

<b>APPLICATION NO</b>	<b>PA/2021/313</b>
<b>APPLICANT</b>	RJE Planning & Developments Ltd
<b>DEVELOPMENT</b>	Planning permission for a condensed public house with takeaway, new commercial unit (Use Class E), three additional residential units with retention of existing landlord accommodation, and associated works
<b>LOCATION</b>	The Bay Horse, Shore Road, Garthorpe, DN17 4AD
<b>PARISH</b>	Garthorpe and Fockerby
<b>WARD</b>	Axholme North
<b>CASE OFFICER</b>	Nick Salt
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Cllrs John Briggs and Julie Reed – significant public interest)  Objection by Garthorpe and Fockerby Parish Council

## **POLICIES**

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

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

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

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

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

Paragraph 9 states, 'Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.' It also explains that the three overarching objectives are not criteria against which every decision can or should be judged.

Paragraph 10 states that at the heart of the Framework is a presumption in favour of sustainable development.

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

- (c) approving development proposals that accord with an up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless:
  - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

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

Paragraph 84 states that planning policies and decisions should enable:

- (a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- (b) the development and diversification of agricultural and other land-based rural businesses;
- (c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- (d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

Paragraph 130 states that planning policies and decisions should ensure that developments:

- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 160 relates to flood risk and states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- (a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- (b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- (c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- (d) any residual risk can be safely managed; and
- (e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

### **North Lincolnshire Core Strategy:**

CS1 (Spatial Strategy for North Lincolnshire)

CS2 (Delivering More Sustainable Development)

CS3 (Development Limits)

CS5 (Design)

CS7 (Overall Housing Provision)

CS8 (Spatial Distribution of Housing Sites)

CS11 (Provision and Distribution of Employment Land)

CS14 (Retail Development)

CS17 (Biodiversity)

CS19 (Flood risk)

CS22 (Community Facilities and Services)

**North Lincolnshire Local Plan:**

H3 (Previously Used Land)

H5 (New Housing Development)

H5 (New Housing Development)

H8 (Housing Design and Housing Mix)

S9 (Restaurants and Hot Food Takeaway Establishments)

RD3 (Industrial and Commercial Development in Minimum and Medium Growth Settlements)

C2 (Community Facilities in Minimum Growth Settlements and Rural Hamlets and Villages in the Open Countryside)

DS1 (General Requirements)

DS7 (Contaminated Land)

DS14 (Foul Sewage and Surface Water Drainage)

DS16 (Flood Risk)

T2 (Access to Development)

T19 (Parking Provision)

LC5 (Species Protection)

LC6 (Habitat Creation)

**Housing and Employment Land Allocations DPD:**

PS1 (Presumption in Favour of Sustainable Development)

**CONSULTATIONS**

**Highways:** No comments or objections.

**Drainage (Lead Local Flood Authority):** It is unclear as to how the existing site is currently drained from a surface water perspective. For this reason it is recommended that the development provides a combined surface water drainage strategy for the whole site moving forward. It is unlikely that soakaways are a feasible surface water drainage option given the likely ground conditions.

Taking this into consideration the LLFA Drainage Team has no objections to the proposed development subject to the imposition of conditions requiring the submission and actioning of a drainage scheme for the site.

**Isle of Axholme and North Nottinghamshire Water Level Management Board:** There are no Board-maintained watercourses in close proximity to the site.

**Environment Agency:** The proposed development will only meet the requirements of the National Planning Policy Framework (NPPF) if the measure(s) as detailed in the submitted Flood Risk Assessment are secured by way of a planning condition. Recommend a condition relating to finished floor levels and flood resilience measures.

**Designing Out Crime:** No objections. Provide advisory notes on risk of theft of cycles.

**Environmental Protection, Housing:** The applicant needs to be made aware that the residential units included within this development would be classed as a House in Multiple Occupation (HMO) if Building Control Approval is not granted, under S257 of the Housing Act 2004. Without Building Control Approval, the residential development will require a Licence under the Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 and the applicant would also need to comply with the Management of Houses in Multiple Occupation (England) Regulations 2006. In the absence of Building Control Approval, the residential dwellings should not be occupied, as by virtue of it were to be occupied and require a licence, and as such no licence be obtained, this is a criminal offence and may lead to prosecution. The second floor three-bedroom flat must only be occupied by one household. If it is occupied by more than one household and Building Control Approval is granted, this unit itself would still be a HMO and the applicant would be required to ensure they comply with the Management of Houses in Multiple Occupation (England) Regulations 2006 and, depending upon how it is occupied, may require a licence under the Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018.

**Environmental Protection:** The application for residential development is a sensitive end use and is located on land at the rear of a public house where garages are situated, meaning there is the potential for contaminants such as hydrocarbons and asbestos to impact on the site. A condition on mitigations if contamination is found is therefore recommended.

As the proposed development is in close proximity to residential dwellings the installation of cooking extraction, ventilation or air conditioning systems have the potential to cause noise and/or odour nuisance at nearby residential properties.

Furthermore, the proposed residential development introduces sensitive receptors to potential adverse noise from the existing public house and proposed takeaway. Noise generated from activities at such premises, including noise from the comings and goings of patrons, car park noise, plant noise (including chillers and extraction) and noise from

entertainment, has the potential to impact on the amenity of the proposed residential development.

As the Bay Horse still exists, although not currently fully operational, there is still the potential for it to reopen fully in the future. No information has been included with the application that demonstrates noise would not be an issue from the existing commercial premises.

This department has been made aware by the planning department that a noise assessment is to be undertaken prior to determination which will take account of the above matters. Once this has been submitted further comment can be provided and, if necessary, suitable conditions recommended. If no further information is forthcoming, this application cannot be supported.

**Ecology:** The submitted ecological appraisal has revealed no evidence of bat roosts and limited potential for nesting birds. Previous surveyors did record both common and soprano pipistrelle bats foraging around the site. If permission is ultimately granted, there will be a need to secure biodiversity enhancements in accordance with the National Planning Policy Framework.

## **PARISH COUNCIL**

Objects on the following grounds:

- not in keeping with the character of the village
- unsafe access and egress to the site
- the many comments from village residents.

## **PUBLICITY**

Advertised by site and press notice. Eleven responses have been received objecting to the application on the following grounds:

- potential issues with blocking traffic, including farm machinery
- support the pub reopening but not the housing
- insufficient parking
- no demand for flats in the village
- loss of privacy
- out of character for the village
- inappropriate density of development
- no outdoor space for the dwellings
- where will sewage go?

