

<b>APPLICATION NO</b>	<b>PA/2021/1788</b>
<b>APPLICANT</b>	Ben Bailey Homes
<b>DEVELOPMENT</b>	Outline planning permission to erect up to 28 dwellings, with all matters other than means of access reserved for subsequent consideration
<b>LOCATION</b>	Land rear of Southdown House, Grayingham Road, Kirton in Lindsey, DN21 4EL
<b>PARISH</b>	Kirton in Lindsey
<b>WARD</b>	Ridge
<b>CASE OFFICER</b>	Rebecca Leggott
<b>SUMMARY RECOMMENDATION</b>	<b>Refuse permission</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Third party request to address the committee

## **POLICIES**

### **National Planning Policy Framework:**

Chapter 2: Achieving sustainable development

Chapter 4: Decision-making

Chapter 5: Delivering a sufficient supply of homes

Chapter 9: Promoting sustainable transport

Chapter 11: Making effective use of land

Chapter 12: Achieving well-designed places

Chapter 15: Conserving and enhancing the natural environment

### **North Lincolnshire Local Plan:**

Policy H5: New Housing Development

Policy H8: Housing Design and Housing Mix

Policy H7: Backland and Tandem Development

Policy H10: Public Open Space Provision in New Housing Development

Policy RD2: Development in the Open Countryside

Policy T1: Location of Development

Policy T2: Access to Development

Policy T6: Pedestrian Routes and Footpaths

Policy T19: Car Parking Provision and Standards

Policy R1: Protected Playing Fields

Policy C1: Educational Facilities

Policy LC5: Species Protection

Policy LC6: Habitat Creation

Policy LC7: Landscape Protection

Policy LC12: Protection of Trees, Woodland and Hedgerows

Policy HE9: Archaeological Excavation

Policy DS1: General Requirements

Policy DS7: Contaminated Land

Policy DS14: Foul Sewage and Surface Water Drainage

Policy DS16: Flood Risk

**Housing and Employment Land Allocations DPD:**

Policy PS1: Presumption in Favour of Sustainable Development

**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 CS6: Historic Environment

Policy CS7: Overall Housing Provision

Policy CS8: Spatial Distribution of Housing Sites

Policy CS9: Affordable Housing

Policy CS16: North Lincolnshire's Landscape, Greenspace and Waterscape

Policy CS17: Biodiversity

Policy CS18: Sustainable Resource Use and Climate Change

Policy CS19: Flood Risk

Policy CS22: Community Facilities and Services

Policy CS23: Sport, Recreation and Open Space

Policy CS25: Promoting Sustainable Transport

Policy CS27: Planning Obligations

## **CONSULTATIONS**

**Environment Agency:** No comments to make on the proposed development.

**Anglian Water:** No comments to make on the proposed development.

**JBA Consulting (IDB):** No comments to make on the proposed development.

**Environmental Protection:** No objections to the proposed development in principle. However, a number of standard conditions have been advised.

**LLFA Drainage:** Initially raised objections to the proposed development due to the lack of a flood risk assessment or principle drainage strategy.

Following receipt of the above comments, further information was provided and the LLFA re-consulted. The LLFA has now removed its objection subject to a number of standard conditions, noting also that agreement with third party land owners would also be required to enter their land to create or re-establish the existing water course network.

**Kirton in Lindsey Society:** Object to the proposed development on the following grounds:

- the development is outside the defined development limits
- flood risk and drainage
- brownfield sites should be used before greenfield sites.

**Highways:** No objections subject to a number of standard conditions.

**Tree Officer:** Objected to the proposed development as the site contains a number of mature trees and no arboricultural report had been submitted to justify the loss of these trees.

Following receipt of the above comments, further information was provided and the tree officer re-consulted. However, their objection still stands as the further information provided is still insufficient: information regarding the mature trees on site is required in the form of a BS5837:2012 arboricultural report to justify the loss of the trees on site.

**Humberside Fire and Rescue:** No objections to the proposed development in principle, subject to adequate access for fire services and water supplies for fire-fighting.

