

**APPLICATION NO** PA/2019/1779

**APPLICANT** Mr Eric Heath

**DEVELOPMENT** Outline planning permission to erect a dwelling with all matters reserved for subsequent consideration

**LOCATION** Land to the rear of Corner House, 3 Newbigg, Westwoodside, DN9 2AT

**PARISH** Haxey

**WARD** Axholme South

**CASE OFFICER** Tanya Coggon

**SUMMARY RECOMMENDATION** **Grant permission subject to conditions**

**REASONS FOR REFERENCE TO COMMITTEE** Objection by Haxey Parish Council

## **POLICIES**

### **National Planning Policy Framework:**

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 15 – Conserving and enhancing the natural environment

**North Lincolnshire Local Plan:** Policies H5, H8, T2, T19, DS1, DS7, DS14 and DS16 apply.

**North Lincolnshire Core Strategy:** CS1, CS2, CS3, CS5, CS7, CS8, CS17, CS18 and CS19 apply.

## **CONSULTATIONS**

**Highways:** No objection subject to conditions relating to access, parking and surface water.

**Drainage (Lead Local Flood Authority):** No objection subject to conditions relating to surface water.

**Severn Trent Water:** No response received.

**Yorkshire Water:** No response received.

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

**Ecology:** No objection subject to a biodiversity condition.

## **PARISH COUNCIL**

The site is large and comprises a large garden and some old buildings which can be classed as previously developed. It falls within the building envelope of Westwoodside. It is set in an area of mixed housing types. It is infill, however, largely on the current garden with outbuildings supplying, on demolition, access. Current NPPF policy 70 states plans should consider the case for setting out policies to resist inappropriate development of residential gardens for example where development would cause harm to the local area. We consider this part of the NPPF and in particular the spaces which give rural villages their character and openness. The access, while it is proposing can be widened, is on Commons side close to the junction with the B1396. The area has been subject to considerable parking problems resulting in restricted parking and it is considered this access may prove dangerous. On balance we consider the loss of the garden would normally be unacceptable but, given the mix of garden/brownfield, its position out of sight in relation to the road network mitigates its impact as previously stated due to the mix of housing types. This is an outline permission; there is no indication of the size of the proposed dwelling in terms of footprint or height and until this information is available, we should object as we cannot determine its overall effect on the character of the area or whether it will be appropriate for the size of the plot.

## **PUBLICITY**

Advertised by site notice. No comments have been received.

## **ASSESSMENT**

### **The proposal**

This is an outline application for one dwelling. The access, layout, scale, appearance and landscaping are all reserved matters. The site forms part of the garden area of 3 Newbigg, Westwoodside, with some outbuildings on the site which would be demolished to facilitate the development. The site is surrounded by residential dwellings on all sides. It is within the development boundary for Westwoodside and is within flood zone 1; it is therefore at low risk of flooding.

**The main issues associated with the proposal are whether it is acceptable in principle, and if so, whether its impact on the highway, on the character of the area and on the amenity of neighbours is also acceptable.**

## **The principle of the development**

The application site is wholly within the development limit for the settlement of Westwoodside. Westwoodside is identified as a rural settlement in the Core Strategy. It contains a number of key services and facilities including shops, a pub, a school, a village hall and playing fields, and is considered to be a sustainable settlement. It is ranked 19<sup>th</sup> out of the 79 settlements in the council's Sustainable Settlement Survey. Westwoodside has no allocated housing sites. There is a need for housing in North Lincolnshire as the council currently does not have a five-year land supply. The principle of residential development in this location is acceptable and accords with the overarching strategic policies CS1, CS2, CS3 and CS8 of the Core Strategy and principles set out in the NPPF in this regard.

## **Highways**

In terms of highways, the access is a reserved matter. Highways have no objection in principle to the proposal. The comments made by the parish council are noted, but an acceptable access and parking/turning area could be provided within the site. The actual layout and design of the access and parking would be addressed within a reserved matters application which the parish council and Highways would have the opportunity to comment on. Highways consider the proposal is acceptable subject to conditions which would be imposed if permission is granted. The proposal therefore accords with policies T2, T19 and DS1 of the North Lincolnshire Local Plan.

