

<b>APPLICATION NO</b>	<b>PA/2016/1597</b>
<b>APPLICANT</b>	Keigar Homes Ltd
<b>DEVELOPMENT</b>	Planning permission to erect three three-bedroomed detached dwellinghouses including associated parking area and access
<b>LOCATION</b>	Land rear of Kingston View, 103 Barrow Road, Barton upon Humber, DN18 6DA
<b>PARISH</b>	Barton upon Humber
<b>WARD</b>	Barton
<b>CASE OFFICER</b>	David Wordsworth
<b>SUMMARY RECOMMENDATION</b>	<b>Subject to the variation of the Section 106 agreement (under application PA/2016/1816), grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Officer discretion

## **POLICIES**

**National Planning Policy Framework:** Paragraph 47 states that to boost significantly the supply of housing, local planning authorities should undertake several measures [explained in greater detail].

Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 56 states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 75 states that planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users.

Paragraph 118 states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and
- the following wildlife sites should be given the same protection as European sites:
  - potential Special Protection Areas and possible Special Areas of Conservation;
  - listed or proposed Ramsar sites;
  - sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

Paragraph 131 states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 187 states that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Paragraph 196 states that the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This Framework is a material consideration in planning decisions.

Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

**North Lincolnshire Local Plan:**

Policy DS1 (General Requirements)

Policy H8 (Housing Design and Mix)

Policy DS16 (Flood Risk)

Policy DS3 (Designing Out Crime)

Policy DS7 (Contamination)

Policy T1 (Location of Development)

Policy T2 (Access to Development)

Policy T6 (Pedestrian Routes and Footpaths)

Policy T7 (Development of a Cycle Network)

Policy T8 (Cyclists and Development)

Policy T19 (Car Parking and Standards)

Supplementary Planning Guidance (SPG) 8 Developer Contributions To Schools

**Housing and Employment Land Allocations Development Plan Document:**

Policy BARH-2

**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)

Policy CS16 (North Lincolnshire Landscape, Greenspace and Waterscape)

Policy CS19 (Flood Risk)

Policy CS27 (Planning Obligations)

**CONSULTATIONS**

**Highways:** Advise conditions.

**HER:** No further comments.

**National Grid:** No objections.

**Spatial Planning:** No objections.

**Environmental Protection:** Advise a condition.

**Tree Officer:** No comments.

**Public Rights of Way Officer:** No comments.

## **TOWN COUNCIL**

Objected to the original proposal on the following grounds:

- overlooking of surrounding properties and the adjacent cemetery
- the footprint of the dwelling is no different to the previous planning application submitted (PA/2016/121).

Comments on the amended proposal are awaited and will be verbally reported at the planning committee meeting.

## **PUBLICITY**

Neighbouring properties have been consulted in writing and site notices posted. Seven letters of objection have been received. The objections are summarised below:

- Vehicular access to the properties and their parking is directly across the public footpath and cycleway that services the whole site.
- An accident waiting to happen. Access to a group of properties should be permitted by driving directly across this green corridor.
- The previous refusal also cited the potential for crime yet nothing has changed in this respect.
- Why not move the houses further into the estate and reroute the track behind? Cyclists wouldn't mind going a bit further if it was safer.
- Too little changes from the original application (PA/2016/121) to be approved.
- This proposal is on land utilised for the storage of rubble, rubbish bins and material.
- Keigar Homes are concreting over Barton with red bricks and paving tiles. Please no more houses.
- Where does the flood water go, when there is no green space left?
- Car pollution: every new home buyer will be a commuter with at least two cars.

- The site is referred to as a separate site and is an excuse not to contribute to the local infrastructure.
- They are proposing to build in what was previously the garden of number 103, off the building line.
- The occupants of number 101 have suffered enough disruption and problems without impinging on their privacy further.

## **ASSESSMENT**

The application site currently forms part of the rear garden to 103 Barrow Road and lies to the west of the Falkland Way housing site which is under construction. To the north is Barton cemetery, to the west is the bungalow of 101 Barrow Road and its rear garden that forms the adjoining land use. To the south is Barrow Road.

The land slopes south to north downwards from Barrow Road to the cemetery. The proposal is for the erection of three detached two-storey dwellings. Vehicular access is proposed from the adjacent housing site and proposes a rectangular-shaped car parking area accommodating six spaces to the south of the row of the proposed three detached houses. The proposed new dwellings would front onto the new footpath/cycleway that sits within a landscaped corridor that was included within the Master Landscaping Plan accompanying the outline planning application (PA/2009/0257) for the Falkland Way site. This green corridor adjacent to the western boundary of the site follows a land use designation that was contained within the North Lincolnshire Local Plan under policy LC15 – 6 (Landscape Enhancement, Barton East), but is not included within the more recently adopted Housing and Employment Land Allocations Development Plan Document (HELA DPD).

