

APPLICATION NO	PA/2018/2403
APPLICANT	Miss Julia Smith
DEVELOPMENT	Outline planning permission to erect two dwellings with access not reserved for subsequent approval
LOCATION	Land to the rear of 9 Nethergate, Westwoodside, Haxey DN9 2DR
PARISH	Haxey
WARD	Axholme South
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Objection by Haxey Parish Council

POLICIES

National Planning Policy Framework: Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Paragraph 59 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Paragraph 128 states that design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

North Lincolnshire Local Plan:

Policy H5 (New Housing Development)

Policy H7 (Backland and Tandem Development)

Policy H8 (Housing Design and Housing Mix)

Policy T2 (Access to Development)

Policy T19 (Car Parking Provision and Standards)

Policy DS1 (General Requirements)

Policy LC5 (Species Protection)

Policy LC12 (Protection of Trees, Woodland and Hedgerows)

Policy LC14 (Area of Special Historic Landscape)

Policy R5 (Recreational Paths Network)

North Lincolnshire Core Strategy:

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering more Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Design)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Policy CS9 (Affordable Housing)

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

Policy CS17 (Biodiversity)

CONSULTATIONS

Highways: Following receipt of an amended plan, recommend conditions and an informative in relation to works within the highway.

Severn Trent Water Ltd: No objection, but recommend a condition in respect of the method of foul and surface water drainage being submitted for consideration.

Environmental Health: The application for residential development is a sensitive end use. It is the developer's responsibility to assess and address any potential contamination risks. Historical mapping shows the site used to be an agricultural field. This gives rise to the

potential for contamination from the over application of slurry and/or the illegal deposition of waste.

No supporting information has been provided by the applicant that demonstrates the land has not been impacted by contamination, and that any potential risks can be reduced to an acceptable level. In the absence of this information, recommend a condition in respect of contaminated land investigation.

Historic Environment Record: The application site lies within the Area of Special Historic Landscape Interest of the Isle of Axholme (local plan policy LC14). This area is designated for its unique historic landscape retaining the pattern of ancient open strip fields and enclosures surrounding the villages on the Isle.

The application site is located in a well-preserved area of the historic landscape at the centre of the village. The applicant has not submitted a heritage statement with this application, contrary to paragraph 18 of the National Planning Policy Framework (NPPF). The application area lies outside the development boundary and the proposed development would be an unacceptable extension and intrusion of the built environment into the historic landscape.

Therefore recommend refusal of any planning application for development in this location as it would adversely affect the character, appearance and setting of the historic landscape and is contrary to the NPPF, policy LC14 of the North Lincolnshire Local Plan and policy CS6 of the Core Strategy.

PARISH COUNCIL

Object on the following grounds:

- narrow access and egress
- the plots are outside the building envelope, on LC14 land
- the area has high amenity value and enhances the character of the village
- there is no information as to whether the development is for social, market or affordable housing
- there is no identified housing need
- this area should not be classed as garden as it has previous enforcement action on it.

PUBLICITY

A site notice has been displayed; no comments have been received.

ASSESSMENT

The application site comprises garden land to the rear of the applicant's property. The part of the site on which outline planning permission is sought contains dog kennels and an outdoor swimming pool. The garden land is located outside the defined settlement boundary for Westwoodside on land which is classed as the Isle of Axholme Area of Special Historic Landscape Interest under policy LC14 of the North Lincolnshire Local Plan

(NLLP). The site is located in flood zone 1 and is within a predominantly residential area with the primary school and village hall located to the west and south-west, and residential properties immediately to the east and opposite the site. Outline planning permission is sought to erect two detached dwellings on the site with means of access being considered at this stage.

The main issues to consider in the determination of this application are the principle of development (incorporating impact on the LC14 land), and its impact upon settlement character and residential amenity.

Principle

Due to its location outside of any defined development boundary, the application site is considered to be in the open countryside for the purposes of planning. The design and access statement states that the site is part of the rear garden to 9 Nethergate and is within a large building plot extending to over 1500 square metres in area. It is acknowledged that the garden in which the dwellings are proposed is outside the development boundary and considered to be open countryside. It is noted that the site (and the outbuildings which stand upon it) are located in close proximity to the settlement boundary for Westwoodside and in close proximity to the existing houses located along Nethergate to the east and north-east.

