

APPLICATION NO PA/2022/1101

APPLICANT Mr Paul Jones

DEVELOPMENT Outline planning permission to erect 5 dwellings

LOCATION land north of 53 Brethergate, Westwoodside, DN9 2PF

PARISH Haxey

WARD Axholme South

CASE OFFICER Jennifer Ashworth

SUMMARY RECOMMENDATION **Refuse permission**

REASONS FOR REFERENCE TO COMMITTEE Member 'call in' (Cllr David Rose – significant public interest)

POLICIES

National Planning Policy Framework:

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 15 – Conserving and enhancing the natural environment.

North Lincolnshire Local Plan:

RD2: Development within the Open Countryside

H5: New Housing Development (Part Saved)

H7: Backland and Tandem Development

H8: Housing Design and Housing Mix

DS1: General Requirements

DS3: Planning Out Crime

DS14: Foul Sewage and Surface Water Drainage

DS16: Flood Risk

T1: Location of Development

T2: Access to Development

T19: Car parking Provision and Standards

LC5: Species Protection

LC7: Landscape Protection

LC12: Protection of Trees, Woodland and Hedgerows

LC14: Area of Special Historical Landscape Interest.

North Lincolnshire Core Strategy:

CS1: Spatial Strategy for North Lincolnshire

CS2: Delivering More Sustainable Development

CS3: Development Limits

CS5: Delivering Quality Design in North Lincolnshire

CS6: Historic Environment

CS7: Overall Housing Provision

CS8: Spatial Distribution of Housing Sites

CS17: Biodiversity

CS19: Flood Risk Policy CS25: Promoting Sustainable Transport

Housing and Employment Land Allocations DPD (2016):

The main part of the site lies outside the development limits of Westwoodside, within the open countryside and an area of historic Landscape (LC14). The main access road is within the development limits as shown on the Proposals Map.

Supplementary Planning Guidance:

Countryside Design Summary,

Landscape Character Assessment and Guidelines,

Trees and Development

North Lincolnshire Settlement Survey 2019

CONSULTATIONS

The planning application went through two rounds of consultation. The first consultation related to the initial submission. A second round of consultation was undertaken to address proposals for a reduced level of housing on the site taking the proposal from nine to five dwellings.

Highways: Highways have assessed both the initial scheme for 9 units and the revised scheme for 5 units. The highways team met with the case officer and the applicant on site to assess the access into the site. No objection subject to conditions.

Spatial Planning: The team assessed and provided comment in relation to the initial scheme. No further comments have been provided. The comments remain relevant. This proposal for residential development is in the open countryside, an Area of Special Historic Landscape Interest and contrary to the council's adopted development plans.

Neighbourhood Services: A remnant of a once longer footpath (Public Footpath 101) crosses the end of Westland Road, and therefore adjoins the outer boundary of the proposed property in the north-west corner of the site. However, it appears that this should have no practical bearing on the development, should it go ahead.

LLFA Drainage: Object. The development falls within our lower threshold assessment levels (5–9 properties) and proposes SuDS but provides no information to support the proposals. There would seem to be no feasible surface water drainage outfall within the vicinity of the development.

The applicant has failed to provide a flood risk assessment and principle drainage strategy.

Severn Trent Water: Recommend conditions relating to drainage plans for the disposal of surface water and foul sewage, and an informative in relation to public sewers.

Isle of Axholme & North Nottinghamshire Water Level Management Board: The site is within the Water Level Management Board's district but there are no Board-maintained watercourses in close proximity to the site. Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The suitability of soakaways as a means of surface water disposal should be ascertained prior to planning permission being granted.

Environmental Protection: The proposed residential development is a sensitive end use. Mapping suggests that the majority of the site is covered by made ground as well as several former buildings within the site boundary. There is, therefore, the potential for contaminants to be present on site such as PAHs, heavy metals and asbestos which are harmful to human health. A condition is recommended to address the potential for contamination at the site.

The proposed development is in close proximity to residential properties. The construction phase therefore has the potential to result in disturbance from noise to local residents. A condition restricting working hours during the construction phase is recommended.

No comments are made in respect of light and air quality.

HER (Archaeology): Objects. The reduction in the number of proposed dwellings does not change the adverse effects of this development on the character, appearance and setting of the Area of Special Historic Landscape Interest of the Isle of Axholme (LC14).

This area is designated for its unique historic landscape retaining the pattern of ancient open strip fields and enclosures surrounding the villages on the Isle.

The application site is located on the edge of the Ancient Open Strip Field character area, the core historic landscape type of the Special Area.

The proposed development would be an unacceptable extension and intrusion of the built environment into the historic landscape, contributing to adverse character change and affecting the setting and legibility of the core historic landscape.

Ecology: No comments have been received in relation to ecology. All proposals are required to achieve a net gain in biodiversity.

Waste & Recycling: Waste Management should be referred to at the earliest stage of building design for new properties to include adequate storage areas for waste management facilities and good access for collection crews.

