

APPLICATION NO	PA/2019/1433
APPLICANT	Mann
DEVELOPMENT	Planning permission to erect a dwelling and detached garage, including associated works
LOCATION	Land to the rear of Homenook, Nethergate, Westwoodside, DN9 2DL
PARISH	Haxey
WARD	Axholme South
CASE OFFICER	Mark Niland
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Departure from development plan Objection by Haxey Parish Council

POLICIES

National Planning Policy Framework: Paragraph 47 – Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Paragraph 184 – Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

North Lincolnshire Local Plan: LC14, RD2, DS1, DS7, DS11, DS14, T2, T19, H5

North Lincolnshire Core Strategy: CS1, CS3, CS5, CS6, CS8, CS19

CONSULTATIONS

Highways: No objections subject to the imposition of conditions.

Drainage (Lead Local Flood Authority): No objections subject to the imposition of conditions.

Yorkshire Water: No comments to make.

Environmental Protection: No objection subject to the imposition of conditions relating to land contamination.

Historic Environment Record: No objections following the final amended scheme.

PARISH COUNCIL

Haxey Parish council has objected to the proposal in relation to the character impacts upon the open countryside, the settlement and the LC14 policy area. The full comments can be read on the Council's website.

PUBLICITY

The proposal has been publicised by means of a site notice as well as press advertisement in accordance with Article 15 of the DMPO 2015.

ASSESSMENT

Planning history

PA/2011/0275: Planning permission for a minor material amendment to previously approved planning permission (PA/2009/0095) to reinstate large timber doors to front elevation, increase size of garage and utility rooms, addition of bedroom window and metal flue on rear roof elevation. Approved 12 April 2011.

PA/2009/0095: Planning permission to rebuild existing farmhouse, alterations to form barn conversion and erect one dwelling. Approved 24 March 2009.

Allocations and constraints

The site is located partly outside the settlement boundary for Westwoodside, and within the open countryside and Area of Historic Landscape Interest of the Isle of Axholme (ASHLI) as identified by the Housing and Employment Land Allocations DPD 2016.

Site characteristics

The site is accessed from Nethergate and has an extant permission for the erection of a dwelling (see planning history), though this approved dwelling is wholly within the settlement boundary for Westwoodside. At present the site is unbuilt and because of its high topography offers long distance views to the south and east. In turn, because of its location and gradient, the proposal carries wider views when looking northwards from Sandbeds Lane.

This proposal is partially outside the settlement boundary and therefore matters of principle need to be discussed along with the impacts upon the ASHLI.

The following issues are considered relevant to this proposal:

- **principle of development**
- **character impact upon the Area of Historic Landscape Interest and open countryside**

- **amenity**
- **highway safety**
- **drainage**
- **land contamination.**

Principle of development

Policy CS1 of the Core Strategy sets out the overarching spatial strategy for North Lincolnshire. Of rural settlements it states "...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."

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. 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.

Local plan 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 part of the development plan, 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 focussing housing within settlement limits as defined in the HELAP. The application site is partly outside the defined development boundary for Westwoodside and is therefore in breach of policies CS2, CS3 and CS8 of the Core Strategy and RD2 of the North Lincolnshire Local Plan.

Paragraph 47 of the NPPF is considered relevant, it states that "...Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing."

The site already benefits from a change to residential curtilage under planning application PA/2009/0095. The said permission also allows for a dwelling on site which is yet to be built and this permission is extant. The extant permission, however, approved all of the built form within the settlement boundary despite allowing land beyond for residential curtilage. This application seeks to erect a dwelling that would straddle the development limits and so is, in part, a departure. However, given that the area of land within which it sits was within the red line boundary for the aforementioned permission and so a change of use for residential purposes has previously been approved, this is considered material. The proposed dwelling largely occupies the same parcel of land as the previously approved dwelling, with only a small part of the proposed dwelling extending to the south, beyond the development limit. In this instance it is the officer recommendation that the extant permission is a material consideration and that the slight conflict with policy is acceptable and would not outweigh the benefits of the development, including the provision of a family dwelling which will add to the local housing supply and support local services.

