

<b>APPLICATION NO</b>	<b>PA/2010/1317</b>
<b>APPLICANT</b>	Brinkley Homes
<b>DEVELOPMENT</b>	Planning permission to erect a block of nine apartments
<b>LOCATION</b>	Land north of The Gables, Belton Road, Epworth
<b>PARISH</b>	<b>EPWORTH</b>
<b>WARD</b>	Axholme Central
<b>SUMMARY RECOMMENDATION</b>	<b>Subject to the completion of a section 106 Agreement, grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Epworth Town Council  Third party request to address the committee

## **POLICIES**

**Regional Spatial Strategy for Yorkshire and the Humber:** Policy H1 (Provision & Distribution of Housing) states that the region's housing stock should be improved and increased to provide appropriate accommodation for all households wanting homes, and that greater emphasis should be placed on meeting local needs in rural areas.

Policy H2 (Managing and Stepping up the Supply and Delivery of Housing) applies.

**North Lincolnshire Local Plan:** The site lies within the Epworth development boundary as identified in policy ST2 (Settlement Hierarchy) and policy ST3 (Development Limits).

Policy H1 (Housing Development Hierarchy) identifies Epworth as a medium growth settlement.

Policy H5 (New Housing Developments) – all housing development should relate well to existing infrastructure; not result in the loss of important open space; be in keeping with the character and scale of the settlement; be compatible with the scale, layout, height and materials of the immediate area; have an appropriately designed access; provide adequate parking within the site; provide an area of private amenity space; not result in overlooking or loss of privacy to existing developments; and not result in annoyance or detract from the residential amenity of adjacent properties; providing suitable landscape where necessary.

Policies H8 (Design and Mix) requires new residential development to respect and reflect the form, scale, massing, design and detailing of the local environment; have a high standard of design and layout; protect existing natural and built features that contribute to the amenity of the area; prioritise the needs of pedestrian movement taking into account safety, health and the security of residents; provide residents with a sense of identity and an appropriate mix of dwelling size and types.

Policy H9 (Housing Density) states that new housing development in the minimum and medium growth settlements will be permitted provided it is compatible with the settlement. Densities of at least 30 dwellings per hectare will be sought unless there are overriding reasons. The design criteria of policy H8 must be met and development must take into

account type, mix and size; amenity of neighbours, particularly privacy; layout and design; protect existing features and provide public amenity space.

Policy LC12 (Protection of Trees, Woodland and Hedgerows) requires, wherever possible, the retention and protection of trees, particularly those trees of amenity value within built-up areas.

Policy H10 (Public Open Space Provision in New Housing Development) sets out the requirement for public open space, either on site or as a commuted sum by legal agreement; SPG10 sets out the details of what levels of provision will be required.

Interim policy on affordable housing applies and requires the provision of affordable housing at a ratio of 20% of the number of units in developments of five or more dwellings in the market towns.

## **CONSULTATIONS**

**Highways:** Advise a condition (4).

**Severn Trent Water Ltd:** Advise a condition.

**Yorkshire Water:** Comments.

**Isle of Axholme Internal Drainage Board:** Advise conditions.

**Public Open Space Co-ordinator:** A contribution should be made to off-site play equipment in Epworth.

## **TOWN COUNCIL**

The town council echoes the opinion of the inspector who stated further development on this site would be overbearing and oppressive with loss of amenity to neighbouring properties, particularly 25 Belton Road, contrary to policy DS1. Consider that there is insufficient parking, the site is an important landmark for Epworth, the town council strongly object.

Following consultation on the amended plans, the town council has raised the following additional objections:

- the overbearing nature of the development at the entrance to Epworth is close to the conservation area and would have an adverse impact upon the street scene, contrary to policy DS1 of the North Lincolnshire Local Plan
- in front of the building line
- over-development
- would cause overshadowing of neighbouring properties, existing building already overshadows
- 30 degree rule is inconclusive
- infringement of ancient right to light

- concern regarding overspill parking as access to fire station must be guaranteed at all times
- question accuracy of plans relating to distance to boundary hedge
- request committee visit the site

## **PUBLICITY**

Neighbouring properties have been consulted by letter.

