APPLICATION NO	PA/2021/2237
APPLICANT	Mrs Sharon Wright
DEVELOPMENT	Planning permission to erect a replacement dwelling (including demolition of existing dwelling)
LOCATION	Pale Close, Sand Pit Lane, Alkborough, DN15 9JG
PARISH	Alkborough
WARD	Burton upon Stather and Winterton
CASE OFFICER	Martin Evans
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Ogg – significant public interest)
	Objection by Alkborough and Walcot Parish Council

POLICIES

Statutory test

The statutory test within the Planning (Listed Buildings and Conservation Areas) Act 1990, section 72 states, 'In the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

National Planning Policy Framework:

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

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

- (a) an economic objective to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- (b) a social objective to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built

environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural wellbeing; and

(c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.'

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

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

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

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

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

Paragraph 47 makes clear that 'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.'

Paragraph 130 states, 'Planning policies and decisions should ensure that developments:

- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

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

Paragraph 199 – When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 206 – Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

North Lincolnshire Local Plan: DS1, DS7, DS14, H5, H8, HE2, HE3, T2 and T19.

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS5, CS6 and CS17.

Housing and Employment Land Allocations Development Plan Document (DPD)

CONSULTATIONS

Historic Environment Record (Archaeology): The proposal does not adversely affect any heritage assets of archaeological interest or their settings. No further recommendations for archaeology.

Historic Environment Record (Conservation): No objection subject to conditions.

'The overarching policy reflected in national legislation and local policy is whether the proposed development 'preserves and enhances character of the conservation area (see council policy HE2 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990). The proposed building is a modern contemporary-styled building that replaces a poorly designed modern building that detracts from the character and appearance of the conservation area. The new building has a quality architectural contemporary design that uses traditional materials such as the local limestone, slates and timber boarding to maintain a visual connectivity to the surrounding vernacular. The use of a "live roof" with wildflower planting will soften the appearance of the building and provide additional visual interest. The proposed building is a big improvement on the existing

modern building which is dilapidated and has a plain municipal appearance with two UPVC conservatories. The use of large area of the local limestone on the ground floor of the new dwelling provides a strong visual design relationship to the village. The slate first floor and timber cladding uses traditional materials to further create a traditional finish to the attractive contemporary building. Consideration was given to a contemporary building in the location during the pre-application design process as it replaces a poorly designed modern building and the fact that the building is on the outer edge of the conservation area.

A building of this type would not be appropriate in the heart of the conservation area on a main historic street. Considering the site is tucked away on the periphery of the village and contains a poorly designed modern building, this gives the opportunity to have a new attractive contemporary building with an attractive appearance using traditional building materials to reflect the local surroundings. Considering the quality of design of the new building and the construction materials, which is a vast improvement on the existing building and the site location, there is no objection to the proposal. In order to ensure that the materials are of the appropriate quality it is recommended that samples of the facing materials are deposited at the site for consideration by the council's conservation officer prior to installation.'

Highways: No comment or objections.

Drainage Team (Lead Local Flood Authority): No comment or objections.

Environmental Protection: Finds the recommendations for the Delta-Simons Preliminary Environmental Risk Assessment Ref: 21-2442.01 investigation of the existing dwelling acceptable. A phase 2 report should be submitted prior to determination or alternatively conditioned.

Tree Officer: This site is within the conservation area and therefore this offers protection on trees here. The arboricultural report submitted appears to give accurate information about the trees in this location, and their condition and size. The loss of T4 to T7 to allow for development, as well as T12 due to condition, has been noted. Mitigation replacement green infrastructure would be appreciated and conditioned as a requirement if the local planning authority is minded to approve this application. The protection areas around those trees being retained during the demolition and subsequent rebuilding as laid out within the arboricultural report should also be placed as a requirement and conditioned if the application is given consent.

PARISH COUNCIL

Objects:

'The design of the new property does not reflect the vernacular styles of other properties in the area, and is viewed to produce a detrimental impact on the character of the local area if it goes ahead and is not in keeping with the general character of the conservation area. The Local Development Plan states that a rebuild should not exceed the square footage of the original dwelling by more than 20%; there is no square footage shown on the proposed plans.

The proposal appears to show the removal of protected trees.'

PUBLICITY

A site notice has been displayed.

The Grimsby Area Swift Project, on behalf of the Lincolnshire Bird Club, requests a minimum of three swift bricks per dwelling is conditioned.

