APPLICATION NO PA/2022/1440

APPLICANT Mr Mark Snowden, Keigar Homes Ltd

DEVELOPMENT Planning permission to erect two dwellings, including demolition

of existing dwelling

LOCATION The Field, 7 Vicarage Lane, Wootton, DN39 6SH

PARISH Wootton

WARD Ferry

CASE OFFICER Deborah Oikeh

SUMMARY Subject to a Section 106 agreement, grant permission

RECOMMENDATION subject to conditions

REASONS FORDeparture from the development plan **REFERENCE TO**

COMMITTEE Objection by Wootton Parish Council

POLICIES

National Planning Policy Framework: Chapters 2, 4, 5, 9, 11, 12 and 15

North Lincolnshire Local Plan: RD2, H5, H8, LC6, T2, T19, DS1, DS7, DS14, DS16, HE9

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS5, CS7, CS8, CS17, CS19

Housing and Employment Land Allocations Development Plan Document: Policy PS1

(Presumption in Favour of Sustainable Development)

New North Lincolnshire Local Plan Submission:

The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until early in 2023.

The Submitted North Lincolnshire Local Plan can be given some weight as a material planning consideration in the determination of planning applications. The relevant policies concerning this application are as follows:

RD1: Supporting Sustainable Development in the Countryside

SS1: Presumption in favour of Sustainable Development

SS3: Development Principles

SS6: Spatial Distribution of Housing Sites

SS10: Development Limits

CONSULTATIONS

Highways: No objection subject to a condition.

Environmental Protection: Recommend a contamination condition.

Archaeology: No objection.

Ecology: No objection subject to conditions.

Drainage: No objection subject to a condition.

Waste & Recycling: Provide standard guidance.

PARISH COUNCIL

Objects due to loss of visual amenity for residents of existing properties close to the proposed development.

PUBLICITY

Advertised by site notices. Seven letters of objection have been received raising the following issues:

- loss of outlook and rural atmosphere
- overlooking
- increased traffic
- loss of trees on the site and bat habitat
- demolition of one dwelling to replace with two is inappropriate
- loss of privacy
- bin location and pollution
- application site split into two plots.

ASSESSMENT

Planning history

PA/2018/1381: Planning permission to erect five detached dwellings with private drive and

associated external landscaping - approved 04/07/2019

PA/2021/1992: Planning permission to vary condition 2 of PA/2018/1381 (revised layout

and house type design) and removal of condition 3 – approved 09/02/2022

PA/2015/0839: Planning permission for the erection of 7 dwellings with recreational open

space (to be used as school playing field) and associated access road

(including the demolition of 70 High Street) – refused 21/10/2015

PA/2015/0346: Planning permission to extend and alter existing bungalow to form two-storey dwelling, and change the use of land for the keeping of horses – approved 10/08/2015.

Proposal and site characteristics

This proposal is for the erection of two detached dwellings following demolition of the existing dwelling on the site (7 Vicarage Lane). Extant permissions on the field include PA/2018/1381 and PA/2021/1992. These permissions allow the erection of five detached dwellings and variation in design respectively. The proposed dwellings, together with the approved detached dwellings, are arranged in a circular rotation around the turning head and driveway. There is screening (hedges and scattered shrubs) to all boundaries. The dwellings are essentially two-storey with rooms in the roof space. The site lies in flood zone 1 of the council's SFRA. Planning application PA/2015/0839 was refused on the site in October 2015 for the erection of seven dwellings, open space, access road and the demolition of 70 High Street, because the council could demonstrate an up-to-date five-year housing land supply at the time.

Site constraints

The site is outside the development boundary of Wootton, according to the HELADPD 2016.

The site is within SFRA flood zone 1.

Main considerations

- The principle of the development
- Impact upon character and appearance
- Impact upon residential amenity
- Impact upon access and highway safety
- Flood risk and drainage
- Land contamination
- Archaeology
- Ecology.

The principle of the development

The application site is outside of any defined settlement boundary and the proposal would represent a departure from the current development plan. In determining whether the principle of residential development outside the settlement boundary is acceptable in this instance it is necessary to consider the development plan for North Lincolnshire, namely: those policies of the North Lincolnshire Local Plan (2003) (LP) which were saved by a direction of the Secretary of State in September 2007, the North Lincolnshire Core Strategy DPD (2011), the Housing and Employment Land Allocations DPD (2016) and the emerging local plan.

