

APPLICATION NO	PA/2020/1417
APPLICANT	Mr R Mills, North Lincs Property Ltd
DEVELOPMENT	Planning permission to erect nine dwellings with associated works
LOCATION	Land to the rear of The Wheatsheaf hotel, 152 Westgate Road, Westgate, Belton, DN9 1QB
PARISH	Belton
WARD	Axholme Central
CASE OFFICER	Emmanuel Hiamey
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllrs Tim Mitchell and David Robinson – community interest)

POLICIES

National Planning Policy Framework:

Chapter 2 Achieving sustainable development

Chapter 4 Decision making

Chapter 5 Delivering a sufficient supply of homes

Chapter 6 (Building a strong, competitive economy)

Chapter 8 (Promoting healthy and safe communities)

Chapter 9 (Promoting sustainable transport)

Chapter 11 Making effective use of land

Chapter 12 Achieving well-designed places

Chapter 14 Meeting the challenge of climate change, flooding, and coastal change

Chapter 15 (Conserving and enhancing the natural environment)

North Lincolnshire Local Plan:

Policy H1 Housing Development Hierarchy

Policy H8 Housing Design and Housing Mix

Policy T2 Access to Development

Policy T19 Car Parking Provision and Standards

Policy RD2 Development in the Open Countryside

Policy DS1 General Requirements

Policy DS14 Foul Sewage and Surface Water Drainage

Policy DS16 Flood Risk

Policy LC7 Landscape Protection

Policy LC14 Area of Special Historic Landscape Interest

North Lincolnshire Core Strategy:

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Policy CS9 (Affordable Housing)

Policy CS19 (Flood Risk)

Policy CS25 (Promoting Sustainable Transport)

CONSULTATIONS

Education: No objection and comments that educational contributions will not be sought for this development as it falls under the threshold of 15 dwellings for a medium growth area.

Yorkshire Water Services: No comments.

Humberside Fire Brigade: No objection or adverse comments.

Environment Agency: No objection.

Recycling officer: No objection or adverse comments.

Environmental Protection: No objection subject to conditions.

Isle of Axholme & North Nottinghamshire Water Level Management Board: There are no Board-maintained watercourses near the site.

Historic Environment Record: Objects to the application.

Severn Trent Water: No objection subject to a condition and an informative.

Public Health: No objection.

Spatial Planning: Recommended that this proposal is in the open countryside and contrary to the council's adopted development plans. As the council cannot demonstrate a five-year housing land supply, paragraph 11 of the NPPF applies and the application should be considering any adverse impacts of granting permission when assessed against the policies within this Framework taken as a whole or specific policy indicate development should be restricted. It must be demonstrated why the development meets the three dimensions of sustainable development. **[Note: these comments were submitted prior to the confirmation that the local planning authority has demonstrated a five-year supply of housing.]**

Section 106 Officer: As the application is for less than 10 dwellings, no section 106 contribution is required for affordable housing, education or leisure. With regard to recreation, for a development of this size there is no requirement for an area of play on site, however, requests 10sqm per dwelling of informal open space on site. For North Lincolnshire Council to maintain the 160sqm it will be £5,542.60. Alternatively, an estate management company can be set up and no contribution will be required.

Highways: Initially had concerns with the proposal and commented that the proposed layout would need to be amended. However, having reviewed the revised drawing, they have no objection subject to conditions.

Drainage (Lead Local Flood Authority): Initially objected to the application, however, following receipt of the revised drawing, has withdrawn the objection subject to conditions, informative comments and notes to the developer.

PARISH COUNCIL

Objects on the following grounds:

- environmental, historical and drainage
- increase in traffic
- impact on local services such as the schools, doctor's and other amenities.

PUBLICITY

Advertised by site and press notice. Six responses have been received, including three from the same household. The concerns raised are as follows:

- overlooking
- privacy
- pedestrian and vehicular access
- the public right of way
- trees and hedges
- flood risk

- biodiversity and geological conservation
- the view from the property
- noise nuisance
- the development will put excessive pressure on the infrastructure of the village
- drainage and flooding
- road traffic.

STATEMENT OF COMMUNITY INVOLVEMENT

No statement of community involvement has been submitted with the application.

ASSESSMENT

Site description and proposal

Planning permission is sought to erect nine dwellings, including associated works, on land to the rear of The Wheatsheaf hotel, 152 Westgate Road, Westgate, Belton, DN9 1QB. The site measures 0.37 hectares and is located on Westgate Road which adjoins the village of Belton, in the Isle of Axholme area of North Lincolnshire.

The site was previously used as a paddock. It is bounded by the public house car park and the public house to the south, which fronts Westgate Road. To the east are a manege and agricultural building. There is an open field to the west separating the site from the properties alongside Green Lane and an open field to the north.

The original proposal for ten dwellings has been reduced to nine.

The nine dwellings proposed comprise three pairs of semi-detached dwellings and three detached dwellings. The semi-detached dwellings would be three-storey properties containing three bedrooms, all with gardens. The three detached dwellings would be two-storey properties containing three bedrooms. The materials for the walls of the dwellings are brickwork and the roof covering would be clay pantile.

Access to the site would be taken from Westgate Road via the existing car park of the public house.

Boundary treatments would include 1100mm timber rail and post fence to the rear of each plot and 1800mm close-boarded timber fence is proposed to divide the plots at the rear. Landscaping would include trees and planting native to the surrounding area.

Planning considerations

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) and the North Lincolnshire Core Strategy (NLCS). 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).