Character impact upon the Area of Historic Landscape Interest and open countryside

The application site lies within the Area of Special Historic Landscape Interest of the Isle of Axholme (ASHLI) as well as the open countryside and so local plan policies LC14 and RD2 are considered relevant as well as policy CS6 of the Core Strategy.

The application site is situated within the block of ancient open strip fields (AOSF) between Haxey and Westwoodside where the open fields display all the characteristics that give the historic landscape its sense of place. The site can be clearly seen looking across the historic landscape from Sandbeds Lane to the south, a public right of way which loops round the open field to emerge at St Nicholas' Church at Haxey. There would also appear to be clear views towards the site across the historic landscape from other tracks and meres in the historic landscape.

Given the topography and the position (backland/tandem) of the site, initial designs were met with negative responses from the council's Historic Environment Record. The applicant, the archaeologist and the case officer have proactively negotiated to achieve an acceptable design solution. The fall-back position that was available to be developed on the site (extant planning permission for a dwelling) was a material consideration given due weight in these negotiations. The resultant design has reduced the scale and massing of the built form initially proposed and has also removed the detached garage from the proposal (this is now integrated).

The proposal, in its current form, would still carry wider impacts upon the LC14 policy area and the open countryside and would result in more harm than what is achievable under planning application PA/2009/0095 due to the slightly further encroachment to the south into the ASHLI. However, it is not considered this additional harm will be significant, or is at a level that would warrant refusal of planning permission. Given the built form does encroach into both the countryside and the LC14 area, it is considered that there is sufficient justification for the removal of permitted development rights for parts A–E across the site due to the highly sensitive location of the site, and any further extensions or outbuildings would therefore require planning permission and be subject to assessment in their own right.

The council's Historic Environment Record have removed their objection to the proposed development based upon the amended plans and now raise no objection to the granting of planning permission for the proposed dwelling.

The applicant has not put forward a schedule of materials; however, there is a broad housing mix in the area giving the applicant some flexibility in this regard. Nevertheless, facing materials will be secured by condition to ensure that they are appropriate and reflective of the sensitivity of the site.

Subject to the aforementioned mitigation, the proposal is in accordance with the criteria-based elements of policies LC14 and RD2 of the North Lincolnshire Local Plan, as well as CS6 of the Core Strategy.

Amenity

Part of policy DS1 is concerned with impacts upon amenity; it states that "...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." Policy H5, as well as CS5, are also considered relevant.

The proposed dwelling is sizable but is considered to be at a sufficient separation distance from all other dwellings so as not to give rise to any unacceptable overbearing impact or overshadowing. Furthermore, this proposal is set further away from existing properties than the extant permission and so represents betterment in this regard. All openings are in a position that would not give rise to unacceptable visual intrusion. However, it appears that there is a walk-on veranda accessible from bedroom 4. Should the flat roof over the dining area be used as an additional outdoor space, then side screens would be necessary to protect the private amenity areas of the neighbouring properties located east and west. A condition will therefore be attached that would require the screens to be agreed with the local planning authority prior to occupation. Lastly, it is considered that there is a proportionate amount of amenity space on offer to future residents. Therefore, subject to the aforementioned mitigation, the proposal is considered to align with policies DS1 and H5 of the local plan and CS5 of the Core Strategy.

Highways

Policy T2 of the North Lincolnshire Local Plan is concerned with access to development and states that all development should be served by a satisfactory access. Policy T19 is concerned with parking provision as well as general highway safety; both policies are considered relevant.

The applicant seeks to utilise the existing access arrangement and the proposed dwelling is provided with sufficient off-street parking spaces. The council's Highways team has made an assessment of the proposal and has no objections subject to the imposition of conditions relating to the laying out and retention of the private driveway, as well as compliance conditions relating to loose stone. It is therefore considered that the proposal would align with policies T2 and T19 of the North Lincolnshire Local Plan.

Flood risk and drainage

Policy CS19 is concerned with flood risk, whilst policy DS14 is concerned with foul sewage and surface water drainage. The site is located within flood zone 1 and is therefore a preferred place for development in terms of flood risk.

