

<b>APPLICATION NO</b>	<b>PA/2018/2416</b>
<b>APPLICANT</b>	Mr N Mattu
<b>DEVELOPMENT</b>	Outline planning permission to erect 11 dwellings with some matters reserved for subsequent consideration
<b>LOCATION</b>	Land off King Edward Street, Belton, DN9 1QN
<b>PARISH</b>	Belton
<b>WARD</b>	Axholme Central
<b>CASE OFFICER</b>	Tanya Coggon
<b>SUMMARY RECOMMENDATION</b>	<b>Refuse permission</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Cllr David Robinson – significant public interest)

## **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

Chapter 16 – Conserving and Enhancing the Historic Environment

**North Lincolnshire Local Plan:** Policies H5, H7, H8, LC7, LC14, RD2, T2, T19, DS1, DS7, DS14 and DS16 apply.

**North Lincolnshire Core Strategy:** CS1, CS2, CS3, CS5, CS6, CS7, CS8, CS9, CS17, CS18 and CS19 apply.

## **CONSULTATIONS**

**Highways:** No objection subject to conditions.

**Environment Agency:** No objection.

**Public Health:** No objection.

**Waste Services:** No through road means refuse collection vehicles would have to perform a dangerous reversing manoeuvre in excess of the maximum reversing distance of 10 metres which is generally considered safe within a development. RCVs must not be expected to reverse into streets or developments from major roads or reverse out onto major roads.

**Drainage (Lead Local Flood Authority):** No objection subject to conditions.

**Isle of Axholme and North Nottinghamshire:** No objection subject to conditions.

**Environmental Protection:** No objection subject to conditions.

**Historic Environment Record:** The application site lies within the Area of Special Historic Landscape Interest of the Isle of Axholme (local plan policy LC14), outside the development boundary. This area is designated for its unique historic landscape retaining the pattern of ancient open strip fields and enclosures surrounding the villages on the Isle. The application site is located within the early enclosures to the north of Belton's open strip fields. The applicant has submitted a Heritage Statement with this application. The HER considers that the Heritage Statement does not provide adequate justification of how development here could accord with the requirements of local plan policy LC14 (Area of Special Historic Landscape Interest of the Isle of Axholme). Residential use in this location would be an unacceptable visual intrusion into the historic landscape affecting the character and setting of the Early Enclosed Land character type. The Historic Environment Record recommends refusal of planning permission as the application is outside the development area and would adversely affect the character, appearance and setting of the historic landscape contrary to the NPPF, local planning policies LC14, LC7 and RD2 and Core Strategy policy CS6.

**Ecology:** I endorse the comments of Alison Williams in relation to the historic landscape. Landscape and visual impacts will also need to be considered. If permission is ultimately granted, biodiversity enhancements will need to be secured in accordance with the National Planning Policy Framework.

## **PARISH COUNCIL**

The application is backland development, inappropriate building, and there is no room at the local schools or doctors. The application exceeds the boundary limit on the map and will have a big impact on the village structure.

## **PUBLICITY**

Advertised by site and press notice. Two letters of objection have been received raising the following issues:

- access, infrastructure and services inadequate
- backland development
- no need for the dwellings, there is a need for retirement and starter homes
- the number of dwellings proposed is not clear.

## **STATEMENT OF COMMUNITY INVOLVEMENT ASSESSMENT**

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

### **ASSESSMENT**

#### **Proposal**

This is an outline application with only appearance and landscaping being reserved for subsequent consideration. Approval for the access, layout and scale are therefore being sought at this outline stage. The proposal is for 11 market dwellings. The 11 dwellings will comprise two four-bedroomed detached houses, seven three-bedroomed bungalows and two three-bedroomed link houses. There is an extant outline planning permission for five dwellings to the south of the application site under PA/2016/1907. This land is shown in blue as it is within the applicant's ownership. Members should note that the land in blue on the submitted plot layout plan shows 10 dwellings and this site does not have planning permission for 10 dwellings. The application site is 0.3 hectares and the access will be from King Edward Street. The site primarily lies within flood zone 1 with a smaller area of the site located in flood zone 2/3a. The site (apart from the access) is located within an Area of Special Historic Landscape Interest (LC14) and within the open countryside.

