

APPLICATION NO	PA/2021/1763
APPLICANT	Mrs K Flear
DEVELOPMENT	Outline planning permission to erect a detached dwelling with all matters reserved for subsequent consideration
LOCATION	Land adjacent to 22 York Road, Kirton in Lindsey, DN20 4PS
PARISH	Kirton in Lindsey
WARD	Ridge
CASE OFFICER	Martin Evans
SUMMARY RECOMMENDATION	Grant permission subject to conditions

REASONS FOR REFERENCE TO COMMITTEE Departure from the development plan

POLICIES

National Planning Policy Framework:

Paragraph 7 states, 'The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.'

Paragraph 8 states, '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 wellbeing; 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 9 states, 'Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.' It also explains that the three overarching objectives are not criteria against which every decision can or should be judged.

Paragraph 10 states that at the heart of the Framework is a presumption in favour of sustainable development.

Paragraph 11 sets out the presumption in favour of sustainable development and confirms that, for decision-taking, this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or
- (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 planning 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 the Framework as a whole.

Paragraph 38 states, 'Local planning authorities should approach decisions on proposed development in a positive and creative way...Decision-makers at every level should seek to approve applications for sustainable development where possible.'

Paragraph 47 makes clear that 'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.'

Paragraph 130 states, 'Planning policies and decisions should ensure that developments:

- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

- (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

North Lincolnshire Local Plan: DS1, DS7, DS14, H5, RD2, T2 and T19.

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS5, CS7, CS8, CS17 and CS18.

Housing and Employment Land Allocations Development Plan Document (DPD)

CONSULTATIONS

Highways: Support the proposal and recommend a condition regarding provision of vehicle parking facilities.

Drainage (Lead Local Flood Authority): No objections.

Environmental Protection: Given the historic military land, recommends a phase 1 contaminated land assessment is submitted prior to determination or alternatively a comprehensive contaminated land assessment condition is attached to any planning permission.

TOWN COUNCIL

No objection or further comment to make regarding this application.

PUBLICITY

A site notice has been displayed. One letter of support has been received stating:

'Despite the site not being located within the developed footprint curtilage map for Kirton in Lindsey, currently it is located within the draft insert map for Kirton in Lindsey for the local plan currently undergoing a round of consultation. Therefore, I think the application for one new dwelling should be granted permission as it represents good use of land that is currently fundamentally already part of the town despite it is currently classified as a brownfield site in the open countryside.'

ASSESSMENT

Site characteristics

The application site comprises a parcel of land containing a tree within the curtilage of 22 York Road, Kirton in Lindsey. The dwelling at 22 York Road is located to the north-west of the application site and the junction of two elements of York Road is to the south-east. The site forms part of a former RAF residential housing estate.

Proposal

Outline planning permission is sought to erect a detached dwelling, with all matters reserved for subsequent consideration. The indicative plan shows a dormer bungalow with attached garage and vehicular access to York Road to the south. This is purely indicative and may change at reserved matters stage if the proposal is approved.

The key issues for this proposal include:

- **the principle of development;**
- **impact upon residential amenity;**
- **impact upon highway safety;**
- **land contamination and drainage;**
- **biodiversity and trees.**

Principle of development

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 recent review of the of the Five-Year Housing Land Position Statement in August 2021 has identified that North Lincolnshire Council can demonstrate a five-year housing land supply. There is therefore no tilted balance applied through paragraph 11 of the NPPF.

Kirton in Lindsey is classified as a Market Town in the settlement hierarchy of the Core Strategy. Policy CS1 sets out the spatial strategy will focus on supporting Kirton in Lindsey as a Market Town. Levels of growth and development will be more limited reflecting its position in the settlement hierarchy. An appropriate level and range of new housing development will be provided to support the market towns as sustainable communities. Policy CS2 requires a sequential approach is followed with development focused on Scunthorpe, then previously developed land and buildings within the defined development limits of North Lincolnshire's Market Towns including Kirton in Lindsey, followed by other suitable infill opportunities then appropriate small-scale greenfield extensions to meet identified local needs. Any development that takes place outside the defined development limits of settlements will be restricted. Only development which is essential to the functioning of the countryside will be allowed to take place. A sequential approach will also be followed to direct development to areas with the lowest probability of flooding.