PARISH COUNCIL

'Objection.

The reduction in the number of dwellings is welcomed, however it does not alter our objection to development outside the development envelope and backland development which will impact on the character of the area and loss of a green space. The site is open countryside and LC14 land. There are no passing places from the highway to the houses. 51a Brethergate on one of the drawings is included as part of the proposed application and this should not be the case and should be amended.

Contrary to NPPF paragraph 70 and local plan H5(ii), H1(iii), policy CS2 and DS1. The site does not provide affordable housing.

Development will impact the character of the area which is open space and provides visual amenity to the character of the area.

Site access is restricted with poor visibility. It is close to the junction with Nethergate and Crackle Hill.

The area is subject to run off surface water and adequate plans should be provided.

No details have been provided in relation to scale and height or appearance and detail. Notwithstanding this the dwellings would be harmful to the character, appearance and setting of the immediate area.

It would impact on the LC14.

It would not provide much needed housing as it is market housing.

It does not comply with planning policy and therefore fails the test for sustainable development.

Concerns are also raised for the possible privacy issues of neighbouring properties.

The previous application (PA/2021/1188) raised considerable local reaction to this application with several residents attending the Parish Council to voice their concerns.'

PUBLICITY

A press and site notice has been displayed with regard to both the original submission and subsequent amendment.

Thirty-one responses have been received, all objecting to the proposed development. The CPRE has also written in objecting to the scheme and a petition has been submitted containing 208 signatures. The comments are summarised below:

- outside the development boundary
- the site access is narrow, restricted, unsuitable and has poor visibility
- there is evidence of numerous accidents in this area
- privacy issues of neighbouring properties
- increased noise and traffic in a rural village
- current drainage unable to cope with increased surface water run-off
- inadequate vehicle access, pedestrian safety, highway safety, traffic generation
- loss of trees/no consideration of trees
- application previously rejected
- access not wide enough
- issues of overlooking from properties
- impact on wildlife and biodiversity
- no comparison to Cackle Hill development as the site is wider to cater for vehicle access
- concerns for pedestrian safety due to increased traffic within the area
- drainage concerns/surface water – no evidence has been submitted to address this
- amenity concerns in relation to 51 Brethergate: overlooking, noise, passing vehicles and potential for disturbance, and damage from construction traffic and delivery vehicles
- backland development
- no need for this level of development in this location
- the village cannot sustain this level of development

- right of access for number 51 over the land.

One letter of support has been received:

- support housing within the local area for local people.

ASSESSMENT

Planning history

PA/2021/1188: Outline planning permission to erect 9 dwellings – withdrawn 07/12/2021.

Site designations/constraints

The site is outside the development boundary for Westwoodside within the open countryside and policy area LC14 – Area of Historic Landscape Interest.

The site is within SFRA flood zone 1.

There are no listed buildings or tree preservation orders within or in close proximity to the site.

Site

The site is outside the development boundary of the rural settlement of Westwoodside. The site comprises land to the rear (north) of 51a and 53 Brethergate and is currently used by number 53 as an extension to the owner's garden. The site includes an area of grassland, small animal enclosures (chickens), sheds and other materials. The land is also used for parking and is secured by an electric gate. The access to the land is gained directly off Brethergate and number 51a has a right of access across the land.

It is surrounded on all sides by residential development and the only access into the site is off Brethergate. The land is set back from adjacent properties and largely adjoins rear gardens.

Access to the site is between numbers 51a and 53. There is currently no well-defined roadway to the site. The first few metres of the proposed access has a hardstanding on the surface and forms part of the driveway area of number 51a. The remainder of the lane remains untreated.

The properties onto Brethergate are two-storey and mostly detached except for a pair of semi-detached, numbers 49 and 51. The plots were individually designed over the years and therefore there is a wide range of designs, appearances, detailing, materials and palettes.

Proposal

Outline planning permission is sought to erect five dwellings with all matters reserved for subsequent consideration. The applicant has clearly demonstrated that five dwellings can be accommodated on the site with adequate garden space and parking provision.

The following considerations are relevant to this proposal:

- **principle of development**

- **historic environment**
- **appearance/quality of design**
- **residential amenity**
- **highway safety**
- **environmental protection**
- **flood risk and drainage.**

Principle of development

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. Here, the development plan comprises the North Lincolnshire Local Plan 2003, the Core Strategy 2011 and the Housing and Employment Allocations DPD.

The application site is within the rural settlement of Westwoodside. The site lies partly (access) within the settlement limits of Westwoodside as set out by the Housing and Employment Land Allocations Development Plan Document (HELADPD) where sustainable development is supported under the provisions of saved policy CS3. As the remainder (majority of land) of the site is outside the settlement framework set out in the DPD, for policy purposes this would constitute development within the countryside and therefore the provisions of saved policy RD2 apply. Saved policy H5 covers new residential development, which requires development to be located within settlements or to represent infill.

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 located partly outside the defined development limit for Westwoodside.

