

APPLICATION NO PA/2019/1804

APPLICANT Mr & Mrs McConachie

DEVELOPMENT Planning permission to erect a detached three-bedroomed bungalow and four semi-detached bungalows with shared private drive (including demolition of existing bungalow)

LOCATION The Sycamores, Battle Green, Epworth, DN9 1JT

PARISH Epworth

WARD Axholme Central

CASE OFFICER Mark Niland

SUMMARY RECOMMENDATION **Grant permission subject to conditions**

REASONS FOR REFERENCE TO COMMITTEE Objection by Epworth Town 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.

North Lincolnshire Local Plan: DS1, DS7, DS11, T2, T19, H7

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

CONSULTATIONS

Highways: No objections subject to the imposition of conditions.

Environmental Protection: No objections subject to the imposition of conditions.

Drainage: No objections subject to the imposition of conditions to mitigate surface water drainage.

TOWN COUNCIL

Epworth Town Council objects to this development as over-development of the site with the risk of additional traffic congestion on an already dangerous corner with potentially an additional 10 vehicles accessing the proposed properties. The town council asks that the application be considered by the Planning Committee and not determined at officer level.

PUBLICITY

The application has been publicised by site and press notice in accordance with Article 15 of the Development Management Procedure Order 2015.

Objections have been received relating to impact upon residential amenity, highway safety, character and environmental issues. These are material considerations and the full objections are available to view on the council's planning web pages.

ASSESSMENT

Planning history

PA/2019/239: Outline planning permission to erect a bungalow with layout, scale, appearance and landscaping reserved for subsequent consideration – granted 27/06/2019

Site characteristics

The proposal relates to the erection of a dwelling on garden land associated with The Sycamores. The dwelling and site are located within the settlement boundary for Epworth as identified by the Housing and Employment Land Allocations DPD. The existing dwelling is a bungalow that fronts Fieldside and there is a broad housing mix in the area.

The assessment will therefore focus on the following issues:

- **principle of development**
- **flood risk**
- **amenity/environmental issues**
- **land quality**
- **highway issues.**

Principle of development

Policy CS1 is concerned with the overarching spatial strategy for North Lincolnshire. It states that North Lincolnshire's market towns will continue to provide important services for the area's rural communities and support the higher level services provided by Scunthorpe. Levels of growth and development will be more limited reflecting their position in the settlement hierarchy. All growth will take account of existing infrastructure and environmental constraints, and ensure that the distinctive character of the towns is protected;

and,

an appropriate level and range of new housing development will be provided to support the market towns as sustainable communities. During the plan period, the market towns will provide over 2,171 new dwellings.

Policy CS7 is concerned with overall housing provision stating that a variety of house types, sizes and tenures should be provided to meet local housing needs. It also goes on to state ideal densities for each settlement dependent upon their classification; this is subject to individual site constraints.

The proposal would see the erection of a total of five bungalow properties. The applicant at present has a fall back for two dwellings (see planning history) which includes the redevelopment of the existing dwelling. The proposal is located within the settlement boundary for Epworth and is considered acceptable in principle. Given the house type on offer, the number of dwellings is considered appropriate. The proposal is therefore in accordance with policy CS1 of the North Lincolnshire Core Strategy.

Flood risk and drainage

Policy CS19 of the Core Strategy is concerned with flood risk, whilst policy DS14 of the local plan is concerned with foul and surface water drainage. The application 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 which would explore and secure an appropriate strategy for the disposal of surface water prior to development commencing on site. Furthermore, sewer adoption under section 104 of the Water Industry Act (1991)) would mitigate the disposal of foul water.

It is therefore considered that the proposal is in accordance with policy CS19 of the Core Strategy.

Amenity/environmental issues

Part of policy DS1 of the local plan is concerned with ensuring no unacceptable loss of amenity to neighbouring land uses in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing. Policy H5 of the local plan has two parts, the second of which sets out criteria concerned with new housing development. Policy DS11 of the local plan is concerned with polluting activities and is also considered relevant.

The applicant has submitted amended plans. The amendments relate to concerns expressed relating to visual intrusion into the proposed bungalows from two-storey dwellings to the south. The applicant provided a cross-section to allow a robust assessment of the angle of visual impact upon each proposed plot. Clearly, from these cross-sections, an impact from overlooking onto the rear elevations of units 2–5 inclusive was identified, the highest impact being upon unit 2.

In an attempt to overcome this issue the applicant has reworked the floor plans and positioned the kitchen and the bathroom to the rear. The bathroom opening is obscured and the semi-glazed door allowing access into the kitchen is also obscured; the main opening to the kitchen is now located on the side, and all bedroom and lounge windows are located in the front and side-facing elevations. The openings are shown on plan and can be secured through the approved plans condition, and the level of obscuration can be secured through a separate condition. It is considered that this reduces the impact internally upon those dwellings to an acceptable level.

