

APPLICATION NO PA/2020/1345

APPLICANT Mr Adrian Axe

DEVELOPMENT Planning permission to convert existing barn to residential and erect two detached dwellings with associated works

LOCATION Barn, Station Road, Owston Ferry

PARISH Owston Ferry

WARD Axholme South

CASE OFFICER Mark Niland

SUMMARY RECOMMENDATION **Grant permission subject to conditions**

REASONS FOR REFERENCE TO COMMITTEE Departure from development plan

POLICIES

National Planning Policy Framework:

Paragraph 38 – Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 47 – Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Paragraph 54 – 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 55 – Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

Paragraph 79 – Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- (a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside
- (b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets
- (c) the development would re-use redundant or disused buildings and enhance its immediate setting
- (d) the development would involve the subdivision of an existing residential dwelling, or
- (e) the design is of exceptional quality, in that it:
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

Paragraph 155 – Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraph 159 – If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance.

Paragraph 189 – In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 192 – In determining applications, local planning authorities should take account of:

- (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

- (c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 202 – Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

North Lincolnshire Local Plan: DS1, DS7, DS11, DS14, DS16, HE5, HE9, L5, T2, T19, DS14, RD2, RD10, H5

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS5, CS6, CS7, CS8, CS17, CS18, CS19

CONSULTATIONS

Highways: No objection subject to conditions relating to the laying out of hard paved areas and a construction phase management plan.

Environment Agency: No objection – the finished floor levels are above the critical threshold.

Drainage (Lead Local Flood Authority): No objections or comments to make.

Severn Trent: No objections.

Environmental Protection: No objections subject to the imposition of land contamination conditions.

Conservation: Supports the proposal. The figures are reflective of the enabling work and the proposed development would not overly impact the setting of listed buildings. Therefore, no objection subject to conditions.

Ecology: No objections subject to conditions.

Isle of Axholme and North Nottinghamshire Water Level Management Board: No objections subject to a surface water drainage condition.

Archaeology: The proposed new dwellings are outside the development boundary and will adversely affect the setting of the Scheduled Monument of Kinaird motte and bailey castle and the Area of Special Historic Landscape Interest of the Isle of Axholme contrary to local plan policies HE8 and LC14.

PARISH COUNCIL

No objections.

PUBLICITY

The proposed development has been advertised in accordance with Article 15 of the Development Management Procedure Order 2015 (as amended) by means of both site and press notice.

ASSESSMENT

Planning history

- PA/2020/1473: Listed building consent to repair and refurbish barn for residential use (Use Class C3) – not yet determined
- PA/2019/1739: Listed building consent to demolish barn – withdrawn 29/09/2020
- PA/2019/1668: Full planning permission to demolish listed barn and erect a two-storey dwelling with associated works – withdrawn 29/09/2020
- PA/2015/1558: Listed building consent to convert an existing agricultural barn to dwelling – approved 20/06/2016
- PA/2015/1557: Full planning permission for partial demolition of agricultural/commercial store building and change of use of listed agricultural barn to residential dwelling – approved 20/06/2016
- PA/1997/1024: Full planning permission to erect a poultry house and construct an above-ground water storage tank – approved 27/10/1997
- 2/1995/0727: Outline permission to erect six dwellings and garages (renewal of 2/1992/0239 – approved 08/11/1995
- 2/1992/0239: Outline permission to erect six detached houses with garages – approved 11/08/1992

Constraints

- flood zone 2/3a – North and North East Lincolnshire SFRA 2011
- open countryside – HELA DPD 2016
- grade II listed barn
- close to the scheduled monument of Kinaird motte and bailey castle.

Site characteristics

The site straddles the development boundary of Owston Ferry: the listed threshing barn is located inside and the proposed enabling outside. The site is accessed from Station Road and the barn has a group value, being attached to a row of residential properties. The site is within flood zone 2/3a (fluvial), and is close to the scheduled monument of Kinaird motte and bailey castle.

There is a long planning history in relation to the listed barn (see above) with the most recent applications for planning permission and listed building consent to demolish it being withdrawn. The barn is in a terribly dilapidated state with one gable end being supported by scaffold. The roof has caved in with only the two areas near the two gable ends intact. The internals are held up by an internal steel frame and concrete mezzanine that prevented total collapse. (The internal works are not sensitive to the building and are a 20th century modification).

