

<b>APPLICATION NO</b>	<b>PA/2022/1703</b>
<b>APPLICANT</b>	Mr B Dexter
<b>DEVELOPMENT</b>	Planning permission to erect two chalet-style bungalows on part of the existing rear garden area
<b>LOCATION</b>	Land to the rear of 316 Ashby Road, Scunthorpe, DN16 2RS
<b>PARISH</b>	Scunthorpe
<b>WARD</b>	Kingsway with Lincoln Gardens
<b>CASE OFFICER</b>	Tanya Coggon
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Cllr Tony Gosling – significant public interest; access concerns)

## **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 14: Meeting the challenge of climate change, flooding and coastal change

### **North Lincolnshire Local Plan:**

Policy DS1: General Requirements

Policy DS7: Contaminated Land

Policy DS14: Foul Sewage and Surface Water Drainage

Policy DS16: Flood Risk

Policy H5: New Housing Development

Policy H7: Tandem and Backland Development

Policy H8: Housing Design and Housing Mix

Policy T2: Access to Development

Policy T19: Car Parking Provision and Standards

**North Lincolnshire Core Strategy:**

Policy CS1: Spatial Strategy for North Lincolnshire

Policy CS2: Delivering more Sustainable Development

Policy CS3: Development Limits

Policy CS5: Delivering Quality Design in North Lincolnshire

Policy CS7: Overall Housing Provision

Policy CS8: Spatial Distribution of Housing Sites

Policy CS18: Sustainable Resource Use and Climate Change

Policy CS19: Flood Risk

**Housing and Employment Land Allocations DPD:**

The site is within the development limit for the Scunthorpe and Bottesford urban area.

**CONSULTATIONS**

**Highways:** The proposed development is on a private drive, which currently serves three dwellings. Outline permission has been granted for two dwellings to the south of this application, which I believe has come in for the approval of reserved matters (PA/2022/433), which would take the number of dwellings served by a private drive to five. Therefore, this application would mean seven dwellings wholly served by a private drive.

I notice from the information submitted with the above application that there are proposals to widen the site access to 5 metres. The existing drive then appears to narrow down to 4.1 metres further into the site. This is sufficiently wide for two vehicles to pass each other, but from looking at the width of the driveway and location of the dwellings in PA/2022/433, it would appear to be challenging to widen the driveway sufficiently to bring it up to an adoptable standard.

I would advise that even though the number of units wholly served by the access road exceeds five, it will remain private as an adequate layout cannot be achieved for an adoptable highway. Therefore, an exemption will be issued on each plot in due course. I would advise that conditions should be applied to any permission that you may be minded to grant.

**LLFA Drainage:** We note the red line boundary extends to include part of the existing access track leading to the development. For this reason we would advise that the current surface water design regulations are adhered to. The development falls within our lower threshold assessment levels (over 500 square metres buildings and hard paved areas) and provides no information to support the proposals. There would seem to be no feasible

surface water drainage outfall within the vicinity of the development. Taking the above into consideration, the LLFA Drainage Team has no objection to the proposed development subject to the imposition of planning conditions in relation to the submission of a surface water drainage scheme and details preventing surface water onto the highway and preventing surface water from the highway onto the developed site.

**Severn Trent Water:** Views awaited.

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

**Recycling:** General advice relating to bin size, refuse vehicle access, and pulling distances for bins by residents and collection crews.

**Cadent Gas:** No objection – advise an informative on any decision notice relating to Cadent Gas Ltd assets.

## **PUBLICITY**

Advertised by site notices. Six responses have been received (two from the same objector) raising the following issues:

- permission has not been granted to use the access road
- out of character
- overlooking
- difference in ground levels between the site and adjoining properties
- increased noise and disturbance
- loss of light
- overshadowing
- overdevelopment
- a fence has been erected on the site
- a protected tree has been removed
- insufficient services to support the application – water pressure and drains
- bins placed in the road as no space to cater for them.

