APPLICATION NO PA/2022/1591

APPLICANT A Sterry

DEVELOPMENTOutline planning permission to erect a new dwelling with all

matters reserved for subsequent consideration

LOCATION Land to the north of Croft Cottage, Brackenhill Road, East

Lound, DN9 2LR

PARISH Haxey

WARD Axholme South

CASE OFFICER Jennifer Ashworth

SUMMARY Grant permission subject to conditions

RECOMMENDATION

REASONS FOR Objection by Haxey Parish Council

REFERENCE TO

COMMITTEE Departure from the development plan

POLICIES

National Planning Policy Framework:

Section 5 (Delivering a sufficient supply of homes)

Section 12 (Achieving well-designed places)

Section 15 (Conserving and enhancing the natural environment)

Section 16 (Conserving and enhancing the historic environment)

North Lincolnshire Local Plan: Policies DS1, DS5, RD2, H5, H7, H8, T2, T19, LC12,

LC14

North Lincolnshire Core Strategy: Policies CS1, CS2, CS3, CS5, CS7, CS8, CS19

CONSULTATIONS

Highways: No objections subject to a condition requiring vehicular access and parking to be completed before the dwelling is occupied and thereafter retained.

LLFA Drainage: As there has been historical localised flooding in and around this area and its adjacent riparian watercourse network on the northern edge of the development, conditions are advised requiring the submission of a flood risk statement and drainage strategy.

Environmental Protection:

Contaminated land:

In the absence of a contamination screening form, initially recommended a four-part contamination assessment condition should permission be granted. Following submission of a contaminated land screening assessment form, recommend a monitoring condition instead.

Noise, light, odour and air quality:

No further comments.

Historic Environment Record: The application adversely affects the Area of Special Historic Landscape Interest of the Isle of Axholme (local plan policy 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 within the Early Enclosed Land character type surrounding East Lound and the setting of the Ancient Open Strip Fields east of Haxey.

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.

The Historic Environment Record recommends refusal of planning permission as the 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.

Isle of Axholme and North Nottinghamshire Water Level Management Board: No development should be commenced until the local planning authority, in consultation with the Lead Local Flood Authority, has approved a scheme for the provision, implementation and future maintenance of a surface water drainage system. The Board would wish to be consulted directly if the following cannot be achieved and discharge affects the Board's District:

- Existing catchments and sub-catchments to be maintained.
- Surface water run-off limited to 1.4l/s/ha for pumped and lowland catchments.

The suitability of soakaways as a means of surface water disposal should be ascertained prior to planning permission being granted.

Strategic/Spatial: No response received.

Waste/Recycling: No response received.

Severn Trent Water: No response received.

Yorkshire Water: No response received.

PARISH COUNCIL

Objects citing the following key concerns:

- outside development limits
- Field Road is not an adopted road
- market, not affordable, housing
- impact on the Isle of Axholme (policy area LC14)
- flood risk concerns.

PUBLICITY

A site notice has been displayed. Two responses have been received objecting to the proposal on the following grounds:

- outside development limits
- localised flooding
- vehicle access.

Two responses have also been received in support of the proposal (one from a member of the applicant's family) on the following ground:

the site is a suitable location for a dwelling.

ASSESSMENT

Site location and context

The site comprises a parcel of land to the rear of Croft Cottage, Brackenhill Road, East Lound. The land currently forms part of a garden.

The site is outside the defined development limits of East Lound, on the northern edge of the settlement.

The Cottage, Fields Road is located on the opposite side of Fields Road (approximately 5.5m from the site boundary to the building line of the dwelling). Rose Cottage is located further to the east.

Planning history

2/1979/0069: Carry out alterations to the existing cottage and rendering of the wall -

approved 9 April 1979

2/1981/0369: Erect a dwelling – approved 9 June 1981

2/1981/0370: Erection of a dwelling – refused 10 June 1981.