- over-development
- no loading/turning facilities for delivery vehicles
- the potential benefits of the proposed development (re-opening of a community pub) have not been substantiated
- is the pub and takeaway viable?
- local buses are not regular and do not operate in the evenings or on Sundays
- the biodiversity survey is out of date
- no space for electrical vehicle charging
- flood risk
- the development would limit access (particularly for emergency vehicles) to the local park, football ground and children's play area
- insufficient water pressure
- surface water removal concerns
- the refurbishment and associated building work should take place before and separate to the erection of any residential properties
- potentially contaminated ground from the small petrol station/pump which was in place in front of the then Bay Horse hotel

Three responses have also been received supporting the application for the following reasons:

- rejuvenation of the area
- needed in Garthorpe
- would provide a sense of community.

## **ASSESSMENT**

### **Site**

The application site comprises part of the wider site of the Bay Horse public house on Shore Road, Garthorpe. The application site comprises the existing public house and an area of hardstanding to the front. The application site is not within a conservation area, nor does it comprise or fall within 30m of a listed building. The main part of the public house is adjoined to the southeast by a two-storey element set back from the main frontage. Further adjoining this to the southeast is a row of single-storey garages which are not part of the application site but are under the same ownership.

The site is located within SFRA Flood Zone 2/3a – meaning higher flood risk. The site is located within the settlement boundary for Garthorpe. At the time of writing the public house is vacant.

## **Planning history**

PA/2014/0764: Planning permission for the demolition of an existing public house, erection of two four-bedroom semi-detached houses, rebuilding of existing public house to provide a bar, restaurant, B&B rooms, landlord accommodation, two-bedroom flat, car parking spaces and associated landscaping – refused January 2014.

PA/2006/1895: Outline planning permission to erect three two-storey dwellings (layout and access not reserved for subsequent approval) – approved January 2007.

PA/2021/37: Application for permission in principle to erect up to three dwellings (including demolition of existing garages) – currently pending determination.

## **Proposal**

The proposal seeks the refurbishment and extension of the existing public house to provide a condensed public house with takeaway food use and commercial unit with flexible use within class E(a), E(b), E(c), E(e) and E(g)(i) on the ground floor, a two-bedroom maisonette, two two-bedroom apartments and a three-bedroom apartment. The three-bedroom apartment is the retained landlord flat which is situated on the first floor.

The additional space would be achieved via a two-and-a-half-storey extension over and in front of the existing two-storey part of the building to the southeast of the main public house. The extended part of the building would be roughly level in width and height with the main public house.

Each apartment is proposed to have one car parking space at the front of the site. Four parking spaces are to be retained for the public house and commercial unit and servicing of the public house would take place from within the car park area.

The concurrent application (PA/2021/37) for the adjoining land is not considered to prejudice the assessment below which has been considered on its own merits.

### **The key considerations in the assessment of this application are:**

- **the principle of the development;**
- **flood risk;**
- **design and appearance;**
- **highways, access and parking;**
- **residential amenity;**
- **ecology;**

- **drainage and land quality.**

## **Principle of development**

### ***Residential units***

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the saved policies of the North Lincolnshire Local Plan (NLLP), the North Lincolnshire Core Strategy (NLCS) and the Housing and Employment Land and Allocations Development Plan Document (HELADPD). Material considerations exist in the form of national policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG).

Policy CS1 of the Core Strategy sets out a spatial strategy for North Lincolnshire which seeks to support rural settlements as thriving sustainable communities, with a strong focus on retaining and enhancing local services to meet local needs, provided that any development that takes place is in keeping with the character of the settlement.

Policy CS8 relates to the distribution of housing sites and prioritises development in Scunthorpe and the market towns, with brownfield sites and sites within development boundaries being the primary focus. With regard to rural settlements, the policy states that new housing will create opportunities for small-scale infill development that maintains the viability of the settlement and meets identified local needs without increasing the need to travel. This overall approach is supported by policy CS2 which sets out a sequential approach for development.

The site is within the settlement boundary of Garthorpe and Fockerby as defined in the Housing and Employment Land Allocations DPD and as such there is a general presumption in favour of sustainable development.

Central Government places high importance on new homes being delivered throughout the country to address the chronic shortage. Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development, which gives increased weight where a five-year housing land supply has not been identified. North Lincolnshire Council has recently published a statement in August 2021 confirming that it can now demonstrate a five-year housing land supply. As such, the development plan is considered up-to-date and the NPPF paragraph 11 'tilted balance' is not applicable for the proposal.

It remains therefore to assess whether the proposed development is considered to be sustainable, as the provision of three residential units could be considered to be small-scale development broadly appropriate for a rural settlement such as Garthorpe and Fockerby.

In considering the sustainability of a site, consideration must be given to the dimensions as outlined in paragraph 8 of the NPPF: economic, social and environmental.

The investment in construction and related employment would represent a small economic benefit, as would the support which the additional population would have the potential to produce for the local economy. The proposal would support the local settlement of Garthorpe in accordance with policy CS1.

The proposed scheme would result in the delivery of a net increase of three residential units at the site which would help to contribute to the mix of housing types within the locality.

Garthorpe and Fockerby is a rural settlement containing three out of the seven key facilities and services and is ranked 42nd on the settlement hierarchy for North Lincolnshire (as of 2019). Whilst the settlement is rural and not highly sustainable in terms of supporting large development, the provision of three additional residential flats is considered sustainable with regard to transport and services access. The site is also located near to a bus route to Scunthorpe with bus stops located close to the site on High Street. The development has the potential to support the viability of the refurbishment of the public house and the commercial uses (discussed below), whilst limiting impact due to its small scale.

Environmentally, careful design and landscaping could ensure environmental benefit. No significant environmental impact is likely, with the proposal being the change of use and extension of an existing building, with the remainder of the site being hardstanding.

It is considered that the proposal would, on balance, meet the test of the three sustainability dimensions and would be a modestly sustainable and suitable form of development contributing to overall housing provision within North Lincolnshire. Whilst Garthorpe and Fockerby is at the lower end of sustainability in terms of settlement size and service provision, the scale of the development in the location proposed is considered appropriate for the area, and there is viable public transport access.

The overall acceptability of the proposal therefore depends on a detailed assessment of impacts as below.

### ***Commercial units and the Bay Horse***

The proposal includes the reduction in the area of the site used as the Bay Horse public house, resulting in a compressed use. The public house would also operate a food takeaway from within. A ground floor Use Class E (commercial) unit is proposed alongside the public house.

Policy CS22 (Community Facilities and Services) of the adopted Core Strategy applies and states that the provision of new community facilities or the improvement of an existing community facility which meets the needs of local residents will be supported in principle. National Planning Policy Framework (NPPF) supports the retention and provision of community facilities to meet local needs; specific reference is made to a public house as constituting a community facility.

The takeaway use combined with the reconfigured public house would support the public house and its viability, through diversifying its income stream. In principle, this is acceptable subject to consideration of the impact on the residential units. Greater financial viability supported by the takeaway use is likely to increase the likelihood of the success of the public house and its benefit as a community facility. This aspect of the proposal is therefore acceptable in principle.