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 which relates to agriculture, forestry or to meet a special need associated with the countryside. 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.

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.

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 five dwellings 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 include 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. Whilst Westwoodside is a rural settlement and there will be a reliance on the private car to access many facilities and services, there will be an increase in people who could shop and use other services locally. Concerns have been raised that the site is not sustainable; however, Westwoodside is identified as a larger rural settlement and scored 29 points in the North Lincolnshire Settlement Survey (2019) and was 25th overall out of all the settlements in North Lincolnshire on sustainability grounds. The settlement survey looks at key features which make up sustainability which are primary school, secondary school, doctor's and community facilities. Westwoodside is a larger rural settlement and has 4 of the 7 key facilities.

Environmental: The scheme seeks to bring forward a vacant site into use. The up-to-date building regulations would require sustainable building methods to be employed which would be translated through the development. Through the inclusion of conditions the proposal would result in biodiversity net gains on the site.

Given the nature of the site as existing, it is not considered there would be significant harm in economic, social or 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 Westwoodside: 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 would represent appropriate development within the countryside, subject to there being no adverse impacts that would significantly and demonstrably outweigh the benefits. Part 11c of the NPPF is therefore engaged.

Historic environment

The site is within the Isle of Axholme Area of Special Historic Landscape Interest and policy LC14 of the local plan is relevant. The council's archaeologist has assessed the proposals and notes that the proposed development site is situated on the edge of the Early Enclosed Land (EEL) and the Ancient Open Strip Fields (AOSF) between Haxey and Westwoodside. The AOSF landscape east of Mill Lane retains the characteristics of this historic landscape.

The application site lies on land rising to the north and can be seen between and behind the houses fronting Brethergate on the rising ground to the rear, and behind the single-storey bungalows on Mill Lane. There are also views towards the site from within the AOSF farmland east of Mill Lane.

This application site is former farmland, now a grass field, bounded by mature hedgerows. The effects of building five substantial two-storey dwellings on this land is considered to alter the historic character of the site to that of a housing estate. Residential use is not related to the traditional use of agricultural land as part of the historic landscape.

The archaeologist is concerned that the proposed dwellings would appear high on the skyline behind and over the roadside properties, visible from a wide area of the historic landscape. In addition to the dwellings, the residential development would introduce noise, lighting and other domestic structures and features into the setting such as outbuildings, hard paving, boundary fencing, external lighting, and other permitted development.

The proposed residential development would extend the built form into the protected historic landscape. As such the archaeologist considers that the proposed development would be a visual intrusion that alters the appearance of the historic landscape and damages the legibility of the character zones at this location.

Because of this the archaeologist considers that the development would adversely affect both the existing character of the EEL and the setting of the AOSF as part of the nationally important remnant historic landscape. As such it would be an unacceptable encroachment into the Area of Special Historic Landscape.

The archaeologist recommends that the application is refused because they consider development would adversely affect the historic landscape of the Isle of Axholme, a heritage asset of national significance. The proposed dwellings are assessed to adversely affect the character, appearance and setting of the historic landscape of the Isle of Axholme, specifically the character of the Early Enclosed Land and the setting of the core historic landscape of the Ancient Open Strip Fields at Westwoodside, as well as the historic settlement form, that contribute to the character, setting and legibility of the historic landscape.

Whilst the land is bounded on all sides by residential development, land to the north, west and east is also within LC14. Whilst small in size, this land does act to provide a gap between the built form, a pattern of which is present within other parts of the rural settlement of Westwoodside.

The archaeologist considers that the proposals are contrary to local plan policies LC14, LC7, RD2 and DS1, and Core Strategy policies CS5 and CS6. They also consider that the proposal would also not be in accordance with paragraphs 197 or 206 of the National Planning Policy Framework as the proposed development would not make a positive contribution to local character and distinctiveness, and would detract from the significance of the historic landscape at this location. The archaeologist advises that the application fails the key objective of the NPPF to conserve the historic environment for this and future generations.

Residential amenity

Part-saved policy H5, and policies H7 and DS1, refer to residential amenity. They discuss the need to ensure development does not result in overlooking or 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 through overshadowing.

Policy H7 relates to backland and tandem development. The policy 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, loss of amenity to the adjoining dwellings, or the level of nuisance resulting from the movement of vehicles to and from the proposed dwelling. The policy requires development to not affect the general quality and character of the area and requires development to not unacceptably increase the density of development in that area, 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 proposed development is to the rear of existing residential properties. 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 initial application sought development for nine large properties on the site. Following discussions with the case officer, the scheme was revised and reconsulted upon. The current proposal seeks to erect five detached residential dwellings. Whilst only in outline at this time the applicant has demonstrated on the site plan that five dwellings can be accommodated within the site, set well off the boundaries with the adjacent residential properties to the north, east, west and south, thus respecting the amenity of adjacent neighbours.