**Spatial Planning:** Object to the proposed development as the proposals are contrary to the council's overall Spatial Strategy, Core Strategy policies CS2, CS3, CS5, CS7, CS9 and CS19, and local plan policy RD2. It should be noted that the council has a five-year housing land supply of deliverable sites. Therefore, the council's housing policies are up-to-date and should be considered. Having had regard to the Sustainable Development and the North Lincolnshire Settlement Survey, Kirton Lindsey has a number of key facilities.

**S106 Officer:** Objects to the proposed development as the affordable units proposed on site do not meet the council's 20% affordable requirements. Furthermore, contributions would be required for the following:

- education at a total of approximately £177,078.00
- recreation
- open space at a total of approximately £33,668.00.

It is noted that highway works and on-site maintenance for the balancing pond, open space and landscaped areas are likely to be required to be secured via the S106.

**Education:** No objection to the proposed development subject to a contribution from the developer of £3,211 per eligible house. This figure is valid for S106 Agreements signed by 31 March 2022.

**Archaeology:** No objections to the proposed development in principle, subject to conditions relating to an archaeological mitigation strategy, commencement of archaeological site works, site investigation and verification.

**Ecology:** No objections to the proposed development in principle subject to conditions relating to the Biodiversity Metric and a biodiversity management plan.

**Recycling Officer:** No objections subject to a number of standard requirements being met in respect of bin types, refuse vehicle access, unadopted roads, pulling distances for residents and collection crews, and refuse and recycling storage.

## **TOWN COUNCIL**

Objects to the proposed development due to concerns over the following:

- location of the proposals outside the defined development limits
- contrary to the council's existing spatial strategy and five-year housing land supply
- flood risk and drainage
- insufficient information
- contamination
- loss of habitats and wildlife
- right to light

- highway safety and traffic generation, specifically given the site would only have one access
- contrary to the emerging local plan.

## **PUBLICITY**

A site notice has been displayed resulting in twelve letters of objection, one letter of comment and nine letters of support being received.

In summary, the objections raise the following:

- building on green belt and encroachment
- the proposals are not needed due to a large housing allocation and other planning permissions nearby
- brownfield sites should be prioritised
- highway safety due to conflict with the proposed access and Bader Way, and narrow roads; the site is very close to the point the speed limit changes from 60mph to 30mph
- traffic generation
- impact on the main drain which is already having problems
- impact on the doctor's and schools
- the proposals are inappropriate backland and tandem development
- the properties are too close to the existing rear boundaries of properties surrounding the site
- loss of light and privacy
- the site has been refused multiple times previously
- noise
- air quality.

In summary, the letters of support make the following comments:

- as a local business owner, it's good to see the village grow
- the affordable units to be provided are desperately needed
- good to see near 50% affordable units
- good location for affordable and also luxury housing
- nice to see the town evened out with all the development

- the development is in keeping with the area.

The letter of comment states that should the local planning authority recommend approval, a minimum of three swift bricks per dwelling should be provided and conditioned to provide biodiversity enhancements.

## **STATEMENT OF COMMUNITY INVOLVEMENT**

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

## **ASSESSMENT**

### **Planning history**

The following planning history is considered to be relevant:

PA/2019/1609: Outline planning permission to erect up to 12 dwellings with all matters reserved for subsequent approval – refused 06/01/2020 for the following reason:

‘The proposal is located outside the confines of any defined settlement boundary and is therefore located within the open countryside. The introduction of an urban form that extends the built environment beyond the confines of the existing adopted settlement boundary is considered to be harmful to the character and appearance of the open countryside and represents a departure from the strategic policies of the council’s local development framework and local plan. The proposal is contrary to the Core Strategy policies CS1, CS2, CS3 and CS8 and policy RD2 of the North Lincolnshire Local Plan.’

This decision was subsequently appealed and dismissed on 29/10/2020.

### **Site characteristics**

The site is outside the defined development boundary of Kirton in Lindsey, which is defined as a Market Town within the Core Strategy, and within SFRA Flood Zone 1.

The site is within the open countryside to the south-west of Kirton in Lindsey. It is currently open fields with residential properties to the north and east of the site and further open fields to the south and west. The site is highly visible on the approach to Kirton in Lindsey from both Gainsborough Road and Grayingham Road.

### **Proposal**

Outline planning permission is sought to erect 28 dwellings with appearance, landscaping, layout and scale reserved for subsequent consideration.

