

APPLICATION NO PA/2012/0267

APPLICANT Mr P Colebrook

DEVELOPMENT Planning permission to erect a replacement dwelling and domestic garage

LOCATION 26 West Street, West Butterwick

PARISH WEST BUTTERWICK

WARD Axholme South

CASE OFFICER Mark Simmonds

SUMMARY RECOMMENDATION Grant permission subject to conditions

REASONS FOR REFERENCE TO COMMITTEE Third party request to address the committee

POLICIES

National Planning Policy Framework: Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development, and paragraph 56 asserts that good design is a key aspect of sustainable development, and should contribute positively to making places better for people.

Regional Spatial Strategy for Yorkshire and the Humber: No specific policies apply.

North Lincolnshire Local Plan: Policy H8 (Housing Design and Housing Mix)

Policy DS16 (Flood Risk).

Policy DS1 (General Requirements)

North Lincolnshire Core Strategy: Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS7 (Overall Housing Provision)

CONSULTATIONS

Highways: Advise conditions (3 to 6).

Environment Team (Trees): Advise a condition.

Environment Agency: Advise a condition.

TOWN COUNCIL

Observations:

1. Does not appear to be a replacement dwelling as the size and position of the proposed is completely different and is to be greater in size.
2. The Council understand that the applicant is responsible for producing a flood risk assessment however this appears to have been carried out by the agent.

PUBLICITY

Neighbouring properties have been notified. Letters have been received raising objections/concerns on the following grounds:

- critical view by objector of Environment Agency's stance and advice
- lack of a thorough flood risk assessment, drainage is already poor, the building of a large property will worsen the situation, fail to see how the assessment is objective, have evidence it is inaccurate. Within flood zone 3, cannot proceed until receipt of an objective flood risk assessment validated by the Environment Agency as the current flood risk assessment is compromised and unacceptable. Real risks from high water table and poor drainage not adequately addressed
- council is biased in its conduct towards developer
- objector refers to site behind for 30 dwellings and feels the flood issues will be 'calamitous' for new and existing residents alike
- will not achieve Environment Agency conditions due to 'lead-in' costs
- the warnings are quite dire – there is no point in persisting with this scheme
- the position of the new dwelling much further forward than existing dwelling will be directly facing their lounge window with significant loss of light and quality of life, will spoil their view – do not wish to look at brick wall
- the positioning of the proposed dwelling has been planned to facilitate development to rear, not to consider negative impact upon neighbours
- impact upon privacy
- size and presentation of the proposed house, not in keeping with street, vast scale of new property is not in keeping with the old cottages, bungalows and listed buildings in vicinity; will detract from existing street scene
- query pre-application advice, as stated on application form
- query serving of certificate 'B' on parish council due to access over 'fleet' – are the two development sites being blurred?

- the existing dwelling is around 100 square metres, proposed is 250 – two and a half times bigger

ASSESSMENT

The application site comprises a bungalow set in a large plot on West Street, West Butterwick. To the rear of the site is a live permission for 30 dwellings. To the front is a piece of green land referred to as 'The Fleet'. There are mature trees around the perimeter of the site and on the frontage is a hedge. On the green land to the front is a large mature tree.

It is proposed to erect a two-storey dwelling. This would be significantly larger than the existing dwelling and would be set forward of the existing positioning, more in line with 26 West Street. It is also proposed to erect a detached garage.

The main issues in the determination of this application are whether the proposed development would be harmful to the amenities of neighbouring properties and whether it would lead to drainage problems and increased flooding in the immediate area.

The application site is within the development boundary for West Butterwick, where development is acceptable in principle. In any event the council's policies are generally supportive of 'one for one' replacement dwellings. This proposed dwelling is larger than the existing dwelling, as well as being two storeys, and would be set significantly forward on the plot, but this is acceptable in planning policy terms as long as no material harm to neighbours or the street scene or other interests would occur.