## **ASSESSMENT**

### **The proposal**

Planning permission is sought to erect two chalet-style bungalows on part of the rear garden area of 316 Ashby Road, Scunthorpe. The proposed bungalows are semi-detached and will face south onto the access, which is a private road from Ashby Road serving a small number of existing dwellings. The dwellings comprise two bedrooms, a bathroom and

a kitchen/dining/lounge area. No accommodation is proposed in the roof space. New timber boundary fencing of 1.8 metres high is proposed to the northern, eastern and western boundaries. Each dwelling will have its own access and permeable paved parking area. Each dwelling will have a private garden area to the side.

### **The site**

The site is within the Scunthorpe and Bottesford urban area within flood zone 1. It was originally garden land to 316 Ashby Road. The site has been fenced off and is overgrown, and contains some building materials. It is surrounded by residential properties to the north and west, to the east is a Presbytery, to the south is the access road, and beyond is 320 Ashby Road, where there is an extant permission for two dwellings in the rear garden that lies adjacent to this application site. It must be noted that the applicant does not own the access road that will serve the proposed development. The applicant has served notice (Certificate B) on the owner of the access road in accordance with statutory procedure. Members will be aware that the planning system entitles anyone to apply for permission to develop any plot of land, irrespective of ownership. This does not, however, affect any civil rights which can preclude development from being implemented if the consent of the owner is not obtained.

### **Relevant planning history on and adjacent to the site**

- PA/2022/509: Planning permission to erect two chalet-style bungalows on part of the existing rear garden area – approved 05/08/2022
- PA/2022/433: Approval of reserved matters for two dwellings – approved 27/05/2022 (land to the rear of 320 Ashby Road).
- PA/2020/1496: Outline planning permission to erect a pair of chalet bungalows with parking provision (appearance, landscaping and scale reserved for subsequent approval) – approved 19/11/2020 (land to the rear of 320–322 Ashby Road)
- 6/1983/0210: Planning permission to construct two vehicular crossings – approved 24/10/1983
- 6/1982/0219: Planning permission for a change of use of temporary day centre to residential purposes – approved 08/10/1982.

### **Principle**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the North Lincolnshire Local Plan (NLLP) which was adopted in May 2003, the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011 and the Housing and Employment Land Allocations (HELA) DPD which was adopted in March 2016. Material considerations exist in the form of national planning policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising the Planning Practice Guidance (PPG).

The principle of residential development on this site has already been established by the grant of previous planning permission PA/2022/509. That said, the site is within the

development boundary of the Scunthorpe and Bottesford urban area, where residential development is considered to be acceptable in principle. The site is in a highly sustainable location within walking and cycling distance of a range of local facilities, services and employment opportunities. It is close to a number of bus stops with regular services to Scunthorpe and the train station. Policy CS1 of the NLCS identifies Scunthorpe as being the focus for the majority of new development and growth, including for housing. CS1 promotes high quality, well designed new housing to be provided on a range of previously developed sites within the urban area. Policy CS2 of the NLCS identifies a sequential approach for development will be adopted. Development will be focused on previously developed land and buildings within the Scunthorpe urban area, followed by other suitable infill opportunities within the town, then by appropriate greenfield urban extensions. All future development in North Lincolnshire will be required to contribute towards achieving sustainable development. Policy CS8 of the NLCS also states that the principal focus for housing is previously developed land and buildings within the development limits of Scunthorpe followed by a greenfield urban extension to the west of the town. 82% of all new dwellings will be within and adjacent to the urban area.

In a recent appeal decision dated 20 July 2022 (PA/2020/554) the Inspector concluded that the council does not currently have a five-year housing land supply of deliverable sites. The council's Five Year Housing Land Supply Position Statement is awaiting an update and as such any decisions made by the planning authority will take account of the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF. In this case, although the proposal will make only a small contribution to the council's housing land supply this is also a material consideration in the determination of this application. It must also be noted that there is a high need for bungalows in North Lincolnshire to provide accommodation for our elderly population which is increasing according to the latest census data issued earlier in 2022.