Planning principle

Policy CS1 of the Core Strategy states that, 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, in particular the development of green tourism making the most of the area's important natural and built environments.

Policies CS2 and CS3 attempt to restrict development within the open countryside stating that any development that takes place outside the defined development limits of settlements or in rural settlements in the countryside will be restricted. Only development which is essential to the functioning of the countryside will be allowed to take place. This might include uses such as those related to agriculture, forestry or other uses which require a countryside location or which will contribute to the sustainable development of the tourist industry.

Policy RD2 of the North Lincolnshire Local Plan is concerned with development within the open countryside and comprises two parts. Firstly, it sets out in principle those development types that are supported in the open countryside:

- part (v) allows for '...the re-use and adaptation of existing rural buildings', and
- part (vii) allows for '...the replacement, alteration or extension of an existing dwelling.'

The second part is criteria-based allowing for the assessment of those development types.

Paragraph 47 of the NPPF states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Paragraph 79 (b) states that the development of isolated homes in the countryside should be avoided unless '...the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets.'

Paragraph 202 states that local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

The proposal involves the erection of two replacement dwellings to enable the restoration of the grade II threshing barn. The works of restoration are acceptable in principle and not a departure from the plan. However, the enabling development would result in the erection of two market dwellings in the open countryside; this element of the proposal is unacceptable in principle. That said, paragraph 47 of the NPPF tasks the decision taker to consider other material considerations, whilst paragraphs 79 and 202 ask local planning authorities to consider a departure on the grounds of enabling development should it secure the future conservation of a heritage asset.

Therefore, whilst the erection of two market dwellings is a departure, **the key issues for consideration are whether or not the repair and restoration of the heritage asset is**

proportionate to the amount of enabling development applied for, the impact of this development upon the open countryside and historic environment (including the scheduled monument), and whether or not there are alternatives to the enabling route to secure the long-term survivability of the listed buildings.

Conservation

Policy CS6 of the Core Strategy is concerned with the historic environment. It 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. All new development must respect and enhance the local character and distinctiveness of the area in which it would be situated, particularly in areas with high heritage value. Policy HE5 of the North Lincolnshire Local Plan is concerned with listed buildings and is also considered relevant.

In terms of conservation there are multiple considerations within this assessment: firstly, the impact of the proposal upon the setting of listed buildings; secondly, whether or not any alternative to enabling development is available; and lastly, whether or not the amount of enabling development applied for is commensurate with the works required to bring the stable (and dovecot) and the carriage house back into optimal viable use.

Impact upon the setting of the listed buildings

The threshing barn is attached to a row of listed dwellings and together they form a group value. Further afield is the scheduled monument of Kinaird motte and bailey castle and the enabling development will be within its setting. The conservation officer has no objection to the impact from the enabling development upon the listed buildings and welcomes the application given it will result in the barn being brought back to full restoration:

'Therefore this proposal to refurbish the barn and retain the listed building is welcomed. Previously the principle of a change of use to residential was seen as acceptable as, due to its size and modern farm practices, its use as a barn was no longer viable. Residential conversion will ensure the long-term survivability of the listed building.'

and

'The proposed conversion scheme is virtually the same design that was previously approved in PA/2015/1558. There has to be some additions and interventions to enable its use as a residence but importantly its external appearance has still retained its barn character and appearance. Internally the proposal has an internal gallery arrangement which will retain an open spacious character when you enter the building. The barn, when refurbished, will contribute to the setting of Owston Hall and the adjacent numbers 24 and 26 houses and stores, both listed grade II.'

The conservation officer therefore would not harbour any doubts that the setting of the three listed buildings would not be overly impinged. Policy HE5 states, '...Proposals which damage the setting of a listed building will be resisted.' However, given the assessment by the conservation officer, this clearly is not the case. Inevitably there will be some impact upon the historic environment from the erection of two dwellings in the open countryside, however they are located at a distance so as to not give rise to any unacceptable impacts

upon the setting of listed buildings. Furthermore, there are also new developments within the vicinity that are more intrusive upon the existing historic environment.

