

APPLICATION NO	PA/2022/277
APPLICANT	Mr & Mrs Vin & Jan May
DEVELOPMENT	Outline planning permission to erect a two-bedroom bungalow, garage and access driveway with appearance, landscaping and layout reserved for subsequent consideration
LOCATION	Land rear of 9 Park Close, Westwoodside, DN9 2AN
PARISH	Haxey
WARD	Axholme South
CASE OFFICER	Deborah Oikeh
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Haxey Parish Council

POLICIES

National Planning Policy Framework: 78

North Lincolnshire Local Plan: DS1, DS7, DS11, DS14, DS16, H7, H8, T2, T19 and LC14

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

Housing and Employment Land Allocations DPD: PS1 (Presumption in Favour of Sustainable Development)

CONSULTATIONS

Highways: No objections subject to conditions.

LLFA Drainage: No objection subject to conditions and informatives.

Environmental Protection: No objection subject to a condition.

Historic Environment Record: No objection. Does not consider that this proposal would adversely affect the character of the heritage asset or its setting providing that the design and building materials are appropriate to the area and in accordance with the policy.

PARISH COUNCIL

Objects on the following grounds:

- The proposal is a backland development and not in accordance with the NPPF and policy H7ii.

- It is a designated Area of Special Historic Landscape Interest (LC14).

PUBLICITY

Advertised by site notice. Four objections have been received and are summarised below:

- surface water and flooding, impact on wildlife and difficult access for emergency vehicles
- impact upon privacy and development out of character within LC14.

ASSESSMENT

Planning history

PA/2003/0720: Planning permission to erect a single-storey extension to dwelling – approved 26/09/1986.

Proposal and site characteristics

Outline planning permission is sought to erect one dwelling comprising two bedrooms and a single garage, whilst reserving layout, appearance and landscaping for subsequent consideration. The site comprises an existing detached bungalow and a single garage as well as the proposed land for development at the rear. The site is set within the development boundary of Westwoodside, albeit within the 'Area of Special Historic Landscape Interest' of the Isle of Axholme.

Site constraints

- The site is within the development boundary of Westwoodside according to the HELADPD 2016.
- The site is within SFRA flood Zone 1.
- The site is designated under policy LC14 – Area of Special Historic Landscape Interest.

Principle of development

Westwoodside is classed as a 'Rural Settlement' according to North Lincolnshire Council's settlement hierarchy. Policies CS1 and CS3 of the Core Strategy are primarily concerned with the spatial strategy for North Lincolnshire and how development limits are applied to the settlement hierarchies. Both policies stipulate the use of development limits in the urban area, market towns and rural settlements with the aim of creating vibrant rural settlements through the protection and enhancement of local services. Policy CS1 in particular states 'rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing existing local services to meet local needs. Development will be limited and should take into account levels of local service provision, infrastructure capacity and accessibility'.

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 Housing and Employment Land Allocations DPD (HELADPD), and the application site is located within the designated development limit for Westwoodside.

Policy CS2 requires a sequential approach to be followed with development focused on the Scunthorpe urban area and infill areas, followed by previously developed land within the market towns and infill, and thereafter small-scale developments within the defined development limits of rural settlements to meet identified local needs. The policy further states that 'All future development in North Lincolnshire will be required to contribute towards achieving sustainable development. Development should be located where it can make the best use of existing transport infrastructure and capacity. A sequential approach will also be applied to ensure that development is, where possible, directed to those areas that have the lowest probability of flooding, taking account the vulnerability of the type of development proposed, its contribution to creating sustainable communities and achieving the sustainable development objectives of the plan'.

Policy CS7 states, 'Housing development will be required to make efficient use of land but the density of new development should be in keeping with the character of the area and should support the development of sustainable, balanced communities'. The policy allows a net density of 30 to 35 dwellings per hectare within a residential development site of rural settlements and the countryside.

Policy CS8 relates to spatial distribution of housing sites and states, 'The first priority is to re-use previously developed land and buildings within North Lincolnshire's built-up areas which will be promoted by setting a target of 30% of the housing provision on such land. Second priority will be given to other suitable infill opportunities in North Lincolnshire's built-up areas. Flood risk will be taken into account, as this will be a determining factor in the distribution and location of housing.'