A previous application on this site (PA/2019/1609) for outline planning permission to erect up to 12 dwellings, with all matters reserved for subsequent consideration, was refused and subsequently dismissed at appeal. It was refused on the grounds that the proposals were unacceptable in principle. Furthermore, through the appeal, it was noted that the proposals would also have an unacceptable impact on the character and appearance of the area and concerns were raised over the lack of affordable housing.

## **The main issues in the determination of this application are:**

- **principle of development**
- **design and impact on the character and form of the area**
- **impact on residential amenity**
- **impact on highways**
- **flood risk and drainage**
- **other issues.**

### **Principle**

The majority of the application site is outside of any defined settlement boundary (with the exception of the access point) and the proposal would represent a departure from the development plan for North Lincolnshire. In determining whether the principle of residential development outside the settlement boundary is acceptable, it is necessary to consider whether the proposed development is sustainable in planning policy terms.

The development plan for North Lincolnshire comprises three parts: those policies of the North Lincolnshire Local Plan (2003) (LP) which were saved by a direction of the Secretary of State in September 2007, the North Lincolnshire Core Strategy DPD (2011) (CS), and the Housing and Employment Land Allocations DPD (2016) (HELADPD).

Policy CS1 of the Core Strategy sets out the overarching spatial strategy for North Lincolnshire which provides that settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing local services to meet local needs and that any development that takes place should be in keeping with the character and nature of the settlement.

Policy CS8 deals with the distribution of housing sites and prioritises development in Scunthorpe and the market towns and rural settlements to a lesser extent, with brownfield sites and sites within development boundaries being the primary focus. Policy CS8, whilst restricting housing outside development limits, contemplates some greenfield development as it refers to allowing development on such sites where it can be demonstrated that this would bring additional community benefits, contribute to building sustainable communities and be acceptable in terms of its impact on the high-quality environment and adjoining countryside. This overall approach is supported by policy CS2 which sets out a sequential approach for development.

Policy CS3 provides that development limits will be defined in future development plan documents. Outside these boundaries, development will be restricted to that which is essential to the functioning of the countryside. The development limits were subsequently defined in the HELADPD, and the application site is located outside the designated development limit for Kirton in Lindsey.

Local plan saved 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

part of the development plan, it has largely been overtaken by policies in subsequent plans addressing the same issue (such as policies CS2 and CS3 referenced above).

The aforementioned policies are aimed at focusing housing within settlement limits as defined in the HELADPD. The application site is entirely outside the defined development boundary with the exception of the access point and is therefore in breach of policies CS2, CS3 and CS8 of the Core Strategy and RD2 of the North Lincolnshire Local Plan.

It should be noted that the council are able to demonstrate a five-year housing land supply.

### **Design and impact on the character and form of the area**

Policy RD2 of the North Lincolnshire Local Plan is concerned with development within the open countryside. The policy is in two parts: firstly, it sets out, in principle, those development types that are acceptable; and secondly, it sets out a criteria-based approach to assessing those developments. The second part is of interest here in that it seeks to ensure that the visual amenity of the countryside is not compromised by poor development. Paragraph 'c' of the policy states:

'...the development would not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials;'

Policy CS5 of the Core Strategy is relevant and 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.' Policies H5 and H8 the local plan, which are concerned with new housing development, and paragraph 130 of the NPPF, is relevant, though the criteria-based nature of policy H5 lends itself better to the assessment of any subsequent reserved matters application.

Policy LC7 of the local plan is relevant and states, 'Where development is permitted within rural settlements or within the open countryside, special attention will be given to the protection of the scenic quality and distinctive local character of the landscape. Development which does not respect the character of the local landscape will not be permitted.'

Policy LC12 of the local plan is relevant and states, 'Proposals for all new development will, wherever possible, ensure the retention of trees, woodland and hedgerows. Particular regard will be given to the protection of these features within the setting of settlements...'

The site is an open parcel of land which makes a positive contribution to the transitional landscape of this settlement edge. The proposal would be clearly visible from private views from nearby properties and the approaches into the settlement along Grayingham Road and Gainsborough Road. Moreover, it would be visible in some distant views from the B1206. In these views it would generally be seen in combination with the housing under construction, housing along Grayingham Road and a relatively large building in the adjacent parcel of land.

