



Appeal Decision

Site visit made on 13 March 2025

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 2nd April 2025

Appeal Ref: APP/Y2003/W/24/3356389

Land adjacent to the Magna Charta Inn, Barrow Road, New Holland DN19 7PH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Nick Hammond, Hammond Homes Ltd against the decision of North Lincolnshire Council.
 - The application Ref is PA/2023/149.
 - The development proposed is erection of 6 dwellings with associated parking, landscaping and boundary treatments.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of 6 dwellings with associated parking, landscaping and boundary treatments at land adjacent to the Magna Charta Inn, Barrow Road, New Holland, DN19 7PH in accordance with the terms of the application, Ref PA/2023/149, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site comprises a vacant rectangular area of land to the south of the Magna Charta Inn, a public house that appeared closed during my site visit. The appeal site is surrounded by a variety of fencing along the eastern and southern boundaries. Along the boundary with the road is a brick wall. The area surrounding the appeal site is mainly residential in character with a variety of dwelling types present and no prevailing architectural style. Directly adjacent the appeal site to the south and on the opposite side of Barrow Road are two bungalows. The remainder of the dwellings in the immediate vicinity of the appeal site are two storey properties which are detached, semi-detached or terraced. Materials present in the construction of buildings within the vicinity of the appeal site include brick, painted render and modern roof materials.
4. The proposal is for two terraces of three dwellings that are two storey in height with accommodation in the roofspace. The proposed eaves height would reflect that of the Magna Charta Inn adjacent and the proposed ridge height would be only slightly higher. The front elevation of the terrace proposed along the frontage of Barrow Road would largely follow the front building line of the Magna Charta Inn and would be set back from the road with parking spaces to the front. This arrangement would appear similar to the row of cottages further south on Barrow

Road numbered 1-4. The position of the rear terrace would reflect the set back development along Peploe Crescent which it would be adjacent to and read in context with.

5. The location of the proposed private driveway and area of soft landscaping to the south of the terrace that would front onto Barrow Road, would provide clear separation to the boundary with the adjacent bungalow to the south allowing for some visual relief between the step down in the height of built form. The materials proposed would respond to the materiality of built form in the vicinity of the appeal site.
6. The Council refer to the National Planning Policy Framework which states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what planning should achieve. Nevertheless, I have not been referred by the Council to any specific design features proposed that would result in the development appearing not well-designed or beautiful. I find that the scale, massing and arrangement of dwellings would respond to the character and appearance of the surrounding area. I also find that the proposed design would contribute to the existing variation in dwelling types in the local area and would add to the existing sense of place in this respect.
7. I therefore find that the proposal would not result in harm to the character and appearance of the area. The proposal would comply with Policy CS5 of the North Lincolnshire Local Development Framework Core Strategy Adopted June 2011 and Policies H5 and DS1 of the North Lincolnshire Local Plan Adopted May 2003. These policies seek, amongst other things, that all new development should be well designed, appropriate for its context, that the design and external appearance should reflect and enhance the character, appearance and setting of the immediate area and contribute to creating a sense of place.

Other Matters

8. I note that the appeal proposal before me is a revised scheme following a different proposal being refused by the Council and dismissed at appeal. However, it appears that previous scheme was for three storey development rather than two storey development with accommodation in the roofspace and was therefore of a different design to the scheme before me now. I must consider the appeal scheme based on its individual merits.
9. The Council considered in its Committee Report that the location of the appeal proposal was acceptable in principle. Despite the limited services and facilities available within the village, I can find no reason to go against the Council's assessment of its spatial strategy in this respect. The Highway Authority did not object to the proposal on highway safety grounds, subject to planning conditions being imposed. Based on the evidence before me and following my site visit, I concur with this view. The effect on habitats is raised as a concern, however, there is no substantive evidence before me to take a different view to the Council's Ecologist who raised no objection.
10. There is no suggestion in the Council's reason for refusal that the appeal scheme would result in unacceptable harmful effects on the living conditions of neighbouring occupiers with regard to outlooks, privacy or daylight and sunlight. Based on the evidence before me, I find that whilst outlooks may alter, due to the separation distances identified and the proposed positioning of fenestration, the

appeal proposal would not result in unacceptable harmful effects in these respects. The access along the southern boundary would be set off the boundary with the neighbouring dwelling to the south through the provision of soft landscaping, which will lessen any noise effects of vehicular movements. There is no substantive evidence before me that the proposed access road will increase the risk of crime or anti-social behaviour in the surrounding area.

11. Concerns are raised about surface water flooding and the capacity of the existing drainage infrastructure to manage any additional flow. Nevertheless, the Council has suggested conditions in this respect in the event that the appeal is allowed, and I consider this matter could be adequately dealt with in this way.

