

APPLICATION NO	PA/2018/469
APPLICANT	Mr Nev Burbage
DEVELOPMENT	Planning permission to erect three dwellings with associated parking and garden areas, including demolition of dwelling and outbuildings
LOCATION	10 Haxey Lane, Haxey, DN9 2NE
PARISH	Haxey
WARD	Axholme South
CASE OFFICER	Emma Carrington
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Haxey Parish Council

POLICIES

National Planning Policy Framework: Paragraph 11 states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development,

Section 5, paragraphs 59–79 relate to delivering a sufficient supply of homes and states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 77 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.

Paragraphs 124–132 state 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.

North Lincolnshire Local Plan:

Policy DS1 – General Requirements

Policy DS16 – Flood Risk

Policy H5 – New Housing Development (criteria a-m)

Policy H8 – Housing Design and Housing Mix

Policy T1 – Location of Development

Policy T2 – Access to Development

Policy T19 – Car Parking Provision and Standards

North Lincolnshire Core Strategy:

Policy CS1 – Spatial Strategy for North Lincolnshire

Policy CS2 – Delivering More Sustainable Development

Policy CS3 – Development Limits

Policy CS5 – Delivering Quality Design in North Lincolnshire

Policy CS7 – Overall Housing Provision

Policy CS8 – Spatial Distribution of Housing Sites

Policy CS19 – Flood Risk

CONSULTATIONS

Highways: No objections subject to conditions.

Environmental Protection: No objections subject to conditions.

LLFA Drainage: No objections subject to conditions.

Isle of Axholme and North Nottinghamshire Water Level Management Board: Consent required in relation to Local Byelaws. Consent has now been given.

PARISH COUNCIL

Original submission:

‘Haxey Parish Council objects with the following comments:

The plot appears to have been previously developed and contains a number of sheds. The proposed dwellings all appear to fall within the building envelope on what is a large site.

We have concerns that it will require one of the older buildings in the area to be demolished and to our knowledge it is not listed; care should be employed to ensure no damage occurs to the attached property, number 8. There is a mix of housing types in what is string development and we are concerned the inclusion of two dwellings to the rear is backland development and will affect the overall street scene. It is proposed they are affordable housing; we are concerned we can find nothing to support this and would welcome evidence to support this as there is a plentiful supply in the open market for houses of this size and type. It is situated on a bend in the A161 and we believe this limits the visual distance and an increase in traffic of as much as eight vehicles presents safety issues and, while not wishing to see this site developed, we consider the appropriate housing if affordable should be two along the frontage in order to preserve safety and the street scene.’

Amended plans:

'Haxey Parish Council objects with the previous comments and the following additional comments:

The application will have a detrimental effect with regard to the demolition to the adjoining property.

While there is a reduction to the previous application of one house, we still have concerns on the impact of road safety on a road that is heavily monitored for speed and is close to the bend in the A161. The dwellings have reduced in number but the size of the properties have increased so the overall footprint remains the same.

The plot appears to have been previously developed and contains a number of sheds. The proposed dwellings all appear to fall within the building envelope on what is a large site. We have concerns that it will require one of the older buildings in the area to be demolished and to our knowledge it is not listed; care should be employed to ensure no damage occurs to the attached property, number 8. There is a mix of housing types in what is string development and although plot 2 seems to fall within the building envelope we are concerned the inclusion of two dwellings to the rear is backland development and will affect the overall street scene. It is proposed they are affordable housing; we are concerned we can find nothing to support this and would welcome evidence to support this as there is a plentiful supply in the open market for houses of this size and type. It is situated on a bend in the A161 and we believe this limits the visual distance and an increase in traffic of as much as eight vehicles presents safety issues and, while not wishing to see this site developed, we consider the appropriate housing, if affordable, should be two along the frontage in order to preserve safety and the street scene.

This development will mean the loss of one of the older properties and, while there is no listing status, we again feel it will affect the character of the settlement.

The site is in an area predominantly of bungalows but not exclusively; again, we feel it would be out of character with its street scene.

Were this application for infill on the frontage we believe this would be more in keeping with the street scene and character of the area.'

PUBLICITY

A site notice has been displayed, and the following objections received:

- the properties are not affordable homes and will not be available for the residents of Haxey
- if approved, the northern boundary should have a 6 foot fence, not a hedge
- overlooking will be created and privacy will be lost
- the access is unsuitable for the level of traffic, is on a dangerous bend and will lead to accidents
- it would be more appropriate to renovate the existing old cottage rather than replace it with new dwellings

- the hedge at number 8 is not owned by the applicant and will not be removed as suggested
- there are drainage issues on the site and an adjacent culvert which is important to land drainage needs to be protected
- the proposed house types are not in keeping with the character of the area
- concerns regarding the structural implications on number 8 during/after demolition of number 10 (this is a private matter)
- light pollution from car headlights on properties opposite the site
- disturbance during construction on residential amenity
- impact on highway safety, being close to a bend
- too many properties on the site, out of keeping with the character of the area
- plans are inaccurate and not to scale and concerns that the applicant does not own all the land
- loss of existing gardens will impact wildlife.