The main planning considerations in this case are:

- **the principle of development**
- **design and character**
- **impact on neighbouring amenity**
- **impact on highway safety and the level of parking**
- **impact on archaeology**
- **impact of potential land contamination**
- **the risk of flooding and the proposed surface water drainage strategy.**

The principle of development

The North Lincolnshire Five Year Housing Land Supply Statement states that North Lincolnshire can demonstrate a 5.64-year supply between 1 April 2021 to 31 March 2026. Accordingly, the local planning authority has demonstrated a five-year supply of housing and housing applications should be considered in the context of the local development plan.

The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing that seek to restrict housing outside settlements should not be considered up to date if a five-year supply cannot be demonstrated. The presumption in favour of sustainable development means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application when assessed against the policies of the NPPF.

In this case, the local planning authority has demonstrated a five-year supply of housing, and therefore this application should be considered in the context of the local development plan.

The site is outside the development boundary of Belton on Westgate Road and therefore the principle of the development on the site would be judged by whether such a development is appropriate for the countryside and whether it is sustainable and consistent with the local development plan.

Policy CS2: Delivering More Sustainable Development sets out how the principle elements of policy CS1 will be implemented using a sequential approach to the location of future development that is based on the settlement hierarchy and taking into account other sustainability criteria.

In this case, any development that takes place outside the defined development limits of rural settlements or in rural settlements in the countryside will be restricted. Only development which is essential to the functioning of the countryside will be allowed to take place. This might include uses such as those related to agriculture, forestry or other uses

which require a countryside location or which will contribute to the sustainable development of the tourist industry.

It requires that all future development in North Lincolnshire will be required to contribute towards achieving sustainable development. Proposals should comply with the following sustainable development principles:

- Be located to minimise the need to travel and to encourage any journeys that remain necessary to be possible by walking, cycling and public transport. It should be compliant with public transport accessibility criteria as set out in the Regional Spatial Strategy.
- Be located where it can make the best use of existing transport infrastructure and capacity, as well as taking account of capacity constraints and deliverable transport improvements particularly in relation to junctions on the Strategic Road Network
- Where large freight movements are involved, the use of rail and water transport should be maximised.
- Contribute towards the creation of locally distinctive, sustainable, inclusive, healthy and vibrant communities.
- Contribute to achieving sustainable economic development to support a competitive business and industrial sector.
- Ensure that everyone has access to health, education, jobs, shops, leisure and other community and cultural facilities that they need for their daily lives.
- Ensure the appropriate provision of services, facilities and infrastructure to meet the needs of the development, but where appropriate it is to be recognised that a phased approach may not be required on small scale development proposals.

Policy CS3 provides that outside development boundaries development will be restricted to that which is essential to the functioning of the countryside. To summarise, the application site is within the open countryside and is strictly contrary to local planning policy which seeks to protect such areas from inappropriate uses.

Policy RD2 restricts development in the open countryside other than in exceptional circumstances. This policy only supports residential development outside defined development limits where it is to meet an essential proven need and the open countryside is the only appropriate location for the development. Whilst this policy remains, it has largely been overtaken by policies in subsequent plans addressing the same issue (policies CS2 and CS3).

Policy CS8 of the Core Strategy 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. About 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.

The policies above aim at focusing housing within settlement limits as defined in the Housing and Employment Land Allocations DPD. In line with the terms of the above policies, the principle of development is not acceptable, in that the application site is outside

the settlement boundary, and it would not meet the criteria for development within the open countryside.

Further, the site is not a brownfield site within a development boundary and does not 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 consistent with the aim of policy CS8.

Overall, the proposal is thereby considered to conflict with policies CS2, CS3 and CS8 of the Core Strategy.

Since the proposal conflicts with policies CS2, CS3 and CS8 of the Core Strategy, a full assessment of the proposal and supporting documents should be carried out to establish if they are of sufficient weight to merit departing from the development plan.

The supporting documents submitted with the application include:

- Drawings (site plan, location plan, block plans, floor plans and elevation plans)
- Drainage Assessment
- Archaeological Evaluation Report
- WSI for Archaeological Trenching
- Design & Access Statement
- Heritage Statement
- Flood Risk Assessment.

As indicated earlier, the local planning authority has demonstrated a five-year supply of housing and therefore the development plan remains up to date. For decision making, this means the principle of the development is contrary to the local development plan as outlined above.

Layout, siting and landscape impact

Paragraph 127 of the NPPF 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;
- (d) establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractively, 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 128 of the NPPF requires that 'design quality should be considered throughout the evolution and assessment of individual proposals.'

Local plan policy DS1 (General Requirements) expects a high standard of design in all developments in both built-up areas and the countryside and proposals for poorly designed development will be refused. All proposals will be considered against the criteria of quality of design, amenity impact, conservation, resources, utilities and services.

Core Strategy policy CS5 Delivering Quality Design in North Lincolnshire states that all new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place. The council will encourage contemporary design if it is appropriate for its location and is informed by its surrounding context. A design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.

Local plan policy LC7 Landscape Protection requires that where development is permitted within rural settlements or the open countryside, special attention will be given to the protection of the scenic quality and distinctive local character of the landscape. Development that does not respect the character of the local landscape will not be permitted.

Local plan policy LC14 Area of Special Historic Landscape Interest indicates that the Isle of Axholme is designated as an area of Special Historic Landscape Interest. Within this area, development will not be permitted that would destroy, damage or adversely affect the character, appearance or setting of the historic landscape, or any of its features. A high standard of design and siting in new development will be required reflecting the traditional character of buildings in the area and the character of the historic landscape, and using materials sympathetic to the locality.