The development plan for North Lincolnshire comprises three parts: those policies of the North Lincolnshire Local Plan (2003) (LP) which were saved by a direction of the Secretary of State in September 2007, the North Lincolnshire Core Strategy DPD (2011) (CS), and the Housing and Employment Land Allocations DPD (2016) (HELAP).

Policy CS1 of the CS sets out a spatial strategy for North Lincolnshire, which, amongst other matters, provides that rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing local services to meet local needs and that any development that takes place should be in keeping with the character and nature of the settlement.

Policy CS8 deals with the distribution of housing sites and prioritises development in Scunthorpe and the market towns, with brownfield sites and sites within development boundaries being the primary focus. With regard to rural settlements, the policy states that new housing will create opportunities for small-scale infill development that maintains the viability of the settlement and meets identified local needs without increasing the need to travel.

Policy CS8, whilst restricting housing outside development limits, contemplates some greenfield development as it refers to allowing development on such sites where it can be demonstrated that this would bring additional community benefits, contribute to building sustainable communities and be acceptable in terms of its impact on the high quality environment and adjoining countryside. This overall approach is supported by policy CS2 which sets out a sequential approach for development.

Policy CS3 provides that development limits will be defined in future development plan documents. Outside these boundaries, development will be restricted to that which is essential to the functioning of the countryside. The development limits were subsequently defined in the HELAP, and the application site is located outside the designated

development limit for Westwoodside. There are no allocated housing sites within Westwoodside.

LP saved policy RD2 restricts development in the open countryside other than in exceptional circumstances. This policy only supports residential development outside defined development limits where it is to meet an essential proven need and the open countryside is the only appropriate location for the development. Whilst this policy remains, it has largely been overtaken by policies in subsequent plans addressing the same issue (such as policies CS2 and CS3 referenced above).

The aforementioned policies are aimed at focusing housing within settlement limits as defined in the Housing and Employment Land Allocations DPD. The application site is entirely outside the defined development boundary for Westwoodside and is therefore considered to be in breach of policies CS2, CS3 and CS8 of the Core Strategy and RD2 of the local plan.

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 11 and Footnote 7 (page 6) of the NPPF states the presumption in favour of sustainable development applies for applications involving the provision of housing where the local planning authority cannot demonstrate a five-year supply of housing sites and that housing applications should be considered in the context of the presumption in favour of sustainable development.

The five-year housing land supply statement sets out North Lincolnshire Council's assessment of its supply of housing land from 1 April 2016 to 31 March 2021, having regard to Government guidance on how this is calculated. This report states that North Lincolnshire has a 3.9 year housing land supply of deliverable sites during the period April 2016 to March 2021.

There are three dimensions to sustainable development as set out in paragraph 8 of the Framework: economic, social and environmental.

The proposed development would have the social and economic benefits of addressing the current under-supply of housing land by the provision of two market houses. Investment in construction and related employment would represent a benefit, as would the support which the additional population would produce for the local economy. The North Lincolnshire Sustainable Survey 2016 ranks the settlement of Westwoodside as 19th out of the 79 settlements scored within the survey and is classified as a Larger Rural Settlement having five of the seven key facilities. Local facilities include a public house, convenience store, village hall, a primary school, church, hot food takeaway, dentist surgery and two hairdressers within easy reach of the site on foot, and a wide range of further services accessible by bicycle and public transport readily available in Haxey. Therefore the proposal accords with the need to site development in locations with accessible local services. These matters weigh heavily in favour of the proposal in terms of the economic and social dimensions of sustainability.

In terms of the environmental dimension, the development will partly result in the redevelopment of the site (as a result of removing the kennel block and outdoor swimming pool), which is an environmental benefit. However, the site is located on land outside the defined settlement boundary which is also designated under policy LC14 of the North Lincolnshire Local Plan; this is the Isle of Axholme Area of Special Historic Landscape

Interest. This area is designated for its unique historic landscape retaining the pattern of medieval open strip fields and enclosures surrounding the villages on the Isle of Axholme.

