

APPLICATION NO PA/2016/777

APPLICANT Mr Farmer

DEVELOPMENT Planning permission to demolish existing garage and erect three town houses

LOCATION The Old Chapel, Commonside, Westwoodside, DN9 2AP

PARISH Haxey

WARD Axholme South

CASE OFFICER Emma Carrington

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 National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

North Lincolnshire Local Plan:

Policy DS1 (General Requirements)

Policy H8 (Housing Design and Mix)

Policy DS7 (Contaminated Land)

North Lincolnshire Core Strategy:

Policy CS2 (Delivering more Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

CONSULTATIONS

Highways: Recommend conditions.

Environmental Protection: Recommend conditions relating to contaminated land and hours of construction.

Environment Agency: No objections.

PARISH COUNCIL

Objects on the grounds that the proposal is over-development of the site.

Although the existing building, which was an old chapel, is not listed, feels that some of the façade has some historic significance and some reference to this should be retained in the development.

The existing site has limited parking and has caused some issues in the highway. The alternative use as housing offers a useful alternative but still has concerns about the new parking provision which seems inadequate, the rear amenity spaces are too small, privacy to surrounding development needs to be considered and feels that two properties, rather than three, would be more appropriate.

PUBLICITY

Letters sent to neighbouring properties. One letter has been received objecting to the erection of a rear boundary fence, and would like to see a wall on this boundary, as existing.

One letter has been received which welcomes the development, but considers that there are a number of inaccuracies in the details of the proposal which need rectifying, otherwise they would not be able to support the development.

Three letters have been received which support the development as it will remove the on-street parking issues currently experienced in relation to the existing commercial garage.

ASSESSMENT

Planning permission is sought to demolish an existing two-storey building, formerly a chapel but now used for car sales and repairs, and replace it with a block of three, three-bedroom town houses. The proposal provides a rear garden for each dwelling, with two parking spaces on the frontage. The site is within the settlement boundary for Westwoodside. The block measures approximately 9 metres deep, 15 metres wide and 9 metres high. The site is approximately 26 metres deep and 25.5 metres at its widest reducing to 20 metres wide at the rear.

The main issues in the determination of this application are whether the new proposal will have a detrimental impact on residential amenity, highway safety and whether it is over-development.

The application site is currently used as car sales and repair garage and this has been the authorised use since at least 1988, but was originally a chapel. The site is located in a central position in the village, in a predominantly residential area. The existing building is two-storey and covers the majority of the site. The current proposal seeks to replace this building with a block of three town houses. Being within the settlement boundary for Westwoodside, the principle of residential development on this site is acceptable. In planning terms, it is also preferable to have housing on the site rather than a commercial garage. The main issues are whether the scheme as proposed will affect the amenities of surrounding properties due to loss of privacy, whether there will be sufficient parking for the occupiers of the development and whether the size and scale of the proposal represents over-development of the site.

In relation to loss of privacy, the main windows likely to cause issues of overlooking are the windows in the rear elevation of the proposal. Each of the three proposed dwellings has one bathroom window and one bedroom window in the first floor of the rear elevation. Due to the position of properties either side, and the distance from properties to the rear (in excess of 39 metres) it is not considered that there will be a significant loss of privacy to surrounding residents caused by direct overlooking.

Each property has two parking spaces provided on the site frontage. This is considered to be adequate to serve the scale of development proposed and the highways department has no objections to the application subject to conditions relating to parking provision.

The existing building covers the majority of the existing site area, leaving little space between surrounding properties. The proposed new development covers a similar area but, at the side and rear in particular, creates more separation distance from neighbouring buildings. Each dwelling has allocated amenity space and parking facilities and it is not considered that this represents an over-development of the site.

The Environmental Health Officer has commented that the use as a vehicle repair workshop provides reason to believe that contamination might be an issue on the site, which could have an impact on the future residents of the proposed development. However, provided that information can be submitted to address this matter before any development is commenced, no objections have been raised. Conditions regarding contamination are therefore recommended.