ASSESSMENT

Planning history

The site has no relevant planning history.

Site characteristics

The application site comprises a vacant 1960's dwelling set in ample grounds with far reaching views over the confluence of the River Trent, River Ouse and the Humber Estuary. It is within the conservation area and the existing dwelling is within the Alkborough development limit, the boundary of which sits to the rear of the property. To the south-east of the site is a caravan, to the south is an agricultural building and to the south-west is further garden of the existing property, all of which is indicated by the blue line on the site location plan to be within the ownership of the applicant. To the north-west and north-east of the site is open countryside.

Proposal

This is an application for planning permission to demolish the existing dwelling and to erect a replacement dwelling on broadly the same footprint. The proposed dwelling is one and two-storey with a flat roof. External finishing materials include cream sawn stone and timber cladding to the ground floor and fibre cement slate effect cladding to the first floor. Aluminium windows and doors are proposed throughout. A sedum roof and optional solar panels are also proposed. The existing site access would be used with a new resin bound gravel driveway installed. Electric gates are indicated but no further details are provided. Four trees to the front of the existing dwelling are proposed to be removed.

The key issues for this proposal include:

- the principle of development
- design and heritage impacts
- the impact upon residential amenity
- the impact upon highway safety
- land contamination and drainage
- biodiversity
- trees.

Principle of development:

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

Central Government places high importance on new homes being delivered throughout the country to address the chronic shortage. Paragraph 11(d) of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, relevant policies which guide the supply of housing should not be considered up to date. A recent review of the Five-Year Housing Land Position Statement in August 2021 has identified that North Lincolnshire Council can demonstrate a five-year housing land supply. There is therefore no tilted balance applied through paragraph 11 of the NPPF.

Alkborough is classified as a Rural Settlement in the settlement hierarchy of the Core Strategy.

Policy CS1 sets out the spatial strategy for North Lincolnshire stating, 'The spatial vision and the future development requirements will be delivered through the spatial strategy for North Lincolnshire... The spatial strategy will focus on an urban renaissance for Scunthorpe; supporting the market towns;' and 'Supporting thriving rural communities and a vibrant countryside through the protection and enhancement of local services, creating opportunities for rural economic diversification and the promotion of tourism. Rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing existing local services to meet local needs. Development will be limited and should take into account levels of local service provision, infrastructure capacity and accessibility. Any development that takes place should be in keeping with the character and nature of the settlement.' It continues 'All future growth regardless of location should contribute to sustainable development in particular in respect of those criteria set out in policy CS2 as well as the other policies of the plan. All change will be managed in an environmentally sustainable way by avoiding/minimising or mitigating development pressure on the area's natural and built environment, its existing utilities and associated infrastructure and areas at risk of flooding. Where development unavoidably has an environmental impact adequate mitigation measures should be used for the development to be acceptable.'

Policy CS2 sets out that in supporting the delivery of the spatial strategy in policy CS1, as well as determining how future development needs will be met in North Lincolnshire, a sequential approach will be adopted with development firstly focused on the Scunthorpe urban area, then infill within the town, then greenfield urban extensions; secondly within the defined settlement limits of the market towns, then infill within them, then small-scale greenfield extensions to meet local needs. It also requires development to be located to minimise the need to travel.

The principle of demolishing a dwelling within the Alkborough development limit and replacing it with another is in accordance with policies CS1, CS2 and CS3 and the Housing and Employment Land Allocations Development Plan Document (DPD).

Design and heritage impacts

Policy DS1 requires that a 'high standard of design is expected' and states that proposals will be considered against two criteria, these being:

- (i) the design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area; and
- (ii) the design and layout should respect and where possible retain and/or enhance the existing landform of the site.

Policy CS5 states, '...All new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place' and '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.'

The statutory test within the Planning (Listed Buildings and Conservation Areas) Act 1990, section 72 states, 'In the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

The aforementioned statutory test is reflected in policy HE2. Policy HE3 permits demolition of buildings within the conservation area where it is not of intrinsic architectural, historic or townscape importance and its removal or replacement would enhance the appearance or character of the area.

Policy CS6 states, 'The council will seek to protect, conserve and enhance North Lincolnshire's historic environment, as well as the character and setting of areas of acknowledged importance, including historic buildings, conservation areas, listed buildings (both statutory and locally listed), registered parks and gardens, scheduled ancient monuments and archaeological remains.'