The main access road into the site is considered acceptable in highway terms (see Highways section of this report); however, Highways' comments do not take account of 51a or 53 Brethergate and the potential amenity issues which might arise. It is considered that the access road which will serve the site is very close to the ground and first-floor windows of 51a Brethergate. Whilst a boundary wall has been erected which provides a visual screen to the ground floor windows there would still be impacts associated with an access this close to primary habitable windows.

The five detached properties on the site are expected to each have at least two vehicles; there would then be visitors associated with each property as well as deliveries and other service vehicles. This would result in a significant increase in vehicle movements within close proximity of an existing property resulting in impacts such as noise, vibration and headlights shining into the property. It is considered that such a level of vehicle movements would result in a nuisance to existing residents at the entrance to the site.

Concerns have been raised in relation to impact on privacy and overlooking. Whilst only in outline at this stage it is considered that an appropriate design solution can be achieved, including appropriate separation distances between rear gardens and primary windows as well as additional planting and boundary treatments to ensure that their final position and design will be appropriate and protect the amenity of neighbouring properties.

Whilst it is agreed an appropriate design solution could be achieved on the wider site which would not result in significant amenity impacts, the main concern in relation to residential amenity impact is the access into the site and the level of disturbance and nuisance for residents of 51a and 53 Brethergate. It is considered that the level of nuisance would be

significant and as such the proposal would be detrimental to the residential amenity rights of adjoining neighbours contrary to policies DS5, H7 and H5.

Design/appearance

Paragraphs 124 and 130 of the NPPF express the importance of good design, high-quality buildings and improving the character and quality of an area.

Core Strategy policy CS5 (Delivering Quality Design in North Lincolnshire) 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 if it is appropriate for its location and is informed by its surrounding context. A 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.’

Policy LC7 of the local plan states, ‘where development is permitted within rural settlements or the open countryside, special attention will be given to the protection of the scenic quality and distinctive local character of the landscape. Development that does not respect the character of the local landscape will not be permitted.’

Policy RD2 of the North Lincolnshire Local Plan is concerned with development within the open countryside. The policy is in two parts: firstly, it sets out, in principle, those development types that are acceptable; and secondly, it sets out a criteria-based approach to assessing those developments. The second part is of interest here in that it seeks to ensure that the visual amenity of the countryside is not compromised by poor development. Paragraph ‘c’ of the policy states: ‘...the development would not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials.’

Policy LC12 of the local plan is relevant and states, ‘Proposals for all new development will, wherever possible, ensure the retention of trees, woodland and hedgerows. Particular regard will be given to the protection of these features within the setting of settlements...’

The site is vacant parcel of land surrounded by residential development on all sides. It is argued in historic landscape terms that the site in its current form makes a positive contribution to the historic landscape and views from the historic landscape. It is considered that the proposal would be visible from certain parts; however, this is considered to be glimpses. The development is set behind existing properties and whilst the land rises to the north so too does the development at Crackle Hill and this has been achieved and fits within the landscape.

Notwithstanding the historic environment and comments made in respect of the LC14 area, the indicative block plan suggests a design can be achieved which reflects the character of the surrounding area when looking at housing layouts, for example Crackle Hill (west) and Craycroft Road/Westland Road to the north.

Much of the surrounding land is within the LC14 area and includes existing garden space which forms the residential curtilage of existing properties and is land which could be developed at any time by people exercising their permitted development rights. Whilst development would close this gap between existing residential land uses it is considered it would be an appropriate use for the land and in pure design terms could be designed to reflect similar patterns of housing development.

Brethergate has no overall character with regard to property styles and sizes. The wider area comprises a mix of residential development made up of semi-detached and detached properties, two-storey dwellings and bungalows. The recent developments at Crackle Hill and Craycroft Road/Westland Road move away from the linear development which was once present within this area. Closing this gap would be a continuation and reflection of these more recent developments.

Accordingly, the provision of five dwellings on the site is not considered to be out of character with the area in design terms. Having reviewed the block plan, five dwellings could be achieved on the site, with further work required at the reserved matters stage to address landscape, siting, layout and design. Any scheme would need to take account of existing trees and hedgerows within the site and integrate this into the overall scheme.

In terms of access, however, the design is considered to be too close to existing properties and would result in significant harm, as discussed above (residential amenity).

A well-designed scheme on the site is not considered to raise an issue of adverse visual impact on the street scene given views into the site are limited.

Overall, it is considered that a scheme could be achieved on the site which does not harm the character and appearance of the area. Whilst there would be some views of the site from behind existing properties and it would close a gap in this location, it is not considered that these impacts would warrant a reason for refusal.

Highways

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

The indicative layout suggests the properties would be positioned addressing the surrounding residential properties and provide adequate space for off-street parking and access.

No issues have been raised by Highways in respect of the impact of the development upon highway and pedestrian safety. The department has recommended a series of planning conditions and an informative should the application be granted.

Whilst Highways have not raised any objections they do not consider the amenity impacts that such a development would result in. The access road to the site is considered to be too close to the existing neighbouring properties of 53 and 51a Brethergate. It is considered that the number of vehicles generated by the development would lead to unacceptable harm and nuisance to existing residents at the entrance to the site.

