

<b>APPLICATION NO</b>	<b>PA/2021/170</b>
<b>APPLICANT</b>	Mr Brader
<b>DEVELOPMENT</b>	Outline planning permission to erect three detached dwellings with appearance, landscaping, layout and scale reserved for subsequent consideration
<b>LOCATION</b>	Land rear of 81–85 St Barnabas Road, Barnetby le Wold
<b>PARISH</b>	Barnetby le Wold
<b>WARD</b>	Brigg and Wolds
<b>CASE OFFICER</b>	Kevin Robinson
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member ‘call in’ (Cllr Rob Waltham – significant public interest)

## **POLICIES**

**National Planning Policy Framework:** The extract of policy from the NPPF represents some of the key paragraphs for this assessment. Please note, however, that this list is not exhaustive.

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are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: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 12: The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraph 34: Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.

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.

**North Lincolnshire Local Plan:** DS1, DS7, DS11, RD2, H5, H7, H10, C1, T2, T19, HE9, LC7.

**North Lincolnshire Core Strategy:** CS1, CS2, CS3, CS5, CS6, CS9, CS17, CS18, CS22, CS26

**Housing and Employment Land Allocations DPD:** Barnetby le Wold Proposals Map

## **CONSULTATIONS**

**Highways:** No objections subject to conditions to secure details.

**Drainage (Lead Local Flood Authority):** No response received at the time of writing.

**Environmental Protection:** No objections subject to a condition to address potential unforeseen land contamination.

**Historic Environment Record:** No objections.

**Ecologist:** Response received confirming that the submitted Preliminary Ecological Assessment is acceptable and that, subject to implementation of the measures outlined, there would be no adverse impacts from the proposal.

## **PARISH COUNCIL**

No response received.

## **PUBLICITY**

A site notice has been displayed. Objections have been received from five neighbouring properties raising the following concerns:

- land level differences and potential for overlooking and overshadowing of neighbouring gardens; the property at 83 St Barnabas Road has dormer windows to the rear
- vehicles on the access driveway would pass existing properties' windows causing noise
- the access adjacent to the school would pose a danger to schoolchildren, impact upon pedestrian safety and parking during school drop-off and collection
- part of the access is bridleway which will be affected
- parking within the site will be limited
- the site has been previously refused for development
- land drainage to the site
- impact on wildlife
- impacts from construction traffic
- bin collection will be from the access.

## **ASSESSMENT**

This application was deferred at a previous meeting of the planning committee to allow members to visit the site before making a decision.

### **Planning history**

PA/2004/2181: Outline planning permission for two dwellings (resubmission of 2004/1840) – approved 28/01/2005

PA/2004/1840: Outline planning permission to erect three dwellings – refused 07/12/2004 on the grounds that the character of the area is formed by frontage development.

This proposal relates to the development of land to the rear of 81–85 St Barnabas Road, Barnetby. The site was last in use as a bowling green. It is located to the rear of existing dwellings on St Barnabas Road and is accessed by an existing unmade track running between residential properties.

### **Main considerations**

**As identified above, the key considerations for this type of development in this location and at this time, given the current five-year housing land supply, are:**

- **the principle of the development proposed;**
- **impact upon the character and form of the locality;**
- **highway safety;**
- **residential amenity;**
- **flooding and drainage and contaminated land; and**
- **ecology.**

### **The principle of the development**

The application site falls outside the development limits of Barnetby. Whilst, historically, the North Lincolnshire Local Plan included the site within the development limits, the current HELA DPD places the site adjacent to but outside the defined boundary. As such, in considering this application, the site is outside the limit and therefore within open countryside.

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).

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

Policy CS8 deals with the distribution of housing sites and prioritises development in Scunthorpe, and the market towns and rural settlements to a lesser extent, with brownfield sites and sites within development boundaries being the primary focus. Policy CS8, whilst restricting housing outside development limits, contemplates some greenfield development as it refers to allowing development on such sites where it can be demonstrated that this would bring additional community benefits, contribute to building sustainable communities and be acceptable in terms of its impact on the high quality environment and adjoining countryside. This overall approach is supported by policy CS2 which sets out a sequential approach for development.

Policy CS3 provides that development limits will be defined in future development plan documents. Outside these boundaries, development will be restricted to that which is

essential to the functioning of the countryside. The development limits were subsequently defined in the HELAP, and the application site is located outside the designated development limit for Barnetby.

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 part of the development plan, 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 HELA DPD. The application site is entirely outside the defined development boundary and is therefore in breach of policies CS2, CS3 and CS8 of the Core Strategy and RD2 of the North Lincolnshire Local Plan.