The applicant has not provided any details of a drainage strategy; however, the council's drainage team has been consulted and has no objections to the proposal subject to the imposition of conditions requiring an appropriate strategy for the disposal of surface water.

It is considered, given that this is in a lower probability zone of flooding and that there are no known localised drainage issues, that mitigation at the building regulations stage would be sufficient. The applicant states that soakaways will be used, and given the large curtilage area it has, it is considered that a suitable solution can be found. Furthermore, sewer adoption under section 104 of the Water Industry Act (1991)) would mitigate the disposal of foul water as the applicant states that the method of disposal will be into the mains sewer.

It is therefore considered that the proposal is in accordance with policies CS19 of the Core Strategy and DS14 of the local plan.

Land quality

Policy DS7 is concerned with contaminated land. It states that permission will only be granted on contaminated sites where a detailed site survey has been submitted, and a suitable scheme of remedial measures has been agreed to overcome any existing contamination.

The council's environmental health officer has stated that a phase 1 desk top study, remediation report and verification report are required. The land in question has an inert planning history with no record of industrial or other process and has remained as agricultural land for many years. Furthermore, this condition is not attached to the extant permission on the site. The proposed condition is therefore considered unreasonable and overly onerous and a monitoring condition is considered to provide sufficient mitigation against any unexpected contamination that may be encountered. It is therefore considered that the proposal is in accordance with policy DS7.

Conclusion

The proposal is in part a departure from adopted policy due to a slight infringement of the development boundary; however, there are material considerations that indicate a departure is appropriate in this instance. The proposal has been subject to several amendments and an agreed scheme has been arrived at that would be acceptable in terms of the impacts upon the character of the countryside and ASHLI. It is considered, because of the sensitive location of the site and the built for now within the open countryside/ASHLI, that the removal of permitted development rights for A–E are justified. All other technical issues are mitigated through condition and discussed within this report.

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: 1922 04 A1 dated 8th April 2019; 1922 02 A11 dated 9th Feb 2019; 1922 05 dated 11th March 2020.

Reason

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

3.

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

Reason

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

4.

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.

5.

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.

6.

Prior to any above-ground works, details of all external materials to be used in the construction of the dwelling shall be submitted to and agreed in writing with the local planning authority. Only the approved materials shall be used.

Reason

In the interests of visual amenity and in accordance with policies RD2 and LC14 of the North Lincolnshire Local Plan, and CS5 and CS6 of the Core Strategy.

7.

Prior to first occupation, a scheme for screening the walk-on veranda shall be submitted to and agreed in writing with the local planning authority. The screens thereafter shall remain in situ in perpetuity.

Reason

In the interest of residential amenity and to accord with policy DS1 of the North Lincolnshire Local Plan.

8.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (England) (or any order revoking and re-enacting that order with or without modification), no development that would normally be allowed under parts A-E (inclusive) of Schedule 2, Part 1 shall take place without first being submitted to and agreed in writing with the local planning authority.

Reason

To minimise the impact of the development on the Area of Historic Landscape and the open countryside in accordance with policies RD2 and LC14 of the North Lincolnshire Local Plan, as well as policy CS6 of the Core Strategy.

