

APPLICATION NO	PA/2019/392
APPLICANT	Mr Cherry, Cherry Tree Homes Ltd
DEVELOPMENT	Planning permission to demolish existing house and erect four detached dwellings and associated garages (resubmission of PA/2018/1294)
LOCATION	10 Commonsides, Westwoodside, Haxey, DN9 2AP
PARISH	Haxey
WARD	Axholme South
CASE OFFICER	Mark Niland
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Haxey Parish Council Member 'call in' (Cllr David Rose – significant public interest) Statutory consultee objection (Historic Environment Record)

POLICIES

National Planning Policy Framework: Paragraph 170 – Planning policies and decisions should contribute to and enhance the natural and local environment by:

- (a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- (b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- (c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- (d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- (e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

- (f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 193 – When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 197 – The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

North Lincolnshire Local Plan: DS1, DS11, DS14, DS16, LC14

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS5, CS17, CS18, CS19

CONSULTATIONS

Highways: No objections subject to the imposition of conditions.

Drainage: No objections subject to the imposition of conditions.

Environment Agency: Does not wish to make any comments on this application.

Environmental Protection: No objections subject to the imposition of a condition relating to land contamination and noise mitigation during construction.

Waste and Collection: No objections but make comments in relation to the location of bins for collection.

Historic Environment Record: Recommends refusal as the development would adversely affect the character, appearance and setting of the historic landscape, contrary to policies LC14 of the North Lincolnshire Local Plan and CS6 of the Core Strategy, as well as the National Planning Policy Framework (NPPF).

PARISH COUNCIL

Haxey Parish Council has objected on numerous grounds, including (although not exhaustive):

- inappropriate density
- highway safety
- character impacts (particularly the loss of garden land)
- no justified need
- residential amenity

- inappropriate use of a greenfield site
- not sustainable.

The parish also attempts to make an assessment of the proposal using North Lincolnshire Council's policy framework as well as the NPPF and the Sustainable Settlement Survey. The entire response can be viewed alongside other documents associated with this application. It is not included here, but it is considered that the material considerations are summarised above.

PUBLICITY

The application has been advertised by site notice and numerous objections have been received. Some of the objections are extensive but can be summarised as the following material issues:

- contrary to planning policy
- loss of habitat for bats and birds
- loss of protected trees
- impact upon residential amenity
- loss of light
- overbearing impact/overshadowing
- insufficient space around dwellings
- traffic issues
- character impacts
- ecology issues.

ASSESSMENT

Update

This application is a resubmission of PA/2018/1294 that was refused at planning committee on 16 January 2019. The previous application was refused due to concerns that the proposal was over-development, detrimental to highway safety and harmful to the character and appearance of the Isle of Axholme Area of High Landscape Value. The current proposal, whilst retaining the same red line boundary, proposes the erection of four dwellings, whereas the previous application sought consent for five dwellings.

The proposal is located on Commonside, Westwoodside and relates to curtilage area associated with number 10. The dwelling itself is a two-storey detached property located on the south-west of the site with an outbuilding behind. The settlement boundary runs along the rear of the curtilage of the residential property whilst the land beyond is considered to be open countryside and an area identified as having a high/historic landscape value.

The proposal involves the erection of four detached dwellings that are located within the settlement boundary as identified by the Housing and Employment Land Allocations DPD 2016. The immediate area is made up of a mix of dwelling types from terrace properties to larger dwellings that emanate from Grange Court. There is a mix of materials and architectural styles.

The following issues are relevant to the proposal:

- **principle of development**
- **ecology**
- **amenity**
- **highways**
- **flooding and drainage**
- **loss of building/impact upon LC14 policy area.**

Principle of development

Policy CS1 of the North Lincolnshire Core Strategy is concerned with the district's overall spatial strategy. Westwoodside is considered to be a rural settlement. The policy states that rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing existing local services to meet local needs. Development will be limited and should take into account levels of local service provision, infrastructure capacity and accessibility. Any development that takes place should be in keeping with the character and nature of the settlement.

Furthermore, policy CS2 sets out land for development in a sequentially preferable order stating that "...Small-scale developments within the defined development limits of rural settlements to meet identified local needs" will be an area of focus.

Policy CS7 is concerned with the overall housing provision of the district. It considers suitable densities dependent upon settlement type. In rural settlements the policy states that 30–35 dwellings per hectare should be achieved. Obviously, this is interlinked with other competing policies and density is also dictated by site constraints and character impacts.

It is considered, given the proposal is wholly within the settlement boundary for Westwoodside and located within flood zone 1, that the erection of four dwellings on an infill plot is acceptable in principle.