CS14 (Retail Development) states that to fulfil their role in providing vital day-to-day shopping facilities for local communities in both urban and rural areas, the retention and enhancement of local centres and corner shops will be supported.

The commercial unit is proposed as being flexible under the new Use Class E, which would allow for a variety of uses including (but not limited to) retail, café/restaurant, professional

services, offices or nursery. The site is central within the village of Garthorpe and has parking and good access to public transport and pedestrian routes. It is considered that the site would be a sustainable location for such a commercial use given the modest scale of the unit. The applicant states that the unit could be used in conjunction with or in support of the public house itself. It would, however, have the flexibility to be used separately subject to demand and would have the potential to provide local employment and/or services to the residents of Garthorpe.

As noted previously, the site is within a defined settlement boundary and in a relatively sustainable location of a rural village. There is no objection in principle to the commercial aspects of the proposal.

### **Flood risk**

The application site, along with all of Garthorpe and Fockerby and the surrounding area, lies within a high-risk flood zone (2/3a Tidal) as defined in the Strategic Flood Risk Assessment (SFRA). Paragraph 160 of the NPPF is set out at the beginning of this report and is clear that development in high-risk flood areas must not increase flood risk. The NPPF also sets out that sequential and exceptions tests must be met where necessary. Policies DS16 of the North Lincolnshire Local Plan and CS19 of the Core Strategy set out the council's approach to development in areas at risk of flooding. These policies seek to direct new development to areas at lowest risk of flooding and only permit development in areas of high risk where it provides wider sustainability benefits to the community that outweigh flood risk; is on previously developed land; and a Flood Risk Assessment has demonstrated that the development will be safe, without increasing flood risk elsewhere.

The proposal is for 'more vulnerable' development (residential aspects of development) as defined within the National Planning Practice Guidance. There is therefore a requirement for the sequential and exceptions tests for development to be passed.

Included within the submission is a Flood Risk Assessment (FRA) which has been reviewed by the Environment Agency (EA) following consultation. The EA states that proposed development will only meet the requirements of the National Planning Policy Framework (NPPF) if the measure(s) as detailed in the submitted Flood Risk Assessment are secured by way of a planning condition, i.e. finished floor levels to be set no lower than 4.1m above Ordnance Datum (AOD) and appropriate flood resistance/resilience measures to be selected and incorporated to 4.4m AOD. The FRA states that the general ground levels on the site are between 3.49m and 4.75m AOD with the site rising gradually in a northerly direction. The whole site as existing is therefore close to or above the 4.1m AOD required by the EA. The proposed drawings show finished floor levels at 4.3m AOD throughout.

As noted, the public house still exists at ground floor level and flood risk would not materially increase to this use as a result of the proposal. The commercial uses proposed are not 'more vulnerable' and would not be unacceptable at ground floor level. Of the residential uses proposed, one of the apartments would have a living/kitchen area at ground floor level. However, bedrooms would all be at first floor level or above and there would be safe refuge from any future flooding.

With regard to the sequential test, all of Garthorpe and Fockerby is in flood zone 2/3a and therefore there are no available sites in Garthorpe and Fockerby at a lower flood risk zone than the application site. The sequential test is therefore passed.

The exceptions test must also be passed, which seeks to ensure that development provides benefits to the community that outweigh the risks of flooding, is located on previously developed land where possible; and is safe and does not increase the risk to others. As the applicant's design and access statement correctly asserts, the application site is classed as previously developed land containing an existing public house and garages and thus meets the second part of the test. The public house is existing and the extended footprint of the building would not be significant (around 40sqm). The NPPF states that development must 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 potential flood risk to the new and existing uses has been discussed above. It is not considered that there would be unacceptable risk from flooding on the site.

Regardless of the above, for the exceptions test to be met, the proposal must demonstrate benefits to the community that outweigh the risks of flooding. The broader principle of the development has been outlined in the previous section of this assessment and links to this. The proposal is considered to be sustainable with identifiable social and economic benefits to the locality, particularly in securing the viability of a community use (public house). The exceptions test is therefore passed.

Taking account of the above, it is considered that the proposal would not result in an unacceptable increased risk of harm from flooding to the site or surrounding area and accords with the relevant policies outlined.

### **Design and appearance**

The NPPF attaches great importance to the design of the built environment. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. Policies H5 and DS1 of the North Lincolnshire Local Plan and policy CS5 of the Core Strategy are concerned with quality of design and visual amenity. In respect of impact on character, policy DS1 states that the design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area.

The Bay Horse is located on the corner of Shore Road and Island Road, making it an important and visible feature of the village. The current public house building is traditional with gable chimneys and a modest two-storey pitched roof design. The existing adjoining garages are set down at roof level and appear secondary to the main building, albeit not contributing significantly to the character and appearance of the area. The proposal would see a modest footprint increase, with the adjoining element sitting roughly level at the ridge and with a slight set back at the front elevation. The eaves would be set down from the Bay Horse and the fall in ground level would also ensure that the residential/commercial element of the site would retain a subservient appearance relative to the old public house – despite having a frontage the same length.

There would be a contrast with the public house in the introduction of contemporary second floor dormers and general fenestration. To the rear, there would be three-storey rear-facing gable features and a less sympathetic appearance. As the rear of the site does not form a key characteristic of any street scene, this is acceptable.

In terms of materials used, the newer element would appear to contrast with the rendered public house element. Materials details shall be secured via conditions to ensure that the Bay Horse remains the dominant visual feature in the vicinity.

It is considered that the scale, layout and appearance of the proposed alterations and extension are appropriate to the street scene, and the character of the existing site and wider area. The proposal would be sympathetic to the public house building which would retain visual pre-eminence. In this regard, the proposal accords with policies DS1 and H5 of the local plan and CS5 of the Core Strategy.

### **Highways, access and parking**

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 highway safety. Both policies are considered relevant.

Access to the site will be taken off Shore Road. Four parking spaces would be retained for the pub and commercial unit. Servicing of the pub would take place from within the car park area, off the road, as it has done previously. Three car parking spaces would be provided for the residential element – one for each of the proposed units. This is considered to be acceptable given the proximity to public transport and services, but also accounting for the rural location of the village and likely need for private transport. Highways have been consulted and have no comments or objections.

It is noted that concerns have been raised stating that local buses are not regular and do not operate in the evenings or Sundays. It is not expected that public transport would be the primary transport medium used for occupants of the residential units, and the provision of a parking space for each is therefore essential. Due to the scale of the units (all two-bedroom), one space for each is a reasonable and acceptable provision.

It would be the responsibility of the public house owners/operators and future users of the site to ensure that large farm vehicles and emergency services are not restricted due to inappropriate parking.