## **Amenity of the locality**

In terms of impact on the amenity of the locality, the proposal is regarded as infill development and would not be out of character with the surrounding residential development pattern. The garage on the site frontage would be demolished, together with another large outbuilding, which would improve the aesthetic appearance of the site frontage. The site is enclosed and therefore the proposed dwelling would not be particularly visible in the street scene if it was sensitively designed. The actual appearance, layout and scale of the dwelling would be determined at the reserved matters stage. The proposal therefore accords with policies CS2, CS5 and CS7 of the Core Strategy and policies H5, H8 and DS1 of the North Lincolnshire Local Plan.

## **Flood risk and drainage**

In terms of flood risk, the site is located in Flood Zone 1 and is therefore at low risk of flooding. Residential development is acceptable in flood zone 1. The proposal therefore accords with the NPPF, policy CS19 of the Core Strategy and policy DS16 of the North Lincolnshire Local Plan.

The LLFA is not objecting to the proposal subject to the imposition of pre-commencement conditions on any permission granted. As a result, subject to those conditions, the proposal is considered to be acceptable in drainage terms and accords with the NPPF, policy CS18 and CS19 of the Core Strategy and policy DS16 of the North Lincolnshire Local Plan.

## **Ecology**

The council's ecologist raises no objection to the proposal subject to conditions which will be imposed if permission is granted. The proposal therefore accords with policy CS17 of the Core Strategy.

## Impact on neighbours

The actual siting, appearance, layout and access would be considered within a reserved matters application (if the outline application is approved), which neighbours would have the opportunity to comment on. In this case, it is considered that there is potential for a scheme for one dwelling to be sensitively and well designed on the site that would preserve existing residential amenity. The proposal would accord with policies CS5 and CS7 of the Core Strategy and policies H5, H8 and DS1 of the North Lincolnshire Local Plan.

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

1.

Approval of the details of the layout, scale, and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the local planning authority in writing before any development is commenced.

#### Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

2.

Plans and particulars of the reserved matters referred to in condition 1 above, relating to the layout, scale, and appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

#### Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

3.

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

#### Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

4.

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

#### Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

5.

The development hereby permitted shall be carried out in accordance with the following approved plans: PA/2019/1779/01 and PA/2019/1779/02.

#### Reason

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

6.  
No development shall take place until details of:

- (i) the location and layout of the vehicular access; and
- (ii) the number, location and layout of vehicle parking and turning spaces within the curtilage of the site;

have been submitted to and approved in writing by the local planning authority.

Reason

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

7.  
Adequate vehicle access, parking and turning facilities serving the existing dwelling shall be retained 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 policies T2 and T19 of the North Lincolnshire Local Plan.

8.  
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.

9.  
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.

10.  
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.

11.

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

### Part 1: Site Characteristics

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health;
  - property (existing or proposed), including buildings, crops, livestock, pets, woodland and service lines and pipes;
  - adjoining land;
  - groundwaters and surface waters;
  - ecological systems;
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and a proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

### Part 2: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as

contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### Part 3: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

#### Part 4: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

#### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

12.

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

#### Reason

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

13.

The dwelling shall not be occupied until details of the boundary treatments to all the site boundaries have been submitted to and agreed in writing by the local planning authority. The agreed boundary treatments 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.

14.

No development shall take place until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have been approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan and policies CS18 and CS19 of the Core Strategy.

15.

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. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan and policies CS18 and CS19 of the Core Strategy.

16.

No development shall take place until a species protection plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of measures to avoid harm to nesting birds during demolition, vegetation clearance and construction works.

Reason

To conserve and enhance biodiversity in accordance with policy CS17 of the Core Strategy and saved policy LC5 of the North Lincolnshire Local Plan.

17.

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 house sparrows and other bird species;
- (c) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (d) prescriptions for the planting and aftercare of native trees and shrubs of high biodiversity value;
- (e) proposed timings for the above works in relation to the completion of the dwelling.

**Reason**

To conserve and enhance biodiversity in accordance with policy CS17 of the Core Strategy and saved policy LC5 of the North Lincolnshire Local Plan.

18.