Overall the principle of the development aligns with the strategic policies in the NLCS (CS1, CS2 and CS8) and is therefore acceptable.

## **Highways**

Policy T2 of the North Lincolnshire Local Plan is concerned with access to development and states that all development should be served by satisfactory access. Policy T19 is concerned with parking provisions as well as general highway safety.

Highways have been consulted and have no objection to the proposal subject to conditions. They have commented that the proposed development is on a private drive, which currently serves three dwellings. The addition of four new dwellings (two approved on the adjacent site to rear of 320 Ashby Road) would take the number of dwellings served wholly by a private drive to seven. This private drive cannot meet adoptable standards and will need to remain a private drive.

With regard to the issue of ownership of the private drive, the owner has stated that she will not give consent for her private drive to be used to access the proposed dwellings and this is noted. However, this issue does not prevent planning permission being granted for the proposal. This is a private matter for the applicant and owner of the private drive to resolve. If the owner does not give consent for the private drive to be used, the development cannot be implemented.

## **Character, appearance and design**

The site is surrounded by essentially two-storey dwellings, with 316 Ashby Road being a bungalow. Two bungalows have been granted planning permission to the rear of 320 Ashby Road, but have not yet been constructed. The proposed scheme will not be particularly visible from Ashby Road as the site is screened by 316 Ashby Road and the private access road entrance is fairly narrow. The area, whilst characterised by essentially two-storey dwellings, does consist of a wide range of house types and designs. Whilst the site is relatively modest in size, the two dwellings are also of modest design and size with sufficient car parking and private amenity spaces provided on the site. Overall, the proposal is not considered to be out of character with the adjoining area and the appearance and design of the proposed dwellings will not harm the visual amenity of the locality. The proposal therefore aligns with policies H5, H7, H8 and DS1 of the NLLP, CS5 and CS7 of the Core Strategy, and Chapter 12 of the NPPF.

## **Impact on residential amenity**

The majority of the impact the dwellings will have on residential amenity is to the neighbouring property to the north (314 Ashby Road). This is a two-storey property with a conservatory on the rear extension. It has a long narrow garden. The rear of the property and garden face east. Within the garden is a log cabin and shed, and adjacent to the boundary is a large roofed, but open-sided, structure with seating. This structure will also provide some screening from the dwellings. This property's conservatory and decking is at a higher level than the application site. The conservatory is obscure glazed on its southern side. The agent has moved the proposed dwellings slightly further south so there is now approximately 1.5 metres between the proposed dwellings and the northern boundary. The applicant has also shown the shading from the proposed dwellings on the submitted plans. The dwellings will be visible from the rear of 314 Ashby Road, but they are sited away from the dwelling and run parallel with its garden area which is at a lower level than the dwelling itself. The proposed dwellings will be partially screened by the proposed 1.8 metre high close-boarded fence. The bathroom windows in the rear elevation will be obscure glazed to protect privacy. Only part of the brickwork and roof of the dwellings will be visible to this neighbour. There will be slight overshadowing to 314 Ashby Road as shown on the submitted plans, but it is not considered, on balance, that the proposal will result in demonstrable harm to the amenity of this property. As a result, the proposal aligns with policies H5, H7 and DS1 of the NLLP and policies CS5 and CS7 of the CS.

In terms of impact on 316 Ashby Road, this is also a bungalow. A close-boarded fence has been installed on the western boundary with 316 Ashby Road to secure privacy between the existing and proposed dwellings. 316 Ashby Road and the proposed dwellings each have adequate private amenity space. There is an adequate separation distance (over 16 metres) between the proposed dwellings and 316 Ashby Road and therefore the proposal will not be overbearing on that property, which is also a bungalow. In terms of impact on 320 Ashby Road, this is a two-storey dwelling with a long narrow garden. Although permission exists for two dwellings in the rear garden of 320 Ashby Road, they have not yet been constructed. The occupants of 320 Ashby Road will have a view of the development from their rear garden across the private drive. Although there will be a 'view' of the proposed dwellings, again there is adequate separate distances between 320 Ashby Road and the proposed dwellings to ensure that residential amenity will be safeguarded. As a result, the proposal aligns with policies H5, H7 and DS1 of the NLLP and policies CS5 and CS7 of the CS.