It is for these reasons the proposed development is considered to be contrary to policy T2 of the local plan.

Flood risk and drainage

Policies DS14 and DS16 of the North Lincolnshire Local Plan, CS18 and CS19 of the Core Strategy, and paragraphs 155, 157, 163 and 165 of the NPPF are considered relevant.

The site is within flood zone 1 which is at low risk of flooding. Paragraph 155 of the NPPF states that 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.'

The comments from neighbouring properties regarding the impact the proposals would have on flood risk and drainage are noted.

The LLFA Drainage and Isle of Axholme Water Board have considered the proposals and have raised an objection due to the lack of information provided in relation to drainage at the site. Surface water run-off rates to receiving watercourses must not be increased as a result of the development. Severn Trent Water have advised a series of conditions.

The development is assessed as falling within the lower threshold assessment levels (5–9 properties) and proposes SuDS but provides no information to support the proposals. There would seem to be no feasible surface water drainage outfall in the vicinity of the development.

The applicant has failed to provide a flood risk assessment and principle drainage strategy. This should outline all sources of flooding and proposals to mitigate this, including preliminary drainage layout plans, topographical survey and outline hydraulic calculations, including an indicative discharge rate for a 1 in 100 year storm event plus climate change which should be based on current national guidance based on SuDS principles, including adoption/maintenance proposals.

The suitability of soakaways, as a means of surface water disposal, should be ascertained prior to planning permission being granted. Soakaways should be designed to an appropriate standard and to the satisfaction of the approving authority in conjunction with the local planning authority. If the suitability is not proven the applicant should be requested to re-submit amended proposals showing how the site is to be drained. Should this be necessary this Water Management Board would wish to be re-consulted. Where surface water is to be directed into a mains sewer system the relevant bodies must be contacted to ensure the system has sufficient capacity to accept the additional surface water. The Water Management Board also requests that the applicant identifies the receiving watercourse that the sewer discharges into and provide details on the potential effect that the proposed discharge may have on the receiving watercourse. The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and local planning authority.

Consequently, the proposal fails to comply with policy DS14 of the North Lincolnshire Local Plan, CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the NPPF.

Ecology

Comments received during the consultation period raise concerns relating to nesting birds and other wildlife on the site.

The council's ecologist has not provided any comments at this time.

It is recommended that there will be a need to secure a net gain in biodiversity in accordance with policy CS17, the National Planning Policy Framework and the Small Sites Metric.

The proposals, subject to recommended conditions, are considered acceptable in ecological terms.

Trees and landscaping

Landscaping is a matter which is reserved for subsequent consideration. It is recommended that a landscaping scheme, as well as a tree survey, be provided which sets out the trees and hedgerows within the site or affected by the proposal in adjacent properties, giving details of trees and hedges to be retained, those removed and mitigation replacement planting.

It is considered that the above report should be provided prior to informing the layout of the scheme and agreed prior to development taking place.

Environmental protection

Contamination

The proposed residential development is a sensitive end use. Mapping suggests that the majority of the site is covered by made ground as well as several former buildings within the site boundary. There is, therefore, the potential for contaminants to be present on site such as PAHs, heavy metals and asbestos 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.

Therefore, considering the above, it is recommended that a condition addressing contamination be attached to any permission granted.

Construction

The proposed development is in close proximity to residential properties. The construction phase therefore has the potential to result in disturbance from noise to local residents. The following condition is recommended to protect residential amenity:

'Construction, demolition and site clearance operations shall be limited to the following days and hours:

- 8am to 6pm Monday to Friday
- 8am to 1pm on Saturdays.

No construction, demolition or site clearance operations shall take place on Sundays or public/bank holidays.

HGV movements shall not be permitted outside these hours during the construction phase without prior written approval from the local planning authority.

Installation of equipment on site shall not be permitted outside these hours without prior written approval from the local planning authority.'

No comments were raised in relation to light and air quality.

Conclusion

The proposed development is considered acceptable in principle given the council's lack of a five-year housing land supply and a presumption in favour of sustainable development.

Insufficient information has, however, been provided to allow a robust assessment of flood risk and drainage impacts at the site and SuDs is yet to be fully explored. The development also conflicts with land which is identified as LC14 and the development would harm the historic landscape in this location.

It is also considered that the development would result in amenity issues for surrounding residential properties, particularly 51a and 53 Brethergate in terms of site access and the impacts resulting from a rise in vehicular movements in this location.

Paragraph 11d of the NPPF is engaged in both parts i and ii:

- (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;
- (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.

For the above reasons it is considered that the scheme is contrary to policies H5, H7, LC14, DS1, DS5, DS14 and T2 of the North Lincolnshire Local Plan, and CS5, CS6, CS18 and CS19 of the North Lincolnshire Core Strategy, as well as the NPPF.

RECOMMENDATION Refuse permission for the following reasons:

1.