It is unlikely that the provision of the three dwellings would result in a significant impact on highway safety or capacity in the area, when the existing public house use and the central location within the village is considered. The public house exists and would utilise existing parking space. In this regard, the proposal would accord with local plan policies T2 and T19.

### **Residential amenity**

Local plan policy DS1 (iii) states that no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing. Policy H5 also states that development will only be permitted where it does not result in overlooking or a loss of privacy to existing developments, or any other loss of amenity to existing dwellings. This is reiterated by policy H7 which seeks to ensure that there is no adverse effect on the amenities of any residential premises or adjoining use through overlooking and loss of privacy or loss of amenity area to the adjoining dwellings.

The proposed extension would not be of a scale or layout as to impact on access to natural light or outlook for any neighbouring residential property. The building bounds roads on two sides, open land to the rear and a currently non-residential site to the east under the same ownership. Similarly, the proposed windows would not have direct views into or onto neighbouring dwellings within 21 metres. As a result, no unacceptable overlooking is considered likely.

The key consideration with regard to amenity is the living conditions of future occupants of the proposed flats. The three market apartments are of particular consideration, with the landlord accommodation being retained. The proposed flats would all have adequate access to natural light, outlook and ventilation and would provide good circulation space and sufficient floor space. The applicant has provided a Noise Impact Assessment (NIA) in support of the application which details measures to ensure that the use of the public house and takeaway and potential ground floor commercial uses does not result in unacceptable noise disturbance to the detriment of future occupants. The assessment has identified the main noise sources as localised and distant road traffic noise and birdsong, during both the day and night-time periods. Mitigation measures have been recommended to protect internal noise levels which include acoustic trickle vents along with standard glazing and a separating floor between the public house and first floor accommodation. The NIA has been fully reviewed by the council's Environmental Health team who suggest conditions on adequate glazing and ventilation to prevent noise pollution from outside, and a suitable separating floor to reduce noise from the ground floor uses. Conditions restricting opening hours of the various proposed and existing uses and preventing live music have also been discussed with the agent for this application and will be imposed.

Additionally, the proposed development is in close proximity to residential dwellings and the installation of cooking extraction has the potential to cause an odour nuisance at nearby residential properties as well as the proposed flats. Prior to installation, a scheme for the extraction and filtration of cooking odours shall be secured via condition.

The proposed residential units would have no private outdoor space. However, this is not unusual for two-bedroom apartments and the site is in close proximity to playing fields to the northeast which would provide open outdoor space for occupants.

Overall, subject to adequate controls via planning conditions, it is not considered that the proposal would result in any unacceptable impacts on the residential amenity of neighbours and would ensure adequate residential amenity for future occupants of the three apartments. The application would therefore accord with local plan policies DS1 and H5 with regard to amenity.

## **Ecology**

Core Strategy policy CS17 states that the council will provide effective stewardship of North Lincolnshire's wildlife through (among other things) ensuring development seeks to produce a net gain in biodiversity by designing in wildlife, and ensuring any unavoidable impacts are appropriately mitigated for.

The council's ecologist accepts the methods and results of the submitted ecological appraisal, which found no evidence of bat roosts and limited potential for nesting birds. Surveyors in 2014 did record both common and soprano pipistrelle bats foraging around the site. With this application, biodiversity enhancement should be secured by use of wildlife-friendly trees and shrubs in landscaping and the use of bat boxes and nest boxes.

Subject to adequate biodiversity enhancements secured via condition, the proposal has the potential to provide benefits to local ecology. As such, the proposal accords with Core Strategy policy CS17, and local plan policies LC5 and LC6.

## **Drainage and land quality**

With regard to drainage, the LLFA Drainage team has been consulted. They note that it is unclear how the existing site is currently drained from a surface water perspective. For this reason, it is recommended that the development provides a combined surface water drainage strategy for the whole site moving forward. It is unlikely that soakaways are a feasible surface water drainage option given the likely ground conditions. Conditions will be imposed requiring a drainage strategy which would ensure that any risk of localised or surface flooding within the site or to the immediate neighbours is addressed, in accordance with policies CS19 of the Core Strategy and DS16 of the local plan.

Local plan policy DS7 relates to ensuring that development is safe from land contamination. The Environmental Protection team have reviewed the application and note that the application for residential development is a sensitive end use and is located on land at the rear of a public house where garages are situated, meaning there is the potential for contaminants such as hydrocarbons and asbestos to impact on the site. Considering the sensitive end use of the proposed development, a standard monitoring condition for contamination will be attached should permission be granted.

## **Conclusion**

In summary, the proposal for new residential and commercial units, in conjunction with a reopened public house with takeaway use, would provide benefits to the local community which are considered to outweigh concerns over the location in a flood risk zone. Sufficient occupant amenity, existing residential amenity, highway safety, parking provision and drainage would be secured either through the submitted details or via planning condition. In addition, the proposal would be appropriate for and sympathetic to the rural village location.

Overall, the proposal is considered to be an acceptable and efficient use of land which provides an opportunity for diversification of and support to the community asset of the Bay Horse, and broadly accords with adopted planning policy. It is therefore recommended that the application be approved.

## **Pre-commencement conditions**

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

## **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:

0525-LOC-01 P1 - Site Location Plan

0525-BL-01 P1 - Existing and Proposed Block Plans

0525-PR-01 P1 - Proposed Ground Floor Plan

0525-PR-02 P1 - Proposed First & Second Floor Plans  
0525-PR-03 P1 - Proposed Elevations

Reason

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

3.

No development 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.

4.

Prior to the occupation of the proposed residential units, the scheme of sound insulation works as detailed within Table 5.1 of report reference

“Environmental Noise Solutions Limited, Noise Impact Assessment For A Proposed Change Of Use And New Development, The Bay Horse, Shore Road, Garthorpe, DN17 4AD, dated 3 June 2021, report reference NIA/9753/21/9724/v1/The Bay Horse” shall be installed and maintained thereafter.

Reason

To minimise the potential for noise nuisance and to prevent the loss of amenity to nearby residential properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

5.

Prior to the occupation of the proposed residential units, the scheme of sound insulation works as detailed within Sections 5.23–5.33 of report

reference “Environmental Noise Solutions Limited, Noise Impact Assessment For A Proposed Change Of Use And New Development, The Bay Horse, Shore Road, Garthorpe, DN17 4AD, dated 3 June 2021, report reference NIA/9753/21/9724/v1/The Bay Horse” shall be installed and maintained thereafter.

Reason

To minimise the potential for noise nuisance and to prevent the loss of amenity to nearby residential properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

6.

The opening hours of the public house shall be:

- 11am to 11pm Monday to Sunday.

The opening hours of the takeaway shall be:

- 11am to 10pm Monday to Sunday.