ASSESSMENT

Planning permission is sought to erect three detached dwellings on a parcel of land within the settlement boundary for Haxey. The site gains access directly onto Haxey Lane and will provide access, parking and turning for all three dwellings. The site currently houses a workshop building and semi-detached cottage, all of which are to be demolished to accommodate the proposed dwellings. The other half of the semi-detached dwelling is in separate ownership, and will be retained. This property has its own means of access and will not be served by the proposed development.

The original application was for four dwellings on the site. However, due to the proximity of a land drain close to the southern boundary, the development has been reduced down to three to allow protection and future maintenance of land owned by the Isle of Axholme and North Nottinghamshire Water Level Management Board.

The main issues in the determination of this planning application are whether the proposal would have an adverse impact on residential amenity, on the public highway or on drainage, and whether the design of the proposal is acceptable in this part of Haxey.

The application site is within the settlement boundary for Haxey, and as such, the development of this site for residential purposes is acceptable in principle. The site is already developed and consists of a large, single-storey workshop building, of mixed materials, including wood cladding and tin roof sheets, and an attached two-storey cottage built in brick and tile. The workshop faces Haxey Lane, but the existing semi-detached cottages face into the site, and are side on to Haxey Lane. One dwelling will replace the workshop building, and two detached properties will replace the existing cottage.

The scale and design of the proposed dwellings are considered to be acceptable. The submitted plans demonstrate that the site is capable of accommodating three dwellings, together with parking, access, turning and private garden areas, whilst maintaining the amenities of existing neighbouring properties. It is considered that the replacement of the workshop, which has no panning restrictions, is a benefit to neighbouring properties, both in terms of the use and visual appearance. The area has a mix of housing styles and designs, with no particular one being dominant. Therefore, it is not considered that the properties are out of keeping with the character of area.

Concerns have been raised by neighbours and the parish council in relation to highway safety, loss of residential amenity, over-development, poor drainage, noise and disturbance, and lack of affordable housing. However, no technical objections have been received in relation to the means of access, and the applicant has liaised with the drainage board to overcome an initial objection regarding the impact on board-owned drains. No objections have been raised by the Lead Local Flood Authority subject to conditions regarding a drainage scheme. The scheme is not considered to be over-development, particularly now that one unit has been removed from the original submission. The developer is not required to provide affordable housing under current local plan policies and this is not a reason to resist the development of the site. Although it is recognised that there will be some increase in noise and disturbance, particularly during the construction phase, the council's environmental health department is satisfied that, with conditions, the proposal will be acceptable.

It has been suggested that the proposal will have an adverse impact on wildlife, but no evidence has been provided to demonstrate that the site provides a wildlife habitat, particularly as it has been used as a joiner's workshop and private garden area. Other matters raised relating to boundary treatments are dealt with by appropriate conditions.

It is considered that the proposal as submitted complies with the requirements of the policies in the adopted local plan and Core Strategy, and guidance in the National Planning Policy Framework. There are no technical objections to the proposal, and it is considered that the objections raised are not sufficient to outweigh the planning merits of the proposal. The application is therefore recommended for approval.

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: 001 Rev B, 002 Rev B.

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.

No dwelling shall be occupied until the bin collection facility has been provided in accordance with the submitted drawing and it shall thereafter be retained.

Reason

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

5.

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 frontage of plot 3.

Reason

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

6.

Unless otherwise agreed by the local planning authority, no above-ground works shall 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.

7.

Construction and demolition operations shall be limited to the following hours:

- 7am to 7pm Monday to Friday

- 7am to 1pm on Saturdays.

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

HGV movements shall not be permitted outside these hours during the construction and demolition 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

To protect residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

8.

No above-ground works shall take place until details have been submitted to and approved in writing by the local planning authority of the make, type and colour of all external facing materials for the development and only the approved materials shall be used.

Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

9.

No works shall commence on the construction of the proposed dwellings until a detailed flood risk statement and drainage strategy has been 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. Infiltration tests should comprise full-scale tests to demonstrate long-term effectiveness and suitability. SuDS should be considered. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document.

Reason

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

10.

No dwelling shall be occupied 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, and the agreed boundary treatment shall be built/planted before first occupation and retained thereafter.

Reason

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

11.

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 buildings or extensions shall be erected on the site other than those expressly authorised by this permission.

Reason

To maintain the present living conditions of adjoining property in accordance with policy DS5 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 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.



Haxey

HAXEY LANE (A161)



Tel Ex

Car Park

Drain

Drain

Playground

Play Area



PA/2018/469

AMENDED



SITE LAYOUT
SCALE 1:500



LOCATION MAP
SCALE 1:1250

SITE LOCATION

E477376
N399572



E477416
N399561

PROPOSED SITE LAYOUT
SCALE 1:100