This historic landscape is considered to be of national importance and local plan policy LC14 applies which states:

'Within this area, development will not be permitted which would destroy, damage or adversely affect the character, appearance or setting of the historic landscape, or any of its features.'

'Development required to meet the social and economic needs of rural communities....will be permitted provided such development is related to the historic landscape and its features.'

'A high standard of design and siting in new development will be required reflecting the traditional character of buildings in the area and the character of the historic landscape, and using materials sympathetic to the locality.'

The historic landscape of the Isle of Axholme is a heritage asset of historic and archaeological interest as defined in the NPPF, and is clearly identified as such in the Local Plan in line with paragraph 185 of the NPPF. The Ancient Open Strip Fields (AOSF) form the historic character core of the Isle of Axholme landscape, buffered by areas of piece-meal enclosure of blocks of former strips into small irregular fields. This remnant landscape is acknowledged as the best example of very few surviving landscapes of this type in the country.

The application site is located within the Early Enclosed Land (EEL) which forms a central block of fields surrounded by residential development along Nethergate, Brethergate and Newbigg. The EEL zone in this part of Westwoodside comprises arable and grass fields. The majority of the original enclosure boundaries survive; it is acknowledged by the Historic Environment Record (HER) that the development of the primary school at the southern end of the block has resulted in some modification of the layout and sub-divisions to form the playing field and the adjacent plots for the village hall, and the application site. The extant field enclosures and boundaries display the landscape characteristics of the EEL. Public Right of Way (PROW) HAXE89B runs a course from north to south to the west of the site and affords views across the historic landscape.

It is acknowledged that there are existing structures within the rearmost part of the applicant's garden; this includes a kennel block and an outdoor swimming pool. The heritage statement submitted with the planning application states that the land to both the west (the primary school) and the east (residential cul-de-sac) is developed land and that the impact of development upon the LC14 land is acceptable for the following reasons:

'a) Not only is the site developed for residential use (and has been for 20 years or more) this is thus established.'

'b) The proposal merely changes one residential use to another.'

'c) The site is virtually developed on three sides with the school, village hall parking (overflow frequently used) and residential developments to the east.'

'd) In addition, the removal of the incongruous dog kennels and runs will have a benefit in terms of the setting of the LC14 policy area. The removal of the kennels is particularly

important as they are located on the northern boundary of the site adjacent to the body of the LC14 area not so much affected by surrounding development and thus more sensitive.'

In addition, the heritage statement goes on to state that the removal of the structures from the land is considered preferable to the existing adverse impact they have. There are clear views out of the site allowing the landscape to be appreciated from within as well as clear views into the site from across the landscape (i.e. from the public right of way). The construction of two dwellings, irrespective of their height and scale, would result in built development that would be clearly visible from a number of vantage points from within and around the EEL historic fields, including from the PROW. In addition, it is considered that the dwellings would be viewed as being a separate form of built development when compared to the existing pattern of residential development which is predominantly dwellings located in close proximity to the public highway (e.g. ribbon development).

The impact of the siting of this dwelling would be to extend the built form of the ribbon development into the historic landscape. It would also introduce the potential for further inappropriate development and enclosure which is considered to be incompatible with the essential character of the EEL historic fields; in addition, any proposals to introduce landscaping in order to screen the site could introduce landforms and means of enclosure that do not relate to the historic character. The proposed residential use also has the potential to introduce domestic paraphernalia into the historic landscape such as boundary fencing, hard paved surfaces and external lighting and outbuildings, and such items would not be related to the traditional features and uses of the historic landscape and would therefore have the potential to harm its character.

In conclusion, the application would extend inappropriate development into the historic landscape and would therefore damage the existing character and setting of the EEL. As such, the proposed development represents an unacceptable encroachment into the area of special historic landscape interest and is a form of residential development, which, if allowed, is considered to damage and potentially destroy the character and setting of the designated landscape, to the detriment of the Area of Special Historic Landscape Interest. On this basis the environmental dimension of sustainable development, as set out in the NPPF, is not considered to be met in this case.