The existing building is identified as a 'Building[s] with Neutral Effect' within the Alkborough Townscape analysis. The Alkborough Conservation Area Supplementary Planning Guidance states, 'Neutral buildings are older buildings which have been altered or modern buildings, the design of which is considered to be reasonably in keeping with the surrounding area.'

The Conservation Officer takes the view the existing building is a poorly designed modern building that detracts from the character and appearance of the conservation area. It is noteworthy that since the suite of conservation area documents were prepared some 18 years ago, the condition of Pale Close has deteriorated somewhat. The existing building is dilapidated and has a plain municipal appearance with two UPVC conservatories.

It is considered the proposed building has a quality architectural contemporary design that uses traditional materials such as the local limestone and timber boarding to maintain a visual connectivity to the surrounding vernacular. The use of large area of the local limestone on the ground floor of the new dwelling provides a strong visual design relationship to the village. The slate effect first floor and timber cladding uses traditional materials to further create a traditional finish to the attractive contemporary building.

Subject to a condition securing on-site samples of facing materials, it is considered the proposal is well designed and represents an enhancement to the character and appearance of the conservation area, compared to the existing dwelling to be demolished, in accordance with the statutory test, the NPPF and development plan policies. No archaeological requirements arise from the proposal.

There is a divergence of opinion with the parish council in this regard. It refers to a restriction in the increase in floorspace but this does not apply within the development limit. Tree removal is discussed in detail below.

Impact upon residential amenity

Policy DS1 is partly concerned with impacts upon residential amenity. It states, '...No unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing'. Policy H5 also requires that 'development does not result in overlooking or a loss of privacy to existing developments, or any other loss of amenity to existing dwellings'.

The proposed dwelling is approximately 40m from the nearest dwelling in Prospect Farm Lane and is separated from it by a verdant group of trees afforded protection by being within a conservation area. There is a caravan directly south-east of the proposed dwelling that is indicated to be within the ownership of the applicant and does not appear to benefit from planning permission which means it should not be afforded protection.

The proposal would not result in the unacceptable loss of residential amenity. The proposal is therefore considered to be acceptable in this regard with policies DS1 and H5 of the North Lincolnshire Local Plan.

Impact upon highway safety

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

Reusing the existing access and the provision of an area to the front of the property capable of accommodating four or more parking spaces on bound gravel is appropriate. The Highways department raises no objections. The proposed site plan shows electric gates but provides no further detail; therefore, this does not form part of the planning permission, if approved.

As such there is considered to be no conflict with the requirements of policies T2 and T19.

Land contamination and drainage

Policy DS7 relates to contaminated land. Environmental Protection recommend a phase 2 contaminated land assessment as a result of the phase 1 assessment. This is necessary and conditioned accordingly.

Policy DS14 states, 'The council will require satisfactory provision to be made for the disposal of foul and surface water from new development, either by agreeing details before planning permission is granted, or by imposing conditions on a planning permission'. It is proposed foul drainage would be to septic tank and surface water to soakaway. Septic tanks are the least preferred method of foul water disposal. Final details and justification of foul and surface water drainage are secured by condition.

Biodiversity

Policy CS17 requires 'Ensuring development seeks to produce a net gain in biodiversity by designing in wildlife'.

The submitted preliminary ecological appraisal and biodiversity management plan suitably assess the impact upon protected wildlife sites and upon individual protected species. No harm to such sites or species is identified and suitable precautionary working practices and biodiversity net gain measures are proposed. These are secured by condition.

Trees

As noted by the parish council, the submitted Arboricultural Implication Assessment reference EMB0317/5221 details the loss of T4 to T7 to allow for development, as well as T12 due to its condition. The Tree Officer raises no objections to the proposals. Replacement trees are secured by condition. Suitable protective fencing details, ground protection and cellular confinement system details are provided and secured by condition.

Conclusion

Replacing a dwelling that has a neutral impact upon the conservation area with a new well designed dwelling that would enhance it, within the Alkborough development limit, is acceptable in principle and with regard to heritage impacts no harm to residential amenity nor highway safety would arise. Land contamination, drainage, biodiversity and tree matters are acceptable subject to conditions. It is recommended that planning permission is granted subject to conditions.

Pre-commencement condition

The conditions have been agreed by the applicant.