Impact upon the scheduled monument and special historic landscape (ASHLI)

The archaeologist has expressed concerns that the enabling works would adversely affect the setting of a scheduled monument as well as the special historic landscape. The officer states:

‘The proposed new dwellings are outside the development boundary and will adversely affect the setting of the Scheduled Monument of Kinaird motte and bailey castle and the Area of Special Historic Landscape Interest of the Isle of Axholme contrary to local plan policies HE8 and LC14;’

however, in line with paragraph 197, furthers:

‘...The scale of harm to the monument is less than substantial and this harm should be weighed against the public benefits of the proposal.’

The general view is that the HER welcomes the restoration, though has expressed concerns that the setting of the scheduled monument and ASHLI would be eroded unacceptably. The test is that set out above in paragraph 197 in determining whether the public benefits of the restoration outweigh the impacts upon the setting of the scheduled monument and the ASHLI. Given the strength of the conservation officer’s response and the comments made by Historic England on previous applications, the consideration is that the public benefits of the adaptive re-use of the designated heritage assets do outweigh the harm to the setting. The archaeologist has put forward conditions in the event the assessment follows that conclusion; these will be attached.

Enabling development and heritage assets

Paragraph 202 of the NPPF allows local planning authorities to consider enabling development as a method for securing the long-term survivability of heritage assets. Historic England sets out good practice advice in ‘Enabling Development and Heritage Assets’ (June 2020) to guide decision takers through the relevant considerations when making an assessment of such applications.

The guidance advises that the case for enabling development rests on there being a conservation deficit. A conservation deficit is defined as ‘...The amount by which the cost of repair (and conversion to optimum viable use (if appropriate)) of a heritage asset exceeds its market value on completion of repair and conversion, allowing for all appropriate development costs.’ The conservation officer has stated, ‘...The applicant has submitted financial statements (repair quotations and valuations) that show there is a negative balance of £120,000 in refurbishing the barn. Therefore, the requirement of some enabling development is seen as valid in this instance to save the listed building and conserve the setting of the adjacent listed buildings.’

Enabling development is a planning mechanism which permits departure from planning policies in appropriate cases and so enables conservation of a relevant heritage asset in cases where otherwise the future of the asset would not be secured. It is not in the public interest to pursue enabling development if there are alternative means of delivering the same outcome for the heritage asset, such as other sources of public or private investment. The guidance describes it as being ‘...[an] inefficient way of raising money for the

conservation of heritage assets, because it is likely that only a small percentage of the value of the new development is put towards the repairs and maintenance – the other percentage going on the costs of the enabling development.’

In terms of the alternatives, whilst the applicant has not communicated that a search for grant funding has occurred, the planning history would suggest that other routes to saving the building have been explored. The dilapidated state of the listed building would suggest that this is the last resort for the building’s survival. Therefore, it would appear that enabling development is the only realistic route in order to achieve the heritage gain and no other alternatives reasonably exist.

Lastly, in terms of securing the enabling works, good practice states the following:

‘Using conditions and planning obligations as appropriate to ensure the repair and maintenance of the asset can be secured and enforced. This will usually necessitate setting a standard for the conservation works, and making the funds to do so available as early as possible in the course of the scheme. This would ideally be at the outset and almost certainly before completion or occupation of the enabling development. Planning obligations should only be used where it is not possible to ensure the repair and maintenance of the asset via planning conditions.’

It is therefore considered, in this instance, should permission be approved, the enabling works could be fairly secured through a planning condition. The conservation officer has confirmed (as well as the archaeologist) that a residential conversion would be the most appropriate adaptive re-use and a condition will be attached to ensure the barn is restored in accordance with drawing number 418-20 dated 20.08.20.

Proportionality of enabling works

The applicant has provided a breakdown that the enabling works would cost approximately £344,000 (inc VAT): plot 1’s build quote is £176,000 and plot 2’s £170,000, the end value of the two plots being approximately £600,000 and the suggested asking price for the barn being £250,000.

