

APPLICATION NO	PA/2016/107
APPLICANT	Mr S Fricker
DEVELOPMENT	Planning permission to erect a detached dwelling
LOCATION	Land adjacent to Owston House, Akeferry Road, Westwoodside, Haxey
PARISH	Haxey
WARD	Axholme South
CASE OFFICER	Leanne Pogson-Wray
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Haxey Parish Council

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.

Paragraphs 15, 47, 50, 55, 56, 60, 61 and 99 to 103 also apply.

North Lincolnshire Local Plan: Policies DS1, H7, H8 and T2.

North Lincolnshire Core Strategy: Policies CS1, CS2, CS3 and CS5.

North Lincolnshire Housing and Employment Land Allocations Development Plan Document

CONSULTATIONS

Highways: No objections subject to conditions.

Environment Agency: As land levels are above 4.1 AOD no further investigation is required.

Archaeology: No objections.

Environmental Health: Sensitive end use. Therefore advise full contamination conditions. (It is also believed that the site has previously been used as a piggery.)

PARISH COUNCIL

Objects to the proposal on the following grounds:

- outside the development boundary
- doesn't provide housing for rural needs and is not a windfall site
- south of Akeferry Road is a flood area
- not in keeping with the street scene.

PUBLICITY

Neighbouring properties have been notified by letter, and site and press notices posted. One letter of objection has been received raising the following material issues:

- outside the development boundary
- overbearing impact
- loss of outlook
- the dwelling is too far back
- overshadowing
- loss of light
- loss of privacy
- would require landscaping if approved.

ASSESSMENT

The application site is a vacant plot sited between two dwellings on Akeferry Road. The dwelling to the west is a modern detached L-shaped house on the road frontage built under outline planning permission dated 2 November 1999 (PA/1999/1047) and reserved matters

application PA/2002/1642. This permission was for two dwellings, which were a 'mirror' of each other. The second dwelling was for the plot which is the subject of this application. The site therefore has an extant permission for a dwelling on the frontage of the site.

The site is now outside the development boundary for Westwoodside, where new residential development would not normally be permitted. However, as the site has an extant planning permission on the site, this application is essentially for a change of house type and re-siting of the dwelling.

Planning permission was granted under PA/2009/0886 for a large dwelling set back into the site, which was later amended under PA/2012/1343. The applicant claims that this planning permission was implemented by the laying of foundations to the garage, however pre-commencement conditions were not discharged prior to the implementation and it is therefore not considered that this permission is now extant.

This planning application seeks permission for a detached dwelling set back from the road, in a similar position to that which was approved under PA/2009/0886, effectively a change of house type. The proposed design and siting is considered to be an improvement to that which was previously approved. The plans originally submitted with this application saw the dwelling sat relatively far back into the plot with the rear wall level with the rear boundary to the objector's property (83 Akeferry Road) with the garage to the rear of the objector's boundary. To the west of the objector's property there is a large store building which extends beyond the length of the garden. In that position the proposed dwelling would lead to a complete enclosure of the neighbour's garden resulting in an unacceptable overbearing impact and overshadowing of the garden.

Amended plans were subsequently submitted bringing the house further forward into the plot with minor alterations to the footprint and layout to reduce the impact on number 83. As these amended plans bring the footprint of the dwelling further forward into the site, the footprint of the proposed dwelling would significantly overlap the footprint of the approved 2002 dwelling with the majority of the proposed house being level with or forward of the ridge of the adjacent dwelling (and therefore of the approved dwelling). As such only one of the dwellings would be able to be erected.

The main issues in determining this application are whether the proposed dwelling is acceptable in terms of siting and design and whether the proposed dwelling would have an adverse impact on the amenity of neighbouring properties.

Concerns have been raised regarding the site being located outside the development boundary. However, as the site has extant planning permission for a dwelling on the site, the principle for a dwelling has been established and remains in perpetuity. Therefore this application is considered as a change of house type rather than a new dwelling in the open countryside.

The objections relating to amenity are primarily related to the positioning of the dwelling. Since the amended plans have been received, no further correspondence has been received from the objector. The previous comments will therefore be addressed based on the amended plans. The re-siting and change in layout would allow a larger gap between the rear of the proposed dwelling and the rear of the neighbouring property. This would reduce the impact and potential for overshadowing to the dwelling and garden of this property by significantly reducing the bulk of this elevation. There is only one small window proposed in the first floor of this gable elevation which serves an en suite and will therefore

be obscure glazed. The two first-floor windows in the eastern elevation will also be obscure glazed to prevent any overlooking to the dwelling to the east – a traditional detached house set on the front of the plot. The dwelling as amended has been designed to have minimal impact on the amenity of neighbouring properties.