Policy CS3 and the Housing and Employment Land Allocations DPD show that the Kirton in Lindsey development limit is approximately 430m to the west of the application site at Mill Lane. Policy CS3 states, 'Development outside these defined boundaries will be restricted to that which is essential to the functioning of the countryside. This will include uses such as those related to agriculture, forestry or other uses which require a countryside location or that will contribute to the sustainable development of the tourist industry.' Policy CS5 requires development to be well designed and appropriate for its context. Policy CS7 requires a mix of housing types. Policy CS8 states that in the open countryside, outside development limits, housing development will be strictly limited, and development on greenfield sites will only be allowed where it can be demonstrated that this will bring additional community benefits, contributing to building sustainable communities and is acceptable in terms of its impact on the high-quality environment of the urban space and adjoining countryside. This proposal is contrary to policies RD2 of the local plan, and CS2 and CS3 of the Core Strategy, which seek to restrict development in the countryside unless certain exceptions are met.

The proposal is located 430m beyond the development limit of Kirton in Lindsey and can therefore be considered contrary to the aforementioned series of policies that look to strictly control such development in the countryside.

The emerging local plan evidence base includes the North Lincolnshire Settlement Survey 2018 (2019 Revision). Kirton in Lindsey is ranked 5th out of 76 settlements in North Lincolnshire. The settlements have been scored based on the services and facilities available within each settlement boundary, and a rank attributed based on the overall outcome. Its facilities and services are very good. It is considered residents are likely to be able to meet their day-to-day needs within the town for minor food shopping, some employment opportunities, education and medical appointments. Some travel outside of the town is likely for employment and larger food stores. There are regular bus services to and from Gainsborough, Lincoln and Brigg. There is also a train station in the town.

The application site is approximately 1.48km from the High Street in the centre of Kirton in Lindsey and can be accessed along a lit footway from the junction of York Road with the B1400. This is considered an accessible walking distance for many people and would constitute a relatively short cycle journey along a good quality route.

There is a reasonable prospect of future occupants of the development not being heavily reliant on the private motor car to access day-to-day services and facilities. The site is considered to be a sustainable location for residential development. It is noteworthy that this former RAF housing estate and base has its own development limit within the emerging local plan. The application site is considered to have the characteristics of an infill site because it is located between other residential dwellings, albeit in a location that is considered under rural restraint policies.

Policy CS19 states, 'The council will support development proposals that avoid areas of current or future flood risk, and which do not increase the risk of flooding elsewhere.' The site is in flood zone 1 which is low risk and suitable for housing development.

The site is considered to have good sustainability credentials and the proposal would not result in any significant identifiable harm. It is considered these are significant material considerations that justify a departure from the development plan policies relevant to the principle of development. It is recommended that the principle of development is acceptable for these reasons.

Impact upon residential 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 H5 also requires ‘development does not result in overlooking or a loss of privacy to existing developments, or any other loss of amenity to existing dwellings.’

The outline nature of this application means full design details will be provided if outline permission is granted. 22 York Road has no side openings within the main body of the dwelling. It does have a two-storey rear projecting bay window. The south-east facing ground and first-floor windows of this feature are clear glazed and would likely cause significant overlooking of any future residential development on the application site. The blue line on the site location plan shows the applicant owns this property. Therefore, it is possible to recommend a condition that these windows, which would otherwise make the proposal unacceptable due to overlooking, be changed to obscure glazing prior to occupation of the proposed development and that they remain so in perpetuity thereafter. The remaining windows of the host property have a less direct overlooking relationship with the application site such that no harmful overlooking would arise. It will be possible to design a dwelling at reserved matters stage that does not cause or suffer from harmful mutual overlooking with the host property.

