

<b>APPLICATION NO</b>	<b>PA/2015/0856</b>
<b>APPLICANT</b>	Mr & Mrs N Johnson
<b>DEVELOPMENT</b>	Planning permission to erect four dwellings and a garage on plot 2
<b>LOCATION</b>	Land at 4 Messingham Lane, Scawby, DN20 9AZ
<b>PARISH</b>	Scawby
<b>WARD</b>	Ridge
<b>CASE OFFICER</b>	Scott Jackson
<b>SUMMARY RECOMMENDATION</b>	<b>Subject to completion of a Section 106 agreement, grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Cllr Neil Poole – significant public interest)

## **POLICIES**

**National Planning Policy Framework:** Paragraph 14 states that at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Paragraph 35 states that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore developments should be located and designed, where practical, to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.

At paragraph 37 it states that planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Paragraph 64 states that 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.

Paragraph 131 states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraphs 15, 47, 50, 55, 56, 60 and 61 also apply.

**North Lincolnshire Local Plan:** Policies DS1, DS14, HE2, T1, T2, T19, H5 and H8 and H10 apply.

**North Lincolnshire Core Strategy:** Policies CS1, CS2, CS5, CS6, CS7, CS8, CS9, CS18, CS25 and CS27 apply.

## **Housing and Employment Land Allocations Development Plan Document (DPD)**

### **CONSULTATIONS**

**Highways:** No objections, but recommend conditions.

**Historic Environment Record:** This proposal does not adversely affect any heritage assets or their settings; no further comment.

**Environmental Health:** No objection, but recommend a condition in respect of construction and site clearance hours.

**Public Open Space:** New housing developments on allocated sites of 0.5 hectares or more will be required to provide recreational open space. It is acknowledged that ample recreational space will be provided for the private new build properties however this will not be communal. There is no requirement for communal open space to be made available on the development thus allowing the developer to maximise the site and develop the desired large individual dwellings.

Based upon the above criteria an off-site contribution of £2,533.86 is sought towards the upgrade and improvement of the communal recreational facilities at the central parish council playing field adjacent to the school.

**Strategic Housing:** Policy CS9 requires that new residential developments of three or more dwellings in the rural settlement of Scawby should provide 10% affordable housing for those unable to compete in the general housing market. North Lincolnshire Council would expect a 10% affordable housing contribution.

Therefore, North Lincolnshire Council would expect a commuted off-site contribution of £16,977.92 to be agreed with the developer through a Section 106 agreement to be used for future affordable housing development.

**Spatial Planning:** Comments made in relation to a Section 106 agreement being required to secure financial contributions.

**Conservation Officer:** The area which the proposed development sits on was included as an extension to the conservation area as an open area which contributes to the spacious open rural character of the conservation area. This open space is important as it contributes to the character and appearance of the conservation area and is a buffer between the historic village and the modern outlying areas.

This land should remain open green space. However, on this occasion there is no objection to building on the land as the proposal of four properties has meant that the landscape has maintained its spacious quality, an important characteristic in the conservation area, as opposed to having a more condensed layout.

The important consideration is the style and architectural detailing, and construction materials used for the buildings. This will ensure the application adheres to the above national legislation and local saved polices and guidance. The prominent building material in Scawby is limestone with other traditional buildings built from brick or white rendered and lime-washed. It is recommended that the buildings are constructed from a palette of limestone, brick and render in order to be more sympathetic to the conservation area as opposed to being made purely of bricks and seen as a new set of dwellings and other new development.

**Highways Drainage:** Following receipt of the Drainage Feasibility Report (March 2016), objection withdrawn but recommend a condition that the development takes place in accordance with the drainage report.

**Tree Officer:** Following receipt of an updated arboricultural report the previous objection is withdrawn. Recommend a condition that the development takes place in accordance with the tree protection plan and the arboricultural method statement.

## **PARISH COUNCIL**

Following confirmation that the site is now located in the revised settlement boundary for Scawby, the previous objection is withdrawn.