#### **Principle**

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) (HELAP). Policy CS1 of the CS sets out a spatial strategy for North Lincolnshire.

Policy CS8 deals with the distribution of housing sites and prioritises development in Scunthorpe and the market towns, with brownfield sites and sites within development boundaries being the primary focus. 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 HELAP, and the application site is located outside the designated development limit for Belton. LP 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 HELAP. The application site is outside the defined development boundary for Belton (apart from the access) and is therefore in breach of policies CS2, CS3 and CS8 of the CS and RD2 of the LP.

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 11 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 Supreme Court judgement (Suffolk Coastal DC vs Hopkins Homes Ltd [2017] UKSC 37) provides clarity on the policies which are considered 'relevant policies' for the supply of housing. These do not include general restrictive policies such as those restricting development in the open countryside. As such, policies RD2 and CS3 are considered up-to-date. However, the weight to be afforded to them needs to be balanced against the need to deliver new housing and the broader merits of the scheme when viewed in the context of sustainable development.

A recent review of the of the Five Year Housing Land Position Statement has identified that the council's housing land supply has reduced from five years and six dwellings, to four years. The council has prepared a Housing Delivery Action Plan in accordance with the NPPF and PPG. The Action Plan will assist in securing a five-year land supply; some of the actions include reviewing the windfall allowance calculation, and working with developers to bring forward outline planning applications.

This statement confirms that North Lincolnshire Council does not currently have a five-year supply of deliverable housing sites. The consequence of this shortfall is to demonstrate that current policies are failing to deliver a five-year supply of housing in accordance with paragraph 11 (footnote 7) of the NPPF and they are, therefore, failing to meet short-term housing needs. As such it is considered that there is a clear and demonstrable need for housing development in the area. Accordingly, the operation of paragraph 11 of NPPF triggers a tilted balance whereby there is a presumption in favour of sustainable development and development proposals should be approved unless the adverse impacts significantly and demonstrably outweigh the benefits (paragraph 11, b, ii).

The NPPF identifies that there are three overarching objectives to sustainable development: economic, social and environmental objectives (paragraph 8). The NPPF is clear that these objectives 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).

In this case, in terms of the economic objective, the proposal will provide some employment during construction. The occupiers of the dwellings would provide some support to the settlement of Belton in terms of using shops and services located within Belton.

In terms of social sustainability, the site adjoins the development boundary of Belton. The site is located close to the bus route serving Belton and within close proximity of the school, shops and doctors surgery. The provision of one affordable dwelling could be sought on the site through a Section 106 agreement. The proposal would increase the council's housing land supply which are all benefits of the scheme.

In terms of the environmental objective, the proposal would have an adverse impact on the character, appearance and setting of the Area of Special Historic Landscape Interest (LC14) and on the open countryside. The development is considered to be backland development and is out of character with this area of King Edward Street. These are dis-benefits.

Overall it is considered that the proposal does not represent sustainable development in the context of the NPPF and Housing and Employment Land Allocations DPD policy PS1, which sets a presumption in favour of sustainable development. Whilst it is accepted that there is no five year housing land supply, the provision of 11 dwellings is not considered to meet the sustainability tests, particularly on a greenfield site and in an area of historic landscape interest. The development is not solely for affordable housing to meet a proven need and no other justification has been submitted to allow the application to be determined as an exception to planning policy. The adverse impact of granting planning permission would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework taken as a whole. For these reasons the principle of development is not considered to be acceptable in this case.

In determining the sustainability of the proposed development, an assessment is required, not only on principle, but also on the technical elements of the proposal as to whether any adverse impacts exist that would significantly and demonstrably outweigh the benefits of the proposal.

## **Highways**

Highways have raised no objection to the proposal subject to conditions. In highway terms, the proposal therefore accords with policies T2 and T19 of the North Lincolnshire Local Plan and policy CS5 of the Core Strategy.

## **Flood risk and drainage**

The site primarily lies within Flood Zone 1 of the council's SFRA with a small area of the site to the north lying in flood zone 2/3a. Some of the dwellings (part of them) are located within flood zone 2/3a. However, the Environment Agency is not objecting to the proposal and the submitted FRA demonstrates that the development is safe from flooding. Belton has suffered from surface water drainage issues and the applicant has submitted a Flood Risk Assessment and SuDS report. The LLFA has no objections to the proposal subject to conditions which will be imposed if permission is granted. The proposal accords with policy DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the Core Strategy in terms of flood risk and drainage.