Planning permission has been granted (PA/2015/1319) for the demolition of the chalet bungalow at number 103 and for the erection of a six-bedroom two-storey dwelling on a similar footprint. The original dwelling at number 103 has been demolished and construction work on the new house and garage is close to completion. The applicants are also Keigar Homes.

**The key issues in the determination of this application are whether the proposal would:**

- **adversely affect the residential amenity of occupants of surrounding properties;**
- **adversely affect the character and function of the landscaped corridor shown within the master landscaping plan;**
- **adversely affect the safety of pedestrians or cyclists using the footpath/cycleway;**
- **contribute to the provision of school places needed as a result of the new dwellings.**

The application was validated on 7 October 2016 and the applicants submitted the following documents to accompany the application:

- Design & Access Statement

- 3D Images
- Photographs
- Separation Distances
- Previous consultation responses from Highways, HER (archaeology), Public Rights of Way and Spatial Planning.

This application is a resubmission of a previous planning application (PA/2016/121) that was refused for the following reasons:

1.

The proposed development would be contrary to the master landscaping plan approved under application PA/2009/0257 as it would fall partly on land approved as a green corridor for pedestrians and cyclists in relation to the residential development to the east of the site. The proposed vehicular access would also cross over the proposed green corridor detrimentally affecting the character and function of the green space to the detriment of the area and users of the footpath/cycling. The proposal is therefore contrary to policies T6, T7, R5, and H8 of the North Lincolnshire Local Plan and policy CS16 of the North Lincolnshire Core Strategy.

2.

The proposed car parking and manoeuvring space would detrimentally affect the amenities of the adjacent occupiers at 101 Barrow Road and future occupiers at 103 Barrow Road by reason of noise and disturbance. The proposal is therefore contrary to policy H8, and DS1, of the North Lincolnshire Local Plan.

3.

The proposal would result in a large area of car parking, outside of the curtilages to the proposed dwellings, and designed in a tandem style with insufficient direct overlooking from the future occupiers of the proposed dwellings. This would result in the potential for crime contrary to the National Planning Policy Framework, and policies, DS1, and DS3 of the North Lincolnshire Local Plan.

4.

The proposed development, in conjunction with the residential estate to the east, would result in a demand for primary school places within Barton which cannot be met without a financial contribution from the applicant. The applicant has been requested to make a financial contribution to the council for the provision of such places but has declined to do so contrary to policy C1 of the North Lincolnshire Local Plan.

This application differed from the previous refusal in the following ways:

- the position of the dwellings has been relocated further west so that no part of the buildings is located within the green corridor (referred to in reason 1)
- the number of car parking spaces has been reduced from eight to six and the area has been redesigned so that it is not a tandem style, so screening and planting will further protect the residential amenity of occupants from disturbance

- insertion of two windows into the gable end of the adjacent proposed dwelling to increase natural surveillance
- confirmation from the applicant of payment of additional financial contributions towards education facilities attributed to the development.

Upon the initial assessment of the submission of the application the case officer considered that the activities associated with four dwellings, and the restricted nature of the development with a rear outlook towards tall coniferous hedging, could affect the environmental quality of the area and its future occupants. The applicants were advised to reduce the number of units to maximise the space surrounding the units for private amenity areas and reduce the potential impact associated with residential use. The applicants amended the scheme and submitted a revised scheme for three detached units.

### **Planning policy**

Government planning policy, through the National Planning Policy Framework (NPPF), advises that local authorities should aim to boost significantly the supply of housing (paragraph 47) and that housing applications should be considered in the context of the presumption in favour of sustainable development (paragraph 49). In turning to local planning policies, the site sits within the development boundary of Barton upon Humber as shown within the Housing and Employment Land Allocations DPD that was adopted in March 2016 and does not have any specific land allocation. The closely associated Falkland Way housing development to the east, from which the site is accessed, is allocated as a housing site under policy BARH-2. Consequently, the principle of residential development is acceptable.

### **Residential amenity**

The reason for refusal of the previous planning application (PA/2016/121) on amenity grounds referred to noise disturbance to the occupants of 101 and 103 Barrow Road, however no objection was received from the council's Environmental Protection officers who consider the impacts of noise. The distance from these properties is calculated to be no different to those commonly found in residential areas where car parking is required close to residential units.

