

APPLICATION NO	PA/2022/2217
APPLICANT	Mr Graham Boag
DEVELOPMENT	Outline application for three dwellings, including demolition of existing workshop, with all matters reserved
LOCATION	77–79 High Street, Wootton, DN39 6RR
PARISH	Wootton
WARD	Ferry
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Wootton Parish Council Significant public interest

POLICIES

National Planning Policy Framework:

- 2 Achieving sustainable development
- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 8 Promoting healthy and safe communities
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 16 Conserving and enhancing the historic environment

North Lincolnshire Local Plan:

- DS1 General requirements
- DS7 Contaminated land
- DS14 Foul sewage and surface water drainage
- H5 New housing development
- H7 Backland and tandem development
- H8 Housing design and housing mix

LC5 Species protection

T2 Access to development

T19 Car parking provision and standards

North Lincolnshire Core Strategy:

CS1 Spatial strategy for North Lincolnshire

CS2 Delivering more sustainable development

CS5 Delivering quality design in North Lincolnshire

CS7 Overall housing provision

CS8 Spatial distribution of housing sites

CS17 Biodiversity

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 2024.

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:

SS1 Presumption in favour of sustainable development

SS2 A spatial strategy for North Lincolnshire

SS3 Development principles

SS5 Overall housing provision

SS6 Spatial distribution of housing sites

SS11 Development limits

DQE1 Protection of landscape, townscape and views

DQE6 Sustainable drainage systems

CONSULTATIONS

Highways: No objection, recommend conditions.

LLFA Drainage: No objection, recommend conditions.

Environmental Protection: No objection, recommend conditions.

PARISH COUNCIL

Objects on the grounds the access is inadequate and will create visibility problems, aggravated by on-street parking.

PUBLICITY

Original submission:

Site notices were displayed and 13 letters of objection received (including 3 from the same address) raising similar issues as the parish council, together with the following:

- narrow entrance to the site
- it will aggravate existing highway issues
- the parking for the existing houses is unlikely to be used
- there is poor visibility along the High Street
- impact from plot 3 on residential amenity
- overlooking from the pair of semi-detached houses
- over-development
- no windows should overlook gardens
- the existing building to be demolished should be considered as a designated heritage asset
- increase in congestion and risk of accidents
- the existing building should be protected and retained
- not in keeping with the character of the area
- loss of light to conservatory
- questionable separation distances
- insufficient parking provision
- there are bats in the existing building
- impact on property prices
- there are a number of empty houses in the village
- no need for new dwellings
- the local school is oversubscribed

- impact on local services
- potential for an increase in vehicles being parked in the highway
- difference in ground levels will exacerbate potential for loss of amenity
- no backland development in Wootton
- cramped development
- backland form of development
- concern over size, scale and siting of plot 3 and potential for overlooking and overshadowing.

Amendments:

Following the receipt of amended plans, additional site notices were displayed. Four further letters of objection were received, raising similar issues to those raised by members of the public and the parish council previously, together with the following:

- this application should be considered on its own merits – it should not take into account any previous applications on the site
- the bat and environmental surveys have not been undertaken
- security lights will affect the privacy of neighbouring properties
- tandem, backland development
- the proposed access is narrower than the plan suggests
- there is no provision for bin collection
- it represents a significant departure from the previous application on the site
- dense form of development
- elevated ground levels for the dwelling proposed to the rear
- it will set a precedent for further development of this nature
- on-street parking has worsened in recent months
- the current site plan revision is incorrect and doesn't reflect true land ownership
- it is a fraudulent, invalid application.

Further amendments:

The applicant has since revised the plans further to reflect the extent of land ownerships. Additional site notices have been displayed and the same four objectors have responded, raising the following issues:

- not enough services in the village for the development to support
- loss of light and privacy to neighbouring properties
- the plans are still incorrect in respect of land ownership
- the applicant is not the sole owner of the land to which the application relates
- the proposed siting of four car parking spaces along the eastern edge of the development is not possible as the land is not in the ownership of the applicant.