Letters have been received both in support and raising objections to the proposal, and the parish council has concerns about privacy, inadequate parking, over-development and, although housing is seen as a benefit, feels that two rather than three dwellings would be appropriate for the site. The letters of support consider that the proposal will be a benefit and will solve the parking issues currently experienced in connection with the garage activities. The letters of objection raise concerns about boundary treatments and inaccuracies within the submitted details. In planning terms residential development is more appropriate in a residential area than a car sales and repair garage. It is considered that the development is a betterment for the area and makes the best use of a limited site. No other objections have been received and it is considered that, subject to conditions, the proposal is acceptable and is in accordance with policies in the adopted local plan and core strategy.

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: PA/2016/777/01, REV 'B' 22/06/2016 and PLAN REVISION 'B' Sheet 1 of 2.

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.

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.

5.

Construction, demolition and site clearance operations shall be limited to the following hours:

- 7am to 7pm Monday to Friday

- 7am to 1pm on Saturdays.

No operations shall take place on Sundays or public/bank holidays.

HGV movements shall not be permitted outside these hours during the construction and demolition phase without prior approval from the local planning authority.

Installation of equipment on site during the construction and demolition phase shall not be permitted outside these hours without prior written approval from the local planning authority.

Reason

In the interests of the amenities of surrounding residents in accordance with policy DS1 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), no buildings or extensions shall be erected on the site other than those expressly authorised by this permission.

Reason

To maintain the character of the development in accordance with policy DS1 of the North Lincolnshire Local Plan.

7.

The windows in the eastern and western elevations shall be glazed in obscure glass prior to the occupation of the dwelling in which they are to be provided.

Reason

In the interests of the amenities of surrounding residents in accordance with policy DS1 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 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.

10.

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.

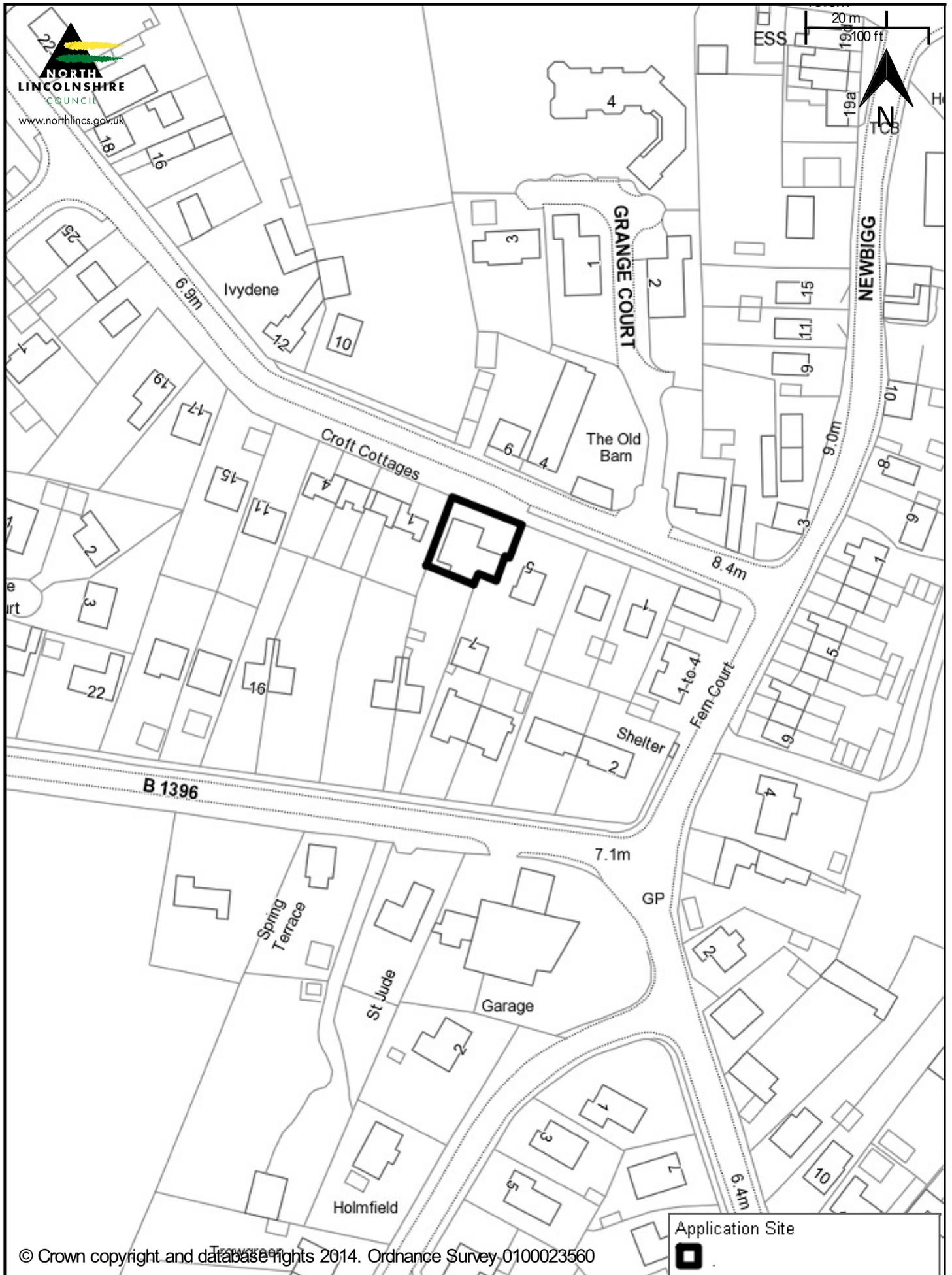
Informative 1

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.

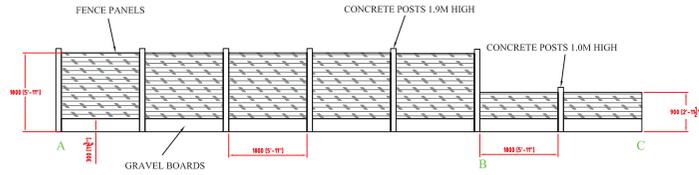
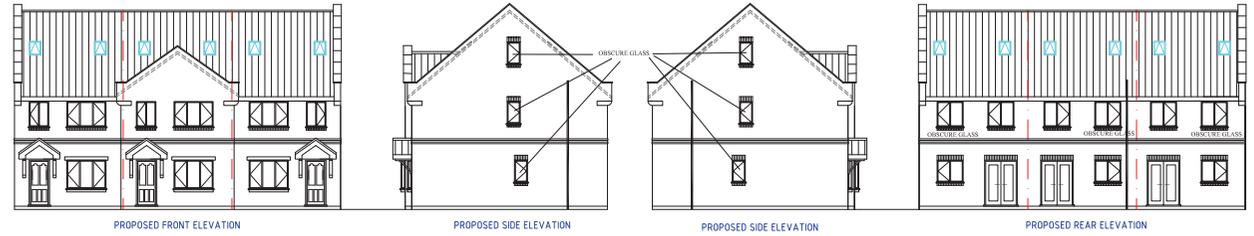
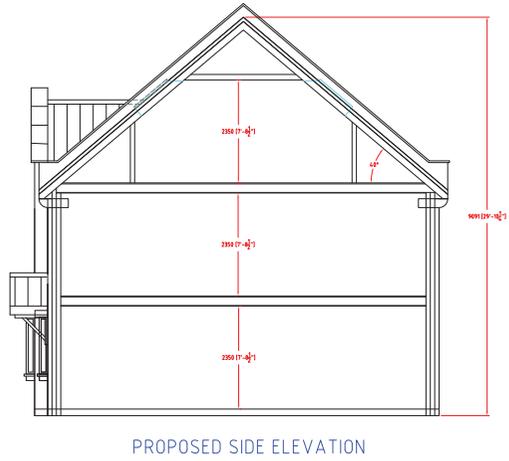
Informative 2

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.



