**APPLICATION NO** PA/2022/358

**APPLICANT** Mr & Mrs Antcliff

Planning permission to erect dwelling and garage, including DEVELOPMENT

demolition of existing outbuildings

Land adjacent to 27 West End Road, Epworth, DN9 1LA **LOCATION** 

**PARISH Epworth** 

WARD **Axholme Central** 

CASE OFFICER Niamh McIntyre

**SUMMARY Grant permission subject to conditions** 

RECOMMENDATION

REASONS FOR REFERENCE TO

COMMITTEE

Departure from the development plan

## **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 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 CS17: Biodiversity

Policy CS19: Flood Risk

Policy CS25: Promoting Sustainable Transport

## **North Lincolnshire Local Plan:**

Policy DS1: General Requirements

Policy RD2: Development in the Open Countryside

Policy H5: New Housing Development (Part 2 saved)

Policy H7: Backland and Tandem Development

Policy T1: Location of Development

Policy T2: Access to Development

Policy T19: Car parking Provision and Standards and Appendix 2

Policy LC5: Species Protection

Policy LC7: Landscape Protection

Policy LC12: Protection of Trees, Woodland and Hedgerows

## **Housing and Employment Land Allocations DPD:**

The entire site is outside the development limits, within the open countryside, as shown on the Proposals Map.

## **CONSULTATIONS**

**LLFA Drainage:** No objection.

**Environmental Protection:** No objection subject to a condition to address the potential for contamination at the site. Request a Phase 1 Desk Study be submitted prior to commencement of development.

**Highways:** No objection subject to a condition requiring vehicle access, parking and turning to be provided before the dwelling is occupied.

**Environmental Health and Housing:** Satisfied that it will be a single-family home and therefore no comments to make.

**Ecology:** Recommend a condition to minimise harm to protected and priority species and habitats and to seek a net gain in biodiversity.

**Historic Environment Record:** Recommend conditions to secure the use of appropriate building materials sympathetic to the traditional buildings of this area and to remove permitted development rights to avoid the extension of the built environment into the historic landscape.

#### **TOWN COUNCIL**

No comments received.

### **PUBLICITY**

Advertised by site and press notice. No responses have been received.

## **ASSESSMENT**

# **Planning history**

There is no planning history on the site.

# Site designations/constraints

The site is not within a conservation area and there are no listed buildings or tree preservation orders on the site.

The site is within flood risk zone 1.

The site is outside the development limits for Epworth.

The site is within the LC14 area.

# Site and proposals

The site currently comprises a series of barns formerly associated with the farm at 27 West End Road. The barns have become unsuitable for safe use due to their deterioration; they are proposed to be demolished.

The proposed access is to the north of existing residential property 27 West End Road. The access would be via an existing drive and hardstanding area, utilising an existing entrance position off West End Road. The south-east boundary of the site adjoins the newly proposed driveway of 27 West End Road.

The existing boundary treatments of the main site are to be retained where possible and new boundary fencing erected between the existing dwelling on site and the proposed dwelling.

Permission is sought to erect a two-storey dwelling and associated garage, including the demolition of existing outbuildings.

## The following considerations are relevant to this proposal:

- principle of development
- · appearance/quality of design
- residential amenity
- highway safety
- environmental protection.

## Principle of development

The application site is within the market town of Epworth but outside the development limits of Epworth set out by the Housing and Employment Land Allocations Development Plan Document (HELADPD). As the site is outside the development limits set out in the DPD, for policy purposes this would constitute development within the countryside and therefore the provisions of saved policy RD2 apply.

The combined effect of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 is that a planning application should be determined in accordance with the development plan unless material considerations indicate otherwise.

Saved policy H5 covers new residential development, which requires development to be located within settlements or to represent infill. This site is along a road of residential dwellings and would be infill development on disused land.

Policy CS2 states, 'any development that takes place outside the defined development limits of settlements or in rural settlements in the countryside will be restricted. Only development which is essential to the functioning of the countryside will be allowed to take place. This might include uses such as those related to agriculture, forestry or other uses which require a countryside location or which will contribute to the sustainable development of the tourist industry.'

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 HELADPD, and the application site is outside the defined development limit for Epworth and within an Area of Historic Landscape interest (LC14).

Policy CS8 strictly limits housing development in rural settlements in the countryside and in the open countryside outside development limits (the proposal site). Consideration will be given to development that relates to agriculture or forestry, or meets a special need associated with the countryside. All development should not have an adverse impact on the environment or landscape.

