

APPLICATION NO	PA/2017/743
APPLICANT	Mr Hughes
DEVELOPMENT	Outline planning permission for a residential development of four dwellings with all matters reserved
LOCATION	Rear of 52 High Street, Haxey, DN9 2HH
PARISH	Haxey
WARD	Axholme South
CASE OFFICER	Tanya Coggon
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Contrary to policy Objection by Haxey Parish Council

POLICIES

National Planning Policy Framework: Paragraph 7 states that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles

Paragraph 11 states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 14 states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking

Paragraph 17 states that within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking.

Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Paragraph 55 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.

Paragraph 56 states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 61 states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Paragraph 131 states that In determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

North Lincolnshire Local Plan:

H5 (New Housing Development)

H7 (Backland and Tandem Development)

H8 (Housing Design and Mix)

T2 (Access to Development)

RD2 (Development in the Open Countryside)

LC14 (Area of Special Historic Landscape Interest)

DS1 (General Requirements)

DS16 (Flood Risk)

North Lincolnshire Core Strategy:

CS1 (Spatial Strategy for North Lincolnshire)

CS2 (Delivering More Sustainable Development)

CS3 (Development Limits)

CS5 (Delivering quality design in North Lincolnshire)

CS6 (Historic Environment)

CS7 (Overall Housing Provision)

CS8 (Spatial Distribution of Housing Sites)

CS19 (Flood Risk)

CONSULTATIONS

Highways: No objection subject to conditions.

Environmental Health: No objection subject to a condition.

Archaeology: No objection.

Drainage: No objection subject to conditions.

PARISH COUNCIL

'Objection. The NPPF states where a presumption in favour planning should be granted, NLC local plan is neither absent, silent or out of date. The development lines are defined to protect the countryside from encroachment and ours have after extensive consultation have recently been agreed through a democratic process and signed off by the Secretary of State. NLC have restarted the process of land allocation with calls for site, we are currently unaware of any submission for this site and must argue the development line in this application should not be extended as no special circumstances exist within NLC local plan. This application seeks to build four dwellings and it relies on being able to meet the housing density by allowing two of the dwellings that is 50% of the proposed development to extend beyond the building line into the open countryside LC14 NLC Local Plan. Furthermore, in order to provide amenity space in the form of rear gardens it would need to encroach further into the open countryside and require a change of use of the land, we can see no evidence of how much such space would be required. We contend that this is an unacceptable encroachment, the housing density cannot be met within the building line and therefore it is overdevelopment of the site - CS3 & CS7. Furthermore, we regard it as back land development which is reliant on the current access for the two current properties, which is on a curve of the road. We consider it is not suitable to serve a further four dwellings and would compound the current parking problems relating to shops and Methodist church close by. The proposed site is currently garden space with some out buildings from its previous use as a farm yard this attracts no special planning rights, it is not a brown field site under current definitions or windfall site, nor infill and is contrary to the Haxey Parish Plan. While it is not clear what type of housing is proposed, the houses will not provide any local or affordable need and will more likely attract occupants from outside the area and increase traffic to work in the main conurbations contrary to CS8.

'Much is made by the agent as to design and sustainability of the development within current planning policy, at this stage we cannot comment on the design or sustainability of any proposed dwellings as this is outline permission and we feel a full planning application should be submitted before any grant of outline permission is considered. We conclude there is no presumption in favour as the building line is clear, if we are to treat building lines as flexible when proposed development will not fit on sites in order to provide housing. It will fundamentally undermine other areas of North Lincolnshire Local Plan. We are surprised that spacial planning should support this application by suggesting that in order to meet NLC housing density you can set aside this part of the Local Plan and that it satisfies some local housing need without increasing traffic flow to work elsewhere in the area. We would hope the planning department recognises the importance of development lines in protecting the sprawl of urban areas through the formal democratic process of land allocation and only approve applications which meet the most serious needs for development.'

PUBLICITY

Advertised by site and press notice. One letter of representation has been received raising the following issues:

- loss of outlook
- endorses points made by Haxey Parish Council.