Application Site

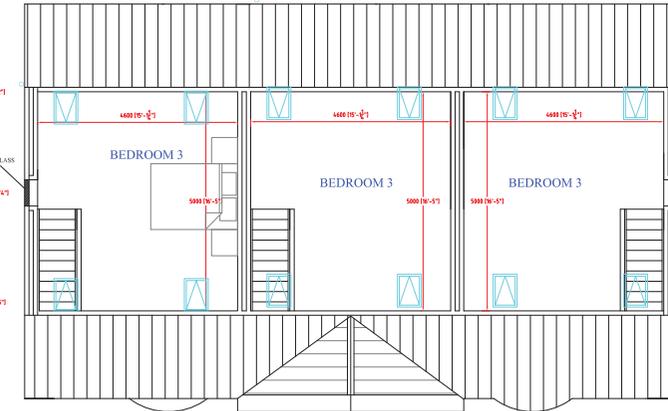
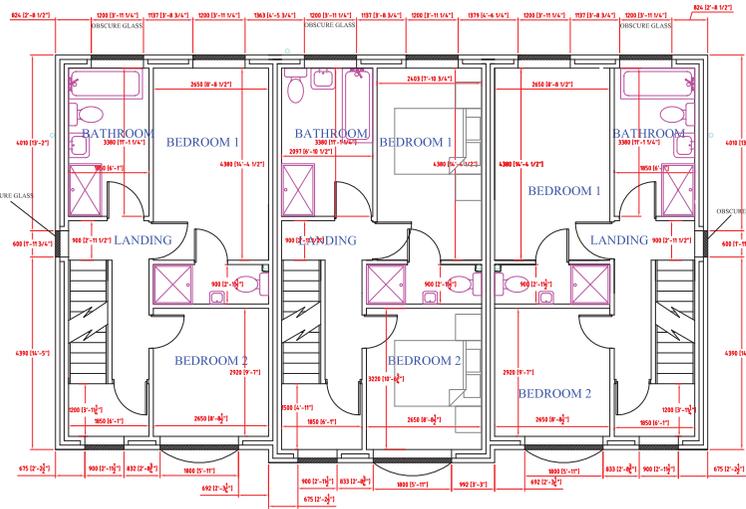
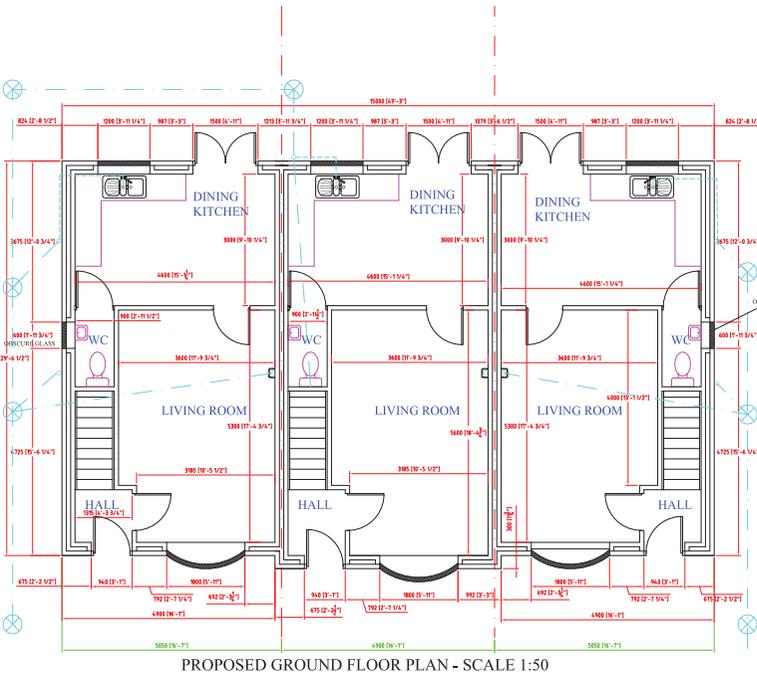

