

<b>APPLICATION NO</b>	<b>PA/2017/1929</b>
<b>APPLICANT</b>	Mr Richard Mills, North Lincs Property Ltd
<b>DEVELOPMENT</b>	Planning permission to erect seven dwellings and associated garages
<b>LOCATION</b>	3a - 8 Harris View, Epworth, DN9 1GJ
<b>PARISH</b>	Epworth
<b>WARD</b>	Axholme Central
<b>CASE OFFICER</b>	Tanya Coggon
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Contrary to policy

## **POLICIES**

**National Planning Policy Framework:** Paragraph 14 states that at the heart of the NPPF 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 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.

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.

Paragraph 197 states that in assessing and determining development proposals local planning authorities should apply the presumption in favour of sustainable development.

**North Lincolnshire Local Plan:** Policies H5, H7, H8, DS1, DS14, DS16, LC14, RD2, T1, T2 and T19 apply.

**North Lincolnshire Core Strategy:** Policies CS1, CS2, CS3, CS5, CS6, CS7 and CS8 apply.

## **CONSULTATIONS**

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

**Drainage Team:** Object as a detailed surface water scheme and flood risk assessment is required. The site has been developed as piecemeal development over ten years and this application takes the development over ten properties resulting in this being major development.

**Environment Agency:** No comments to make.

**Archaeology:** No objection.

**Public Rights of Way:** No objection.

**Environmental Health:** No objection subject to a contamination condition.

## **TOWN COUNCIL**

No observations.

## **PUBLICITY**

A site notice has been displayed and the application has been advertised in the press. No comments have been received.

## **ASSESSMENT**

The application site consists of a vacant area of land. The site is primarily located within the defined settlement boundary for Epworth and is bordered by the former railway embankment to the west. A small sliver of the site to the western boundary lies outside the development boundary of Epworth, within the open countryside and within the Area of Historic Landscape Importance (LC14). The site is bounded by housing to the south and east. To the north a new dwelling is proposed under PA/2017/1583 which also appears earlier in this agenda. A number of modern dwellings have already been erected and occupied on Harris View. Dwellings in the vicinity of the site are detached and predominantly constructed from a red brick with a red pantile roof.

The proposal is to essentially 'finish off' the Harris View estate which has been developed as a piecemeal development over the years. An outline permission for fourteen dwellings was approved under planning reference PA/2006/1898. The development proposed comprises seven dwellings, of which three will be detached and four semi-detached. They will be of similar appearance and design to the existing properties on Harris View. Part of the existing railway embankment will be removed to form the rear gardens of the properties with a retaining wall installed to prevent land spillage. The removal of the section of railway embankment was permitted on appeal in February 2010.

**The main issues in the determination of this planning application are the principle of development, developer contributions, impact on the highway, drainage issues, impact on the character and appearance of the street scene, impact on the Area of Historic Landscape Interest and impact on residential amenity.**

### **The principle of the development**

The proposal seeks planning permission for dwellings on a vacant site primarily within the settlement boundary for Epworth. Epworth is designated as a market town in the adopted Core Strategy and is a very sustainable settlement as it comprises a wide range of shops, services and employment opportunities, and has public transport links to the larger settlements of Scunthorpe and Doncaster. Policies CS1 and CS2 state that development should be focused on previously developed land and buildings within the defined development limits of North Lincolnshire's market towns followed by other suitable infill opportunities. The proposal is considered to be a sustainable form of development and will contribute to the council's five-year land supply. Although a small sliver of the site is located within the open countryside, this area of the site forms part of the rear gardens of the plots and will be screened from wider views of the open countryside by the railway embankment and proposed retaining wall. As a result, the proposal will have a minimal impact on the open countryside. In principle, therefore, the proposal accords with guidance in the National Planning Policy Framework, policies CS1, CS2 and CS3 of the Core Strategy and policy RD2 of the North Lincolnshire Local Plan.

### **Developer contributions**

The proposal is for seven dwellings and, with the existing dwellings already built on Harris View and the dwelling proposed under PA/2017/1583, contributions for open space, education and affordable housing would normally be required. However, the site was granted outline permission for fourteen dwellings under PA/2006/1898 with no Section 106 contributions required and since this time various separate permissions for individual dwellings on the site have been granted planning permission. As a result of this, it is considered unreasonable to request any contributions from the developer in this case.

### **Impact on the highway**

In terms of the impact on the highway, the proposed dwellings will be served from the existing access located on Harris View. Highways have raised no objections to the access and parking arrangements for the proposed dwellings subject to conditions which will be imposed on this planning permission. The proposal therefore accords with policies T2 and T19 of the North Lincolnshire Local Plan.