ASSESSMENT

The application site is primarily located within the development boundary of Haxey, which is identified as a rural settlement. A small area of the site to the rear (southern side) is located outside the development boundary. The site is located in Flood Zone 1 and is therefore at low risk of flooding. A small area of the site to the south lies within an Area of Special Historic Landscape (LC14). The site is surrounded by residential development to the north and west. To the east is the telephone exchange and to the south are open fields. There is a preliminary council proposal to extend the greenway to Graizelound which would include some of the application site. This may result in a new planning application being submitted in the future, but this has no bearing on this pending application. Access to the site could potentially be from the High Street which already serves two properties known as 52 High Street and Raelzend, High Street. These properties are both bungalows. The application is an outline application with all matters reserved. The applicant is therefore seeking an agreement in principle that the site is acceptable for residential development.

The main issues in the determination of this application are whether the principle of the development is acceptable in planning policy terms, and if so, whether the impact on the highway, the design and siting of the proposed development, the impact on the amenity of the locality, the impact on the open countryside, the impact on the Area of Special Historic Landscape Interest (LC14), the impact on archaeology and the flood risk of the site are also considered to be acceptable. Each issue will be discussed in this report.

The principle of the development

In this particular case the majority of the site is located within the development boundary of Haxey where, in principle, in terms of policies CS1, CS2, CS7 and CS8, residential development is considered to be acceptable. Haxey is a rural settlement in which new residential development should create opportunities for small-scale infill development that maintains the vitality of the settlement and meets identified local needs without increasing the need to travel. Haxey is quite a sustainable settlement as it comprises a number of services and facilities such as shops, including a supermarket, public houses, hotels, community halls, a church, school and nursery, for example, and some employment opportunities. The site is within walking distance of the above-mentioned facilities and within walking distance of bus stops providing public transport to Scunthorpe and Doncaster, and a more limited service to Gainsborough. Under policy CS7 of the Core Strategy, within rural settlements and the open countryside a net density range of 30–35 dwellings per hectare should be achieved. This proposal meets this range and therefore the proposal complies with this part of policy CS7.

It is accepted that a small area of the site is located outside the development boundary of Haxey within the open countryside. This aspect of the proposal is contrary to policy CS3 of

the Core Strategy and policy RD2 of the North Lincolnshire Local Plan. However, the council does not have a five-year land supply and as a result the council's policies in relation to the supply of housing cannot be considered up-to-date as specified in paragraph 49 of the NPPF. As a result the proposal has to be considered in terms of the presumption in favour of sustainable development and it must be acknowledged that in this case only a small part of the site lies within the open countryside. In terms of paragraph 7 of the NPPF there are three dimensions to sustainable development: an economic role, a social role and an environmental role. In terms of an economic role, the proposal will provide employment opportunities through the construction of the site and the occupiers of the dwellings will support the settlement of Haxey through the use of services and facilities. In terms of the social role, the development will provide housing to meet the needs of the present and future generations and will support the settlement of Haxey. In terms of the environmental role, the proposal, through good design, has the potential to protect and enhance the natural, built and historic environment. As a result, in terms of guidance in the NPPF, the proposal is acceptable and accords with policy CS3 of the Core Strategy and policy RD2 of the North Lincolnshire Local Plan.

Impact on the highway

In highway terms, no objections have been received from Highways, subject to conditions which will be imposed on this planning permission. The access to the development is a reserved matter and details of the siting, location and design of the access to the site will be dealt with within a reserved matters application, which all parties, including Highways and the parish council, will have the opportunity to comment on. The proposal therefore accords with policies T2 and DS1 of the North Lincolnshire Local Plan.

The design and siting of the proposed development and the impact on the amenity of the locality

In terms of the siting and design of the proposal, as this application is for outline planning permission only, with all matters reserved, these would be assessed in detail as part of the subsequent reserved matters application. It is considered that the site could accommodate four dwellings without resulting in any demonstrable harm to the amenity of nearby neighbours. The concerns from a neighbour in terms of loss of outlook are noted, but it is considered that a scheme could be produced on the site without resulting in any demonstrable loss of outlook to adjoining neighbours by the careful design and siting of the dwellings on the site and the use of effective boundary treatment. Neighbours would also have the opportunity to comment further on this issue if a reserved matters application was submitted. The scheme could be designed to be in character with the surrounding area which comprises a mix of housing types and designs. The site is located behind the existing bungalows fronting the High Street, but a similar development already adjoins the site to the west known as Hood Croft. The four dwellings would therefore not be out of character with the area. The proposal therefore accords with policies CS5, CS7 and CS8 of the Core Strategy and policies H5, H7 and H8 of the North Lincolnshire Local Plan.

