

APPLICATION NO	PA/2008/0382
APPLICANT	Mr M Rylatt, Dave Rylatt Motors Ltd
DEVELOPMENT	Planning permission to erect 6 detached bungalows
LOCATION	Chancel Service Station, Chancel Road, Bottesford
PARISH	BOTTESFORD
WARD	Bottesford
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Officer discretion Third party request to address the committee
POLICIES	<p>Regional Spatial Strategy for Yorkshire and the Humber: Policy H2 (Sequential Approach to the Allocation of Housing Land) sets out the sequential approach to housing that should be applied through development plans and the allocation of land where previously developed land is the preferred option, other infill within urban areas, and then the extension to main urban areas where the land is accessible or capable of being made accessible to services and jobs by good public transport, and conversions before greenfield land.</p> <p>Policy H4 states that targets for the provision of affordable housing should be developed through local housing needs assessments to common standards in consultation with housing authorities and other social and affordable housing providers. Releases of land for housing should take account of the need for different types and sizes of housing to meet all needs and be subject to the delivery of an appropriate proportion of affordable housing.</p> <p>North Lincolnshire Local Plan: Policy H5 (New Housing Development) requires all new housing developments to be well related to existing infrastructure; be in keeping with the scale and character of the settlement; not result in the loss of important open space; comprise development of not more than 3 dwellings; reasonably be expected to commence within the lifetime of the local plan; be appropriate in scale, layout, height, and materials of construction, which are compatible with the character and amenity of the immediate environment; have an</p>

appropriately designed access with adequate parking facilities; conserve and retain features of particular architectural, historic, archaeological, landscape or nature conservation importance; provide a sufficient amount of private amenity space unless the development is for flats; and not result in overlooking or loss of privacy of adjacent land uses.

Policy H8 (Housing Design and Housing 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; and provide residents with a sense of identity and an appropriate mix of dwelling size and types.

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.

CONSULTATIONS

Highways: Advise conditions.

Severn Trent Water Ltd: Advise conditions.

Environment Agency: Advise conditions.

TOWN COUNCIL

No objections.

PUBLICITY

Nine letters have been received, objecting on the following grounds:

- the site is not large enough to accommodate six dwellings
- overlooking of neighbouring properties
- concerns with access to the site
- movement of a bus stop located outside Dave Rylatt Motors
- the proposal is out of character with the street scene.

ASSESSMENT

Report update

Following deferment of this application at the planning committee held on 21 May, to enable further information to be submitted in relation to design and construction issues, I can now report that amended details were received on 1 July 2008. These can be summarised as:

- the layout of the site remains basically the same, with only minor changes to the siting of two bungalows;
- a low brick wall is to be provided along the Chancel Road frontage;
- the northern boundary is now to be constructed as a 2.1 metre high wall, rather than a low wall with fence above it.

The design and access statement has been revised to reflect the changes and make specific reference to the relocation of the bus stop on Chancel Road within the frontage of the development to facilitate the construction of the new private access. All windows, doors and drainpipes will be white UPVC.

Members should note that contamination conditions contained within the original recommendation have been reworded to reflect recent central government advice on the wording of such conditions.

Original Report

Planning permission is sought for a development of six detached bungalows on the site of Dave Rylatt Motors, Chancel Road, Bottesford. The bungalows have bedrooms in the roof space, lit by 'Velux' style windows rather than 'dormers'. Each bungalow has three bedrooms and an integral garage; access is gained from Chancel Road.

The site has a history of applications stretching back to 2006. The first application (PA/2006/0876) was for eight terraced houses and two flats above garages, which was refused at committee. A second application (PA/2006/1276) for eight terraced houses was refused at committee and a subsequent appeal was dismissed. Since the appeal the applicant has been assessing various design options for the site and this revised application is the preferred solution.

The site is surrounded by residential properties: mostly semi-detached, although there are some detached properties on its eastern side. All the surrounding properties have substantial rear gardens.

The main issues to consider in determining this application are whether or not the proposed development is out of character with the area, would be detrimental to the living conditions of surrounding properties, and is over-development of the site.

The proposed development of the site to provide six dwellings is acceptable in principle. However the current layout is a poor design solution. In current planning guidance, such as PPS1 and PPS3, a high standard of design is called for in all developments, indeed PPS1 states at para. 33 'Good design is indivisible from good planning'. Whilst design can be considered subjective, there are many examples across the country of 'best practice' which should be the benchmark every development should be aiming for.

However, whilst the design of the scheme is considered to be poor, in all other respects the proposal is acceptable and it also meets the findings of the inspector who dismissed the earlier appeal. The previous application (PA/2006/1276) that was refused could, with some minor changes, have been more in keeping with the area and immediate street scene.

When assessing the proposed scheme, however, policies H5, H8 and DS1 of the North Lincolnshire Local Plan are the most relevant to the application. Policy H5 calls for all new housing development to be relevant to the area and take into account existing infrastructure in its design and layout, and it is considered that the proposal meets those requirements in that access is gained from Chancel Road and there is adequate space for vehicles to turn round in the site and exit it forwards. Whilst the immediate street scene is one of semi-detached dwellings, there are bungalows located across the road, therefore it could be

considered that bungalows do form part of the character of the area.