Designations/constraints

The site is outside the development limits of East Lound.

The site is not within a conservation area and there are no listed buildings on or adjacent to the site.

The site is within the Isle of Axholme Area of Special Historic Landscape Interest (policy LC14).

There is a Public Right of Way (Section 31) that runs to the north of the site.

There are no Public Rights of Way on or adjacent to the site.

The site is within SFRA Flood Zone 1.

Proposal

Outline planning permission is sought to erect a dwelling, with all matters reserved for subsequent consideration. The detailed design of the dwelling is to be secured through the submission of a separate reserved matters application.

The main considerations in assessing this application include:

- principle of development
- appearance and landscape impact
- residential amenity
- highway safety
- trees
- archaeology
- flood risk and drainage.

Principle of development

The site is outside the development limits of East Lound, which is defined as a 'rural settlement' in the spatial hierarchy for North Lincolnshire in the Core Strategy.

Policy CS1 (Spatial Strategy for North Lincolnshire) supports limited development in rural settlements such as East Lound provided it is in keeping with the character and nature of the settlement.

Policy CS2 (Delivering more Sustainable Development) allows for small-scale development within the defined development limits of rural settlements. 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 (Development Limits) allows for appropriate development within defined development limits, provided the proposed development responds to the context of the area and the settlement has capacity to accommodate the proposed development based on existing and proposed infrastructure. Outside these boundaries development will be restricted to that which is essential to the functioning of the countryside. The development limits were subsequently defined in the HELAP, and the application site is outside the defined development limit for East Halton.

Policy CS8 (Spatial Distribution of Housing Sites) allows for new housing within rural settlements, including small-scale infill development, that maintains the viability of the settlement and meets identified local needs without increasing the need to travel. 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.

Policy H7 (Backland and Tandem Development) allows for development in gardens provided there would no adverse effect on the amenities of any neighbouring properties (part i), and the proposal would not affect the general quality and character of the area (part ii). The proposed development for one dwelling is of a suitable scale for the site.

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).

The site is within the countryside in policy terms, though it is near to the development limits of East Lound (approximately 44m). There are also two dwellings to the east outside the development limits.

The assessment of the application also needs to take into account the NPPF, which represents a material consideration in the determination of any application.

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.

A recent appeal decision dated 20 July 2022 (PA/2020/554) has been issued where the Inspector has 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 would contribute to the overall land supply.

East Lound is a rural settlement with only 70 residential properties (2019) and is ranked within the 2019 Settlement Survey as 67 out of 76 settlements with an overall score of 9, which is significantly lower than the best score of 75. East Lound only scores a maximum of 1 out of 7 in relation to the number of key facilities available. There is no post office (or post box), no public house, no supermarket, convenience store, market, cash point, or café, take-away or restaurant within East Lound. In relation to community services the settlement scores 1 out of a possible 20 points, a mobile library being the only facility available. In considering education and health, East Lound scores 0 out of a possible 16 points. There is no doctor's surgery, chemist, dentist, primary, secondary or further educational school, or nursery. In relation to public transport there is bus stop and a daily service, and the settlement is within 30 minutes of an employment centre. There is no police or fire station, and no hotels or guest accommodation.

Whilst East Lound scores low in the Settlement Survey, the settlement is within close distance of Haxey. Haxey is also identified within the Core Strategy as a rural settlement; however, it ranks much higher in the Settlement Survey being ranked 14 out of 76 settlements. Haxey is identified as a rural settlement and is the largest village in the Isle of Axholme, as stated within the Settlement Survey, and has 5 of the identified 7 key facilities. Facilities include a post office, public house, supermarket chain, takeaway/tearoom, cash point, other shops and a post box. In relation to community services, Haxey has a library, village/church hall, place of worship, playgrounds, sports pitches and leisure pursuits. Considering health and education, the settlement scores well, having a GP surgery,

chemist, primary school and nursery. A daily bus service is available and there are two bus stops along Brackenhill Road to the west, within a five-minute walk of the site.