ASSESSMENT

Planning history

PA/2005/1565: Outline planning permission to erect 3 dwellings (resubmission of PA/2005/1114) –refused 07/11/2005

PA/2005/1114: Outline planning permission for residential development – refused 30/08/2005

PA/2009/0501: Application for approval of reserved matters pursuant to outline application PA/2005/1565 determined by appeal dated 08/05/2006 for the erection of two linked dwellings and a single detached dwelling – approved 02/07/2009

The application site comprises a single-storey building which fronts High Street in Wootton and land to the rear. The site was used as a workshop and associated yard and the building to the site frontage has the remnants of a steel frame attached at the rear. The site at the rear is laid to hardstanding and is undulating in its ground levels, it is bordered by residential properties on three sides and is located within the defined settlement boundary for Wootton. The site extends to approximately 700m² in area, it is located in flood zone 1 and borders large sheds to the west which are used in association with a haulage yard. Outline planning permission is being sought to erect three dwellings with associated parking and amenity space; this involves the demolition of the existing workshop and the steel frame.

The main issues in the determination of this application are the principle of development, impact on residential amenity and highway issues.

Principle of development

The existing building and lean-to, together with the land to the rear, is located wholly within the defined settlement boundary for Wootton. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the saved policies of the North Lincolnshire Local Plan (NLLP), the North Lincolnshire Core Strategy (NLCS) and the Housing and Employment Land Allocations Development Plan Document (HELADPD). Material considerations exist in the form of national policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG).

This proposal is for the redevelopment of the site (following demolition of the existing building and lean-to) and the erection of three dwellings. The whole of the application site where the

dwellings are proposed is within the defined development boundary for Wootton as shown in the Housing and Employment Land Allocations DPD. Furthermore, the application site is in a sustainable location, within walking distance of local services (including a school, public house, church and village hall), and with access to the local bus route which is opposite the Nags Head public house, providing a regular bus service to Barton upon Humber, Hull and Grimsby. The proposal therefore accords with the principles of sustainable development as set out in the policies of the local plan, Core Strategy and the National Planning Policy Framework on delivering residential development in appropriate locations. The proposal would deliver three additional market dwellings within the defined settlement boundary for Wootton and as such would help to support these local services/amenities.

Policy H8 of the local plan (Housing Design and Housing Mix) applies and states that new residential development will be permitted provided that it incorporates a high standard of layout which maintains, and where possible improves and enhances, the character of the area and protects existing and natural and built features, landmarks or views that contribute to the amenity of the area. This site constitutes developable land within the settlement boundary of Wootton, in a sustainable location. There is, therefore, a presumption in favour of residential development.

A number of objectors have questioned the need for additional housing in Wootton, taking into account recent approvals for new dwellings. However, if a developable site within the defined settlement boundary for a settlement is put forward for redevelopment (through the submission of a planning application) the local planning authority can only consider the proposal on its own merits, irrespective of whether a particular settlement has had dwellings approved within the past few years. Concerns raised in relation to the strain on existing services/utilities that would be caused by the development are noted. However, no evidence has been submitted to suggest that the proposed additional dwellings would result in any demonstrable harm to existing services/utilities in Wootton. The development falls under the threshold for contributions to be sought under a Section 106 agreement in this case.

Issues have been raised in relation to land ownership and that the application is invalid in its present form. The applicant has revised the plans to take account of the small parcel of land which is in the ownership of the neighbouring property owner, and it is the opinion of the local planning authority that the supporting drawings reflect the extent of the applicant's land ownership. In addition, the local planning authority can only assess the application on the basis the applicant has provided plans and information which reflect the true extent of their land ownership and the plans (whilst indicative) show that six off-street parking spaces can be accommodated within the site parameters, including the provision of four parking spaces adjacent to part of the eastern boundary.

Finally, it is worth noting that planning permission was granted at appeal for the erection of three dwellings on the site under PA/2005/1565. This comprised the demolition of the building to the site frontage and the erection of a detached dwelling to the rear (together with a pair of semi-detached dwellings along the site frontage), this draws parallels with the proposals being considered in this case. It is acknowledged the previous planning permission from 2005 has expired but it serves to demonstrate the principle of redeveloping this brownfield site, including the demolition of the existing workshop, for the erection of three dwellings has previously been considered acceptable in principle by the Planning Inspectorate.

Residential amenity

A number of objections have been received on the basis the proposal has the potential to result in loss of residential amenity through the effects of loss of light, overshadowing, overlooking and having an overbearing impact. It is worth noting that this is an outline planning application with all matters reserved for future consideration (through the submission of a reserved matters application). Therefore, issues in relation to the position of windows, the heights of the dwellings and the proximity to existing residential properties will be taken into account during the assessment of any subsequent reserved matters application and cannot be accurately assessed during this application; the submission of any reserved matters would allow the local planning authority the opportunity to ensure the potential for loss of residential amenity can be mitigated and also allows for amended plans to be submitted at that stage of the planning process if the local planning authority required changes to the scheme.