As set out in the report, Belton is a rural settlement, and the general development pattern on Westgate Road is a linear form of dwellings alongside the road. The site is outside the development boundary, in an area designated for its unique historic landscape retaining the pattern of ancient open strip fields and enclosures surrounding the villages on the Isle. The application area is located in a well-preserved area of the historic landscape within the Early Enclosed Land character zone that forms the setting of the Ancient Open Strip Fields in Belton Field.

Having reviewed the details of the proposal, the layout of the site, the position of the dwellings and access arrangements do not raise an issue as they represent a reasonable layout as the roads and dwellings are arranged and relate to one another.

On design, the materials for the finish of the walls (brickwork) and the roof coverings (clay pantile) would not raise an issue as they would fit in well with the character of the area. The concern with the design is the scale of the dwellings. Belton has mainly single-storey

dwellings, with few two-storey properties. This proposal seeks a mix of two-storey and three-storey dwellings, which would be out of character with the area. The dwellings would therefore not conform to the character of the wider area and represent a poor quality design.

On the siting of the development, it would be more appropriate for the development to respect the linear form of the settlement, by placing the dwellings along the existing roadside. Regrettably, the siting of the development is inappropriate as the development would not respect the pattern of development along Westgate Road.

Regarding landscape impact, the effect of the proposed dwellings on the historic landscape would be an unacceptable extension and intrusion of the residential built environment into the historic landscape, contributing to adverse character change and erosion of the setting and legibility of the landscape.

The impression of the landscape is open countryside with high legibility of the historic characteristics that contribute to the character, appearance and setting of the historic landscape surrounding Belton Field. Residential use, other than in connection with agriculture, has no direct association with the historic landscape and is considered inappropriate development in this part of the landscape.

Overall, the development would not comply with policies CS5 of the Core Strategy; DS1, LC7 and LC14 of the North Lincolnshire Local Plan; or the NPPF.

Impact on the amenity of neighbouring properties

As indicated earlier, policies DS1 and CS5 expect a high standard of design in all developments in both built-up areas and the countryside and proposals for poorly designed development will be refused. They require all proposals to be considered against the quality of the design and amenity, among other things. Further to this, the NPPF advises that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Having reviewed the details of the proposal, particularly the position of the dwellings and the separation distance from nearby properties, it is not likely there would be any privacy, overbearing or overshadowing impacts because the site is bounded by the public house car park to the south, manege and agricultural building to the east, and an open field to the west and north.

Flooding and drainage

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

The aim is to steer new development to Flood Zone 1 (areas with a low probability of river or sea flooding). Where there are no reasonably available sites in Flood Zone 1, local planning authorities in their decision making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2 (areas with a medium probability of river or sea flooding), applying the exception test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in flood zone 3 (areas with a high probability of river or sea flooding) be considered, taking into account the flood risk vulnerability of land uses and applying the exception test if required. Within each flood zone, surface water and other sources of

flooding also need to be taken into account in applying the sequential approach to the location of the development.

The site lies in flood zone 2/3a and is therefore at high risk of flooding. A Flood Risk Assessment (FRA) dated September 2020 has been submitted which contains an assessment of the sequential and exceptions tests.

The sequential test was undertaken solely considering vacant sites within and immediately adjacent to the settlement boundaries of Belton (Sites 1 to 3). One site was identified and discounted in the test as it does not comply with the condition of paragraph 158 of the NPPF, Flood Zone 2/3(a) Tidal, which is the baseline through the sequential test as well as the remainder of this site-specific flood risk assessment.

The report indicates that one of the two other sites identified has a lower flood risk, but is significantly too small to accommodate the dwellings. The second site is disconnected from the urban settlement of Belton and has a greater capacity to accommodate housing. As a result, the proposed residential scheme cannot be located elsewhere in a location with lower flood risk.

In brief, the sequential test has been applied and it is concluded that there are no alternative sites to steer the residential scheme elsewhere to a location with lower flood risk. As a suitable site has not been found in Flood Zone 1, suitability of sites in flood zone 3 (areas with high probability of river or sea flooding) can be considered, taking into account the flood risk vulnerability of land uses and applying the exception test.

The exception test has been applied as set out in the NPPF. It is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available.

With regard to the exception test, while the site lies in Flood Zone 1 of the Environment Agency Flood Map for Planning, it is within Zone 2/3a of the North and North East Lincolnshire Strategic Flood Risk Assessment (SFRA) November 2011.

It is therefore acknowledged that the site has a higher flood risk (Flood Zone 2/3a Tidal) when considering climate change effects as per the North Lincolnshire SFRA and requires an exception test.

The Planning Policy Statement states that for the exception test to be passed:

1. it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by an SFRA where one has been prepared;
2. the development should be on developable, previously-developed land or, if it is not on previously developed land, that there are no reasonable alternative sites on developable previously-developed land; and
3. an FRA must demonstrate that the development will be safe, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

To demonstrate that the development provides wider sustainability benefits to the community that outweigh flood risk, the applicant has provided a sustainability appraisal of

the development (economic, social objective and environmental) as part of the Flood Risk Assessment dated September 2020.

The sustainability appraisal outlines the following benefits:

Social benefits

Regarding social benefits, the report indicates that the development would promote healthier communities. The residential scheme will not be out of the catchment of public transport service. Cycling is also a feasible mode of transport to meet day-to-day needs. As a result, there will be low reliance on private car usage which will contribute to reducing carbon emissions and air pollution in the area. Albeit limited, the future occupiers will have easy access to services and facilities in the town centre of Belton and further away. The new residents will not suffer from social isolation and will have opportunities to strengthen links with the local community.

Further, it would enhance skills, qualifications and the overall employability of the population. Albeit temporary, the proposals will provide employment opportunities to tradesmen and training to apprentices. These will not only be for those involved in the construction works but also those working for indirect businesses.