Ecology and trees

Policy CS17 of the Core Strategy is concerned with biodiversity and is reinforced by paragraph 170 of the National Planning Policy Framework (NPPF). The land relates to the curtilage of 10 Commonside and has the potential to support local wildlife habitat networks.

The applicant has submitted a protected species survey and the council's ecologist has previously reviewed the information when assessing the previous application on the site

(PA/2018/1294). No objection was raised in respect of ecology subject to conditions to secure biodiversity enhancement.

No consultation response has been received in respect of the current application; however, given the ecology report for the previous application (PA/2018/1294) has been resubmitted and was previously reviewed by the ecologist, it is considered that their response relating to that application is relevant; and any permission will therefore be subject to the same biodiversity conditions. The council's arboriculturist has also made no comment.

It is therefore considered that the proposal aligns with policy CS17 of the Core Strategy as well as LC12 of the North Lincolnshire Local Plan.

Highways

Policy T2 of the North Lincolnshire Local Plan is concerned with access to development and states that all developments should be served by a satisfactory access. Policy T19 is concerned with parking provision setting out the standards under Appendix 2 of the North Lincolnshire Local Plan.

Highways have reviewed the proposal and, given that they had no objections (subject to conditions) to the previous submission, they have no objections to this application, given that the arrangement is the same. The conditions set out under the previous application remain relevant and will be attached if permission is granted. It is therefore considered, subject to the aforementioned mitigation, that the proposal is in accordance with policies T2 and T19 of the North Lincolnshire Local Plan.

Flooding and drainage

Policy CS19 of the Core Strategy is concerned with flood risk, whilst policy DS14 of the North Lincolnshire Local Plan is concerned with foul sewage and surface water drainage.

The application site is located within flood zone 1 and therefore is a preferred place for development in terms of flood risk.

The site is located within flood zone 1 and relates to garden land associated with 10 Commonsides. The council's drainage team has been consulted and has no objections to the proposal subject to the imposition of a condition requiring a strategy for the management of surface water created by the development. The proposal would include grassed areas for garden, so it is likely that there would be improvements for the capture of surface water drainage.

In terms of foul drainage, the site is already connected to the network; however, it is unclear whether or not this is fit for purpose for four dwellings. Severn Trent Water has been consulted but no comments have been received. That said, the applicant would be subject to separate legislation (Sections 106–109 of the Water Industries Act 1991) relating to 'communication of drains and private sewers with public sewers' and it is considered that this is sufficient mitigation. The proposal is therefore in accordance with the aforementioned planning policies.

Loss of building/impact upon LC14 policy area

The site abuts the LC14 policy area though is outside of it. That said, the dwelling on site has informed the area since the mid-1800s and would have been historically located within this area.

The archaeologist has recommended refusal of the planning application as the proposal would adversely affect the character, appearance and setting of the historic landscape.

The applicant has submitted a design and access statement that provides photographic evidence of the structural condition of the building. It is clear from the evidence that the building is in disrepair and the evidence is supplemented with an EPC (Energy Performance Certificate). The applicant has stopped short of providing a structural survey. However, considering that the status of the historic asset is undesignated and the clear structural defects evidenced through the design and access statement, on balance, the provision of four dwellings is considered to mitigate the loss of the undesignated historic asset in this instance.

Furthermore, there will be an impact upon the LC14 area. However, the dwellings are within the settlement boundary and not within the historic landscape area, and would form a cluster of development similar to Grange Court to the east. They would therefore not be harmful to the wider landscape nor to a level that would warrant refusal.

Amenity and environmental issues

Policy DS1 of the North Lincolnshire Local Plan is concerned with development standards. It states that a high standard of design is expected in all developments in both built-up areas and the countryside, and proposals for poorly designed development will be refused.

All proposals will be considered against the criteria set out below:

Quality of design

- (i) The design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area; and
- (ii) the design and layout should respect, and where possible retain and/or enhance, the existing landform of the site.

Amenity

- (iii) No unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.

The applicant proposes four detached dwellings, all with differing architectural features and scales. The applicant has submitted a robust design and access statement that explores local context and explains how the design solution is derived from this context. There is a broad housing mix within the area with examples of large detached dwellings and bungalows, as well as terraced properties, located within the area. The proposal for four large detached dwellings is therefore not out of context and, subject to the imposition of a condition relating to external materials, it would align with policies DS1 of the North Lincolnshire Local Plan and CS5 of the North Lincolnshire Core Strategy.

It is considered that there is a sufficient separation distance from all neighbouring properties (both existing and proposed) so as not to give rise to an unacceptable level of harm from overbearing impact or overshadowing. Furthermore, all openings are positioned in a way to minimise visual intrusion.