Impact on the open countryside

In terms of impact on the open countryside, a small area to the southern part of the site is located within the open countryside. The proposal could be designed so that the dwellings are located within the development boundary of Haxey, with the gardens to the dwellings located within open countryside. If this could not be achieved, then only a small sliver of the site is located in open countryside. The benefits of providing residential development on the

site in terms of contributing to the council's five-year land supply, and the sustainability of the development as it located within walking distance of the community facilities in Haxey and close to a bus stop providing public transport links to Scunthorpe and Doncaster, and the fact that the residential development will support the rural settlement of Haxey, outweigh the slight harm that would be caused to the open countryside by this development. The proposal, on balance, accords with policy CS3 of the Core Strategy and policy RD2 of the North Lincolnshire Local Plan.

Impact on the Area of Special Historic Landscape Interest (LC14)

Part of the site to the south is located within an Area of Special Historic Landscape Interest of the Isle of Axholme (LC14). It is considered that the proposal would not adversely affect the character of this heritage asset or its setting providing that the design and materials of the dwellings are appropriate to the area. This would be assessed as part of the reserved matters application to ensure a suitable scheme on the site was provided. The proposal therefore accords with policy CS6 of the Core Strategy and policy LC14 of the North Lincolnshire Local Plan.

Impact on archaeology

In terms of archaeology, the council's archaeologist has been consulted on the proposal and does not consider that it would adversely affect any heritage assets of archaeological interest or their setting. The proposal therefore accords with policy CS6 of the Core strategy and policy HE9 of the North Lincolnshire Local Plan.

Flood risk

In terms of flood risk, the site is located in Flood Zone 1 and is therefore at low risk of flooding. The proposal is considered acceptable in terms of flood risk and therefore accords with guidance in the NPPF, policy CS19 of the Core Strategy and policy DS16 of the North Lincolnshire Local Plan.

RECOMMENDATION Grant permission subject to the following conditions:

1.
Approval of the details of the layout, scale and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the local planning authority in writing before any development is commenced.

Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

2.
Plans and particulars of the reserved matters referred to in condition 1 above, relating to the layout, scale and appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

3.

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

4.

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

5.

The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan.

Reason

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

6.

No development shall take place until details of:

- (i) the location and layout of the vehicular access; and
- (ii) the number, location and layout of vehicle parking and turning spaces within the curtilage of the site;

have been submitted to and approved in writing by the local planning authority.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

7.

No development shall take place until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have been submitted to and approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

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.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

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.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

10.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking and turning space serving it have been completed and, once provided, the vehicle parking and manoeuvring space shall be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

11.

No development shall begin until details of the private driveway, including construction, drainage, lighting and, where appropriate, signage/street naming arrangements, have been agreed in writing with the local planning authority and no dwelling on the site shall be occupied until the private driveway has been constructed in accordance with the approved details. Once constructed the private driveway shall be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

12.

Adequate vehicle access, parking and turning facilities serving 52 High Street and Raelzand, High Street shall be retained in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

13.

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, a 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 that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

14.

No development shall take place until a detailed flood risk assessment and drainage strategy is submitted to and approved in writing by the local planning authority. This should outline all sources of flood risk (including surface water, ground water and ordinary watercourse) and proposals to mitigate this, and include preliminary drainage layout plans and ground investigation details to support the feasibility of infiltration for the site.

Reason

To prevent the increased risk of flooding in accordance with policies CS18 and CS19 of the Core Strategy and policy DS16 of the North Lincolnshire Local Plan.

15.

No development shall take place until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority and only the approved materials shall be used.

Reason

To ensure that the buildings are in keeping with their surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

16.

No development shall take place until details of the positions, design, materials and type of boundary treatment to be built/planted have been agreed in writing by the local planning authority. The agreed boundary treatment shall be built/planted before any dwelling is occupied in accordance with a programme to be submitted to and agreed in writing by the local planning authority before development is commenced, and once built/planted it shall be retained.

Reason

To provide an appropriate level of screening in accordance with policies H8 and DS1 of the North Lincolnshire Local Plan.