Still remaining, however, is an impact upon the rear private amenity areas of the said units. Policy H5 'i' states "...provision is made within the curtilage of each dwelling (except for upper storey flats) for an area of private amenity open space". Traditionally the immediate rear of a dwelling is the most private. In this instance, the applicant has raised the height of the fence to 2.2 metres. This allows for a decent (proportionate) amount of privacy now at the rear of the garden. Whilst not conventional, it still provides future residents an area of private space in line with policy H5. It is also noted, due to the size and design of the dwellings, that they are unlikely to attract families and are more likely to be marketed towards elderly residents or single occupants for whom the smaller amenity areas proposed are more appropriate.

The applicant proposes the private drive to run to the north of the proposed bungalows with all principal elevations facing this private drive. Given the scale of the bungalows, and their separation from all other dwellings around the site, there would not be an unacceptable overbearing impact upon existing neighbouring amenity, nor would there be any undue overbearing impact resulting from the internal arrangement. The council's environmental health team have been consulted and have stated that they have no objection subject to the imposition of a construction hours condition.

It is therefore considered that, whilst there is clearly an impact upon future residents, the design solutions inherent in the amended plans have reduced this to an acceptable level in that there is no longer any unacceptable visual intrusion into the proposed dwellings and the garden areas also have an acceptable amount of privacy to the rear. Therefore, subject to the aforementioned mitigation, the proposal would accord with policies DS1 and DS11 of the North Lincolnshire Local Plan.

Land quality

Policy DS7 of the local plan 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, a remediation report and a 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 garden land for a number of years. The proposed condition is therefore considered unreasonable and overly onerous and a monitoring condition would provide sufficient mitigation against any unexpected contamination that may be encountered during construction. It is therefore considered that the proposal is in accordance with policy DS7.

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 widen the exiting access and create a private drive to serve the dwellings. The dwellings are all provided with off-street parking spaces. The council's Highways team have made an assessment of the proposal and have 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.

Character impacts

Policy CS5 of the North Lincolnshire Core Strategy is concerned with raising design standards in the district. The policy states "...All new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place. The council will encourage contemporary design, provided that it is appropriate for its location and is informed by its surrounding context."

The wider area hosts a broad palette of house types and materials. This application would therefore not give rise to any unacceptable impacts relating to character by introducing five residential bungalows to the area. The character would largely be unaltered given that the majority of the built form is located to the rear amenity of the existing bungalow. The applicant has not specified within the application form what these are to be made up of; the materials will therefore be conditioned as part of any permission granted.

The applicant proposes a bin store to the front of the scheme, close to the access point. On plan this looks as if it would give rise to character impacts having an open bin store facing the street scene; a condition will therefore be attached requiring further information to be submitted in relation to the bin store.

Therefore, subject to the aforementioned mitigation, the proposal would align with policy CS5 of the North Lincolnshire Core Strategy.

Conclusion

The proposal is considered acceptable in principle, located within the settlement boundary of Epworth. The amended plans have resolved concerns regarding the level of amenity for the occupiers of the proposed dwellings and any other impacts of the development can be adequately mitigated via the recommended conditions. Any pre-commencement conditions have already been discussed and agreed in writing with the applicant in line with the Pre-commencement Conditions Regulations 2018.

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: Sycamores - 2019 - 132 B; 2019 - 130 B; 2019 – 131 B.

Reason

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

3.

No dwelling served by the private driveway shall be occupied until it has been constructed in accordance with details including:

- (i) the proposed method of forming access from the highway, including the required visibility splays;
- (ii) the method of constructing/paving the drive;
- (iii) the provision of suitable lighting arrangements; and
- (iv) the provision of street name plates that shall include the words "Private Drive";

which have been agreed in writing by the local planning authority. Once constructed the private driveway shall be retained.

Reason

In the interest of highway safety and in accordance with policies T2 and T19 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.

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.

6.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking and turning space serving it have been completed and, once provided, the vehicle parking and manoeuvring space shall be retained.

Reason

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

7.

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.

8.

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

Reason

In the interests of character and in accordance with policy CS5 of the North Lincolnshire Core Strategy.

9.

Notwithstanding the approved plans and prior to any above-ground works, a scheme showing the location and treatment of bins shall be submitted to and agreed in writing with the local planning authority.

Reason

In the interests of character in accordance with policy CS5 of the North Lincolnshire Core Strategy.

10.

Before the first occupation of the dwellings hereby permitted, the windows in the rear-facing wall of units 2 to 4 shall be fitted with obscure glazing to a minimum of level 3 of the "Pilkington" scale of obscuration or equivalent and any part of the window that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening or top hung. The windows shall be permanently retained in that condition thereafter.

Reason

To protect the amenity of existing and future residents in accordance with policies DS1 and DS5 of the North Lincolnshire Local Plan.

Informative 1

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

- before ANY construction works take place within the limits of the highway you **MUST** contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;

- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

Informative 2

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