It would improve accessibility to education, employment, recreation, countryside health, community services and cultural facilities for all sectors of the community. The future occupiers will benefit from one primary school and pre-school in Belton. There is plenty of rural businesses in the area and further industrial and service industries are available relatively near (17 miles) in Scunthorpe. Belton has a pharmacy and GP service. A general hospital is based in Scunthorpe.

It would provide a sufficient and appropriate mix of housing that is affordable, decent and designed to a high standard. The scheme will be of a high-quality design. As detailed in other documents that accompany the application, the external appearance of the scheme will be sympathetic to the residential character of the locality and sensitive to the countryside of the wider location. The accommodation will be appropriate to family needs with good levels of amenities.

It would encourage participation in cultural, leisure and recreational activities including in the countryside. The future residents will benefit from two public libraries relatively nearby (one in Crowle and the other in Epworth) and spaces for countryside enjoyment out of the town.

Environmental benefits

On environmental benefits, the development would minimise the risk of flooding. This is demonstrated in the Flood Risk Assessment dated September 2020. The document assesses the current extent of flood risk on the site and the opportunities to address any flood increase in a sustainable manner.

It would adapt to the impacts of climate change on the built and natural environment. The Flood Risk Assessment recommends a set of measures to adapt the development to the increase in flood risk because of the climate change effect.

It will make the best use of previously developed land and existing buildings. The residential scheme will be on land traditionally used for a paddock. Although the land has not been

previously developed, most of the site context is characterised by residential development along Westgate Road.

It will improve air quality. The proposed location of the development will discourage the use of high pollutant conventional cars as there will be realistic opportunities to use environmentally friendly modes of transport.

It will reduce greenhouse gases emissions, particularly from transport. The proposed location of the development will discourage the use of high pollutant conventional cars as there will be realistic opportunities to use environmentally friendly modes of transport.

It will protect and enhance biodiversity and important wildlife habitats within and outside designated sites. There is no evidence of significant biodiversity or wildlife on the paddock land.

Economic benefits

The development would maintain and strengthen the local economy to promote future economic prosperity for North Lincolnshire in rural and urban areas. The construction of the houses will generate opportunities for employment and job training. The development will swell high-quality designed housing stock in North Lincolnshire.

It would create vibrant towns and village centres in both rural and urban areas. The residential scheme will allow existing residents to remain in Belton and/or attract new neighbours to the village. Both benefits will have a positive impact on the sustainability of the local community.

It would support and improve the economic activity for rural areas through the retention of local facilities. The scheme will allow existing residents to remain in Belton and/or attract new neighbours to the village and therefore the retention and financial viability of services and facilities are ensured for the mid and long term.

To demonstrate that the development will be safe, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The FRA report indicates that the main source of flood risk is the River Trent. The River Trent flood defences consist largely of earth embankments that are sufficiently high to prevent overtopping during events with a 1.0% (fluvial) annual probability of occurrence. The defences are generally in good to fair condition (grades 2 and 3).

The other sources of flood risk are the other three main river watercourses (River Torne, South Level Engine Drain and Warping Drain) and the local IDB systems. Having regard to the conditions of their defences, which are classed as 'good to fair' (grades 2 and 3), the main river watercourses provide a nominal 1:10 years (10% annual probability) standard of protection to the surrounding area, although the River Torne's standard rises to 1:30 years (3% annual probability) if freeboard is taken into account. The IDB's systems are understood to be capable of accommodating the 2.0% annual probability event.

The report concludes that although much of the land is adequately protected against water levels with a 1.0% (fluvial) annual probability of occurring in the Trent, nevertheless the very flat and low-lying nature of the land, the complexity of the drainage system, the low standard of protection it affords and the heavy reliance on pumping mean that during an extreme event flooding could be widespread and in locations that are difficult to predict.

Therefore, mitigation measures will be proposed to be incorporated into the development which will protect the lifetime of the development and occupiers as well as prevent flood risk exacerbation should excessive flooding events occur.

The mitigation measures include:

1. finished floor levels of the ground floor of the houses shall be raised to 4.3m AOD (300mm freeboard above critical flood levels at 4.1m AOD)
2. all habitable accommodation shall be provided on the first floor level of the house
3. UPVC windows and doors with sealed double-glazed units
4. waterproof materials should be used for walls and floors below flood level.

The FRA report concludes that the actual risk to this development is not as high as to refuse planning permission for the residential development and that even if flooding should reach this site, the impact would be feasibly addressed through the mitigation measures.

The robustness of the proposal in terms of wider sustainability benefits to the community, as shown in the report and assessed against the Key Sustainability Issues contained in the Sustainability Appraisal of the Core Strategy DPD, is believed to outweigh flood risk and the details of the report demonstrate that the residential scheme meets the criterion. Accordingly, the exception test is passed for the proposed development.

The planning authority has no adverse comments to make on the assessment of the Sequential Test and Exceptional Test as the applicant has successfully demonstrated that there are no reasonably available alternative sites at a lower risk of flooding. The sustainability appraisal outlined in the report also demonstrate that the wider sustainability benefits to the community that outweigh flood risk. Consideration has been given to the impact of the flood risk management infrastructure within the Flood Zones considering the range of flood risk management maintenance scenarios and mitigation and judged that the proposed uses of the site are suitable in terms of their vulnerability.

The Drainage Team initially objected to the application. However, following receipt of the revised drawing indicating a 2-metre easement to maintain the watercourse on the eastern boundary, the team has noted that the Internal Drainage Board need to confirm this is an acceptable clearance to enable maintenance to be carried out moving forward. In addition, there are still fundamental design issues that need resolving.