## **Flood risk and drainage**

Policy CS19 of the NLCS is concerned with flood risk, policy CS18 of the NLCS relates to sustainable resource and climate change, and policy DS14 of the NLLP is concerned with foul sewage and surface water drainage. Policy DS16 of the NLLP seeks to ensure that new development is not at risk from flooding.

The site is within flood zone 1 of the council's SFRA, has a low probability of flooding and is therefore the optimum flood risk zone for development. In terms of flood risk, the proposal therefore aligns with policies CS19 of the NLCS and DS16 of the NLLP.

In terms of drainage, the LLFA raise no objections to the application subject to conditions requiring the submission of a surface water drainage scheme, and details to ensure surface water does not run off the site onto the highway and from the highway onto the site. Subject to these conditions, the proposal will align with policies CS18 and CS19 of the NLCS, and DS14 of the NLLP.

In relation to water pressure and drain blockages, comments from a resident are noted. No evidence has been submitted to suggest that this is the case. Severn Trent Water have not responded to the consultation. However, a condition will be imposed should permission be granted to ensure details of the foul water drainage is submitted to the council for approval.

## **Contamination**

With regard to land contamination, the applicant has submitted a contaminated land screening assessment form. There is no evidence to suggest this site is contaminated (former garden land). As a result, Environmental Protection recommend a condition that if, during development, contaminated material is found to be present on the site then a method statement will need to be submitted to the council detailing how the contamination will be dealt with. This condition will be imposed should permission be granted. The proposal will therefore align with policy DS7 of the NLLP.

## **Other matters raised**

In terms of the tree felled on the site, this was noted at the site inspection. The tree was not covered by a tree preservation order and is not in a conservation area. As such, the owner of the site required no consent from the council to remove the tree. Comments in relation to increased noise and disturbance during construction are noted. However, these impacts will be relatively short term and it is not considered that the building of the two proposed dwellings, which is a small-scale development, will result in significant noise and disturbance during construction. The fence installed adjacent to the southern boundary of 316 Ashby Road was noted on the site and its height will be checked to ascertain if it requires planning permission. With regard to bin storage, this can be conditioned to ensure that bins are stored within the site.

## **Planning balance and conclusion**

In conclusion, the proposed sub-division of the existing dwelling plot by infilling within the rear garden (backland) to erect two single-storey dwellings is acceptable in principle. The layout, siting and design of the dwellings are appropriate as the proposal would not cause demonstrable harm to the character of the area or the street scene. The proposed dwellings would be visible from adjoining properties, particularly 314 Ashby Road to the north. However, the dwellings are single-storey, modest in size and will be sited over 1.5 metres

from the northern boundary. The proposed new fence will provide some screening of the development from 314 Ashby Road and the bathroom window in the rear elevation will be conditioned to be obscure glazed to safeguard privacy. Overall, whilst the dwellings will be visible from 314 Ashby Road, no demonstrable loss of amenity of this property in terms of loss of privacy, overshadowing or overbearing impact will be caused by the proposed development. The proposal is therefore acceptable in planning terms.

**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:

- Drawing no PL02 - Proposed elevations
- Drawing no PL03 - Proposed Floor plans and roof plan
- Drawing no PL01 - Site Plan and location Plan
- Materials Specification - Sandtoft TLE Tile and Hathaway Brindled Bricks.

**Reason**

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

3.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking facilities serving it have been completed in accordance with details to be submitted to and approved in writing beforehand with the local planning authority and, once provided, the vehicle parking facilities shall be retained.

**Reason**

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

4.

The existing vehicular access to the site shall be improved within highway limits 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.

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.

6.