### **Drainage issues**

In terms of drainage, the concerns from the drainage team are noted. However, in this case the application is not considered to be a major application as the number of dwellings is less than ten. The road to this application site has been constructed under the original outline planning permission. Due to the history of this site with several of the houses being developed under separate applications for full planning permission it is unreasonable to insist on a detailed surface water scheme and a flood risk assessment for the proposed seven dwellings. In addition, the Environment Agency does not wish to comment on the application as the proposal is for seven dwellings located in Flood Zone 1 and is therefore at low risk of flooding. The surface water and drainage for the dwellings will be connected to the existing mains

system. This can be dealt with by a planning condition and therefore the proposal accords with policy DS14 of the North Lincolnshire Local Plan.

### **Impact on the character and appearance of the street scene**

This site constitutes developable land primarily within the settlement boundary of Epworth and will complete the residential cul-de-sac known as Harris View. The proposed development is a similar design, character and appearance to the adjacent properties. As a result no adverse impact will be caused in the street scene. The proposed dwellings will only be primarily visible from within Harris View as they will be screened substantially by the railway embankment and the existing dwellings on Harris View, and by other dwellings on Station Road and Battle Green. The proposal therefore accords with policy CS5 of the Core Strategy and policies H5, H8 and DS1 of the North Lincolnshire Local Plan.

### **Impact on the Area of Historic Landscape Interest (LC14)**

A small area of the site to the west will be located in an area of historic landscape interest (LC14). The garden to the dwellings will be bordered by the former railway embankment to the west. The proposals show that a retaining wall will be constructed along this boundary and that the development will not encroach any further into this feature than the extent permitted by a previous Planning Inspector's appeal decision in 2010. The council's archaeologist has raised no objections to the proposal and the development will have a very minimal impact on the LC14, particularly as most of the railway embankment will be retained. As a result the proposal accords with policy CS6 of the Core Strategy and policy LC14 of the North Lincolnshire Local Plan.

### **Impact on residential amenity**

In terms of residential amenity plots 4 to 7 are located adjacent to the railway embankment and the front of these properties will face the access road and be over 15 metres from the dwellings opposite that are located on Harris View. As a result no loss of privacy will be caused to these properties. Plot 8's flank wall will be located adjacent to plot 9. No windows are proposed in the flank wall of plot 8 so no loss of privacy will be caused to plot 9. Plot 3a is located adjacent to an existing detached dwelling on Harris View and a detached dwelling located to the south known as 3 Fernbank. The applicant has removed a bedroom window from the rear of plot 3a and re-sited it on the west elevation to avoid overlooking into this property's private rear garden. Plot 3a will not result in any loss of privacy to the detached dwelling already located on Harris View located to the east of plot 3a. Plot 3b has a bathroom and bedroom window in the rear elevation at first-floor level. The bathroom window can be conditioned to be obscured glazed to avoid overlooking into the garden of 3 Fernbank. The bedroom window is at an oblique angle and is located a considerable distance from 3 Fernbank. As a result no demonstrable loss of privacy will be caused to this neighbour. The proposal therefore accords with policy CS5 of the Core Strategy and policies H5, H8 and DS1 of the North Lincolnshire Local Plan.

### **RECOMMENDATION Grant permission subject to the following conditions:**

1. The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: location plan (9 of 9), block plan (8 of 9), materials schedule specified in design and access statement dated 26 November 2017, plot 3a elevations and garage (6 of 9), plot 3a floor plans (7 of 9), plan of retaining wall (1 of 1), elevations of plot 4 (2 of 9), elevations of plot 3b (4 of 9), floor plans of plot 3b (5 of 9), plot 4 floor plans (3 of 9), floor plans and elevations of plots 5 to 8 (1 of 9) and retaining wall structural calculations.

Reason

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

3.

The development shall be carried out in accordance with the amended details received by the local planning authority on 13 December 2017.

Reason

To define the terms of the permission and reduce the impact of the development on the living conditions of the adjoining dwelling in accordance with policy DS1 of the North Lincolnshire Local Plan.

4.

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.

5.

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.

Reason

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

6.

No development shall take place until a scheme for the disposal of foul and surface water has been agreed in writing by the local planning authority and none of the dwellings shall be occupied until it is connected to the approved drainage system.

Reason

To ensure satisfactory drainage is provided in accordance with policy DS14 of the North Lincolnshire Local Plan.

7.