Therefore, whilst housing policies attract reduced weight, there are other policies within the NPPF and the local plan that would be in conflict with the proposed development in respect of cultural heritage and the impact upon the Special Historic Landscape.

Settlement character

The pattern of residential development in the immediate area is characterised by detached properties located in close proximity to the public highway, with deep rear gardens. Other than in the case of the applicant's property, there are few examples of built development (e.g. outbuildings) that are positioned beyond the rear elevations of these dwellings. The proposal shows the erection of two detached dwellings on garden land to the rear of the applicant's property; this results in a form of backland development. Directly to the east of the site is a small enclave of modern detached dwellings in a cul-de-sac arrangement. It is considered that the residential development proposed on this site, located at a distance of 50 metres from the public highway, will result in a form of development which is out of keeping with the existing character of this part of Westwoodside.

Residential amenity

The proposal is seeking outline planning permission for means of access to be considered and all other matters reserved for subsequent consideration (through the submission of a reserved matters planning application). The plans show the means of access from Nethergate to the south, which will serve both proposed dwellings. Matters relating to the position and heights of windows, orientation of the dwelling and scale of the dwellings would be considered at reserved matters stage; the potential loss of residential amenity arising from this subsequent planning application would be assessed at that stage of the planning process. Notwithstanding this, an indicative plan has been submitted with the planning application; this shows that there will be sufficient land to serve as private amenity space for the proposed dwellings. In addition, there is sufficient land to the side of the proposed dwellings to provide a minimum of three off-street parking spaces, together with a turning space to serve each property and sufficient private amenity space, and also a separate access retained for the host property. No issues have been raised by Highways in respect of the means of access proposed from Nethergate or on grounds of highway or pedestrian safety.

RECOMMENDATION Refuse permission for the following reasons:

1.

The proposed development, by virtue of its siting in a backland position to the rear of existing properties, is considered to represent an uncharacteristic form of development which is at odds with the existing pattern of development in the area contrary to policies RD2, H5, H7 and H8 of the North Lincolnshire Local Plan and CS5 of the North Lincolnshire Core Strategy.

2.

The proposed development represents unnecessary and inappropriate encroachment into the Early Enclosed Land designated as the Isle of Axholme Area of Special Historic Environment Interest under policy LC14 of the North Lincolnshire Local Plan, thereby adversely affecting its historic character, appearance and setting. Accordingly, the proposal is considered contrary to policies LC14 of the North Lincolnshire Local Plan and CS6 of the North Lincolnshire Core Strategy.

