

APPLICATION NO	PA/2021/855
APPLICANT	Mr & Mrs Alister Ramsay
DEVELOPMENT	Outline planning permission to erect a detached dwelling with appearance, landscaping, layout and scale reserved for subsequent consideration
LOCATION	Orchard House, 12 Barnetby Lane, Elsham, DN20 0RB
PARISH	Elsham
WARD	Brigg and Wolds
CASE OFFICER	Brian McParland
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Elsham Parish Council Departure from the development plan

## POLICIES

### National Planning Policy Framework:

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

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

North Lincolnshire Local Plan: DS1, DS7, DS14, DS16, H7, H8, RD2, T2, T19

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

## CONSULTATIONS

Highways: No objection but recommend conditions relating to access, parking and turning.

Drainage (Lead Local Flood Authority): No objection.

Environmental Protection: No objection but recommend a contaminated land condition.

Historic Environment Record: No objection.

Ecology: No objection but recommend a condition requiring a biodiversity management plan to be submitted.

## PARISH COUNCIL

Objects as the site is partially outside the development boundary.

## PUBLICITY

The application has been advertised by site and press notice. One objection has been received with regard to potential overlooking and loss of privacy.

## ASSESSMENT

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

### The site

The application site is situated on the south-west side of Barnetby Lane and serves as amenity space for 12 Barnetby Lane (Orchard House) to the east. The site is bounded by landscaping and shares access with 10 Barnetby Lane. It is acknowledged that the site is partly within the open countryside to the rear and partly within the development limits of Elsham.

The site is within a SFRA flood zone 1 (low risk), is not within a conservation area and does not relate to any listed buildings. There are no tree preservation orders on the site.

### Proposal

This application seeks outline planning permission to erect a detached dwelling (including access) with some matters reserved.

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

### Principle of development

Development limits for each settlement are set out in the Housing & Employment Land Allocations Development Plan Document and are strongly supported as a key tool in ensuring that future development occurs in sustainable locations. The site is located partly within the development limits of Elsham which is defined by the Core Strategy as a rural settlement. New housing within rural settlements will be permitted, but only where there are opportunities for small-scale developments that maintain the viability of the settlement and

meet identified local need. Moreover, development should make the best use of existing land within these rural settlements.

The proposal is considered a small-scale development. It would be sympathetic in terms of the surrounding pattern of development, would be partly situated within an established rural settlement and would also improve the context and appearance of the site in the interest of place-making.

It is acknowledged that the application site is only partly within the settlement of Elsham given the settlement boundary runs through the middle of the site which results in the south side of the site resting within the open countryside.

Policy RD2 (Development in the Open Countryside) would apply which limits development in the open countryside to replacement, agricultural or forestry dwellings etc. The proposed dwelling would not meet the criteria stipulated within policy RD2. Notwithstanding this, the site is currently in use as a tennis court and garden land serving Orchard House to the east; subsequently, the application site is defined as previously developed land. The application site also falls within the wider curtilage of Orchard House which is defined by landscaping and extends the existing residential curtilage into the open countryside. Furthermore, the site is a 'gap site' given the location of neighbouring dwellings (numbers 10 to the west and Orchard House to the east). Considering the context of the site and the circumstances of the application as outlined above, on balance, the location of the application site for residential development should be determined as being within the settlement boundary of Elsham, and that policy RD2 does not apply in this instance. It is acknowledged that each application is assessed on its individual merits.

In light of the above, the principle of residential use of the site in this location is acceptable (subject to the below considerations) and would accord with the overarching strategic policies of the development plans and the principles set out in the National Planning Policy Framework (NPPF) in this regard.

#### Impact on the amenity of the locality

Policies H7 of the local plan and CS5 of the Core Strategy are concerned with a proposal's impact on the locality; both are considered relevant. The applicant has submitted an indicative layout illustrating a two-storey detached dwelling of modest proportions. The site is an appropriate size and could accommodate a two-storey detached dwelling without creating a cramped appearance, with only limited impacts on the locality. This issue would be assessed in more detail through the submission of a subsequent reserved matters application where the appearance, layout and scale would be considered. The indicative two-storey detached dwelling design, as illustrated, would accord with policies H7 and CS5.