Whilst the details of the scheme, including landscaping, would be reserved matters, the development of the open parcel of land would result in an encroachment of built form within



this transitional landscape. The erosion of this transitional landscape would result in harm to its character and appearance.

Comments have been sought from the Tree Officer who has raised objections to the proposed development due to insufficient information being provided. Further information has been provided by way of a report; however, having sought additional comments from the Tree Officer, this report is not considered to be sufficient. Information regarding the mature trees on site is required in the form of a BS5837:2012 arboricultural report to justify the loss of the trees on site. At present this lack of information conflicts with policy LC12 which emphasises the need to protect and enhance trees and hedgerow planting and improve the management of these valuable features.

Therefore, there would be harm to the character and appearance of the area. In this regard, the proposal would conflict with the requirements of policies CS2 of the Core Strategy and RD2 of the local plan. These policies state that planning permission will only be granted for development provided that it would not be detrimental to the character or appearance of the open countryside or a nearby settlement. These policies accord with paragraph 130 of the Framework which requires developments to be sympathetic to local character, and the surrounding built environment and landscape setting. In this regard, the proposal would conflict with the relevant provisions of the Framework.

Overall, the proposed development is not considered to be acceptable in terms of its impact on the character and appearance of the area and as such the proposals would be contrary to policies H5, RD2, LC7, LC12 and DS1 of the local plan and CS5 of the Core Strategy.

### **Residential amenity**

Policy DS1 of the local plan is relevant. At point iii) it states, 'No unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisances, or through the effects of overlooking or overshadowing.' Paragraph 130(f) of the NPPF similarly seeks to ensure that developments have a 'high standard of amenity'.

The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighbouring properties and overshadowing of neighbouring properties by virtue of the size, scale and massing of the development proposed.

The appearance, landscaping, layout and scale of the development is reserved for subsequent consideration at the reserved matters stage. However, having considered all relevant information, including the indicative layout plan, given the separation distances of the proposed dwellings and the surrounding properties, it is considered that the site could accommodate a residential development without resulting in adverse impacts on the residential amenities of neighbouring properties in terms of overlooking, overshadowing or being overbearing.

Having regard to the above, it is considered that an appropriate scheme could be achieved at the reserved matters stage which would not result in any significant detrimental impacts on the residential amenities of the occupiers of the existing or proposed dwellings. Therefore, the proposed development is considered acceptable in respect of residential amenity and accords with policy DS1 of the local plan.

## **Highway safety**

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. Policy CS25 of the Core Strategy promotes sustainable transport and is in two parts: firstly, it sets out to manage demand; and secondly, it seeks to manage the transport networks that serve North Lincolnshire's settlements.

The comments from neighbouring properties are noted regarding the impact of the proposals on highway safety.

The application seeks outline planning permission for a development with all matters reserved other than means of access. It is noted that an indicative layout plan has been provided.

Highways have been consulted and have no objections to the proposals in terms of highway safety, subject to conditions. The suggested conditions are considered to be reasonable.

The NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Having regard to the above, it is considered that the proposals would be acceptable in terms of highway safety and accord with policies T1, T2, T6 and T19 of the local plan and CS25 of the Core Strategy.

## **Flood risk and drainage**

Policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the Core Strategy, and paragraphs 155, 157, 163 and 165 of the NPPF are considered relevant.

The comments from neighbouring properties regarding the impact the proposals would have on flood risk and drainage are noted.

The application site is within SFRA Flood Zone 1. Paragraph 155 of the NPPF states that 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.'

The application form states that surface water will be disposed of via an existing water course and that foul water will be disposed of via mains sewers.

The LLFA, Anglian Water, JBA Consulting (IDB) and the EA have been consulted on the application. None of the aforementioned bodies have raised objections to the proposed development. The LLFA have advised a number of conditions should be attached. This is considered reasonable.

Having regard to the above, it is not considered that drainage would be a reason for refusal at this outline stage.

## **Archaeology**

Core Strategy policy CS6 (Historic Environment) 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...' and 'Development proposals should provide archaeological assessments where appropriate.'

Policy HE9 of the local plan is relevant and states, 'Sites of known archaeological importance will be protected. When development affecting such sites is acceptable in principle, mitigation of damage must be ensured and the preservation of the remains in situ is a preferred solution. When in situ preservation is not justified, the developer will be required to make adequate provision for excavation and recording before and during development.'