Whilst the local planning authority does not consider the 2009 planning permission to have been implemented, some weight should be given to the planning history of the site. The dwelling approved had significantly more impact on the neighbouring properties and the character of the area and this proposed dwelling is considered to be a substantial improvement. As such the proposed dwelling is considered to be acceptable subject to appropriate conditions, including the obscure glazing of first-floor side windows, details of boundary treatment and details of landscaping.

The parish council objects on the grounds that the site is in a flood risk area. Whilst this is the case and the site is in zone 2/3a of the SFRA, as the site benefits from an extant permission the proposal can only be assessed in terms of safety. The Environment Agency has no objections to the proposal based on the AOD of the site.

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: 2802-01F and 2802-02F.

Reason

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

3.

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.

4.

Before the dwelling is first occupied all first-floor windows in the east and west side elevations shall be obscure glazed and thereafter retained as such.

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.

5.

No development shall take place until details of:

- (i) the location and layout of the vehicular access; and
- (ii) the number, location and layout of vehicle parking and turning spaces within the curtilage of the site; have been submitted to and approved in writing by the local planning authority.

Reason

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

6.

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.

7.

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.

8.

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.

9.

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.

10.

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.

11.

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

Part 1: Site Characteristics

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health
 - property (existing or proposed), including buildings, crops, livestock, pets, woodland and service lines and pipes
 - adjoining land
 - groundwaters and surface waters
 - ecological systems
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and a proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Part 2: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part 3: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

Part 4: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

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.

12.

No development shall take place until proposals for landscaping have been submitted to and approved by the local planning authority. The proposals shall include indications of all existing trees and hedgerows on the site, and details of any to be retained, together with measures for their protection during the course of development.

Reason

To enhance the appearance of the development in the interests of amenity.

13.

All the approved landscaping shall be carried out within twelve months of development being commenced (unless a longer period is agreed in writing by the local planning authority). Any trees or plants which die, are removed or become seriously damaged or diseased within five years from the date of planting shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority agrees in writing to any variation.

Reason

To ensure the implementation and maintenance of the submitted scheme of landscaping for the proposed development.

14.

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 dwelling is first occupied, and once built/planted it shall be retained.

Reason

To provide an appropriate level of screening in accordance with policies H8 and DS1 of the North Lincolnshire Local Plan.

15.

Notwithstanding the provisions of Schedule 2, Class E, Part (a) of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no outbuildings, swimming pools or enclosures shall be erected on the site other than those expressly authorised by this permission.

Reason

To ensure that there would be no unacceptable development which would encroach into the open countryside and to comply with policies RD2 of the North Lincolnshire Local Plan, and CS2 and CS3 of the North Lincolnshire Core Strategy.

Informative 1

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 2

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.



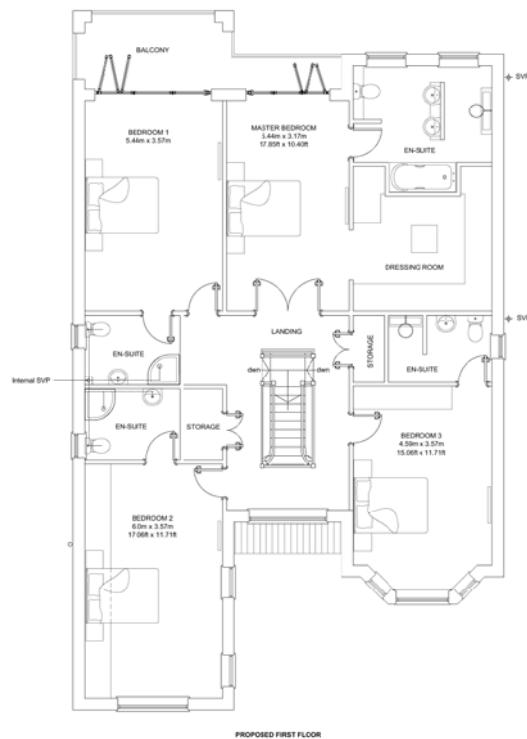
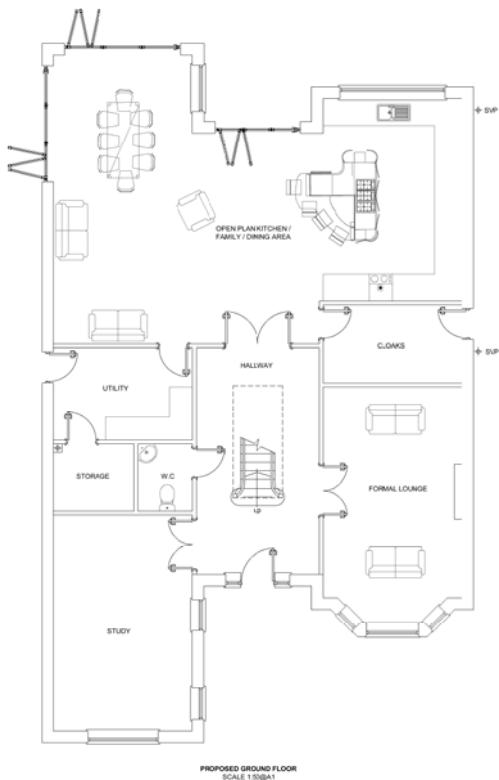
PA/2016/107