#### Impact on residential amenity

Policies H7 of the local plan and CS5 of the Core Strategy are also concerned with a proposal's impact on residential amenity; again both are considered relevant. In terms of impact on residential amenity, the council is satisfied that the indicative dwelling design could be situated within the site without adversely affecting the amenity of neighbouring residents. This issue would be assessed in more detail through the submission of a subsequent reserved matters application where the impact on neighbouring amenities would be fully considered. The indicative two-storey detached dwelling design, as illustrated, would accord with policies H7 and CS5.

## Highways

In terms of access, this would be via a shared access which currently serves number 10 and Orchard House and directly links into Barnetby Lane. Parking space for two vehicles has been provided for the proposed dwelling which meets planning guidance requirements. No on-street parking would be required.

Highways have raised no objections to the proposal subject to a condition. The proposal would therefore accord with policies T2 and T19 of the North Lincolnshire Local Plan.

## Land quality

Policy DS7 of the local plan is concerned with contaminated land. It states that permission will only be granted on contaminated sites where a detailed site survey has been submitted, and a suitable scheme of remedial measures has been agreed to overcome any existing contamination.

The residential development is a sensitive end use. The applicant has not submitted any information regarding land quality. The council's Environmental Protection team have recommended a condition relating to land contamination which will be attached to any planning permission.

## Conclusion

Whilst the application site would be partly within the settlement limits of Elsham and partly within the open countryside, this residential development, in principle, would adequately integrate into the existing plot without prejudicing the character of the open countryside.

## Pre-commencement conditions

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

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

1.

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

### Reason

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

2.

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

### Reason

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

3.

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

Reason

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

4.

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

Reason

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

5.

The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan

1 Existing Site Layout

2 Proposed Plans/Site Layout.

Reason

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

6.

The dwelling shall not be occupied until the vehicular access to it and the vehicle parking and turning space(s) serving it have been completed and, once provided, the vehicle parking and turning space(s) shall be retained.

Reason

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

7.

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

Reason

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

8.

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

**Reason**

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

9.

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:

- details of bat roosting features to be installed;
- restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- proposed timings for the above works in relation to the completion of the building.

**Reason**

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

10.

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

11.

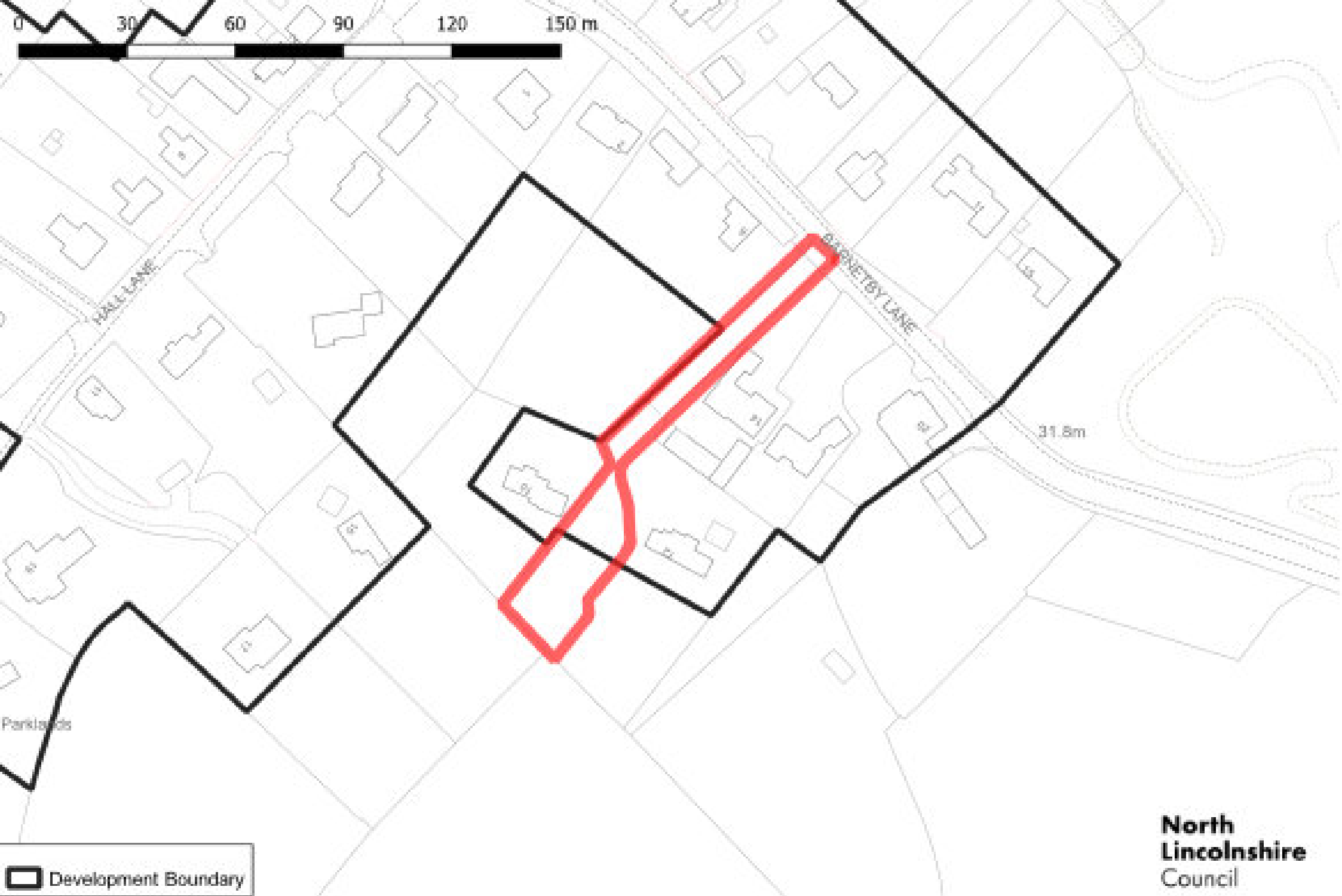
If during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing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

