

<b>APPLICATION NO</b>	<b>PA/2012/0021</b>
<b>APPLICANT</b>	Mr & Mrs L Gunn
<b>DEVELOPMENT</b>	Outline planning permission to erect four dwellings (two pairs of semis) with appearance, landscaping and scale reserved for subsequent approval
<b>LOCATION</b>	Rear of 37 Church Street, Haxey
<b>PARISH</b>	<b>HAXEY</b>
<b>WARD</b>	Axholme South
<b>CASE OFFICER</b>	Tanya Eggett
<b>SUMMARY RECOMMENDATION</b>	<b>Subject to the completion of a Section 106 agreement, grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Haxey Parish Council

## **POLICIES**

**Regional Spatial Strategy for Yorkshire and the Humber:** No specific policies apply.

**North Lincolnshire Local Plan:** Policy DS1 (General Requirements) provides general design guidance for all new development.

Policy T2 (Access to Development) – all new development must provide a satisfactory access.

**North Lincolnshire Core Strategy:** Policy CS1 (Spatial Strategy for North Lincolnshire) – Haxey is identified as a rural settlement. 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. Any development that takes place should be in keeping with the character and nature of the settlement.

Policy CS2 (Delivering More Sustainable Development) – in supporting the delivery of the spatial strategy set out in policy CS1, as well as determining how future development needs will be met in North Lincolnshire, a sequential approach will be adopted. Development should focus on previously used land and buildings within the Scunthorpe urban area, followed by other suitable infill opportunities within the town, then by appropriate greenfield urban extensions, previously developed land and buildings within the defined development limits of North Lincolnshire's market towns, followed by other suitable infill opportunities then appropriate small-scale greenfield extensions to meet identified local needs, and small-scale developments within the defined development limits of rural settlements to meet identified local needs. All future development in North Lincolnshire will be required to contribute towards achieving sustainable development. Proposals will need to comply with sustainable development principles which are listed within this policy.

Policy CS3 (Development Limits) – development limits will be applied to the Scunthorpe urban area, the market towns and rural settlements. Development outside these defined boundaries will be restricted to that which is essential to the functioning of the countryside.

Policy CS5 (Delivering Quality Design in North Lincolnshire) – all new development in North Lincolnshire should be well designed and appropriate for its context. This policy lists the design criteria which all new development should comply with.

Policy CS7 (Overall Housing Provision) – within rural settlements and the countryside a net density of 30 to 35 dwellings per hectare should be achieved within a residential development site, or the residential element of a mixed use site.

Policy CS8 (Spatial Distribution of Housing Sites) – new housing within rural settlements will create opportunities for small-scale infill development that maintains the viability of the settlement and meets identified local needs without increasing the need to travel.

Policy CS9 (Affordable Housing) – three or more dwellings in rural settlements must make provision for an element of affordable housing which is accessible to those unable to compete in the general housing market. This policy seeks to achieve 10% affordable housing in rural settlements. Where possible, affordable housing should be provided on site, but an off-site contribution may be acceptable where management of the affordable housing on site cannot be secured effectively or affordable housing provision elsewhere in more suitable settlements is more likely to contribute towards the creation of mixed communities.

## **CONSULTATIONS**

**Highways:** No objections subject to conditions 7 to 12.

**Severn Trent Water Ltd:** No objections.

**Environment Agency:** No objection.

## **PARISH COUNCIL**

Object with concerns regarding an increase in traffic. The parish council would restrict new housing development in certain locations, eg on greenfield sites and in gardens.

## **PUBLICITY**

Advertised by site notice and adjoining properties notified. Four letters of objection have been received raising the following material planning issues:

- increase in parking
- access is unsuitable
- additional school spaces required
- increase on drainage system
- previous application was refused for four dwellings

- no need for any additional housing.

## **ASSESSMENT**

This is an outline application for four dwellings (two pairs of semi-detached dwellings), with layout and access not reserved. The site is a paddock/garden area with vehicular access from Holme Dene. The area is essentially residential in character. There is an extant outline planning permission for three dwellings on the site (PA/2011/0884) which was granted on 19 October 2011.

**The main issues associated with this case are whether, in planning policy terms, the proposal is acceptable, and if so, whether its impact on the amenity of neighbours, the amenity of the locality and on the highway network is also acceptable.**

In terms of planning policy, the scheme does accord with policies CS1, CS2, CS3, and CS7 of the council's adopted core strategy. The majority of the site is located within the development boundary of Haxey which is identified as a rural settlement in policy CS1 of the adopted core strategy. Only a small part of the garden area to plot 3 lies outside the development boundary. The site is located close to the central area of the settlement. Haxey has a number of services such as shops, doctors, post office, café, library, public houses, village hall, for example, and it is therefore considered that the development is within a sustainable location and accords with policies CS2 and CS3 of the adopted core strategy.

