

APPLICATION NO	PA/2021/37
APPLICANT	RJE Planning & Developments Ltd
DEVELOPMENT	Application for permission in principle to erect up to three dwellings (including demolition of existing garages)
LOCATION	The Bay Horse, Shore Road, Garthorpe, DN17 4AD
PARISH	Garthorpe and Fockerby
WARD	Axholme North
CASE OFFICER	Mark Niland
SUMMARY RECOMMENDATION	Grant permission in principle
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr John Briggs – significant public interest)

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 162 – The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

Paragraph 164 – The application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:

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

Paragraph 185 is concerned with pollution and in part noise. It states, '...Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- (a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- (b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- (c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'

Paragraph 187 – Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

North Lincolnshire Local Plan:

Policy T1 (Location of Development)

Policy DS11 (Polluting Activities)

North Lincolnshire Core Strategy:

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering more Sustainable Development)

Policy CS3 (Development Limits)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Policy CS19 (Flood Risk)

Housing and Employment Land Allocations

Policy PS1 (Presumption in Favour of Sustainable Development)

CONSULTATIONS

Highways: No objections subject to conditions.

Drainage (Lead Local Flood Authority): No objections subject to surface water drainage conditions.

Environmental Protection: No objections subject to conformity with the noise survey.

PARISH COUNCIL

No comments received.

PUBLICITY

Advertised by site notice. Six comments have been received, many expressing concerns regarding noise, amenity, flooding, highway safety and parking.

ASSESSMENT

Planning history

2/1983/0045: Outline planning permission to erect two dwellings – approved 14/04/1983

2/1976/0188: Planning permission to make internal alterations and demolish outbuildings – approved 07/05/1976

PA/2014/0764: Planning permission to demolish an existing public house, erect two four-bedroom semi-detached houses, rebuild existing public house to provide a

bar, restaurant, B&B rooms, landlord accommodation, two-bedroom flat, car parking spaces and associated landscaping – refused 14/01/2015

PA/2021/313: Planning permission for a condensed public house with takeaway, new commercial unit (Use Class E), two additional residential units with retention of existing landlord accommodation, and associated works – not yet determined

Site constraints

Flood Zone 2/3a

Site characteristics

The site comprises part of the wider site of the former Bay Horse Public House on Shore Road, Garthorpe. The application site comprises the garages and amenity land associated with the vacant pub. There is an area of hardstanding in front of the garages which is set for parking.

Permission in principle

The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development, which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in principle; and the second (technical details consent) stage is when the detailed development proposals are assessed.

A decision on whether to grant permission in principle on a site following a valid application must be made in accordance with relevant policies in the development plan unless there are material considerations, such as those in the National Planning Policy Framework (NPPF) and national guidance, which indicate otherwise.

The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage. In addition, local authorities cannot list the information they require for applications for permission in principle in the same way they can for applications for planning permission.

Planning Practice Guidance states that '...It is not possible for conditions to be attached to a grant of permission in principle and its terms may only include the site location, the type of development and amount of development. Local planning authorities can inform applicants about what they expect to see at the technical details consent stage.'

Proposed development

The only consideration relevant to the determination of this application is whether the principle of development is acceptable with respect to the location, land use and amount of development proposed.

Given the site constraints, **matters in principle that are focused upon in this assessment are:**

- **in accordance with the Planning Policy Framework**
- **noise**
- **flood risk.**

Planning policy framework

Policy CS1 of the Core Strategy sets out a 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. Garthorpe is designated in the Core Strategy as a rural settlement.

Policy CS8 deals with 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. 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 CS2 also sets out the sustainability principles which are there to guide all developments and assessments made of.

The proposal is located wholly within the settlement boundary for Garthorpe and therefore aligns with the aims of policy CS1 'c'. Furthermore, the proposal would represent development on previously developed land in line with policy CS2 'point 3' which suggests that development should be focused on small-scale developments within the defined development limits of rural settlements to meet identified local needs. In respect of the local planning policy framework the proposal is therefore considered acceptable in principle.

Noise

Policy DS11 of the local plan is concerned with polluting activities. It states, '...Planning permission for development, including extensions to existing premises and changes of use, will only be permitted where it can be demonstrated that the levels of potentially polluting emissions, including effluent, leachates, smoke, fumes, gases, dust, steam, smell or noise do not pose a danger by way of toxic release; result in land contamination; pose a threat to current and future surface or underground water resources; or create adverse environmental conditions likely to affect nearby developments and adjacent areas.'

Paragraph 185 of the NPPF is concerned with pollution and in part noise. It states, '...Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- (a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- (b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- (c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'

Paragraph 187 of the NPPF considers how new development should be absorbed into a location, it states, 'Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.'

The Environmental Protection team requested an acoustic survey. Subsequently the following document was submitted:

'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'.

Their response was relevant to planning application PA/2021/313, which is still pending. The response, however, is favourable, recommending the imposition of a condition linking to these agreed details. PA/2021/313 also contains a mix of commercial and residential uses. As conditions cannot be attached under a 'permission in principle', this document would be expected to be submitted alongside any technical details application. The information has demonstrated, however, that in noise terms the proposal is acceptable in principle.