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:

3254-DEN-A-ZZ-DR-A-1001 Rev A 3254-DEN-A-ZZ-DR-A-1000 Rev D 3254-DEN-A-ZZ-DR-A-4000 Rev B 3254-DEN-A-ZZ-DR-A-2000 Rev C.

Reason

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

3.

Details of replacement trees for those shown to be removed in the Arboricultural Implication Assessment reference EMB0317 / 5221 shall be submitted to and agreed in writing with the local planning authority prior to occupation of the dwelling hereby permitted. The approved replacement trees shall at the latest be planted in the first available planting season following occupation of the dwelling. If any tree dies or becomes diseased within five years of planting it shall be replaced in the next available planting season.

Reason

In the interests of preserving the character and appearance of the conservation area in pursuance of policy CS6 and ensuring biodiversity net gain in accordance with policy CS17 of the North Lincolnshire Core Strategy.

4.

Tree protection fencing, ground protection and cellular confinement system details shall be installed on the site in accordance with the recommendations contained within the Arboricultural Implication Assessment reference EMB0317 / 5221.

Reason

In the interests of preserving the character and appearance of the conservation area in pursuance of policy CS6 of the North Lincolnshire Core Strategy.

5.

Prior to their use in the development hereby permitted, samples of the facing materials shall be made available for inspection on site and shall be approved in writing by the local planning authority. Development shall proceed in accordance with the approved details.

Reason

In the interests of preserving the character and appearance of the conservation area in pursuance of policy CS6 of the North Lincolnshire Core Strategy.

6.

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

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 the site is safe for future users and construction workers in pursuance of policy DS7 of the North Lincolnshire Local Plan.

7.

Construction of the new dwelling above ground level shall not take place until details of the means of foul and surface water drainage have been submitted to and approved in writing by the local planning authority. Development shall proceed in accordance with the approved details.

Reason

To secure appropriate drainage details to prevent flooding and pollution of the environment in pursuance of policy DS14 of the North Lincolnshire Local Plan.

8.

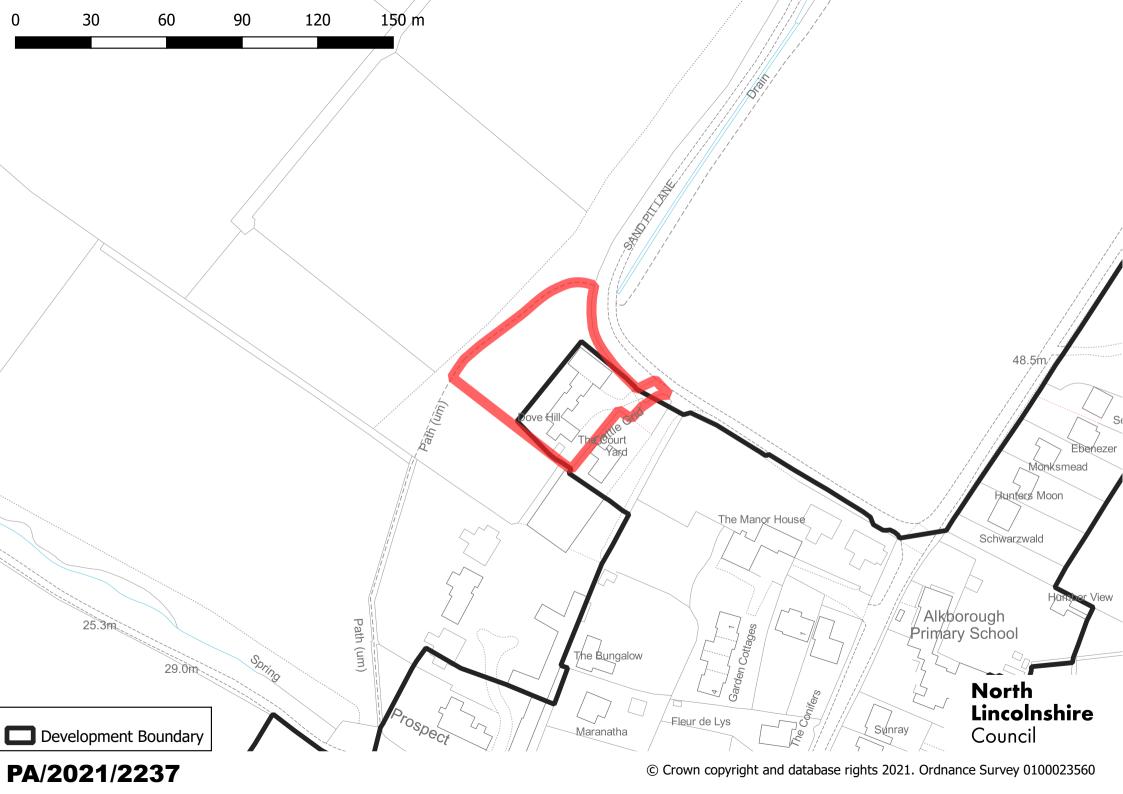
The submitted biodiversity management plan shall be carried out in accordance with the approved details and timings it contains, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. Within six months of the occupation of the new dwelling, a report shall be submitted to the local planning authority, providing evidence of compliance with the biodiversity management plan.