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 for affordable housing to meet a proven need or for the replacement, alteration or extension of an existing dwelling; and even then, strict criteria must be achieved as set out in parts a–f of the policy.

Whilst this policy remains, it has largely been overtaken by policies in subsequent plans addressing the same issue (such as policies CS2 and CS3 referenced above).

There is, therefore, a development plan presumption against housing development in this location. The proposal is not in overall accordance with the development plan, and so the starting point would be to refuse unless other material considerations indicate otherwise. It is also acknowledged that the council cannot currently demonstrate an up-to-date five-year housing land supply.

Policies RD2 and H5 are not considered up to date with the NPPF as these policies apply a restriction on residential development outside the development limits and as the adopted local plan only considered growth up to 2013, housing need beyond that date was not accommodated. As such it is considered that these policies should be given reduced weight in the decision-making process.

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 10 of the NPPF states, 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.' Paragraph 11(d) of the

NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, relevant policies which were most important to determining the application should not be considered up to date.

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. The current local policies which are most important for determining the application will carry reduced weight during this period.

National Planning Practice Guidance paragraph 008 states that, in decision-taking, if an authority cannot demonstrate a five-year housing land supply, including any appropriate buffer, the presumption in favour of sustainable development will apply, as set out in paragraph 11d of the National Planning Policy Framework.

Given the current five-year land supply deficit, it is considered that there is a clear and demonstrable need for housing development in the area. Accordingly the 'tilted balance' in paragraph 11 of the NPPF is triggered, whereby there is a presumption in favour of sustainable development and development proposals should be approved unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

There are three dimensions to sustainable development as set out in paragraph 8 of the Framework: economic, social and environmental. Whilst only modest in scale the development does propose an additional dwelling which will bring the following benefits:

**Economic**: Temporary small-scale employment opportunities during the construction process as well as benefits for local suppliers and businesses during that period; longer-term employment benefits which a typical residential property may bring, including repairs and maintenance as well as other works required; potential for new residents to shop locally and use local services.

**Social**: The local authority area currently has a shortfall in housing supply. Whilst only modest, the development will provide much needed housing within the area contributing to the overall land supply. There will be an increase in people who could shop and use other services locally.

**Environmental:** The scheme seeks to bring forward a vacant, unkempt site back into use. The proposed development will improve the built environment in this location and the appearance of the area of historic landscape interest. The up-to-date building regulations would require sustainable building methods to be employed which would be translated through the development.

Given the nature of the site as existing, it is considered that there would be no significant harm in economic, social and environmental terms to developing the site.

Paragraph 47 of the NPPF states that applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. An overarching principle in the NPPF is sustainability. The application site is considered to be within a sustainable location in an existing residential part of Epworth; in essence the site represents a suitable and logical infill site which is bounded on all sides by existing residential development and their gardens.

Whilst the restrictive policies of the development plan (CS2, CS3 and CS8) do still apply, the lack of a five-year supply of housing land and the scale of the shortfall limit the weight which can be attributed to these policies. Restricting development to land within development limits, if strictly applied, would severely affect the ability of the authority to address the need for housing. In determining the sustainability of the proposed development, an assessment not only relies upon planning principle but also whether the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or if any adverse impacts exist that would significantly and demonstrably outweigh the benefits of the proposal.

It is considered that, in principle, the proposal could represent appropriate development within the countryside, on the proviso that an essential need can be demonstrated.

# Residential amenity

Part saved policy H5, policy H7 and policy DS1 refer to residential amenity. They discuss the need to ensure development does not result in overlooking or a loss of privacy to existing developments, or any other loss of amenity to existing dwellings. Policy H5 states that adjacent land uses will not result in annoyance or detract from the residential amenity which residents of the proposed dwelling should expect to enjoy. Policy DS1 states there should be no unacceptable loss of amenity through overshadowing. Policy H7 also discusses the need to ensure there is no adverse effect through nuisance resulting from the movement of vehicles to and from the proposed development

The proposed development is adjacent the existing dwelling on site. Existing rear and side gardens form the boundary to the main area of the development site and as such any development should be mindful of these adjoining uses. The current proposal seeks to erect one two-storey dwelling, which is set off the boundaries with the adjacent residential boundaries to the northwest and southeast to respect adjacent neighbours.