In terms of policy CS7 of the adopted core strategy, the density of the development is acceptable within this rural settlement and is considered to be in keeping with the character of the area and will support the development of Haxey in terms of sustainability. As a result, the proposal accords with policy CS7 of the adopted core strategy.

Policy CS8 of the core strategy relates to the spatial distribution of housing sites. New housing development within rural settlements will create opportunities for small-scale infill development that maintains the viability of the settlement and meets identified local needs without the need to travel. In this case the site is primarily located within the development boundary of Haxey and is regarded as infill development. The site is located within a sustainable settlement as Haxey has a number of services, shops, community facilities and is located on bus routes to Doncaster, Scunthorpe and Gainsborough. The site will provide additional housing for Haxey. The commuted sum to be obtained by a Section 106 agreement will provide money towards affordable housing in the locality. The proposal therefore accords with policy CS8 of the core strategy.

Policy CS9 of the core strategy relates to affordable housing. This policy sets out the proportion of affordable housing required on a site. In the case of Haxey, which is identified as a rural settlement, 10% of the housing should be affordable. This should, where possible, be provided in site, but an off-site contribution is acceptable where management of affordable housing on site cannot be secured effectively or affordable housing provision elsewhere in more suitable settlements is more likely to contribute towards the creation of mixed communities. In this case, the proposal is for four dwellings and therefore an on-site provision would equate to 0.4 dwelling. As a result, a commuted sum of £16,119.36 is required in order to provide affordable housing in the locality. This money will be obtained via a Section 106 agreement. The applicant is willing to enter into a Section 106 and therefore the proposal accords with policy CS9 of the core strategy.

In design terms, subject to conditions, it is not considered that the layout is out of character with the area. The development will be viewed in context with (and repeats the residential layout of) Holme Dene, an adjacent modern housing estate. The dwellings will not adversely affect the amenity of adjoining dwellings and privacy issues can be dealt with by planning conditions. As part of the gardens to Plot 3 and Plot 4 lie outside the development boundary, within the open countryside, it is considered that permitted development rights for curtilage buildings should be removed from these properties in order to safeguard the openness and character of the countryside and to safeguard the privacy of adjoining dwellings. The proposal therefore accords with policies CS5 of the adopted core strategy and DS1 of the North Lincolnshire Local Plan.

Highways have raised no objections to the scheme. The level of on-street parking within Holme Dene is noted, but the scheme will provide an adequate level of off-street parking for the four dwellings. It is for residents of Holme Dene to ensure that they park considerately to others in order to ensure that residents can access their own parking spaces and allow emergency and refuse vehicles to access Holme Dene. The proposal therefore accords with policy T2 of the North Lincolnshire Local Plan.

The issue of drainage will be dealt with under the Building Regulations procedure and by the imposition of planning conditions. The development being for four dwellings will not create a significant impact on the demand for school places in the vicinity.

## **RECOMMENDATION**

**Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 providing for a commuted sum of £16,119.36 for the provision of off-site affordable housing, the committee resolves:**

- (i) it is mindful to grant permission for the development;**
- (ii) the decision be delegated to the Head of Development Management upon completion of the obligation;**
- (iii) if the obligation is not completed by 7 June 2012 the Head of Development Management be authorised to refuse the application on the grounds that the development would not make any provision for affordable housing on the site which would be contrary to policy CS9 of the North Lincolnshire Core Strategy; and**
- (iv) the permission so granted be subject to the following conditions:**
  - 1. Approval of the details of the scale 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 3(1) of the Town & Country Planning (General Development Procedure) Order 1995.

2.

Plans and particulars of the reserved matters referred to in condition 1 above, relating to the scale 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 3(1) of the Town & Country Planning (General Development Procedure) Order 1995.

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 development hereby permitted shall be carried out in accordance with the following approved plans: PA/2012/0021:G/01/01/077/11, PA/2012/0021:G/01/01/077/11A and PA/2012/0021:001.

Reason

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

6.

No 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.

7.

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.

8.

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 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.

Reason

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

9.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking spaces serving it have been completed and, once provided, the vehicle parking spaces shall be retained.

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 begin until details of the private driveway, including drainage and lighting arrangements, have been submitted to and approved in writing by the local planning authority and no dwelling on the site shall be occupied until the private driveway has been constructed in accordance with the approved details. 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.

11.

Works shall not commence on site until wheel cleaning facilities, in accordance with details to be submitted to and approved in writing by the local planning authority, have been provided within the curtilage of the site, and this facility shall be retained for the duration of the works.

Reason

To prevent material being deposited on the highway and creating unsafe road conditions.

12.

No development shall take place until a scheme for the disposal of foul and surface water has been agreed in writing by the local planning authority and none of the dwellings shall 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.

13.

Notwithstanding the provisions of Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, or any order revoking and re-enacting that order with or without modification, no buildings shall be erected on the site on Plot 3 and Plot 4 other than those expressly authorised by this permission.

**Reason**

In order to regulate and control development on the site and to protect the amenity of the countryside and the amenity of neighbours in accordance with policy DS1 of the North Lincolnshire Local Plan.

