

APPLICATION NO	PA/2021/1121
APPLICANT	Mr & Mrs Deakin
DEVELOPMENT	Planning permission to vary condition 2 of approved application PA/2020/874 (amended drawings to reflect amendments to proposed dwelling)
LOCATION	Land south of Church Street, Elsham, DN20 0RG
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

#### POLICIES

National Planning Policy Framework: Section 12

North Lincolnshire Local Plan: DS1, DS14, H5, H8, LC7, T2, T19, HE9

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

#### CONSULTATIONS

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

Drainage (Lead Local Flood Authority): No objection, but recommend conditions relating to plans and drainage schemes.

Environmental Protection: No objection.

Historic Environment Record:

- The application site contains buried archaeological remains associated with the medieval hospital and priory founded in the 12th century.
- Conditions 8–11 of permission PA/2020/874 relate to a pre-construction programme of archaeological excavation of the footprint of the proposed dwelling.
- The footprint of the amended design is larger than the original and therefore the excavation will take longer or additional manpower to complete before the construction of the house can commence.
- The applicant should ensure they are fully aware of the requirements to comply with these conditions.

- In order that they make the appropriate provisions, the applicant is advised to secure the services of a CfA registered archaeological contractor at the earliest opportunity to prepare the archaeological written scheme investigation and secure the implementation of the excavation to avoid any delay to their construction work.
- I have no objection to the proposed variation of the plans subject to conditions 8–11 secured on any new permission that may be issued.

## PARISH COUNCIL

Elsham Parish Council object to the application with the following comments:

- The scale of the building is out of keeping with the neighbouring properties.
- Due to the elevation of the property, it will dominate and overlook neighbouring properties.
- Due to the scale of the property, it will overshadow neighbouring properties.

## PUBLICITY

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

- impact on character
- impact on neighbouring amenity
- flood risk.

## 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 on the south side of Church Street and is undeveloped flat land between 4 and 14 Church Street within the rural settlement of Elsham. The site is bounded by mature trees and hedgerows to the north, east and west. The site is not within a conservation area, is within a SFRA flood zone 1 (low) and does not relate to any tree preservation orders (TPOs) or listed buildings.

### Proposal

This application seeks planning permission to vary condition 2 of approved application PA/2020/874 (amended drawings to reflect amendments to proposed dwelling).

PA/2020/874 was approved on 19 August 2020 subject to conditions.

The main issues to be considered are whether adequate justification can be demonstrated with regard to the impact of the proposal on the character of the area and its design, impact on archaeology and neighbouring amenity.

## Principle of development

The principle of development has already been established by way of previously approved application PA/2020/874.

## Impact on the character of the area and design

The National Planning Policy Framework (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. Policy DS1 of the North Lincolnshire Local Plan and policy CS5 of the Core Strategy are concerned with quality of design and amenity. In respect of impact on character, policy DS1 states that the design and external appearance of a proposal should reflect or enhance the character, appearance and setting of the immediate area. Policies H5 and H8 of the North Lincolnshire Local Plan are also considered relevant.

The local area of Church Street has an organic pattern of development which lacks uniformity. Furthermore, it is acknowledged that many properties within the area are of an inconsistent design and benefit from different designs, footprints and varying setbacks. The proposed dwelling would have a modestly larger building footprint to that already approved under PA/2020/874 (whilst maintaining the L-shaped layout). Importantly, the proposed dwelling variation would still be adequately set back from the front elevation maintaining the existing building line along Church Street. In addition, the proposed dwelling would still be set in from the site curtilages and so would not appear as a cramped form of development. It is noted that the external materials proposed have been revised: the original materials were red facing brickwork (walls) and clay pantile (roof). The materials now proposed are Desimpel Hathaway brindle red (walls) and Marley modern interlocking concrete tiles in anthracite grey (roof), which are acceptable.

It is considered that the proposed variation, by way of design, would not prejudice the local area. As such, the development would be in accordance with policies DS1, H5, H8 of the local plan and CS5 of the Core Strategy.

## Neighbouring amenity

Policy DS1 of the North Lincolnshire Local Plan and policy CS5 of the Core Strategy are concerned with quality of design and amenity. In respect of impact on amenity, policy DS1 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.