The main access road into the site will pass via two existing properties and will introduce an element of additional noise to this area; however, due to the separation distance of the drive to the two neighbouring dwellings this is not assessed as being significant and therefore does not constitute a reason for refusal.

The site has been designed to include a 1.8m high close-boarded fence around the boundaries of the site with existing hedging being retained along the northern boundary.

A first-floor window is proposed on the southeast elevation, serving a bathroom, and will be obscure glazed. This will be conditioned and shall remain obscure glazed at all times. All other openings look out onto the front and rear amenity areas and therefore will not result in an unacceptable opportunity for overlooking.

Given the height and position of the dwelling on the site and that they are located off the boundaries, there are not considered to be any impacts in terms of overshadowing or loss of outlook.

It is therefore considered that the proposal would not carry any overbearing, overlooking or overshadowing impacts that would be detrimental to the residential amenity rights of adjoining neighbours and aligns with policy DS5.

# Character, design and appearance

Policies H5 (Part saved), CS5 and DS1 seek to deliver quality design in North Lincolnshire. Policy DS1 requires the design and layout to respect, and where possible retain and/or enhance, the existing landform of the site.

Policy CS5 of the North Lincolnshire Core Strategy is concerned with delivering quality design in North Lincolnshire. It 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. Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.' This is reinforced by local plan policies DS1 and CS5 as noted above.

Policy CS5 requires new development to consider the relationship between any buildings and the spaces around them, and how they interact with each other as well as the surrounding area. The function of buildings should also be considered in terms of its appropriateness for the context in which it is located.

Policy H7 relates to backland and tandem development, and states that development will be permitted where there is no adverse effect on the amenities of any residential premises or adjoining uses through overlooking and loss of privacy, or loss of amenity to adjoining dwellings through the level of nuisance resulting from the movement of vehicles to and from the proposed dwelling. The policy requires development to not affect general quality and character of the area and not unacceptably increase the density of development in that area, or result in the loss of important natural and man-made features or lead to an unacceptable proliferation of vehicle accesses to the detriment of the street scene and/or road safety. The proposal site is an infill site amongst other residential developments. The applicant has sought to achieve an appropriate scale of development for the site whilst taking account of the surrounding land uses. Therefore, in terms of built form, it is considered that the application would not seek to undermine policy H7.

The proposal includes a two-storey dwelling on an area of land which currently comprises disused barns. The property will include four bedrooms, with a good-sized entrance hall and separate living and dining/kitchen areas at ground floor.

There is adequate amenity space around the property and an attached garage is proposed to the side of the dwelling as well as a driveway providing off-street parking.

Access to the site is taken off West End Road; adequate turning space is provided within the site to allow vehicles to manoeuvre.

The proposed materials include a red brick, red roof tile and white uPVC windows and composite doors. The overall design of the property is considered to be high quality and appropriate for the area.

It has been demonstrated that the development of the site would not be detrimental to the character and appearance of the open countryside or nearby settlement in terms of siting, scale, massing, design and use of materials.

Overall, the design of the property is considered to be of high quality and in keeping with the existing property and properties within the wider street scene. It is therefore considered that the proposal is in accordance with policies DS1, DS5 and H5.

## Drainage and flood risk

The site is within flood risk zone 1 which has the lowest potential for flooding. LLFA Drainage have no objections to the proposal.

## **Highway safety**

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by a satisfactory access. Policy T19 of the local plan is concerned with parking provision as well as general safety and is also considered relevant.

The Highways team have assessed the proposals and have no comments in relation to the overall design. It is considered that the development of a single dwelling would not result in a significant impact in terms of highway safety and the nature of the access into the site would naturally slow vehicles. No additional visitor parking has been requested by Highways.

Given the scale of the proposed development it is considered that the scheme would not result in a significant or unacceptable increase in vehicular movements in the locality. Adequate off-street parking will be provided within the site. With these factors in mind, and in the absence of an objection from the council's Highways team, it is considered that the proposal, with the recommended conditions, would be acceptable in highway terms.

It is considered, subject to the aforementioned conditions, that the proposal is in accordance with policies T2 and T19 of the North Lincolnshire Local Plan.

#### **Environmental Protection**

Policy DS7 of the North Lincolnshire Local Plan is concerned with land contamination. It states that in the case of proposals for development on land known or strongly suspected as being contaminated, applicants will be required to demonstrate that the level of contamination can be overcome by remedial measures or improvements.