## **Area of Special Historic Landscape Interest (LC14)**

The application site lies within the Area of Special Historic Landscape Interest of the Isle of Axholme. This area is locally designated for its unique historic landscape retaining the pattern of ancient open strip fields and enclosed fields surrounding the villages on the Isle. This historic landscape is considered to be of national importance. The proposed development of 11 dwellings lies outside the development boundary for Belton within the LC14 policy area (HELA, 2016). The application site lies within the zone of early enclosed land (EEL) that buffers the Ancient Open Strip Fields (AOSF) from the built environment of Belton, and forms the setting to the AOSF in this part of the Isle. The site is situated to the north-east of Belton Open Field, one of the best preserved areas of AOSF in the Isle, and

to the west of the extensive block of AOSF lying between Belton and Beltoft. The block of landscape of which the application site forms part retains the characteristic features of the EEL historic landscape described above, with clear open views across the historic landscape, looking out and into the site. The existing built environment forms ribbon development along the A161 on entry to Belton from the north and along the north side of King Edward Street.

The site is in the open countryside outside the development boundary. The application site has always been farmland, initially as open strip fields, that were anciently enclosed. The former Sir Solomon public house was built on the street frontage some time in the 19th century and is mapped on the 1887 Ordnance Survey 1st edition as the Inn and what is presumably the coach house and stable block on the east side, in what was the pub car park; there are no buildings shown to the rear of the Inn within the application site.

Residential use, other than in connection with agriculture, has no association with the historic landscape and is considered to be inappropriate development in this part of the landscape. The proposed development site would extend the built form into the historic landscape. The height and mass of the dwellings would be visible from within the historic landscape and when travelling through it along the A161 and King Edward Street. As such the proposed development would be a visual intrusion that alters the appearance of the historic landscape and damages the legibility of the character zones at this location. It would also introduce the potential for further inappropriate development and enclosure within this block of land which would be incompatible with the essential character of the early-enclosed fields as set out above; proposals to landscape and screen the site could introduce landforms and enclosure that do not relate to the historic character. The proposed residential use would introduce further inappropriate domestic elements into the historic landscape such as boundary fencing, hard paved surfaces and external lighting; landscaped gardens and associated domestic and recreational structures such as sheds and greenhouses, as well as otherwise permitted development. Such items would not be related to the traditional features and uses of the historic landscape and would harm the character. Because of this it would adversely affect both the existing character of the early enclosed land and its setting as part of the nationally important remnant historic landscape. As such it would be an unacceptable encroachment into the Area of Special Historic Landscape.

The proposal is therefore contrary to local plan policies LC14 and Core Strategy policy CS6, as well as LC7 and RD2. The proposal would not be in accord with NPPF 192 or 200 as 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.

## **Character**

In terms of character, this area of King Edward Street is characterised by frontage development. The proposed scheme is considered to be backland development that would be out of character with the area and would have an adverse visual impact on the area and create encroachment into the open countryside. The proposal is therefore contrary to policies H5, H7, RD2, DS1 of the North Lincolnshire Local Plan, policies CS5 and CS7 of the Core Strategy and paragraphs 127 and 130 of the NPPF.

## **Neighbours**

In terms of neighbours, it is considered that a residential scheme could be designed on the site which would not result in demonstrable harm being caused to neighbours, including loss of privacy, light and overlooking. These matters would be dealt with through the reserved matters application which neighbours would have the opportunity to comment on. In terms of noise and disturbance during construction, this can be controlled through a planning condition by restricting hours of work. This aspect of the proposal, subject to conditions, accords with policies CS5 and CS7 of the Core Strategy, and policies RD2 and DS1 of the North Lincolnshire Local Plan.

## **Services/utilities**

Concerns raised by the parish council and neighbours in relation to the strain on existing services/utilities that would be caused by the development are noted. However, no evidence has been submitted to suggest that the proposed additional dwellings would result in any demonstrable harm being caused to existing services/utilities in Belton. The development falls under the threshold for contributions to be sought under a Section 106 agreement for education and leisure.