There is a footpath which is well connected to the surrounding locality and would encourage footfall connectivity.

The location of the dwelling would support and sustain existing services in the local area. Moreover, it is considered the location of the proposal would not be wholly dependent on car travel.

This approach is supported by the NPPF. Paragraph 79 states, 'to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.'

Environmental: The site is currently identified by the applicant as 'garden land associated with Croft Cottage which lies to the south of the site'. The applicant confirms in his statement that 'any development would include a biodiversity scheme including bat roosting features'. It is considered that the development offers the potential for landscape and biodiversity enhancement through the delivery of the housing scheme.

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 above matters weigh heavily in favour of the proposal in terms of the economic, social and environmental dimensions of sustainability. As a result, it is considered the proposed dwelling would be situated within a sustainable location.

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 in this case, based on the suitability of the site, that the proposal for outline planning permission for a dwelling is acceptable.

Appearance and landscape impact

Policies DS1 (General Requirements) and CS5 (Delivering Quality Design in North Lincolnshire) are both concerned with visual amenity, the former stating that proposals should be sympathetic in design, scale and materials.

This application seeks outline permission for a dwelling and as such the detailed design, including the layout, scale, appearance and landscaping within the plot will be secured through a subsequent reserved matters application.

There is a mixture of property types within the area, though most are detached (as is the proposed dwelling).

The detailed design should reflect the character of its surroundings, including materials used on other properties within the area. These matters would be considered through the determination of the reserved matters application.

The site is within the Isle of Axholme Area of Special Historic Landscape Interest. Policy LC14 does not allow development within the area that would destroy, damage or adversely affect the character appearance or setting of the historic landscape. The policy also requires a high standard of design and siting in new development within the area when such development is considered necessary or appropriate, which should reflect the traditional character of buildings in the area. Although the detailed design is not yet known, it is considered that the site has the capacity to support a suitable design and a dwelling could be accommodated without having a detrimental impact on the special historic landscape area.

Therefore, it is considered that the proposal would have an acceptable impact on the character of the area.

Residential amenity

Policy DS1 (General Requirements) requires proposals to be designed so as not to result in an unacceptable loss of amenity to neighbouring land uses in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.

The application seeks outline consent, with all matters reserved. The proposed layout and orientation of the dwelling is therefore not yet confirmed.

There are, however, suitable separation distances between the plot and surrounding properties and it is considered that the plot is of a sufficient size to accommodate a dwelling that would not have an overbearing or overshadowing impact.

For example, the proposed dwelling as shown indicatively on the plan would be approximately 20m to the west of the nearest residential property (The Cottage, Fields Road). Rose Cottage is located further to the east of The Cottage and is partially screened from view from the site by existing vegetation.

There are no properties to the north, and the other nearest properties (for example, Croft Cottage) are approximately 48m to the south of the site boundary.

There is capacity within the site to feature a dwelling that incorporates a design that will have an acceptable impact on the residential amenity of neighbouring properties. The reserved matters application will need to ensure that the proposal accords with the requirements of policy DS1.

Highways

Policies T2 (Access to Development) and T19 (Car Parking Provision and Standards) require that proposals do not adversely impact upon highway safety and provide suitable parking for the development.

The application is in outline form only, with all matters reserved, including access.

The indicative site layout plan shows that the proposed access would be taken from Fields Road, along the eastern boundary of the site. Vehicles already use this road to access properties to the east of the site (Croft Cottage and Rose Cottage).

The council's Highways team have reviewed the proposals and confirmed they have no objections subject to a condition requiring access and parking spaces to be provided prior to the occupation of the dwelling.

It is considered that there is sufficient room for parking and turning within the site, though the layout will be secured through the reserved matters application.

The site has the capacity for a safe access and for suitable parking arrangements, and the proposals should therefore accord with policies T2 and T19.