## **PUBLICITY**

Neighbouring properties have been notified and a site notice displayed. Six letters of objection, including a letter on behalf of three, have been received raising the following issues:

- the bathroom window in the eastern elevation of plot 4 should be obscure glazed
- the rooflights serving bedroom 1 on plot 4 should be removed
- a 1.8 metre high closed-boarded fence should be provided along the eastern boundary of plot 4
- overlooking from first-floor windows in plots 2, 3 and 4
- removal of trees will exacerbate overlooking from the proposed dwellings
- removal of trees is detrimental to the character of the conservation area
- the development is proposed outside the settlement boundary for Scawby
- if granted, the proposal would set a precedent for further residential development outside the settlement boundary
- the dimensions of the plot sizes are incorrect – the dwellings are located closer to the boundaries
- the boundaries of the site are drawn incorrectly
- there is no affordable housing provision

- removal of open space within the conservation area
- plot 1 should be moved marginally northwards to allow more space with 6 Messingham Lane
- the hedge along the western boundary is in poor condition
- impact on view
- devaluation of property prices
- dwellings are of individual design in this part of Scawby
- large dwellings with substantial gardens in the vicinity of the site
- incongruent design of the development
- overlooking to neighbouring properties from all plots
- contravention of human rights
- no details of boundary treatments
- the access drive is too narrow
- no area provided for bins
- considerable distance to bring bins for collection
- insufficient parking provision
- impact on traffic
- clearance/protection zones for trees are not achievable
- bats in the immediate area of this site
- the development is contrary to advice in the Scawby Village Design Statement
- the development is not in keeping with the character and appearance of the conservation area
- cramped form of development
- backland and tandem form of development
- no other examples of tandem or backland development along Messingham Lane
- removes the buffer between the historic part of the village and the larger modern dwellings.

## ASSESSMENT

This proposal is for the erection of four detached dwellings and a garage to serve plot 2 with the vehicular access proposed from Messingham Lane to the south. The application site serves as garden land to the rear and front of 4 Messingham Lane. The site is located within the conservation area and within the revised development boundary for Scawby (as shown in the Housing and Employment Land Allocations DPD). The site contains a number of mature trees and is surrounded by residential development on three sides. There is an existing large detached dwelling (4 Messingham Lane) located in the eastern part of the site and a further dwelling (6 Messingham Lane) located towards the front of the site. The site is located within walking distance of Vicarage Lane, where the main concentration of local community services are located.

**The main issues in the determination of this planning application are the principle of development, impact on character and appearance of the conservation area, impact on residential amenity and other issues.**

### Principle of development

The application site is garden land within the defined settlement boundary for Scawby, in a sustainable, central location within easy walking and cycling distance of a range of local facilities, including a primary school, village hall, shop, public house and post office. In terms of sustainability it is within walking distance of bus stops. The proposal therefore accords with the principles of sustainable development as set out within the policies of the local plan, Core Strategy and the National Planning Policy Framework on delivering residential development in appropriate locations. The Housing and Employment Land Allocations DPD shows that this site is located within the settlement boundary for Scawby.

Policy H8 (Housing Design and Housing Mix) applies and states that new residential development will be permitted provided that it incorporates a high standard of layout which maintains, and where possible improves and enhances, the character of the area and protects existing and natural and built features, landmarks or views that contribute to the amenity of the area. This site constitutes developable land within the settlement boundary of Scawby, in a sustainable location. There is, therefore, a presumption in favour of residential development.

Policy CS9 (Affordable Housing) of the adopted Core Strategy applies and states that new residential development of three or more dwellings in rural settlements must make provision for an element of affordable housing. This policy seeks to ensure that 10% of housing on schemes of three or more dwellings in rural settlements is provided; this equates to 0.4 dwellings. Strategic Housing has requested a commuted off-site contribution of £16,977.92; this would be secured through a Section 106 agreement to be used for future affordable housing development. However, the Written Ministerial Statement on Affordable Housing of November 2014, which raised the threshold for affordable housing provision to sites of 10 units or more, is still in force following an earlier decision to quash it in the High Court in July 2015. As a result of this Written Ministerial Statement for Affordable Housing being in force, there is no requirement for the off-site affordable housing contribution to be sought in this case.