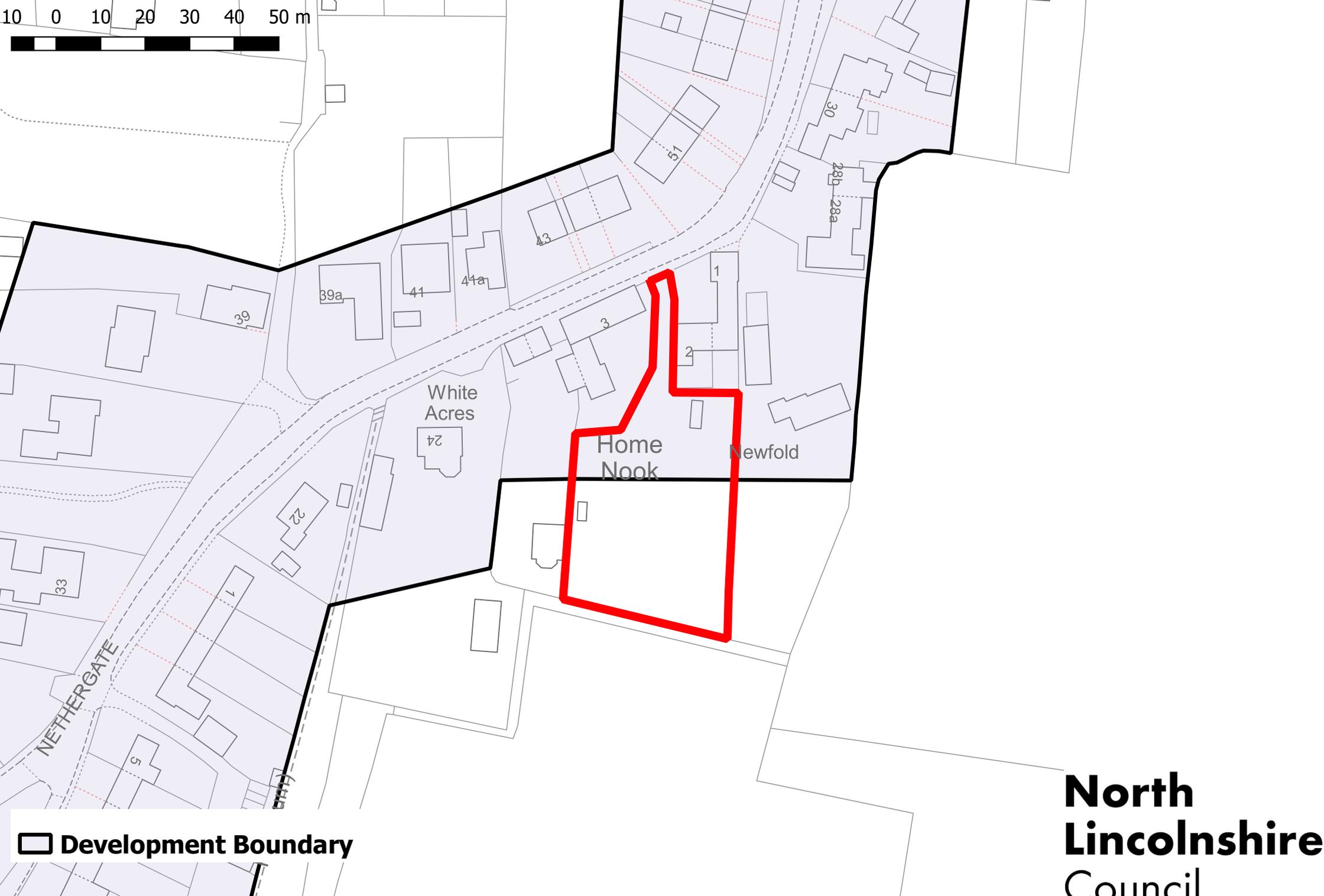
Informative 1

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.



**North
Lincolnshire
Council**

PA/2019/1433

PA/2019/1433 Proposed elevations (not to scale)

Notes			
Figured dimensions only to be taken from this drawing. Do not scale if in doubt ask.			
Rev	Date	Drawn (PW)	Description