Notwithstanding the above, the applicant has submitted an indicative plan with the planning application, which serves to demonstrate that three dwellings with associated off-street parking and private amenity space and a means of access to the site can be achieved.

The plan (whilst indicative) shows the developable site area to be 700m² in which three dwellings with areas for parking (six off-street parking spaces), private amenity space and a vehicular access retained for 81 High Street can be suitably accommodated. In addition, the plan shows that the existing vehicular access can be utilised to serve the development; this is proposed to be 5 metres in width. No objections have been raised on highway or pedestrian safety grounds to the development or to the means of access (although this matter is reserved for future consideration).

The indicative layout plan shows that a pair of semi-detached dwellings can be accommodated along the site frontage and can be sited a sufficient distance (20 metres) from the nearest residential property to the rear (to the south) to mitigate any potential for loss of residential amenity. It is noted a detached dwelling is shown indicatively to the rear of the site and the supporting text on the drawing states it will partly be two-storey in height; taking this into consideration, and taking into account the difference in ground levels from the front to the rear of the site (a rise of 1.7 metres from north to south), it is considered that any dwelling proposed at the rear of the site (plot 3) would need to be of a height appropriate to its position within the site. Although shown indicatively, the separation distance from the eastern elevation of plot 3 to the rear elevation (its conservatory) is 12 metres; therefore, the height of any resultant dwelling proposed on plot 3 would need to take this into account if a reserved matters application is submitted for future consideration. This would also be the opportunity for the local planning authority to accurately assess the potential for any loss of residential amenity arising from the development proposals at that time. However, it is considered that the application site can accommodate the scale of development proposed without it resulting in a contrived or cramped form of residential development and where sufficient separation distances from proposed and existing dwellings can be achieved.

Highway issues

A number of objectors have raised issues in respect of the increase in the number of vehicles, a potential increase in pedestrian and highway safety matters, the level of parking provision, the width of the proposed vehicular access and existing issues with parking within the public highway. Firstly, it is worth noting Highways have considered the proposals and raise no objection on either highway or pedestrian safety grounds. The erection of three dwellings in

this residential location is not considered to result in an increase in vehicular movements over and above that reasonably anticipated in a residential area. Whilst means of access is a matter for future consideration, it is the opinion of the local planning authority that the existing vehicular access to the site can be utilised to serve the proposed development and can be widened to a sufficient width (5 metres) to facilitate this. The level of parking provision shown (two spaces per dwelling) is considered sufficient to meet the needs of each of the three dwellings proposed and the plans show the proposed access can be widened to a minimum width of 5 metres between the High Street and the parking area.

The comments made in relation to vehicles being parked in the public highway are noted; however, this is as a consequence of local residents choosing to park their vehicles within the public highway and the lack of available off-street parking. It is considered that the development proposals will provide sufficient off-street parking without facilitating additional vehicles being parked in the public highway. In addition, it is for the future occupants of these dwellings to ensure they enter and leave the site in a safe and considered manner, taking into account any existing vehicles being parked within the public highway. In conclusion, it is considered the additional traffic movements from the proposed development will not cause material harm to highway safety along High Street, the access to be widened will not impede the free flow of traffic to and from High Street and the proposed development is therefore in accordance with the provision of policy T2 of the North Lincolnshire Local Plan and the NPPF.

Other issues

Street scene and settlement character

The proposal will result in the loss of the building from the site frontage, which will be replaced with two dwellings. The building along the frontage is constructed from brick (painted white in part) with a pantile roof and UPVC fixtures, it was used as a workshop. Whilst it is acknowledged that this building contributes to the street scene (given its position abutting the highway footpath), this is not a listed building, it is not located within a conservation area and is not listed in the Historic Environment Record (or HER) as a non-designated heritage asset. In addition, if the building was not demolished it would prevent the comprehensive redevelopment of the site for a small-scale residential development, preventing the local authority from delivering market dwellings in a sustainable location that would contribute to housing delivery targets in North Lincolnshire.