Conditions

12. A number of conditions have been suggested by the Council in the event of the appeal being allowed, which I have assessed and, where necessary, amended and reordered in line with the advice provided in the Planning Practice Guidance (PPG). As well as the standard time limit for commencement, a condition requiring adherence to the approved plans and certain documents is necessary for certainty.
13. A condition requiring contamination assessment and remediation is required prior to commencement of development in order to protect the living conditions of existing and future occupiers and the environment more generally. I note that a Drainage Layout is submitted with the application. The Council has identified particular details that are not provided in full and therefore I find that a condition requiring surface water drainage details prior to commencement and the implementation of the approved scheme prior to occupation are necessary in the interests of ensuring proper drainage at the site. I have combined three of the suggested drainage conditions into one condition in the interests of conciseness.
14. I have imposed conditions to ensure that the private driveway and parking spaces are provided to a satisfactory standard prior to occupation. Conditions are also imposed to ensure no loose material is placed within 10 metres of the highway without approval and that no obstructions above 1.05 metres in height are placed within 2 metres of the highway boundary. Whilst I note that the proposed site plan identifies the specification of the driveways that front onto Barrow Road, in the interests of clarity, a condition is necessary. These conditions are reasonable and necessary, in the interests of highway safety.
15. Conditions are necessary to ensure the noise mitigation measures are carried out in accordance with the details submitted and that the effectiveness of the mitigation measures is identified and submitted for verification prior to occupation, in the interests of the living conditions of future occupants. Three conditions are imposed requiring that the appeal proposal is constructed in accordance with flood risk mitigation measures and the layout submitted and removing permitted development rights for extensions to ensure no habitable space is provided at ground floor level in the future, in the interests of the safety of future occupants and providing resilience measures with regard to flood risk.
16. A condition is imposed requiring the installation of bat boxes and swift bricks in the interests of biodiversity. I have added a condition regarding the submission of external surface details, as it is not clear in the submitted information as to the exact specification of materials, in the interests of the character and appearance of the area. I have imposed a condition relating to restrictions on when works can

take place, in line with comments from the Council's Environmental Protection team, in the interests of the living conditions of neighbouring occupiers.

17. A number of informatives are suggested by the Council relating to sewer connections, drainage matters and works within the limits of the adopted highway. I have not imposed these as they would have no legal weight. Nevertheless, given they were provided in the Council's Committee Report, I am satisfied that the appellant has had sight of them.

Conclusion

18. For the reasons given above the appeal should be allowed, subject to conditions.

G Dring

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos RD:4998-07A, RD:4998-21 and RD:4988-03C.
- 3) Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

Part 1: Site characteristics

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

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by a competent person 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 preferred option(s).

This must be conducted in accordance with Environment Agency's Land Contamination Risk Management (LCRM) guidance July 2023.

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 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.

- 4) No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall include details of an effective method of preventing surface water run-off from hard paved areas within the site onto the highway and from the highway onto the developed site. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. This must be based upon the submitted Drainage Strategy Report, prepared by RCD Consultants on behalf of Ross Davy Associates, Rev A dated 21/3/2022 and Drainage Layout drawing number 1115-2204-CIV-10, Rev P1 dated March 2022. The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100-year critical storm (including an allowance for climate change which should be based on the current national guidance) will not exceed the run-off from the existing site. It shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development so that flood risk, both on and off the site, is not increased. SuDS must be considered. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document. Should infiltration not be feasible at the

site, alternative sustainable drainage should be used, focussing on above-ground solutions.

- 5) The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 4 above and shall be completed prior to the occupation of any dwelling hereby permitted, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.
- 6) No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking spaces serving it have been completed and once provided, the vehicle parking spaces shall be retained thereafter for that use.
- 7) No dwelling served by the private driveway shall be occupied until the private driveway has been constructed in accordance with details including:
 - i. The proposed method of forming access from the highway, including the required visibility splays;
 - ii. The method and standard of construction/paving the drive;
 - iii. The provision of adequate drainage features;
 - iv. The provision of suitable bin collection facilities adjacent to the highway;
 - v. The provision of suitable lighting arrangements; and
 - vi. The provision of street name plates that shall include the words 'Private Drive'.

which have been agreed in writing by the local planning authority. Once constructed the private driveway shall be retained in accordance with the approved details.

- 8) No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), nothing shall at any time be erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway for a distance of 2 metres from the highway boundary across the site frontage.
- 10) Prior to the occupation of the development, the scheme of mitigation measures as detailed in technical document 'Environmental Noise Solutions Limited, Noise Impact Assessment' dated 21 September 2023 Report Ref: NIA-11066-23-11304-v1 New Holland.DOCX or equivalent as agreed by the local planning authority, shall be installed in full and maintained thereafter.
- 11) Following installation of the mitigation measures detailed within condition 10 above, a verification report that demonstrates the effectiveness of the mitigation measures shall be undertaken. The verification report shall be

submitted to and approved in writing by the local planning authority, prior to first occupation.

- 12) The development shall be carried out in accordance with the submitted flood risk assessment (ref: RD4998/Ross Davy Associates) and the following mitigation measures it details:

- The proposed dwellings to have non-habitable ground floors
- Finished first floor levels to be set no lower than 5.9 metres above Ordnance Datum (AOD)
- Flood resilience and resistance measures to be incorporated into the proposed development as stated.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

- 13) The ground floors hereby approved shall be used as garages, WCs, utility rooms and entrance lobbies only as shown on drawing RD:4998-03C and for no other habitable accommodation.
- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Class A of Part 1 of Schedule 2 to the Order shall be undertaken.
- 15) Prior to the occupation of the development bat boxes shall be installed on the rear elevations of plots 4-6 and swift bricks on the rear elevations of plots 7-9. Once the bat boxes and swift boxes are installed, they shall be retained thereafter.
- 16) No development above ground level shall take place until details / samples of the materials to be used in the construction of the external surfaces of the dwellings and the hard surfacing hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.
- 17) Site clearance, construction works, installation of equipment and HGV movements on site shall take place only between 08:00 and 18:00 hours Monday to Friday, 08:00 and 13:00 hours on Saturday and at no time on Sundays or public holidays.