Policy H10 (Public Open Space Provision in New Housing Development) of the North Lincolnshire Local Plan applies and states that new housing developments on windfall sites of 0.5 hectares or more will be required to provide recreational open space on a scale and

in a form appropriate to serve the needs of residents. The site area is 0.74 hectares and constitutes a windfall site for residential development in Scawby. The council's Public Open Space Coordinator has commented that the open space on the site will be private; therefore an off-site contribution of £2,533.86 towards the upgrade and improvement of the central parish council playing field is sought. This off-site open space financial contribution would be secured through a Section 106 legal agreement.

### **Conservation area**

The site is located within the Scawby conservation area as amended in 2011. The Scawby Conservation Area Appraisal recognises that the lack of vacant sites for redevelopment within Scawby puts pressure for development on the amenity spaces and the surrounding countryside. It goes on to state that the use of standard designs and housing layouts for such new development could erode the unique character and local distinctiveness. The dwelling located to the front of the site (6 Messingham Lane) is classed as a building of townscape merit within the Conservation Area Appraisal, meaning that it makes a positive contribution to the character and appearance of the Scawby conservation area. It is considered that the introduction of four detached properties on land which serves as garden to the front, side and rear of the applicant's dwelling will respect the openness that currently exists between residential properties in this part of the Scawby conservation area. In addition the proposal respects the layout, spacing and scale of development which exists between the modern properties built off Vicarage Paddock to the north; these dwellings are also located within the conservation area.

The dwellings will be located to the rear of two residential properties within an extensively vegetated site, this means that the dwellings will be screened; thereby not highly visible in the street scene. The scale and height of the proposed dwellings is consistent with those located in the vicinity and with the modern dwellings located within the conservation area. In addition the introduction of an internal road to serve a number of modern detached dwellings is a key characteristic of the settlement pattern in this part of Scawby, both within and outside the conservation area. For example, there is a modern housing estate containing large detached dwellings served from Messingham Lane immediately to the west of the site and a smaller-scale development containing three dwellings located in the conservation area immediately to the north of the site. There is a further example of a modern infill housing estate within the Scawby conservation area, consisting of 13 dwellings, located on Coach House Gardens to the south.

Turning to the development itself, the layout shows the erection of four large detached dwellings arranged around an internal access road and positioned centrally in spacious plots. The layout and density of housing retains a sense of openness to this part of the conservation area, particularly as there is a considerable separation distance between each of the proposed dwellings. The plot sizes are also commensurate with those of the housing estates to the west of the site (Old Vicarage Park) and to the north (Vicarage Park). The proposal doesn't represent a cramped form of development in this case.

With regard to three of the dwellings (plots 1, 3 and 4), these are of similar scale and design with the integral double garage located to the front with a first-floor bedroom over. Each of the elevations is broken up by a combination of window and door openings and the two protruding gables to the front elevation form a visually dominant feature to the dwellings. Detailing, including stone cills and lintels, a chimney to the side elevation and eaves detailing, provides additional visual interest to the appearance of these three dwellings. Whilst it is acknowledged that three of the four proposed dwellings will be of

similar scale, design and appearance, it is considered prudent to recommend a condition that samples of external materials are submitted to the local planning authority for consideration. This will allow the local planning authority to ensure there is variety in the external finishes of the proposed dwellings. This is consistent with advice from the conservation officer.

The design of plot 2 is different from those proposed on adjacent plots. Two dormer windows are proposed to the front slope. The pitch of the roof to these dormer windows is consistent with that of the protruding gable, thereby adding some balance to the principal elevation. The inclusion of dormer windows is consistent with the appearance of the remainder of the plots and breaks up the massing of tile within the front roof slope. Each of the elevations is broken up by a combination of door and window openings. In addition, the same design features proposed to the remainder of the plots will be adopted.

In conclusion, it is considered that the openness of this site within the Scawby conservation area is retained, particularly as there is adequate spacing between each of the proposed dwellings, and the layout of the proposal is consistent with the prevailing pattern of residential development. Given the screened nature of the site, together with the set-back distance from Messingham Lane, it is considered that the proposal will not be highly visible in the street scene and views into the site will be restricted. Taking all of the above factors into account, it is considered the character and appearance of the Scawby conservation area will be preserved in this case. In addition, views of the existing house to the front of the site (identified as a building of townscape merit) will not be intercepted by the proposed dwellings to the north. This building will therefore continue to make a positive contribution to the character and appearance of the conservation area. The proposal respects guidance detailed within the Scawby Village Design Statement in that it includes a cul-de-sac, reflects the character of surrounding development and respects the scale, style and setting of the village and its surroundings.

The trees within the site are located wholly within the conservation area, which affords them conservation area protection. An updated arboricultural report has been submitted with the planning application, which sets out the number, type and quality of the trees, together with details of their intended protection and removal (where required). The updated report states that three trees will be removed to facilitate residential development: two rowan and a Bhutan pine. The rowan trees are either dead or in poor condition and the Bhutan pine will be removed to facilitate the construction of plot 1. The report also highlights that all the remaining trees will be retained and there is sufficient space within the site to secure the proposed method of tree protection throughout the construction period. Given that all but three trees will be retained on the site and that minor remedial works are proposed to the remaining trees, it is considered that the contribution these trees make to the character and appearance of the conservation area will be preserved in this case. Following receipt of this updated arboricultural report the council's tree officer has raised no objection to the proposal and has recommended a condition requiring the method of tree protection to be in place during the entirety of the construction period.

## **Residential amenity**

The plans show that each of the proposed dwellings will have acceptable amounts of private amenity space to the rear and each property will have space for a minimum of two off-street parking spaces. The plans also show that the separation distance from the rear elevation of the proposed dwellings to the nearest residential property is 15 metres; this is the distance between the southern elevation of plot 1 and 6 Messingham Lane. Taking

each of the plots in turn, there are no habitable room windows proposed in the first floor of plot 1, therefore no overlooking towards 6 Messingham Lane will take place. The separation distance from the three upper floor bedroom windows of the western elevation of plot 1 to the western boundary is 19.5 metres, which is considered sufficient to negate the potential for overlooking.

The plans show that the separation distance from the rear elevation of plot 2 to the rear elevation of 10 Old Vicarage Park will be 43.3 metres at its nearest point. Similarly the separation distance from the rear elevation of plot 3 to the boundary with 1 Vicarage Paddock (to the north) is 14.2 metre and to its side elevation is 20.5 metres. The outlook from the bedroom windows serving plot 3 will be towards the driveway and gable of 1 Vicarage Paddock. These separation distances are considered sufficient to negate the potential for overlooking in this case. The rear-facing bedroom windows of plot 4 will have an outlook towards the shared drive serving the three properties located on Vicarage Paddock to the north. It is noted that all the trees along the northern and western boundaries of the site will be retained; this affords further screening to the rear gardens of neighbouring residential properties.

Each of the properties will have provision for a double garage together with two off-street parking spaces. Each property also has an area of private amenity space to the rear in excess of 150 square metres in area. This level of private amenity space and parking provision is considered sufficient to meet the needs of the potential occupants.

### **Other issues**

The width of the proposed access road is 3 metres, which is considered sufficient to serve five properties. In addition, this access will remain in use as a private drive and serve five properties in total. Highways have raised no objection to the proposal on highway or pedestrian safety grounds and there are no issues in this part of Scawby in terms of parking within the highway or highway visibility. The proposal is not considered to generate traffic movements over and above those reasonably expected in a residential area. A condition is recommended in respect of bin storage and collection; this will ensure that bins can be presented and collected adjacent to the public highway on the requisite day.

The tree report shows that all but three trees will be retained on the site, thereby retaining the biodiversity value of the site. However, the scheme also provides an opportunity for further biodiversity enhancement across the site; a condition is recommended to enable this to occur.

### **RECOMMENDATION**

**Subject to completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 providing for off-site contributions to public open space in Scawby, 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; and**
- (iii) the permission so granted be 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: 3294/P1B, 3294/P2, 3294/P3, 3294/P4, 3294/P5 and 570 02 (Tree Protection Plan).

Reason

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

3.

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.

4.

Any gates or gate positions at the vehicular access shall be set back a minimum distance of 5 metres from the nearside carriageway edge.

Reason

In the interests of highway safety and to comply with policies T2 and 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.

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.

7.

No development shall begin until details of the private driveway, including construction, drainage, lighting and where appropriate signage/street naming arrangements, have been agreed in writing with 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.

8.

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.

9.

Before development commences on site, details of the location of the refuse collection point and the bin storage area shall be submitted to and approved in writing by the local planning authority. Thereafter only the approved scheme shall be implemented on site at all times.

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 samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority and only the approved materials shall be used.

Reason

In order to ensure the development is in keeping with the character and appearance of the conservation area, in accordance with policies HE2 of the North Lincolnshire Local Plan and CS6 of the adopted Core Strategy.

11.

No development shall take place until detailed drawings, at a scale of 1:20, of the proposed windows, external doors and garage doors has been submitted to and agreed in writing by the local planning authority. The window details shall show sections, opening arrangements and glazing bar patterns. Details of the proposed materials and colour finishes shall be included. All works shall be carried out in accordance with the approved details.

Reason

In order to ensure the development is in keeping with the character and appearance of the conservation area, in accordance with policies HE2 of the North Lincolnshire Local Plan and CS6 of the adopted Core Strategy.

12.

No development shall take place until details of the positions, design, materials and type of boundary treatment to be built/planted have been agreed in writing by the local planning authority. The agreed boundary treatment shall be built/planted before the dwellings are occupied, and once built/planted it shall be retained.

Reason

In order to ensure the development is in keeping with the character and appearance of the conservation area, in accordance with policies HE2 of the North Lincolnshire Local Plan and CS6 of the adopted Core Strategy.

13.

The development hereby permitted shall be carried out in strict accordance with the method and extent of tree protection measures detailed in the Arboricultural Report produced by Enviroscope Consulting dated September 2016, including the method and extent of tree protection identified on drawing 570 02 dated 23<sup>rd</sup> September 2016. The tree protection measures shall be retained for the duration of the works. Within the areas so fenced off, the existing ground level shall be neither raised nor lowered (except as may be approved by the local planning authority as part of the development) and no materials, equipment, machinery or temporary buildings or surplus soil shall be placed or stored thereon. If any trenches for services are required in the fenced-off areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5 centimetres or more shall be left unsevered.

Reason

To ensure the work is carried out in a correct manner to protect the health of the trees and their contribution to the visual amenity and character of the local landscape.

14.

The development hereby permitted shall be carried out in accordance with the Drainage Feasibility Report produced by Alan Wood and Partners dated March 2016 and shall thereafter be retained.

Reason

To prevent the increased risk of flooding to the development and to neighbouring properties in accordance with policy DS14 of the North Lincolnshire Local Plan.

15.

No development shall take place until a biodiversity management plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

- (a) details of measures to avoid harm to bats and nesting birds during demolition, vegetation clearance and construction works;
- (b) details of bat roosting features to be installed in trees and/or buildings;

- (c) details of nesting sites to be installed to support nuthatch, spotted flycatcher and house sparrow;
- (d) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (e) prescriptions for the retention, planting and aftercare of native trees and shrubs of high biodiversity value;
- (f) proposed timings for the above works in relation to the completion of the buildings.

**Reason**

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy.

**16.**

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. The applicant or their successor in title shall submit photographs of the installed bat roosting and bird nesting features, within two weeks of installation, as evidence of compliance with this condition.

**Reason**

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy.

**Informative 1**

This application must be read in conjunction with the relevant Section 106 Agreement.