With regard to overlooking, the front of the proposed units face east towards the gable ends of the dwellings on the existing residential estate of Falkland Way and the rear elevations face west towards a mature coniferous hedgerow (5–7 metres high). Whilst this hedgerow sits within the ownership of the adjoining property (101 Barrow Road) and therefore outside the control of the applicants, it is not considered that the dwellings have the potential to overlook the area of private garden surrounding the existing dwelling.

Additional tree planting is proposed around the car parking area to further segregate the activities associated with the new dwellings from the occupants of existing dwellings to the south and west. This landscaping can be controlled by condition.

### **Impacts upon the landscaped corridor**

This green corridor adjacent to the western boundary of the site follows a land use designation that was contained within the North Lincolnshire Local Plan under policy LC15 – 6 (Landscape Enhancement, Barton East), but is not included within the more

recently adopted Housing and Employment Land Allocations DPD. Consequently the landscaping belt is not controlled by planning policy. The applicants have demonstrated on site layout plans the green corridor is to be retained from Barrow Road down the western edge of the Falkland Way development. Whilst the access road from Appleleaf Lane (on the existing housing site) and the footpaths to the three units extends over the strip, other features also puncture gaps along the length of the corridor and this is, therefore, not considered by any of the consultees to present a significant issue.

### **Safety of pedestrians or cyclists using the footpath/cycleway**

The council's highways department and the public rights of way officer have been consulted and they raise no objections on highway or pedestrian safety grounds to the proposed layout, its access or the crossing of the footpath by the vehicular access. Consequently the objection is not attributed any weight.

### **Contributions to infrastructure**

The applicants have agreed to pay an additional contribution that is attributed to the three new units. The applicants have therefore applied (PA/2016/1816) to amend the existing Section 106 agreement for the Falkland Way site that will require a further £10,113 contribution towards primary school provision. This planning application will not trigger a requirement for affordable housing, recreation or highways provision.

### **Other matters**

The town council objected on the following grounds:

- overlooking of surrounding properties and the adjacent cemetery
- the footprint of the dwelling is no different to the previous planning application submitted (PA/2016/121).

The proposed dwellings will not overlook the garden of 101 Barrow Road due to the existing coniferous hedgerow that prevents views into the bottom of the rear garden. The cemetery to the south will also not be overlooked because first-floor windows face east and west, not north. Even if the windows did overlook the cemetery, this reason could not be substantiated and cemeteries are not protected in the same way that private amenity areas are. The footprint of the dwellings has changed from those in planning application PA/2016/121 because the application is now for three detached dwellings whereas the first application was for four semi-detached houses. Concerns regarding drainage are not shared by the council's drainage team (LLFA) who have no objections to the application.

The reasons for refusal on the previous planning application (PA/2016/121) have been addressed and there are no material considerations that would justify withholding consent.

### **RECOMMENDATION**

**Subject to a variation to the Section 106 agreement signed in conjunction with planning permission PA/2016/1816 providing for increased contributions towards primary education, the committee resolves:**

- (i) **it is mindful to grant permission for the development;**

- (ii) **the decision be delegated to the Head of Development Management upon completion of the obligation;**
- (iii) **if the obligation is not completed by 14 June 2017 the Head of Development Management be authorised to refuse the application on grounds of non-compliance with SPG8 and policy CS27 of the North Lincolnshire Core Strategy as it fails to make sufficient provision for primary education; and**
- (iv) **the permission so granted be 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: BR/170/20A, BR/170/22B, BR/170/26A, BR/170/28A, CA/OP/16/103, CA/OP/16/104 and CA/AS/16/103.

Reason

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

3.

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 by the local planning authority. The approved method statement shall be implemented in full prior to development commencing on the site.

Reason

To protect human health in accordance with policy DS7 of the North Lincolnshire Local Plan.

4.

No dwelling shall be occupied until the vehicular access to the site crossing the footway has been provided in accordance with the approved details including the provision of fencing and raised table driveway.

Reason

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

5.

No dwelling on site shall be occupied until the vehicle parking and turning facilities serving it have been provided in accordance with the submitted details and once provided the vehicle parking and turning facilities shall be retained.

Reason

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

6.

Prior to the occupation of the first dwelling, all trees shall be planted and all swift boxes and nest boxes shall be installed strictly in accordance with the submitted drawings numbers BR/170/23 Revision A and BR/170/28 Revision A. All biodiversity features shall be retained thereafter.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy.

7.

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.

8.