Notwithstanding the above, the Drainage Team has withdrawn their objection to the proposed development subject to the imposition of the planning conditions, informative comments and notes to the developer.

Highways

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by satisfactory access. Policy T19 is concerned with parking provision as well as general highway safety.

Highways initially raised concerns about the proposed layout of the site. They were also concerned that too many dwellings were proposed to be served by a private drive with

potential conflict between residents, pub customers and deliveries, from both pedestrian and vehicular movements.

They recommended that the access road should abut the existing adopted highway to be considered for adoption. This could be achieved by realigning parking spaces in the car park and constructing a section of the car park as an adopted highway.

Following the amendment of the plans, Highways have updated their comments and have no objection to the application subject to conditions.

Historic Environment Record

Policy HE9 (Archaeological Evaluation) requires that where development proposals affect sites of known or suspected archaeological importance, an archaeological assessment be submitted prior to the determination of an application. Planning permission will not be granted without adequate assessment of the nature, extent and significance of the remains present and the degree to which the proposed development is likely to affect them.

The Historic Environment officer in her initial comments dated 14 October 2020 commented that records show that the Westgate area has the potential to contain archaeological remains of a Roman and Medieval settlement. Recent archaeological investigation along Westgate Road to the southeast of the application site has revealed evidence of Roman occupation and a settlement site is likely located in the vicinity.

The officer commented that the applicant has submitted a Heritage Statement in accordance with paragraph 189 of the NPPF, which reproduces the HER archaeological data that does not identify the archaeological potential of the application site and is not informed by any archaeological surveys of the site.

Because the site has the potential to include heritage assets of archaeological interest, in particular relating to human remains, adequate information is required about the significance of any such assets to properly assess the impact of the proposed development, and thereby to inform the decision-making process in accordance with the NPPF and local planning policies. An archaeological field evaluation is required to provide this information.

The Archaeological Trial Trench Evaluation Report dated 19 March 2021 was submitted for further review. In their comments dated 6 April 2021 the Historic Environment Record officer indicated that the methodology put forward in the WSI for the excavation of sample trial trenches is satisfactory.

However, they advised that the timeline for the on-site work and assessment reporting is included in the WSI with a report of the trench results anticipated at the end of May. The results will inform the assessment of significance and subsequent archaeological mitigation strategy as appropriate; this may require alterations to the design and layout of the proposals or further archaeological work to offset any harm. Accordingly, the Historic Environment Record maintains its holding objection.

An updated Archaeological Trial Trench Evaluation Report dated 28 May 2021 was submitted. The Historic Environment Record comments on the report dated 11 June 2021 that further to the previous memo in response to this application dated 14 October 2020 the applicant has commissioned an archaeological field evaluation in accordance with paragraph 189 of the NPPF and local plan policy HE9.

The evaluation comprised the excavation of five trial trenches to sample the area of the application site. Only features of modern date were encountered in the trenches and it can be concluded that the application site has little or no potential to contain significant archaeological remains that would merit any further archaeological mitigation.

The focus of this memo is therefore the key heritage issue of the effect of the proposals on the ASHLI and reiterates the previous recommendations in relation to this, meaning the Historic Environment Record maintains their objection on the application as the development would adversely affect the character, appearance and setting of the historic landscape contrary to the NPPF, Core Strategy policies CS5 and CS6, and local plan policies LC14, LC7, RD2 and DS1.

Environmental Protection

The NPPF states that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. Policy DS11 is concerned with polluting activities. It states that planning permission for development, including extensions to existing premises and changes of use, will only be permitted where it can be demonstrated that 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. Policy DS1 is also concerned with the protection of amenities.

Environmental Protection (Contaminated Land), following consideration of the application, has no objection subject to conditions. The officer has commented that the application is a sensitive end-use. It is the developer's responsibility to assess and address any potential contamination risks, however, no supporting information has been provided that demonstrates potential risks can be reduced to an acceptable level.

The officer recommends that where a proposed development introduces a vulnerable end-use and/or the development site could be affected by a former potentially contaminative land use, the possibility of land contamination should always be considered. In these circumstances, a Phase 1 assessment should be submitted as a minimum, which includes a desktop study, a site walkover and a conceptual site model. A condition would be applied to any grant of permission.

On noise nuisance, Environmental Protection have indicated that the proposed site is close to a public house and there is, therefore, the potential for an adverse noise impact on residential amenity. Sources of noise from these premises may include, but are not limited to: plant for extraction, ventilation and refrigeration, noise from patrons arriving and leaving, and noise from the venue itself such as entertainment. This department has received complaints in the past relating to noise from such facilities which have proved difficult to resolve.

At this stage, the department does not have sufficient information from the applicant to assess the likely impact of noise. Therefore, should this application be recommended for approval, a condition requesting a noise impact assessment should be applied. The noise assessment should provide details of existing background noise levels, likely noise sources that will impact upon the proposed development, mitigation methods to be employed and the resulting predicted level of noise at sensitive locations.

Further, should this application be recommended for approval, to prevent residents and other sensitive receptors from being affected during construction of the proposed development, construction conditions should be applied to the decision.

Section 106

Policy CS27 is concerned with planning obligations and states that where a development proposal generates an identified need for additional infrastructure, North Lincolnshire Council will, through the negotiation of planning obligations pursuant to Section 106 of the Town and Country Planning Act 1990 and in accordance with the guidance set out in Circular 05/2005, seek obligations that are necessary to make proposals acceptable in planning terms.