Policy LC14 states, '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'. It further states, 'A high standard of design and siting in new development will be required reflecting the traditional character of buildings in the area and the character of the historic landscape, and using materials sympathetic to the locality'.

Policy H7 relates to backland or tandem development and states such developments will be permitted provided that there is no adverse effect on the amenities of any residential premises or adjoining use and it would not affect the general quality and character of the area in which it is located.

The NPPF represents a material consideration in the determination of any application: Chapter 11 (Making effective use of land) and Footnote 7.

Although the proposal is classed as tandem development within the LC14 area, it would enable the effective use of land within the development boundary of the settlement and would provide an additional dwelling within a sustainable locality. It is therefore considered that the principle of the development is acceptable subject to the consideration of sustainability and fulfilment of conditions highlighted in policies LC14 and H7.

Character and appearance

Policy DS1 states that a 'high standard of design is expected' and proposals will be considered against two criteria:

- (i) the design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area, and
- (ii) the design and layout should respect, and where possible retain and/or enhance, the existing landform of the site.

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.’

The site comprises an outbuilding, grasses and shrubs at the rear of 9 Park Close, in Westwoodside. The site is a spacious garden screened from neighbouring sites by trees and shrubs. It has a limited view from Commonsides due to existing built form and outbuildings. Under Class A of the General Permitted Development Order, the applicants have the permitted development right to extend or erect a number of outbuildings up to 50% of the total area of land around the original house. This would ultimately detract from the character of the site and area. Whilst the proposal could be termed as backland development, the land will be effectively utilised to create an additional dwelling without significantly detracting from the character of the area. Given the linear interrelationship of the proposal with the layout of outbuildings to the rear of Park Close and especially dwellings 43 and 41 along Commonsides, it is considered that the impact of an additional two-bedroom bungalow within the development boundary will not create a detrimental impact on the character and appearance of the setting.

Therefore, a scheme that respects the character and amenity of the area is achievable, if the height of the dwelling is conditioned to a maximum of one storey through the reserved matters application.

Impact on 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.’

Policy H5 also seeks to require that proposals do not result in adverse impacts upon neighbouring amenity.

The outline nature of this application means full design details will be provided if outline permission is granted. The proposal would result in one additional dwelling (two-bedroom). The applicant has confirmed that a 2m fence would be erected to mitigate impact on neighbouring amenity and privacy. The proposed indicative layout suggests there should be no significant impact on residential amenity, although the property’s final details are reserved for future consideration. However, a suitable scheme that respects neighbours’ residential amenity is achievable, subject to appropriate internal layout, daylight assessment, and the direction of window openings.

The proposal is therefore considered to be acceptable in this regard and complies with policies DS1 and H5.

Impacts upon the Area of Special Historic Landscape Interest

Policy LC14 requires 'A high standard of design and siting for new developments and they should reflect the traditional character of buildings in the area and the character of the historic landscape using materials sympathetic to the locality'.

Whilst the site is within the LC14 area, the proposal would not encroach into the open strip fields but sits within the development boundary and within the curtilage of the dwelling. Additionally, the council's archaeologist has been consulted and does not consider that this proposal would adversely affect the character of the heritage asset or its setting providing that the design and building materials are appropriate to the area and in accordance with the policy. Moreover, there are a number of existing dwellings and outbuildings within the LC14 area on Park Close. Consequently, the proposal being a single dwelling will not create a significant impact on the area. It is therefore considered that the harm to the LC14 area is limited in this case.

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.

As part of this application, the proposal intends to create an access to the proposed dwelling via Park Close. The indicative layout suggests the scheme will create a garage with adequate turning area. The highways team has assessed the proposal and recommends some conditions which shall be attached to any permission granted.

Flood risk and drainage

Policy CS19 of the Core Strategy is concerned with flood risk, whilst DS14 and DS16 of the local plan are concerned with flood risk, drainage and foul water. Policy CS19 in particular 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 proposed site is situated within SFRA flood Zone 1 and is therefore a suitable location for development. Concerns regarding surface water and flooding have been raised by residents and considered during this assessment. The drainage team has raised no objections; however, conditions to mitigate these concerns have been attached and unless these conditions are met, the development at the reserved matters stage shall not commence. It is therefore assessed that the proposal accords with policies DS14 and DS16 of the local plan and CS19 of the Core Strategy.

Land contamination

Policy DS7 of the local plan relates to 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 site forms part of an existing residential garden. There is, therefore, the potential risk that during any development works unexpected contamination may be encountered.