Before plot 3b is first occupied the bathroom window in its rear wall at first-floor level shall be obscure glazed and retained in that condition thereafter.

Reason

To protect the living conditions presently enjoyed by the occupants of adjoining properties in accordance with policy DS5 of the North Lincolnshire Local Plan.

8.

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.

9.

Construction and site clearance operations shall be limited to the following:

- 7am to 7pm Monday to Friday

- 7am to 1pm on Saturdays.

No operations shall take place on Sundays or public/bank holidays.

HGV movements shall not be permitted outside these hours during the construction phase without prior written approval from the local planning authority.

Installation of equipment on site shall not be permitted outside these hours without prior written approval from the local planning authority.

## Reason

In order to protect residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

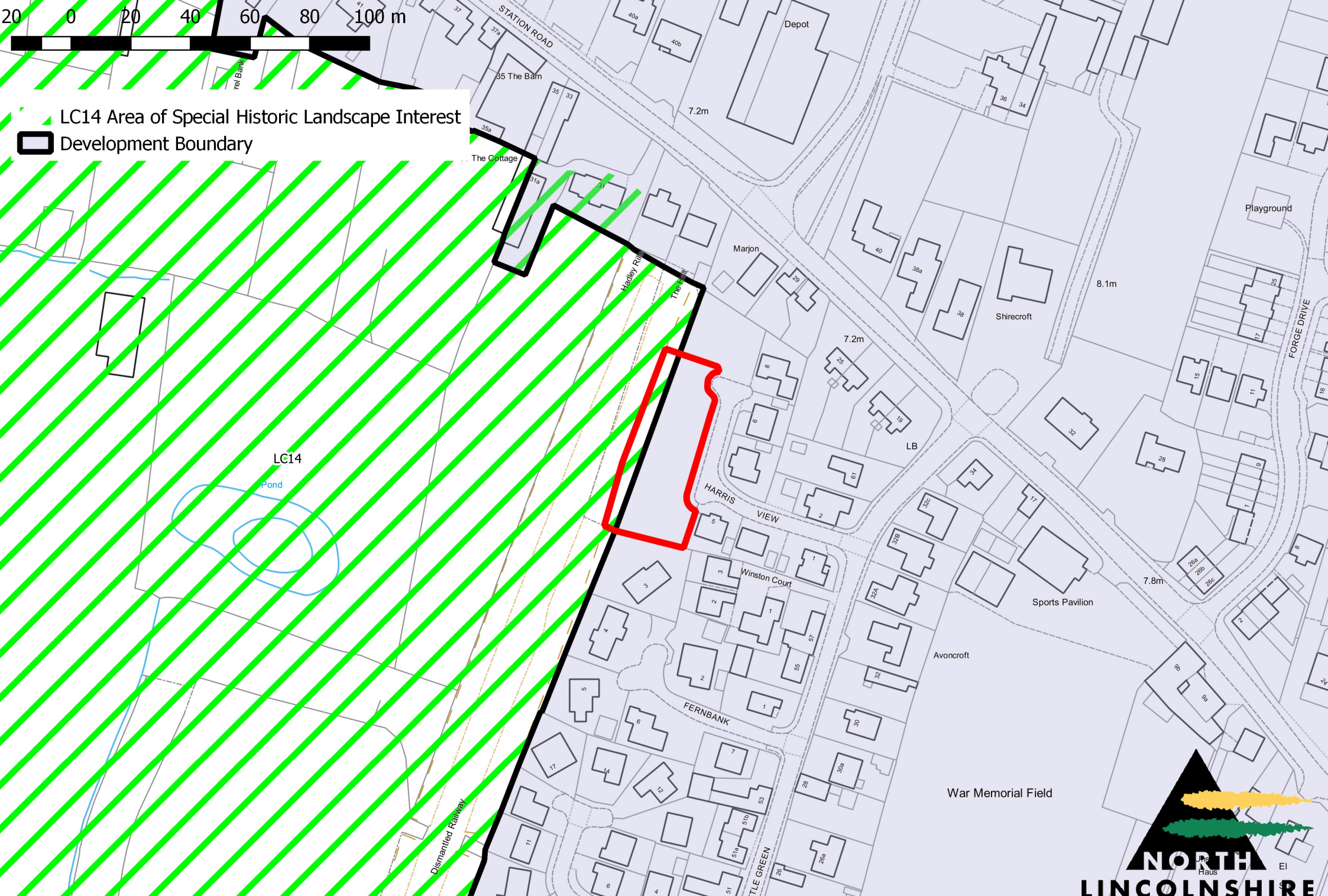
## **Informative**

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.