As can be seen from the above figures, the positive margin would be approximately £160,000. Factoring in profitability, abnormal costs and the fluctuating housing market, this is considered adequate to ensure that the enabling works will be sufficient. The aforementioned buffer may not necessarily represent total profit; however, what is clear is that the two dwellings are financially required to be able to carry out the enabling works and the buffer would potentially protect the scheme from entering into a conservation deficit following recent events that may affect the stability of the housing market.

Therefore, subject to the imposition of conditions controlling materials, as well as a condition preventing occupation of plot 2 until the works to the listed buildings have been completed in accordance with the approved plans, the proposal would accord with policies CS6 of the Core Strategy and HE5 of the local plan.

Flooding and drainage

Policy CS19 of the Core Strategy is concerned with flood risk. It states that development in areas of high flood risk will only be permitted where it meets the following prerequisites:

1. it can be demonstrated that the development provides wider sustainability benefits to the community and the area that outweigh flood risk
2. the development should be on previously used land; if not, there must be no reasonable alternative developable sites on previously developed land
3. a flood risk assessment has demonstrated that the development will be safe, without increasing flood risk elsewhere, by integrating water management methods into the development.

The site is located within flood zone 2/3a within the North Lincolnshire SFRA 2011. The applicant is therefore required to submit a flood risk assessment as well as pass both the sequential and exceptions tests given the move to a more vulnerable flood risk classification (see also paragraphs 100, 101 and 102 of the NPPF).

Sequential test

The applicant has not provided any information on sequential testing. However, the site for the enabling development is naturally within the ownership of the applicant and therefore cannot be positioned in a lower flood zone. Furthermore, there are conflicting heritage concerns in that the location chosen by the applicant represents the least intrusive upon the historic environment. The sequential test is therefore passed.

Exceptions test

NPPF paragraph 160 states:

‘for the exception test to be passed it should be demonstrated that:

- (a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- (b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.’

The wider sustainability benefits of this proposal are in the environmental benefits from securing the long-term survivability of listed buildings and it is considered that this outcome for the historic environment would provide sufficient wider sustainability benefits to the community. Part ‘a’ is therefore considered to be passed.

Policy CS19 of the Core Strategy is concerned with flooding, whilst policy DS14 of the North Lincolnshire Local Plan is concerned with both surface water and foul drainage; both are relevant.

The applicant has submitted a flood risk assessment and outline drainage strategy. The Shire Group, Environment Agency, LLFA and Severn Trent Water have all been consulted and have no objections to the scheme subject to the imposition of conditions. It is considered that this mitigation would make the scheme safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall; part B of the exceptions test is therefore considered passed. Conditions from consultees relate to control over surface water disposal and information on the existing pond. The conditions are considered to comply with the tests for conditionality.

Therefore, subject to the aforementioned mitigation, it is considered that the proposal would accord with policies CS19 of the Core Strategy, and DS14 and DS16 of the North Lincolnshire Local Plan.

Character

Policy RD2 of the North Lincolnshire Local Plan is concerned with development within the open countryside. The policy comprises two parts: firstly, it sets out, in principle, those development types that are acceptable; and secondly, it sets out a criteria-based approach to assessing those developments. The second part is of interest here in that it seeks to ensure that the visual amenity of the countryside is not compromised by poor development. Paragraph 'c' of the policy states:

'...the development would not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials;'

Policy CS5 of the North Lincolnshire Core Strategy is also relevant. It states '...All new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place' and 'Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.' Policy RD10 also seeks to limit the amount of additional volume a replacement dwelling within the open countryside secures through planning.

Policy H5 of the local plan, which is concerned with new housing development; policy LC7, which is concerned with landscape protection; and paragraph 127 of the NPPF, are also considered relevant.

It should be acknowledged that the applicant's requirement to achieve an end value that would not leave a conservation deficit has necessitated the requirement to propose two, two-storey dwellings. This is acknowledged within the assessment of character; given the harm on setting, under normal circumstances a reduction in the height/floor space on upper floors would have taken place.