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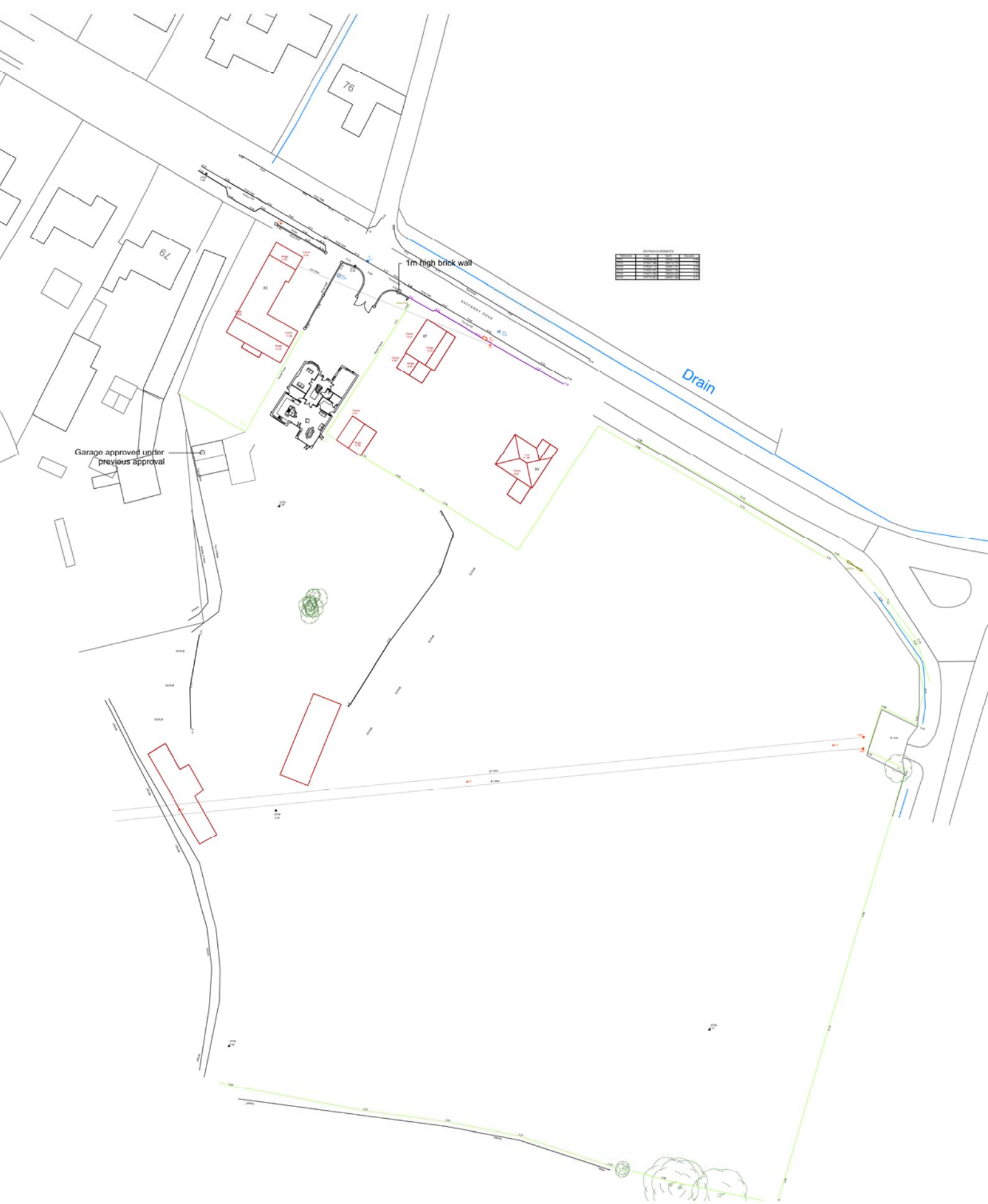
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Drawn by: S Barden

