

APPLICATION NO PA/2021/255

APPLICANT Karen Dawes, Lytec Ltd

DEVELOPMENT Planning permission to erect a detached dormer bungalow with single-storey side extensions and attached covered open bay garage

LOCATION Land adjoining and to the rear of 12 Mill Lane, Kirton-in-Lindsey, DN21 4DY

PARISH Kirton in Lindsey

WARD Ridge

CASE OFFICER Mark Niland

SUMMARY RECOMMENDATION **Grant permission subject to conditions**

REASONS FOR REFERENCE TO COMMITTEE Departure from the development plan

POLICIES

National Planning Policy Framework: Including paragraphs 11 and 170

North Lincolnshire Local Plan: DS1, DS7, DS11, DS14, DS16, RD2, L7,H5, HE9

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS5, CS6, CS7, CS8, CS17, CS19

CONSULTATIONS

Highways: No objections subject to conditions.

Drainage (Lead Local Flood Authority): No objections subject to conditions.

TOWN COUNCIL

No objection.

PUBLICITY

The application has been advertised by site and press notices in accordance with Article 15 of the Development Management Procedure Order 2015 as amended. No comments have been received.

ASSESSMENT

Site constraints

Outside the development boundary (HELA DPD 2016)

Site characteristics

The proposal is located on land to the rear of curtilages fronting Mill Lane. The dwellings along this row are of two-storey construction. Beyond the proposal site and to the north are open arable fields. The site is in Kirton in Lindsey, which is a sustainable location for continued growth, having seven of the seven key facilities. The proposal would also allow access onto an efficient highway network and allow for key services of Kirton in Lindsey to be accessed by more sustainable transport modes.

Proposal

The key issue for assessment is whether or not the harm of this proposal would significantly and demonstrably outweigh any of the benefits.

Principle of development

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).

Policy CS1 of the Core Strategy sets out a spatial strategy for North Lincolnshire, which, amongst other matters, states that, in the countryside, support will be given to development that promotes rural economic diversification and small-scale employment opportunities, particularly on previously used land or in existing rural buildings. Tourism development will also be supported, in particular the development of green tourism, making the most of the area's important natural and built environments.

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. It goes on to state that in rural settlements in the countryside and in the open countryside outside development limits, housing development will be strictly limited. Consideration will be given to development, which relates to agriculture, forestry or to meet a special need associated with the countryside. No development should have an adverse impact on the environment or landscape.

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 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 HELAP, and the application site is located outside the designated development limit for Kirton in Lindsey.

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 proposal is located outside the development limits for Kirton in Lindsey and, despite abutting the settlement and being accessed from it, it is considered to be unacceptable in principle.

Drainage

Policy CS19 is concerned with flood risk, whilst policies DS14 and DS16 are concerned with foul sewage and surface water drainage. The application site is located within flood zone 1 and is therefore a preferred place for development in terms of flood risk.

The Lead Local Flood Authority has no objections to the proposed development subject to conditions requiring a more detailed surface water strategy. However, given the countryside location and the sizable curtilage area proposed, a strategy could fairly be achieved and mitigated at the building regulations stage should the application be approved. Foul water is safely mitigated by external legislation set out in the Water Industries Act 1981. It is therefore considered that the proposal is in accordance with policy CS19 of the North Lincolnshire Local Plan and policies DS14 and DS16 of the North Lincolnshire Local Plan.

Amenity

Policy DS1 is partly concerned with impacts upon residential amenity. It 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. Policy DS11 is also concerned with pollution control and is considered applicable. Policy H7 is concerned with tandem and backland development and is also relevant.

The proposal is set within sizeable grounds and the separation distances from all other properties, along with the scale of the dwelling (first floor accommodation above the eaves), would mean that there is limited impingement by way of overshadowing or overbearing impact. A Juliet balcony serves the rooms at first floor on the principal elevation; these would look towards the access and are at a sufficient distance so as not to give rise to unacceptable levels of visual intrusion. The access is also in an appropriate location and would not give rise to unacceptable levels of impact upon amenity. It is therefore considered that the proposal at this stage would be in accordance with policies DS1, DS11 and H7 of the North Lincolnshire Local Plan.

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 applicant seeks to gain access from Mill Road. Highways have no objections subject to conditions relating to visibility splays and the laying of services to open the site, and mitigating any negative impacts during the construction phase.

It is therefore considered, subject to mitigation, that the proposal at this stage would align with policies T2 and T19 of the North Lincolnshire Local Plan in terms of highway safety.