It is noted that a Design and Access Statement has been submitted; however, this make no reference to archaeology.

Comments have been sought from the Historic Environment Officer. In summary, no objections have been made to the proposed outline application in principle. However, it is noted that the site does have some potential for direct impacts on heritage assets dating from the Bronze Age and Roman period. The HER does not object to this application but does advise that appropriate mitigation measures to conserve the archaeological evidence of the site are adopted. Such measures should comprise a programme of monitoring, excavation and recording during the groundworks associated with the proposals, commonly known as a 'watching brief'. The archaeological fieldwork would be followed by post-excavation assessment, reporting, analysis and publication of any results, as required.

The appearance, landscaping, layout and scale of the of the proposals is reserved for subsequent consideration at the reserved matters stage. However, having considered all relevant information it is considered that the appropriate investigations and additional information could be requested via condition in order to inform a suitable scheme at reserved matters stage.

## **Protected species and conservation**

Policy CS17 of the Core Strategy, as well as paragraph 170 of the NPPF are of relevance.

Paragraph 170(d) of the NPPF expresses support for, 'minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.' However, it is also noted that paragraph 170(f) of the NPPF is relevant in respect of contaminated land. This expresses support for 'remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.'

Paragraph 175(a) of the NPPF states, '...if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused...'

Protected species include those protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2017. The presence of protected species is a material planning consideration.

Comments have been sought from the council's ecologist, who has raised no objections to the proposed development subject to a number of standard conditions.

Having had regard to the above, it is not considered that protected species and conservation would be a reason for refusal at this outline stage.

### **Contamination and environmental issues**

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

Paragraph 178 of the NPPF states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

The application is supported by a planning application form and a Contaminated Land Investigation Report. It is noted that this report has been carried out on the premise that the proposals are for 31 dwellings. However, the report provides a satisfactory assessment of the overall use of residential on this site at this outline stage.

The planning application form sets out that the proposed use would be vulnerable to the presence of contamination, which is agreed as the proposed use of the site would be for residential purposes.

Comments have been sought from the Environmental Protection team who raise no objections subject to a number of standard conditions.

Having regard to the above, it is considered that there is limited potential for contamination to be present at the site, but it is not considered that the impact of land contamination would be a reason for refusal at this outline stage.

### **Affordable housing**

Core Strategy Policy CS9 and the accompanying Affordable Housing Supplementary Planning Document (SPD) sets out the affordable housing policy context for North Lincolnshire.

Policy CS9 outlines that for schemes of 15 or more dwellings in the Scunthorpe urban area, 5 or more dwellings in Market Towns and 3 or more dwellings in rural settlements must make provision for an element of affordable housing. This policy seeks 20% affordable housing in Scunthorpe urban area and Market Towns and 10% affordable housing in rural settlements. Policy CS9 allows for off-site contributions where affordable units cannot reasonably be provided on site in line with criteria (a) and (b) of policy CS9.

This application proposes the erection of 28 dwellings outside the defined development limits of Kirton-in-Lindsey, which is a Market Town. As such 20% affordable housing is required on site.

The Design and Access Statement states that the development would consist of 28 dwellings comprising 25 four-bedroom detached and 3 two-bedroom affordable homes. However, the application form states that 23 units would be for market housing and 5 units would be for starter homes. Furthermore, no viability information has been provided to justify the lack of affordable units on site.

Comments have been sought from the S106 Officer who has confirmed that the 5 starter homes do not meet the 20% requirement for affordable housing.

Following discussions with the agent, the applicant confirmed that 6 affordable units could be provided as required. The 6 affordable units meets the 20% requirement for affordable units. Whilst it is noted that limited information has been provided in respect of the type of affordable units, the proposals are broadly compliant with policy CS9 of the Core Strategy.

Having had regard to the above, the proposals are considered to be acceptable in respect of affordable housing and accord with policy CS9 of the Core Strategy.

### **Planning obligations**

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 & Country Planning Act 1990 and in accordance with guidance set out in Circular 05/2005 (now contained within the CIL Regulations), seek obligations that are necessary to make proposals acceptable in planning terms.