The opening hours of the commercial unit shall be:

- 9am to 6pm Monday to Friday

- closed on Saturdays, Sundays and public/bank holidays.

The delivery hours to the public house, takeaway and commercial unit shall be:

- 7am to 10pm Monday to Sunday.

#### Reason

To minimise the potential for noise nuisance and to prevent the loss of amenity to nearby residential properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

7.

Prior to installation, details of any fixed plant serving the development shall be submitted to and approved in writing by the local planning authority. The submitted details shall include the location, layout and specification of the systems, including noise data. The noise data shall include details of noise levels emitted by the proposed plant, including frequency spectrum information, noise attenuation measures if appropriate and the resulting predicted noise level at the closest residential property. The agreed systems, including any agreed noise attenuation measures, shall be installed prior to the commencement of use of this development and shall be retained thereafter.

#### Reason

To minimise the potential for noise nuisance and to prevent the loss of amenity to nearby residential properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

8.

No live music shall be played at or within the public house.

#### Reason

To minimise the potential for noise nuisance and to prevent the loss of amenity to nearby residential properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

9.

Prior to installation, a scheme for the extraction and filtration of cooking odours shall be submitted to and approved in writing by the local planning authority. The scheme shall also provide details of the noise impact of any extraction and filtration system and the details of any noise mitigation measures necessary. The approved scheme shall be implemented prior to commencement of the use and maintained thereafter.

#### Reason

To minimise the potential for odour nuisance and to prevent the loss of amenity to nearby residential properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

10.

No development shall take place until a detailed surface water drainage scheme for the whole site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development.

The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100 year critical storm (including an allowance for climate change which

should be based on the current national guidance will not exceed the run-off from the existing site. It shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development so that flood risk, both on and off the site, is not increased. SuDS must be considered. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, focusing on above-ground solutions.

#### 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, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

11.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 10 above, completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

#### Reason

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

12.

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. The plan shall include:

- (a) details of bat roosting features to be installed;
- (b) details of nesting sites to be installed to support house sparrows and starlings;
- (c) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (d) prescriptions for the planting of native trees of high biodiversity value;
- (e) proposed timings for the above works in relation to the completion of the buildings.

#### Reason

To protect features of recognised nature conservation importance in accordance with policies CS5 and CS17 of the Core Strategy.

13.

The 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, within two weeks of installation, as evidence of compliance with this condition.

**Reason**

To protect features of recognised nature conservation importance in accordance with policies CS5 and CS17 of the Core Strategy.

14.

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

**Reason**

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

15.

The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 19 February 2021, reference 74065R3 by GeoSmart Information and the following mitigation measures detailed within the FRA:

- Finished floor levels to be set no lower than 4.1m above Ordnance Datum (AOD)
- Appropriate flood resistance/resilience measures to be selected and incorporated to 4.4m AOD.

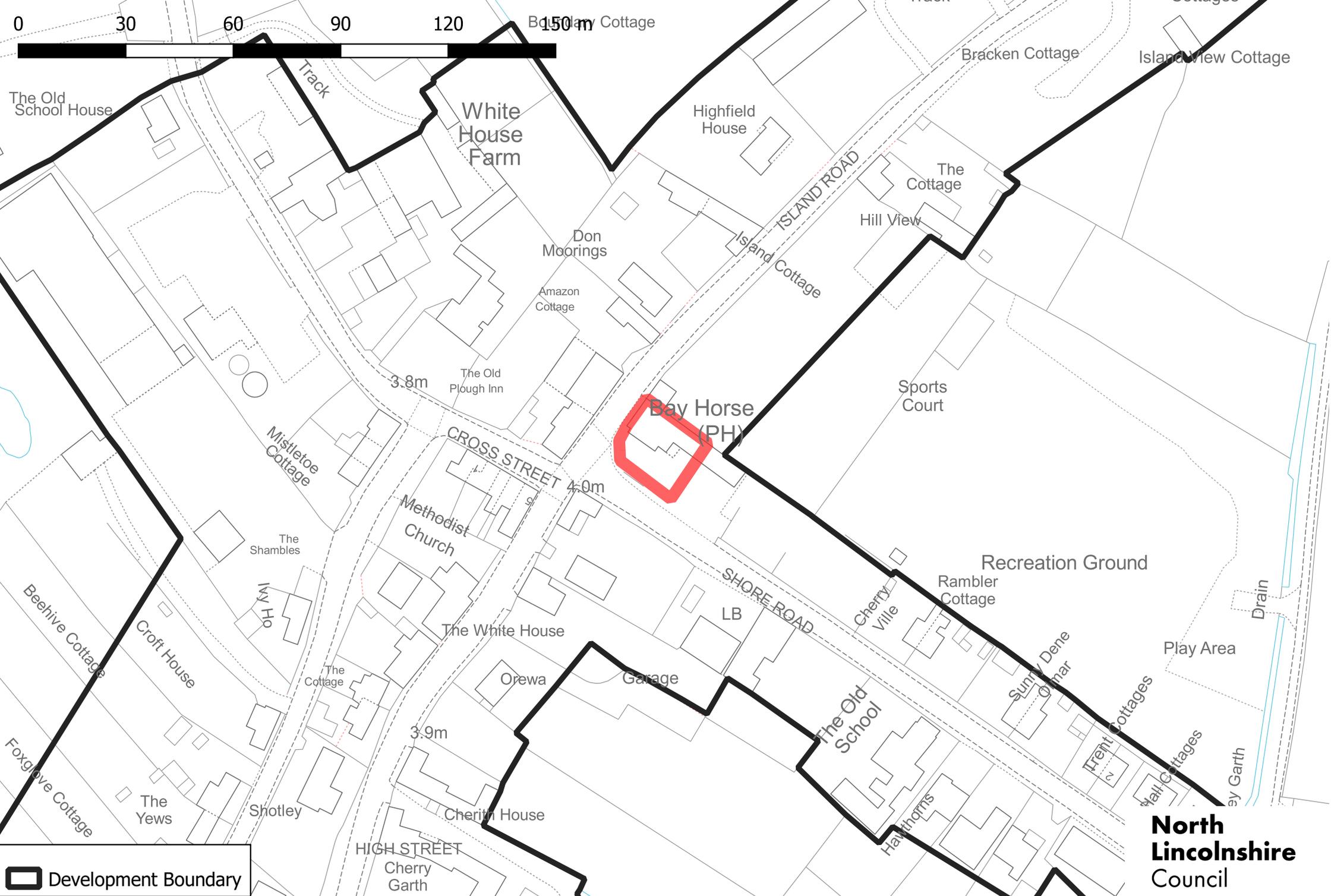
The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.

**Reason**

To reduce the risk and impact of flooding to the development and future occupants.

