

<b>APPLICATION NO</b>	<b>PA/2013/0021</b>
<b>APPLICANT</b>	Mr M Phillips, North Lincolnshire Homes
<b>DEVELOPMENT</b>	Planning permission to erect 39 affordable dwellings and a community building, construct vehicular access, car parking, boundary treatment and external lighting, and re-align Fowler Court (Includes the demolition of 5 bungalows and De Lacy House land at De Lacy Way, Stovin Crescent Winterton)
<b>LOCATION</b>	Land at De Lacy Way, Stovin Crescent & Fowler Court Winterton
<b>PARISH</b>	<b>WINTERTON</b>
<b>WARD</b>	Burton Stather and Winterton
<b>CASE OFFICER</b>	David Wordsworth
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Councillors Ogg and Marper – significant public interest)  Objection by Winterton Town Council

## **POLICIES**

**National Planning Policy Framework:** Paragraphs 49, 51 and 109.

**North Lincolnshire Local Plan:** Policies H2, H3, H8, H10, DS1, DS14 and DS16.

**North Lincolnshire Core Strategy:** Policies CS1, CS2, CS3, CS5, CS7, CS9 and CS18.

## **CONSULTATIONS**

**Environment Agency:** Objected on the grounds that the submitted Flood Risk Assessment failed to demonstrate surface water run-off will not increase flood risk on or off the site. The applicant submitted additional information and updated the Flood Risk Assessment to address this objection. The objection has now been withdrawn subject to conditions.

**Historic Environment Record:** No comments or objections.

**Adult Services:** No comments or objections.

**Strategic Housing:** The scheme will provide an additional 39 dwellings for rent through North Lincolnshire Homes, through a mix of bungalows and houses of two and three bedrooms which are in demand in the market town of Winterton.

**Environment Team:** Requested the submission of an arborist's report to accompany the application.

**Neighbourhood Services (Public Open Space Co-ordinator):** The provision of a community centre on the site satisfies any requirement for a recreational contribution and providing that this facility is accessible and usable by the whole of the local community and not just North Lincolnshire Homes' residents, there are no objections. The community centre should, however, incorporate green landscaped areas or gardens around the perimeter of the building which can be enjoyed by users of the facility.

**Anglian Water:** No objections subject to a surface water drainage condition.

**Crime Reduction Officer:** No objections subject to conditions.

**Winterton Senior Citizens Forum:** Make comments regarding the consultation period requesting an extension of time to coincide with Winterton Town Council meetings. Additionally, a nomination form to allocate De Lacy House Care Home as a community asset has been received by North Lincolnshire Council, a copy of which has been submitted to the planning department.

**Highways:** No objections subject to conditions 7 to 15.

## **TOWN COUNCIL**

Winterton Town Council objects on the following grounds which are not considered to be material planning considerations:

- We do not believe the proposal meets the needs of our community.
- In October and November 2012 Winterton Town Council requested the stakeholder groups within the local community be consulted, specifically the Disabled Club and Senior Citizens Forum. A commitment was given by ward councillors and Cabinet Member for People's Services.
- A presentation outlining the plans took place on 21 December but no invitation to the event was received by Winterton Town Council or other interested parties.
- Plans were displayed for two weeks over the Christmas period and the venue was closed for most of this time.
- North Lincolnshire Council has failed to follow its own protocols and guidelines, particularly the community engagement framework on its own website.
- We understand that neighbouring residents have not been notified of the planning application.
- The town council has requested in a letter a copy of the community right to buy protocol (under separate cover). Following a proper consultation with residents, the town council may wish to invoke this procedure.
- The level of anger, frustration and confusion amongst residents must not be underestimated. This application must be given proper scrutiny and input from the community it affects.

Further response stated that Winterton Council's concerns relate to the demolition of De Lacy House and building dwellings on that land and not the old Nassau House site.

Therefore, Winterton Town Council would be willing to see the De Lacy House building and land to the east of Stovin Crescent withdrawn from the application and the remainder of the plan approved. However, should the applicant wish to pursue the joint application as it currently stands, then the Town Council will continue to oppose the submission.