This application for residential development is a sensitive end use. In addition, barns have the potential to be impacted upon by contaminants associated with the storage of agricultural machinery, fuel and agrochemicals. These include PAHs, heavy metals and hydrocarbons which are harmful to human health. It is the developer's responsibility to assess and address any potential contamination risks, however no supporting information has been provided that demonstrates potential risks can be reduced to an acceptable level. The council's contaminated land planning guidance document recommends that where a proposed development introduces a vulnerable end use and/or the development site could be affected by a former potentially contaminative land use, the possibility of land contamination should always be considered. In these circumstances, a Phase 1 assessment should be submitted as a minimum, which includes a desk top study, a site

walkover, and a conceptual site model. An appropriately worded condition is recommended to address this issue.

The condition is not considered unreasonable given the lack of information that has been provided by the applicant. Therefore, subject to the aforementioned planning condition, the proposal is in accordance with policy DS7 of the North Lincolnshire Local Plan.

#### **Historic environment**

The site affects the setting of the ASHLI of the Isle of Axholme (local plan policy LC14). The Historic Environment Officer has commented that development would adversely affect the character, appearance and setting of the historic landscape contrary to the NPPF, Core Strategy policies CS5 and CS6, and local plan policies LC14, LC7, RD2 and DS1.

Policy LC14 seeks to protect the area of special historic landscape from encroachment and prevent development that will destroy, damage or adversely affect the character, appearance or setting or any of its features. A high standard of design and siting in new development will be required reflecting the traditional character of buildings in the area and the character of the historic landscape, and using materials sympathetic to the locality. Schemes to improve, restore or manage the historic landscape will be sought in connection with, and commensurate with the scale of, any new development affecting the ASHLI.

The HER Officer has recommended the removal of permitted development rights within this area to avoid residential sprawl and further extension of the built environment into the protected historic landscape beyond the development limit and this is supported by the case officer. The case officer has assessed the proposals and it is clear on site that the proposed development is self-contained and will not destroy, damage or adversely affect the character, appearance or setting or any of the features of the LC14 policy area.

It is considered that the benefits of the scheme would outweigh this small incursion into the LC14 area and land outside the development boundary.

## **Ecology**

The applicant has submitted a Biodiversity Management Plan.

The submitted bat survey report revealed no evidence of bat roosts, though common pipistrelle bats were recorded feeding around the garden.

The council's ecologist has recommended a condition to minimise harm to protected and priority species and habitats and to seek a net gain in biodiversity in accordance with policy CS17 and the National Planning Policy Framework.

### Conclusion

It is considered, given the assessment above, that no adverse impacts related to the development exist that would significantly and demonstrably outweigh the benefits that would follow from a well-executed residential scheme in this location. Overall, it is considered that the proposal does represent sustainable development in the context of the NPPF and Housing and Employment Land Allocations DPD policy PS1, which sets a presumption in favour of sustainable development.

## **Pre-commencement conditions**

The pre-commencement condition relating to contamination has been agreed by the applicant's agent.

# **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: 1421.01 and 1421.02.

#### Reason

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

3. 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.

4.

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.

5.

Notwithstanding the provisions of Classes A, B, C, D, E and G of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order (2015), or any order re-enacting that order with or without modification, no extensions, buildings or enclosures shall be erected on the site or installed on the building other than those expressly authorised by this permission.

## Reason

To protect the historic landscape in accordance with policies LC14 and HE2 of the North Lincolnshire Local Plan and CS6 of the North Lincolnshire Core Strategy.

6.

Before the dwelling/building is first occupied, the first-floor window on the southeast 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 in accordance with policy DS5 of the North Lincolnshire Local Plan.

7.

Works and biodiversity enhancements shall be carried out strictly in accordance with the submitted Biodiversity Management Plan and sections 8 and 9 of the submitted "Emergence/Re-Entry Survey – Bat Report" dated June 2022. The management prescriptions set out in these reports shall be carried out in their entirety. 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. All biodiversity features shall be retained thereafter.