A single-storey commercial building presently occupies the site frontage, and this would be demolished to make way for the proposed development. Older properties along High Street front directly onto the back of the footway, and a pair of dwellings in this position would be fully in keeping with the character of the area. The development proposes the introduction of a new dwelling to the rear, which would constitute backland development. However, this is not necessarily harmful and there are comparable examples of such development in the vicinity of the application site. There is also a somewhat irregular pattern to the siting of dwellings along this section of the High Street which in turn breaks up what would otherwise be a regimented settlement pattern. Based on the conclusions in previous parts of this report, it is the opinion of the local planning authority that a dwelling could be positioned on the rear portion of the site at a sufficient distance from neighbouring properties to avoid overlooking and loss of privacy. It is also evident that existing development in the immediate area is quite dense in character and, as such, the proposed development would be in keeping with its surroundings.

Contaminated land

Owing to the previous operations on the site (which includes a workshop), there is potential for contamination both within the existing building and the surrounding land. Given demolition works are proposed and the proposed development will introduce sensitive receptors onto the land (residential use), it is considered both reasonable and necessary to recommend a condition for contaminated land investigation; this is consistent with the updated consultation response from Environmental Protection.

Drainage

The site is located within flood zone 1, therefore a flood risk assessment is not required in this case. The comments made by LLFA Drainage in respect of the requirement for the submission of a drainage strategy as part of any reserved matters application is noted; however, this is a site which is already laid to hardstanding and the introduction of dwellings with associated garden land and parking areas would feasibly reduce surface water run-off from the site. In addition, the online surface water drainage maps on Gov.uk show this is a site which is at very low risk from surface water drainage flooding and as such it is considered there is no requirement for the submission of a surface water drainage strategy in this case.

Conclusion

It is considered that the proposal represents 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, particularly as the site is located wholly within the defined settlement boundary for Wootton. The proposal would have no demonstrable adverse impact on the character of the existing settlement pattern of High Street and the development proposals are not considered to have a detrimental impact on highway safety or residential amenity. The application is therefore recommended for approval.

Pre-commencement conditions

The pre-commencement conditions in respect of contaminated land investigation and the submission of a scheme for wheel-washing facilities have been agreed by the applicant's agent.

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.

The development hereby permitted shall be carried out in accordance with the following approved plans: RD:4753-02 C and RD:4753-01 E (Existing Site Plan only).

Reason

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

6.

No above ground works shall take place until details have been submitted to and approved in writing by the local planning authority of the make, type and colour of all external facing materials for the development and only the approved materials shall be used.

Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

7.

No above ground works shall take place until details of the positions, design, materials and type of boundary treatment to be built/planted have been agreed in writing by the local planning authority. The agreed boundary treatment shall be built/planted before the dwellings are occupied and once built/planted it shall be retained

Reason

To provide an appropriate level of screening in accordance with policies H8 and DS1 of the North Lincolnshire Local Plan.

8.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking and turning facilities serving it have been completed in accordance with details to be

submitted to and approved in writing beforehand with the local planning authority and, once provided, the vehicle parking and turning facilities shall be retained.

Reason

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

9.

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.

10.

No above ground works shall take place until details of the private driveway serving the development have been submitted to and agreed in writing by the local planning authority. The details shall include:

- (i) the proposed method of forming access from the highway, including the required visibility splays;
- (ii) the method of constructing/paving the drive;
- (iii) the provision of adequate drainage features;
- (iv) the provision of suitable bin collection facilities adjacent to the highway;
- (v) the provision of suitable lighting arrangements; and
- (vi) the provision of street name plates that shall include the words 'Private Drive';

which have been agreed in writing by the local planning authority. Once constructed the private driveway shall be retained.

Reason

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

11.

Works shall not commence on site until wheel cleaning facilities, in accordance with details to be submitted to and approved in writing by the local planning authority, have been provided within the curtilage of the site, and this facility shall be retained for the duration of the works.

Reason

To prevent material being deposited on the highway and creating unsafe road conditions.

12.

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

Part 1: Site Characteristics

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed), including buildings, crops, livestock, pets, woodland, and service lines and pipes;
 - adjoining land;
 - groundwaters and surface waters;
 - ecological systems;
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and a proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Part 2: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part 3: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks' written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

Part 4: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

Reason

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

13.

No above ground works 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.

14.

No above ground works 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.

Informatives

1.

The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

2.

