

APPLICATION NO	PA/2014/0419
APPLICANT	Mr K Embleton
DEVELOPMENT	Planning permission for change of use to form guest house, an extension to the existing first-floor accommodation to form a bathroom and alterations within the existing front garden to form a small car park
LOCATION	27 Low Street, Haxey
PARISH	HAXEY
WARD	Axholme South
CASE OFFICER	Tanya Coggon
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Significant public interest

POLICIES

National Planning Policy Framework: Establishes a presumption in favour of sustainable development that should be seen as a golden thread running through both the plan-making and decision-taking process (paragraphs 6-10); Core Planning Principles; Section 1 – Building a strong, competitive economy; Section 3 – Supporting a prosperous rural economy; and Section 7 – Requiring good design.

National Planning Practice Guidance: Determining a Planning Application (ID21b); and Design (ID26).

North Lincolnshire Local Plan: Policy R14 (Hotel and Guest House Accommodation) supports such uses within defined settlement boundaries providing such proposals are compatible with their surroundings in terms of siting, scale, design and neighbouring residential amenity.

Policy DS1 (General Requirements) sets out criteria against which all proposals in the development and use of land will be considered and includes reference to quality of design, amenity, conservation, resources and utilities.

North Lincolnshire Core Strategy: Policy CS3 (Development Limits) looks to restrict development within defined settlement limits and will restrict development outside these boundaries to development that is essential to the functioning of the countryside.

Policy CS5 (Delivering Quality Design in North Lincolnshire) supports the creation of a high quality built environment which is attractive to residents, investors and visitors.

Policy CS15 (Culture and Tourism) promotes culture and tourism proposals that, in part, do not have an unacceptable impact on neighbouring uses in terms of noise, traffic and disturbance.

CONSULTATIONS

Highways: No objection subject to a condition ensuring the provision of adequate parking and turning facilities before the B&B is brought into use.

Tree Officer: No objection in principle subject to parking to protect the trees on site.

Environmental Health: No objection.

PARISH COUNCIL

In response to the amended plans Haxey Parish Council has no objections or comments. The parish council originally objected to the application when it was reported to Planning Committee on 14 January 2015 in terms of over-development of a domestic dwelling, traffic concerns, loss of privacy and overlooking into neighbouring property, the development not being appropriate in the area, there is already sufficient provision for bed, breakfast and restaurant facilities, the parking detracts from the area the rural village is in and adverse impact in terms of noise, traffic and disturbance to residents. However the parish council has now confirmed that they no longer object or have any comments on the application.

PUBLICITY

Neighbouring properties have been notified by letter, and site and press notices posted. Five letters have been received to the original application, all of which object to the proposed development and are summarised below:

- domestic property and should remain so
- highway safety issues
- do we need more facilities?
- privacy and amenity issues
- adequacy of parking on site
- oppose restaurant use as in a residential area.

Any further neighbour comments that are received in response to the amended plans will be verbally reported at the Planning Committee.

ASSESSMENT

This application was deferred at the Planning Committee on 14 January 2015 in order to allow the parish council and neighbours to be consulted on the amended plans.

The application site

The application site constitutes the property known as Stanhope at 27 Low Street, Haxey. The property is a detached two-storey dwelling that sits back off the highway on the northern side of Low Street and is bounded to the immediate east, west and north by residential development and to the south by The Kings public house. Low Street is the main arterial route through Haxey and displays all aspects of residential, commercial and cultural uses and is best described as mixed.

In terms of designations the application site is within the defined settlement limits of Haxey as shown on Inset Plan 23 of the local plan.

Proposal

Initially planning permission was sought for the change of use of the dwelling to form a guest house, restaurant and tea room, together with an extension at first floor to provide an additional bathroom. The submission also included the provision of eight parking spaces, including a disabled bay, to the front of the property (drawing number N33-01 – Proposed Site and Location Plan).

Following discussions with council officers, the applicant has withdrawn the restaurant and tea room element from the proposed development. In essence, the application before Members is for a guest house, first-floor bathroom extension and car parking.