## **PUBLICITY**

The occupants of residential properties surrounding the site have been notified by letter, site notices have been posted and a notice appeared in the local press.

Several letters of objection have been received raising the following concerns:

- impact upon residents of Beck Walk (small number of bungalows)
- high level of noise and disturbance during the day and night with pedestrians using the footpath
- additional dwellings will exacerbate the problem
- can Beck Walk be made a residents' only access point with the erection of fencing and lockable gates?
- existing parking problems for residents of Beck Walk due to inadequate provision in the area
- will the development affect 37 De Lacy Way as rumour suggests this property will be demolished?
- the new two-bedroom bungalows should have the provision to be wheelchair/disabled friendly and kitchens/bedrooms designed for elderly and disabled residents
- south-facing roofs should be created where possible to reduce energy bills through renewable schemes
- inadequate car parking provision for the area of the proposed community centre
- poor location of front door
- no provision for disabled people with wheelchair or scooter storage within the community building
- Stovin Crescent is not wide enough to cope with the extra amount of traffic to the community centre. Damage to vehicles in this area has already occurred.
- Why do you need to demolish De Lacy House to provide such a small community centre? Emails were sent to the planning officer on 9 and 14 February requesting an extension of time for comments.

Winterton Disabled Club has been consulted and make the following comments:

- The proposal doesn't meet the needs of an increasing older generation in that isolating people in their own homes with little contact with others is a concern due to lack of immediate help when needing to use the WC during the night at increased risk of falls.

- De Lacy House provided the care people needed as well as being at the heart of the community with lots of activities organised.
- De Lacy House should be allowed to provide this type of care again for many years to come.
- People want to stay in the township for day care and respite care for family and friends to visit them.
- Why are only 16 bungalows planned to replace the 30 dwellings contained within the former Nassau House?
- Having private gardens for the bungalows was a positive, although maintenance costs for employing a gardener for the most elderly could be a problem.
- Parking provision of one space per bungalow is excessive as many elderly have to give up driving and can't afford to run a car.
- Residents within Stovin Crescent felt concerned regarding the location of the community room attracting noisy people and noise through an increase in the number of vehicles on a narrow cul-de-sac.
- The community building is the wrong way round as people arriving by car will have to walk all the way round.
- Damage or theft could occur depriving people of their independence.
- The large lobby of De Lacy House caters well for parking scooters and the lounge was a very adequate community room, providing better facilities than the proposed unit.

Two non-material matters have been raised:

- No proper consultation has taken place with Winterton residents or other organisations.
- The planning application documents have mysteriously disappeared from the Winterton Community Hub.

## **ASSESSMENT**

Full planning permission is sought to erect 39 affordable dwellings and a community building with associated access, car parking and other associated works to replace an existing stock of rentable units in Winterton.

The development site comprises two parcels of land on De Lacy Way that is dissected by Stovin Crescent. To the west is Site A which, up until recently, was occupied by Nassau House, a sheltered housing complex, and is currently occupied by five bungalows which are to be demolished as part of this application. Consent for the demolition of Nassau House was granted under the prior notification procedure on 18/09/2012 (ref PA/2012/0957) This land is owned by the applicant, North Lincolnshire Homes.

Site B to the east is occupied by De Lacy House Care Home which is owned and operated by North Lincolnshire Council. This facility has reached the end of its life as a care facility,

has no full-time residents and is to be demolished as part of this application. The applicant states that North Lincolnshire Homes and North Lincolnshire Council have been involved in a formulation of the brief in terms of dwelling mix and numbers for particular types of households such as those for the elderly and small to medium families.

Thirty-nine self-contained dwellings will comprise 21 two-bedroomed bungalows (five of which will be located on Site A and 16 on Site B), nine two-bedroomed houses and nine three-bedroomed houses, all of which are to be located on Site A. Additionally, a community building is to be erected on Site B and alterations to the existing carriageway to Fowler Court with new parking facilities, landscaping, fencing and lighting throughout the scheme, and the provision of new footpaths have all been incorporated into the application. All 39 units are to be affordable with North Lincolnshire Homes being the registered social landlord providing low-cost rented accommodation under the tenure of affordable rent that will assist in meeting a significant demand within Winterton.