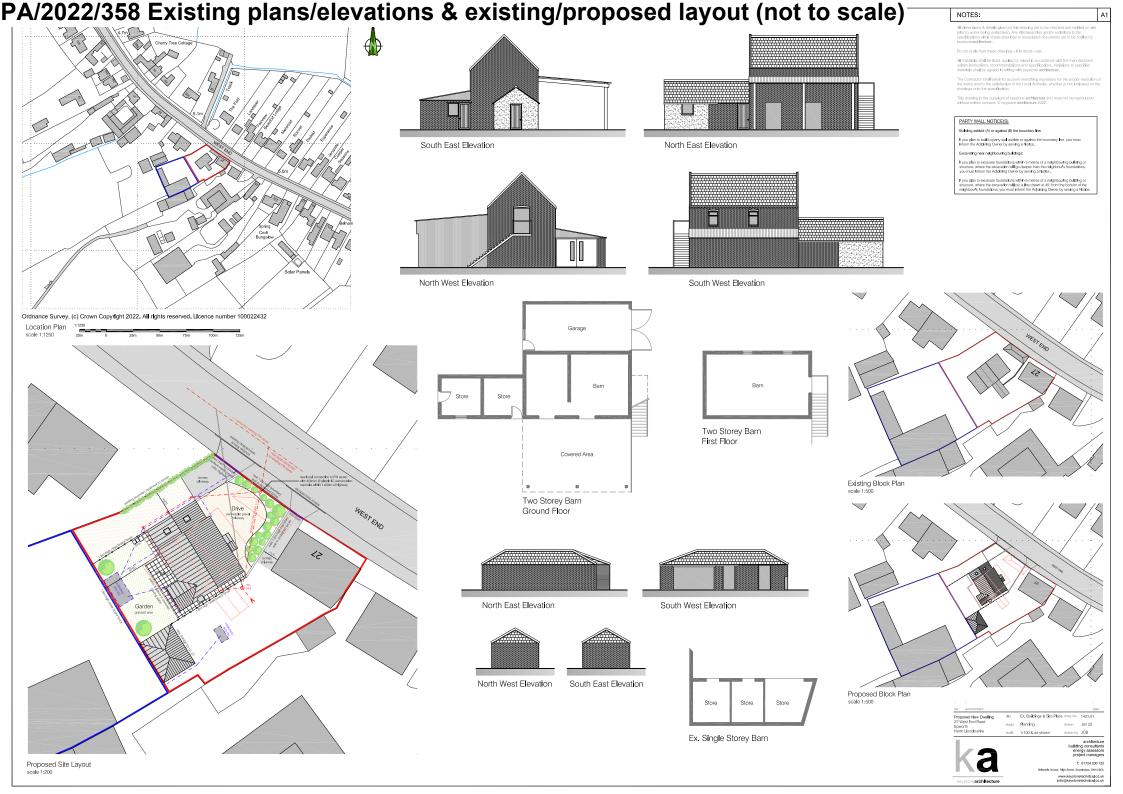
#### Reason

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

## **Informative**

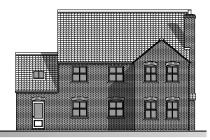
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



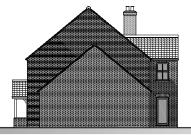




North East Elevation



South West Elevation



North West Elevation



South East Elevation



Proposed Ground Floor Total Floor Area =193m2 (2,077sq ft) excluding Garage



Material Schedule:

- 1. Weinerberger Bamburgh Red Stock brickwork
- 2. Marley Anglia interlocking concrete roof tiles in Old English Dark Red
- 3. Off white timber sash effect uPVC windows and composite doors
- 4. Black rainwater goods on dental course detailed brickwork eaves
- 5. Swept soldier courses over windows
- 6. Reconstituted stone window cills
- 7. Stained Oak porch frame
- 8. Boundary wall in reclaimed brickwork

#### PARTY WALL NOTICE(S)

Building astride (A) or against (B) the b

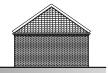
Excavating near neighbouring buildings:

NOTES:

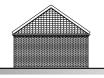
All materials shall be fixed, applied or mixed in accordance with the m written instructions, recommendations and specifications. Variations to materials shall be agreed in writing with keystone architecture.



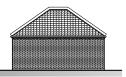
North East Elevation



South East Elevation



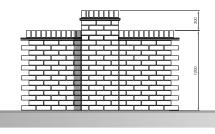
North West Elevation



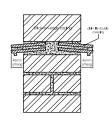
South West Elevation



Proposed Garage



Boundary Wall Detail scale 1:20



Wall Coping Detail scale 1:5

#### VEHICLE CROSSING CONSTRUCTION DETAIL

