

**APPLICATION NO** PA/2014/1116

**APPLICANT** Keigar Homes Ltd

**DEVELOPMENT** Planning permission to erect 6 dwellings (amendment to house types on previously approved permission PA/2013/0008)

**LOCATION** Plots 1-6 Bowmandale, Barton-upon-Humber

**PARISH** **BARTON-UPON-HUMBER**

**WARD** Barton-upon-Humber

**CASE OFFICER** Emma Stanley

**SUMMARY RECOMMENDATION** **Grant permission subject to conditions**

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

#### **POLICIES**

**National Planning Policy Framework:** Paragraphs 47 to 50 apply.

**North Lincolnshire Local Plan:** Policy DS1 (General Requirements)

Policy H8 (Housing Design and Housing Mix)

Policy LC5 (Species Protection)

Policy LC12 (Protection of Trees, Woodland and Hedgerows)

**North Lincolnshire Core Strategy:** Policy CS3 (Development Limits)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

CS17 (Biodiversity)

#### **CONSULTATIONS**

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

#### **TOWN COUNCIL**

Comment that trees on the site should be protected.

## **PUBLICITY**

Neighbouring properties have been notified. Three letters have been received from two residential properties raising the following issues:

- The amended designs will result in overlooking and lead to loss of privacy in both property and garden areas.
- The proposal contravenes the Human Rights Act in relation to a person's enjoyment of their home and land.
- The development will have an adverse impact on protected species, bats in particular.
- The development will obscure views of the Humber Bridge.

## **ASSESSMENT**

Planning permission exists on this site to erect seven dwellings, which expires in May 2015. This application seeks to amend six of the approved house types. The overall layout of the site is similar to that previously approved, with the means of access remaining the same.

**The main issues in the determination of this application are whether the changes in design will have a detrimental impact on the amenities of surrounding residents and whether there will be an impact on protected species.**

Outline planning permission (PA/2009/1320) and reserved matters approval (PA/2013/0008) have been granted for the erection of seven dwellings on this site, subject to conditions relating to highway matters, drainage, and protection of trees and bats. The current proposal seeks to amend six of the approved house types. The original layout included a terrace of four properties on the site frontage. This has been amended to show two pairs of semi-detached houses. To the rear of the site was originally one detached bungalow and a pair of semi-detached dormer bungalows. The current layout retains the detached bungalow but now proposes a pair of detached houses instead of dormer bungalows. The overall layout of the site remains similar to that originally approved in terms of the location of the plots and means of vehicular access and parking. The designs of the dwellings, although different to those which were originally approved, are still considered to be in keeping with the character of the area, which is a mix of house types and design.

Two neighbours have raised concerns about the changes to the house types, in particular replacing the two dormer bungalows to the rear of the site with a pair of houses. The neighbours are concerned that the change in design will reduce privacy by creating overlooking. Whilst the change in house type does mean that there are windows in the rear walls of the properties, the distance between the neighbouring properties to the side and rear, and the positions of the windows in the proposed new dwellings, are such that no significant increase in overlooking will occur. The property to the rear is 45 metres away from the dwelling on plot 6 which, together with the fact that the properties do not actually face each other, is considered to be sufficient to avoid any loss of privacy. The neighbour to the side is also concerned about overlooking. However, the only side-facing window at first-floor level in the new property is a bathroom window. The original dormer bungalow had a small side-facing bedroom window. In relation to the dwelling to the side of plot 5, the development is considered to be an improvement by reducing the amount of potential overlooking.

Concern has also been expressed about the loss of habitat for bats. The current approval includes a condition requiring the submission of a bat survey, which is recommended for inclusion in any subsequent approval. It is considered therefore that the proposed change of house type causes no more harm to the amenities of surrounding neighbours than the existing approved design, and that the protection of bats and their habitat can be secured by condition. The application is recommended for approval, being in accordance with policies in the North Lincolnshire Local Plan and Core Strategy as referred to above.

**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: MCa/AS/12/101, MCa/OP/10/101, Ca/AS/12/101 A, BD/158/01, BD/158/02, BD/158/03 and BD/158/04.

Reason

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

3.

No development shall take place until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have been submitted to and approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use.

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.

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.

6.

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.

7.

The existing footway shall be improved across the whole of the site frontage, in accordance with details to be submitted to and approved in writing by the local planning authority, prior to the occupation of the four dwellings on the site frontage.

Reason

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

8.

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.

9.

No development shall take place until full details of the soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The details shall include planting plans, written specifications (of operations and cultivations associated with the establishment) and a schedule of plants (species, sizes, numbers, densities and implementation programme).

Reason

To ensure that the character of the local landscape is maintained and enhanced in accordance with policy LC12 of the North Lincolnshire Local Plan.

10.

No development shall take place until a tree protection plan and arboricultural method statement have been submitted to and approved in writing by the local planning authority and such works shall be carried out as approved.