The site is extremely sensitive due to its proximity to listed buildings and to the scheduled monument, as well as being located within the ASHLI and open countryside. It must be noted that the area proposed for the siting of these dwellings is on existing hard standing that has functioned as a storage area for numerous items. The dwellings would therefore not be overly unacceptable in their immediate context and would not overly impinge the group value of the listed buildings. The wider impacts that the archaeologist expresses concerns over are valid; however, the dwellings are kept to a standard size and could not realistically fetch the amount required to cover the renovation of the barn if they were single-storey. Therefore, despite the harm upon the setting of the scheduled monument and the ASHLI, it is considered that the amount of built form is appropriate. Conditions will be attached controlling materials.

The proposal is considered, given the constraints of the large amount of enabling required, to align with policies RD2, RD10, H5 and HE5 of the local plan, and CS5 and CS6 of the Core Strategy.

Ecology

Policy CS17 is concerned with biodiversity and sets out principles for the management of a scheme in order to achieve a net gain for wildlife habitat networks. Policy LC5 of the local plan is concerned with protected species. These policies are reinforced by paragraph 170 of the NPPF. All are considered relevant.

The council's ecologist has been consulted and has no concerns subject to the imposition of conditions relating to a species protection plan and a biodiversity management plan. It is therefore considered, subject to the aforementioned mitigation, that the proposal would align with policies CS17 of the North Lincolnshire Core Strategy and LC5 of the local plan, as well as paragraph 170 of the NPPF.

Highways

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

The applicant has shown on plan an acceptable access arrangement as well as ample off-street parking provision. The council's Highways Development Control team have been consulted and have no objection subject to the imposition of conditions relating to the laying of hard paved areas prior to occupation and a construction phase traffic management plan. Therefore, subject to the aforementioned mitigation, the proposal would accord with policies T2 and T19 of the North Lincolnshire Local Plan.

Land contamination

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 Environmental Health Officer has assessed the scheme and recommends a condition requiring the submission of a desk top study, remediation and verification reports. The site is brownfield and laid to hard standing, and provided a storage area for all types of machinery; the imposition of this condition is therefore considered reasonable. The proposal would therefore accord with policy DS7 of the North Lincolnshire Local Plan.

Amenity

Policy CS5 of the Core Strategy is concerned with raising design standards in North Lincolnshire, whilst H5 of the local plan is concerned with new housing developments; both are considered relevant. Policy RD2 of the local plan seeks to protect the open countryside and is also relevant, whilst DS1 of the local plan is partly concerned with the protection of residential amenity.

The dwellings are located with reasonable space about them, allowing for limited overbearing impact, whilst all openings are in a location that would not give rise to unacceptable visual intrusion. The barn is located a sufficient distance away from the enabling works and its openings would allow only minimal overlooking. The private curtilage areas for the barn and enabling dwellings are also considered appropriate. The proposal, in terms of amenity, is therefore considered to align with the aforementioned planning policies.

Environmental Issues

Policy DS11 of the local plan 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 Health department have assessed the application and have no comments to make in respect of noise, light, odour or dust. Furthermore, environmental legislation would mitigate these instances should they be problematic during construction. Given the above mitigation, it is considered that the proposal would accord with policy DS11 and conditions, as part of this planning application, are not required.

Conclusion

The proposal is considered to be in accordance with paragraph 202 of the NPPF as well as paragraph 79 (b). The long-term survivability of the designated heritage asset is considered to represent a sufficiently sound enough material consideration to support a departure from the plan. The two dwellings proposed would appear to be commensurate with the amount of enabling work that is required. A condition will prevent occupation of the second dwelling until the restoration of the listed barn has been completed to the satisfaction of the local planning authority. All other conditions that lead to mitigation are outlined within this report.

Pre-commencement conditions

There is a requirement under the Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 for local planning authorities to either agree the imposition of pre-commencement conditions or give requisite notice that they will be attached. Section 4 sets out the following:

A notice referred to in paragraph (1)(a) must include—

- (a) the text of the proposed pre-commencement condition;
- (b) the full reasons for the proposed condition, set out clearly and precisely;
- (c) the full reasons for the proposed condition being a pre-commencement condition, set out clearly and precisely; and
- (d) notice that any substantive response must be received by the authority or, as the case may be, the Secretary of State no later than the last day of the period of 10 working days beginning with the day after the date on which the notice is given.