Policy H11 (Affordable Housing Provision in the Scunthorpe and Bottesford Urban Area) states that the council will secure the provision of affordable housing on allocated and windfall residential sites of 1 hectare or more or for sites with 25 or more dwellings. On all such sites in Scunthorpe, excluding the allocated NW Scunthorpe site, 5 to 10% of the units should be affordable. On sites in Bottesford and the site at NW Scunthorpe, 10 to 15% of the units should be affordable. The council's preference for affordable housing is subsidised housing for rent provided by a Registered Social Landlord (RSL) or other social body. In certain circumstances, tenants of registered social landlords have a right to acquire ownership of their dwellings.

This scheme was initially for 10 dwellings. However, as indicated earlier, the number of dwellings has been reduced to nine. The applicant and the S106 Officer have agreed on the heads of terms for the development.

The following contributions are required in connection with the proposed development and the infrastructure demands generated by it:

Open space provision

£5,542.60 towards existing facilities within Westgate, Belton.

Public comments

The concerns regarding overlooking, privacy, drainage, and flood risk have been addressed in the report. With regard to the concerns about pedestrian and vehicular access, Highways have no objection to the application and it is believed the conditions and measures recommended would mitigate any impacts of development road traffic.

Regarding the concerns about the view from a nearby property, views are not relevant planning matters and therefore this has not been considered in the assessment. Concerns about noise nuisance have been addressed in the report.

On concerns that the development will put excessive pressure on the infrastructure of the village, infrastructure includes roads, schools, water supply, hospitals, waste management systems, among others. A section 106 agreement is an agreement between a developer and a local planning authority about measures that the developer must take to reduce their impact on the community. The S106 will vary depending on the nature of the development and based on the needs. The most common obligations include:

- public open space

- affordable housing
- education
- highways
- town centre improvements
- health.

In this case, the Section 106 officer has agreed on heads of terms with the provision of open space and therefore it is believed that the development would meet other infrastructure requirements.

Belton Parish Council comments

Turning to the concerns of Belton Parish Council, the environmental, historical and drainage concerns have been addressed in the report. The concerns about an increase in traffic and local services have also been addressed above.

On the planning history of the previously refused site (PA/2017/1212), adjacent to this site, it is worth noting that each application is assessed on its merit. Also, PA/2017/1212 was refused on the basis that the site lies outside a defined settlement, in the open countryside, and is in an unsustainable location, remote from local services and public transport. In addition, no evidence has been provided to justify a special need for a dwelling in this location.

Notwithstanding the above, this application has been recommended for refusal because the principle of the development is not acceptable and the siting would have an adverse landscape impact.

Conclusion

In conclusion, this application is for nine residential developments outside the settlement boundary of Belton and is contrary to local development plan policies in terms of the principle of sustainable locations for new development.

In this case, the local planning authority has demonstrated a five-year supply of housing, and therefore this application should be considered in the context of the local development plan.

The proposal conflicts with policies CS2, CS3 and CS8 of the Core Strategy because the site is outside the development boundary of Belton and the development is not appropriate for the countryside. Further, the development is not sustainable at the site.

In addition, the development would adversely affect the character, appearance and setting of the historic landscape contrary to the NPPF, Core Strategy policies CS5 and CS6, and local plan policies LC14, LC7, RD2 and DS1.

RECOMMENDATION **Refuse permission for the following reasons:**

1.

The proposed development is contrary to policies CS2, CS3 and CS8 of the North Lincolnshire Core Strategy and saved policy RD2 of the North Lincolnshire Local Plan in that the site lies outside of a defined settlement, in the open countryside, and is located in an unsustainable location, remote from local services and public transport. In addition, no evidence has been provided to justify a special need for this development in this location.

2.

The site is in an Area of High Landscape Value and the proposed development would not make a positive contribution to local character and distinctiveness, and would detract from the significance of the historic landscape at this location. The development is contrary to policies LC14, RD2, LC7 and DS1 of the North Lincolnshire Local Plan, and policies CS5 and CS6 of the Core Strategy, and would not be in accord with paragraphs 192 or 200 of the National Planning Policy Framework. The application fails the key objective of the NPPF to conserve the historic environment for this and future generations.

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.