Ample garden and parking space will remain for the host property post development. The indicative plan shows it is possible to achieve a gap of approximately 15m to the dwellings on the eastern side of York Road which is sufficient to prevent harm to residential amenity.

The proposal would not result in the unacceptable loss of residential amenity in accordance with policies DS1 and H5 of the North Lincolnshire Local Plan.

Impact upon highway safety

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.

Access and layout are reserved. York Road is a lightly trafficked area with low road speeds. Traffic generated by the proposal and the potential access location do not give rise to concerns in principle. The host property would retain ample access and parking facilities post development. Highways support the proposal subject to a condition requiring provision of vehicle facilities prior to occupation of the dwelling, which is necessary.

As such there is considered to be no conflict with the requirements of policies T2 and T19 subject to these conditions.

Land contamination and drainage

Policy DS7 relates to contaminated land. Environmental Protection recommend a comprehensive contaminated land condition in the absence of a phase 1 assessment on the basis that historical mapping identifies the site is located on historic military land, which may give rise to contamination including heavy metals, hydrocarbons, and organic/inorganic compounds, all of which are harmful to human health. However, the site

is currently in residential use and in the absence of evidence of such contaminative activities having taken place such a request is considered disproportionate given the current use of the site and lack of contaminative adjacent uses. An unexpected contamination condition is proportionate and recommended.

Policy DS14 states, 'The council will require satisfactory provision to be made for the disposal of foul and surface water from new development, either by agreeing details before planning permission is granted, or by imposing conditions on a planning permission.' Such details can be secured by condition.

Biodiversity and trees

Policy CS17 requires 'Ensuring development seeks to produce a net gain in biodiversity by designing in wildlife.' The proposal will result in the loss of a medium-sized tree and domestic garden. This is not considered to cause fundamental harm to the character of the area. Replacement planting can be secured under the landscaping reserved matter, which would also constitute an ecological enhancement. Ecological enhancements will be conditioned.

Conclusion

The proposal is located beyond the development limit of Kirton in Lindsey. The proposed market housing is contrary to development plan policies relevant to the principle of development. However, the proximity of the site to Kirton in Lindsey and the services and facilities it provides means the site is considered to be a sustainable location for housing development. The sustainable location, coupled with the absence of identifiable significant harm, means there are material considerations that outweigh the policy conflict such that the principle of development is acceptable. No harm to residential amenity, the character of the area or highway safety would arise, and the ability to address technical matters such as land contamination, drainage and ecological enhancements by the use of conditions result in a recommendation that outline planning permission is granted subject to conditions.

RECOMMENDATION Grant permission subject to the following conditions:

1.
Approval of the details of the layout, scale and external 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 siting, design and external 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 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.

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.

7.

The details to be submitted in respect of reserved matters for any phase of development shall include a scheme for the provision of surface and foul water drainage works. The details approved shall be installed prior to occupation of the dwelling.

Reason

In accordance with policy DS14 of the North Lincolnshire Local Plan.

8.

Prior to the occupation of the dwelling, a scheme of ecological enhancements shall be submitted to and approved in writing by the local planning authority. The details agreed shall be installed within six months of the first occupation of the dwelling and shall thereafter be retained.

Reason

To secure ecological enhancements in accordance with policy CS17 of the Core Strategy.

9.

Prior to the first occupation of the development hereby permitted, the south-east facing ground and first floor windows of the rear two-storey bay window of 22 York Road shall be obscure glazed and thereafter remain so in perpetuity.

Reason

To prevent unacceptable overlooking of the proposed dwelling and garden, and to make the proposal acceptable, in accordance with policy DS1 of the North Lincolnshire Local Plan.

Informative

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.