**Informative**

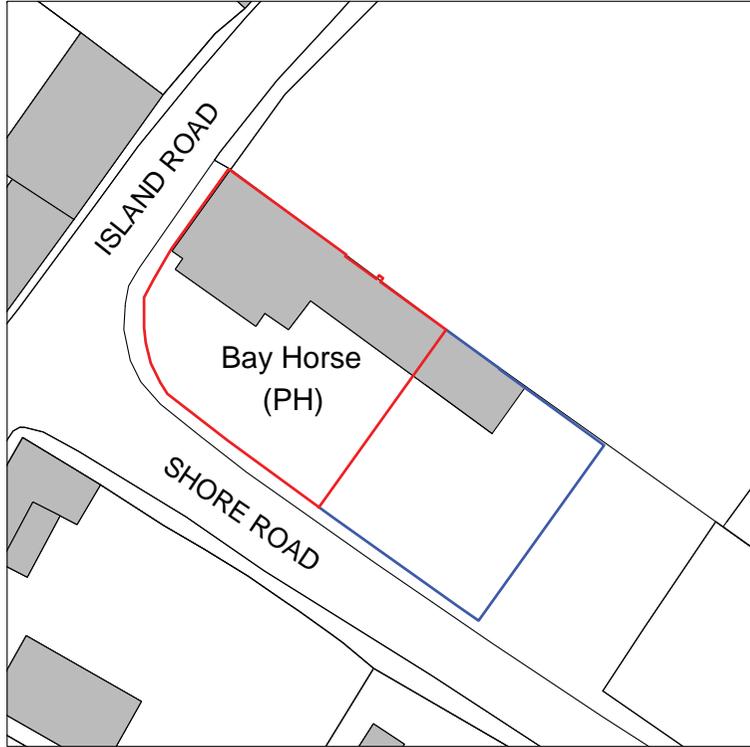
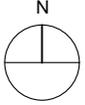
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



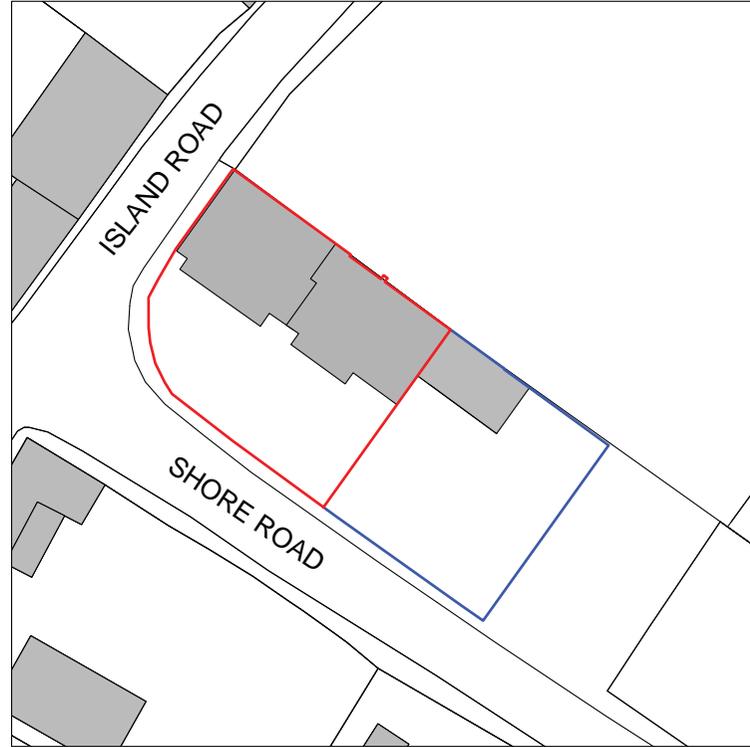
**PA/2021/313**

**North  
Lincolnshire  
Council**

# PA/2021/313 Existing and proposed block plans (not to scale)



Existing Block Plan



Proposed Block Plan

## GENERAL NOTES

All settings out must be checked on site. All levels must be checked on site and refer to Ordnance Datum Newlyn unless otherwise datum given. All dimensions must be checked on site.

This drawing must be read in conjunction with the relevant specification clauses. This drawing must not be used for tend or for other purposes. Areas calculated in accordance with BS5521 Code of Measuring Practice. This drawing must not be used on site unless issued for construction.

Status: P=Feasibility/Planning T=Tender C=Construction  
© 2020 Ben Jones Architects Limited

File Ref: 0525-Plans & Elevs-E10

P1 PLANNING APPLICATION 13.01.21

Client  
**RJE Planning  
& Developments**

Project  
**The Bay Horse, Garthorpe,  
North Lincs DN17 4AD**

Drawing  
**Block Plans**

Scale  
**1:500 @ A3**

Date  
**Dec 2020**

Dwg Ref  
**0525-BL-01**

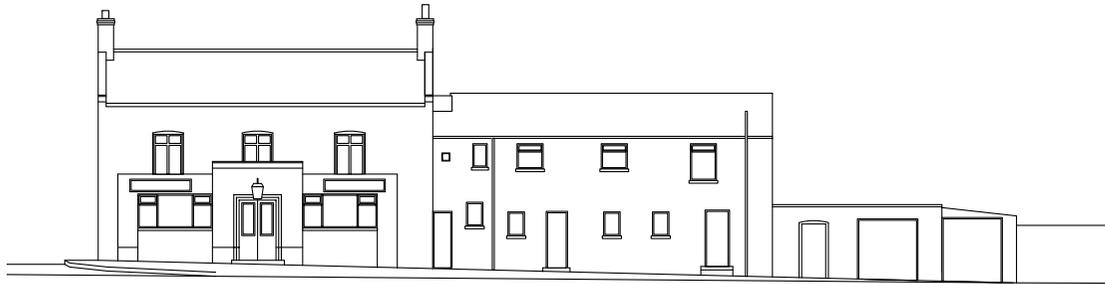
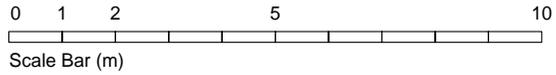
Rev  
**P1**