**The key issues in determining this application are whether the proposal is acceptable in terms of planning policy, impact upon the residential amenity of occupiers of existing surrounding properties, and highway safety. Additionally, the issue of flood risk is a key consideration.**

The town council's comments are considered to be non-material planning matters relating to consultations undertaken by the applicant, communications with council members and the submission of an application for a community right-to-buy of De Lacy House. In terms of the processing of the planning application, North Lincolnshire Council has undertaken a significant amount of consultation in terms of council departments such as Highways, Environment Team, Environmental Protection and no internal consultees have objected. Winterton Town Council and the Environment Agency are statutory consultees who did object, however the Environment Agency have now withdrawn their objection subject to the imposition of conditions regarding surface water drainage and contaminated land.

With regard to the level of publicity undertaken, occupants of surrounding properties to the application site have been notified in writing, site notices have been posted in the area and a notice appeared in the press. Winterton Town Council, Winterton Disabled Club and Winterton Senior Citizens Forum have all been consulted and have responded.

The material planning issues that are listed within the 'Publicity' section in this report have been considered. The impact upon residents of Beck Walk, which is a small group of bungalows to the south of Site A, comprises a change of outlook northwards over the site that was previously occupied by Nassau House (prior to demolition). The replacement units directly opposite from the Beck Walk residents are to be bungalows. Further to the west will be two and three-bedroomed houses and although there will be first-floor windows looking towards the bungalows, these are considered to be a significant distance away (in excess of 20 metres) so as not to raise issues of overlooking, loss of light or loss of outlook.

Concerns raised regarding the increased level of noise and disturbance both day and night through usage of the Beck Walk footpath are not felt to justify withholding permission because this is pure speculation. It is felt that the residents that occupied Nassau House would still have had the opportunity to use Beck Walk footpath and potentially cause disturbance or noise; therefore this objection cannot be supported.

The question of whether Beck Walk can be made a residents' only access point has been considered. This is outside the application site and is a separate issue to the proposed development.

Rumours regarding the demolition of 37 De Lacy Way cannot be explained by the Local Planning Authority as records have been checked and no prior notification has been submitted or granted for the demolition of this property.

Comments regarding whether the bungalows are wheelchair/disabled friendly have been considered by the applicants who have stated that the bungalows comply with Building Regulations. Two of the bungalows proposed on Site B are wheelchair user standard bungalows and can accommodate families and are specifically designed for wheelchair users. The other bungalows on the site are also wheelchair accessible.

With regards to comments that the scheme should reduce energy bills by providing south-facing roofs, the applicant has confirmed that all the dwellings are designed to achieve Code Level 3 (Code for Sustainable Homes) and will benefit from robust air tightness, increased insulation, measures to limit water usage and use of natural light in an attempt to keep the running cost for residents down.

Comments regarding inadequate car parking provision within the scheme and more specifically the proposed community centre are not supported by Highways who stated that the ratio of 1.4 spaces per unit is acceptable and have recommended conditions. The applicant states that the design has been amended considerably to provide a much greater number of in-curtilage car parking spaces for the bungalows and houses. The bungalows without in-curtilage car parking space have an adjacent lay-by car parking space for their use. It is felt that the visitor car parking provided for the communal facility is proportionate to the scale of the facility and allows parking directly adjacent to the building.

With regard to the need to demolish De Lacy House for the community centre, this is only one element of the proposal on this part of the redevelopment site. The demolition of De Lacy House is required for the overall scheme because it is no longer capable of providing the care that is needed.

The accommodation at Nassau House and De Lacy House was the provision of bedrooms for residents. Some of the rooms did not have their own bathroom facilities. The units proposed enable their occupants to have greater self sufficiency and comfort.