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 adequate drainage features;
- (iv) the provision of suitable bin collection facilities adjacent to the highway;
- (v) the provision of suitable lighting arrangements; and
- (vi) 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 interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

7.

No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100-year critical storm (including an allowance for climate change which should be based on current national guidance) will not exceed the run-off from the existing site. It shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime so that flood risk, both on and off the site, is not increased. SuDS must be fully considered in accordance with current PPG guidance. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, focusing on above-ground solutions.

#### 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 maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

8.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 7 above, completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development 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 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, and paragraphs 159 to 169 of the National Planning Policy Framework.

9.

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, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

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

**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 maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

11.

Before any above-ground works take place, details of the foul water drainage for the development shall be submitted to and approved in writing by the local planning authority. Thereafter, only the approved foul water drainage shall be implemented on the site.

**Reason**

To ensure satisfactory foul drainage on the site in accordance with policy DS14 of the North Lincolnshire Local Plan.

12.

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. The approved method statement shall be implemented in full prior to development commencing on the site.

#### 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.

13.

Before any dwelling is first occupied, the bathroom window in the rear elevation shall be obscure glazed to a minimum of Privacy Level 3 in accordance with the Pilkington Scale of Obscuration and shall be retained in that condition thereafter.

#### Reason

To protect the living conditions presently enjoyed by the occupants of adjoining properties and potential occupiers of the proposed dwellings in accordance with policy DS1 of the North Lincolnshire Local Plan and policy CS5 of the Core Strategy.

14.

Prior to the occupation of the approved dwellings, details of the bin storage arrangements within the site shall be submitted to and approved in writing by the local planning authority. Thereafter, only the approved scheme shall be implemented.

#### Reason

To ensure satisfactory bin storage on the site, in the interests of the visual amenity of the locality and highway safety.

#### **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**

The applicant's attention is drawn to the comments made by Cadent Gas Ltd.

#### **Informative 3**

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.



 Development Boundary

**PA/2022/1703**

**North  
Lincolnshire  
Council**

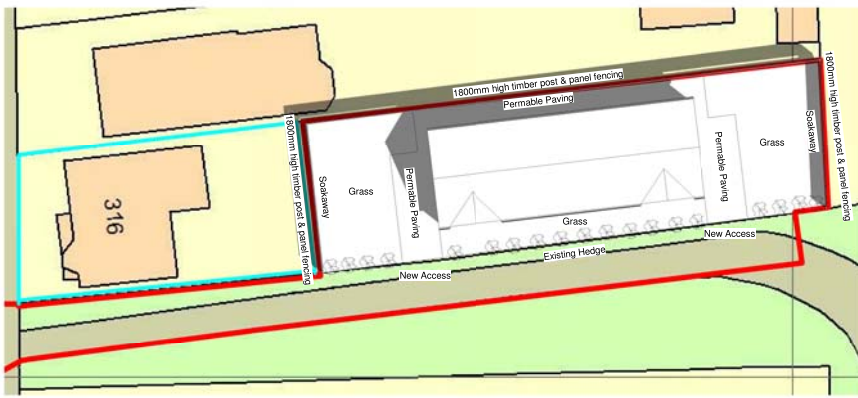
# PA/2022/1703 Proposed layout (not to scale)