The proposed development is accessed off Brethergate between existing properties 51a and 53 Brethergate. It is considered that the proposed access is too close to existing properties which would lead to significant amenity issues including increased disturbance and nuisance from the movement of vehicles. As a result the proposed development would be detrimental to the residential amenity rights of adjoining neighbours contrary to policies T2, DS5, H7 and H5 of the North Lincolnshire Local Plan, CS5 of the Core Strategy, and paragraph 130 of the National Planning Policy Framework.

2.

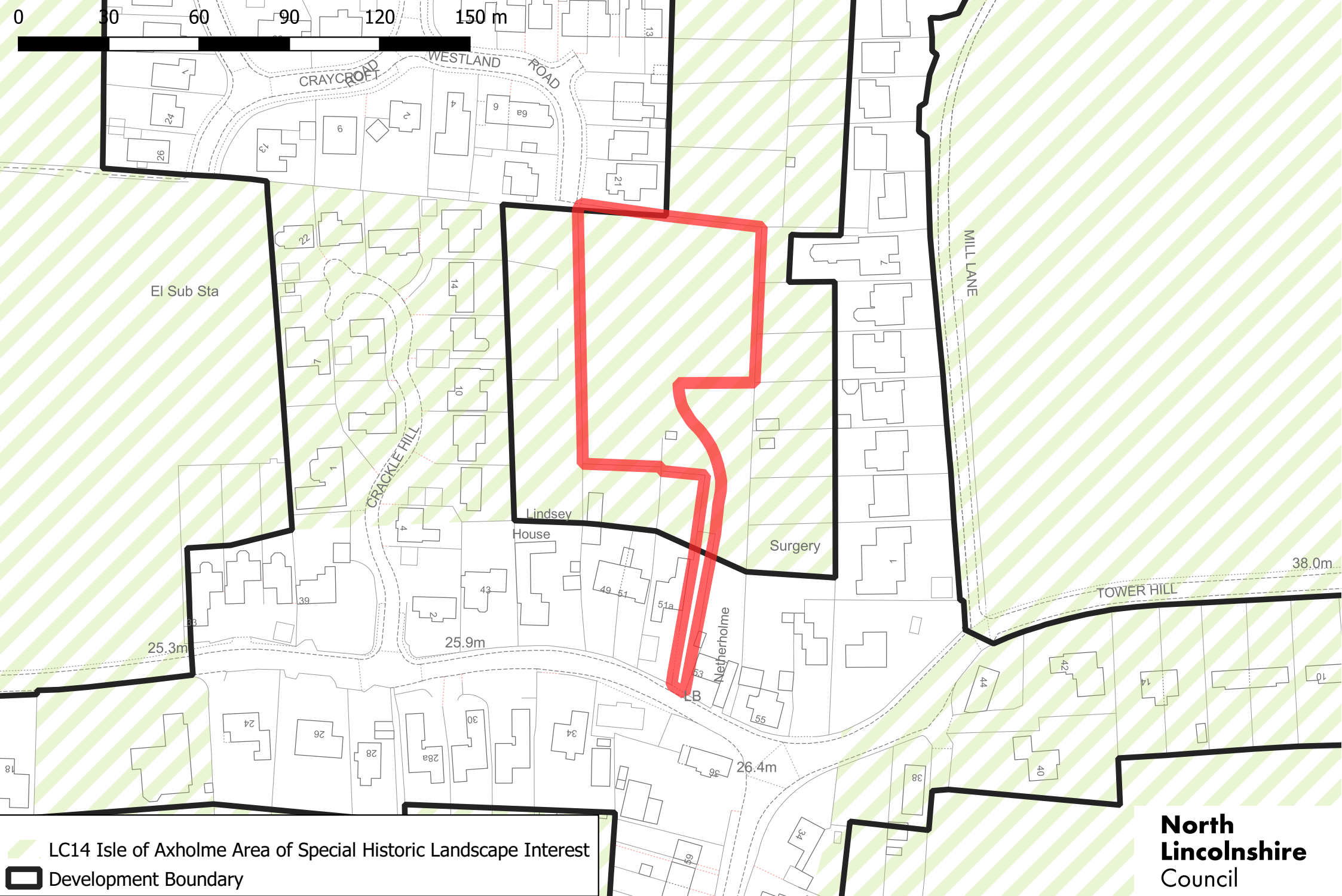
The development would adversely affect the historic landscape of the Isle of Axholme, a heritage asset of national significance. The proposed dwellings would adversely affect the character, appearance and setting of the historic landscape of the Isle of Axholme, specifically the character of the Early Enclosed Land and the setting of the core historic landscape of the Ancient Open Strip Fields at Westwoodside, as well as the historic settlement form that contributes to the character, setting and legibility of the historic landscape. The proposal is therefore contrary to policies CS5 and CS6 of the North Lincolnshire Core Strategy, policies LC14, LC7, RD2 and DS1 of the North Lincolnshire Local Plan, and paragraphs 197 and 206 of the National Planning Policy Framework.



3.

