

APPLICATION NO	PA/2010/0428
APPLICANT	Mrs E Miller
DEVELOPMENT	Planning permission to erect a two-storey dwelling with integral garage
LOCATION	B 2 B, Ferriby Road, Barton upon Humber
PARISH	BARTON UPON HUMBER
WARD	Barton upon Humber
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Barton upon Humber Town Council

POLICIES

Planning Policy Statement 5 - Planning for the Historic Environment: Policy HE7 sets out the policy principles guiding the determination of applications for consent relating to all heritage assets.

North Lincolnshire Local Plan: Policy ST2 (Settlement Hierarchy) identifies Barton as a principal growth settlement.

Policy H1 (Housing Development Hierarchy) identifies Barton as a focus for housing development after the Scunthorpe and Bottesford urban area.

Policy H3 (Previously Used Land) - the development of previously used land and vacant buildings will be preferred in sequence to the take-up of greenfield sites in a locality.

Policy H5 (New Housing Development) sets out the main criteria for assessing new housing developments in the principal growth settlements, including design, parking and access, open space, layout and materials.

Policy H8 (Housing Mix and Design) requires development proposals to respect the character of the local environment in terms of scale, massing, detail and form, and create a high standard of layout which maintains or enhances the character of the area and creates an appropriate mix of dwelling size and type.

Policy T2 (Access to Development) requires all development proposals to provide satisfactory access.

Policy HE2 (Development in Conservation Areas) requires all development to preserve or enhance the character and appearance of the area and its setting. The policy sets out detailed criteria for assessing applications in conservation areas.

Policy DS1 (General Requirements) requires a high standard of design in all developments and poorly designed developments will be refused. The following criteria will be used to assess each proposal:

- (i) the design and external appearance should reflect or enhance the character, appearance and setting of the immediate area;
- (ii) the design and layout should respect and, where possible, retain or enhance the existing landform;
- (iii) no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, including overlooking or overshadowing;
- (iv) amenity open space should be retained where possible;
- (v) no pollution of water, air or land should result.

Policy DS14 (Foul and Surface Water Drainage) requires satisfactory provision to be made for the disposal of foul and surface water from the development.

CONSULTATIONS

Highways: No objections subject to a condition (number 3).

TOWN COUNCIL

'Object to the proposals for a two-storey dwelling at this location. There appears to be a lack of adequate parking available for the proposed development. Also, concerns raised regarding traffic and vehicular access/egress. It is understood the access road serves several surrounding properties and businesses. Road safety issues as there is a bus stop sited at the entrance to the access road onto the main road, situated at a very busy junction onto A1077.'

PUBLICITY

Site and press notices have been posted and neighbouring properties notified. Objections have been received on the following material planning grounds:

- There is already enough new housing in Barton which still remains unoccupied, the proposed location is wholly unsuitable.
- This land is not suitable for residential development.
- The access is inadequate, this being an unadopted road which leads onto a very busy main road.
- This is a conservation area and as such should remain as it is.
- The statement that this would enhance the character of the area is ludicrous.
- The bathroom window would overlook garden and impinge on privacy.

- The north side of the building will overlook a conservatory, kitchen, bedrooms, garden and pond and will impinge on privacy.

Other, non-material issues have also been raised.

ASSESSMENT

Planning permission is sought to erect a detached dwelling on a parcel of land that is within the Barton conservation area. The site is currently occupied by a commercial building which was formerly used as a gymnasium but is now vacant. The site is at the end of an access track which serves several businesses including 'World of Pine' and Albion garage.

Members should be aware that a planning application has been submitted seeking permission to use the building to the south of the site for car repairs. This is undetermined at present.

The main issues in determining this application are whether the size, scale and design of the development are appropriate in relation to the character of the conservation area and whether the access is suitable.

An application for conservation area consent to demolish the existing gymnasium building is being considered separately (PA/2010/0611).

Two previous applications for residential development have been refused under delegated powers: PA/2008/0089 and PA/2008/0838. PA/2008/0838 was the subject of an appeal but the council's decision was upheld.

PA/2008/0089 was refused for the following reasons:

1. The existing means of access to the site is inadequate to provide an adopted highway to serve the proposed development.
2. The introduction of a residential use in this location, adjacent to existing commercial premises, if permitted with inadequate infrastructure, will represent a hazard to other road users, particularly cyclists and pedestrians.