It is acknowledged that the proposed variations would include additional fenestrations along the west elevation at first-floor level. These fenestrations would front onto the neighbouring property (4 Church Street); however, they are proposed to be obscure-glazed which is acceptable and can be controlled by condition. There would therefore be no loss of privacy. The proposed dwelling would be set back from the side elevation of number 4 by approximately 9m which would offset impacts of overshadowing and loss of daylight, similar to that already approved under PA/2020/874. In addition, and considering the east-west orientation of the sun, there would be no detrimental loss of sunlight – number 4 would still benefit from an open and unrestricted rearward outlook.

It is considered that the proposed variation, by way of design, would not prejudice neighbouring amenities. As such, the proposal would be in accordance with policies DS1 of the local plan and CS5 of the Core Strategy.

### Impact on archaeology

The council's archaeologist has commented as follows:

'The application site contains archaeologically significant remains associated with the medieval priory at Elsham. The construction of the proposed dwelling will destroy any remains or render them inaccessible for future investigation. To off-set the substantial harm to the archaeological interest of the site I advised a programme of pre-construction archaeological excavation within the footprint of the new dwelling. This is in accordance with the NPPF and local planning policy.

The new designs submitted with the current application are for a larger dwelling on an enlarged footprint compared to the permitted plans. There are no reasons to object to the variation on archaeological grounds subject to the same archaeological conditions (8-11) on any new permission that may be granted.

It is important to note that the footprint of the new dwelling will require detailed archaeological excavation ahead of the commencement of the construction work. It is therefore in the applicant's best interest to commission a CIFA registered archaeological contractor to prepare a written scheme of investigation for the programme of archaeological work to be agreed with the planning authority and to ensure their availability to undertake the site excavation work to avoid delay to the construction programme.'

### Drainage

Policy CS19 of the Core Strategy is concerned with flood risk, whilst policy DS14 of the local plan is concerned with foul sewage and surface water drainage.

The council's drainage team have been consulted and have no objection. The application site is within flood zone 1 and is therefore a preferred place for development in terms of flood risk.

### Highways

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.

The council's highways department have no objection to the proposal, subject to a condition. It is therefore considered that the proposal would be in accordance with policies T2 and T19 of the local plan.

### Conclusion

The principle of development has already been established by way of PA/2020/874. The proposed variation in design is considered to be a modest alteration and would not harm the character or the amenity of the local area. As such, the proposal would be in accordance with policies DS1, H5 and H8 of the local plan and policy CS5 of the Core Strategy.

## Other matters

The original conditions attached to planning permission PA/2020/874 will be carried over to this planning permission. No conditions have been discharged. An additional obscure-glazed condition has been recommended.

Condition 2 of PA/2020/874 (the subject of this application) will be varied and attached.

**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: 1308.01 Rev A Site Plans; 1308.02 Plans and Elevations; 1308.03 Indicative 3D.

### Reason

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

3.

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

### Reason

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

4.

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.

5.

The development shall be carried out in accordance with the Proposed Site Plan, drawing number 1308.01 Rev A, dated 30/07/2021.

### Reason

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

policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 155, 157, 163 and 165 of the National Planning Policy Framework.

6.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 5 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, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 155, 157, 163 and 165 of the National Planning Policy Framework.

7.

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

Part 1: Site Characteristics

A Phase 1 desk study shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the local planning authority for approval prior to proceeding to further site investigation.

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed), including buildings, crops, livestock, pets, woodland, and service lines and pipes;

- adjoining land;
- groundwaters and surface waters;
- ecological systems;
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and a proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the management of Land Contamination, CLR 11'.

#### Part 2: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### Part 3: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks' written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

#### Part 4: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

#### 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.

8.

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of an archaeological mitigation strategy, to be defined in a written scheme of investigation that has been submitted to and approved in writing by the local planning authority. The strategy shall accord with a brief provided by North Lincolnshire Historic Environment Record and shall include details of the following:

- measures to ensure the preservation by record of archaeological features of identified importance within the footprint of the development prior to any development commencing
- methodologies for the recording and recovery of archaeological remains, including artefacts and ecofacts
- post-fieldwork methodologies for assessment and analyses
- report content and arrangements for dissemination, and publication proposals
- archive preparation and deposition with recognised repositories
- a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the archaeological site work is undertaken and completed in accordance with the strategy prior to any development commencing
- notification in writing to the North Lincolnshire Historic Environment Record of the commencement of the archaeological works and arrangements to monitor such works
- a list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications
- evidence that a contract has been entered into with a competent and suitably qualified archaeological contractor to undertake all stages of the programme of work.

