

**APPLICATION NO** PA/2021/20

**APPLICANT** Mr & Mrs S Watson

**DEVELOPMENT** Planning permission to erect a dwelling

**LOCATION** Lavenham House, Fields Road, East Lound, DN9 2LR

**PARISH** Haxey

**WARD** Axholme South

**CASE OFFICER** Brian McParland

**SUMMARY RECOMMENDATION** **Grant permission subject to conditions**

**REASONS FOR REFERENCE TO COMMITTEE** Objection by Haxey Parish Council

## **POLICIES**

### **National Planning Policy Framework:**

Paragraph 8 – Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- (a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- (b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- (c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Paragraph 11(d) – Plans and decisions should apply a presumption in favour of sustainable development:

- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: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.

**North Lincolnshire Local Plan:** DS1, DS4, DS7, DS14, RD2, LC14, T2, T19

**North Lincolnshire Core Strategy:** CS1, CS2, CS3, CS5, CS6, CS7, CS8, CS18, CS19

## **CONSULTATIONS**

**Highways:** No objection subject to a condition relating to access, parking and turning.

**Drainage (Lead Local Flood Authority):** No objection subject to a condition requiring the submission of a flood risk statement and drainage statement.

**Historic Environment Record:** No objection subject to a condition removing permitted development rights to avoid unregulated upwards extension of the dwelling that would negatively affect the setting of the protected historic landscape.

**Ecology:** No objection.

## **PARISH COUNCIL**

Objects on the following grounds:

This area is poorly drained and has a history of flooding; further development may exacerbate the problem.

It is regarded as backland development, there being only two properties to the rear, both of which are old and, by location, historic.

It is as identified in the Design and Access Statement (DAS) as being outside the building envelope. The purpose of building envelopes is to stop urban sprawl. East Lound is located in the Isle of Axholme Historic Environment (LC14) and observation of building envelopes is particularly important. The parish council agrees with the DAS that HERS should form part of the consultation process and welcomes this recommendation.

Access will be by Fields Road – this is an old track and not, as the name suggests, a metalled or adopted highway. The status of this road is not determined, and it is being considered for registration with a lower status in the future. Both tracks that could be used to service this property are not suitable for further increases in traffic use and therefore the parish council considers access an issue and considers this does not meet the needs of policy T2.

East Lound is a rural settlement and in the Sustainable Settlement Survey 2016 scored 65, which is at the lower end of the score, and is classed as minimum growth. North Lincolnshire Settlement Survey 2018 (2019 Revision) states that development away from the defined settlements is unlikely to meet all the elements of sustainable development, particularly access to a range of services, except those normally acceptable in the countryside.

The settlement has no amenities and it is considered the vast majority of people access amenities either at Haxey or the larger conurbations by vehicle. While the local plan encourages less polluting development, it is clear in the case of East Lound that it is more likely to create a need for more polluting travel, either for work or to access amenities, a point the parish council makes quite often, as in their view this section of the local plan is mis-quoted in relation to rural areas.

The DAS states an economic objective: 'land of the right type in the right places and right time to support growth.' This site is located within the LC14, outside the development limits and the parish council considers it fails this test.

The DAS states a social objective to provide a range of homes. Once more it is clear the area has a range of private dwelling developments, yet little or no social housing and affordable housing; again, the parish council considers it therefore does not meet any identified housing need or social objective.

The DAS states the environmental objective: 'to contribute to protecting and enhancing our natural built and historic environment.' While presenting a well-designed modern dwelling, it is within the LC14 and is out of character with older properties close by, and given its location does not take account of North Lincolnshire Council's North Lincolnshire Countryside Design Summary.

It does not in their opinion accord with the development plan. In particular, due to its location, it should be weighed against the policies relating to the LC14 and rural development section of the local plan, which is specific in restricting development, in particular non-agriculture and forestry development, and again identified in the DAS.

In assessing this proposal any grant of permission would almost certainly set a precedent and give rise to further development of what are largely rural properties that have characteristic large gardens and lead to changing the whole character of this hamlet and impact on the character of the LC14.

## **PUBLICITY**

The application has been advertised by site and press notice as a departure from the local plan. Three responses have been received, two in support and one objection. The one objection received is summarised below and will be addressed in the body of the report:

- a previous planning application was refused (PA/2005/1127)
- impact on flooding
- impact on the LC14 (historic land)
- impact on privacy

- the proposal would set a precedent.