In terms of external alterations to Stanhope, these are restricted to the creation of an additional floor above the existing ground-floor toilet on the eastern aspect of the dwelling. In plan form the proposed extension measures some 3.1 metres by 2 metres with a height to the ridge of 2.5 metres. It is proposed that the extension shall be faced in brick to match the existing, whereas the roofing pantiles will be those reclaimed from the roof of the current toilet block. The additional bathroom will serve guest bedroom 3.

Main issues

The main issues to be considered in this matter are whether the proposal is acceptable in principle, and if so, whether it would harm the visual and residential amenity of the area, having regard to the provisions of the development plan and other material considerations.

Planning policy framework and materiality

Under the provisions of section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, as amended, (PCPA) the development plan for the purposes of this application comprise those 'saved policies' of the North Lincolnshire Local Plan adopted in 2003 and the North Lincolnshire Local Development Framework Core Strategy dating from 2011.

Materiality in this instance is set by the National Planning Policy Framework that was issued on 27 March 2012 and the National Planning Policy Guidance (PPG) issued on 6 March 2014, extant departmental statements, together with Ministerial pronouncements.

Assessment of main issues

Whether the proposed development is acceptable in principle

Core Strategy policy CS3 looks to restrict development within defined settlement limits and such limits are strongly supported in the Core Strategy in ensuring that future developments occur in sustainable locations. This overarching position is supported under the scope of local plan policy R14 which is permissive in construction (i.e. allows such developments within settlement boundaries subject to considering its compatibility with its surroundings in terms of siting, scale, design and neighbouring residential amenity). Core Strategy policy CS15 adopts the permissive approach as set out within local plan policy R14. At the national level it is a long standing position of Government that the planning system is not to be used as a tool to fetter with competition and the comments of the parish council in essence seek to instigate a restrictive practice that is contrary to the remit of the planning system.

It is therefore considered that the principle of the proposed development (i.e. guest house accommodation) accords with the adopted policies of the local plan, Core Strategy and national guidance.

Effect upon visual and residential amenity

Local plan policy DS1, under the heading of design, requires that ‘...the design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area’. Whereas, Core Strategy policy CS5 references the need for new development to be well designed and appropriate to its context and cites at its first sentence that ‘...design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area should be refused’.

The National Planning Policy Framework (NPPF) sees good design as being indivisible from good planning and it should contribute positively to making places better for people. Paragraph 64 notes:

‘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 and the way it functions’.

National Planning Practice Guidance (PPG), in considering design, reiterates the above quoted aspects of the NPPF although the PPG, at paragraph 001 reference ID: 26-001-20140306, directly cites good quality design as constituting an integral element of sustainable development.

In this instance the proposed extension follows the form of the host dwelling in terms of materials and the extension is clearly subordinate to and does not compete with the host dwelling. It is considered that the resulting development will appear as a homogenous development, rather than as a mere addition to an existing property. Consequently, it is considered that the design and appearance of the extension will not harm either the host dwelling or the street scene and it therefore complies with the above quoted policies of the development plan and national guidance.

On the question of residential amenity, it is accepted that privacy and the protection of general amenity constitutes a material consideration in determining development proposals in ensuring that residents of properties bounding any development site feel at ease within and outside their properties. This position is reflected within local plan policies DS1 and DS5, the NPPF and PPG. It is also noted by Government that whilst residential amenity is a

material consideration it is not to be used as a protection of private interests in the decision-making process.

In this instance the only external alteration, in terms of fenestration, which may harm residential amenity is the inclusion of a window to the bathroom extension that faces Low Street. In all other respects the dwelling remains as currently exists. Therefore, there is no greater effect upon amenity in terms of overlooking than currently occurs and consequently there is no harm to residential amenity. With regard to noise, it is considered that allowing for the composition of the dwelling and scale of the use the level of activity is no more than what could occur within a substantial family dwelling. It should also be noted that there are other commercial undertakings in the immediate area of the application site that attract more users with their attendant activity (e.g. noise).

Other issues

Neighbour representations to the application refer to the matter of highway safety. However, the council's Highways department is of the view that, subject to a condition, there will be no harm to users of the public highway and no evidence has been presented to overturn the given technical advice.

Conclusion

Taking the above matters into consideration it is concluded that the proposed development is not in conflict with the aforementioned development plan policies and national planning guidance.