PA/2008/0838 was refused for the following reasons:

1. The access to the proposed development site is inappropriate due to the potential conflict between commercial and residential traffic movements and the potential hazard to road users, particularly cyclists and pedestrians. The proposals are therefore contrary to policies DS1 and T2 of the North Lincolnshire Local Plan.
2. The proposed development is contrived and cramped and would be harmful to the character and appearance of the conservation area, particularly due to its backland position which is out of character with the surrounding area. The proposals are therefore contrary to policies H1, H5, H7 and HE2 of the North Lincolnshire Local Plan and PPG15.
3. The indicative plans demonstrate the proposed development would provide inadequate levels of amenity for the occupiers of the properties due to the lack of garden space, close proximity of parking to the dwellings and inability to access the rear gardens due

to lack of back doors on Block B. The parking arrangements would result in noise and disturbance to the occupiers of Block A. The proposals are therefore contrary to policies DS1 and H5 of the North Lincolnshire Local Plan.

Following the refusal of the first two applications and the dismissal of the appeal against the refusal of PA/2008/0838, negotiations have taken place over a long period of time between council officers and the applicant's agent.

The Inspector, whilst dismissing the application for five dwellings, did not rule out the use of the access for residential development and Highways have indicated they would not object to access to residential development.

The design of the proposed house is of a high quality and would be in keeping with the character of the conservation area. The site is tucked away at the end of a track and is fairly unobtrusive.

This proposed new building has been designed in a classical Georgian style and is a significant improvement on the existing building, a modern single-storey building.

The proposed building is set back from the building line and its impact will not detract from the character of the conservation area. In order for the building to sit well within the conservation area it is important that the materials and architectural features are appropriate to the age and character of the conservation area.

The property would be far enough way from existing residential properties to not cause material overlooking or loss of privacy. There are trees on the boundary to the north and west; they are mostly mature conifers and the existing building is closer than the proposed new build.

Environmental Health recommend a condition regarding land contamination.

The proposed access is a track which also serves business uses. The introduction of one residential unit is felt to be acceptable and Highways do not object subject to a condition being imposed. The level of traffic resulting from a dwelling would not be likely to exceed the level that would be generated if a business use was restarted from the premises.

The access is seen as acceptable in principle.

The neighbouring commercial unit ('World of Pine') has raised an objection to the scheme which states that the developer does not have the right to access the land for the purposes of developing the site and they will not allow access for construction or for utility services and state that they have a set of gates locked between the hours of 5pm and 9am. The agent has countered this in a detailed response which offers evidence that the applicant has the relevant rights of access and a set of keys to the gates which they helped pay for. Legal opinion has been sought and the position is that the relevant notice must be served upon any other landowners with an interest in the red-edged site.

This application has been held in abeyance while the proposal has been advertised in the Scunthorpe Telegraph to comply with Certificate C as the ownership of the access road is not known.

The applicant has overcome the reasons for refusal of the previous applications; the scheme is therefore considered to be acceptable, and complies with current local plan policies.

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: 09-4748D02.

Reason

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

3.

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.

4.

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

To protect the character and amenity of the Barton-upon-Humber conservation area and ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policies DS1 and HE2 of the North Lincolnshire Local Plan.

5.

Notwithstanding the provisions of Classes A, B, C, D, E, F and H of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 or any order revoking and re-enacting that order with or without modification, no extensions, alterations, outbuildings or means of enclosure shall be erected on the site other than those expressly authorised by this permission.

Reason

To protect the character and amenity of the Barton-upon-Humber conservation area and ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policies DS1 and HE2 of the North Lincolnshire Local Plan.

6.

All windows and external doors shall be constructed from timber and thereafter retained in that condition.

Reason

To protect the character and amenity of the Barton-upon-Humber conservation area and ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policies DS1 and HE2 of the North Lincolnshire Local Plan.

7.

No development shall commence on site until detailed drawings of the windows, at a scale of 1:10 and including cross-sectional details, have been submitted to and approved in writing by the local planning authority. Only the approved windows shall be installed and these shall be retained thereafter.

Reason

To protect the character and amenity of the Barton-upon-Humber conservation area and ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policies DS1 and HE2 of the North Lincolnshire Local Plan.

8.

All guttering on the site shall be cast-iron, painted matt black at all times.

Reason

To protect the character and amenity of the Barton-upon-Humber conservation area and ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policies DS1 and HE2 of the North Lincolnshire Local Plan.

9.

Before development commences on site, details of the paintwork/staining to the windows and external doors 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

To protect the character and amenity of the Barton-upon-Humber conservation area and ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policies DS1 and HE2 of the North Lincolnshire Local Plan.

10.

No development shall take place until a scheme for the disposal of foul and surface water has been agreed in writing by the local planning authority and none of the dwellings shall be occupied until it is connected to the approved drainage system.

Reason

To ensure satisfactory drainage is provided in accordance with policy DS14 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.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority.

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.

13.