Character and landscape

Policy RD2 of the North Lincolnshire Local Plan is concerned with development within the open countryside. The policy is in two parts: firstly, it sets out, in principle, those development types that are acceptable; and secondly, it sets out a criteria-based approach to assessing those developments. It is already established that the principle of market dwellings in the open countryside is unacceptable. The second part is of interest here in that it seeks to ensure that the visual amenity of the countryside is not compromised by poor development.

Paragraph 'c' of the policy states: '...the development would not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials;'

Policy CS5 of the North Lincolnshire Core Strategy is also relevant. 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' and '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.'

Policy H5 of the local plan, which is concerned with new housing development, policy LC7 of the local plan, which is concerned with landscape protection, and paragraph 127 of the NPPF are also considered relevant. Paragraph 170 of the NPPF, which is also considered relevant (in part), states:

"(proposals should) ...recognize the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland."

The proposed dwelling would be protected from the street scene by existing dwellings and therefore would have minimal bearing upon it. Looking from a southerly direction the urban form of Mill Road is already experienced and therefore this would have minimal impact upon the wider character. The area of land, whilst beyond the development limit, is already associated with the residential areas of Kirton in Lindsey and whilst, if approved, this would intensify the built form of the area, it would not have unacceptable impacts upon the open countryside. Furthermore, given its limited height and location to the rear of dwellings there would be minimal impingement upon the urban character. The materials can be controlled by condition to ensure that existing character is protected.

The proposal is considered to accord with policies RD2, DS1 and H5 of the North Lincolnshire Local Plan; CS2, CS3, CS5 and CS8 of the Core Strategy; and paragraph 170 of the NPPF.

Land contamination

Policy DS7 of the North Lincolnshire 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 Protection Officer has reviewed the submission and has recommended a phase 1 site investigation, including remediation and verification reports, be submitted to and agreed with the local planning authority, the remediation strategy being prior to works commencing. However, the reasoning behind this is that the proposed use has a sensitive end use. Given that the planning history of this site is inert, a condition to monitor land contamination should it be found is a more reasonable approach.

Given the aforementioned mitigation, the proposed development is considered to accord with policy DS7 of the North Lincolnshire Local Plan.

Planning balance

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. 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 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 is preparing 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 revised Five Year Housing Land Supply Position Statement is still awaiting update; as such, any current decisions made by the planning authority should take account of the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF.

The current local policies relating to housing will carry reduced weight during this period. This statement confirms that North Lincolnshire Council does not currently have a five-year supply of deliverable housing sites. The consequence of this shortfall is to demonstrate that current policies are failing to deliver a five-year supply of housing in accordance with paragraph 11 (footnote 7) of the NPPF and they are, therefore, failing to meet short-term housing needs. As such it is considered that there is a clear and demonstrable need for housing development in the area. Accordingly, the operation of paragraph 11 of NPPF triggers a tilted balance whereby there is a presumption in favour of sustainable development and development proposals should be approved unless the adverse impacts significantly and demonstrably outweigh the benefits (Paragraph 11, b, ii).

The proposal is considered unacceptable in principle but there are no objections from consultees and the impact upon the landscape and character of the open countryside is limited. The applicant has provided a planning statement setting out the economic and social benefits of the proposal. Whilst the social benefits are arguable there are clearly small economic benefits of this development.

Kirton in Lindsey is identified as a market town by the Core Strategy and the Sustainable Settlement Survey, having all the key facilities. On balance, weighing up the harm against the benefits is the simple test set out by paragraph 11. The harm upon the open countryside is limited and so, notwithstanding the fact that economic gain is small, it still tilts the balance. Therefore, the proposal is considered to be a sustainable form of development and is recommended for approval.

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:

Site Plan AR287(S3) 155

Elevations AR287(S3) 154

Block Plan AR287(S3) 151

Floor Plan AR287(S3) 153

Floor Plan AR287(S3) 152

Reason

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

3.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking 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 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.

4.

Within three months of the completion of the new access, any redundant access to the site shall be removed and the area reinstated to footway/verge (including the provision of full height kerbs) in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

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

5.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

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

6.

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.

7.

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.

8.

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 materials for the development and only the approved materials shall be used and retained thereafter.

Reason

In the interests of character and to accord with policy RD2 of the North Lincolnshire Local Plan.

9.

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

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

Informative 1

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 2

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.