## **ASSESSMENT**

**The main issues to be considered are whether adequate justification can be demonstrated regarding the principle of the development, and impact on character and design, neighbouring amenity, drainage, land quality, ecology and highways.**

### **The site**

The application site forms part of the rear garden serving Lavenham House. The site is of a generous size and benefits from trees, grassland, vegetation and residential garden features (greenhouse and wooden garage etc). It is acknowledged that Lavenham House lies within the inner edge of the designated rural settlement of East Lound; however, the rear garden would be within the open countryside and straddle the settlement boundary.

The site is not within a conservation area, does not relate to a listed building and does not relate to any tree preservation orders (TPOs). It is within SFRA flood zone 1 (low), and it does fall within policy LC14 land (Area of Special Historic Landscape Interest) in the Isle of Axholme.

### **Proposal**

Full planning permission is sought to erect a single-storey detached dwelling and a single-storey detached garage/workshop to the north-west corner of the application site.

The proposed three-bedroom family dwelling would have an irregular footprint consisting of a main section, finished with a single pitched roof, and two adjoining portions to the north and south, both finished with flat roofs. An adjacent car port is noted to the west elevation attached to the dwelling. Proposed materials include, render, stone, timber (walls), metal and membrane (roofs). The proposed dwelling would benefit from a modest garden and the site would be defined by a new 1.8 metre high timber fence (and a rendered wall to the west). Reciprocal planting is also suggested along the site boundaries.

The proposed garage/workshop would occupy the same location as the existing garage; however, it would have a larger footprint. The proposed garage would have the following design: a width of 10 metres by a depth of 7.5 metres, with a maximum height of 3 metres, finished with a flat roof.

The proposed dwelling would be accessed via Fields Road (from the west). A drive and turning area are also provided.

### **Principle of development**

The site is located outside the adjacent settlement boundary and the proposal would represent a departure from the development plan. In determining whether the principle of residential development outside the settlement boundary is acceptable in this instance, it is necessary to consider whether the proposed development is sustainable in planning policy terms.

The development plan for North Lincolnshire comprises three parts: 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) (CS), and the Housing and Employment Land Allocations DPD (2016) (HELAP).

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 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 outside the defined settlement boundary for East Lound and would not meet the criteria for development within the open countryside as outlined in policy RD2 of the local plan. The proposal is thereby considered to be in conflict policies CS2, CS3 and CS8 of the Core Strategy.

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 11 and Footnote 7 (page 6) of the NPPF states the presumption in favour of sustainable development applies for applications involving the provision of housing where the local planning authority cannot demonstrate a five-year supply of housing and that housing applications should be considered in the context of the presumption in favour of sustainable development.

It is acknowledged that the local planning authority cannot demonstrate a five-year housing land supply; therefore, the housing policies are considered out of date. As such the 'tilted balance' and paragraph 11(d) of the NPPF, which is a material consideration in determination planning applications, is relevant.

There are three dimensions to sustainable development as set out in paragraph 8 of the NPPF: economic, social and environmental. The additional population with the occupation of the dwelling and self-build nature of the proposal would represent an economic benefit. Notably, the site is near Haxey with its wider selection of services available. In terms of environmental benefits, there is a footpath to the south which is well connected to the surrounding locality and would encourage footfall connectivity. There are also two bus stops along Brackenhill Road to the west, within a five-minute walk from the site. The location of the dwelling would support and sustain the existing services in the local area. Moreover, it is considered the location of the proposal would not be dependent on car travel. 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.

The application site is within the open countryside and in an Area of Special Historic Landscape Interest (policy LC14). As such, a clear reason for refusing the development must be outlined. The application site abuts the settlement boundary and it is acknowledged there are two existing dwellings to the north of the application site (The Cottage and Rose Cottage); both dwellings are in residential use. This would result in the application site being considered a gap site, albeit situated closer to the settlement boundary than both The Cottage and Rose Cottage. Considering this, it is suggested, given the location of the dwellings to the north, that the northern edge of the East Lound settlement boundary has incidentally been extended which would encompass the

application site. As a result, the proposed dwelling would represent a form of infill-type development.