Insufficient information has been provided in respect of drainage. Therefore, the proposals are considered to be contrary to policies DS16 of the North Lincolnshire Local Plan, CS19 of the Core Strategy and paragraphs 166 and 167 of the National Planning Policy Framework.

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.



 LC14 Isle of Axholme Area of Special Historic Landscape Interest
 Development Boundary

**North
 Lincolnshire
 Council**

PA/2022/1101 Indicative layout (not to scale)



- Notes**
- A01 THESE NOTES ARE INTENDED TO AUGMENT DRAWINGS AND SPECIFICATIONS WHERE CONFLICT OF REQUIREMENTS EXISTS THE ORDER OF PRECEDENCE SHALL BE AS SHOWN IN THE SPECIFICATION. OTHERWISE THE STRICTEST PROVISION SHALL GOVERN.
 - A02 THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT ENGINEERS' AND ARCHITECTS DRAWINGS.
 - A03 DRAWINGS NOT TO BE SCALED. ALL DIMENSIONS ARE FOR INFORMATION PURPOSES AND TO BE CHECKED ON SITE BY THE CONTRACTOR PRIOR TO PREPARATION OF FABRICATION DRAWINGS. ANY DISCREPANCIES TO BE NOTIFIED TO THE DRAWER AND FURTHER INSTRUCTIONS OBTAINED BEFORE WORK COMMENCES.
 - A04 THE STRUCTURE IS DESIGNED TO BE SELF-SUPPORTING AND STABLE AFTER THE BUILDING IS FULLY COMPLETED. IT IS THE CONTRACTORS SOLE RESPONSIBILITY TO DETERMINE THE ERECTION PROCEDURE AND SEQUENCE AND ENSURE THAT THE BUILDING AND ITS COMPONENTS ARE SAFE DURING ERECTION. THIS INCLUDES THE ADDITION OF WHATEVER TEMPORARY BRACING, GUYS OR TIE-DOWNS WHICH MAY BE NECESSARY SUCH MATERIAL REMAINING THE PROPERTY OF THE CONTRACTOR ON COMPLETION AND FOR ENSURING THAT THE WORKS AND ANY ADJACENT PROPERTIES ARE SAFE IN THE TEMPORARY CONDITION.
 - A05 THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE DESIGNERS RISK ASSESSMENT.
 - A06 DRAWING PRODUCED FROM PROJECT 3D MODEL. THIS MODEL HAS NOT BEEN VALIDATED FOR SUITABILITY BY WOODSIDE CONSULTING ENGINEERS (WCE) AND THEREFORE CONSIDERED TO BE A TRUE RECORD. ALL PROJECTS COMPANY ARE TO REVIEW THE DRAWING AGAINST ASBEST INFORMATION. ANY DISCREPANCIES ARE TO BE BROUGHT TO THE ATTENTION OF WCE.
 - A07 FABRICATION DRAWINGS ARE TO BE ISSUED FOR COMMENT TO WCE PRIOR TO COMMENCING FABRICATION.
 - A08 ALL STEELWORK TO BE GRADE S275 UNLESS NOTED OTHERWISE.
 - A09 ALL STEELWORK TO BE SUPPLIED AND FABRICATED IN ACCORDANCE WITH NATIONAL STRUCTURAL STEEL SPECIFICATION.
 - A10 ALL STEELWORK TO BE CLEAN AND FREE FROM DIRT OR OIL RESIDUE.
 - A11 ALL BOLTS TO BE GRADE 8.8 UNLESS NOTED OTHERWISE.
 - A12 ALL STEEL TO STEEL CONNECTIONS TO BE FULLY WELDED. USING 4MM 45MM FILLET WELD.

NO PART OF THIS DRAWING MAY BE REPRODUCED, STORED IN A RETRIEVAL SYSTEM OR TRANSMITTED IN ANY FORM OR BY ANY MEANS WITHOUT PRIOR PERMISSION IN WRITING FROM WOODSIDE CONSULTING ENGINEERS