Policy CS1 sets out a spatial strategy for North Lincolnshire, which, amongst other matters, states that rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing local services to meet local needs and that any development that takes place should be in keeping with the character and nature of the settlement.

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 designated development limit for Wootton. There are no allocated housing sites within Wootton.

Policy CS8 deals with the distribution of housing sites and prioritises development in Scunthorpe and the market towns, with brownfield sites and sites within development boundaries being the primary focus. With regard to rural settlements, the policy states that new housing will create opportunities for small-scale infill development that maintains the viability of the settlement and meets identified local needs without increasing the need to travel.

Policy CS8, whilst restricting housing outside development limits, contemplates some greenfield development as it refers to allowing development on such sites where it can be demonstrated that this would bring additional community benefits, contribute to building sustainable communities and be acceptable in terms of its impact on the high-quality environment and adjoining countryside. This overall approach is supported by policy CS2 which sets out a sequential approach for development.

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 to meet an essential proven need and the open countryside is the only appropriate location for the development. 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 aforementioned policies are aimed at focusing housing within settlement limits as defined in the Housing and Employment Land Allocations DPD. The application site is entirely outside the defined development boundary for Wootton and is therefore considered to be in breach of policies CS2, CS3 and CS8 of the Core Strategy and RD2 of the local plan.

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.

Policy SS1 of the council's emerging local plan relates to presumption in favour of sustainable development. It requires that a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF should be taken when considering development proposals.

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:

Economic:

Although Wootton is identified as a smaller rural settlement in the sustainable settlement survey, it is ranked 38th out of the 76 settlements in the North Lincolnshire Settlement Survey 2019, with four key facilities including a primary school. Vicarage Lane is close to the bus stop on the High Street which provides a service to the larger settlement of Barton upon Humber. The main services in Wootton can be accessed on foot or by cycling as they are relatively close to the application site. There is also the potential for job creation for local residents in construction and related employment. The proposal thus accords with the need to site development in locations with accessible local services.

Social:

The site is set on the edge of the development boundary of Wootton and in principle already has six dwellings, namely the approved five dwellings and the existing bungalow to be demolished. Therefore, allowing one additional dwelling to make a total of seven at the edge of a settlement would bring social benefits by way of encouraging new social interactions, leading to growing local communities and supporting local services.

Environmental:

In terms of the environmental dimension, the development will partly result in the redevelopment of the site and offers the potential for landscape and biodiversity enhancement through the delivery of the housing scheme.

These matters weigh heavily in favour of the proposal in terms of the economic, environmental and social dimensions of sustainability. As a result, the proposal is considered to be a sustainable form of development and therefore the principle of the development is considered to be acceptable.

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.

Impact on residential amenity

Although the site is immediately outside the development boundary, it can be viewed as an infill development given the existing surrounding built form, including dwellings along Vicarage Lane, High Street, Wudaton Court and especially the five detached dwellings with extant permission under PA/2018/1381, subsequently amended under planning application PA/2021/1992.

In terms of residential amenity, the nearest dwelling is about 30m from the proposed dwellings. Whilst the proposed dwellings may be visible from surrounding properties, especially 1–3 Wudaton Court, this will not result in a harmful or unacceptable amenity loss to neighbours given the separation distance, hedges and shrubs (though scanty) and the proposed 2m high close-boarded fence to be installed round the perimeter of the development site. The fenestrations to the side (east) elevation are very limited whereas the fenestration to the rear (south) will be partly obscured by the existing conifer hedges, trees and fence. Whilst the dwellings on the site appear large in comparison to some surrounding, they will not pose any unacceptable domineering impact upon surrounding dwellings given the separation distance. The proposal therefore accords with policies DS1 and H8 of the North Lincolnshire Local Plan and CS1, CS2, CS5 and CS7 of the Core Strategy.

Residents' concerns regarding loss of outlook or view are noted, however these are not planning or material considerations and so cannot be given weight in assessing the proposal.

Impact on character and appearance

Although the development of the site may be viewed as an open land encroachment, the siting of the existing bungalow, 7 Vicarage Lane, in the middle of this open land does provide potential to erect dwellings close to it and close to the development boundary. In addition, the existing consented five dwellings on the field further makes it difficult to regard the site as open land but rather built up. Therefore, it is not necessary to prevent further development of the site but rather make effective use of it, subject to adherence to other policies.