**Location Map**  
1 : 1250



**Site Layout - Existing**  
1 : 500

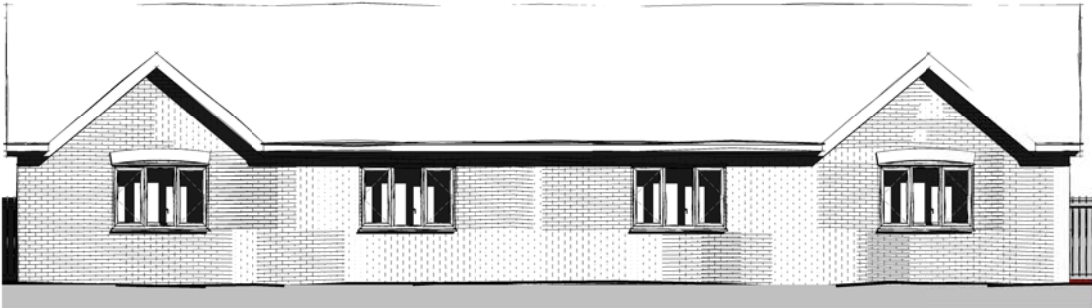


**Site Landscaping - Proposed**  
1 : 200



**Site Layout - Proposed**  
1 : 500

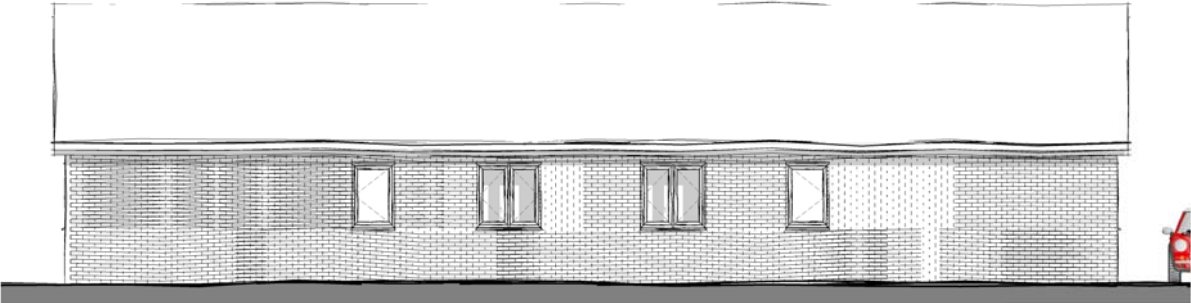
# PA/2022/1703 Proposed elevations (not to scale)