L/SIDE ELEVATION

1 : 50



FRONT ELEVATION

1 : 50



R/SIDE ELEVATION

1 : 50



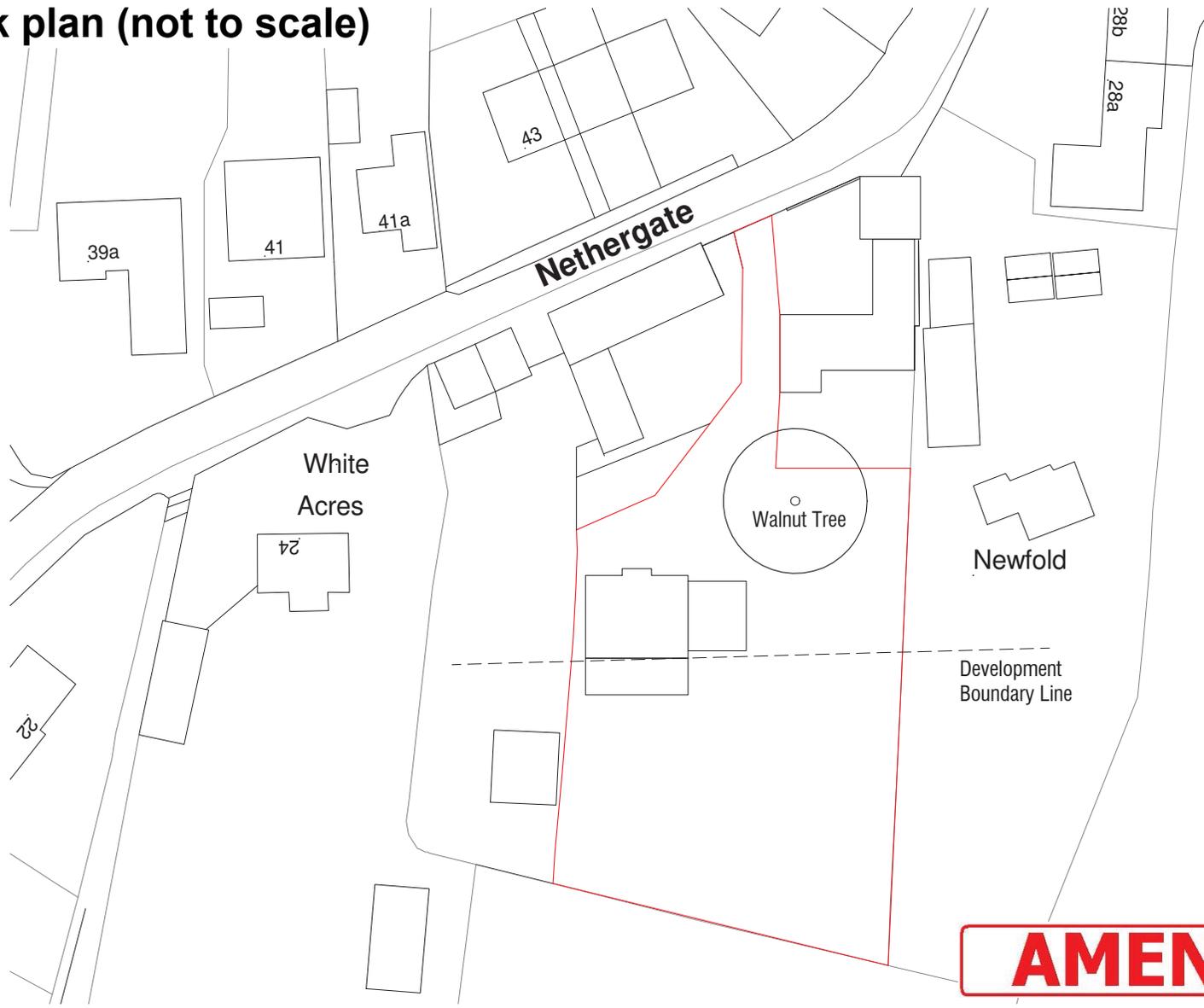
REAR ELEVATION

1 : 50

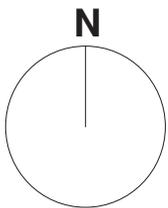
AMENDED

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e: design@maxdesignconsultancy.co.uk		w: maxdesignconsultancy.co.uk	
status: PROPOSAL			
client: G. Mann			
project: Westwood			
title: Elevations			
scale: 1 : 50		date: 08/04/19	
project no.: 1922	drawn: PW	number: 04	rev:

PA/2019/1433 Block plan (not to scale)



AMENDED



 MaxDesign Architecture Planning Consultancy	status: PROPOSAL	title: Type A Block Plan			
	client: G. Mann	scale: 1 : 500@A3	date: 11/03/20		
The White House, 278 Bawtry Road, Doncaster DN4 7PD t: 01302 867509 e: design@maxdesignconsultancy.co.uk m: 07734 939 044 w: maxdesignconsultancy.co.uk	project: Westwood	project no.: 1922	drawn: PW	number: 05	rev: