

<b>APPLICATION NO</b>	<b>PA/2008/1413</b>
<b>APPLICANT</b>	Mr R Neish
<b>DEVELOPMENT</b>	Planning permission to erect 2 detached dwellings with detached garages and associated access/turning and parking facilities
<b>LOCATION</b>	Land adjacent to 30 High Street, Burton-upon-Stather
<b>PARISH</b>	<b>BURTON-UPON-STATHER</b>
<b>WARD</b>	Burton Stather and Winterton
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Burton-upon-Stather Parish Council  Third party request to address the committee
<b>POLICIES</b>	<p><b>Regional Spatial Strategy for Yorkshire and the Humber:</b> Policy P1 (Strategic Patterns of Development) – development should be located in sustainable locations within urban areas close to public transport.</p> <p>Policy H1 (Sequential Approach to the Allocation of Land for Housing) – previously developed land should be the first preference for new housing.</p> <p><b>North Lincolnshire Local Plan:</b> Policy ST2 (Settlement Hierarchy) identifies Burton as a minimum growth settlement and the site is shown as being within the development boundary (policy ST3).</p> <p>Policy H3 (Previously Used Land) – development of previously used land will be preferred in sequence to the take-up of greenfield sites in the locality.</p> <p>Policy H5 (New Housing Development) provides general design guidance in relation to new residential development.</p> <p>Policy DS1 (General Requirements) provides general design guidance for all new development.</p> <p>The site is in the conservation area (Policy HE2) where the local planning authority has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.</p>
<b>CONSULTATIONS</b>	<b>Highways:</b> No objections subject to conditions.

## **PARISH COUNCIL**

Object on the following grounds:

- contrary to policy HE1 because the garden area is mentioned in the Burton Conservation Area Appraisal as an important view and contributing to the character of the conservation area
- removal of important trees
- contrary to policy HE2 because it would have an adverse impact on the conservation area and a detrimental impact on the setting of 30 High Street
- would dominate residential properties to the north and affect their daylighting and amenity and would be contrary to policies DS5, DS1 and SPG1
- proposed vehicular access off Breydon Court is unsuitable and unsafe
- question raised about access by construction traffic
- would exacerbate existing traffic and parking problems on High Street and Norfolk Avenue

## **PUBLICITY**

The application has been advertised by means of site and press notices and neighbouring properties have been notified. Nine letters have been received which, in addition to the points already mentioned by the parish council, raise the following issues, together with some non-material planning considerations:

- parking facilities for the proposed dwellings are inadequate
- damage to Breydon Court from additional traffic, especially during the construction period
- not in keeping with surrounding dwellings on Norfolk Avenue, The Paddock and Breydon Court which are predominantly single-storey dwellings

## **ASSESSMENT**

Planning permission is being sought to erect two four-bedroom detached houses with detached garages to the rear on the extended but unused garden area to the north of 30 High Street. Their front elevations are set back from the shop and house of no. 24 but are in line with no. 30, the design of which they have been aimed to complement. Vehicular access to the new garages would be gained from Breydon Court to the rear of the site which would involve improving an existing access.

**The main issues which need to be addressed in determining this application are whether the proposed development is in keeping with and respects the character of the conservation area and whether it would have an adverse impact on the living conditions of any neighbouring residential properties.**

Turning to the objections, for ease of assessment they have been divided into two groups: those received from the parish council and those received from nearby residents. Firstly those raised by the parish council:

*Contrary to policy HE1 because the garden area is mentioned in the Burton Conservation Area Appraisal as an important view contributing to the character of the conservation area*

In the first instance it should be pointed out that this policy has been deleted from the adopted North Lincolnshire Local Plan. Insofar as the protection of the view is concerned, there are more dramatic views within and looking out of the village. The hedge along the High Street frontage also curtails views, especially if its height increases.

*Removal of trees*

The trees which are to be removed are of no great landscape value and a replacement scheme has been submitted which, subject to appropriate conditions, is considered satisfactory.

*Contrary to policy HE2 because it would have an adverse impact on the conservation area and a detrimental impact on the setting of 30 High Street*

The design of the dwellings (as amended) is considered to be sympathetic to existing buildings in this part of the conservation area and they are in keeping with the form and scale of 30 High Street on which the development has been modelled.