The biodiversity management plan and species protection 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. The applicant or their successor in title shall submit photographs of the installed bat roosting and bird nesting features, within two weeks of installation, as evidence of compliance with this condition.

**Reason**

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

**Informative 1**

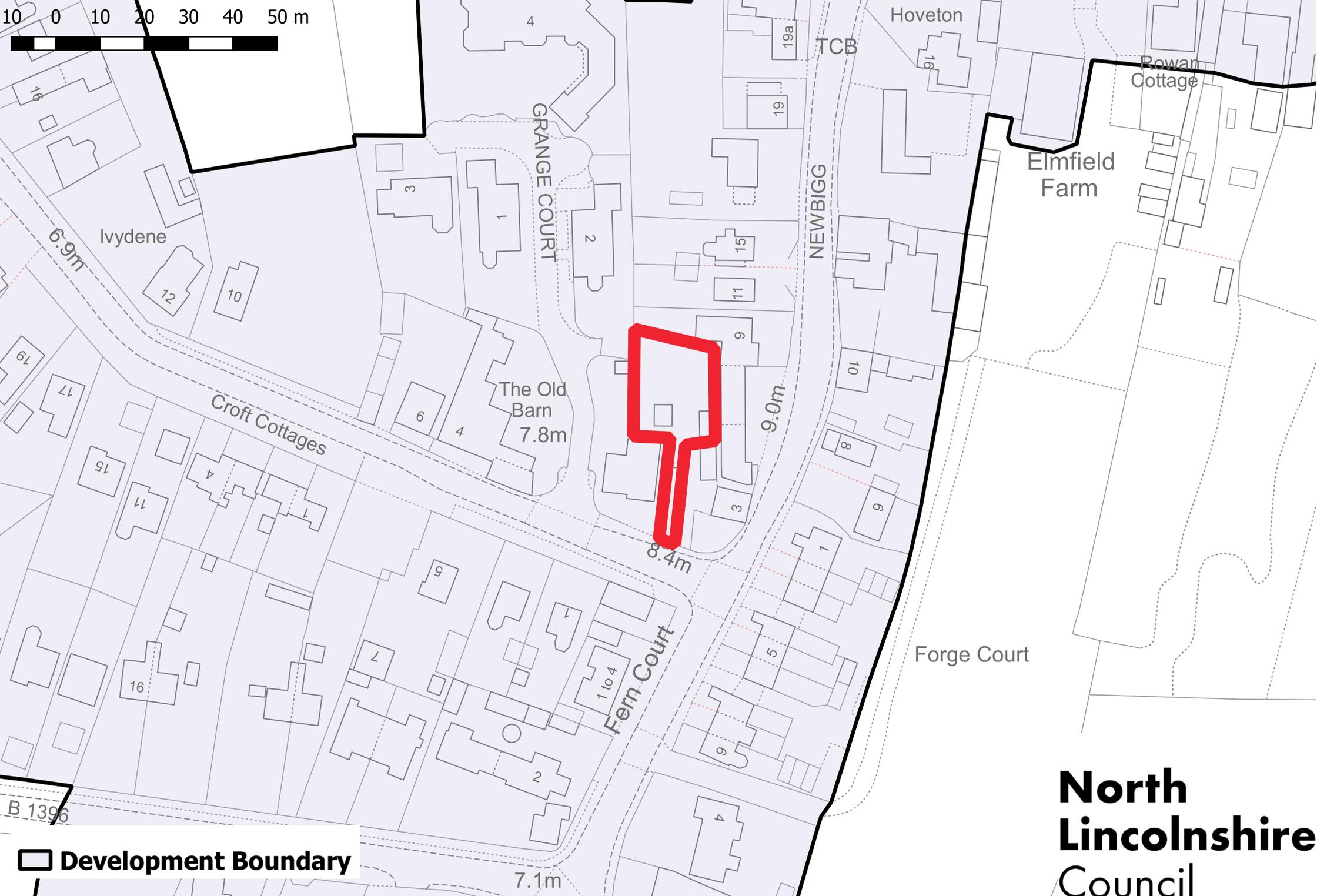
The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- 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.

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Development Boundary

**PA/2019/1779**

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**North  
Lincolnshire  
Council**