Therefore, the council's Environmental Protection team recommends a condition to ensure any contamination is reported and controlled.

Other matters

A few comments regarding wildlife conservation and land registry matters have been received from the public regarding the application. No ecological report was submitted alongside this application given the small-scale nature of the proposal. If the applicant were to exercise their permitted development rights, there would still be some impact on wildlife, if any is present on the site. The indicative layout of the site shows that some garden areas will be left undeveloped following the erection of the dwelling. Whilst there may be impact on ecology as a result of the development, this will not be beyond the impact that would be recorded if the proposal was for larger home extension. Land registry issues are not planning matters but legal issues. Therefore, this has not been considered in this assessment.

Conclusion

Whilst the development would be a tandem development and within the Area of Special Historic Landscape Interest (LC14 area), it would enable the effective use of land within the development boundary of the settlement and would provide an additional dwelling within a sustainable locality. Under normal permitted development rights, the applicant could extend or erect a number of outbuildings in the garden plot which would ultimately detract from the character of the site and area. However, a single two-bedroom dwelling with layouts that respect neighbours' amenity should be in keeping with the character of the area. Therefore, it is considered in this instance that the proposal is a sustainable development and hence is recommended for approval subject to suitable conditions to control the development.

Pre-commencement conditions

These have been agreed with the applicant/agent.

RECOMMENDATION Grant permission subject to the following conditions:

1.

Approval of the details of the layout and appearance of the building(s), and the landscaping of the site, (hereinafter called 'the reserved matters') shall be obtained from the local planning authority in writing before any development is commenced.

Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

2.

Plans and particulars of the reserved matters referred to in condition 1 above, relating to the layout and appearance of any buildings to be erected, 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.

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 dwelling served by the private driveway shall be occupied until it has been constructed in accordance with details including:

- (i) the proposed method of forming access from the highway, including the required visibility splays;
- (ii) the method of constructing/paving the drive;

- (iii) the provision of adequate drainage features;
- (iv) the provision of suitable bin collection facilities adjacent to the highway;
- (v) the provision of suitable lighting arrangements; and
- (vi) the provision of street name plates that shall include the words 'Private Drive';

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

Reason

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

9.

The proposed dwelling shall not be occupied until the private driveway has been constructed, in accordance with the approved details, up to the junction of the vehicular access serving it.

Reason

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

10.

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.

11.

No development shall take place until details showing an effective method of preventing surface water run-off from the highway onto the developed site have been submitted to and approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 155, 157, 163 and 165 of the National Planning Policy Framework.

12.

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 by the local planning authority. The approved method statement shall be implemented in full prior to development commencing on the site.

Reason

To protect human health.

13.

The dwelling shall be no more than one storey in height.

Reason

To safeguard the character and appearance of the locality and the amenity of neighbours in accordance with policies DS1, H5 and H8 of the North Lincolnshire Local Plan, and policies CS5 and CS7 of the Core Strategy.