No development shall take place until a noise impact assessment has been submitted to and approved in writing by the local planning authority. The noise impact assessment shall be carried out in accordance with BS4142 and PPG24. The assessment report shall provide details of existing background noise levels, likely noise sources which will impact upon the proposed development, mitigation methods to be employed and the resulting predicted level of noise at sensitive locations. Any identified mitigation measures shall be carried out in their entirety before the dwelling is first occupied and shall be retained thereafter.

Reason

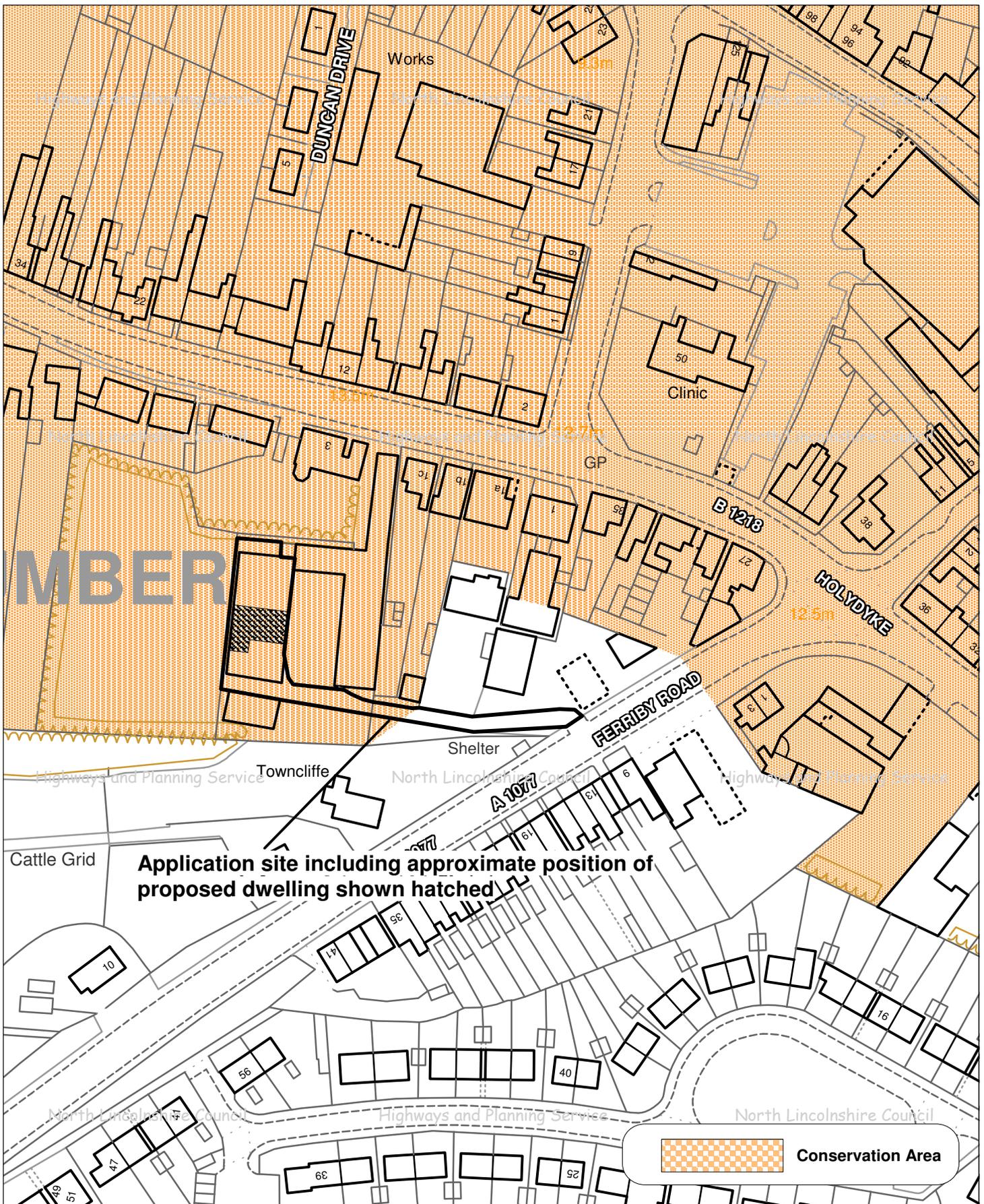
To protect the living conditions of future occupiers of the dwelling and to comply with policies DS1 and H5 of the North Lincolnshire Local Plan.

14.

Before the dwelling is first occupied the first-floor bathroom window in its west elevation and the first-floor en suite window in its north elevation shall be obscure glazed and shall be retained in that condition thereafter.

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.



Application site including approximate position of proposed dwelling shown hatched

 **Conservation Area**

Drawing Title: 2010/0428

OS Grid Ref: TA02762205

Drawn by: KC

Scale: 1:1250

Date: 10/06/2010



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Highways and Planning Service

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