## **Other issues raised**

The concerns that there is no need for these types of dwellings in Belton is noted. However, there is a need for dwellings in North Lincolnshire; currently the council has no five-year land supply. The number of dwellings proposed requires 10% of the development for affordable housing to be provided on the site which essentially equates to one dwelling. This contribution has not been sought as the application is recommended for refusal.

## **Conclusion**

Overall it is considered that the proposal does not represent sustainable development in the context of the NPPF and Housing and Employment Land Allocations DPD policy PS1, which sets a presumption in favour of sustainable development. The adverse impact of granting planning permission would, due to the adverse impact the development would cause on the LC14 and on the character of the existing settlement pattern of King Edward Street and on the open countryside, significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework taken as a whole. For these reasons the development is not considered to be acceptable in this case.

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

1.

The proposed development is located on land which is designated as the Isle of Axholme Area of Special Historic Landscape and is of national significance. The application site lies within the zone of early enclosed land (EEL) that buffers the Ancient Open Strip Fields (AOSF) from the built environment of Belton, and forms the setting to the AOSF in this part of the Isle of Axholme. The proposed development site would extend the built form into the historic landscape and would be a visual intrusion that alters the appearance of the historic landscape and damages the legibility of the character zones at this location. Accordingly, the proposal is contrary to policies LC14, LC7 and RD2 of the North Lincolnshire Local Plan and policy CS6 of the Core Strategy. The proposal would also not be in accordance with paragraphs 192 and 200 of the National Planning Policy Framework as the proposed

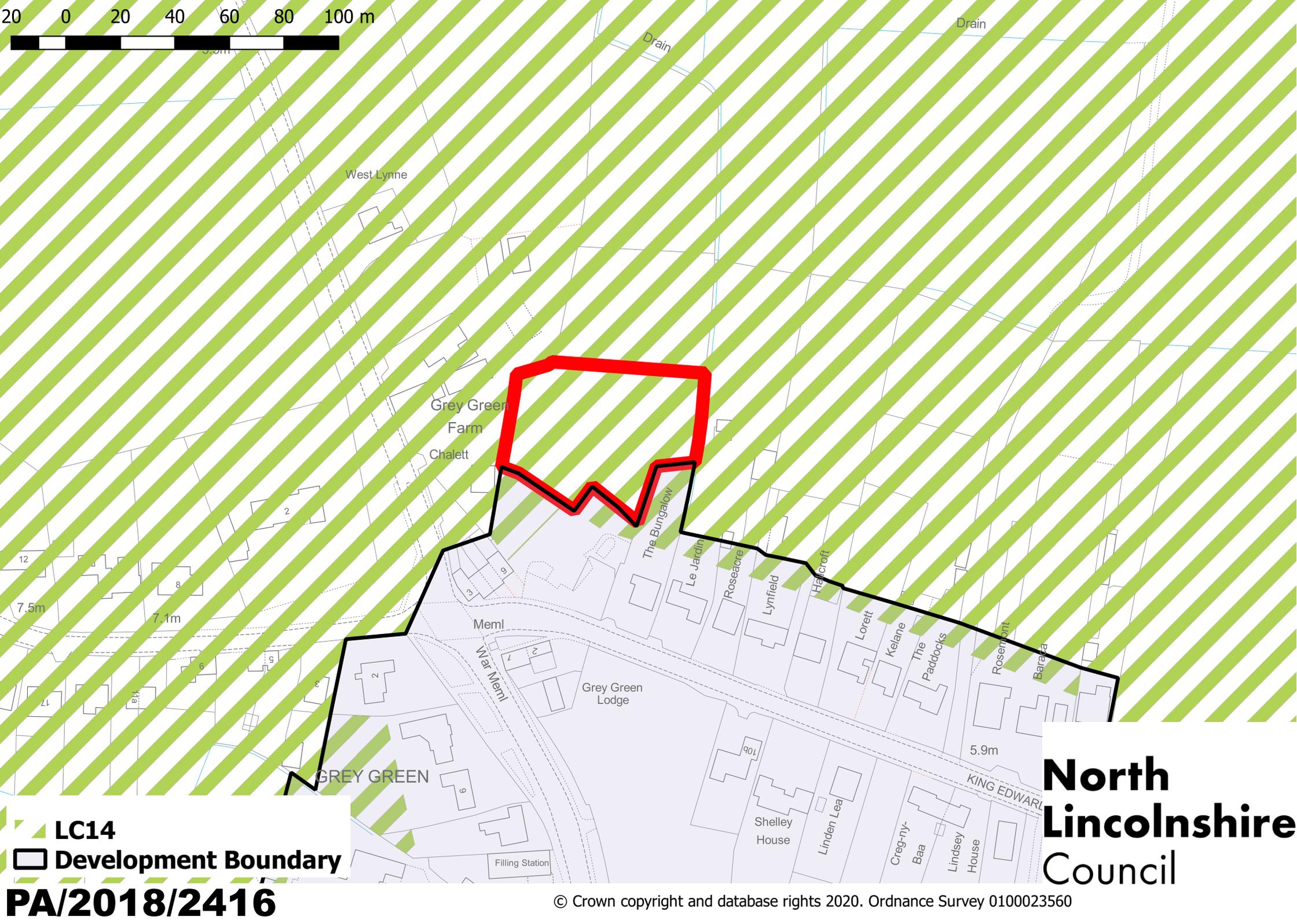
development would not make a positive contribution to local character and distinctiveness, and would detract from the significance of the historic landscape at this location.