A key determination in the principle of development is balancing the impact of harm against the associated benefits, as per paragraph 11(d) of the NPPF. Although the proposal would be in conflict with development plans (that is, policies CS2, CS3 and CS8 of the Core Strategy and RD2 of the local plan), the proposal would provide the benefit of a modest dwelling contribution on a brownfield site (residential garden) outside development limits, which is less protected and within a locality which generally consists of existing housing and built-up features. Furthermore, regarding policy LC14 (Area of Special Historic Landscape Interest) the council's archaeologist has no objection to the proposal. As such, there is little evidence to suggest the proposal would give rise to adverse impacts which would significantly and demonstrably outweigh the benefits.

On balance, it is considered that, although the development plans would preclude such type of development, in the absence of a five-year housing land supply and in the presumption in favour of sustainable development stipulated within the NPPF, whilst considering the surrounding pattern of development, the principle of development would be acceptable, subject to the considerations below.

### **Impact on character and design**

The NPPF attaches great importance to the design of the built environment. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. Policy DS1 of the North Lincolnshire Local Plan (adopted May 2003) and policy CS5 of the Core Strategy (adopted June 2011) are concerned with quality of design and amenity. In respect of impact on character, policy DS1 states that the design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area. Policy LC14 states the Isle of Axholme is designated as an area of Special Historic Landscape Interest. Within this area, development will not be permitted which would destroy, damage, or adversely affect the character, appearance or setting of the historic landscape, or any of its features.

The proposed dwelling would front onto Fields Road track and would not be visible from the main street scene of Brackenhill Road due to the siting of the in-situ corner dwelling (South View) which would provide a sufficient degree of obscurity. The proposed dwelling would be well-balanced within the plot. The proposed planting and boundary treatments would improve integration whilst offering a degree of visual mitigation. The single-storey/flat-roof nature of both the dwelling and the garage/workshop would result in a low-impact design which would not visually compete with the neighbouring dwellings. It is acknowledged that the proposal would appear as a moderately contemporary proposal; however, it would preserve the rural context of the site. Additionally, the proposal would improve the appearance and attractiveness of the site in the interest of placemaking. The council's archaeologist has no objection to the proposal, subject to the removal of permitted development rights (upward extension).

The proposed amenity space to the rear would be sufficient to meet the needs of the occupants of the proposed dwelling; however, given the proximity of the dwelling to its side and rear boundaries and the general character of space within the wider area, permitted development rights would need to partly be removed through the use of a condition (enlargement, extensions and outbuildings/enclosures). This would ensure future occupants

would have to apply for planning permission to erect any extensions, outbuildings/garages to the dwelling.

It is considered that the proposal would not prejudice the character, appearance and setting of the local area. Furthermore, the proposal would not adversely affect the character, appearance or setting of the historic landscape, or any of its features. As such, the proposal would be in accordance with policies DS1 and LC14 of the North Lincolnshire Local Plan, and policies CS5 and CS6 of the Core Strategy.

### **Neighbouring amenity**

Policy DS1 of the North Lincolnshire Local Plan and policy CS5 of the Core Strategy are concerned with quality of design and amenity. In respect of impact on amenity, policy DS1 states that 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 be set-in from the north boundary and would be of a modest single-storey design; the amenities of the two properties to the north (The Cottage and Rose Cottage) would therefore not be detrimentally impacted. Additionally, the boundary treatments along the north site boundary would mitigate. It is acknowledged that the proposed garage/workshop would be larger than the in-situ garage and closer to the shared north boundary; however, it would be of a conventional single-storey design and of an overall modest scale which would not detrimentally impact the amenities of Rose Cottage.

It is considered that the proposal would not prejudice neighbouring amenities and, as such, would be in accordance with policies DS1 of the North Lincolnshire Local Plan and CS5 of the Core Strategy.

### **Drainage**

Policy CS19 of the Core Strategy is concerned with flood risk, whilst policy DS14 of the local plan is concerned with foul sewage and surface water drainage.

The council's drainage team have been consulted and have no objections subject to a pre-commencement condition requiring a flood risk statement and drainage strategy to be submitted for approval, given the historical issues with flooding in the area. The comments of the parish council are noted, however based on the comments received from the drainage team the attached pre-commencement conditions are considered adequate in addressing this issue.

The site is located within flood zone 1 and is therefore a preferred place for development in terms of flood risk.