The tests for planning obligations are set out in Part 11, section 122 of the Community Infrastructure Levy Regulations 2010 (as amended). It states:

- (2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.

The legal tests are also set out in planning policy under paragraph 56 of the National Planning Policy Framework 2019.

### *Education*

Policy C1 states that where major new housing proposals would result in an increased demand for education facilities which cannot be met by existing schools and colleges, a developer may be required to enter into a planning obligation under Section 106 of the Town and Country Planning Act 1990, to secure the provision of, or contribution towards, new or extended facilities.

Education have raised no objection to the proposed development subject to a contribution from the developer of £3,211 per eligible house.

### *Recreation and open space*

No response has been received from Recreation in respect of any required contributions for recreational open space. However, it is noted that an off-site contribution of approximately £33,668.00 would be required. The council would, however, request that on-site informal open space be provided at a rate of 10sqm per dwelling and for the council to maintain this land a contribution of £10,965.20 would be required. Alternatively, an estate management company could be set up and no contribution would be payable.

*Affordable housing* – see above.

### **Conclusion**

This application for outline planning permission to erect up to 28 dwellings, with all matters other than means of access reserved is unacceptable in respect of the principle of development, impact on the character and appearance of the area and open countryside.

The proposal would conflict with policies CS1, CS2, CS3, CS5, CS8 and CS9 of the Core Strategy and RD2, H5, LC7 and DS1 of the local plan. These policies are broadly consistent with the NPPF. As such, substantial weight has been given to the conflict with these policies. Overall, the proposals would conflict with the development plan when taken as a whole.

The housing would be in an accessible location, close to services and facilities. However, this is not a benefit, rather an expectation of the planning system.

These matters, combined, would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole, including its presumption in favour of sustainable development.

Overall, the proposal would conflict with the council's housing strategy and result in harm to the character and appearance of the surrounding area. For the reasons set out above, the proposal would conflict with the development plan and Framework when read as a whole.

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

1.

The site is outside the defined development limits of Kirton in Lindsey which is a Market Town as defined within the Core Strategy 2011. Therefore, the proposals are in breach of policies CS2, CS3 and CS8 of the Core Strategy and RD2 of the North Lincolnshire Local Plan. These policies are broadly consistent with the National Planning Policy Framework. As such, substantial weight has been given to the conflict with these policies. Overall, the proposals would conflict with the overall spatial strategy of the development plan.