*Would dominate residential properties to the north and affect their daylighting and would be contrary to policies DS1, DS5 and SPG1*

The proposed house on plot 1 is some 8 metres away from the habitable rooms of the nearest dwelling to the north (no. 22), which are south-facing, and the 30° angle ruling on daylighting which normally applies to house

extensions has been complied with, with the exception of a small amount at the top of the gable (north end), and so daylighting should not be significantly reduced. There are no first-floor windows to the northern elevation of the proposed dwelling on plot 1 so overlooking should not be an issue. The next nearest dwelling to the north on Norfolk Avenue is diagonally 15 metres away so there should be no detrimental impact.

*Proposed vehicular access off Breydon Court is unsuitable and unsafe*

Breydon Court is an adopted highway and there is an existing driveway from this road to the application site. Highways have not identified access as an issue and provided that the driveway is improved to satisfy their standards then they have no objection.

*Access by construction traffic*

In view of the status of Breydon Court, construction traffic would be entitled to use this road but in any event short-term construction access is not a material planning consideration.

*Would exacerbate existing traffic and parking problems on High Street and Norfolk Avenue*

Highways are satisfied that adequate parking facilities can be provided within the curtilage of the site and there is no reason to suggest that the development should add to any parking problems on High Street and Norfolk Avenue, especially since the site would be accessed from Breydon Court.

Secondly, there are also objections which have been raised by local residents:

*Parking facilities for the proposed dwellings are inadequate*

This objection has already been assessed in relation to the parking problem alluded to on High Street and Norfolk Avenue but just to reiterate, Highways consider that there is adequate space to provide parking and turning areas within the application site.

*Damage to Breydon Court from additional traffic, especially during construction period*

Breydon Court is a public highway and any damage caused to the road during the construction period would be the responsibility of the builder to which he would be liable to Highways under the Highway Acts.

*Not in keeping with surrounding dwellings on Norfolk Avenue, The Paddock and Breydon Court which have predominantly single-storey development*

This objection cannot be substantiated because although many of the dwellings to the north and east are modern single-storey development, the proposed dwelling is an infill and related to the traditional two-storey development along the High Street frontage within the conservation area.

The Environment Team identified certain shortcomings about the original submission concerning design and use of building materials. An amended drawing has now been received which incorporates the suggested revisions and makes it more in keeping with its surrounds and the character of this part of the conservation area. Similarly, the landscaping scheme accompanying the application was considered insufficient in terms of amenity interest by the Environment Team's tree officer. Satisfactory amendments have now been made and appropriate conditions have been suggested.

## **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 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.

3.

The proposed dwelling shall not be occupied until the private driveway has been constructed, in accordance with the approved details, up to the junction of the vehicular access serving it.

Reason

In the interests of highway safety and to comply with policies T2 and 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 development shall be carried out in accordance with the amended drawings numbered N.07/43/3 Rev A and N.07/43/4 Rev A received by the local planning authority on 17 November 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.

6.

The wall and hedge along the western boundary shall be retained at all times except for the section required to be removed for pedestrian access purposes.

Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy HE2 of the North Lincolnshire Local Plan.

7.

The scheme of landscaping and tree planting shown on drawing no. N.07/43/3 Rev A shall be carried out in its entirety, with the exception that the two Magnolia shown (either Korbus or Sinensis) shall be replaced by a single fruit tree, within a period of twelve months beginning with the date on which development is commenced or within such extended time period as may be agreed in writing with the Local Planning Authority. Any trees, shrubs or bushes removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees, shrubs or bushes of similar size and species to those originally required to be planted unless the Local Planning Authority have given written consent to any variation.

Reason

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

8.

Before development is commenced, details of the method of protecting the existing trees within the garden of 30 High Street 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.

