

DELEGATED ASSESSMENT

Application no: PA/2024/1454

Proposal: Planning permission to vary the plans condition of planning application PA/1999/0920 which were added by non-material amendment PA/2024/1365 namely to amend the house type for plot 82, to amend the house designs and reposition plots 83-85

Location: Plots 82, 83, 84 and 85, Windmill Plantation, Spa Hill, Kirton in Lindsey

Applicant: Mrs Nada Nayef

Officer: Scott Jackson

POLICIES

National Planning Policy Framework: Sections 5 and 12

North Lincolnshire Local Plan: H5, H8, DS1, T1, T2, T19, R5

North Lincolnshire Core Strategy: CS1, CS2, CS5, CS7, CS8

CONSULTATIONS

LLFA Drainage: No objection or comments

PARISH/TOWN COUNCIL: Kirton in Lindsey Town Council have considered the information provided with this application and neither support nor object to the application, however note that applications submitted by the developer resulting in the reduction in green landscaping for this development are causing local concerns.

PUBLICITY: A site notice was displayed; 1 letter has been received with the following comments made:

The developer should fulfil their responsibilities around Biodiversity Net Gain for their continued developed of this site over twenty years after it was started. To be given advice by a planning officer to avoid having to do so by submitting different planning applications appears to be against the spirit of the planning process. The development is one of the largest in the town and the developers should be giving back to the environment, landscape and community as part of their responsibilities. A large number of trees and areas of hedging have disappeared from the development despite the requirements within the subsequent planning approvals over a number of years for these aspects of the environment to be retained and protected.

MATERIAL CONSIDERATIONS:

Site

The site consists of a large housing estate located on the northern side of Kirton in Lindsey, it is accessed from the B1400 to the south and contains a mix of housing styles and designs which reflect the construction of dwellings that has been ongoing since the early 2000's and the estate has slowly been developed in a south to north direction since that time. The majority of dwellings are detached with off-street parking and private gardens and are arranged in a linear fashion with a number of residential cul-de-sacs located off the main access road.

Proposal

The proposal is seeking to substitute the house type and amend the position of plot 82, to move plots 83 and 84 further to the west (towards the highway), to delete the detached garages to these plots and to move plot 85 further to the west and provide it with a detached garage. It is also proposed to make alterations to the design and appearance for each of plots 83-85 (3 plots). No issues are raised in relation to the re-siting of plots 83-85 further towards the road or generally in relation to the revisions proposed to their appearance as the revised plans show the scale, height and openings have been repeated on the newer house designs. By positioning the dwelling further to the west (towards the highway) it allows for an increase in off-street parking provision and larger gardens serving these plots to the rear.

The plans show plots 83-85 to have simpler, traditional designs with the removal of the chimney and coping details from the roof and the first floor windows being in vertical alignment with the ground floor openings and the entrance doors to plots have been moved away from a central position to provide a less cluttered appearance to the front; by doing so it provides a symmetrical appearance to the principal elevations of this pair of semi-detached houses. Plot 85 is shown to have a detached garage to the rear and side, the plan shows sufficient off-street parking provision to be retained for this plot and it will not impinge on the garden of plot 84 to the west.

It is also proposed to both substitute the house type and re-site plot 82 (which was plot 75 on the 1999 planning application). The plans show this dwelling has been significantly scaled down in size, width and the size of the plot on which it is proposed has been significantly reduced as a result of an additional dwelling being provided to the south. The plans show the dwelling will be re-sited to the east with all of the principal elevation facing west towards Selby Close rather than Windmill Way as it did previously, and the private garden is now proposed to the west of the dwelling (it was proposed to the east previously) and the driveway and detached garage (which was attached to the dwelling previously) is proposed to the east. In addition, the plans show no habitable room windows in the upper floor rear elevation of plot 82, this prevents any potential overlooking towards the garden of plot 82a to the south. Finally, the plans show that plot 82 will have some brick quoin detailing to its principal elevation and to the side, this adds visual interest and is consistent with the local vernacular along Windmill Way.

The dwellings are considered proportionate to the size of the plots and there is space for a small area of front garden, off-street parking and private garden to the side or rear. It is noted the houses being moved forward reduces the amount of garden space along the highway frontage, however it does mean there would be an increase in both off-street parking and private amenity space provision. In addition,

there is sufficient space to the side of the dwellings to provide pedestrian circulation space and the plans show the position of the dwelling will not conflict with the position of the public footpath which runs in an east to west direction to the front of the site. No issues are raised in relation to the design and appearance of the proposed dwellings and the plans show each of the elevations will be broken up by a combination of window and door openings.

No details of the proposed external materials of construction have been provided, although there is a mix of materials within the existing housing estate and as such it is considered that this could be conditioned to ensure visual assimilation. Similarly, no details of the proposed boundary treatment have been provided, therefore a condition is recommended (should planning permission be granted) to ensure an appropriate method of boundary treatment is installed. The majority of the first-floor habitable room windows have an outlook onto the rear gardens of the proposed dwellings, however a condition is recommended that any first floor non-habitable room windows (which includes en-suites) are fitted with obscure glazing (to a minimum 3 obscuration level) as they are proposed within side facing elevations (where they could be overlooked or conversely create overlooking).

Other issues

The issue raised in relation to Biodiversity Net Gain (BNG) by the member of the public is noted, however this is a variation of a condition submission to a plans condition which was attached to a non-material amendment that is read in conjunction with the original planning permission for the whole site (PA/1999/0920). Therefore as a result there is no requirement for the local planning authority to revisit matters pertaining to BNG as it relates back to the original permission for the site. It is exempt as BNG does not apply to section 73 permissions where the original permission which the section 73 relates to was either granted before 12 February 2024 or the application for the original permission was made before 12 February 2024.

Based on the above the application is recommended for approval.

RECOMMENDATION: Grant permission with conditions