

APPLICATION NO	PA/2020/1928
APPLICANT	Mr Tim Jackson
DEVELOPMENT	Planning permission to erect a dwelling
LOCATION	26 Hollingsworth Lane, Epworth, DN9 1EY
PARISH	Epworth
WARD	Axholme Central
CASE OFFICER	Nick Salt
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Tim Mitchell and Cllr David Robinson – significant public interest) Objection by Epworth Town Council

POLICIES

National Planning Policy Framework:

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 9 – Promoting sustainable transport

Chapter 12 – Achieving well-designed places

North Lincolnshire Core Strategy:

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS5 (Design)

Policy CS7 (Overall Housing Provision)

Policy CS25 (Promoting Sustainable Transport)

North Lincolnshire Local Plan:

Policy DS1 (General Requirements)

Policy DS7 (Contamination)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy H5 (New Housing Development)

Policy H8 (Housing Design and Housing Mix)

Policy T2 (Access to Development)

Policy T19 (Car Parking Provision and Standards)

Housing and Employment Land Allocations DPD:

Policy PS1 (Presumption in Favour of Sustainable Development)

CONSULTATIONS

Highways: No objections, subject to conditions.

Drainage (Lead Local Flood Authority): The application suggests permeable surfacing is to be used but provides no details to support this. Taking this into consideration, the LLFA Drainage Team has no objection to the proposed development subject to the imposition of a relevant planning condition.

TOWN COUNCIL

Objects to this application – ‘over-development of the site’; impact on the appearance of the street scene; and footprint the same as the previous proposal.

PUBLICITY

A site notice has been displayed and six responses have been received, objecting to the proposal on the following grounds:

- Over-development of plot
- out of keeping with street scene
- lack of access to the rear
- overbearing on number 28
- loss of privacy during construction
- exacerbation of parking issues
- no floor dimensions
- impact on neighbours during construction
- insufficient garden space
- harm to the environment/biodiversity.

ASSESSMENT

This application was deferred at a previous meeting of the planning committee to allow members to visit the site before making a decision.

Site description

The application site is the eastern part of an existing site (26 Hollingsworth Lane) which is proposed to be subdivided (to a new site area of 218.8 metres) to create a detached new dwelling between numbers 26 and 28. The site is on the southern side of the road, which displays a variety of housing designs and layouts – mostly detached or semi-detached with front and rear amenity/parking areas.

Number 26 to the west is a modest, red brick, two-storey dwelling which has approval (see below) for a more contemporary extension to the front. This would provide a front-facing gable similar to that on number 28, which is a larger dwelling to the east. There is existing access from the road which would be retained.

Recent planning history

PA/2020/761: Planning permission to erect a dwelling - refused July 2020 for the following reasons:

1. The proposed dwelling and plot subdivision, by virtue of its cramped and narrow size and form relative to the neighbouring properties, would not accord with Local Plan policy DS1 or Core Strategy policy CS5 in that it would be inappropriate within the context of the existing street scene. The height of the dwelling would exceed the adjacent dwellings in a manner which would result in a disjointed and overdeveloped frontage.
2. The proposal would carry unacceptable impacts upon the residential amenity rights of neighbouring dwellings by virtue of its scale and siting allowing for an unacceptable level of visual intrusion into Greengate Crescent properties and shadowing on 28 Hollingsworth Lane. Accordingly, the proposal is contrary to policy DS1 of the Local Plan.
3. The proposed dwelling would be provided with an insufficiently sized rear garden area. As the frontage would be occupied with parking, this would be the only useable amenity space for the occupants of a four-bedroom property. The garden area would be substantially smaller than those in the surrounding properties and would be cramped. Access to and from the rear of the dwelling would be via a narrow path along the western elevation less than 1 metre in width. Outdoor amenity space for future occupants would therefore be of unacceptable size and quality contrary to Local Plan policy DS1.

PA/2020/234: Planning permission to erect two-storey front and single-storey rear extensions at 26 Hollingsworth Lane – approved April 2020. This application was for the extension of the existing dwelling to be retained.