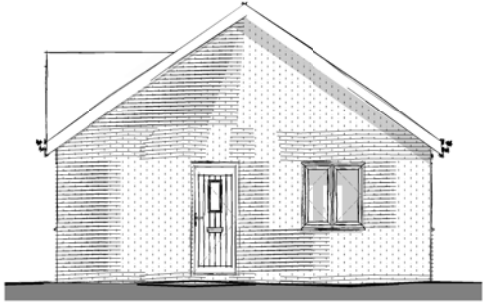
1 Front Elevation  
1 : 50



3 Left Side Elevation  
1 : 50

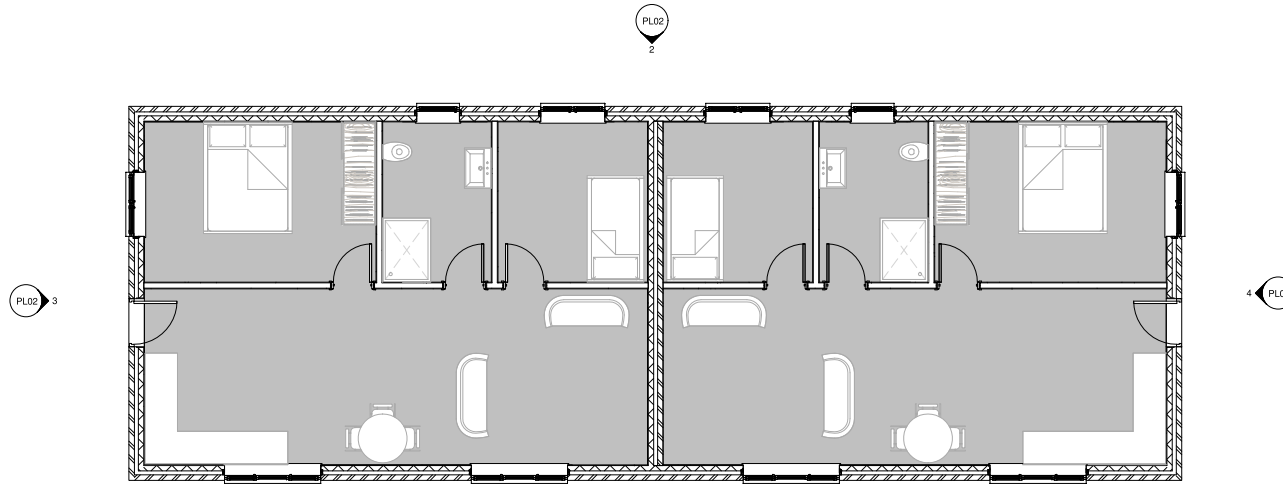


2 Rear Elevation  
1 : 50



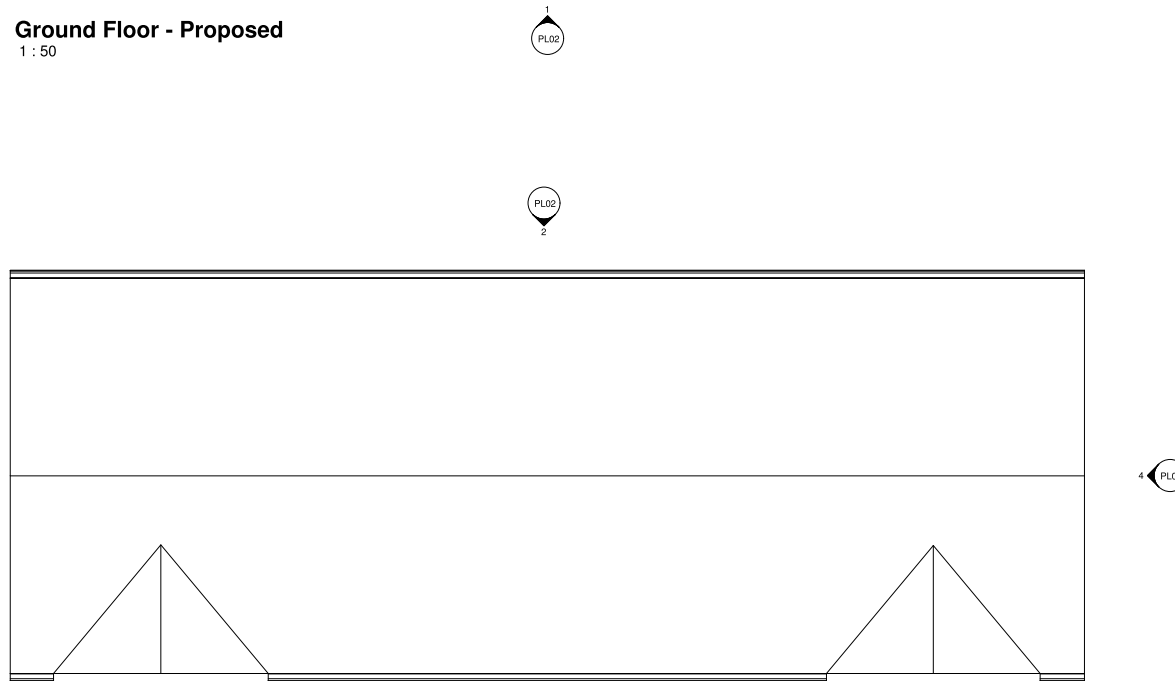
4 Right Side Elevation  
1 : 50

# PA/2022/1703 Proposed floor plan (not to scale)



**Ground Floor - Proposed**

1 : 50



**Roof Plan - Proposed**

1 : 50

Project Name: **New Dwellings**

Project Address: **Land rear of 316 Ashby Road, Scunthorpe DN16 2RS**

Drawing Title: **Proposed Floorplans**

Drawn: **CH** Checked: **KD** Approved: **CH**

Date: FEB 2022 Rev :  
Scale: 1 : 50

Drawing No. **PL03**

**CENTRELINE**  
DESIGN CONSULTING LTD.

Centreline Design Consulting Ltd.  
7 West Street, West Butterley, Scunthorpe  
T 01724 410100 M 07834 915720  
E info@centreline-design.co.uk