This process has been adhered to and all pre-commencement conditions included in the recommendation are considered to be in accordance with the above legislative requirements.

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: 418/20 2/5; 418-20 3/5; 418-20 4/5 and 418-20 5/5.

Reason

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

3.

Prior to the occupation of the dwelling marked as Plot 2 on the site plan (dwg 5/5 418-20 dated 28.08.20) the barn shall be restored in accordance with approved plan 418-20 2/5 41808.20. The applicant must evidence these works through both written documentation and photomontage, and this is to be agreed in writing with the local planning authority.

Reason

In the interest of the historic environment and to align with the terms of this planning permission, in accordance with policies CS6 of the Core Strategy and HE5 of the North Lincolnshire Local Plan.

4.

Prior to any above-ground works, details of all external materials, including those for the barn and the enabling development, shall be submitted to and agreed in writing with the local planning authority

Reason

In the interest of the historic environment and to accord with policies HE2 of the North Lincolnshire Local Plan and CS6 of the North Lincolnshire Core Strategy.

5.

Prior to occupation of any of the dwellings, a detailed scheme showing the position and type of boundary treatments shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be retained thereafter.

Reason

In the interest of the historic environment and to accord with policies CS6 of the North Lincolnshire Core Strategy and HE2 of the North Lincolnshire Local Plan.

6.

No development shall take place until a detailed flood risk statement and drainage strategy has been submitted to and approved in writing by 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 adoption and maintenance, of

the sustainable drainage features in accordance with policy DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

7.

The drainage scheme shall be implemented in accordance with the above condition and, shall be 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 adoption and maintenance, of the sustainable drainage features in accordance with policy DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

8.

The dwelling shall not be occupied until the vehicular access to it and the vehicle parking and turning space(s) serving it have been completed and, once provided, the vehicle parking and turning space(s) 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 species protection plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of measures to avoid harm to hedgehogs, reptiles, bats and nesting birds during demolition, vegetation clearance and construction works.

Reason

To conserve and enhance biodiversity in accordance with policy LC5 of the North Lincolnshire Local Plan and policy CS17 of the Core Strategy.

10.

Within three months of the commencement of development, the applicant or their successor in title shall submit a biodiversity management plan to the local planning authority for approval in writing.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy.

11.

The species protection plan and biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. The applicant or their successor in title shall submit photographs of the installed bat roosting and bird nesting features, and planted trees and shrubs, within two weeks of installation, as evidence of compliance with this condition.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy.

12.

No alteration or development shall take place until the applicant, or their agents or successors in title, has produced an historic building record in accordance with a written specification, including a timetable for the recording, which has been submitted by the applicant and approved in writing by the local planning authority.

Reason

In the interest of the historic environment and to accord with policy CS6.

13.

The historic building recording shall be carried out in accordance with the approved details and timings, subject to any variations agreed in writing by the local planning authority.

Reason

In the interest of the historic environment and to accord with policy CS6 of the Core Strategy.

14.

The historic building archive shall be deposited at the North Lincolnshire Historic Environment Record within six months of the date of commencement of the development hereby approved by this permission or such other period as may be agreed in writing by the local planning authority.

Reason

In the interest of the historic environment and to accord with policy CS6 of the Core Strategy.

15.

No development shall take place until detailed scale drawings, which include both elevations and cross-sections of the proposed windows and doors, with material specification to be used on the new buildings and the listed barn, have been submitted to and approved in writing by the local planning authority.

Reason

In the interest of the historic environment and to accord with policy CS6 of the Core Strategy.

16.

Details of the repair and replacement of the timber roof elements shall be agreed with the local planning authority prior to the work starting on the roof and retained thereafter.

Reason

In the interest of the historic environment and to accord with policy CS6 of the Core Strategy.

17.

The proposed development shall be carried out in accordance with the resilience measures put forward as part of the exceptions test. These details are contained with the flood risk assessment carried out by Howard J Wroot and dated 20th August 2020.

Reason

To protect existing and future residents from the risk of flooding and to accord with policy CS19 of the North Lincolnshire Core Strategy.

18.

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 waters;
 - 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 the site is safe for future users and construction workers.

Informative

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