LC14 Isle of Axholme Area of Special Historic Landscape Interest

**North
Lincolnshire
Council**

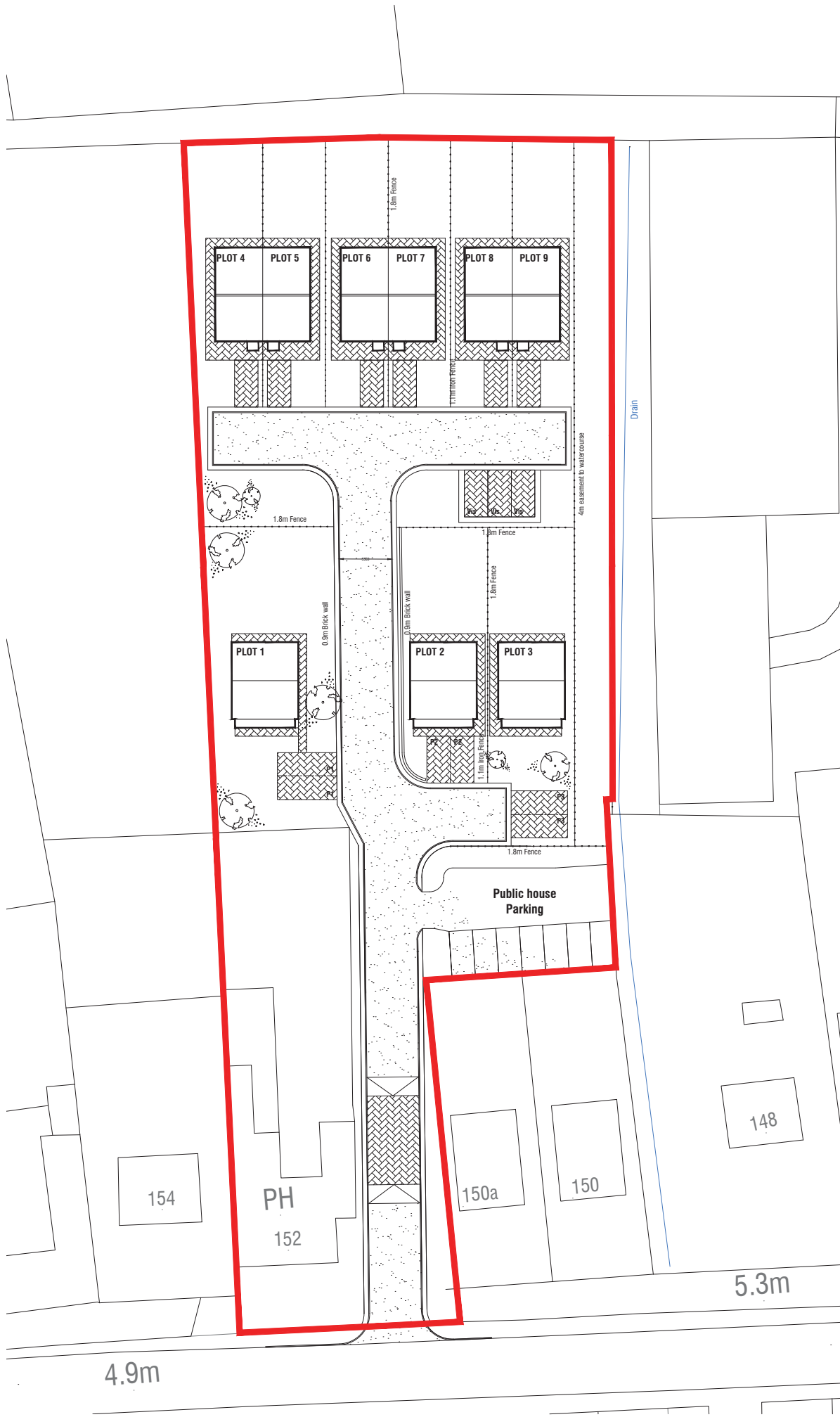
PA/2020/1417

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PA/2020/1417 Proposed layout (not to scale)



NORTH



LEGEND:

- Marshalls Driveline 50 Pewter Multi Block Paving - 200mm x 100mm x 50mm
- Tarmac
- 0.9m Black iron rails
- 1.8m Timber close boarded fence
- 1.1m Timber post and rail fence
- 0.9m 215mm brick wall

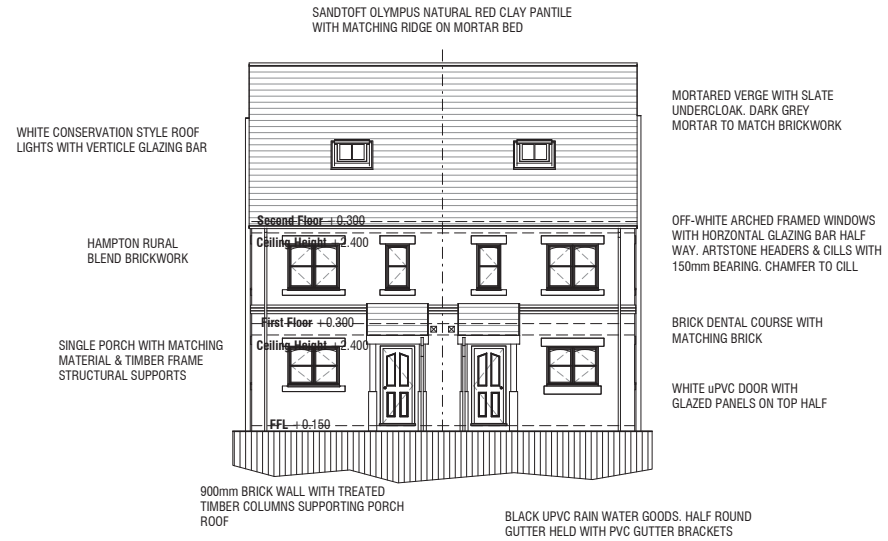
MaxDesign Architecture Planning Consultancy			
The White House, 278 Bawtry Road, Doncaster DN4 7PD			
t: 01302 867509		m: 07734 939 044	
e: design@maxdesignconsultancy.co.uk		w: maxdesignconsultancy.co.uk	
status: PLANNING			
client: North Lincs Property			
project: The Wheatsheaf			
title: Site Plan			
scale: 1:200@A1		date: AUG 2020	
project no.: 2096	drawn: ZY	number: 001	rev: D

SITE PLAN 1:200

AMENDED

PA/2020/1417 Proposed elevations (semi-detached) (not to scale)

Notes			
Figured dimensions only to be taken from this drawing. Do not scale. If in doubt ask.			
Rev	Date	Drawn ZY	Description