LC14 Area of Special Historic Landscape Interest  
Development Boundary

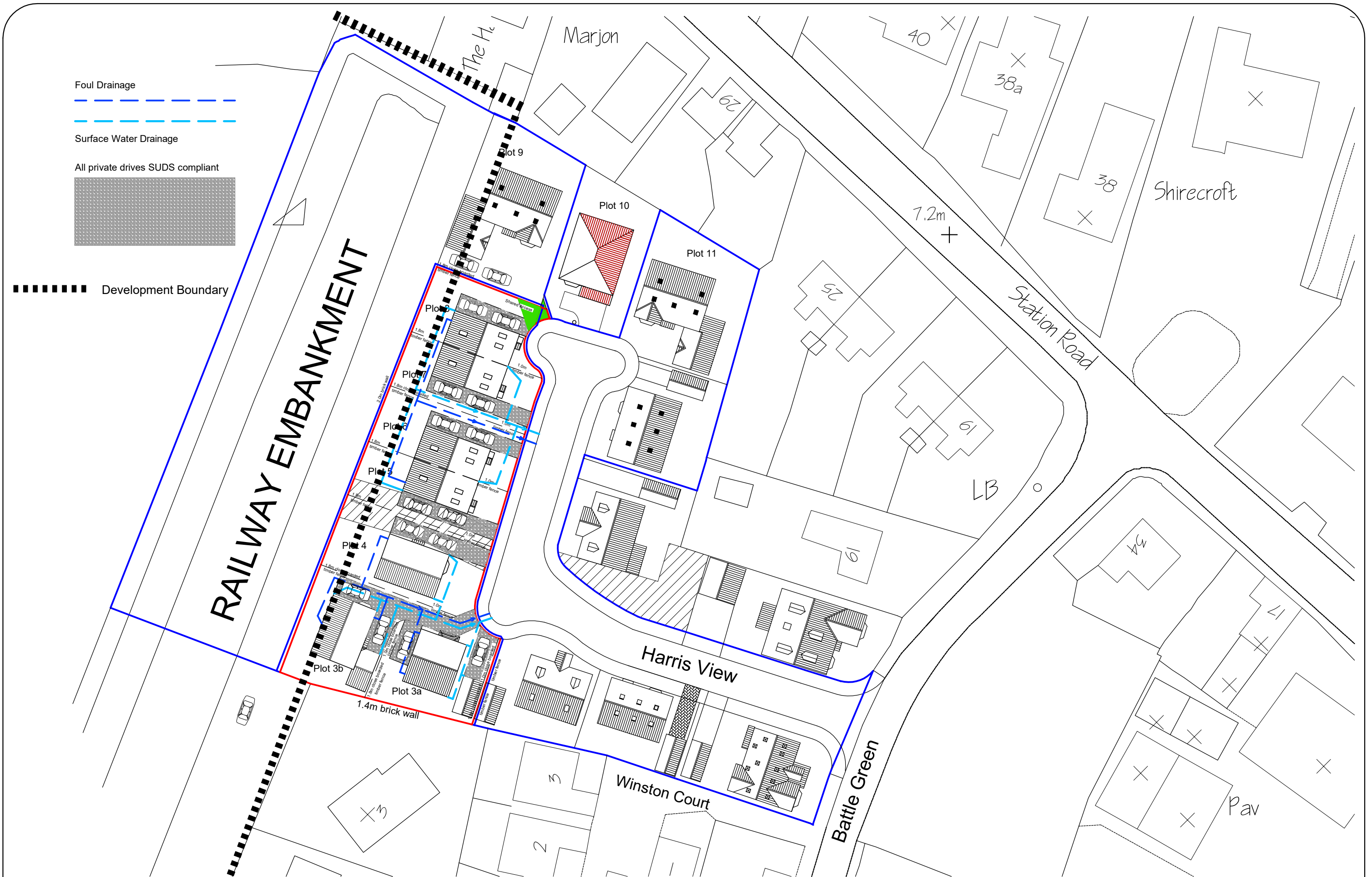


PA/2017/1929

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Foul Drainage  
 Surface Water Drainage  
 All private drives SUDS compliant

Development Boundary

**RAILWAY EMBANKMENT**

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Client	North Lincs Property Ltd		
Date	26/11/17	Dwg No	8 of 9
Scale	1:500	Ref No	598/17

Proposal  
 Drawing

Plots 3a to 8  
 Battle Green, Epworth Doncaster, DN9 1GJ  
 Block Plan