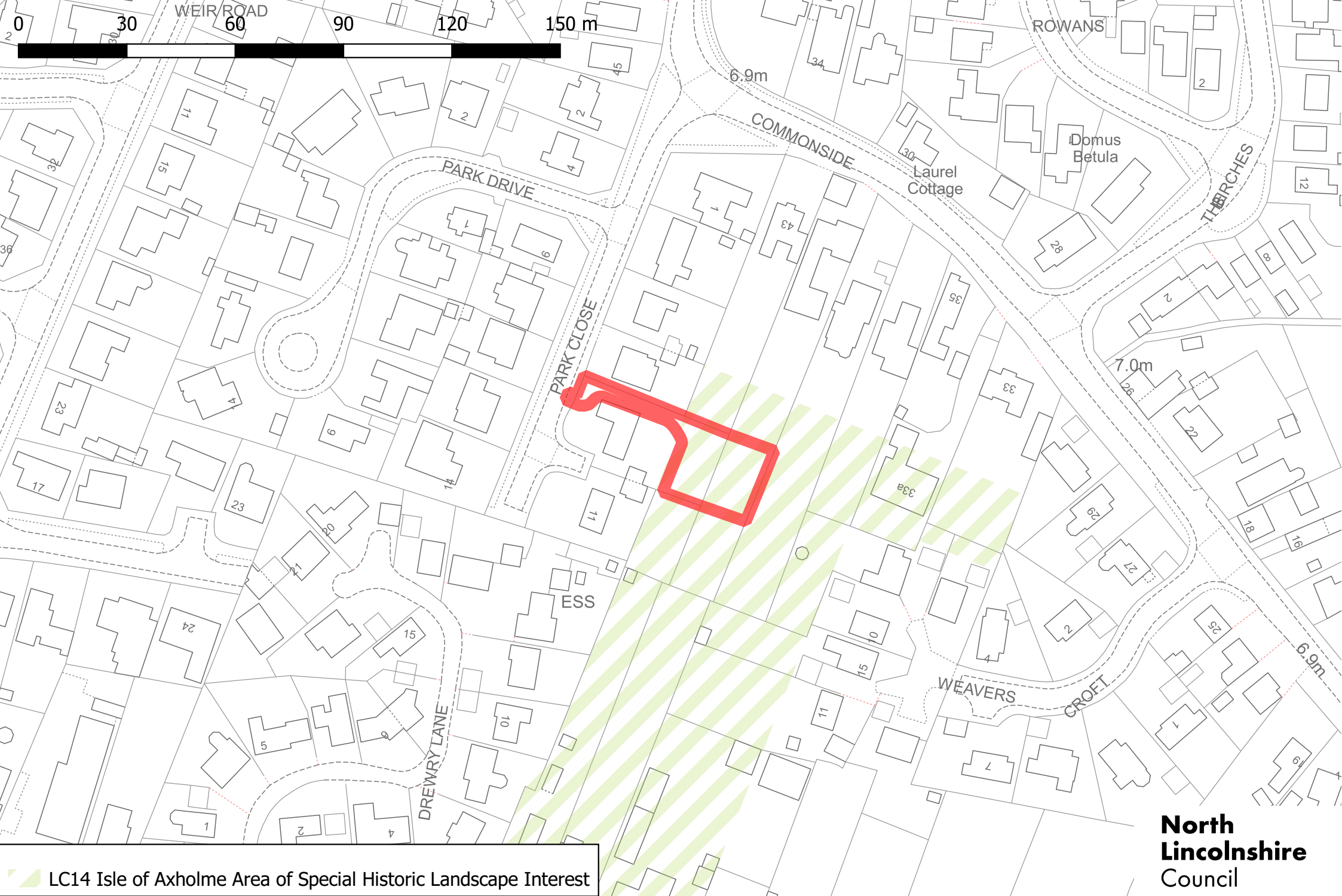
Informative 1

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.



LC14 Isle of Axholme Area of Special Historic Landscape Interest

North
Lincolnshire
Council

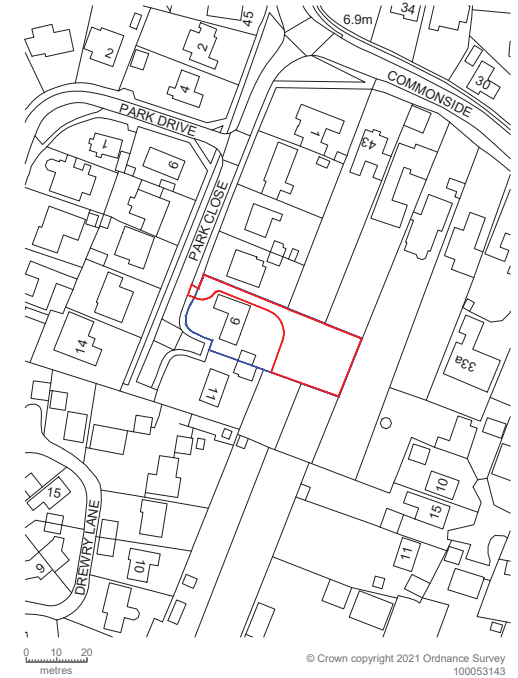
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PA/2022/277 Proposed layout (not to scale)



Proposed Site Layout - Scale 1:200



Location Plan - Scale 1:1250

Accommodation Schedule	GEA	
2 Bedroom/4 Person dwelling house (Bungalow)	91m ²	979ft ²
Single Garage	18m ²	194ft ²
Total:	109m²	1173ft²

Drawing scale: Varied@A2
 Proposed Site Layout
 No 9 Park Close, Westwoodside



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SKETCH DESIGN

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