2.

The proposed scheme is considered to be backland development which is out of character with the settlement pattern in this location which comprises frontage development. The proposal would have an adverse visual impact on the character and appearance of the amenity of the locality and on the open countryside. The proposal is therefore contrary to policies H5, H7, RD2 and DS1 of the North Lincolnshire Local Plan and policies CS5 and CS7 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.



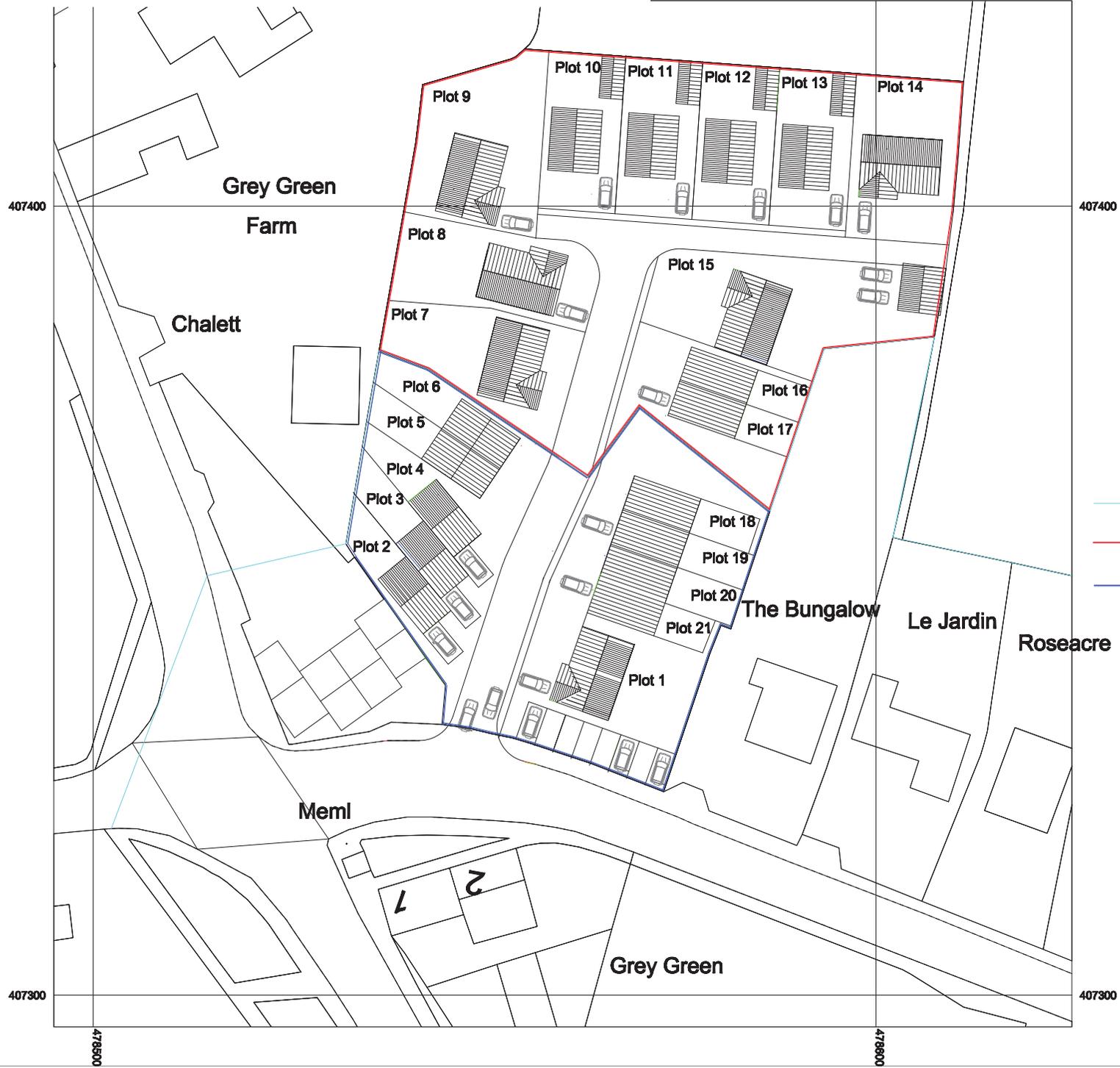
 **LC14**  
 **Development Boundary**

**North  
Lincolnshire  
Council**

**PA/2018/2416**

# PA/2018/2416 Site layout plan (not to scale)

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 ALL DIMENSIONS & DETAILS TO BE CHECKED ON SITE PRIOR TO  
 COMMENCEMENT OF WORKS ON SITE  
 THIS DRAWING IS THE COPYRIGHT OF SHEPHERD TECHNICAL SERVICES  
 THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE  
 FOLLOWING DRG. NO.



- Plot 1 - 4 Bed Detached House
- Plot 2 - 3 Bed Link House
- Plot 3 - 3 Bed Link House
- Plot 4 - 3 Bed Link House
- Plot 5 - 3 Bed Link House
- Plot 6 - 3 Bed Link House
- Plot 7 - 4 Bed Detached House