The proposal is acceptable in planning policy terms because the site is within the defined development limit of Winterton as shown in the North Lincolnshire Local Plan and the site is unallocated. The proposal effectively upgrades and improves the care facilities that are now considered to be outdated. The site is within an existing residential area and the proposal will greatly assist in meeting the demand for affordable units in the settlement of Winterton. The Council's Strategic Housing Officer confirmed that in October 2012 there were approximately 170 households looking for properties in Winterton on the Choice based Lettings Social Housing Waiting List. The issues of residential amenity of occupiers of surrounding properties have been considered and it is felt that there are no significant infringements of privacy or reduced levels of amenity to an unacceptable degree. With regard to highway safety and parking provision, Highways have considered such levels and have recommended conditions to ensure that the development is acceptable to Highways. There are no commuted sums required by this development because affordable housing units do not form part of the calculation for contributions to education provision and the

Public Open Space Officer is satisfied that the proposed community building satisfies any requirements for a recreational contribution.

**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: BSB Drawings 11805/1A, 11805/2, 11805/14, 11805/15, 11805/16, 11805/17, 11805/18, 11805/19, 11805/20, 11805/23A, 11805/24A, 11805/25, 11805/26, 1805/27, 11805/28, 11805/29, 11805/30; ADH Drawings 06-12388-01; ECUS Drawings L4004\_01A, L4004\_02A, L4004\_03A, L4004\_04A, L4004\_05A and L4004\_06A.

Reason

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

3.

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.

4.

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.

5.

The existing buildings and structures shall be demolished and all debris removed from the site no later than three months from the occupation of the first dwelling on the site.

Reason

In the interests of the visual amenity of the site and the surrounding area in accordance with policy CS5 of the North Lincolnshire Core Strategy.

6.

Within 3 months of the completion of the new access, any redundant access to the site shall be removed and the area reinstated to footway/verge (including the provision of full height kerbs) 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.

7.

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.

8.

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.

9.

No development shall begin until details of the private driveway, including construction, drainage, lighting and where appropriate signage/street naming arrangements, have been agreed in writing with the local planning authority and no dwelling on the site shall be occupied until the private driveway has been constructed in accordance with the approved details. Once constructed the private driveway shall be retained.

Reason

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

10.

Works shall not commence on site until wheel cleaning facilities, in accordance with details to be submitted to and approved in writing by the local planning authority, have been provided within the curtilage of the site, and this facility shall be retained for the duration of the works.

Reason

To prevent material being deposited on the highway and creating unsafe road conditions.



11.

Vehicular access to 23 (from Stovin Crescent) shall be by means of a dropped crossing 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.

12.

The on-street parking facilities, along with footway alterations, shall be provided in accordance with the approved details, and constructed 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.

13.

The existing footways fronting the whole site shall be improved 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.

14.

The existing carriageways fronting the site on Stovin Crescent and Fowler Court shall be improved 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.

15.

No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm including climate change will not exceed 31l/s. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall be in accordance with Anglian Water's requirements and include details of how the scheme will be maintained and managed after completion.

Reason

To prevent the increased risk of flooding, both on and off site.

16.

If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination will be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason

To ensure that any unforeseen contamination encountered during development is dealt with in an appropriate manner.

17.

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

- arrangements to ensure that the dwellings remain available as affordable units both for initial and subsequent occupiers; and
- 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.

Once agreed these arrangements shall be complied with at all times.

Reason

To ensure the provision of an appropriate level of affordable housing as part of the development in accordance with policy CS9 of the North Lincolnshire Core Strategy.

18.

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.

### **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 H2, H3, H8, H10, DS1, DS14 and DS16 of the North Lincolnshire Local Plan; CS1, CS2, CS3, CS5, CS7, CS9 and CS18 of the North Lincolnshire Core Strategy; and paragraphs 49, 51 and 109 of the National Planning Policy Framework.

## **Informatives**

1.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. The site layout should therefore take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developer's cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

2.