Flood risk and drainage

Policies CS19 and DS16 relate to flood risk. The site is within Flood Zone 1, which is considered to be at a low risk of flooding. The council's drainage team have reviewed the proposals and confirmed they have no objections subject to conditions.

The proposals are therefore considered to be acceptable in flood risk and drainage terms and comply with policies DS16 and CS19.

Trees

Policy LC12 (Protection of Trees Woodland and Hedgerows) sets out that proposals for all new development will, wherever possible, ensure the retention of trees, woodland and hedgerows.

The site features a hedgerow around the northern and eastern boundaries and there are trees within the site. The existing vehicle access can be used though it will need to be improved. The hedgerow should be able to be largely retained. The trees within the site are part of the residential garden. Although the proposed layout is not yet confirmed, it is likely that two of the trees within the garden would require removal. These trees are not subject to a tree protection order.

Whilst the retention of trees is encouraged, it is considered that the loss of some of the trees is acceptable when weighed against the benefits of the provision of a dwelling.

The proposed development is considered to accord with policy LC12.

Other matters

The council's Environmental Protection team have reviewed the submitted contaminated land screening assessment form and recommend a contamination monitoring condition be attached to any permission granted.

Whilst the council's ecologist has not commented, policy CS17 of the Core Strategy and paragraph 170 of the NPPF relate to biodiversity. Paragraph 170 states in part that a net gain for biodiversity should be achieved. It is recommended that a condition to secure a biodiversity scheme for the site, as well as a net gain in biodiversity, is attached. Securing the condition on site would ensure the suggestions set out within the planning statement are realised. The statement confirms:

'Any development would include a biodiversity scheme including bat roosting features.'

Pre-commencement conditions

The pre-commencement conditions contained in the recommendation have been agreed with the applicant.

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.

RECOMMENDATION Grant permission subject to the following conditions:

1.

Approval of the details of the layout, scale and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the local planning authority in writing before any development is commenced.

Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

2.

Plans and particulars of the reserved matters referred to in condition 1 above, relating to the layout, scale and appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

3.

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

4.

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

5. Development shall proceed in accordance with the following approved drawing: Location Plan (LICF 004).

Reason

For the sake of clarity and in the interests of proper planning.

6.

The dwelling shall not be occupied until the vehicular access to it and the vehicle parking space(s) serving it have been completed and once provided the parking spaces 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 flood risk statement and drainage strategy has been submitted to and approved in writing by the local planning authority. This should outline all sources of flood risk (including surface water, ground water and ordinary watercourse) and proposals to mitigate this and include preliminary drainage layout plans. SuDS should be considered. Full ground investigations must be carried out along with a feasibility assessment for infiltration. Infiltration tests should comprise full-scale tests to demonstrate long-term effectiveness and suitability. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document.

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 155, 157, 163 and 165 of the National Planning Policy Framework.

8. 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.

9. 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.

10.

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 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.

11.

No above-ground works shall take place until a biodiversity management plan has been submitted to and approved in writing by the local planning authority.

Reason

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

12.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. 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.

