and demonstrably outweigh any impact on the ASHLI when weighed against the policies in the Framework.

Layout, siting, and design

Policies DS1 of the local plan (General Requirements) and CS5 of the Core Strategy (Delivering Quality Design in North Lincolnshire) seek a high standard of design in all developments in both built-up areas and the countryside. They require that the design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area and the design and layout should respect, and where possible retain and/or enhance, the existing landform of the site.

This development is judged to be infill development and is reasonable. Having reviewed the details of the proposal, together with comments from consultees, this revised submission has decreased the number of dwellings and limits the layout of the development within the settlement boundary and is therefore satisfactory. The scale of the development and the height would not be out of character with the area. The proportions and arrangement of the doors and the windows are in keeping with the traditional style and therefore appropriate for the area. Overall, the layout and the design of the dwellings would not have a significant adverse impact on the setting of the adjacent listed building and would have a minimal visual impact on the street scene.

Amenity

Policy DS1 of the North Lincolnshire Local Plan is partly concerned with impact upon residential amenity. It states, ‘...No unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.’ The applicant proposes six two-storey dwellings to the rear of the existing public house. All the private amenity areas would be small, although proportionate to the scale of the dwelling on offer. Currently, there is no information in relation to boundary treatments, however, this issue can be secured through a planning condition.

In line with policy, the built form would not give rise to any unacceptable residential amenity impacts in relation to overbearing/overshadowing, both within the site and outside of it; this relates to the separation distances as well as the alignment of and between dwellings.

Furthermore, all openings are in a position that would not give rise to an unacceptable level of visual intrusion. It is therefore considered that the proposal would align with policy DS1 of the North Lincolnshire Local Plan.

Letters of comment

Turning to the letters of comment, several letters of objection and in support of the application has been received. The concerns raised by the objectors have been addressed in the report.

Conclusion

In conclusion, it is considered that the revised submission has addressed the reasons for refusal given by the appeal inspector as outlined in the report, which includes harm to the character and appearance of the area and from the proposed development's impact on the area of special historic landscape interest and the setting of the listed building. As specified in the report, the issue of the benefits of additional housing not necessarily outweighing all other concerns has been addressed by the reduction in the scale of the development and limiting it within the settlement boundary. The balancing exercise remains a matter of planning judgement and as such, given that the harm identified in the previous application has been minimised, and the anticipated adverse impacts of the proposed development have been significantly and demonstrably mitigated in the revised submission, the proposal complies with the relevant policies of the development plan and national guidance.

Pre-commencement conditions

All pre-commencement conditions attached to this recommendation have been agreed with the applicant in accordance with the Town and Country Planning (Pre-commencement conditions) Regulations 2018.

RECOMMENDATION Grant permission subject to the following conditions:

1.
The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.
The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Floor Plan Dwelling 1 & 2 (1467/3), Floor Plan Dwelling 27A & 4 (1467/7), Floor Plan Dwelling 5 (1467/9), Floor Plan Public House (1467/11), Elevations and Floor Plan of 27A Garage (1467/13), Floor Plan & Elevations of Dwelling 2 Garage (1467/12), Site Plan (1467), Elevations of Public House (1467/10), Dwelling 1&2 (1467/2), Dwelling 3 (1467/4), Dwelling 5 (1467/8), Dwelling 27A (1467/6), Floor Plan of Dwelling 3 (1467/5).

Reason

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

3.

No development shall take place until details showing the relocation of the existing street lighting column, telegraph pole and water board marker have been submitted and approved in writing by the local planning authority.

Reason

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

4.

No other works shall be commenced on the site until the access road junction with the adjacent highway, including the required visibility splays and relocation of the existing street lighting column, telegraph pole and water board marker, has been set out and established.

Reason

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

5.

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.

6.

Nothing shall at any time, whether permitted by the Town and Country Planning (General Permitted Development) Order or not, be erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway for a distance of 2 metres from the highway boundary across the site frontage.

Reason

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

7.

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

Reason

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

8.

No dwelling served by the private driveway 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 policies T2 and T19 of the North Lincolnshire Local Plan.

9.

No development shall take place until a construction phase traffic management plan showing details of all associated traffic movements, including delivery vehicles and staff/construction movements, any abnormal load movements, contractor parking and welfare facilities, storage of materials and traffic management requirements on the adjacent highway, has been submitted to and approved in writing by the local planning authority. Once approved the plan shall be implemented, reviewed, and updated as necessary throughout the construction period.

Reason

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

10.

No stage of the development hereby permitted shall commence until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:

Noise and vibration – the CEMP shall set out the particulars of:

- (a) the works, and the method by which they are to be carried out;
- (b) the noise and vibration attenuation measures to be taken to minimise noise and vibration resulting from the works, including any noise limits; and
- (c) a scheme for monitoring noise and vibration during the works to ensure compliance with the noise limits and the effectiveness of the attenuation measures.

Light – the CEMP shall set out the particulars of:

- (a) specified locations for contractors' compounds and materials storage areas;

- (b) areas where lighting will be required for health and safety purposes;
- (c) the location of potential temporary floodlights;
- (d) identification of sensitive receptors likely to be impacted upon by light nuisance;
- (e) proposed methods of mitigation against potential light nuisance, including potential glare and light spill, on sensitive receptors.

Dust – the CEMP shall set out the particulars of:

- (a) site dust monitoring, recording and complaint investigation procedures;
- (b) identification of receptors and the related risk of dust impact at all phases of the development, including when buildings and properties start to be occupied;
- (c) provision of water to the site;
- (d) dust mitigation techniques at all stages of development;
- (e) prevention of dust track out;
- (f) communication with residents and other receptors;
- (g) a commitment to cease the relevant operation if dust emissions are identified either by regular site monitoring or by the local authority;
- (h) a 'no burning of waste' policy.

Reason

To protect residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

11.

Construction and site clearance operations shall be limited to the following days and hours:

- 8am to 6pm Monday to Friday
- 8am to 1pm on Saturdays.

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

HGV movements shall not be permitted outside these hours during the construction phase without prior written approval from the 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

To protect the amenity of the locality for people living nearby in accordance with policy DS1 of the North Lincolnshire Local Plan.

12.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority.

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.

13.

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available as an alternative, other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted before a discharge to the public sewerage system is considered.

Reason

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

14.

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.

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. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, focusing on above-ground solutions.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 13 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.

15.

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.

16.

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.

17.

Prior to the commencement of any above-ground works, a scheme for the positioning and appearance of all boundary treatments shall be submitted to and agreed in writing with the local planning authority.

Reason

In the interests of amenity and appearance in accordance with policies DS1 of the North Lincolnshire Local Plan and CS5 of the North Lincolnshire Core Strategy.

18.

Prior to the commencement of any above-ground works, a scheme showing the storage of bins shall be submitted to and agreed in writing with the local planning authority.

Reason

In the interests of amenity and appearance in accordance with policies DS1 of the North Lincolnshire Local Plan and CS5 of the North Lincolnshire Core Strategy.

19.

No works above ground shall commence until details of all external facing and roofing materials and scale drawings of the proposed windows and doors (with material specification) have been submitted to and agreed in writing with the local planning authority.

Reason

To protect character and in accordance with policies CS5 and CS6 of the North Lincolnshire Core Strategy.

Informative 1

Severn Trent Water advise that although their statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you in obtaining a solution which protects both the public sewer and the building.

Informative 2

Geological records indicate the site to be underlain by mudstones which is a relatively impermeable deposit. Some investigation into the existing surface water drainage arrangements for current public house building and associated outbuildings should also be carried out.

Informative 3

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 4

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.