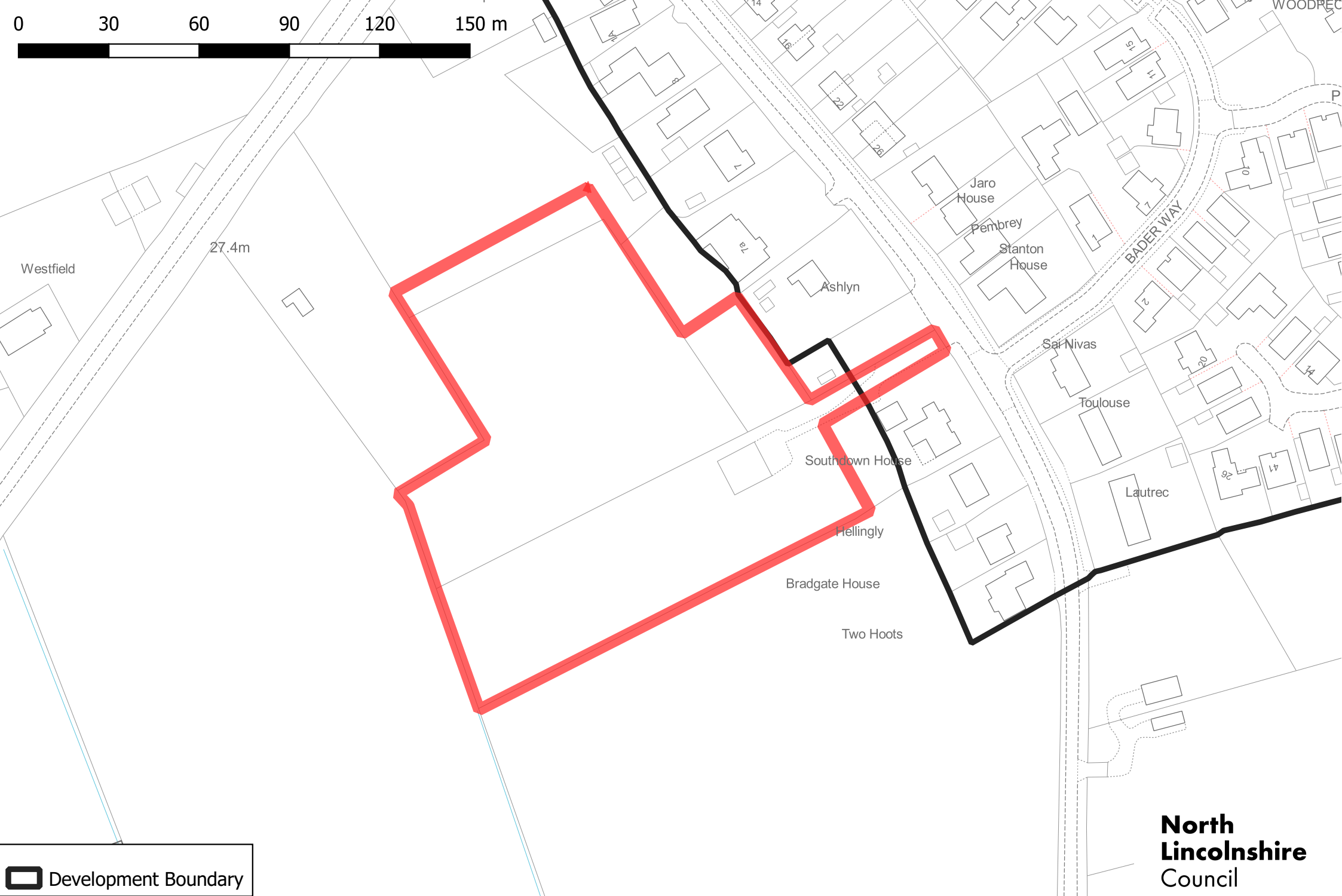
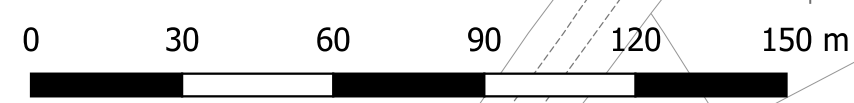
2.

The proposals would cause harm to the character and appearance of the area. In this regard, they would conflict with the requirements of policies CS2 of the Core Strategy and RD2 of the local plan. These policies state that planning permission will only be granted for development provided that it would not be detrimental to the character or appearance of the open countryside or a nearby settlement. These policies accord with paragraph 130 of the National Planning Policy Framework which requires developments to be sympathetic to local character, and the surrounding built environment and landscape setting. In this regard, the proposals would conflict with the relevant provisions of the Framework. Overall, the

proposed development is not considered to be acceptable in terms of its impact on the character and appearance of the area and as such the proposals would be contrary to policies H5, RD2, LC7, LC12 and DS1 of the North Lincolnshire Local Plan and policy CS5 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.



 Development Boundary

**PA/2021/1788**

**North  
Lincolnshire  
Council**





C CHAUER	6
M MANNINGTON	4
E EGREMONT	6
B BRAMLEY	1
F FARNLEY	7
H	2
H1	1
OXD OXFORD	1
<b>TOTAL</b>	<b>28</b>

- OPEN SPACE
- TREE & HEDGE SCREENING

REVISIONS  
 MARCH 2022 REV A  
 BOUNDARY POS'S & TREE & HEDGE SCREENING ADDED TO WESTERN BOUNDARY POS'S & FORD ADJUSTED

CLIENT  
 BEN BAILY HOMES LTD

DRAWING TITLE  
 SITE LAYOUT

PROJECT  
 PROPOSED DEVELOPMENT OF  
 GRAYINGHAM ROAD  
 KIRTON IN LINDSEY

DRAWING NO.  
 021 / 051 / SL / A

DRAWING DATE  
 MARCH 2022

DRAWN BY  
 IKB SCALE  
 1:500 @ A1



**BARRATON**  
 DESIGN STUDIO

BARRATON DESIGN STUDIO  
 UNIT 1  
 BRANCHCROFT FARM  
 BANKFERRY ROAD  
 AUSTERSFIELD  
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