**BEN JONES  
ARCHITECTS**

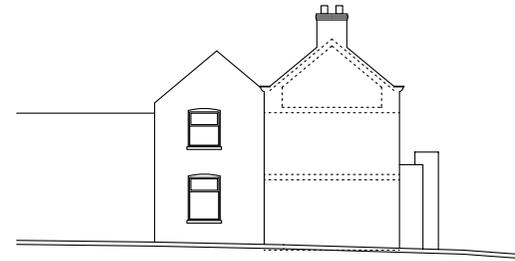
47 Priory Street Lewes BN7 1HU

T 01273 475526  
W benjonesarchitects.co.uk  
E mail@benjonesarchitects.co.uk

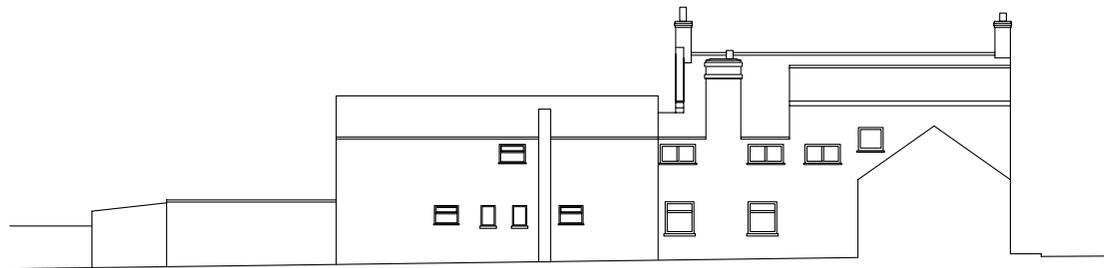
# PA/2021/313 Existing elevations (not to scale)



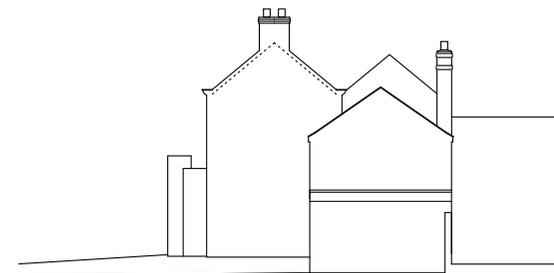
Existing Front (South) Elevation



Existing Side (West) Elevation



Existing Rear (North) Elevation



Existing Side (East) Elevation

## GENERAL NOTES

All settings must be checked on site. All levels must be checked on site and refer to Ordnance Datum (Mean) unless otherwise stated. All dimensions must be checked on site.

This drawing must be read in conjunction with the relevant specification clauses. This drawing must not be used for tend or for construction. Areas calculated in accordance with BS5500 Code of Measuring Practice. This drawing must not be used on site unless issued for construction.

Status: P1/Feasibility/Planning To/Under Construction  
© 2020 Ben Jones Architects Limited

File Ref: 0525-Plans & Elevations

P1 PLANNING APPLICATION 13.01.21

Client  
**RJE Planning & Developments**

Project  
**The Bay Horse, Garthorpe, North Lincs DN17 4AD**

Drawing  
**Existing Elevations**

Scale  
**1:200 @ A3**

Date  
**Dec 2020**

Dwg Ref  
**0525-EX-02**

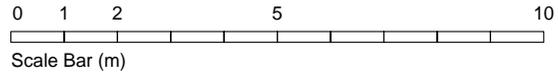
Rev  
**P1**

**BEN JONES ARCHITECTS**

47 Priory Street Lewes BN7 1HU

T 01273 475526  
W benjonesarchitects.co.uk  
E mail@benjonesarchitects.co.uk

# PA/2021/313 Proposed elevations (not to scale)



Proposed Front (South) Elevation



Proposed Side (West) Elevation



Proposed Rear (North) Elevation



Proposed Side (East) Elevation

## GENERAL NOTES

All setting out must be checked on site. All levels must be checked on site and refer to Ordnance Survey (OS) unless otherwise stated. All dimensions must be checked on site.

This drawing must be read in conjunction with the relevant specification clauses. This drawing must not be used for tend or for construction purposes. Areas calculated in accordance with BS5706 Code of Measuring Practice. This drawing must not be used on site unless issued for construction.

Status: P1/Feasibility/Planning To/Tender C/Construction  
© 2020 Ben Jones Architects Limited

File Ref: 0525-Plans & Elevs-E19

P1 PLANNING APPLICATION 13.01.21

Client  
**RJE Planning  
& Developments**

Project  
**The Bay Horse, Garthorpe,  
North Lincs DN17 4AD**

Drawing  
**Proposed Elevations**

Scale  
**1:200 @ A3**

Date  
**Dec 2020**

Dwg Ref  
**0525-PR-03**

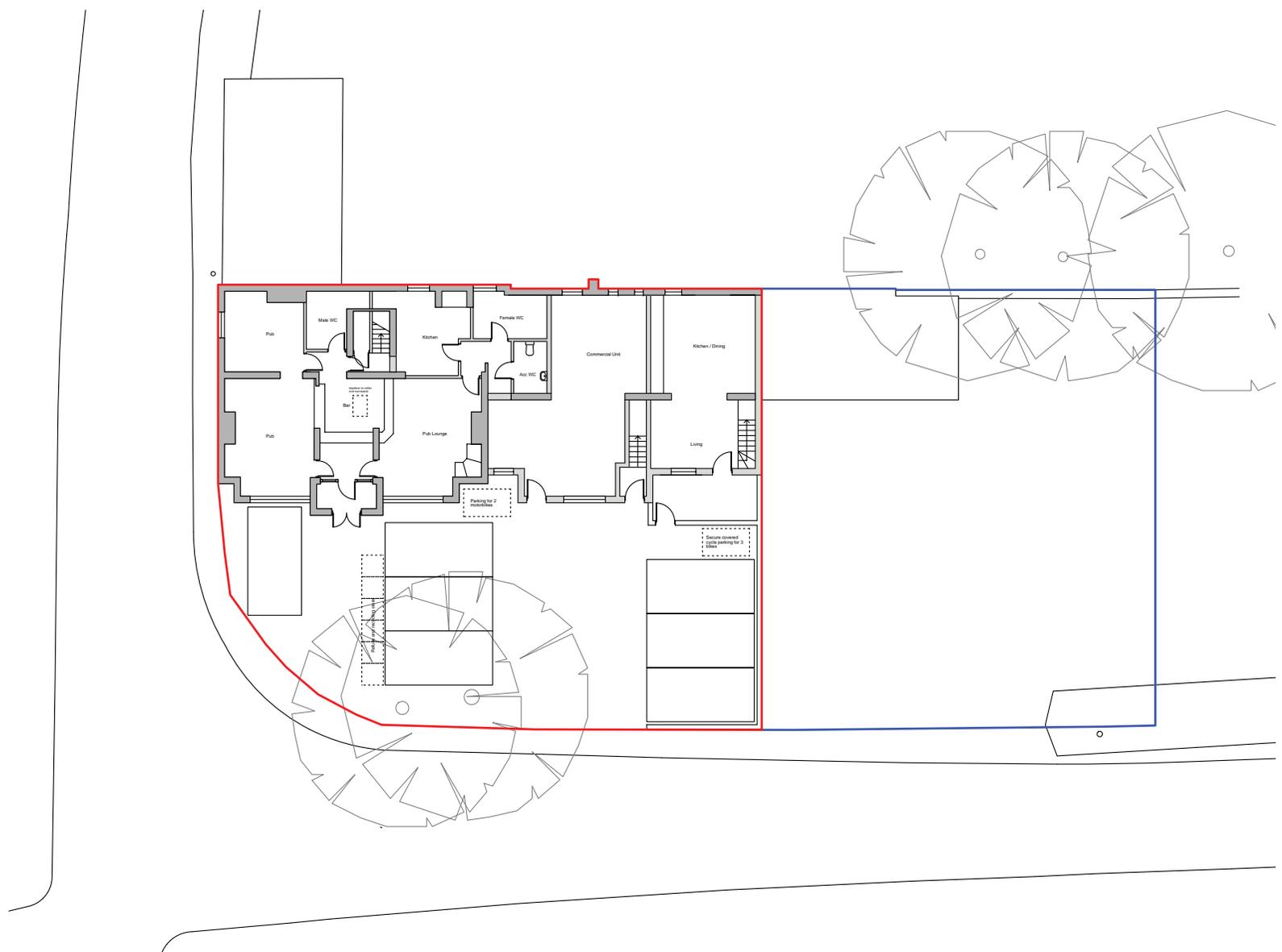
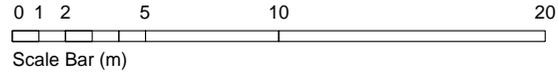
Rev  
**P1**