In this instance the proposed dwelling would be acceptable. No material harm would occur to neighbours due to the distance between the properties. Additionally there are no first-floor windows on the side elevations that would cause overlooking. There would be one window on the east elevation at first floor but this could be obscure glazed by condition. There would be no material loss of light due to the distance involved. Whilst it may intrude upon neighbours' views there is no right to a private view in planning guidance and this would not be a reason to withhold permission.

With regard to flood risk, the Environment Agency has no objection but recommends a condition. The Environment Agency has looked at comments made by an objector and clarified their advice, but have not changed their fundamental position that the development is acceptable. The site is in a high risk flood zone but if anything this is an opportunity to get a more flood resilient property built, and a two-storey dwelling would be safer than the existing single-storey dwelling in the event of a flood, in any case the Environment Agency are happy with the proposed development and the objections are not substantiated.

Highways raise no objection and conditions can be imposed to address highway matters, likewise the tree officer does not object and conditions can be imposed.

The proposed dwelling will not be harmful to the amenities of neighbouring properties by way of loss of privacy or overshadowing. The dwelling would be in keeping with its surroundings and will have no adverse impact on the character and appearance of the area.

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: site location plan, PC/001/2 Rev A and PC/001/2 Rev A.

Reason

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

3.
The existing vehicular access to the site shall be improved within highway limits 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.

4.
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.

5.
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.

6.
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.

7.

The development hereby permitted shall only be carried out in accordance with the Flood Risk Assessment prepared by GDP Planning, including the following mitigation measures:

- finished floor levels set no lower than 600mm above existing ground level
- it shall be confirmed to the local planning authority that this has taken place, in writing, within one month of completion.

Reason

To prevent flooding by ensuring the satisfactory storage/disposal of surface water from the site, to reduce the risk and impact of flooding to the proposed development and future occupants, and to comply with policy DS16 of the North Lincolnshire Local Plan and policy CS19 of the North Lincolnshire Core Strategy.

8.

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.

9.

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.

10.

Before development is commenced, details of the method of protecting the existing trees on the site throughout the construction period shall be submitted to and approved in writing by the local planning authority, and such works as may be so approved shall be carried out before development is commenced, and maintained until completion of the development. None of the trees so protected shall be wilfully damaged or destroyed, uprooted, felled, lopped or topped, nor any other works carried out which would cause damage to the root systems or otherwise threaten the lives of the trees during the period of construction without the previous written consent of the local planning authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased during that

period shall be replaced with trees of such size and species as may be agreed with the local planning authority.

Reason

In order to protect the existing trees on the site.

11.

Before the property is first occupied the en suite window in the east elevation shall be obscure glazed in accordance with details to be submitted to and approved in writing by the local planning authority and shall be retained in that condition thereafter.

Reason

In order to protect the amenity of the occupiers of the neighbouring property and to comply with policy DS1 of the North Lincolnshire Local Plan.

12.

The existing dwelling shall be demolished and all debris shall be removed from the site no later than three months from the date when the new dwelling is first occupied.

Reason

To ensure the timely removal of the existing dwelling to prevent the creation of sub-standard living conditions; permission has been granted in this case on a replacement basis; and because the site is within a high risk flood area as detailed on the Environment Agency's flood risk maps and no information has been submitted relating to the sequential or exception test.

Reasons for approval

The council, as local planning authority, has had regard to the relevant policies of the development plan as set out below and considers that, subject to compliance with the conditions attached to the permission, the proposed development would be in accordance with the development plan, would not materially harm the character of the area nor the living conditions of neighbouring occupiers, and would be acceptable in all other planning considerations. The council has taken into account all other matters, none of which outweigh the considerations that have led to its decision. The policies taken into consideration in the determination of this application are policies DS1, DS16 and H8 of the North Lincolnshire Local Plan and policies CS1, CS2, CS3, CS5 and CS7 of the North Lincolnshire Core Strategy.

Memorial Hall

----- NLLP development boundary

Regeneration and Planning

North Lincolnshire Council

Path (un)
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Application site showing approximate position of proposed dwelling and garage



West Butterwick

Drawing Title: 2012/0267

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Regeneration and Planning

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