**Reason**

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

### 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/2021/855**

**North  
Lincolnshire  
Council**



All dimensions shall be checked on site by the Contractor Prior to Commencement of Work on Site. Do not start work until you have checked all dimensions.



Existing Site Layout

Revision	Date
<b>Robert Farrow (Design) Ltd</b> Architecture / Planning / Construction Topographical Services Miller House, 11 Northgate Street, East Windsor, Fife, KY21 5AA Tel: 01843 818888 E-mail: r.farrow@robertfarrow.co.uk	
<b>Client:</b> Mr & Mrs Ramsey	
<b>Title:</b> Landscaping Site Layout 01 - Boundary Lines Location 10/10/2009 10:28 AM (1:200) (A3)	
Scale	1:200
Revision	01
Page	1
Date	10/10/2009
Author	RF

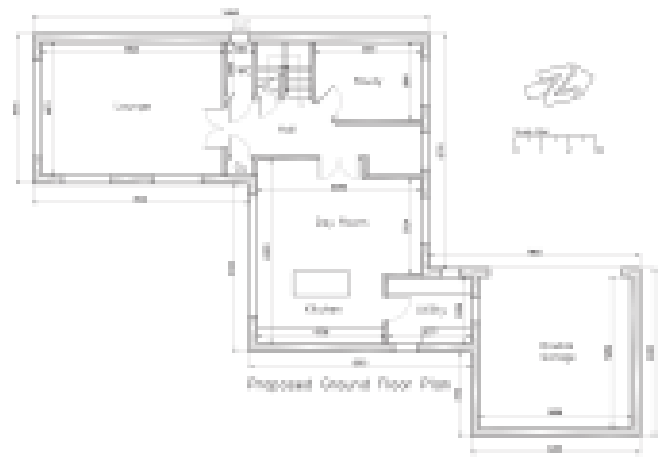
All Dimensions Given are Grounded on Site by the Contractor Prior to Commencement of Work on Site. Do Not Scale. If in Doubt ask.



Proposed Site Layout



Proposed First Floor Plan



Proposed Ground Floor Plan

Revision	Date			
<b>Robert Farrow (Design) Ltd</b> Architecture / Planning / Classification Topographical Survey Miller House, 12 Northgate Street, East Windsor, Victoria, 3113 Tel: 03 9524 6888 Email: r.farrow@robertfarrow.com.au				
<b>Client:</b> Mr & Mrs Ramsey				
<b>Title/Project:</b> Plans/Drawings 12 Northgate Street East Windsor Vic 3113 (3113) 9524 6888				
Scale	Revision	Pages	Date	Author
1:100	01	2	14/07/2014	RFB