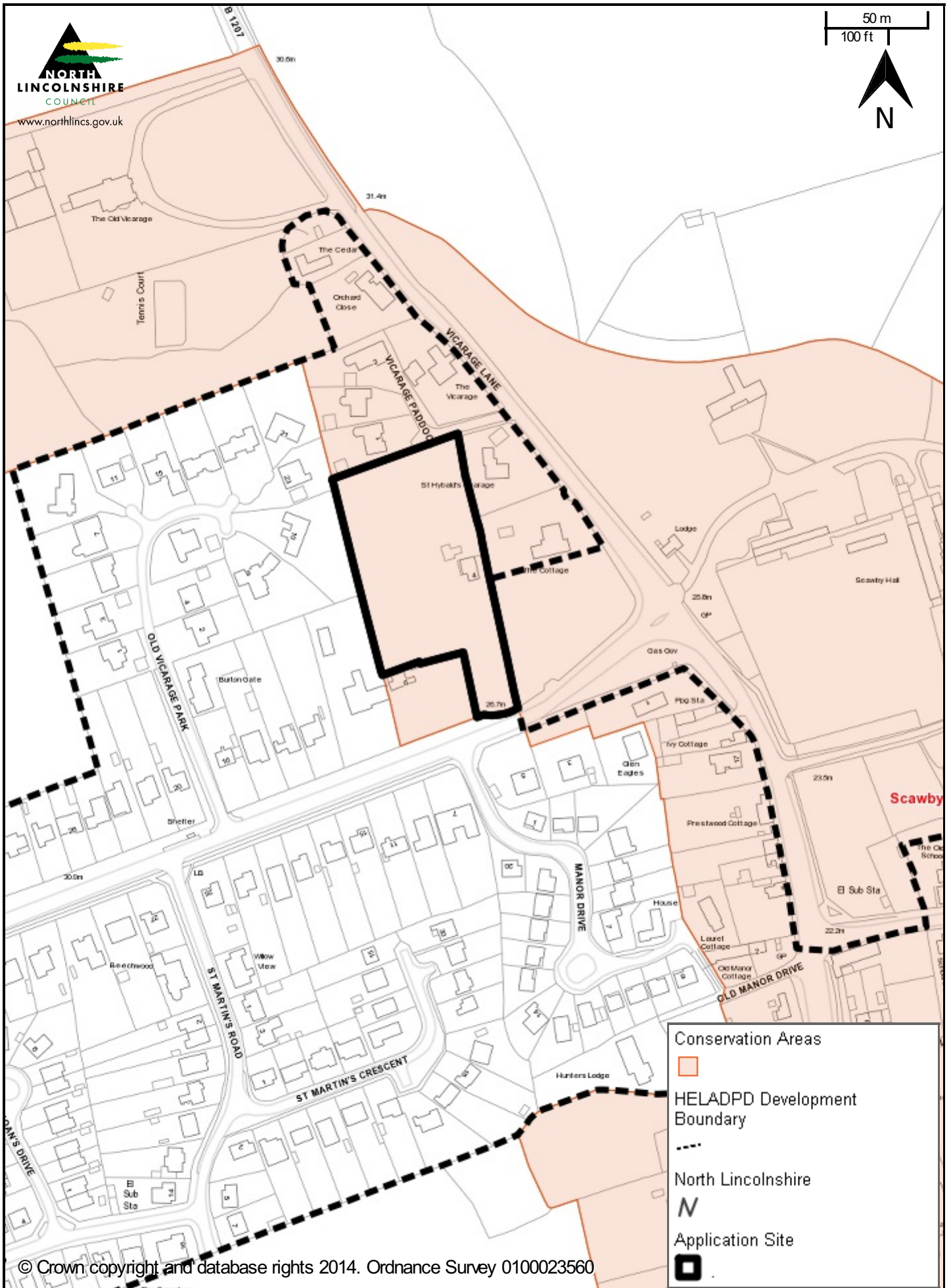
**Informative 2**

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.

**Informative 3**

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.