Reason

To ensure that the character of the local landscape is maintained and enhanced in accordance with policy LC12 of the North Lincolnshire Local Plan.

11.

No development shall take place until a scheme for the disposal of foul and surface water has been submitted to and approved in writing by the local planning authority and none of the dwellings shall be occupied until connected to the approved drainage system.

Reason

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

12.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority.

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.

13.

No development shall take place until a survey has been undertaken to establish whether there are bat roosts within the trees on the site. The survey shall indicate what mitigation measures are to be taken to ensure bat access to roosts is incorporated within the development and shall be agreed in writing with the local planning authority before development is commenced.

Reason

To safeguard the habitat of protected species in accordance with policy LC5 of the North Lincolnshire Local Plan.

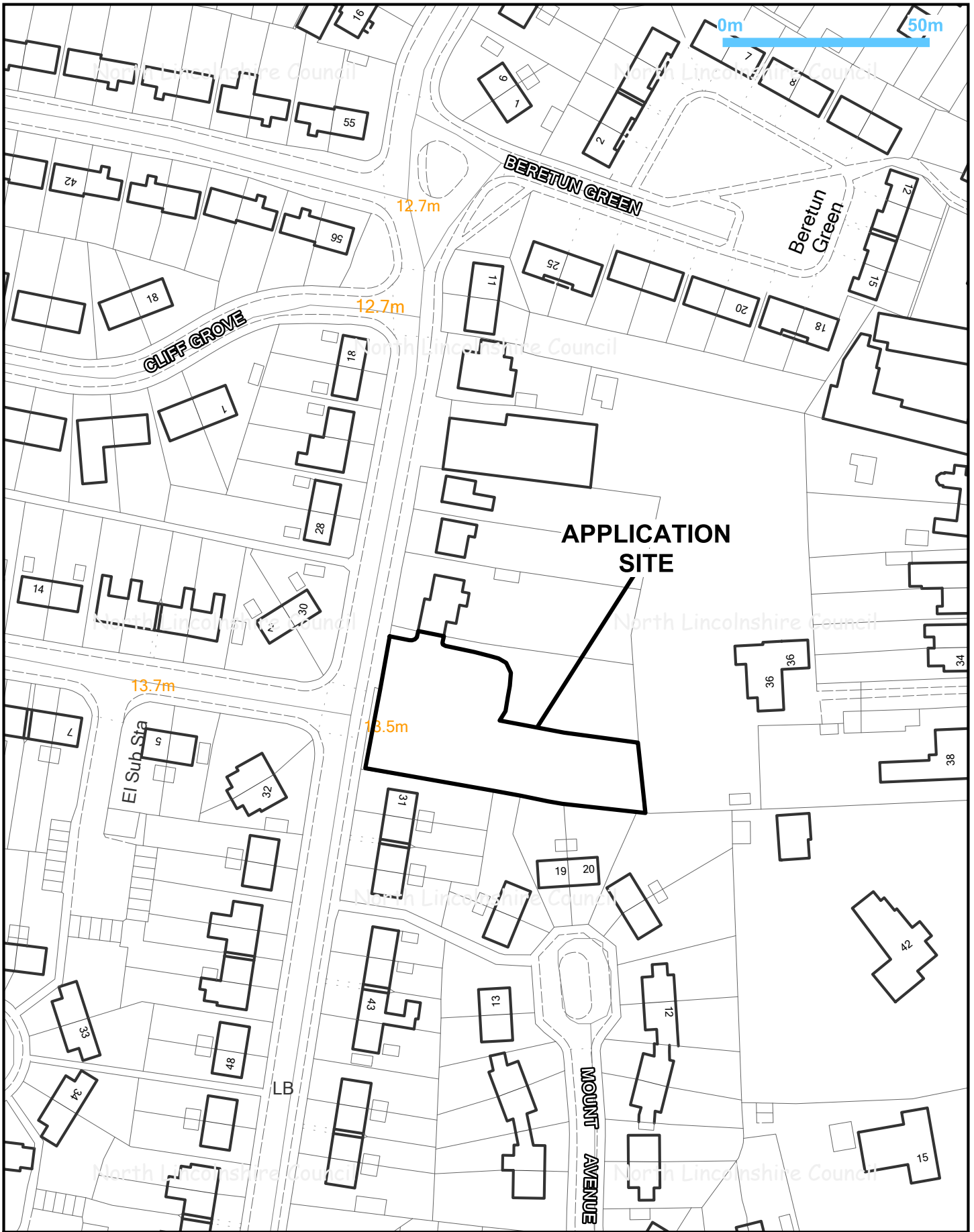
**Informative 1**

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.

**Informative 2**

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.

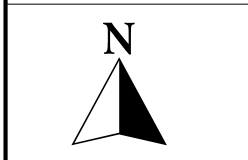


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Drawn by: Sue Barden

Date: 18/12/2014

Scale 1:1250



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PA/2014/1116 Proposed Housing Layout Not to scale