Informative 1

The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

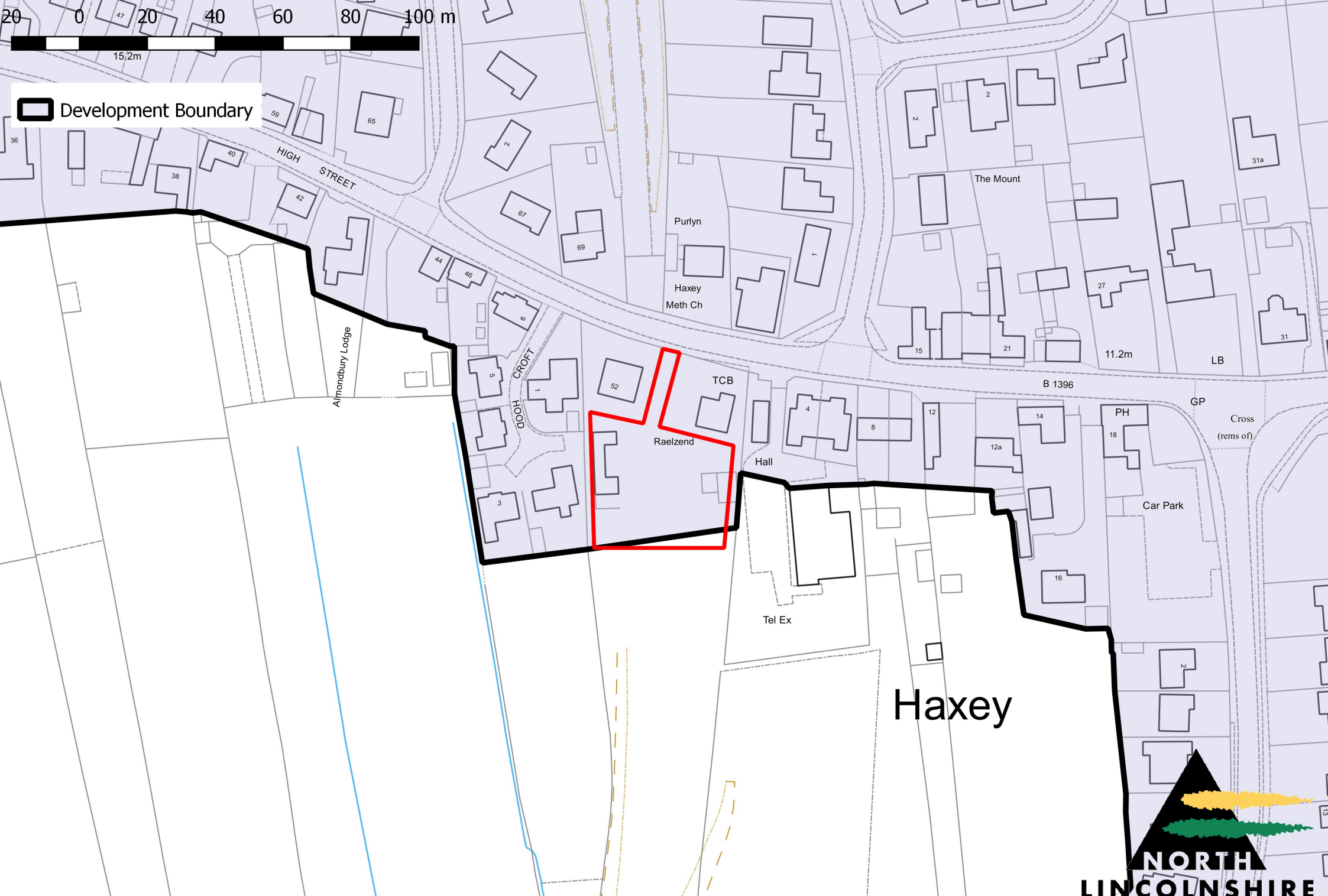
- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

Informative 2

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 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