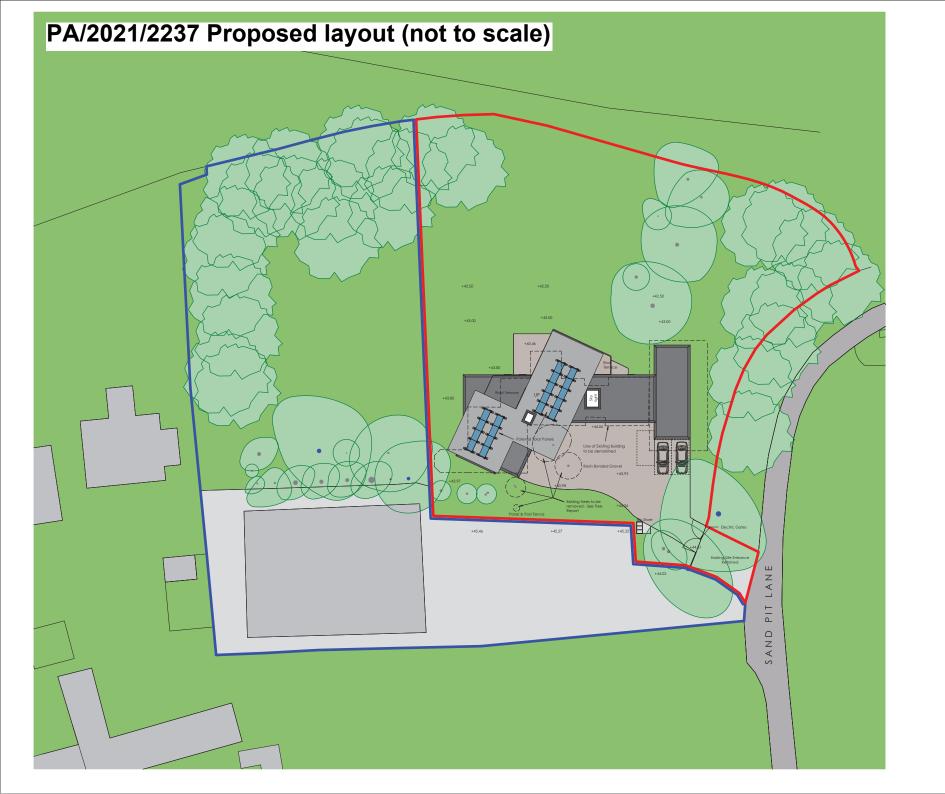
Reason

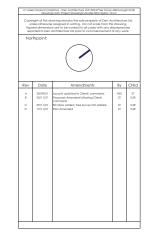
To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy.

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.









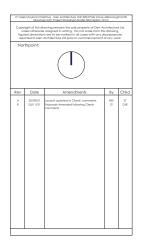
Client Sharon Wright Proposed Site Plan

hoject No:	Size:	Status:		
3254	A1	Plannin	9	
rawing Number:				Revision
3254-DEN-A-ZZ-DR-A-1000				D

PA/2021/2237 3D visuals (not to scale)







Aerial View 1

Aerial View 2



View From Garden



8 Wharf Street, Leeds, LS2 7EQ 17 Grosvenor Street, London, W1K 4QG T: 0113 244 5038

info@den.uk.com www.den.uk.com

Proposed House, Sand Pit Lane, Alkborough

Caret
Shoron Wright
Days file:
3d Visuals
Date:
Aug 2021
Project file:
3254
Date:
3254
Denney Aureae:
3254