The proposed amenity areas are all proportionate and would provide an acceptable level of provision, and the boundary treatments submitted are considered to be acceptable; these will be secured through the approved plans condition. Access is shown on the plan to the rear amenity areas of all dwellings and therefore a condition relating to bin storage is not considered to be necessary.

It is therefore considered, subject to the aforementioned mitigation, that the proposal would align with policies CS5 of the North Lincolnshire Core Strategy and DS1 of the North Lincolnshire Local Plan.

Lastly, the construction process is likely to give rise to issues relating to noise, dust and lighting, and their impacts upon residential amenity. It is therefore considered that an environmental management plan is required, as well as a restriction on construction hours in accordance with policy DS11 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 19-110-1; Block Plan 19-110-7; Floor Plans and Elevations; Plot 1 19-1140-3, Plot 2 19-110-4, Plot 3 19-110-5, Plot 4 19-110-6; Garage Plan 19-110-8.

Reason

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

3.
Prior to the occupation of any dwelling, the existing footway fronting the site shall be widened and improved 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 in accordance with policies T2 and T19 of the North Lincolnshire Local Plan.

4.
Within three months of the completion of the new access, any redundant access to the site shall be removed and the area reinstated to footway/verge (including the provision of full height kerbs) 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 policy T19 of the North Lincolnshire Local Plan.

5.

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.

6.

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.

7.

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.

8.

No development shall take place 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, including 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, to improve and protect water quality, and to ensure the implementation, and future adoption and maintenance, of the sustainable drainage structures in accordance with policy DS16 of the North

Lincolnshire Local Plan, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

9.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 8 above, shall be completed prior to the occupation of any dwelling on site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality and to ensure the implementation, and future adoption and maintenance, of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

10.

No development shall take place until details showing an effective method of preventing surface water run-off from the highway onto the developed site have been submitted to and approved in writing by the local planning authority.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality and to ensure the implementation, and future adoption and maintenance, of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

11.

Within three months of the commencement of development, the applicant or their successor in title shall submit a biodiversity management plan to the local planning authority for approval in writing. The plan shall include:

- (a) details of bat roosting features to be installed;
- (b) details of nesting sites to be installed to support a variety of bird species;
- (c) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (d) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (e) prescriptions for the retention, planting and aftercare of trees and shrubs of high biodiversity value;
- (f) proposed timings for the above works in relation to the completion of the dwellings.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy.

12.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. Prior to the occupation of the fifth dwelling, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the biodiversity management plan.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy.

13.

Prior to the commencement of any above-ground works, details of all external materials and finishes shall be submitted to and agreed in writing with the local planning authority.

Reason

To protect character in accordance with policy CS5 of the North Lincolnshire Core Strategy.

14.

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

- 7am to 7pm Monday to Friday

- 7am to 1pm on Saturdays.

No construction or site clearance 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

To protect the amenity of the locality for people living nearby in accordance with policy DS1 of the North Lincolnshire Local Plan.

15.

No stage of the development hereby permitted shall commence until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:

Noise and vibration: The CEMP shall set out the particulars of:

(a) the works, and the method by which they are to be carried out;

- (b) the noise and vibration attenuation measures to be taken to minimise noise and vibration resulting from the works, including any noise limits; and
- (c) a scheme for monitoring the noise and vibration during the works to ensure compliance with the noise limits and the effectiveness of the attenuation measures.

Light: The CEMP shall set out the particulars of:

- (a) specified locations for contractors' compounds and materials storage areas;
- (b) areas where lighting will be required for health and safety purposes;
- (c) the location of potential temporary floodlights;
- (d) identification of sensitive receptors likely to be impacted upon by light nuisance;
- (e) proposed methods of mitigation against potential light nuisance, including potential glare and light spill, on sensitive receptors.

Dust: The CEMP shall set out the particulars of:

- (a) site dust monitoring, recording and complaint investigation procedures;
- (b) identification of receptors and the related risk of dust impact at all phases of the development, including when buildings and properties start to be occupied;
- (c) provision of water to the site;
- (d) dust mitigation techniques at all stages of development;
- (e) prevention of dust trackout;
- (f) communication with residents and other receptors;
- (g) a commitment to cease the relevant operation if dust emissions are identified either by regular site monitoring or by the local authority;
- (h) a 'no burning of waste' policy.

Reason

To protect the amenity of the locality for people living nearby in accordance with policy 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.