The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

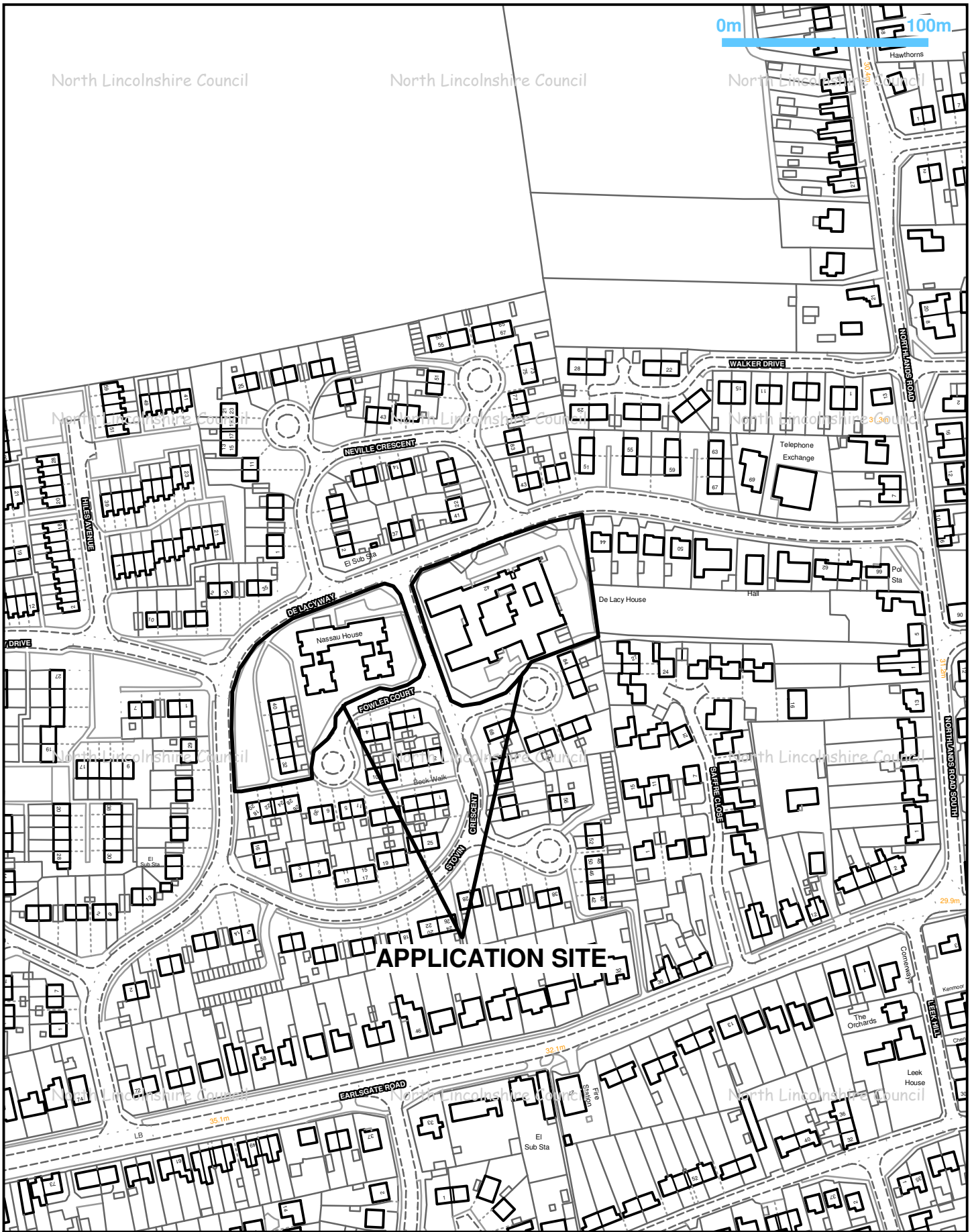
- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

3.

As a result of within-highway works required to facilitate this application an agreement formed under Section 38/278 of The Highways Act 1980 is required.

4.

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.



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