Informative

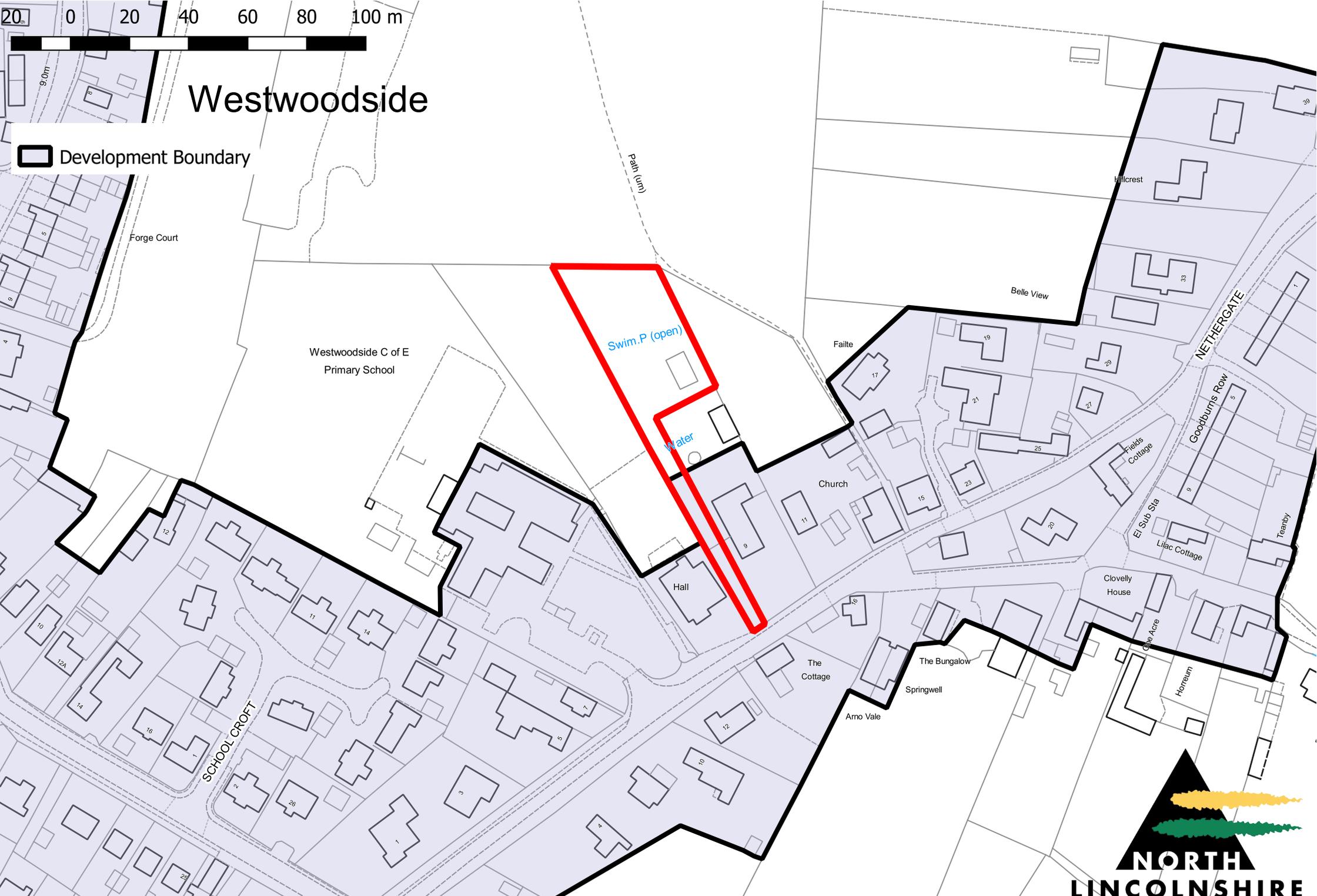
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