Letters of objection have been received raising the following material issues:

- The Gables is a historical building with one of the few remaining green spaces in Epworth
- the Isle of Axholme has a unique character
- inadequate car parking left for offices
- loss of car park
- traffic will detract from the idyllic and historic environment
- overshadowing already occurs from new flats and The Gables to neighbouring properties and these existing buildings dominate the skyline
- will compromise security – the site already has problems
- damage to trees/hedges within the site
- near identical to the rejected scheme
- flats on three levels, loss of privacy due to looking into bedroom windows
- change in perspective
- impact upon the street scene and character of area
- the health issues of a neighbour will be worsened
- not enough significant change, height only slightly lower, windows overlooking their property, loss of light
- loss of historic views of Epworth
- the 18 wheelie bins will lead to vermin, flies and smells, the area for bins is not large enough
- effect on property opposite, the property is on three levels, loss of privacy to child's bedroom, change of perspective from semi-rural to built-up town centre environment
- overbearing

- the design will not complement The Gables
- objector's property (Blue Gates) is lower than site, balcony and French doors would result in loss of privacy, and the building would cause loss of light contrary to policy DS1
- impact on emergency services on Tottermire Lane if people park on the road
- apartment block on same land currently being constructed not shown on plans

## **ASSESSMENT**

The site is adjacent to The Gables Business Centre on Belton Road, Epworth. The main building on site is a distinctive detached building with more modern units to the rear. A pair of semi-detached properties lies just to the north, with 25 Belton Road being the closest neighbour. This application seeks permission to erect a block of nine flats on land adjacent to The Gables, Belton Road, Epworth. A block of flats is currently being built on the same site on the opposite side of the principal building. Access to the site would be off Tottermire Lane and would be shared with the office block and business units.

A previous application for 11 flats was refused on the following grounds:

1. The proposed development, by reason of its design, height, size, massing and scale, would be detrimental to the character and appearance of the street scene. The proposal would therefore be contrary to the provisions of policy DS1 of the North Lincolnshire Local Plan.
2. The proposed development, by reason of its design, height, size, siting and massing, would result in an over-dominant presence to the nearest house to the north thereby being detrimental to the amenities of the occupiers of that property. The proposal would therefore be contrary to the provisions of policy DS1 of the North Lincolnshire Local Plan.
3. The proposed development would result in a loss of car parking that is used by occupiers of other premises served by the private access road thereby resulting in an inadequate parking provision for those businesses and is likely to result in increased on-street parking to the detriment of road safety. The proposal would therefore be contrary to the provisions of policy DS1 of the North Lincolnshire Local Plan.

Another previous application (PA/2004/1966) for 14 apartments was refused on 24 January 2005 on the grounds that (summarised) due to its siting, height, scale and overall mass the development would have an unacceptable impact upon the residential amenity of 25 Belton Road.

**The main issues in the determination of this planning application are whether the block of flats is of an acceptable design in terms of the street scene and character and appearance of the area and whether there would be any significant impact upon the living conditions of the occupiers of neighbouring properties.**

The most recent planning refusal (PA/2005/0441) was appealed against and the appeal was dismissed, in summary, due to unacceptable design and height, cramped appearance on the site, and due to the detriment to the amenity of the occupiers of 25 Belton Road.

The new, revised, scheme is significantly reduced in height and scale from the previous application and the design is much simpler and less fussy, with good architectural detailing in terms of fenestration. The proposed building would be acceptable in terms of the street scene and would be subservient to the main building on the site, The Gables. The town council believes that the development would impact upon the conservation area and general street scene. They also state that the proposals would be in front of the building line and would be over-development. The site is approximately 150 metres from the conservation area and there would be no material impact upon its setting. The design, layout and level of development is considered acceptable for this site.

With regard to the amenity of the neighbours, the main issues were loss of light, an overbearing impact and the perception of loss of privacy. With regard to privacy, the kitchen window which would take away the neighbour's sense of privacy has been deleted by way of amended plans submitted by the agent following negotiations. The only windows above ground floor facing towards number 25 from the main side elevation of the new building would be an en suite window (first-floor) and three rooflights. A lobby window and two living room windows in elevations set further back along the block of flats would face number 25 but from a distance of 16.9 metres which is considered acceptable. The significant reduction in the height of the proposed flats would make the impact on the neighbours at number 25 acceptable: the result would not be overbearing or lead to such loss of outlook that refusal of the application would be justified.

Several objectors have raised concerns about loss of privacy and loss of light. The flats would be sited an acceptable distance from the adjacent residential properties, and it is not considered that there would be significant overlooking or loss of privacy. The previous scheme dismissed at appeal proposed six balconies on the front, including traditional balcony areas that a person could step out onto. The current scheme has only one 'balcony' design feature and that is a 'Juliet' rail arrangement which is decorative and allows a large window to be safely opened but is not likely to lead to loss of privacy. The properties which could be seen from this window are across Belton Road, a completely acceptable arrangement of dwellings with no likely loss of amenity by way of loss of privacy. Additionally, with a separation distance of approximately 28 metres, it is not considered any material loss of privacy would occur. The town council states that the opinion of the inspector was that further development on this site would be overbearing and oppressive with loss of amenity to neighbouring properties. The inspector's comments related to that specific scheme and did not state that 'any' further development would be unacceptable. The town council's objection is unfounded.

The impact upon light to neighbouring properties would also be negligible due to the distance between the existing properties and the proposed flats. The closest dwelling is number 25 Belton Road which has a conservatory directly adjacent to where the flats would be constructed. The agent has submitted a plan illustrating the 30 degree test between the two buildings, taken from the front of the conservatory; the test result indicates that there would be a slight infringement but the relationship between the two buildings is appropriate in terms of light and that there would not be any material loss of light due to distance.

With regard to parking, the Highways Officer has raised no objection. The inspector, when determining the appeal, stated that the parking arrangements were satisfactory for the flats

and the business units and that there would be no significant increased risk to the safety of existing highway users or users of the overall site, and pointed out that Tottermire Lane has no parking restrictions. There is no reason why this development would impact upon access to the fire station.

There is a large tree to the front of the site, however the Environment Team have indicated they are happy with an updated tree report detailing protection measures for the tree.

The Public Open Space Co-ordinator advises that the developer would be required to make an off-site contribution towards upgrading local play facilities in Epworth.

The scale of development means that under the council's Interim Policy agreed last August, two of the units will be required to be affordable by condition.

In conclusion, the scheme has overcome the reasons for dismissal of the previous appeal, the proposals are acceptable and permission should be granted.

## **RECOMMENDATION**

**Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 providing for an off-site commuted sum to upgrade play facilities within Epworth, the committee resolves:**

- (i) it is mindful to grant permission for the development;**
- (ii) the decision be delegated to the Head of Planning upon completion of the obligation;**
- (iii) if the obligation is not completed by 9 August 2011, the Head of Planning be authorised to refuse the application on the grounds of failure to provide a contribution to public open space, contrary to policies H10 and SPG10; and**
- (iv) 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: HEB/PL/PR/01 A, HEB/PL/PR/02 A, HEB/PL/PR/03 B.

Reason

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

3.

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 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.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking and turning space serving it have been completed and, once provided, the vehicle parking and manoeuvring space shall be retained.

Reason

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

5.

Development shall be carried out in complete accordance with the details of the Tree Constraints and Protection Report reference 173/03/10d/revA.

Reason

To protect the tree during construction and to comply with policy LC12 of the North Lincolnshire Local Plan.

6.

None of the dwellings shall be occupied until the sewage disposal/drainage works to serve these dwellings have been completed in accordance with the submitted plans.

Reason

To ensure satisfactory drainage is provided in accordance with policy DS14 of the North Lincolnshire Local Plan.

7.

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.

8.

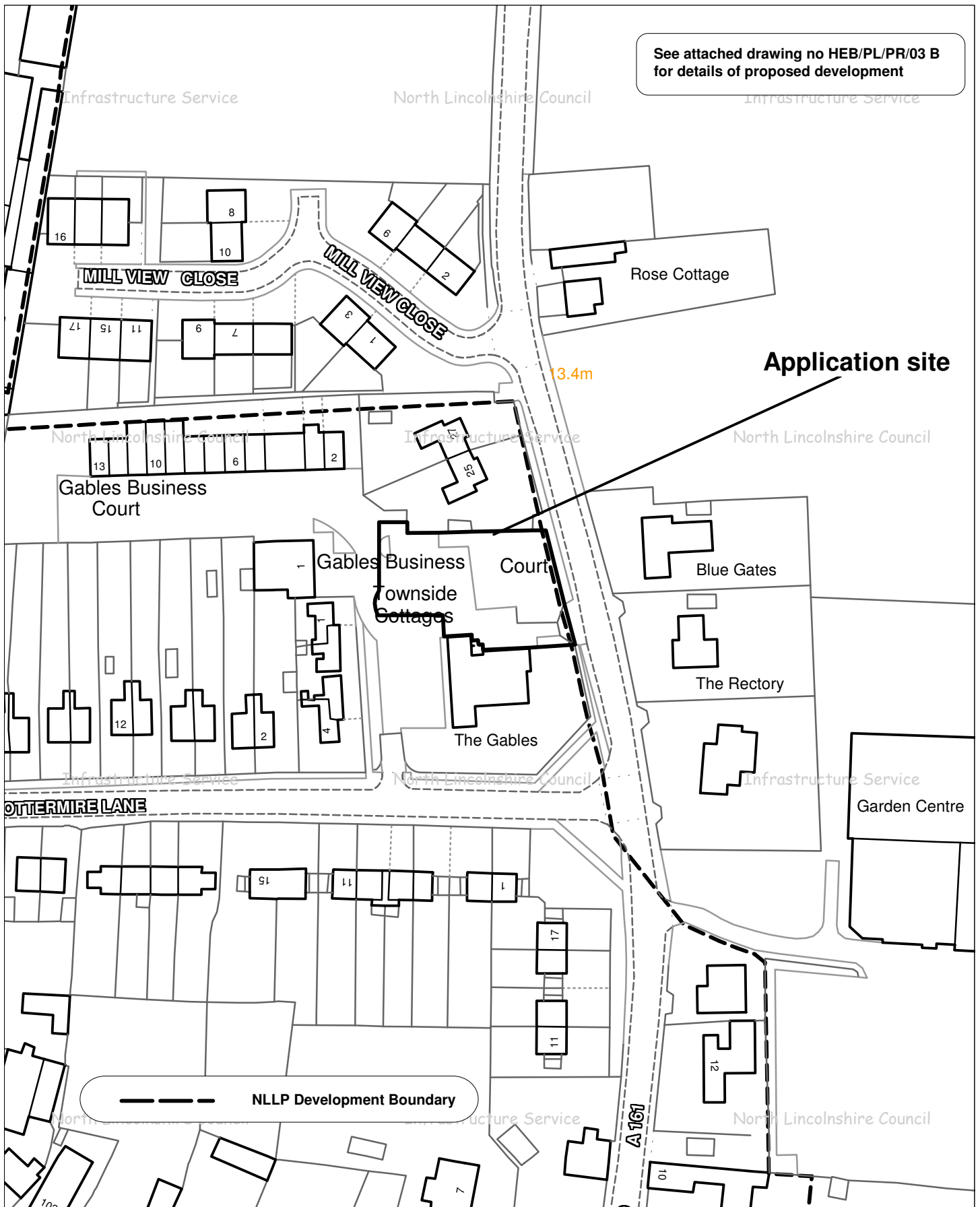
No dwelling on the site shall be occupied until details of the arrangements for the provision of two of the apartments as affordable housing have been agreed in writing by the local planning authority. Such details shall include:

- (i) arrangements to ensure that the dwellings remain available as affordable units both for initial and subsequent occupiers; and
- (ii) the occupancy criteria to be used for determining the identity of prospective and successive occupiers of the housing and the means by which such criteria will be enforced.

Reason

To comply with the council's interim policy.

See attached drawing no HEB/PL/PR/03 B for details of proposed development



Drawing Title: 2010/1317

OS Grid Ref: SE78050413

Drawn by: CA

Scale: 1:1250

Date: 20/01/2011



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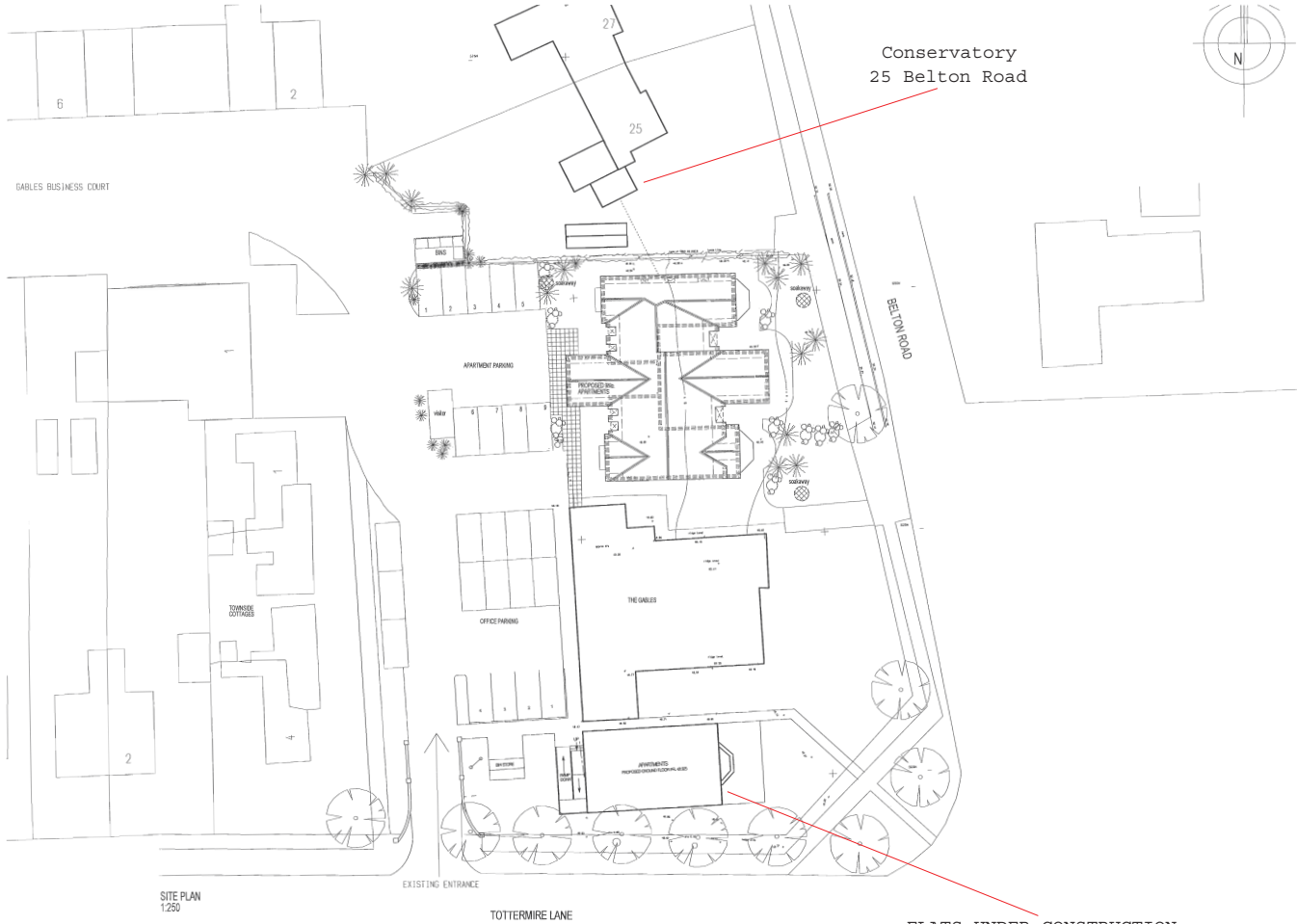


**Infrastructure Service**

Director,

**Peter Williams** BSc, DMS, CEng, MEI, MCMI, AMIMechE

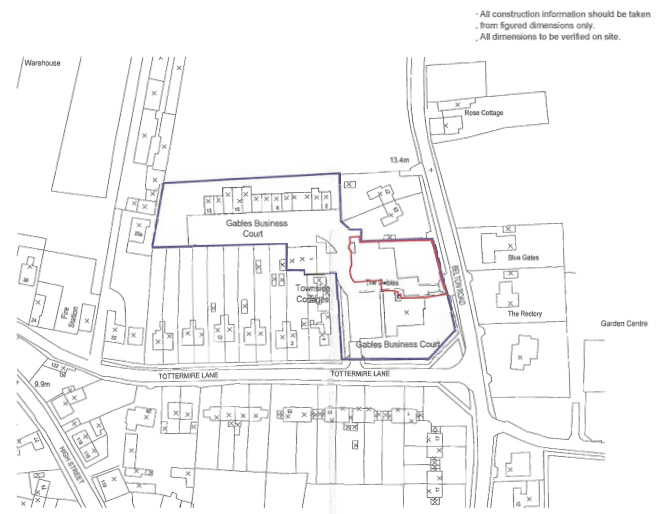
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SITE PLAN  
1:250

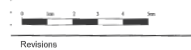
Conservatory  
25 Belton Road

FLATS UNDER CONSTRUCTION



LOCATION PLAN  
1:1250

All construction information should be taken from figured dimensions only. All dimensions to be verified on site.



Revisions

DEVELOPMENT CONTROL SECTION	
10 JAN 2011	
Checked by:	DATE PRESENTED:

Project  
Proposed Apartments  
The Gables, Belton Road  
Epworth  
for Brinkley Homes

Title:  
site plan

Scale	Date	Drawn
1:250 @ A1	Oct 2010	DS
		Checked
		HEB

Drawing No. HEB / PL / PR / 03 B

PA/2010/1317 - Proposed apartments



STREET ELEVATION (Belton road)  
1:250