

APPLICATION NO	PA/2018/377
APPLICANT	Mr & Mrs Seth Whall
DEVELOPMENT	Planning permission to erect a detached dwelling with integral garage
LOCATION	Land adjacent to St David's, Chapel Street, Goxhill, DN19 7JJ
PARISH	Goxhill
WARD	Ferry
CASE OFFICER	Andrew Willerton
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Goxhill Parish Council

POLICIES

National Planning Policy Framework: Paragraph 14 states that at the heart of the National Planning Policy Framework there 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 49 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 housing supply should not be considered up-to-date.

Paragraph 56 states that 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 60 states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

Paragraph 61 states that 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 63 states that in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 100 states that development should be made safe from flooding but without increasing the risk of flooding elsewhere.

Paragraph 111 states that planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.

Paragraph 118 states that local planning authorities should aim to conserve and enhance biodiversity by refusing planning permission if significant harm cannot be avoided or adequately mitigated. Opportunities to incorporate biodiversity in and around developments should be encouraged.

Paragraph 123 states that planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

Paragraph 186 states that local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development.

Paragraph 187 states that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Paragraph 196 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

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

Paragraph 203 states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Paragraph 204 states that planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms
- directly related to the development, and
- fairly and reasonably related in scale and kind to the development.

Paragraph 206 states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

National Planning Practice Guidance

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)

CS7 (Overall Housing Provision)

CS8 (Spatial Distribution of Housing Sites)

CS16 (North Lincolnshire's Landscape, Greenspace and Waterscape)

CS18 (Sustainable Resource Use and Climate Change)

Housing and Employment Land Allocations DPD:

Inset Map for Goxhill

North Lincolnshire Local Plan:

H5 (a-m only) (New Housing Development)

H8 (Housing Design and Housing Mix)

T2 (Access to Development)

T19 (Car Parking Provision and Standards)

LC12 (Protection of Trees, Woodland and Hedgerows)

DS1 (General Requirements)

DS14 (Foul Water and Surface Water Drainage)

CONSULTATIONS

Highways: Advises conditions and an informative.

Drainage: No objection subject to conditions and an informative.

Internal Drainage Board: No comments received.

Trees: Advises that replacement trees should be sought to mitigate tree loss and further information is required in relation to tree protection measures in order to determine whether permission should be granted. Following receipt of an Arboricultural Method Statement the Tree Officer does not object to the proposal but advises that any trees that die as a result of development should be replaced.

PARISH COUNCIL

Objects to the proposal because the property is to be situated very close to the neighbouring property and is likely to have a detrimental effect on its privacy. It was also stated that this development could be considered 'infill' which is not desirable in Goxhill.

PUBLICITY

The application has been advertised by site notice for a period of not less than 21 days prior to the writing of this report. No comments have been received.

ASSESSMENT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the North Lincolnshire Local Plan (NLLP) which was adopted in May 2003, the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011 and the Housing and Employment Land Allocations (HELA) DPD which was adopted in March 2016. Material considerations exist in the form of national planning policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising of the Planning Practice Guidance (PPG).

The application site is currently vacant with informal access off Chapel Street. A two-storey dwelling has recently been developed due north of the site under PA/2013/1431. The site itself has previously gained consent for residential development under PA/2011/1481, PA/2015/0077 and PA/2014/0354. It is noted that the site has also historically been refused for residential development. There are trees protected by a tree preservation order to the eastern (front) and southern boundaries. There are other trees and shrubs within the site which are not protected. The surrounding area is predominantly residential in nature and the site is surrounded by residential development. Properties in the area vary greatly in terms of their design, size and scale, with a mix of two-storey houses on Chapel Street and bungalows and dormer bungalows on Stothards Lane.

The main issues for consideration with regard to the determination of this application are whether the proposal is acceptable in terms of its design with regard to residential amenity and whether the proposal would result in unacceptable harm to protected trees and the natural environment.

Principle

The application is within the HELA DPD defined development limit for the settlement of Goxhill. The parcel of land is within an established residential area surrounded by other residential properties. The parish council considers the development to be infill which it states is undesirable in Goxhill. Goxhill is described within the Core Strategy as a rural settlement and small-scale infill development is supported by policy CS2. The principle of residential development in such a location is acceptable and accords with locally adopted planning policy.

Design and amenity

The proposal is for the erection of a two-storey detached dwelling with rooms in the attic space and an integral garage. The scale of the dwelling is comparable to adjacent dwellings and is considered to be acceptable. The dwelling is to be constructed of brick and tile and the proposed facing materials are appropriate to site context. The proposed dwelling features a front gable and hipped design to the main roof which is considered to be an acceptable design and reduces the overall massing of the dwelling.