Proposal

This application seeks to subdivide the existing plot of number 26 to create a new three-bedroom detached dwelling with two storeys. The frontage of the dwelling would accommodate parking for up to two vehicles and a grassed area. The building would take the form of a hipped roof house, with a ridge height of 7.5 metres and an eaves height of approximately 5.3 metres. The application also proposes a flat roof annex to the rear kitchen/dining area featuring a roof lantern and patio doors.

The rear garden would be accessed via a path running the length of the western elevation to an area of approximately 40 square metres.

The proposed finishes would largely be contemporary with off-white render, grey window frames and a slate roof on a simple design and form.

Material considerations

The main issues in the determination of this application are:

- **the principle of development;**
- **impact on the character and appearance of the street scene;**
- **impact upon neighbouring residential amenity;**
- **the amenity of future occupants;**
- **highway safety and parking.**

Principle

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).

Central Government places high importance on new homes being delivered throughout the country to address the chronic shortage. 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 guide the supply of housing should not be considered up-to-date.

A Supreme Court judgement (Suffolk Coastal DC v Hopkins Homes Ltd [2017] UKSC 37) provides clarity on the policies which are considered 'relevant policies' for the supply of

housing. These do not include general restrictive policies such as those restricting development in the open countryside. As such, policy CS1 is considered up-to-date. However, the weight to be afforded to it needs to be balanced against the need to deliver new housing and the broader merits of the scheme when viewed in the context of sustainable development.

A recent review of the of the Five Year Housing Land Position Statement has identified that the council's housing land supply has reduced from five years and six dwellings, to four years. The council has prepared a Housing Delivery Action Plan in accordance with the NPPF and PPG. The Action Plan will assist in securing a five year land supply; some of the actions include reviewing the windfall allowance calculation, and working with developers to bring forward outline planning applications.

The proposed scheme would result in the delivery of one additional dwelling at the site which would help to contribute to the mix of housing types within the locality and would contribute towards meeting local need, albeit to a limited degree.

The broad principle of residential development on this site is therefore considered acceptable, subject to detailed considerations below.

Design, siting and visual amenity

Policy CS5 of the North Lincolnshire Core Strategy is concerned with delivering quality design in North Lincolnshire. It states, '...All new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place. The council will encourage contemporary design, provided that it is appropriate for its location and is informed by its surrounding context. Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.' The proposed contemporary design would not strictly be in keeping with the general street pattern; however, as the existing property on the site and the surrounding properties are not of any particular architectural merit, this would not be unacceptable in principle.

The subdivided site resulting from this development would create a somewhat cramped plot, substantially smaller and narrower than those of the surrounding properties. The sense of openness between the properties in this part of Hollingsworth Lane would be reduced. It is acknowledged, however, that the properties to the south side of Hollingsworth Lane to the west vary in size and some have similarly narrow plots.

This proposal is a revised scheme following the refusal of the previous larger scheme and discussions between the applicant and the case officer. The ridge height of the proposed dwelling, at approximately 7.5 metres, has been set down relative to the previously refused scheme and would be below that of the larger dwelling at number 28 to the east and similar to number 26 to the west. The hipped roof design would reduce the bulk of the proposed dwelling and provide a visual break from the adjacent terrace, thus maintaining a degree of visual separation necessary to reduce impact on the character of the street. The front elevation would match that of number 26.

On balance, the site is constricted as reflected in the development proposed. However, the design of the proposal would not have an unacceptably severe impact on the character and appearance of the street scene insomuch as to outweigh the benefit of an additional dwelling and contribution to the housing shortfall. In this respect the proposal would accord

with local plan policy DS1 or Core Strategy policy CS5 in that it would not be inappropriate within the context of the existing street scene.

Residential amenity

Policy DS1 is partly concerned with impacts upon residential amenity. It states, ‘...No unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.’

The proposed dwelling would run to the boundary with number 28 to the east, creating some degree of a tunnelling effect, overbearing impact and loss on that property. The ground floor side elevation windows to number 28 do not appear to serve habitable rooms, however, and the reduced ridge of the proposed dwelling would limit impact on the second-floor side window of number 28. The proposed property would be set forward from number 28 by approximately 1.5 metres at the front elevation, however number 28 would retain sufficient openness and outlook. Given the window layouts in number 26 (as existing and proposed), and the distances to the Greengate properties to the south, no overshadowing or overbearing impact is likely to occur in relation to any other neighbouring dwellings.