This proposal seeks to demolish the bungalow which represents a mix-match of design, sited in the middle of five modern dormer two-storey dwellings with extant consent. It is

considered that the removal of the bungalow, replacing it with similar designed dwellings, would improve the appearance of the area and not offset it.

Again, there were concerns regarding replacing one dwelling with two on the site. Planning application PA/2021/1992 permitted the variation of condition 2 for a revised layout and house type design on 09/02/2022. To some extent this amendment created more space in the south-eastern part of the field where the proposed dwellings will be sited. If the two dwellings were to be sited on the same footprint as 7 Vicarage Lane, this would amount to overdevelopment. However, given the plot of land referenced on the plans VL/169/04, it is considered that two dwellings with standard amenity space can be sited conveniently, without prejudicing the amenity rights of adjoining neighbours.

The proposal therefore accords with policies DS1 and H8 of the North Lincolnshire Local Plan and CS1, CS2, CS5 and CS7 of the Core Strategy.

Access

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 therefore considered relevant.

Access to the proposed development remains the existing access for 7 Vicarage Lane. The access will serve seven dwellings in total following the redevelopment of the site. The site benefits from off-street car parking spaces for each dwelling with enough hard standing area to the front to allow turning and parking. The highways team have assessed the proposal and have recommended a condition which will be attached to any permission granted.

Concerns from residents regarding highway safety and traffic are noted. It is considered that in addition to the construction phase traffic management plan condition, amongst others, attached to PA/2021/1992, a condition relating to completion of parking spaces for the two dwellings prior to their occupation will lessen any impact upon parking and highway safety in the area.

Drainage

Policy CS19 of the Core Strategy is concerned with flood risk, whilst DS14 and DS16 of the local plan are concerned with flood risk, drainage and foul water. Policy CS19 in particular states, 'The council will support development proposals that avoid areas of current or future flood risk, and which do not increase the risk of flooding elsewhere.'

The proposed site is situated within SFRA flood zone 1 and is therefore a suitable location for development. The LLFA drainage team has been consulted and has raised no concerns subject to a condition. It is therefore assessed that the proposal accords with policies DS14 and DS16 of the local plan and CS19 of the Core Strategy.

Archaeology

In terms of archaeology, archaeological evaluation in connection with PA/2018/1381 on this site did not identify any significant archaeology. The council's archaeologist was consulted and had no further recommendations or objections. The proposal therefore accords with policy HE9 of the North Lincolnshire Local Plan and policy CS6 of the Core Strategy.

Land contamination

Policy DS7 of the local plan relates to contaminated land. The initial assessment submitted by the applicant was deemed insufficient by the Environmental Protection team who recommended a contaminated land condition. However, further information was subsequently submitted and sent to Environmental Protection which has been reviewed. Given the further information provided, a condition to mitigate impact of contamination if found during development was recommended by the environmental protection. In addition, the review identifies presence of asbestos in the dwelling to be demolished therefore, an asbestos survey shall be submitted prior to the demolition of the dwelling. This shall be conditioned to ensure safety of workers and future occupiers of the site.

Ecology

In terms of wildlife/biodiversity the applicant has submitted an ecological appraisal with the application. Residents of Vicarage Lane did raise important concerns regarding loss of trees on the site. For the purposes of the Small Sites Metric, the habitat baseline should be taken from aerial photos and ecological surveys made prior to site clearance. This is what the applicant's ecologist has done. It is also expected that there should be a presumption that lost tree cover will be made up either at the development site or in close proximity to it. Exceptionally replanting elsewhere will be allowed. Planning obligations may be required to secure such planting. Consequently, it was recommended that a Section 106 agreement for off-site habitat creation should apply to this scheme, which the developer has consented to.

There was also a mention by a resident of the need to verify the supporting ecological documents sent to the planning authority. In this regard, the council's ecologist was consulted to further assess the additional documents. The ecologist raised no objection; however, it was recommended that a condition be imposed to ensure the implementation of the ecological plan submitted for the site. It is therefore considered that the proposal accords with policies LC5 of the North Lincolnshire Local Plan and CS17 of the Core Strategy.