Reason

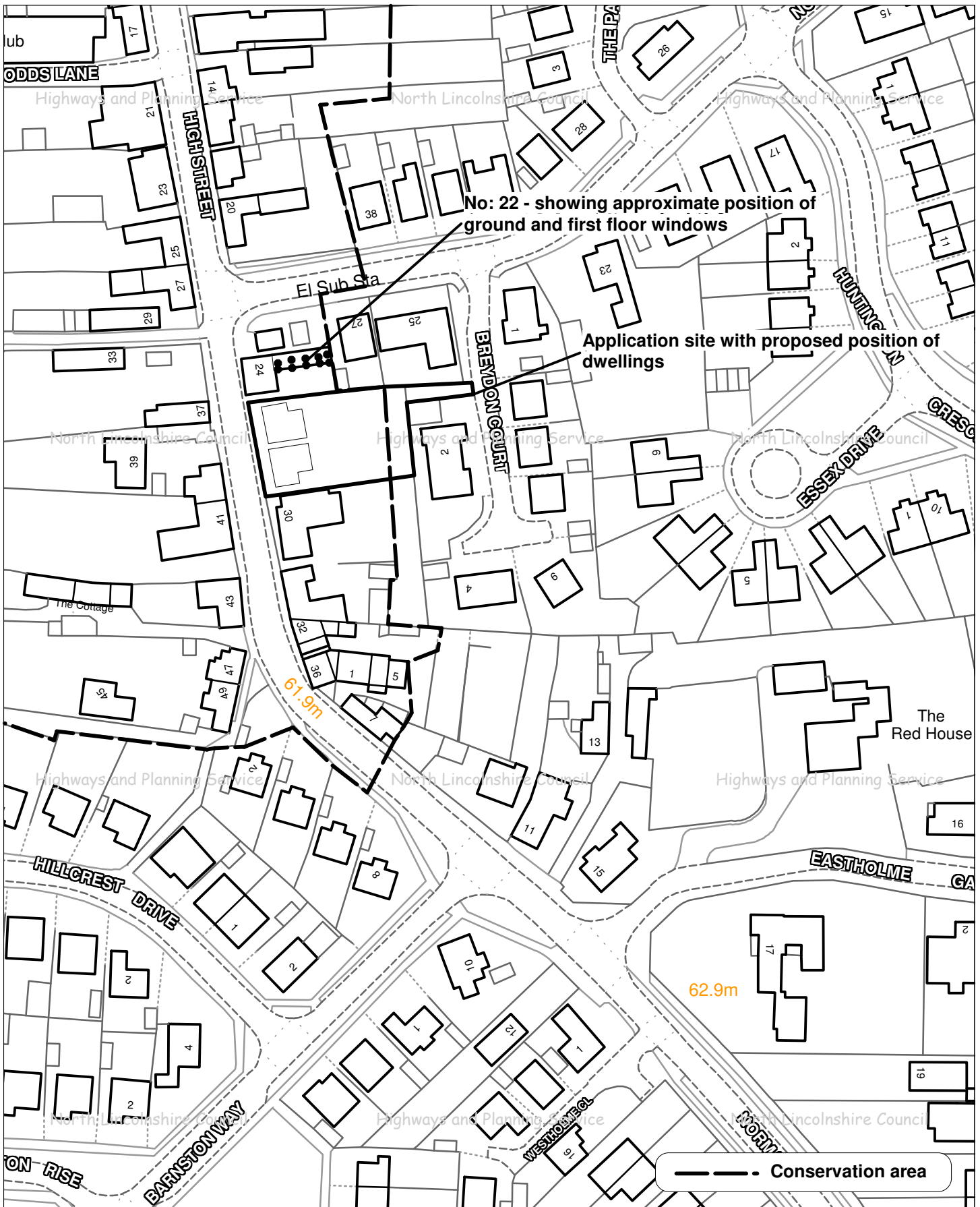
In order to protect the existing trees on land adjacent to the development site.

9.

No development shall take place until the precise fruit tree species to be planted have been submitted to and approved in writing by the local planning authority. A total of three fruit trees shall be planted within the site.

Reason

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



Drawing Title: 2008/1413

OS Grid Ref: SE87131761

Drawn by: KC

Scale: 1:1250

Date: 17/11/2008



Based upon the Ordnance Survey mapping with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown Copyright.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

NORTH LINCOLNSHIRE COUNCIL 100013349 2008



Highways and Planning Service

Service Director,  
G Popple