Two first floor rear bedroom windows are proposed which would look towards the properties to the rear. These would be at a distance of approximately 15 metres from the rear elevation of 2 Greengate Crescent. At first floor level any perceived overlooking would have a reduced impact when compared with previously proposed second floor windows. The level of overlooking would not exceed that from number 28 and is not considered likely to result in any severe loss of privacy.

Noise nuisance has been raised as a concern in letters of objection, however it is not considered that this would exceed levels typical for a residential area such as this. Additionally, Environmental Health have not raised this as a concern.

It is considered that the proposal would not give rise to unacceptable harm to residential amenity and would accord with policy DS1 of the North Lincolnshire Local Plan.

Future occupant amenity

The proposed internal layouts would ensure that future residents would be provided with a sufficiently high standard of living environment within the dwelling. The submitted site plan shows that the proposed dwelling would be provided with a 40 square metre rear garden area, and grassed front garden. The garden area would be smaller than those in surrounding properties and would be somewhat cramped. The garden combined size would be suitable, however, for a smaller three-bedroom property as currently proposed. On balance, outdoor amenity space for future occupants would therefore be of acceptable size and quality.

Highways

Policy T2 of the North Lincolnshire Local Plan is concerned with access to development and states that all development should be served by a satisfactory access. Policy T19 is concerned with parking provision as well as general highway safety; both policies are considered relevant.

The site is located within the existing settlement boundaries and benefits from good access to public transport links and local services. It is therefore considered that the scheme would be located within a sustainable location.

The council's Highways team has offered no objections to the proposed layout or parking arrangements, subject to appropriate conditions. The site features a minimum of two off-street spaces for the new dwelling whilst retaining sufficient parking for number 26, which is considered acceptable given the scale and sustainable location of the site. Whilst it is accepted that the proposal would result in an increase in vehicular movements, it is not considered that the scale of the development would place unacceptable strain on the existing highway network.

It is therefore considered that the scheme would not have an unacceptable impact on vehicular or pedestrian safety and sufficiently accords with policy in this regard. The use of the existing access would not create additional highway safety concerns other than the modest intensification of use.

Other matters

The Environmental Protection team have been consulted on this application but have not responded. They did comment on the previous proposal on this site and requested a full site survey to establish any land contamination issues.

It is considered, given the site is part of an existing residential curtilage, that a condition should be imposed requiring appropriate action to be taken if any unexpected contamination is found during site clearance and construction.

Conclusion

In summary, the broader principle of the proposed dwelling in this area is acceptable and in accordance with national and local policy.

The previous proposal for a dwelling on this site was refused on the basis of scale and design, resulting in harmful potential impacts on visual and residential amenities.

It is considered that the current proposal addresses these concerns adequately through a reduction and redesign of the dwelling, thus limiting the harm to the adjacent residential occupants and the street scene.

On balance, the provision of an additional dwelling in a sustainable location outweighs the reduced risk of harm to the above.

Pre-commencement conditions

The pre-commencement conditions below have been agreed with the agent/applicant.

RECOMMENDATION Grant permission subject to the following conditions:

1. The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: Location and Site Plans; PL02 Rev B - Proposed Floor Plans; PL03 Rev B - Proposed Elevations.

Reason

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

3.

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 paragraph 163 of the National Planning Policy Framework.

4.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), nothing shall at any time be erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway for a distance of 2 metres from the highway boundary across the site frontage.

Reason

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

5.

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 space(s) shall thereafter be so retained.

Reason

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

6.

The proposed new vehicle parking facility shall not be brought into use, for number 26 Hollingsworth Lane, until the vehicular access serving it has been completed within highway limits.

Reason

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

7.

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 in writing by the local planning authority.

Reason

In the interests of controlling potential contamination and to ensure that the site is safe for its end use, in accordance with policy DS7.

Informative 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.

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.