Development Boundary



GP
56.1m

B1398

SOUTH CLIFF ROAD
Shelter

Garage

PARK HILL

MILL LANE

Police Station

North
Lincolnshire
Council

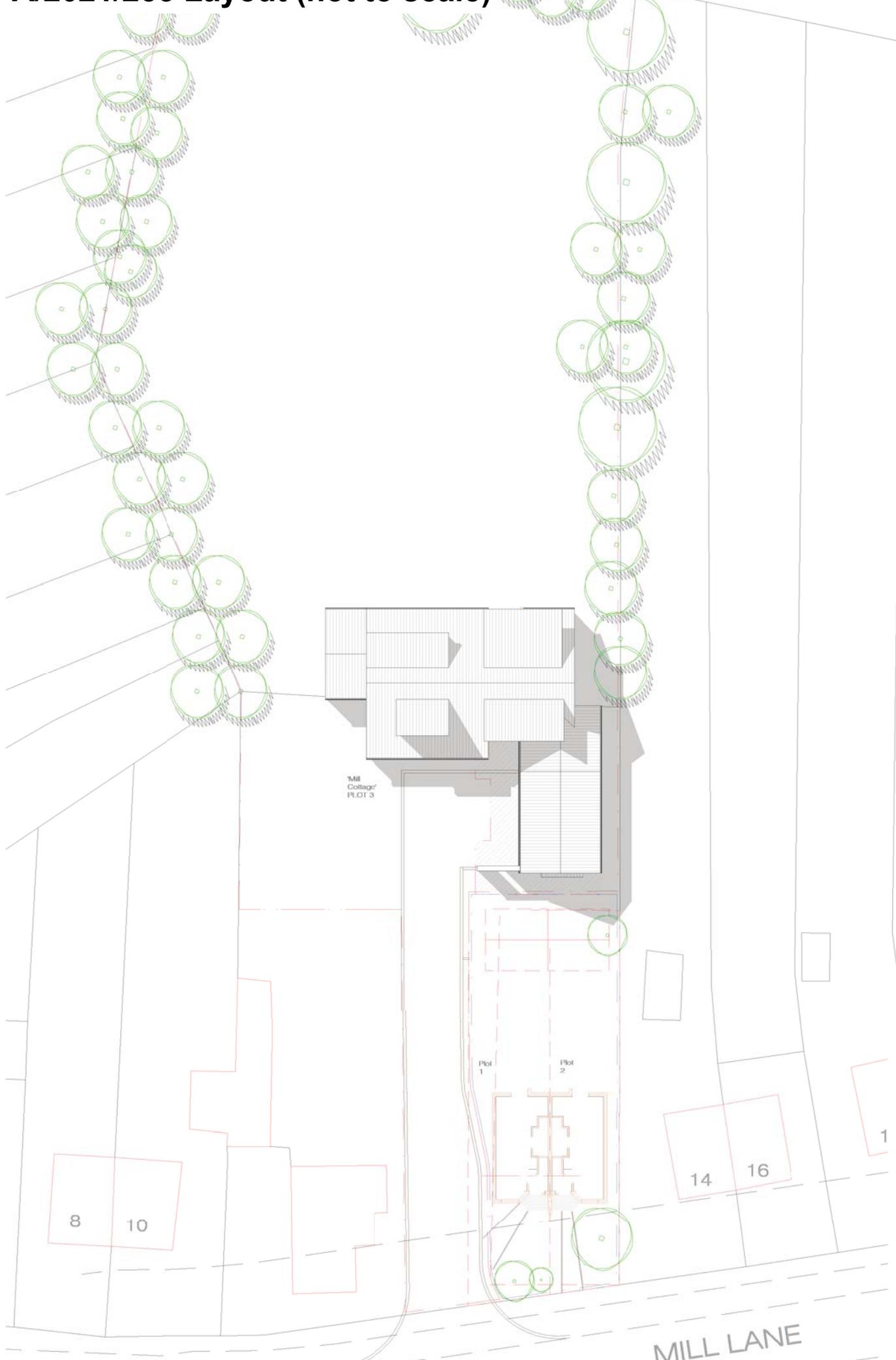
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DO NOT SCALE THIS
DRAWING
USE FIGURED
DIMENSIONS ONLY
VERIFY BEFORE
MANUFACTURE



'Mill Cottage'
PLOT 3

Plot 1

Plot 2

8

10

14

16

1

MILL LANE

TITLE	Block Plan Plot 3
PROJECT	Mill Lane
CLIENT	Kifton Lindsey
OWNER	M & Mrs Davies
DESIGNER	ARCHITECTS 151
DRAWN	DATE
APS	11/02/21
SCALE @ A1	1:200

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