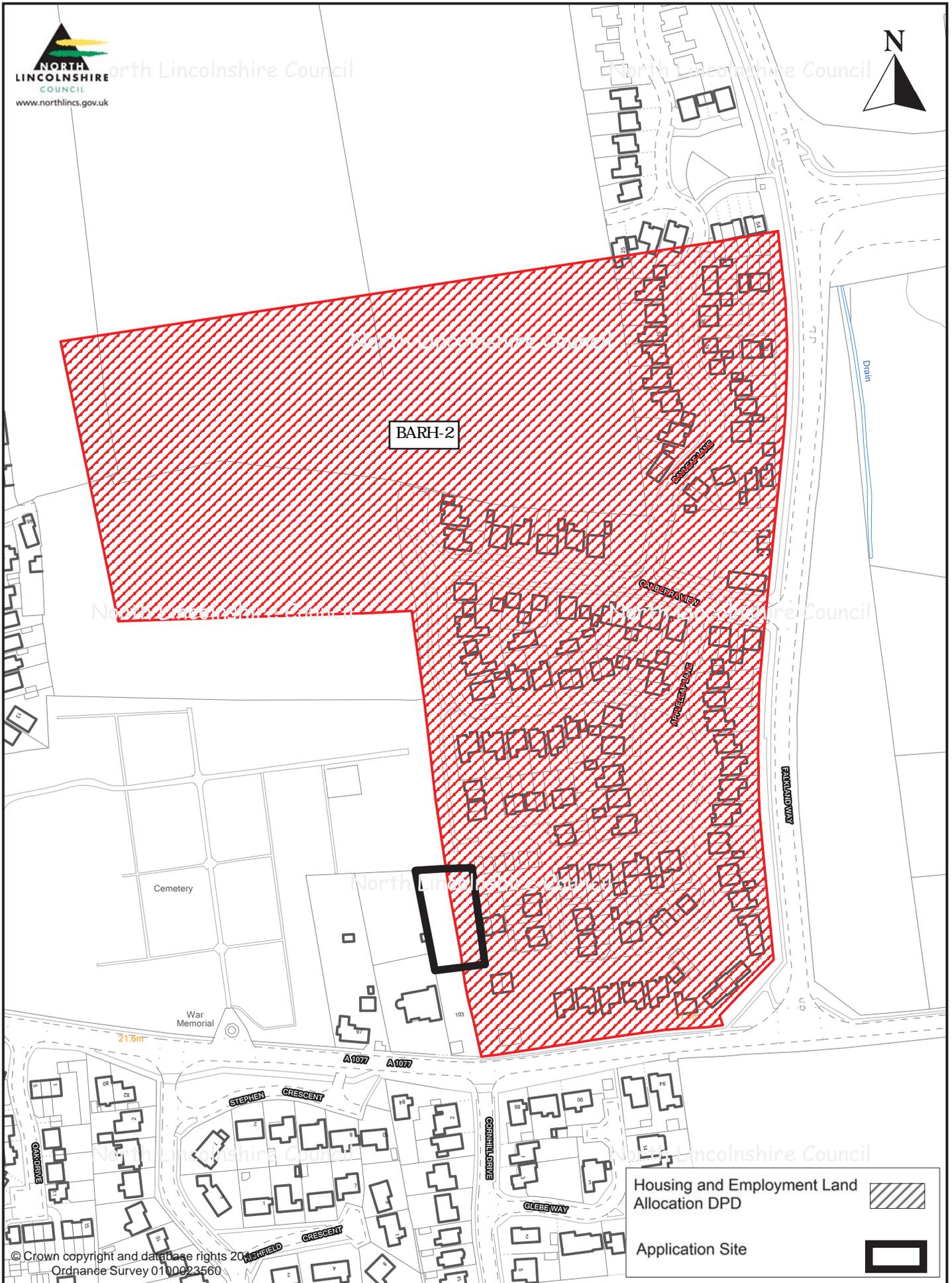
All the approved landscaping shall be carried out within twelve months of development being commenced (unless a longer period is agreed in writing by the local planning authority). Any trees or plants which die, are removed or become seriously damaged or diseased within five years from the date of planting 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.

**Informative**

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.