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Westwoodside

 Development Boundary

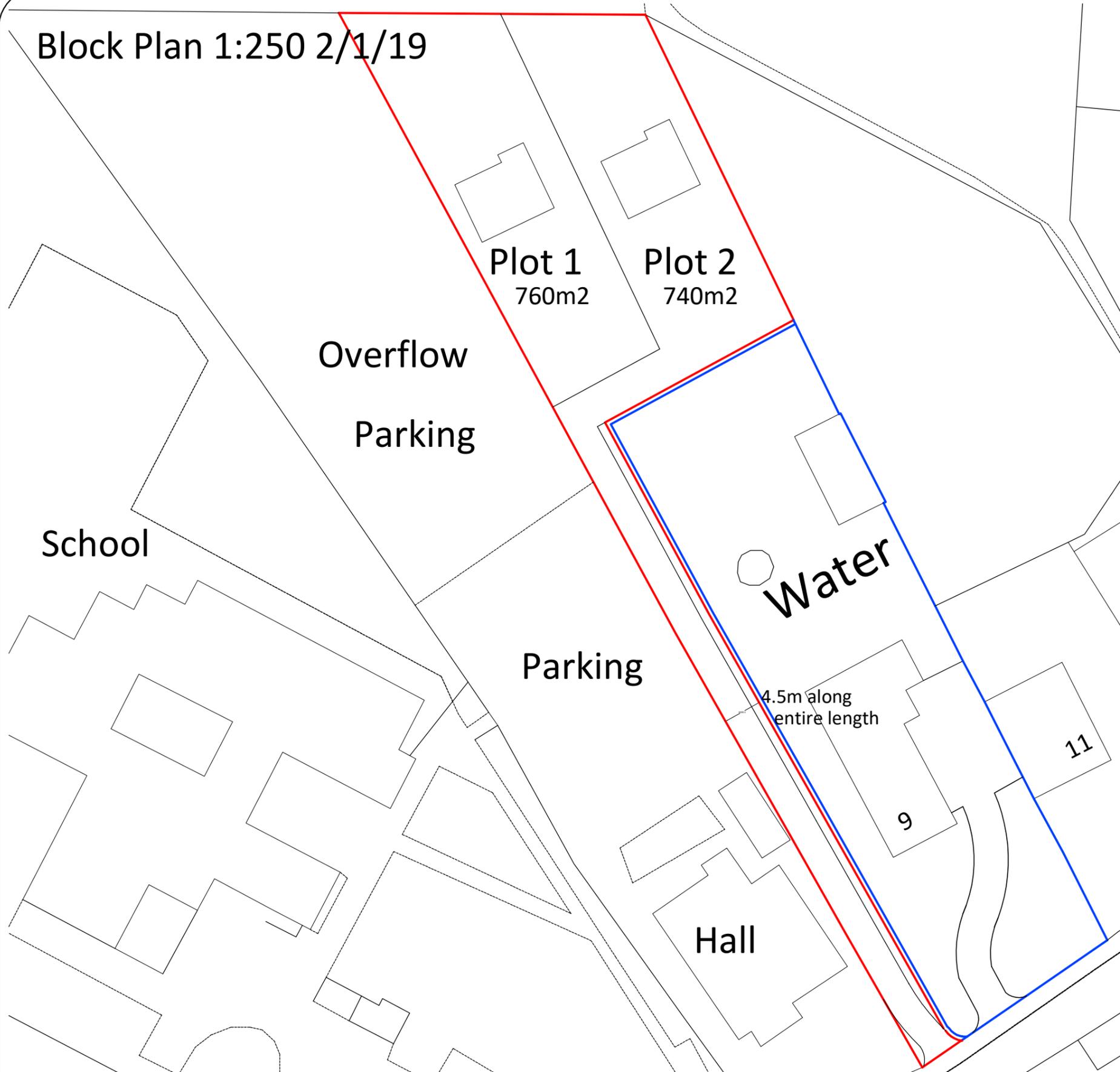


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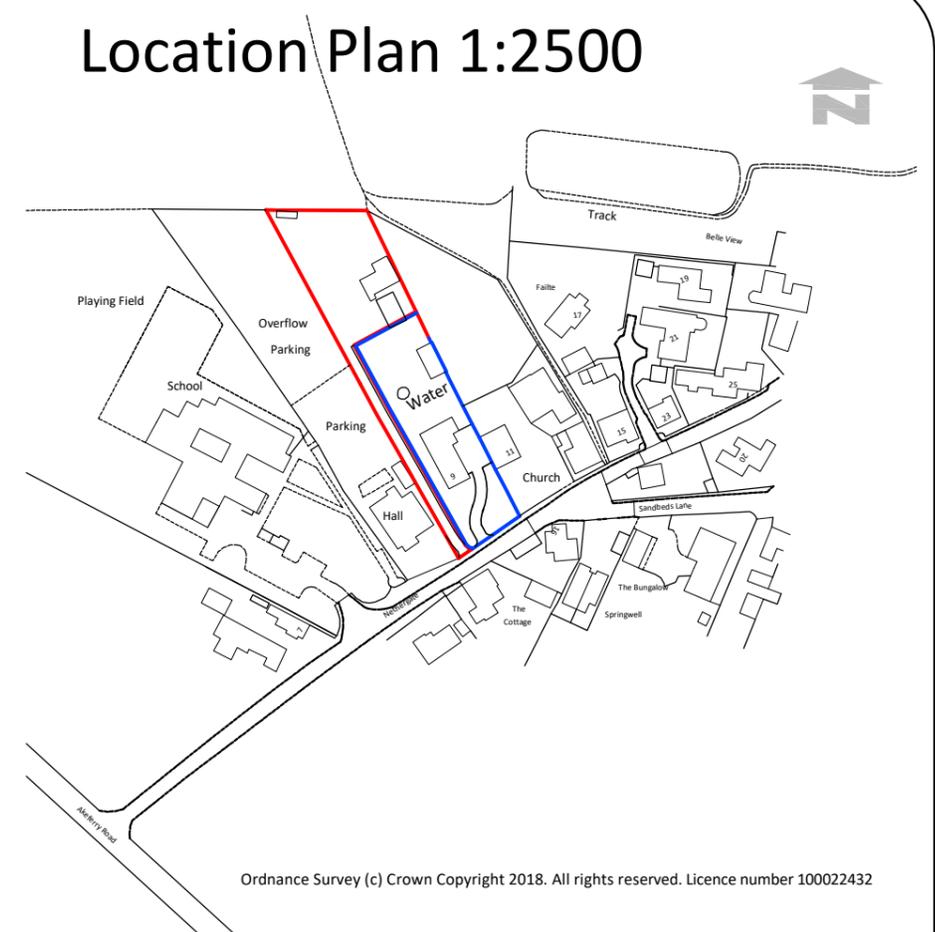
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Block Plan 1:250 2/1/19