Reason

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

Informative 1

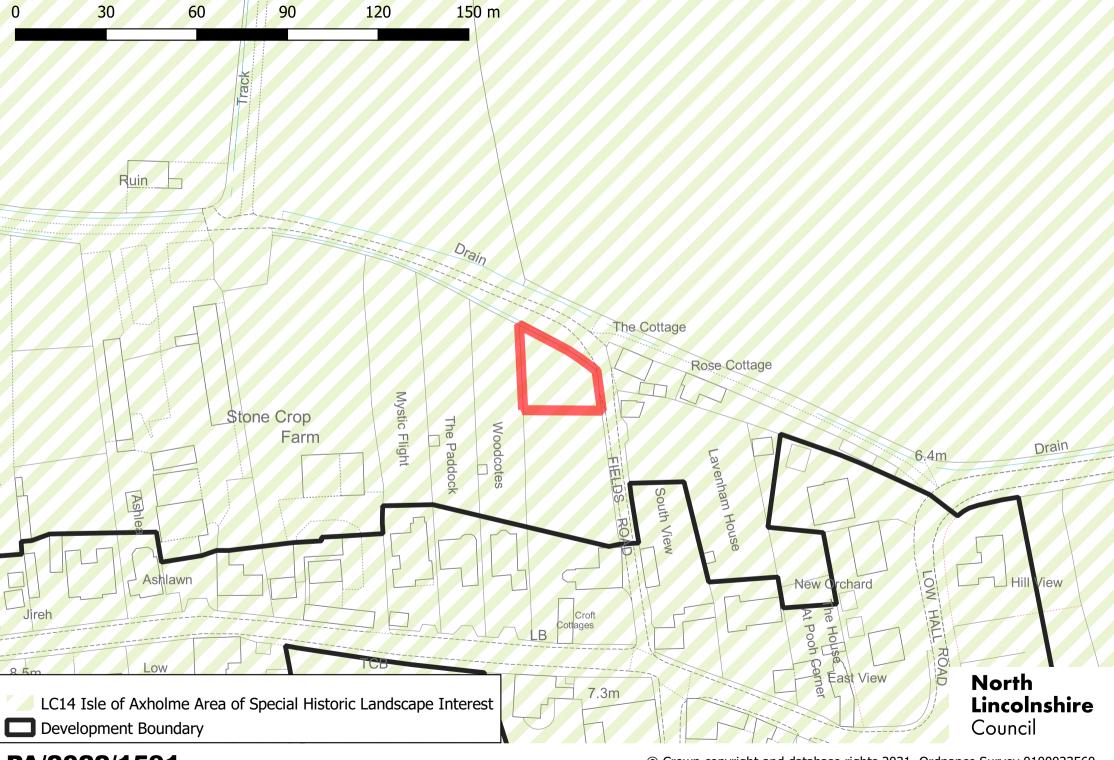
Our records indicate that the proposed development site is bounded by, or has running through it, a watercourse (surface water pipe/culvert or ditch). Following inspection, the watercourse may need to be cleared, replaced, protected or diverted by the landowner at their expense in accordance with their riparian responsibilities. An easement adjacent to the watercourse may need to be provided for future maintenance. Any other drainage feature found during excavations must be immediately reported to the LLFA Drainage Team via email to Ilfadrainageteam@northlincs.gov.uk prior to any further construction works being carried out. Please refer to North Lincolnshire Council's 'Guide to Watercourses and Riparian Ownership' detailing riparian rights and responsibilities. Compliance with this

guidance is to ensure the free flow of surface water is maintained throughout the development.

Alterations and/or connections into the watercourse must be consented by the local Internal Drainage Board through an Ordinary Watercourse Consent and appropriate discharge rates must be agreed. Please contact the LLFA Drainage team via email for further details. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

Informative 2

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



PA/2022/1591 Indicative layout (not to scale) Notes: Do not scale dimensions from this drawing. Only figured dimensions are to be taken from this drawing. Check all dimensions on site before commencing any work or shop drawings. © Copyright: All rights reserved. This drawing must not be reproduced without permission of Mark Simmonds Planning Services. Based upon the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. 100053143 2022. MYSTIC FLIGHT SOUTH VIEW BRACKENHILL ROAD Drawing Title Mark Simmonds **PLANNING SERVICES** PROPOSED SITE PLAN enquirles@marksimmondsplanningservices.co.uk CROFT COTTAGE, FIELDS ROAD Mark Simmends EAST LOUND, HAXEY Mark Simmonds Planning Services Ltd Mercury House Willoughton Drive Scale @ A3 1:500 Foxby Lane LICF 005 Gainsborough DN21 1DY JUL/2022