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: drawings numbers N33-01 Proposed Site & Location and N33-02 Proposed Plan and Elevations Plans.

Reason

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

3.
The property known as Stanhope (i.e. 27 Low Street, Haxey) shall be used as a guest house and for no other purpose (including any other purpose within Class C1 of the Schedule to the Town and Country Planning (Use Classes Order) 1997), or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification.

Reason

In the interests of safeguarding the amenities of the area and to ensure compliance with policy R14 of the North Lincolnshire Local Plan 2003.

4.

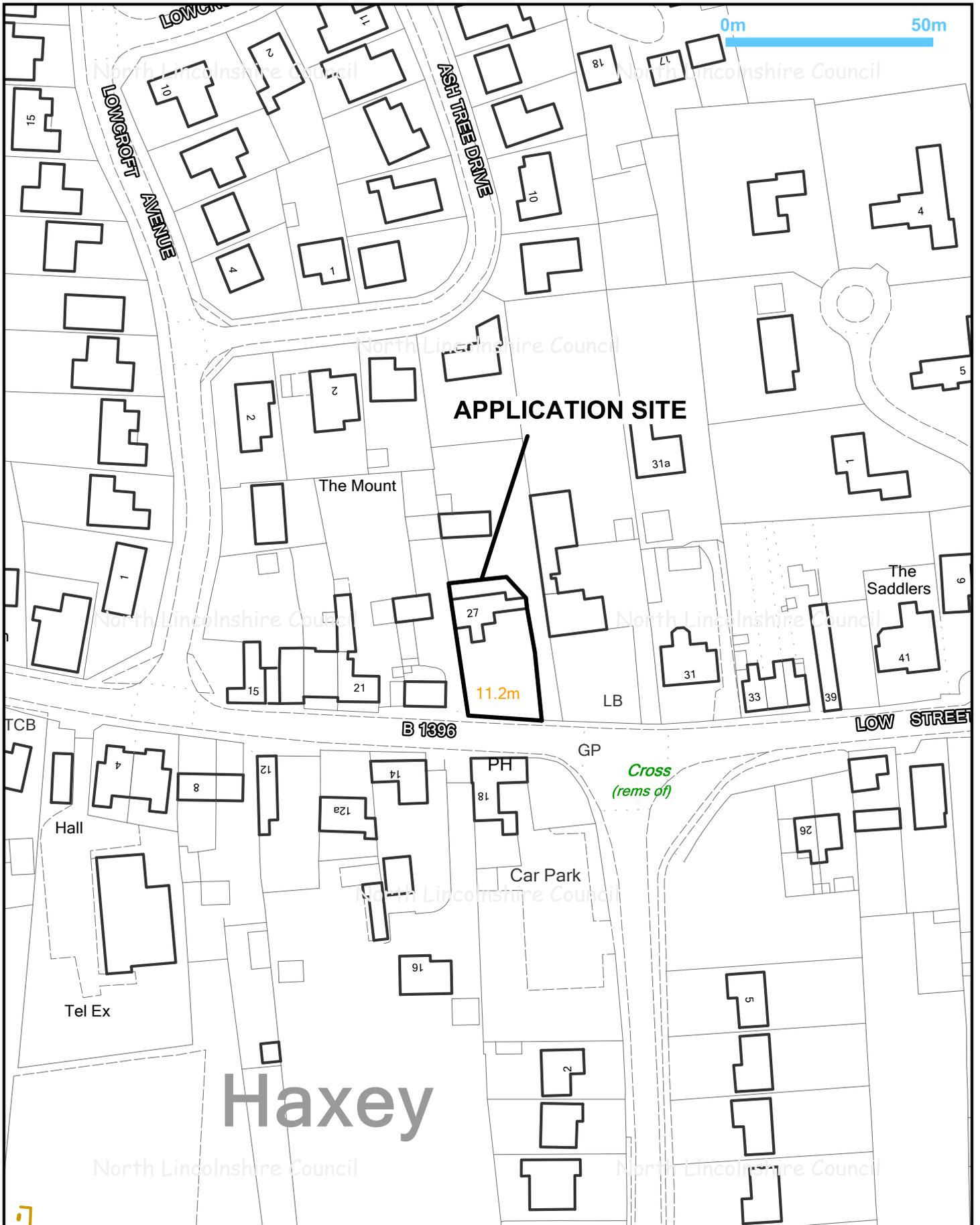
Notwithstanding approved drawing number N33-01, the use hereby permitted shall not be brought into effect until a dimensional parking layout following that shown on drawing number N33-01, including the turning facilities, has been submitted to and approved in writing by the local planning authority and completed, and once provided the parking facilities shall be retained thereafter. The layout plan shall incorporate a method statement for the protection of the existing trees on the site throughout the construction period and such works as may be so approved shall be carried out before development is commenced and maintained until completion of the development. None of the trees so protected shall be wilfully damaged or destroyed, uprooted, felled, lopped or topped, nor any other works carried out which would cause damaged to the root systems or otherwise threaten the lives of the trees during the period of construction without the previous written consent of the local planning authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased during that period shall be replaced with trees of such size and species as may be agreed in writing with the local planning authority.