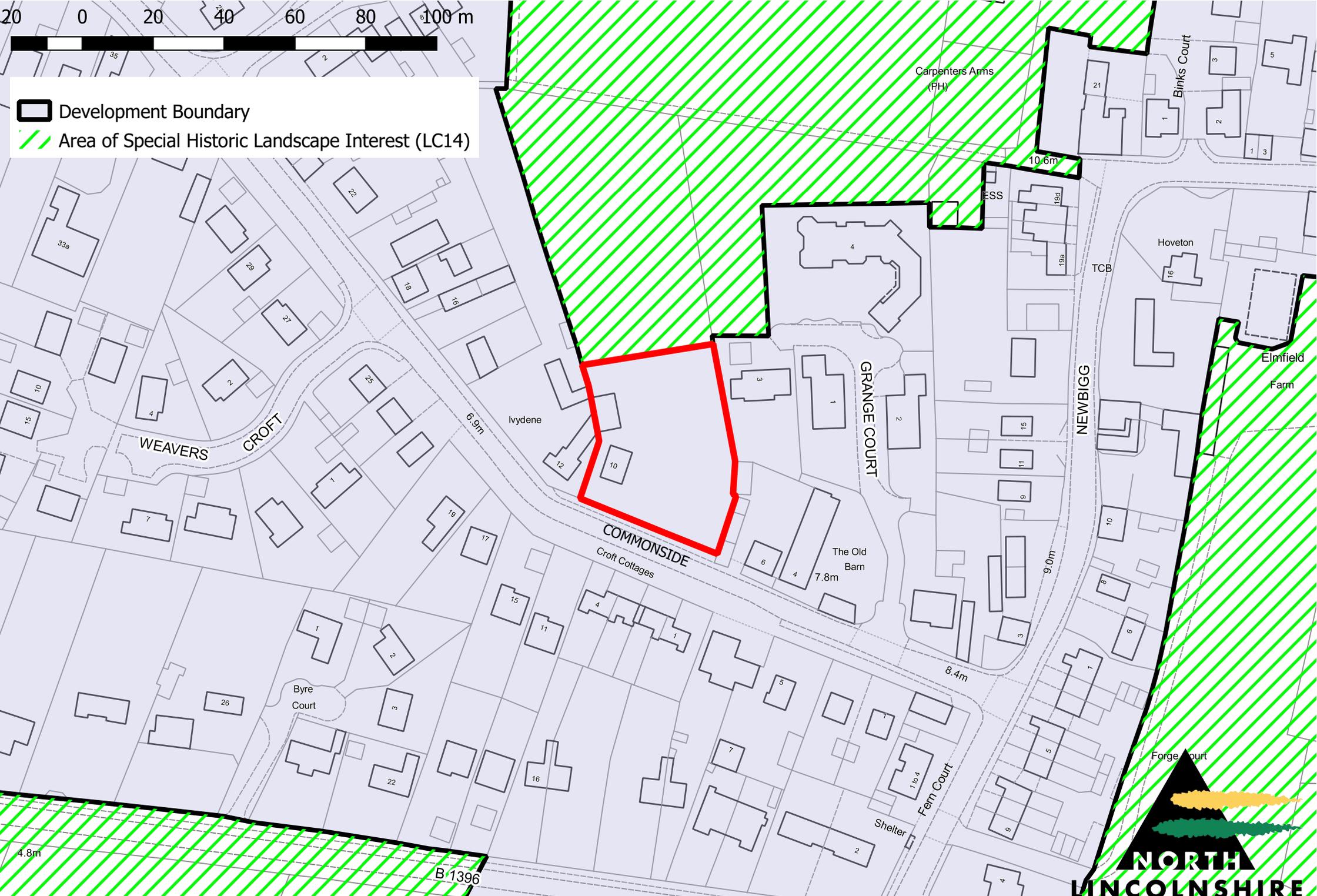
Informative 2

In determining this application, the council, as local planning authority, has taken account of the guidance in 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.

0 20 40 60 80 100 m



- Development Boundary
- Area of Special Historic Landscape Interest (LC14)



PA/2019/392



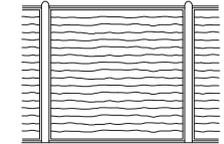
PA/2019/392 Block plan (not to scale)



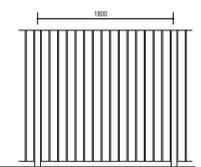
KEY

-  denotes proposed shrub planting
-  denotes proposed tree planting

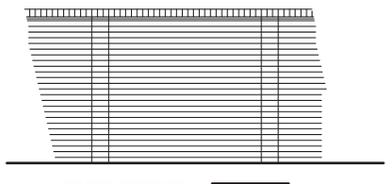
PRE-CAST CONC. POST
POSTS SET IN CONC. FOUNDATION



1800 HIGH LARCH LAP FENCE



1800 HIGH SCREEN FENCE



CHERRY TREE HOMES LTD

**LAND OFF
COMMONSIDE
WESTWOODSIDE
DN9 2AP**

BLOCK PLAN

scale	date	drawn	checked
1:500 @ A2	FEB 19	PB	
drawing no	revision		
19 - 110 - 7			

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