Reason

To comply with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site potentially contains archaeologically significant remains that the development would otherwise destroy; the archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The archaeological mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

9.

The applicant shall notify the local planning authority in writing of the intention to commence the archaeological site works at least seven days before commencement. Thereafter, the archaeological mitigation strategy shall be carried out in accordance with the approved



details and timings. No variation shall take place without the prior written consent of the local planning authority.

**Reason**

To comply with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site potentially contains archaeologically significant remains that the development would otherwise destroy; the archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The archaeological mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

10.

The dwelling shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved written scheme of investigation, and provision made for analysis, publication and dissemination of results and archive deposition has been secured.

**Reason**

To comply with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site potentially contains archaeologically significant remains that the development would otherwise destroy; the archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The archaeological mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

11.

A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the North Lincolnshire Historic Environment Record within six months of commencement of the archaeological programme of work or such other period as may be agreed in writing by the local planning authority.

**Reason**

To comply with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site potentially contains archaeologically significant remains that the development would otherwise destroy; the archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The archaeological mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

12.

Before the beneficial occupation of the development hereby permitted, the windows along the west elevation situated at first-floor level shall be obscure glazed to a minimum of Privacy Level 3 in accordance with the Pilkington Scale of Obscuration and shall be retained in that condition thereafter.

#### Reason

To protect the living conditions presently enjoyed by the occupants of the neighbouring property, in accordance with policy DS1 of the North Lincolnshire Local Plan.