Flood risk

Policy CS19 is concerned with flood risk. It is relevant to this assessment given the site is washed over by flood zone 2/3a. The policy states:

'The council will support development proposals that avoid areas of current or future flood risk, and which do not increase the risk of flooding elsewhere. This will involve a risk based sequential approach to determine the suitability of land for development that uses the principle of locating development, where possible, on land that has a lower flood risk, and relates land use to its vulnerability to flood. 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.'

Paragraph 162 of the NPPF is concerned with sequential flood testing. It states, 'The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding''

Paragraph 164 is concerned with the exceptions test and states, '...the application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:

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

The applicant has provided a sequential test that states as the whole of the settlement is located within flood zone 2/3a then there are no other more preferable sites. This approach of allowing the geographical area of search to be directed to the said settlement is acknowledged practice and due to this the test is passed.

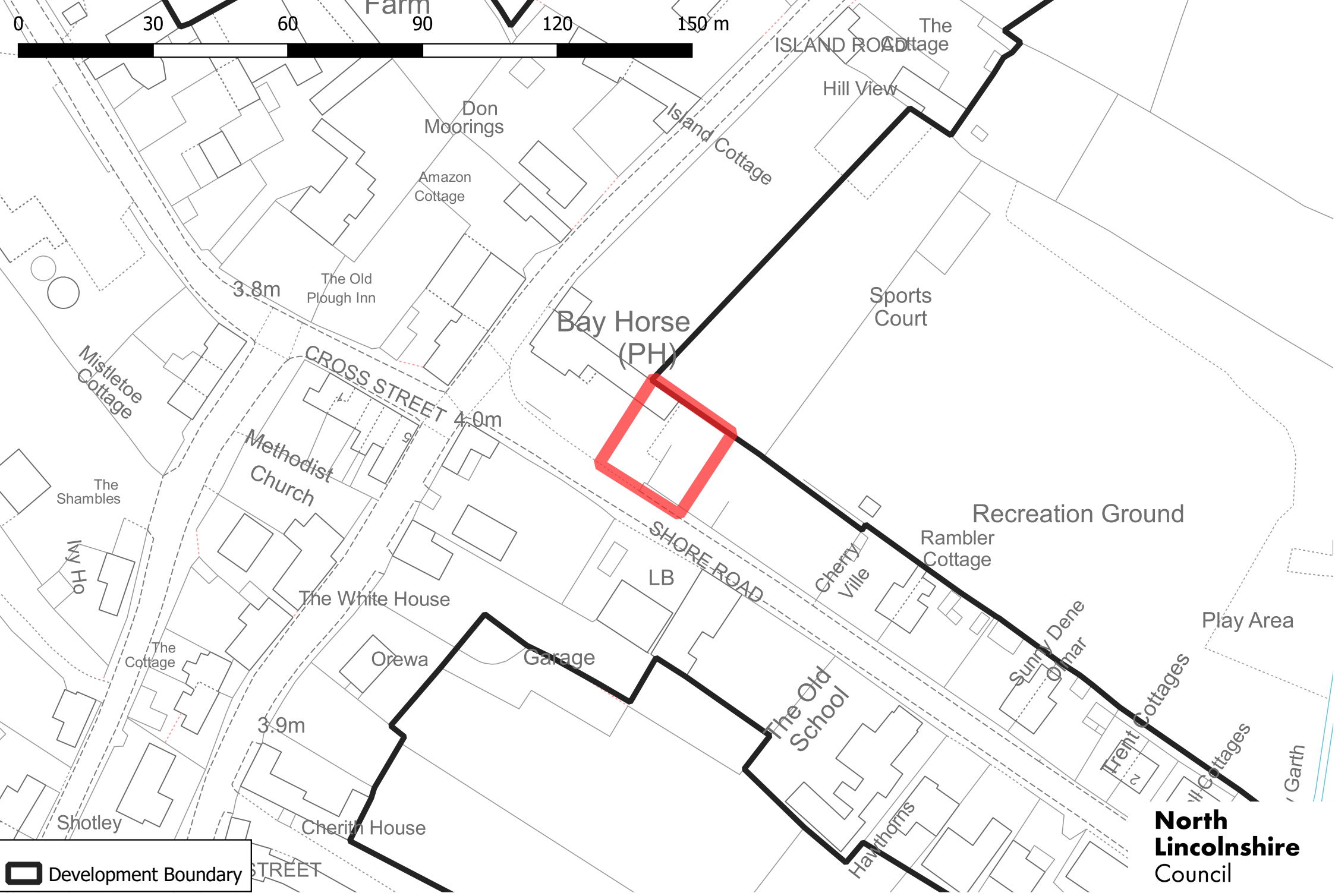
In terms of flooding the LLFA have no objections subject to the imposition of surface water conditions. The proposal would introduce much needed housing and improve a blighted site. As this is the case it is considered that the benefits of the development outweigh the risk from flooding; the exceptions test is therefore passed.

Conclusion

Permission in principle can only be considered on grounds of location, land use and amount of development. Matters such as visual amenity, residential amenity, highway safety etc. cannot be considered at this stage and will be considered as part of any future application for technical details consent.

The proposed development would have social and economic benefits by providing up to three new dwellings. Furthermore, the proposal aligns with the development plan, has demonstrated that there are no alternative sites within flood zone 1 and that, in terms of noise, sufficient mitigation can be achieved at the detailed consent stage.

RECOMMENDATION Grant permission in principle.



 Development Boundary

PA/2021/37

**North
Lincolnshire
Council**