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 review of the of the Five Year Housing Land Position Statement has identified that the council's housing land supply has reduced from five years and six dwellings, to four years. The council is preparing a Housing Delivery Action Plan in accordance with the NPPF and PPG. The Action Plan will assist in securing a five-year land supply; some of the actions include reviewing the windfall allowance calculation, and working with developers to bring forward outline planning applications.

The revised Five Year Housing Land Supply Position Statement is still awaiting update, and any decisions made by the planning authority will take account of the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF. The current local policies relating to housing will carry reduced weight during this period.

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).

There are three dimensions to sustainable development as set out in paragraph 8 of the Framework: economic, social and environmental. There are clear principle benefits emanating from additional residential development in relation to economic benefits from an increased number of people in the area as well as potential for local construction firms/tradespeople. There are also social benefits associated with gaining additional housing provision, creating additional dwellings for an aging population and also offering opportunities for further accommodation to increase the offer within the village. Clearly,

additional built form would also have potential for negative impacts upon the environment. In determining the sustainability of the proposed development, an assessment not only relies upon planning principle but also the technical elements of the proposal. Only at that point can it be established whether or not any adverse impacts exist that would significantly and demonstrably outweigh the benefits of the proposal.

### **The impact upon the character and form of the locality**

Policy DS1 of the local plan expects a high standard of design and states that proposals will be considered against two criteria:

- (i) the design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area, and
- (ii) the design and layout should respect, and where possible retain and/or enhance, the existing landform of the site.

Policy RD2 of the local plan is concerned with development within the open countryside. Firstly, it sets out in principle those development types that are acceptable; and secondly, it takes 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 Core Strategy is also relevant and 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 H5 of the local plan is concerned with new housing development and policy H7 relates to backland and tandem development. Both are relevant, along with paragraph 127 of the NPPF, though its criteria-based nature lends itself better to the assessment of any subsequent reserved matters application.

The site is located to the east of the settlement abutting the defined settlement limit and is contained by properties to the west. The proposal would be to the rear of existing properties and would therefore form backland development. Policy H7 requires that there would be no adverse effect upon either amenity (addressed later in this assessment) or character of the area. The proposal is in outline form with appearance, landscaping, layout and scale reserved for subsequent consideration. Notwithstanding that the site is to the rear of existing properties, given the existing built form of the locality, it is not considered that the proposed dwellings would be seen as an appreciable intrusion into the open countryside beyond. They would be seen within the context of residential development and would not result in any significant impact or adverse encroachment upon the wider open countryside. It is considered, on balance, and given the presumption in favour of housing, that the proposal would not result in significant impacts to warrant resistance on these grounds.

Whilst careful consideration would be needed at reserved matters stage for the scale and layout of the proposal, it is considered that a suitable scheme could be achieved in this regard. As such, there is no objection in principle to the proposal in this location.

### **Highway safety and accessibility**

Policy T2 of the local plan requires all development to be provided with a satisfactory access. Larger developments should be served adequately by:

- (i) being readily accessible by a choice of transport modes; and
- (ii) existing public transport services and infrastructure; or
- (iii) additions or extensions to such services linked directly to the development; and
- (iv) the existing highway network.

Policy H7 requires that consideration is also given to the whether proposals result in the proliferation of vehicular access points.

A number of comments have raised that the proposed access is formed by a public right of way/bridleway. Having searched the definitive map, there is no defined public right of way along the access or through the site.

Comments received in relation to the location adjacent to the school, the pavement to the side of the adopted highway and parking concerns are noted. With regard to the location next to the school, it is not uncommon for there to be residential access points near to schools. Highways have been consulted on the application and find it acceptable, subject to a number of conditions relating to the access and formation of the driveway. The driveway would be privately owned and maintained and therefore any parking would be trespass and subject to control in that regard. Subject to the recommended conditions, it is considered that there would be no significant highway impacts from the proposal.

### **Residential amenity**

Policies DS1, H5 and H7 of the local plan outline requirements to ensure that proposals do not adversely impact upon the amenity of their locality. In this regard the proposal does not seek layout, scale or design and, as such, these remain a reserved matter. The proposal does include an indicative layout. Comments received relating to impacts upon amenity are noted, as is the topography of the site. The proposal shows that the properties could be orientated so that their side elevations face toward the existing properties. Subject to careful design at the reserved matters stage, it is considered that a suitable scheme could be achieved to ensure no significant effects occur. Any land raising would also need to be considered at that reserved matters stage. However, it is considered prudent to attach an informative to any permission granted to consider this in the preparation of the reserved matters and that a cross-section/street scene would be required to demonstrate the relationship.