© Crown copyright and database rights 2014. Ordnance Survey 0100023560

PA/2015/0856

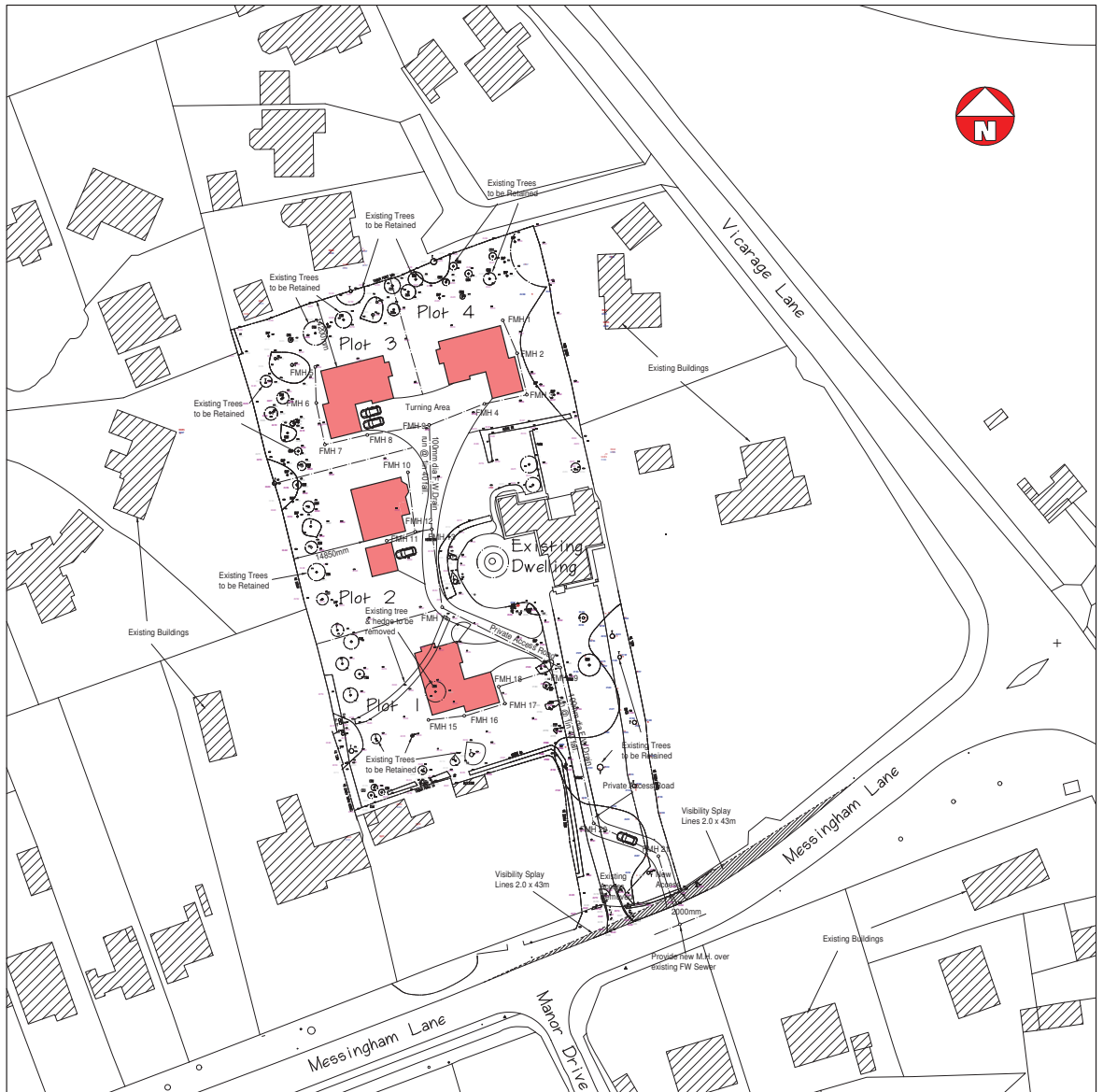
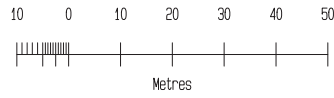
Drawn by: S Barden

Scale @A4 1:2500

Printed on: 30/11/2016 at 13:08 PM

# PA/2015/0856 Proposed site layout - Not to scale

**AMENDED**



Site Plan