PA/2016/107 Proposed elevations and floor plans -Not to scale



PA/2016/107 Proposed layout - Not to scale

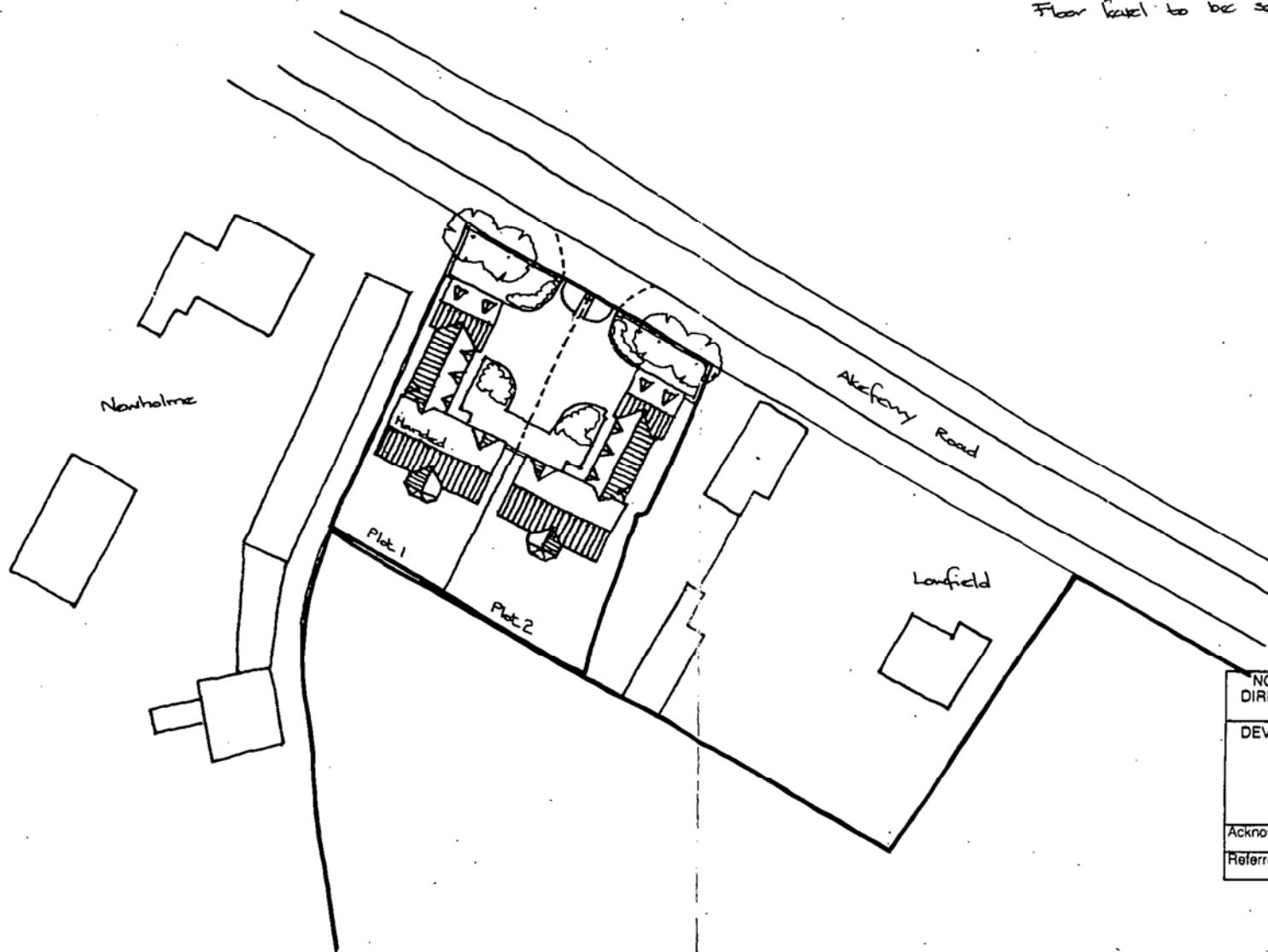


PA/2016/107 Previously approved layout PA/2002/1642



Not to scale

Note: All incoming services to be @ high level in accordance with Environment Agency recommendations.
Water-proof construction methods to be utilised.
Floor level to be set @ 600mm above existing gl.



NORTH LINCOLNSHIRE COUNCIL DIRECTORATE OF ENVIRONMENT & PUBLIC PROTECTION		
DEVELOPMENT CONTROL SECTION		
31 OCT 2002		
DATE RECEIVED		
Acknowledged:	Entered:	Copies to:
Referred to:		

R. W. SAXTON.

Architectural Design Consultant
68 Bentley Road - Bentley - Doncaster - DN5 9TA
Telephone : 01302 - 789567

Drawn : R.W. Saxton.

Date : October 2002

Drawing Title : Site Plan.

Drawing No. 02.026.2

Scale : 1/500

Project Title :

Proposed Residential Development at Plots 1 & 2
Akeferry Road, Westwoodside for White Feather Ltd.