Housing and Employment Land Allocation DPD	
Application Site	

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Ordnance Survey 0100023560

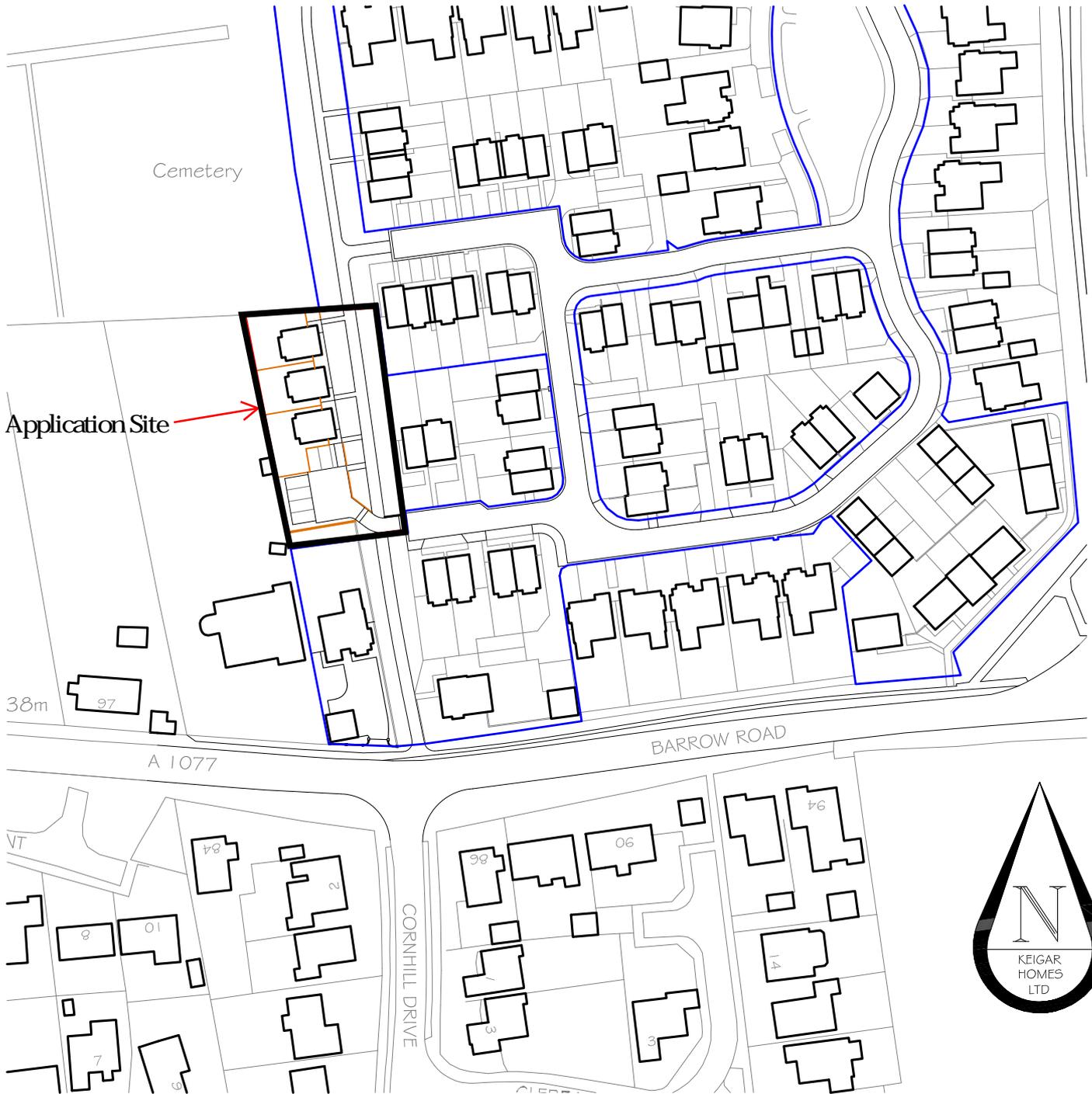
**PA/2016/1597**

Scale @A4 1:2500

Date: 01/12/2016

Drawn by: S Barden

PA/2016/1597 Site location plan - Not to scale



**AMENDED**

A	SCHEME UPDATED	MdS	02.11.16
Rev:	Details:	Drawn by:	Date Approved:

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Project Title:  
**PROPOSED DEVELOPMENT  
 LAND TO R/O  
 103 BARROW ROAD, BARTON**

Drawing Title:  
**SITE LOCATION**

Drawn by: MdS    Date: 03.10.16    Scale: 1 / 1250

Drawing No: **BR / 170 / 20**    Revision: **A**

**AMENDED**

PA/2016/1597 Proposed site layout - Not to scale



B	UPDATED	MdS	02.11.16
A	UPDATED	MdS	27.10.16

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PROPOSED DEVELOPMENT  
LAND TO R/O  
103 BARROW ROAD, BARTON

SITE LAYOUT				
Drawn by:	MdS	Check:	03.10.16	
Scale:	1 / 500		Sheet:	B
Project No:	BR / 170 / 22			