Comments relating to the access running adjacent to existing properties have also been raised. It is considered that such a relationship is not uncommon and that, with only three dwellings to the rear, the vehicle movements would not be so significant as to warrant resistance on these grounds.

The proposal is therefore considered to be acceptable in this regard.

### **Flooding and drainage and contaminated land**

Policy CS19 of the Core Strategy is concerned with flood risk and 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 development.

The site is located within Flood Zone 1 within the North Lincolnshire SFRA 2011. It is considered, subject to a condition requiring details as to how the site will be drained, that there are no objections to the proposal in this regard.

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 submitted a site investigation and the Environmental Health Officer is satisfied that, subject to a suitable condition to control unforeseen land contamination, the proposed development accords with policy DS7 of the North Lincolnshire Local Plan.

### **Ecology**

Policy CS17 of the Core Strategy and paragraph 170 of the NPPF relate to biodiversity. Paragraph 170 states, in part, that a net gain for biodiversity should be achieved.

The applicant has provided a preliminary ecological appraisal for the site on which the council's ecologist has been consulted. The appraisal finds that only common and widespread habitats are to be found at the site. The ecologist is satisfied, subject to a condition requiring the biodiversity enhancements outlined in the submitted appraisal, that there would be no adverse effects upon biodiversity at the site.

### **Conclusion**

The site is located adjacent to the boundary of the settlement as defined in the HELA DPD. The proposal can be suitably accommodated within the site without significant detrimental impacts upon the wider open countryside or character of the locality. Relevant statutory and internal consultees have been consulted on the proposal and no objections have been raised. Subject to careful consideration in terms of design, scale and layout, it is considered that a suitable scheme could be achieved. The proposal is therefore recommended for approval subject to conditions.

## **Pre-commencement conditions**

Pre-commencement conditions have been agreed by the applicant's agent.

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

1.

Approval of the details of the appearance of the building(s), the landscaping of the site, the layout of the development and the scale of the proposal (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 appearance of the building(s), the landscaping of the site, the layout of the development and the scale of the proposal 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: Site location element of dwg 1140.02.

#### **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 spaces within the curtilage of the site;

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

Reason

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

7.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking and turning facilities serving it have been completed in accordance with details to be submitted to and approved in writing beforehand with the local planning authority and, once provided, the vehicle parking and turning facilities 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.

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

Reason

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

9.

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.

10.

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

Reason

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

11.

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.

**12.**

No dwelling on the site shall be occupied until the private driveway has been completed, to a standard to be agreed beforehand in writing with the local planning authority, up to its junction with the vehicular access to that dwelling.

**Reason**

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

**13.**

No dwelling on the site shall be occupied until the access road has been completed to at least base course level and adequately lit from the junction with the adjacent highway up to the access to the dwelling.

**Reason**

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

**14.**

No other works shall be commenced on the site until the access road junction with the adjacent highway, including the required visibility splays, has been set out and established. Once established the required visibility splay shall be at all times maintained.

**Reason**

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

15.

No development shall take place until a scheme for the disposal of foul and surface water has been agreed in writing by the local planning authority and none of the dwellings shall be occupied until it is connected to the approved drainage system.

Reason

To ensure satisfactory drainage is provided in accordance with policy DS14 of the North Lincolnshire Local Plan.

16.

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

Reason

To ensure the site is safe for future users and construction workers.

17.

Works and biodiversity enhancements shall be carried out strictly in accordance with sections 7 to 9 inclusive of the submitted Preliminary Ecological Appraisal Report dated 7 May 2021. The management prescriptions set out in sections 7 to 9 inclusive of the report shall be carried out in their entirety in accordance with the timescales set out. Prior to the occupation of the third dwelling hereby approved, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with this condition. All biodiversity features shall be retained thereafter.

Reason

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

### **Informative 1**

The reserved matters submission should be accompanied by a street scene/cross-section to demonstrate the relationship between the proposed properties and the existing neighbours.

