

<b>APPLICATION NO</b>	<b>PA/2020/2084</b>
<b>APPLICANT</b>	Mr Martyn Robinson
<b>DEVELOPMENT</b>	Outline planning permission to erect a dwelling with layout, scale, appearance, access and landscaping all reserved for subsequent consideration
<b>LOCATION</b>	Land at Booth House Farm, Winterton, DN15 9UP
<b>PARISH</b>	Winterton
<b>WARD</b>	Burton upon Stather and Winterton
<b>CASE OFFICER</b>	Brian McParland
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Departure from the development plan

## **POLICIES**

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

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

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

Paragraph 11(d) – Plans and decisions should apply a presumption in favour of sustainable development:

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no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: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

**North Lincolnshire Local Plan:** DS1, DS7, DS14, RD2, T2, T19

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

## **CONSULTATIONS**

**Highways:** No objection subject to conditions relating to the location and layout of access, parking and turning; and preventing discharge of loose material onto the highway.

**Drainage:** No objection subject to conditions requiring the submission of details showing an effective method of preventing surface water run-off onto and from the highway.

**Environmental Protection:** No objection but recommend a compliance condition relating to contaminated land.

## **TOWN COUNCIL**

Supports this outline application in order to support an excellent local business, but would like more accurate information on the exact location, size, structure and materials when submitted.

## **PUBLICITY**

The application has been advertised by a site notice and in the press as a departure from the local plan. No responses have been received.

## **ASSESSMENT**

Outline planning permission is sought to erect a dwelling.

**The main issue to be considered is whether adequate justification can be demonstrated with regard to the principle of the development.**

### **The site**

The application site is on the west side of Northlands Road, benefits from a hedge along the east boundary and appears to be agricultural land. An existing residential dwelling – Booth House Farm and Booth House Farm Shop – are to the north-west of the application site. Both buildings are under the ownership of the applicant and are accessed by a lane to the north. The surrounding area is used for agricultural rotation; nevertheless, residential

properties are noted to the immediate east and south. The application site is within the open countryside; however, it abuts the northern edge of the Winterton settlement boundary. It is within SFRA flood zone 1 (low risk). It is not within a conservation area, does not relate to any listed buildings and there are no protected trees on the site or nearby.

### **Principle of development**

The site is located outside the adjacent settlement boundary and the proposal would represent a departure from the development plan. In determining whether the principle of residential development outside the settlement boundary is acceptable in this instance, it is necessary to consider whether the proposed development is sustainable in planning policy terms.

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

Local plan saved policy RD2 restricts development in the open countryside other than in exceptional circumstances. This policy only supports residential development outside defined development limits where it is to meet an essential proven need and the open countryside is the only appropriate location for the development. Whilst this policy remains, it has largely been overtaken by policies in subsequent plans addressing the same issue (such as policies CS2 and CS3 referenced above).

The aforementioned policies are aimed at focusing housing within settlement limits as defined in the Housing and Employment Land Allocations DPD. The application site is outside the nearest settlement boundary for Winterton and would not meet the criteria for development within the open countryside as outlined in policy RD2 of the local plan. The proposal is thereby considered to conflict with policies CS2, CS3 and CS8 of the Core Strategy.

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 11 and footnote 7 (page 6) of the NPPF states the presumption in favour of sustainable development applies for applications involving the provision of housing where the local planning authority cannot demonstrate a five-year supply of housing and that housing applications should be considered in the context of the presumption in favour of sustainable development.

It is acknowledged that the local planning authority cannot demonstrate a five-year housing land supply; therefore, the housing policies are considered out of date. As such the 'tilted balance' and paragraph 11(d) of the NPPF, which is a material consideration in the determination of planning applications, is relevant.

There are three dimensions to sustainable development as set out in paragraph 8 of the NPPF: economic, social and environmental. Investment in construction and related employment would represent an economic benefit, as would the additional population within the local economy. In terms of social benefits, services, including the Community Academy, are available within the settlement of Winterton to the south and could be readily accessed as they are within a 10–12-minute walk (less than 800 metres) of the site. In terms of environmental benefits, the site would be situated along Northlands Road, which is a main road artery into the settlement of Winterton served by an adjacent footpath; coupled with

the close proximity of the settlement of Winterton, the location of the site would encourage footfall connectivity (less need for car travel). Subsequently, the location of the proposed dwelling would support and sustain existing services in Winterton. Moreover, the proposed new dwelling would not be dependent on car travel given the availability of other forms of travel (walking and cycling etc). The above matters weigh heavily in favour of the proposal in terms of the economic, social and environmental dimensions of sustainability. As a result, it is considered the proposed dwelling would be situated within a sustainable location.