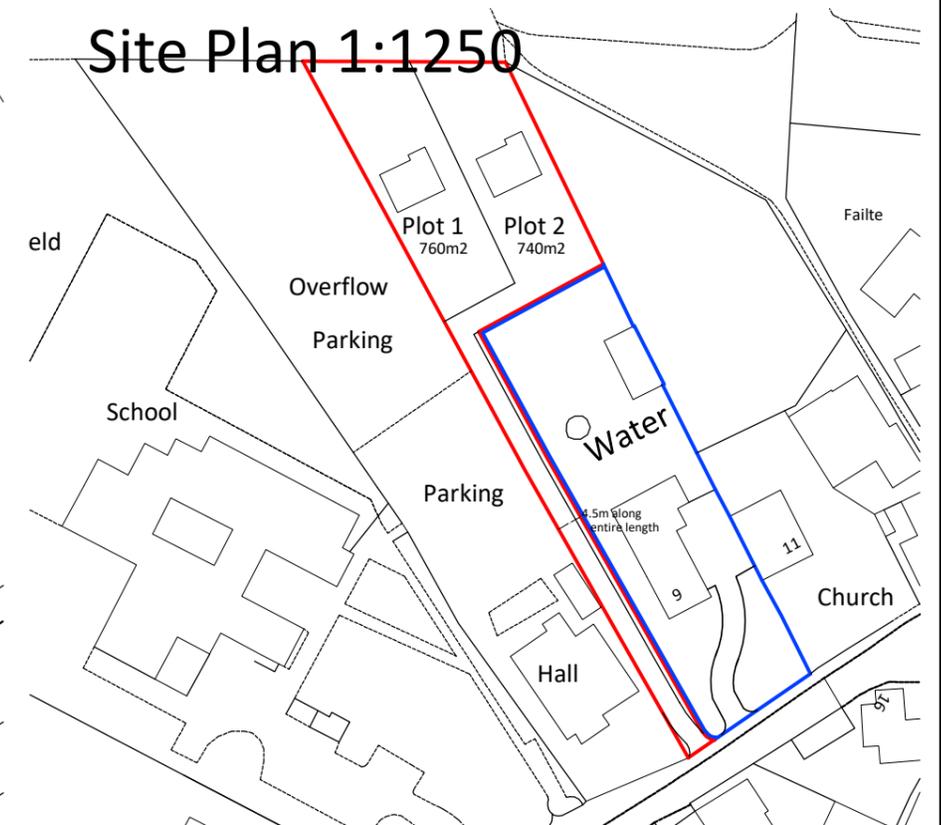


Location Plan 1:2500



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Site Plan 1:1250



Howard J Wroot BSc MRICS Chartered Surveyor 240 Wharf Road, Ealand Scunthorpe DN17 4JN	Tel 01724 711068 Fax 01724 710174 Mob 07947 226577	Client Ms J Smith		Proposal	Two building Plots Rear of The Willows 9 Nethergate, Westwoodside, DN9 2DL			
		Date 26/11/18	Dwg No 1 of 1				Drawing	Location and Block Plans
		Scale As noted	Ref No 1051					