### **Land quality**

Policy DS7 of the local plan is concerned with contaminated land. It states that permission will only be granted on contaminated sites where a detailed site survey has been submitted, and a suitable scheme of remedial measures has been agreed to overcome any existing contamination.

The council's environmental health officer has not provided a comment (or objection); however, given the vulnerable use, a phase 1 desk top study, remediation report and

verification report will be required. The host site is currently in domestic use; however, given that the applicant has not submitted any information with regard to land quality, a condition relating to land contamination will be attached to any planning approval.

## **Ecology**

The application site appears to be amenity grassland of negligible biodiversity value. No ecological surveys are required. The council's ecologist has no objections to the proposal and does not wish to impose any conditions. Informatives have been recommended regarding wildlife and biodiversity enhancements.

## **Highways**

Policy T2 of the North Lincolnshire Local Plan 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 applicant seeks to create a new access from Fields Road with parking provided on site. The council's highways department have no objection to the proposal subject to a condition regarding access, parking and turning. The comments of the parish council are noted, however based on the comments received from the highways department the attached pre-commencement conditions are considered adequate in addressing this issue.

## **Other matters**

It is noted that planning permission has previously been refused on the site (PA/2005 /1127) and the proposal could set a precedent for this type of development; however, each planning application is assessed on its own individual merits and it is considered that this proposal would accord with the relevant planning criteria.

The site is within a low-risk flood zone; however, the site experiences some localised flooding. As such, the drainage team have been consulted and request a detailed flood risk statement and drainage strategy by way of a condition.

## **Conclusion**

Whilst the proposal is within the open countryside and in an area of Special Historic Landscape Interest, this does not outweigh the benefit of providing a family dwelling house, subject to conditions. On balance, the proposal is a justified departure from the development plan and is considered to comply with the overarching paragraph 11(d) of the NPPF.

## **Pre-commencement conditions**

These 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: Watson-2020-01 Location Plan Existing Site Survey; Watson-2020-04 Proposed Site Plan Proposed Sections; Proposed Floor Plan Watson-2020-02; Watson-2020-03 Proposed Elevations and Views; Heritage Appraisal & Impact Assessment; Design, Access & Planning Statement.

Reason

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

3.

Notwithstanding the submitted details on any of the approved documents, no development shall take place until a detailed flood risk statement and drainage strategy has been agreed in writing by the local planning authority. Both shall outline all sources of flood risk, including surface water, ground water and ordinary watercourse, and proposals to mitigate, and include preliminary drainage layout plans. The flood risk statement and drainage strategy shall include details for the incorporation of SUDS, and any adoption and maintenance arrangements. The dwelling shall not be occupied until it is connected to the approved drainage system.

Reason

To ensure satisfactory drainage is provided in accordance with policy DS14 of the North Lincolnshire Local Plan.

4.

The dwelling shall not be occupied until the vehicular access to it and the vehicle parking and turning space(s) serving it have been completed and, once provided, the vehicle parking and turning space(s) 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.

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. 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 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.

6.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revising, revoking and re-enacting that Order with or without modification), there shall be no enlargement or extension of the dwelling (including additions and/or alterations to the roof) hereby permitted, including any new buildings or enclosures, without the prior written approval of the local planning authority.

Reason

To satisfactorily protect the character and appearance of the area and the residential amenities of future and neighbouring occupiers, in accordance with policy CS5 of the North Lincolnshire Core Strategy and policy DS1 of the North Lincolnshire Local Plan.

7.

No above-ground development 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.

8.

No above-ground development shall take place until details of the positions, design, materials and type of boundary treatment (including gates) to be built/planted have been agreed in writing by the local planning authority. The agreed boundary treatment shall be built/planted before the dwelling is 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.

9.

The proposed detached garage/workshop hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling to the rear of Lavenham House, Fields Road, East Lound, DN9 2LR.

Reason

To maintain the living standards of the adjoining residential properties/the surrounding residential area and to enable any alternative use to be assessed against the criteria in policy DS4 of the North Lincolnshire Local Plan.

### **Informative 1**

Ideally vegetation clearance works should be carried out outside the bird nesting season, which is broadly March to August inclusive.

If vegetation is cleared during this time, then checks must be made for active bird nests and any harm to such nests must be avoided.

We encourage the delivery of biodiversity enhancements as set out in the design and access statement.

**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.