14.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order re-enacting that order with or without modification), no new window openings shall be created in the eastern wall/roof plane of Plots 2 and 4 other than those shown on the submitted plan.

**Reason**

In order to protect the living conditions presently enjoyed by the occupants of adjoining properties in accordance with policy DS5 of the North Lincolnshire Local Plan.

15.

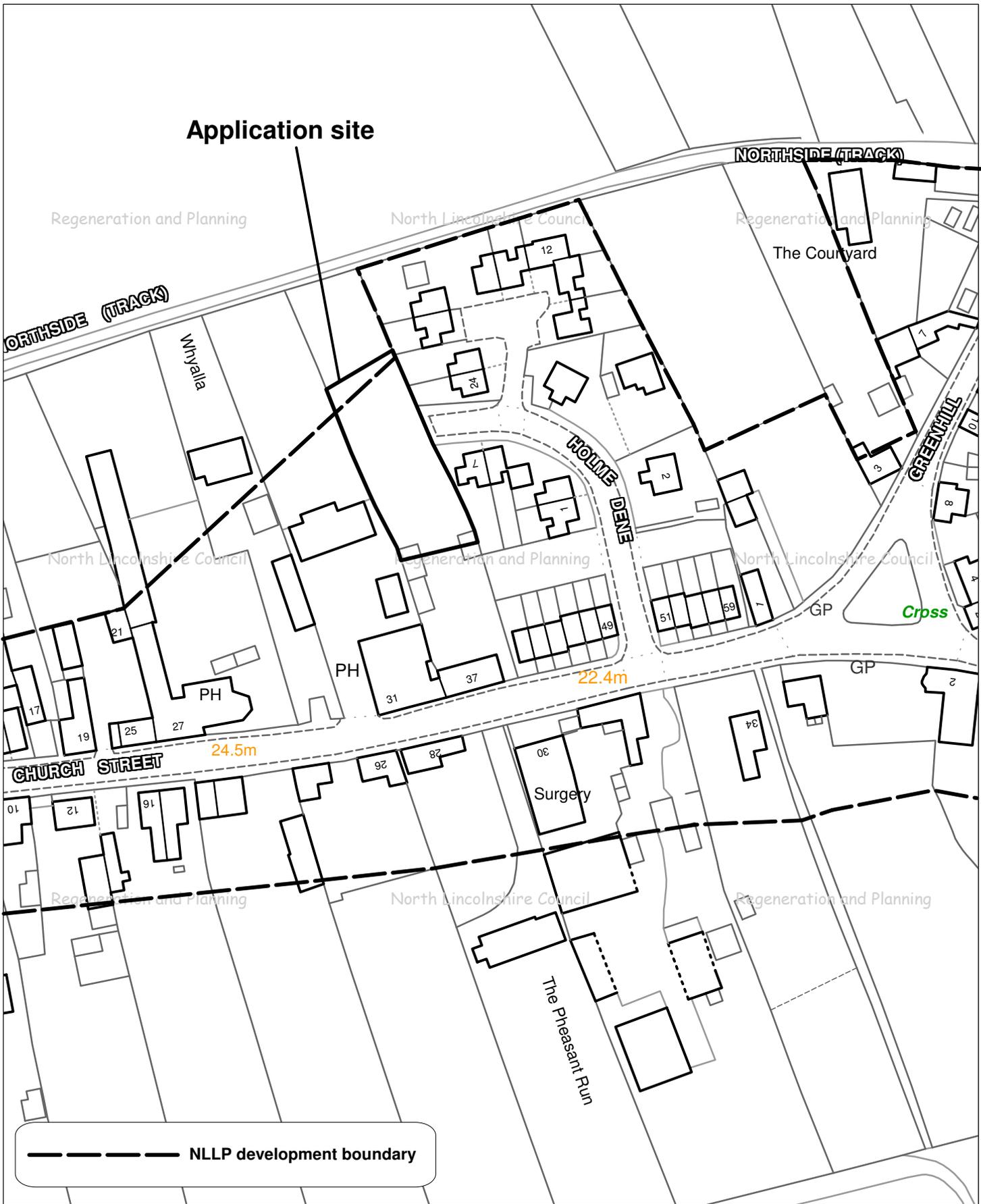
If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in 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.

**Reasons for approval**

The proposed development accords with policies DS1 and T2 of the North Lincolnshire Local Plan and policies CS1, CS2, CS3, CS5, CS7, CS8 and CS9 of the North Lincolnshire Core Strategy. It is considered that the development is primarily located within the development boundary of Haxey and the development can be accommodated on the site without adversely affecting the character of the area. The development will contribute to the sustainability of Haxey as it is considered that this settlement can support the additional dwellings proposed. The development will make a contribution to affordable housing in the locality. The development due to its layout and access will not have an adverse impact on the residential amenity of neighbours.



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**Regeneration and Planning**

Head,

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