The dwelling is to be sited towards the north-west corner of the site in line with the newly development dwelling to the north. The dwelling to the north has side-facing windows to both the ground floor and first floor elevations. From review of the approved plans, these windows serve non-habitable rooms or are secondary windows. The proposed dwelling is to be 3 metres from this elevation. The proposal is likely to affect light entering these windows, particularly those on the ground floor; however, as they serve non-habitable rooms or form secondary windows, the proposal is considered acceptable.

Goxhill Parish Council has objected to the proposal as, given its close proximity to the neighbouring property, it was considered a loss of privacy would occur. The proposal does not feature side-facing upper floor windows and all upper floor windows face to the front overlooking the front garden or the rear overlooking the proposed patio. As the proposed dwelling is to be sited in line with the northern neighbour the upper floor windows will not directly overlook private amenity space. It is not considered the proposal would result in a significant loss of privacy to neighbouring properties.

Trees and the natural environment

There are numerous trees on the site which are formally protected by tree preservation orders. The dwelling has been sited to the north-west of the plot to be sited away from the protected trees to the front and south. The application was supported by an arboricultural assessment which has been considered by the Tree Officer. The Tree Officer noted that another application was being considered for works to the trees at the site which has since been granted consent. The response also highlights that some of the proposed tree works require a further tree application to be made, which has now been submitted, as these works are not directly related to the planning application being considered.

It is proposed that two trees to the front of the site are felled in order to create appropriate access to the site. The Tree Officer has advised that replacement trees should be sought to offset this loss, which can be secured by condition. The initial response from the Officer raised concerns over the potential for harm if the driveway and parking area were to be

constructed from traditional methods and sought additional information in relation to the general method of construction at the site. The applicant has since submitted an Arboricultural Method Statement which includes a Tree Protection Plan and describes the driveway and parking area as being constructed using 'no dig' techniques. The Tree Officer has considered the additional information and has raised no objection. The Officer notes that the improved access arrangements will encroach onto land within the protection zones and advises that conditions be imposed to require replacement trees should any trees die within five years of the commencement of development.

Other matters

It is proposed that a new formalised access be created off Chapel Street and a new driveway, parking and turning area be installed at the site. The Highways team has been consulted on the proposal and has raised no objection subject to conditions and an informative. The dwelling is to be served by its own driveway with sufficient off-road parking for the scale of development proposed. It is not considered that the proposal would be detrimental to highway safety.

The Drainage team has considered the proposal and has requested a condition to investigate and possibly reinstate a buried watercourse to the southern boundary of the site. It is not proposed that surface water from the development be discharged into this watercourse and soakaways are proposed. The planning system cannot be used to rectify a possible problem which will not be made worse as a result of development as an alternative means of surface water drainage has been proposed. The historic drain is also approximately 10 metres away from the areas of the site where development is proposed and is within the root protection zones of protected trees.

The Environmental Health team has advised that further information is required in respect of contaminated land and has advised conditions accordingly. The site is undeveloped and whilst the potential for contamination is unknown the team has not provided any evidence to suggest that the site is contaminated. On the basis of the information available it is considered that the proposed condition is onerous and it is proposed to impose a watching condition to cease development pending investigation should unexpected contamination be found.

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: 1401.001 revision A, 1401.002 and 1401.003

Reason

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

3.

The dwelling shall not be occupied until the vehicular access to it and the vehicle parking and turning space(s) serving it have been completed and, once provided, the vehicle parking and turning space(s) shall be retained.

Reason

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

4.

The dwelling shall not be occupied until it is connected to the approved foul and surface water drainage system as shown on drawing 1401.002.

Reason

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

5.

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 the dwelling is occupied 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.

6.

No development shall commence until details of replacement trees to be planted to mitigate the loss of trees T2 and T3 has been submitted to and approved in writing by the local planning authority. The details shall include the species, age, location of planting, location of their planting, protection measures and timescales for their planting in relation to the course of development. The trees shall be planted in accordance with the approved details and any trees which die, are removed or become seriously damaged or diseased within five years from the date of planting shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority agrees in writing to any variation.

Reason

To provide compensatory trees to replace the protected trees lost as a result of development in accordance with policy CS16 of the North Lincolnshire Core Strategy and policy LC12 of the North Lincolnshire Local Plan.

7.

Development shall proceed fully in accordance with approved tree protection measures as defined within the Arboricultural Method Statement and associated Tree Protection Plan. None of the trees so protected shall be wilfully damaged or destroyed, uprooted, felled, lopped or topped, nor any other works carried out which would cause damage to the root systems or otherwise threaten the lives of the trees during the period of construction without the previous written consent of the local planning authority. Any trees removed

without such consent or dying or being severely damaged or becoming seriously diseased during that period of five years from the commencement of development shall be replaced with trees of such size and species as may be agreed with the local planning authority.

Reason

To ensure the protection of retained trees at the site and appropriate compensation should any further trees be lost as a result of development in accordance with policy CS16 of the North Lincolnshire Core Strategy and policy LC12 of the North Lincolnshire Local Plan.

8.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority.

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.

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.