Policy H8 (Housing Design and Housing Mix) calls for all new housing developments to be of an appropriate design, which does not adversely affect the living conditions of any adjoining properties. Whilst the proposal does involve the use of the roof space for additional bedrooms, the windows are rooflights and do not overlook any of the adjoining properties. When assessing the design of the proposal, the comments at the start of the report are quite clear about how good the design of the dwellings is considered to be. However it is considered that as the design of development can be so subjective, and in some cases contentious, the committee needs to decide whether or not the proposal is of a high standard. In all other respects, however – the layout of the proposal and access etc – it is considered that the proposal is acceptable and does not conflict with policy H8.

With regard to the objections received, it is considered that the proposal meets the minimum standards of density at 30 dwellings per hectare and therefore the proposal cannot be considered to be over-development of the site. With regard to concerns about overlooking, none of the first floor 'Velux' windows overlook adjacent properties and therefore the objection cannot be sustained. With regard to accessing the site, Highways have been consulted on the proposal and, subject to certain conditions being met, have no objections. The movement of the bus stop located outside the site is not considered to be a planning concern and Highways are happy to see it moved to a different location. Finally, with regard to the design of the proposal, comments earlier in this report have addressed this issue and it is considered that it has been adequately addressed.

Contained within the recommendation are conditions 11 to 15, which relate to land contamination and protection of the water environment. These conditions are an amalgamation of conditions advised by the council's own Environmental Health team and the Environment Agency.

In conclusion, it is considered that the proposed development is acceptable in its current location: whilst there may be some concerns with the design of the dwellings, in all other respects the proposal complies with policies H5, H8 and DS1 of the North Lincolnshire Local Plan and is therefore recommended for approval.

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.
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.

3.
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.

4.
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.

5.
No loose material shall be placed on any driveway or parking area within ten 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.

6.

Nothing shall at any time, whether permitted by the Town and Country Planning General (Permitted Development) Order or not, be erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway for a distance of 2 metres from the highway boundary across the site frontage.

Reason

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

7.

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.

8.

No dwelling on the site shall be occupied until the private driveway has been completed to a standard to be agreed beforehand in writing with the Local Planning Authority, up to its junction with the vehicular access to that dwelling.

Reason

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

9.

Any new vehicular access to the site from Chancel Road shall be arranged in such a way as to cause minimal interference or disruption to the existing lighting column and bus stop.

Reason

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

10.

Should it be necessary to relocate either the lighting column or bus stop to facilitate access to the site, then no

work shall commence on site until details of this work have been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of highway safety and to comply with policies T2 and T19 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, 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 offsite receptors [in accordance with policy DS7 of the North Lincolnshire Local Plan adopted in 2003]

12.

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of five years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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 offsite receptors (in accordance with policy DS7 of the North Lincolnshire Local Plan adopted in 2003).

16.

Nothing other than strictly uncontaminated, inert material shall be imported and deposited on the site.

Reason

To protect the groundwater quality in the area.

17.

Nothing other than strictly uncontaminated, inert material shall be imported and deposited on the site.

Reason

To protect the groundwater quality in the area.

18.

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.

19.

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 enhance the appearance of the development in the interests of amenity.

20.

Notwithstanding the provisions of Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking and re-enacting that order with or without modification, no windows or extensions shall be installed/erected other than those expressly authorised by this permission.

Reason

To protect the amenity of the neighbouring properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

21.

Before any dwellings are constructed, the boundary wall shown on drawing no. 2008/A1/DR/301 rev. A. shall be constructed and completed.

Reason

To protect the amenity of the neighbouring properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

22.

Before any development takes place the bus stop located on the frontage of the development shall be dismantled and reconstructed so as to facilitate the construction of the private access road.

Reason

To allow safe access and egress of the site in accordance with policy T2 of the North Lincolnshire Local Plan.

23.

Before any development commences, the proposed boundary treatment shall be constructed/planted.

Reason

To protect the amenity of the adjoining properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

24.

The development shall be carried out in accordance with the amended drawing numbered 2008/A1/DR/301 rev D received by the Local Planning Authority on 1 July 2008.

Reason

To define the terms of the permission and to help ensure the development is in keeping with its surroundings in accordance with policy DS5 of the North Lincolnshire Local Plan.



Drawing Title: 2008/0382

OS Grid Ref: SE89670790

Drawn by: GM

Scale: 1:1,250

Date: 07/05/2008



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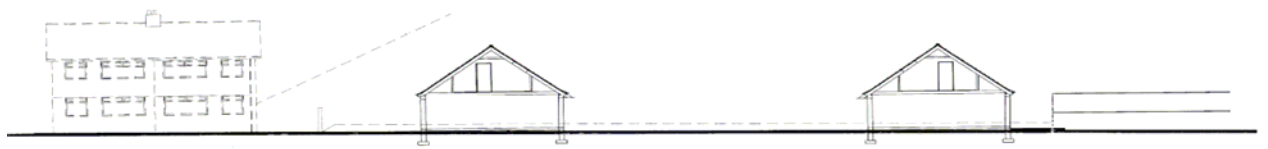


Highways and Planning Service

Service Director,
G Popple



PROPOSED SOUTH ELEVATION TO CHANCEL ROAD



CROSS SECTION THROUGH SITE