FRONT ELEVATION

1 : 100



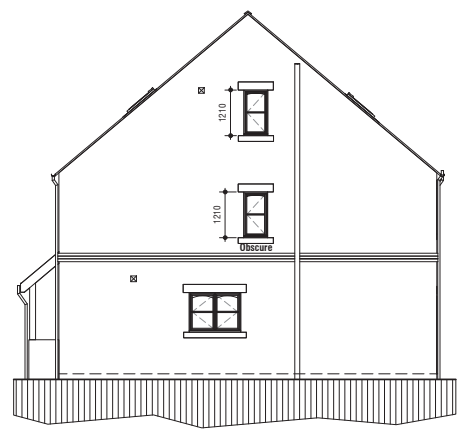
REAR ELEVATION

1 : 100



LEFT SIDE ELEVATION

1 : 100



RIGHT SIDE ELEVATION

1 : 100



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status: **PLANNING**

client: **North Lincs Property Ltd.**

project: **The Wheatsheaf, Belton**

title: **Elevation**

scale: **1 : 100** date: **AUG 2020**

project no.: 2096	drawn: ZY	number: 003	rev:
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PA/2020/1417 Proposed elevations (detached) (not to scale)

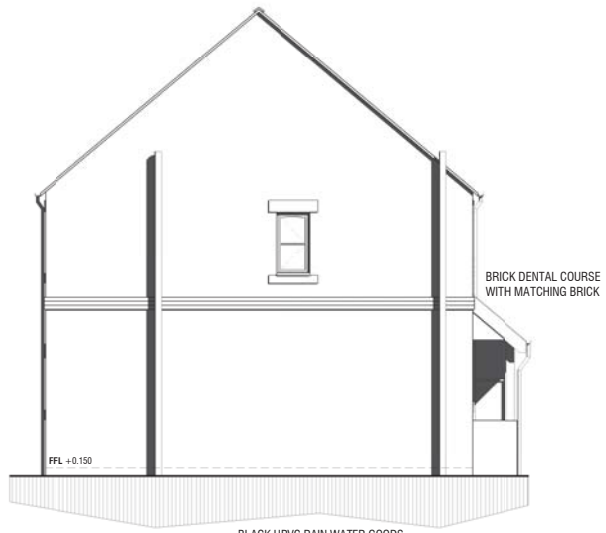
Notes			
Figured dimensions only to be taken from this drawing. Do not scale if in doubt ask.			
Rev	Date	Drawn	Description
A	11.06.20	ZY	Bed 3 window altered



FRONT ELEVATION

1 : 50

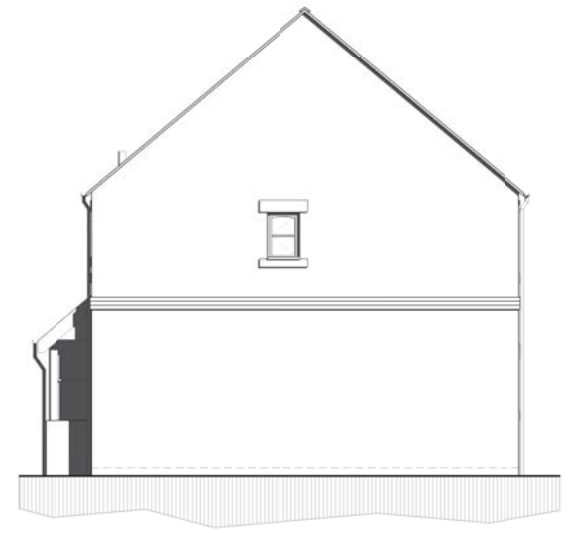
BLACK UPVC RAIN WATER GOODS. HALF ROUND GUTTER HELD WITH PVC GUTTER BRACKETS



RIGHT SIDE ELEVATION

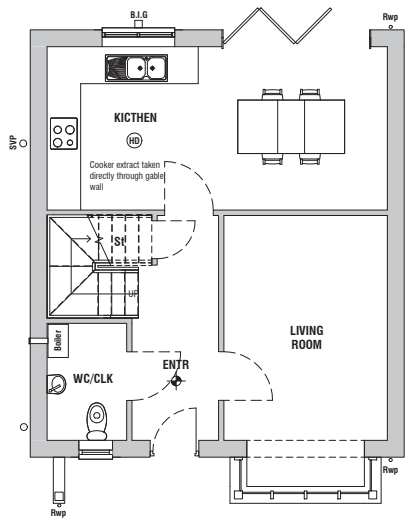
1 : 50

BLACK UPVC RAIN WATER GOODS. HALF ROUND GUTTER HELD WITH PVC GUTTER BRACKETS



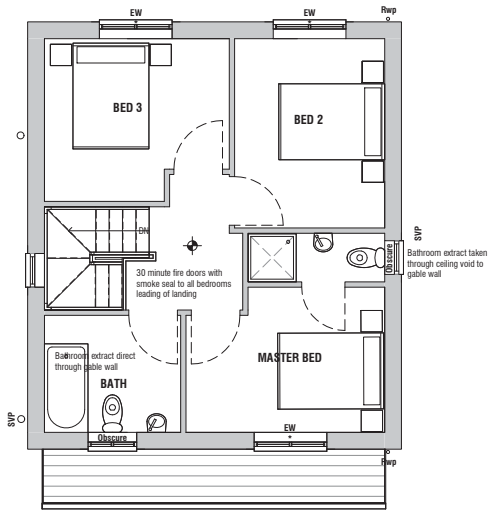
LEFT SIDE ELEVATION

1 : 50



GROUND FLOOR PLAN

1 : 50



FIRST FLOOR PLAN

1 : 50



REAR ELEVATION

1 : 50

Internal Area:
84 sqm / 904 sq.ft

MaxDesign Architecture Planning Consultancy			
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status: SCHEME			
client: North Lincs Property Ltd.			
project: The Wheatstheaf			
title: Housetype GA			
scale: 1 : 50		date: FEB 2021	
project no.: 2096	drawn: ZY	number: 002	rev: A