A key determination in the principle of development is balancing the impact of harm against the associated benefits, as per paragraph 11(d) of the NPPF. Although the proposal would conflict with the development plan (that is, policies CS2, CS3 and CS8 of the Core Strategy and RD2 of the local plan), the proposal would contribute to the supply of dwellings within a locality which consists of existing housing to the immediate east and south. Additionally, it is determined that the new dwelling would be within a sustainable location, as per paragraph 8 of the NPPF. In light of this, there is little evidence to suggest that the proposal would result in adverse impacts which would significantly and demonstrably outweigh the benefits.

On balance, it is considered that although the development plans would preclude such type of development, in the absence of a five-year housing land supply and with the presumption in favour of sustainable development stipulated within the NPPF, the principle of development would be acceptable, subject to the considerations below.

### **Impact on the amenity of the locality**

In terms of the appearance, layout and scale of the proposed dwelling, this would be dealt with under a subsequent reserved matters application. It is considered that one dwelling on the site could be designed to be in character with surrounding properties. The site is a substantial size and could accommodate a dwelling without creating a cramped appearance within the street scene. The proposal would therefore accord with the NPPF; policies CS1, CS2, CS5, CS7 and CS8 of the Core Strategy; and policy DS1 of the North Lincolnshire Local Plan.

### **Impact on residential amenity**

In terms of impact on residential amenity, the council is satisfied that a dwelling could be located on this substantially sized plot without adversely affecting the amenity of adjoining residents. This issue would be assessed in more detail through the submission of a subsequent reserved matters application where the appearance, scale and layout would be considered. The proposal would therefore accord with the NPPF; policies CS1, CS2, CS5, CS7 and CS8 of the Core Strategy; and policy DS1 of the North Lincolnshire Local Plan.

### **Highways**

In terms of access, this could be from either Northlands Road or the lane to the north. Both roads serve existing residential properties. Highways have raised no objections to the proposal subject to conditions which would be imposed on any planning permission granted. The proposal would therefore accord with policies T2 and T19 of the North Lincolnshire Local Plan.

### **Land quality**

Policy DS7 of the 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 council's Environmental Protection Team has provided comment and, given the residential development is a sensitive end use and that the applicant has not submitted any information with regard to land quality, a condition relating to land contamination is recommended to be attached to any planning approval.

## **Ecology**

The site appears to be grassland with limited potential to support protected or priority species and the hedging along the east appears to be of low value. No ecological surveys are required.

## **Conclusion**

Whilst the proposal is within the open countryside, which would potentially harm the existing site context, this does not outweigh the benefit of providing a dwellinghouse, subject to conditions. On balance, the proposal is a justified departure from the development plan and is considered to comply with the overarching paragraph 11(d) of the NPPF.

## **Pre-commencement conditions**

The recommended pre-commencement conditions have been agreed with agent/applicant.

## **RECOMMENDATION Grant permission subject to the following conditions:**

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

### **Reason**

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

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

### **Reason**

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

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

### **Reason**

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

4.

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

Reason

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

5.

The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan BR/RA/CG/ROBINSON.

Reason

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

6.

No development shall take place until details of:

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

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

Reason

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

7.

Adequate vehicle access and parking facilities serving the existing dwelling shall be retained in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

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

8.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken to the satisfaction of 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.

9.

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.

10.

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. The approved method statement shall be implemented in full prior to development commencing on the site.

**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.

11.

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.

12.

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.

13.

No above-ground works shall take place until details have been submitted to and approved in writing by the local planning authority of the make, type and colour of all external facing materials for the development and only the approved materials shall be used.

Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

14.

The dwelling shall not be occupied until details of the positions, design, materials and type of boundary treatment to be built/planted have been agreed in writing by the local planning authority. The agreed boundary treatment shall be built/planted before the dwelling is occupied and once built/planted it shall be retained.

Reason

To provide an appropriate level of screening in accordance with policy DS1 of the North Lincolnshire Local Plan.

### **Informative 1**

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 2**

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.



development\_boundary



Path (um)

Booth House Farm

Silos

Track

Track

**North  
Lincolnshire  
Council**

**PA/2020/2084**

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