Drawing Status
PLANNING

DATE	DESCRIPTION	BY	CHECKED

Mr & Mrs Jones

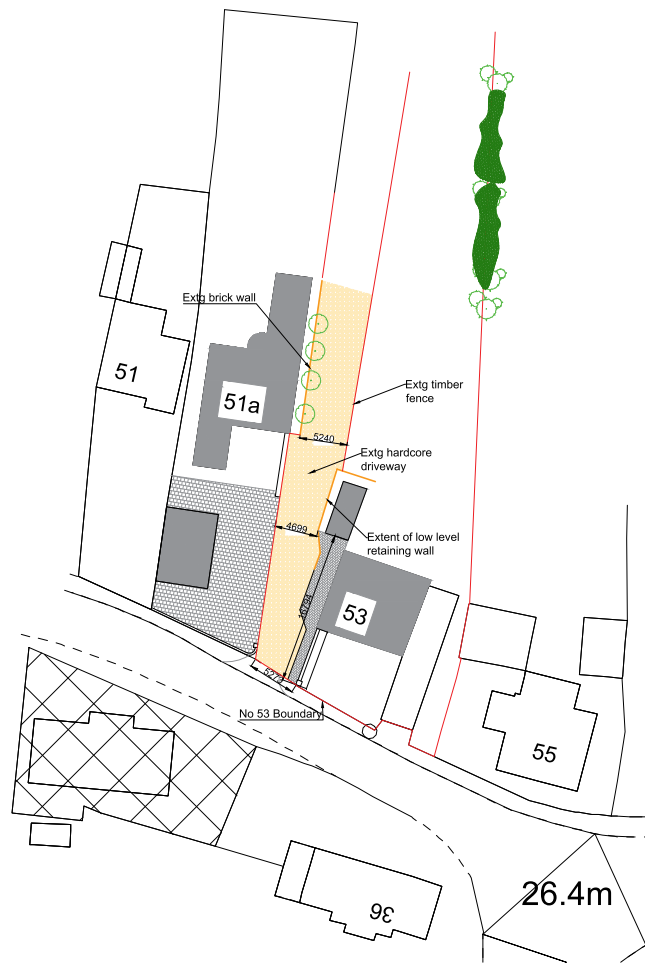
New Development @
53 Brethergate, Westwoodside

Proposed Layout

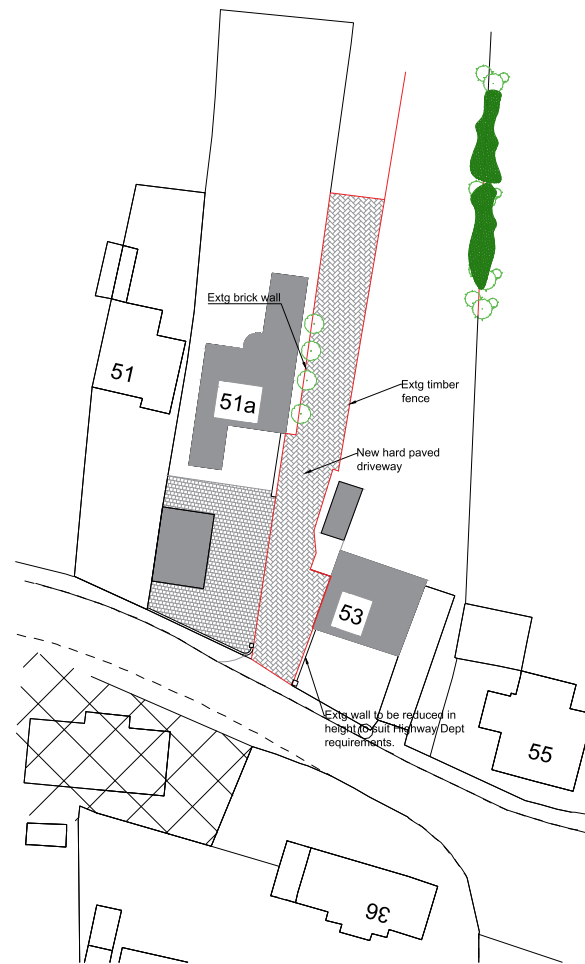
DATE	BY	APP	CHKD	DATE	SCALE
18 MAR 2022	JAVIER CALVO	001	001	18 MAR 2022	A1

Woodside Consulting Engineers Ltd
53 Brethergate, Westwoodside, Doncaster, DN9 2AA
www.woodsideconsulting.co.uk

PA/2022/1101 Proposed entrance layout (not to scale)



Existing Layout
Scale: NTS



Proposed Layout
Scale: NTS



Access From Brethergate Looking up Proposed Drive



Access Looking up Proposed Driveway



Boundary Wall to 51 A & Trees on Proposed Driveway

Notes

ALL THESE NOTES ARE INTENDED TO AUGMENT DRAWINGS AND SPECIFICATIONS WHERE CONFLICT OF REQUIREMENTS EXISTS THE ORDER OF PRECEDENCE SHALL BE AS SHOWN IN THE SPECIFICATION, OTHERWISE THE STRICTEST PROVISION SHALL GOVERN.

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ADD ALL BOLTS TO BE GRADE 8.8 UNLESS NOTED OTHERWISE.

ADD ALL STEEL TO STEEL CONNECTIONS TO BE FULLY WELDED USING M16MM FILLET WELD.

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Drawing Status
PLANNING

DATE	BY	CHKD	APPD
15/11/2022	WJ	WJ	WJ
15/11/2022	WJ	WJ	WJ

CLIENT: Mr & Mrs Jones

PROJECT: New Development @ 53 Brethergate, Westwoodside

DRAWING TITLE: Proposed Entrance Layout

DATE	BY	CHKD	APPD
15/11/2022	WJ	WJ	WJ

WOODSIDE CONSULTING ENGINEERS LTD
53 Brethergate, Westwoodside, Doncaster, DN8 2AA
01522 888888
www.woodside-engineers.co.uk