**North
Lincolnshire
Council**

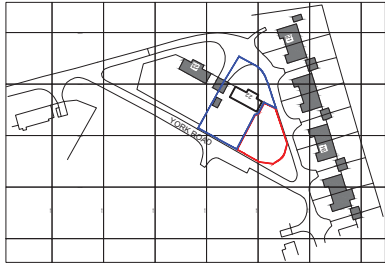
PA/2021/1763

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PA/2021/1763 Proposed layout (not to scale)

Location Plan

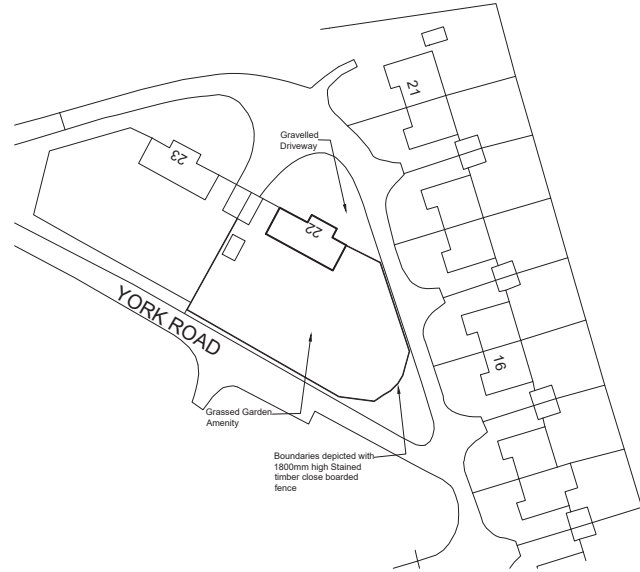
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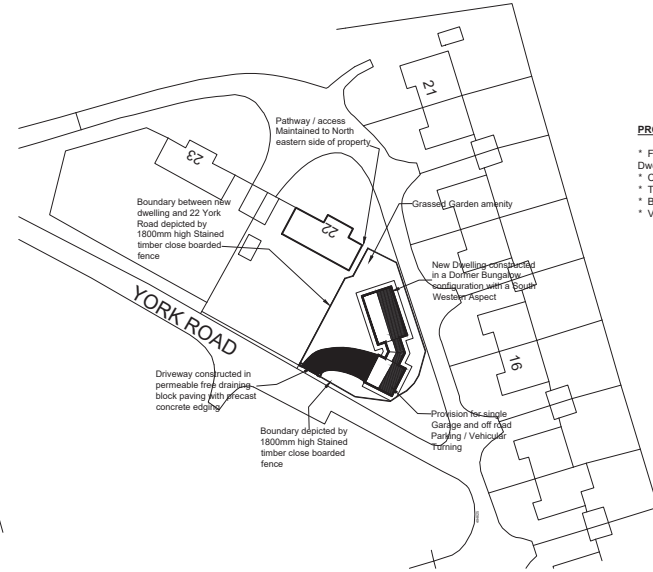
Existing Site Plan

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Proposed Site Plan

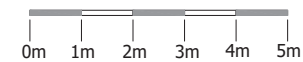
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PROPOSED MATERIALS TO NEW DWELLINGHOUSE

- * Frost resistant Brown facing Brickwork to match colour and texture of existing Dwelling House
- * Concrete interlocking Plain tiles to match colour and appearance of existing
- * Thermally broken Upvc windows and doorsets
- * Black Upvc Gutters Downpipes and rainwater goods
- * Velux Rooflight windows to Dormer part of dwelling

Scale bar @1:50 @A1



DRAWING STATUS: FOR DISCUSSION		
Mr and Mrs A Flear		
PROJECT: Proposed Detached Dwelling. Land adjacent (East) the existing Dwelling House of 22 York Road, Kirton in Lindsey		
DRAWING TITLE: Location Plan, Existing and Proposed Site Plans		
DATE: June 2021		
SCALE: 1:1250 /1250	PAPER SIZE: A1	REVISION: A
DRAWING NUMBER: AF 100		

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