**BEN JONES  
ARCHITECTS**

47 Priory Street Lewes BN7 1HU

T 01273 475526  
W benjonesarchitects.co.uk  
E mail@benjonesarchitects.co.uk

# PA/2021/313 Proposed ground floor plan (not to scale)



## GENERAL NOTES

All settings must be checked on site. All levels must be checked on site and refer to Ordnance Survey Heights unless otherwise stated. All dimensions must be checked on site.

This drawing must be read in conjunction with the relevant specification clauses. This drawing must not be used for tend or construction purposes. Areas calculated in accordance with BS5500 Code of Measuring Practice. This drawing must not be used on site unless issued for construction.

Status: P1/Feeability/Planning To Tender C/Construction  
© 2020 Ben Jones Architects Limited

File Ref: 0525-Plans & Elevs-E19

P1 PLANNING APPLICATION 13.01.21

Client  
**RJE Planning  
& Developments**

Project  
**The Bay Horse, Garthorpe,  
North Lincs DN17 4AD**

Drawing  
**Proposed Ground Floor**

Scale  
**1:200 @ A3**

Date  
**Dec 2020**

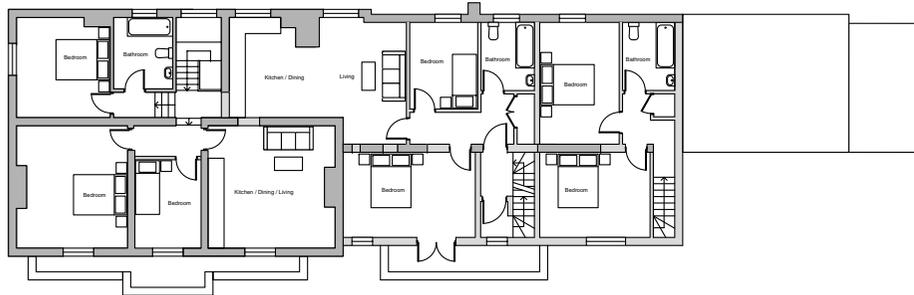
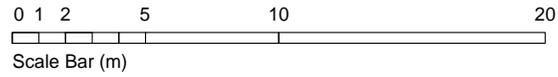
Dwg Ref: **0525-PR-01** Rev: **P1**

**BEN JONES  
ARCHITECTS**

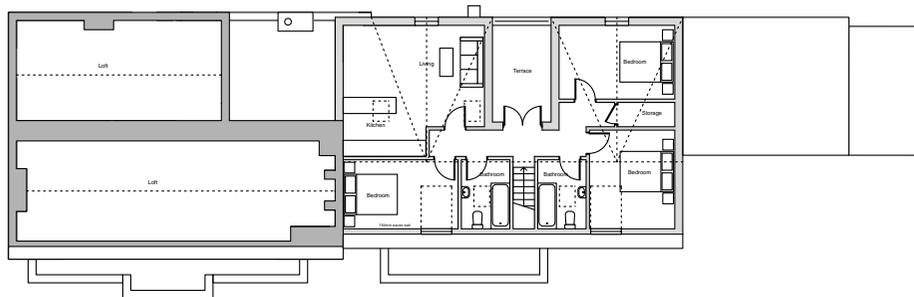
47 Priory Street Lewes BN7 1HU

T 01273 475526  
W benjonesarchitects.co.uk  
E mail@benjonesarchitects.co.uk

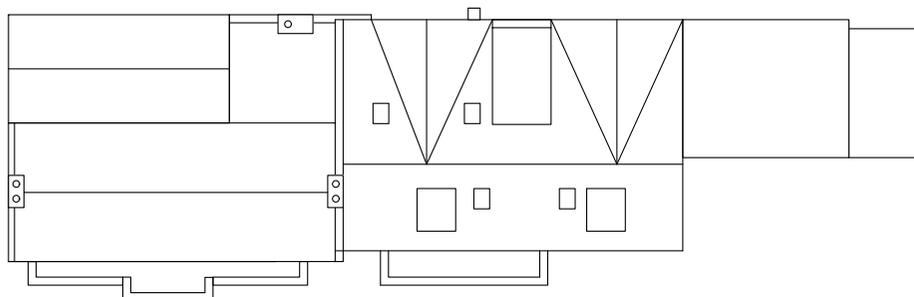
# PA/2021/313 Proposed first and second floor plans (not to scale)



Proposed 1st Floor



Proposed 2nd Floor



Proposed Roof

**GENERAL NOTES**

All settings out must be checked on site. All levels must be checked on site and refer to Ordnance Survey (OS) unless otherwise stated. All dimensions must be checked on site.

This drawing must be read in conjunction with the relevant specification clauses. This drawing must not be used for tend or construction purposes. Areas calculated in accordance with BS5500 Code of Measuring Practice. This drawing must not be used on site unless issued for construction.

Status: P1/Feasibility/Planning To/Tender C/Construction  
© 2020 Ben Jones Architects Limited

File Ref: 0525-Plans & Elevs-E19

P1 PLANNING APPLICATION 13.01.21

Client  
**RJE Planning & Developments**

Project  
**The Bay Horse, Garthorpe, North Lincs DN17 4AD**

Drawing  
**Proposed 1st & 2nd Floor**

Scale  
**1:200 @ A3**

Date  
**Dec 2020**

Dwg Ref: **0525-PR-02** Rev: **P1**

**BEN JONES ARCHITECTS**

47 Priory Street Lewes BN7 1HU

T 01273 475526  
W benjonesarchitects.co.uk  
E mail@benjonesarchitects.co.uk