- Plot 8 - 4 Bed Detached House
- Plot 9 - 3 Bed Bungalow
- Plot 10 - 3 Bed Bungalow
- Plot 11 - 3 Bed Bungalow
- Plot 12 - 3 Bed Bungalow
- Plot 13 - 3 Bed Bungalow
- Plot 14 - 3 Bed Bungalow
- Plot 15 - 3 Bed Bungalow
- Plot 16 - 3 Bed Link House
- Plot 17 - 3 Bed Link House
- Plot 18 - 3 Bed Link House
- Plot 19 - 3 Bed Link House
- Plot 20 - 3 Bed Link House
- Plot 21 - 3 Bed Link House

- REVISED DEVELOPMENT BOUNDARY LINE
- OUTLINE DEVELOPMENT BOUNDARY LINE
- LAND IN SAME OWNERSHIP OF OUTLINE DEVELOPMENT LAND PA/2016/1907

Rev	Date	Description
G	05.04.18	Rev issued for Full Planning Permission
B	05.10.18	Issued for Full Planning Permission
A	05.03.18	Issued for Outline Permission

Issued for: Full Planning Permission

Client/Contact: Mr. G & M. Mettu

PROPOSED RE-DEVELOPMENT OF BIR SOLDAMI PUBLIC HOUSE TO PROVIDE TWENTY ONE RESIDENTIAL BUILDING PLOTS KING EDWARD ST. BELTON NORTH Lincs

**Site Layout**

Shepherd Technical Services  
 110 Blufffield Road  
 Ouseby  
 North Lincolnshire  
 DN15 1NA  
 Tel: 01724 888700  
 Fax: 01724 888700

**SHEPHERD TECHNICAL SERVICES**  
 Architects, Civil & Structural Design Consultants

Drawn	Checked
WJH	
1:2000(A1-1:2000)A3	
CS	
	Checked