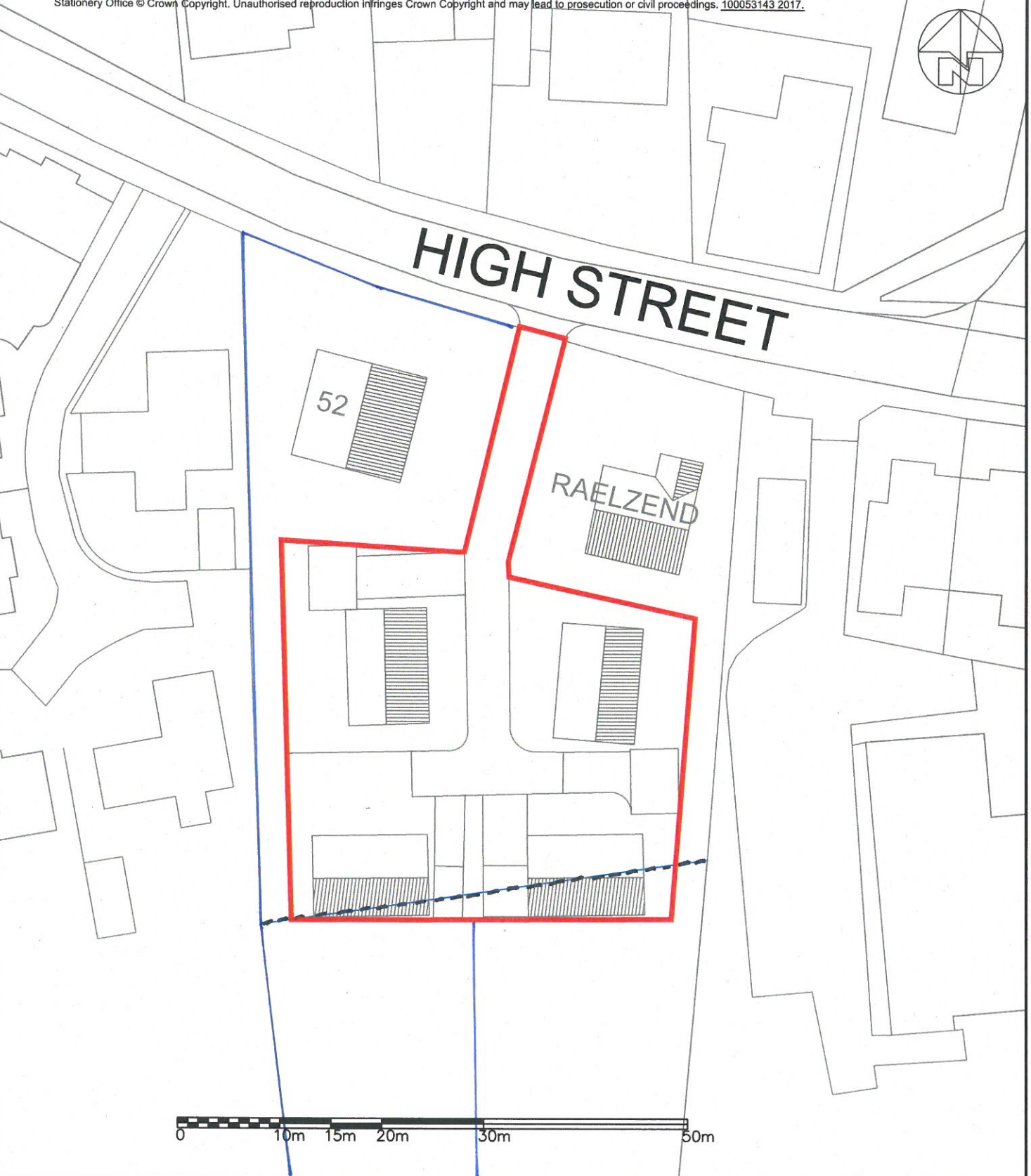


PA/2017/743



PA/2017/743 Proposed site layout - Not to scale

Notes: Do not scale dimensions from this drawing. Only figured dimensions are to be taken from this drawing. Check all dimensions on site before commencing any work or shop drawings. © Copyright: All rights reserved. This drawing must not be reproduced without permission of Mark Simmonds Planning Services. Based upon the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. 100053143 2017.



--- DEVELOPMENT
BOUNDARY

Drawing Title

HIGH STREET BLOCK PLAN
HAXEY

Ref:

LIHA 001F

Scale @ A4

1:500

Date

10/05/2017



enquiries@marksimmondsplanningservices.co.uk

Mark Simmonds

Director

Mark Simmonds Planning Services Ltd

Mercury House

Willoughton Drive

Foxby Lane

Gainsborough

DN21 1DY