Reason

In the interests of highway safety and to ensure the retention of the sylvan nature of the application site.

Informative

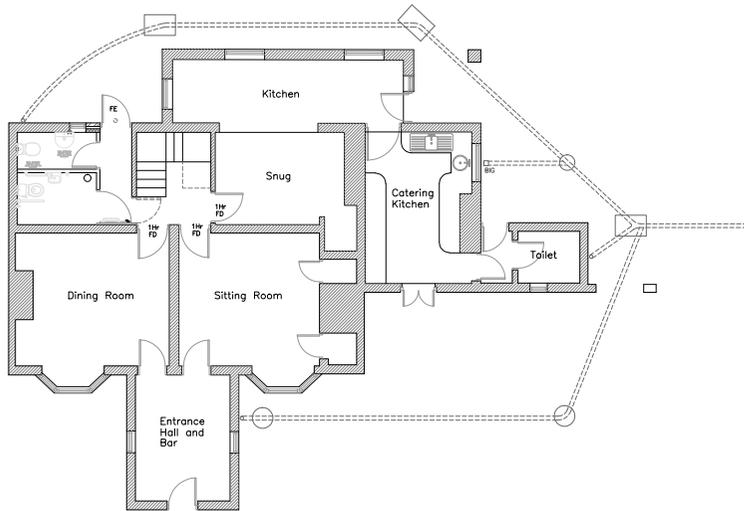
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



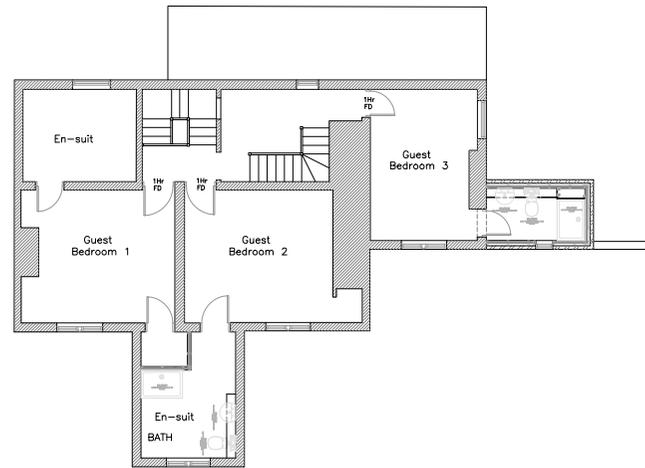
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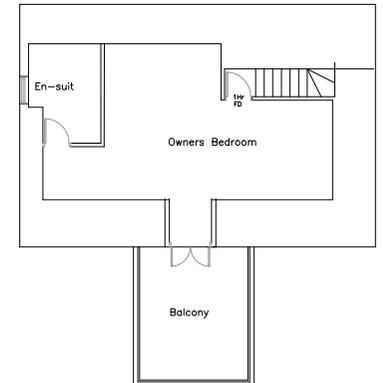
PA/2014/0419 Proposed Floor Layout Not to scale



Ground Floor Plan



First Floor Plan



Second Floor Plan