PA/2016/777 Proposed Floor Plans and Elevations - Not to scale

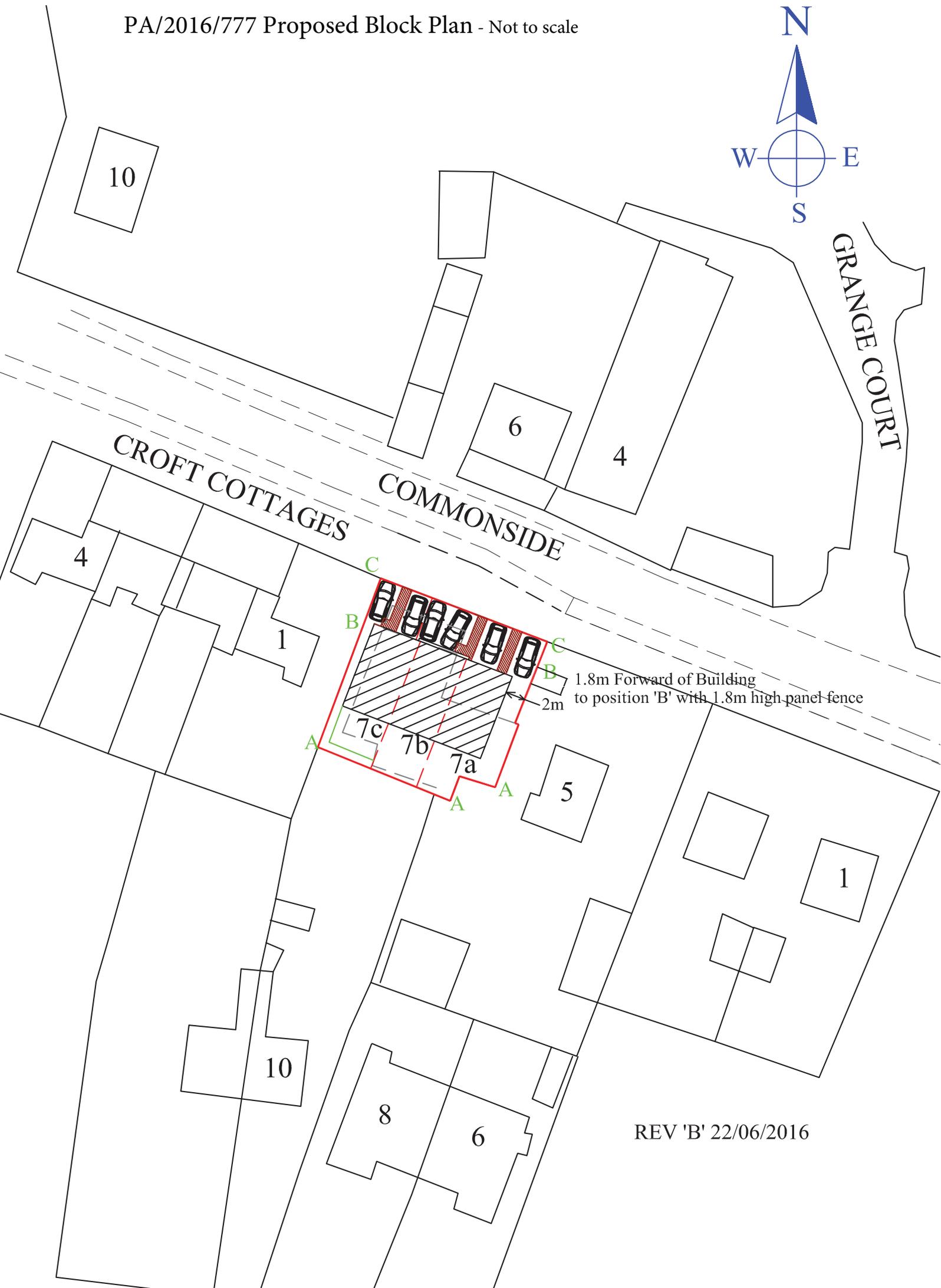


BOUNDARY FENCING TO BE SOLID AND NOT HIT AND MISS PANELLING IN ORDER TO MAINTAIN PRIVACY

AMENDMENTS REV'B' 22/06/2016

- 1) BOUNDARY FENCE NOTE ADDED
- 2) B POSITION ON NO. 5 COMMONSIDE MOVED TO 1.8M BEYOND NEW HOUSE FRONT WALL TO MAINTAIN PRIVACY, SAME FENCE PANEL CHANGED TO A 1.8M HIGH PANEL
- 3) ALL SIDE WINDOWS CHANGED TO OBSCURE GLASS, ALL BATHROOM WINDOWS NOTE ADDED OBSCURE GLASS.
- 4) PARKING AND ACCESS ROUTE TO FRONT DOORS MARKED ON BLOCK PLAN THIS SHOWS ENOUGH SPACE FOR DRIVERS TO EGRESS AND FOR ACCESS INTO THE HOUSES
- 5) BLOCK PLAN BOUNDARY AMENDED TO SHOW NO. 5 COMMONSIDE DRIVE ENCROACHES ONTO THE CHAPELS SITE BY A SMALL AMOUNT





REV 'B' 22/06/2016