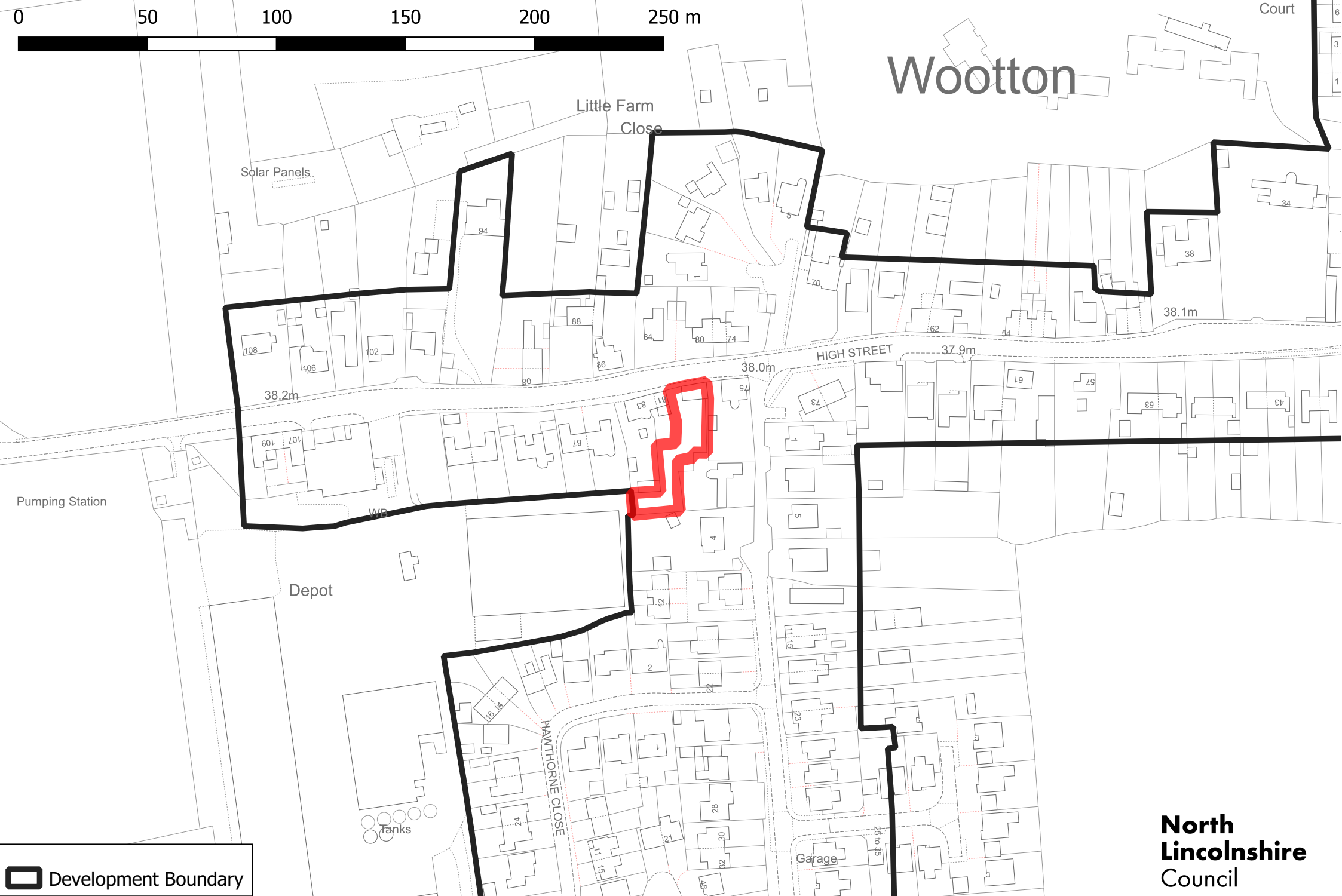
When considering the dwelling proposed on plot 3 to the rear of the site you are advised to take into account the rise in ground levels across the site from north to south with the ground levels at the rear being significantly higher. This may require the ground levels to be lowered and a plan should be submitted at reserved matters stage to demonstrate this. In addition, the height and any proposed windows in the side elevations/roof of plot 3 should also be carefully considered, particularly in relation to the proximity to 2 Cherry Lane to the east.

3.

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



Wootton



 Development Boundary

**North
Lincolnshire
Council**

PA/2022/2217