Other issues

An issue regarding bin collection location was also raised by a member of the community. The proposed location for bin collection is the same as approved under the amended scheme PA/2021/1992. It is also worth noting that the location is just for bin collection on certain days of the week and not a permanent position for the bins; hence, any environmental impact upon the adjacent site will be limited in this case.

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 condition

The pre-commencement condition contained in the recommendation has been agreed with the applicant.

RECOMMENDATION

Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 to secure the delivery of one habitat unit off-site valued at £22,000, the committee resolves:

- (i) it is mindful to grant permission for the development;
- (ii) the decision be delegated to the Development Management Lead upon completion of the obligation;
- (iii) if the obligation is not completed by 11 July 2023 the Development Management Lead be authorised to refuse the application on grounds of loss of biodiversity; and
- (iv) the permission so granted be 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:

- Location plan VL/169/02 rev A
- Proposed site layout & landscaping plan VL/169/04 rev B
- Floor and elevation plans VL/169/106 & VL/169/107
- Ecology Site Plan VL/169/09 rev B
- Design and Access Statement.

Reason

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

3.

The ecology site plan shall be implemented in accordance with the following approved plan - Ecology Site Plan VL/169/09 rev B.

Reason

To conserve and enhance biodiversity in accordance with policies LC5 of the North Lincolnshire Local Plan and CS17 of the Core Strategy.

4.

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

Reason

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

5.

The development shall be carried out in accordance with the submitted Surface Water Drainage Plan, Drawing No: VL/169/08, Rev: A, Dated: 22/08/22.

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.

6.

If during development any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement, detailing how this contamination shall be dealt with, has been submitted to and approved by the local planning authority. The approved method statement shall be implemented in full prior to development commencing on the site.

Reason

To ensure the site is safe for future users and construction workers in accordance with policy DS1 of the North Lincolnshire Local Plan.

7.

An asbestos survey shall be undertaken prior to demolition of the dwelling '7 Vicarage Lane' to identify the location, type and amount of asbestos containing material, and a proposal for managing and disposing of any asbestos identified.

Reason

To ensure that risks from asbestos to the environment, future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, nearby residents and other offsite receptors in accordance with policy DS1 of the North Lincolnshire Local Plan.

Informative 1

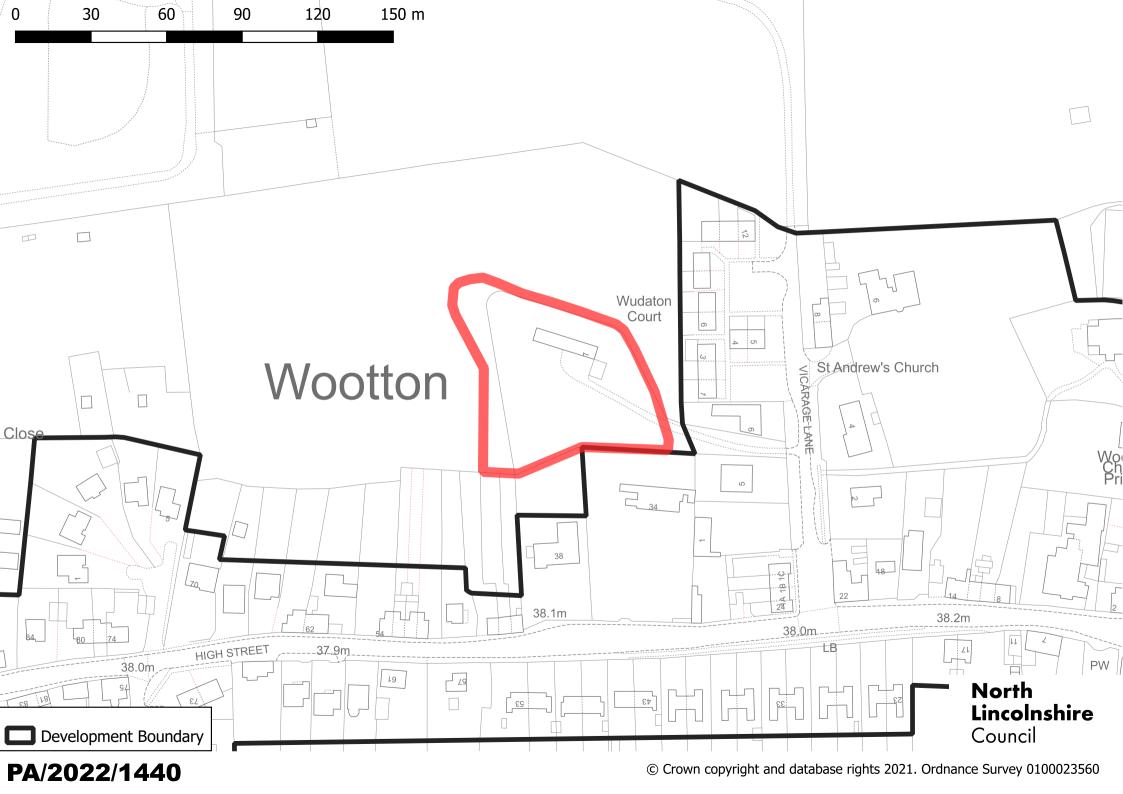
This application must be read in conjunction with the relevant Section 106 Agreement.

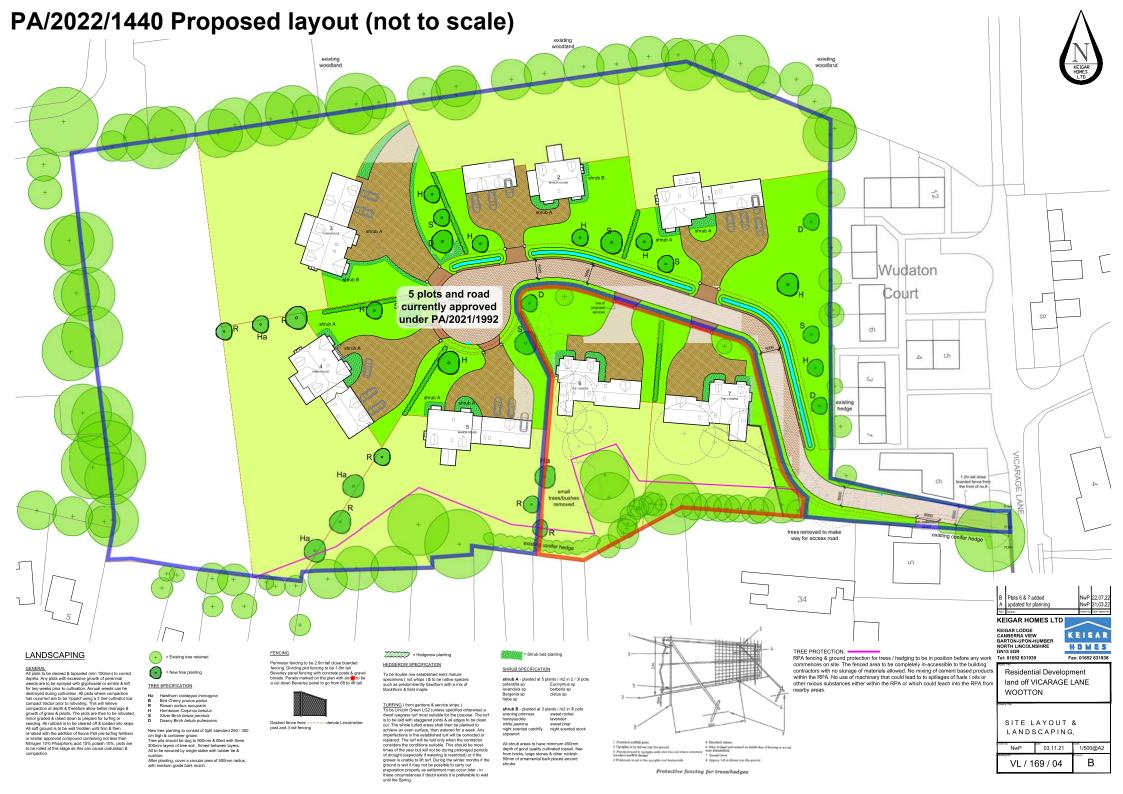
Informative 2

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.

Informative 3

The applicant's attention is drawn to the guidance contained in the council's Waste & Recycling team's consultation response dated 18/08/2022.





PA/2022/1440 Proposed floor plans & elevations (plot 6) (not to scale)

REAR ELEVATION





PA/2022/1440 Proposed floor plans & elevations (plot 7) (not to scale)