### **Informative 2**

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

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

**Informative 3**

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

 development\_boundary



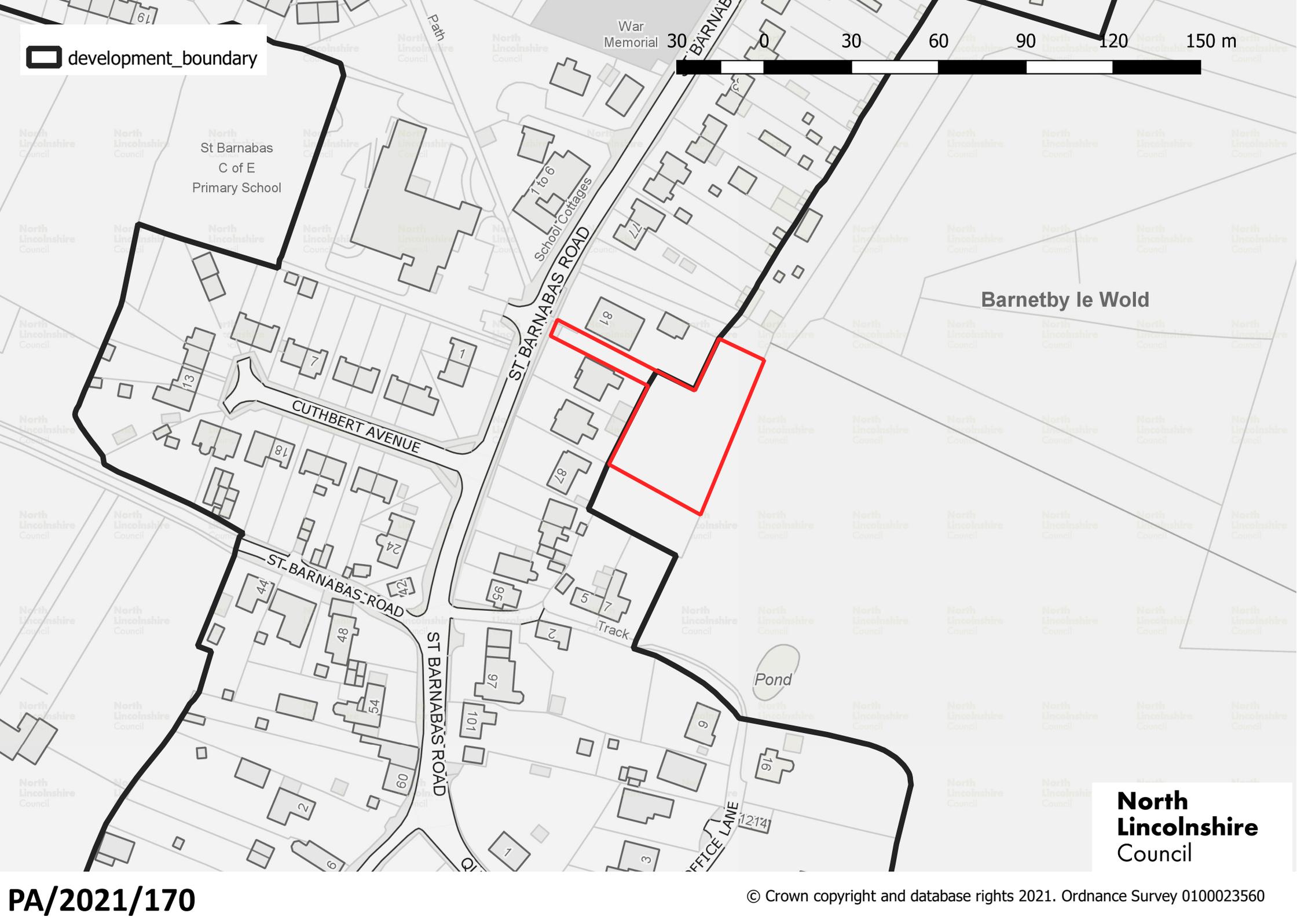
St Barnabas  
C of E  
Primary School

Barnetby le Wold

**North  
Lincolnshire  
Council**

**PA/2021/170**

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# PA/2021/170 Indicative layout (not to scale)

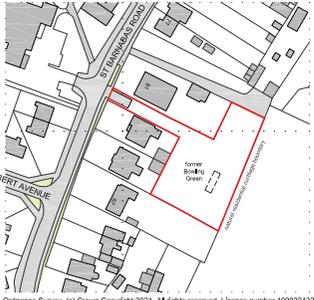
All dimensions & details given on this drawing are to be checked and verified on site prior to works being undertaken. Any discrepancies and/or variations to the specifications will be those drawings or associated documents are to be referred to keystonearchitecture.

Do not scale from these drawings - Pin doubt - ask.

All materials shall be fixed, applied or mixed in accordance with the manufacturers written instructions, recommendations and specifications. Variations to specified materials shall be agreed in writing with keystone architecture.

The Contractor shall take into account everything necessary for the proper execution of the works and to the satisfaction of the Local Authority, whether or not indicated on the drawings or in the specifications.

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1:1250  
0 25m 50m 75m 100m 125m

Location Plan  
scale 1:1250



Block Plan  
scale 1:500



Indicative Site Plan  
scale 1:200

rev	amendment	date
01	Proposed Dwellings	11/10/22
02	Site Plans	11/10/22
03	Planning	Dec 21
04	as noted	drawn by JCB