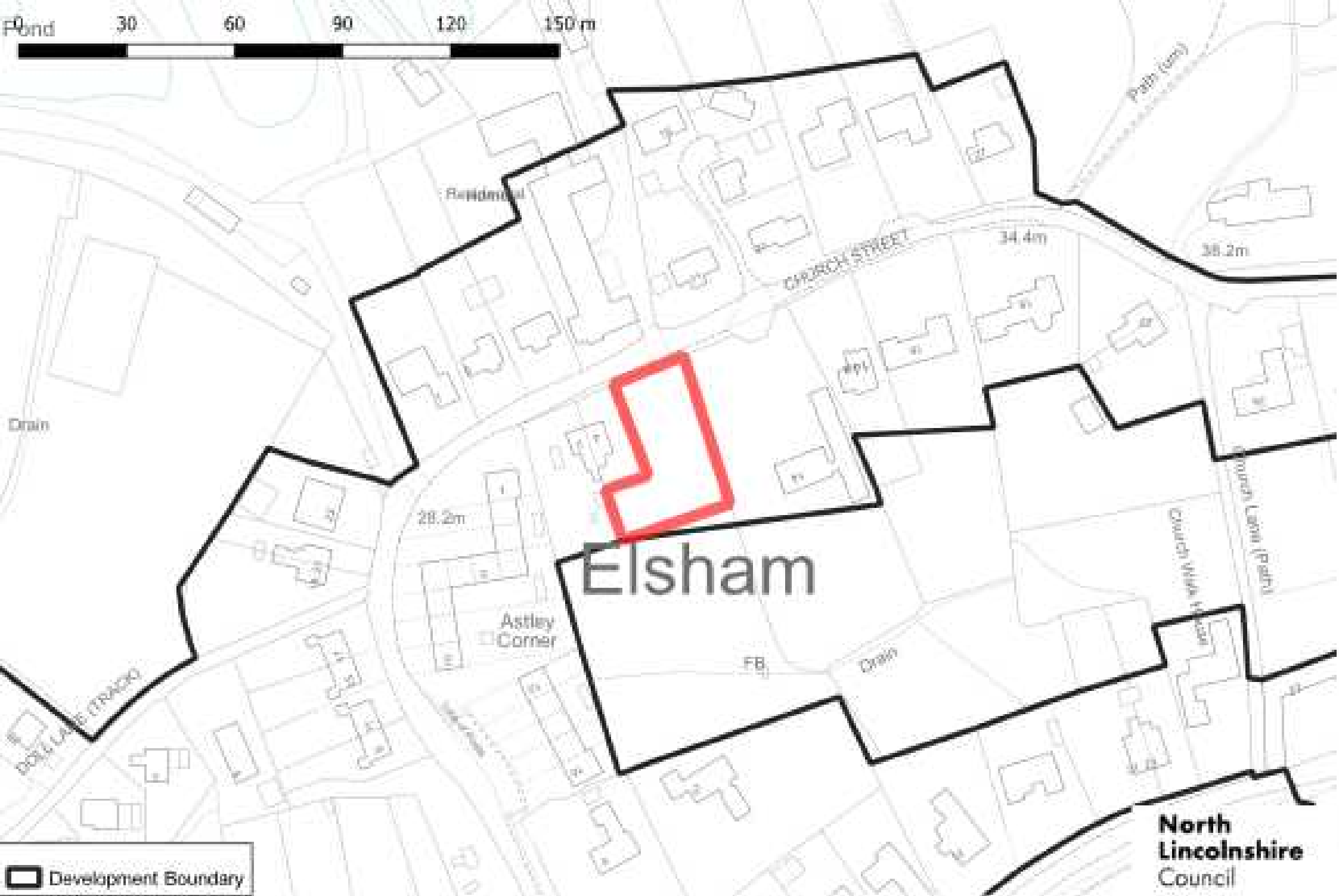
#### Informative 1


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

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

#### Informative 2

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



 Development Boundary

**North  
Lincolnshire  
Council**

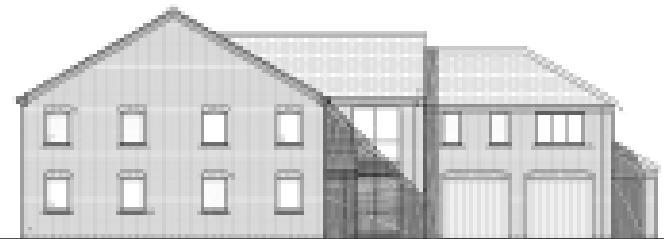
**PA/2021/1121**



1. All dimensions are in feet and inches unless otherwise noted.  
 2. All elevations are shown in perspective view.  
 3. All elevations are shown in perspective view.  
 4. All elevations are shown in perspective view.  
 5. All elevations are shown in perspective view.



North Elevation



East Elevation



South Elevation

Proposed Ground Floor  
 (See Section 1.0 for details on the existing building)

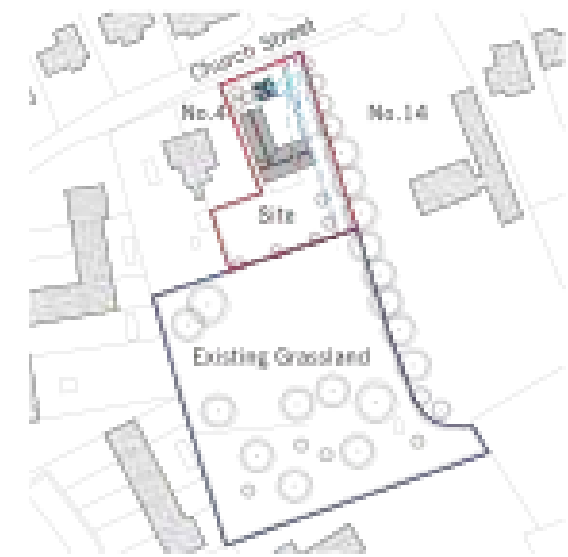


Proposed First Floor



West Elevation

- Notes:
- 1. All dimensions are in feet and inches unless otherwise noted.
  - 2. All elevations are shown in perspective view.
  - 3. All elevations are shown in perspective view.
  - 4. All elevations are shown in perspective view.
  - 5. All elevations are shown in perspective view.



 **Proposed Block Plan**  
1:500

 **Proposed Site Plan**  
1:1250

id architecture

TITLE: Proposed Site Plan  
 CLIENT: Mr Palmer  
 PROJECT: New Dwelling  
 LOCATION: Church Street, Eshan  
 DRAWN BY: NG  
 CHECKED BY: RC  
 SCALE: As Shown  
 SIZE: A3  
 DATE: 02 Feb 2020  
 STAGE: Planning

DRG NO: **9777 / 010**

REV:



