

<b>APPLICATION NO</b>	<b>PA/2016/1907</b>
<b>APPLICANT</b>	Nim & Gurd Mattu
<b>DEVELOPMENT</b>	Outline planning permission to erect five detached dwellings
<b>LOCATION</b>	Former site of Sir Solomon Inn, King Edward Street, Belton, DN9 1QN
<b>PARISH</b>	Belton
<b>WARD</b>	Axholme Central
<b>CASE OFFICER</b>	Scott Jackson
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Belton Parish Council

## **POLICIES**

**National Planning Policy Framework:** Paragraph 14 states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Paragraph 19 states that significant weight should be placed on the need to support economic growth through the planning system.

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

Paragraph 55 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.

Paragraph 56 states that 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 60 states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or style. It is, however, proper to seek to promote or reinforce local distinctiveness.

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.

## **North Lincolnshire Local Plan:**

Policy H5 (New Housing Development)

Policy H7 (Backland and Tandem Development)

Policy H8 (Housing Design and Housing Mix)

Policy DS1 (General Requirements)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy T1 (Location of development)

Policy T2 (Access to Development)

Policy T19 (Car Parking Provision and Standards)

Policy LC14 (Area of Special Historic Landscape Interest)

### **North Lincolnshire Core Strategy:**

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Policy CS9 (Affordable Housing)

### **CONSULTATIONS**

**Highways:** No objection subject to a number conditions (9 in total).

**Environmental Health:** The application for a residential development is a sensitive end use. In addition historical mapping provides reason to believe that contamination might be an issue at the site as there have been unknown buildings on site and the site has had a previous use as a public house. This has the potential to give rise to contaminants such as, Asbestos, Polycyclic Aromatic Hydrocarbons (PAHs), and Metals. Recommend a condition in respect of contaminated land investigation.

**Historic Environment Record:** This proposal does not adversely affect any heritage assets of archaeological interest or their settings. The site is within the Area of Special Historic Landscape Interest of the Isle of Axholme (Local Plan Policy LC14) but do not consider that this proposal would adversely affect the character of the heritage asset or its setting, providing that the design and building materials are appropriate to the area and in accordance with the policy. No objection subject to standard conditions regarding building materials.

**Highways Drainage:** No objection, but recommend conditions in respect of the submission and implementation of a surface water drainage scheme, incorporating SuDs.

**Severn Trent Water Ltd:** No objection, but recommend a condition in respect of foul and surface water drainage disposal.

**Environment Agency:** No comments or objections.

**Spatial Planning:** The application for five houses conforms with Core Strategy Policy CS7 Overall Housing Provision and Policy CS8 Overall Housing Provision. The proposal is within the development limit of Belton. The five houses proposed are at a slightly lower density of approximately 35dph.

Further to recent appeal decisions taken within North Lincolnshire that appear to have been directed by a recent appeal determined by the Secretary of State for Communities and Local Government (SOS – v – West Berkshire and Reading Borough Council [2016] EWCA Civ 441), the council will not be requiring any contributions to affordable housing or social infrastructure on this application.

## **PARISH COUNCIL**

Object on the following grounds:

- backland development
- outside the settlement boundary
- overdevelopment.

## **PUBLICITY**

Neighbouring properties have been notified and a site notice displayed. One letter of objection has been received raising the following issues:

- no more houses should be constructed close to the mini-roundabout
- additional traffic and congestion
- pedestrian and highway safety concerns.

One letter of support has also been received commenting that the proposal would tidy up the area.

## **ASSESSMENT**

The application site consists of a vacant site where the Sir Solomon Inn Public House formerly stood. It is located to the east of three houses and a fish and chip shop takeaway and to the west of a number of detached bungalows. The area is residential in nature and the primary school is located within walking distance to the south-west. The site is located within the settlement boundary as defined in the Housing and Employment Land Allocations Development Plan Document (DPD). The site is located within flood zone 1 and this proposal seeks outline planning permission to erect five dwellings with access not reserved for subsequent consideration.

**The main issues in the determination of this planning application are the principle of development, highway issues and impact upon residential amenity.**

## **Principle**

The application site is brownfield land (former public house and associated parking) within the defined settlement boundary for Belton, in a sustainable central location within easy walking and cycling distance of a range of local facilities, including a primary school, village hall, shop, doctor's surgery and hot food takeaway. In terms of sustainability it is within walking distance of bus stops. The proposal therefore accords with the principles of sustainable development as set out within the policies of the local plan, Core Strategy and the National Planning Policy Framework on delivering residential development in appropriate locations. The Housing and Employment Land Allocations DPD shows that this site is located within the settlement boundary for Belton.

Policy H8 (Housing Design and Housing Mix) applies and states that new residential development will be permitted provided that it incorporates a high standard of layout which maintains, and where possible improves and enhances, the character of the area and protects existing and natural and built features, landmarks or views that contribute to the amenity of the area. This site constitutes developable and previously developed land within the settlement boundary of Belton, in a sustainable location; there is therefore a presumption in favour of residential development.

Policy CS9 (Affordable Housing) of the adopted Core Strategy applies and states that new residential development of three or more dwellings in rural settlements must make provision for an element of affordable housing. This policy seeks to ensure that 10% of housing on schemes of three or more dwellings in rural settlements is provided; this equates to 0.5 dwellings. However, the Written Ministerial Statement on Affordable Housing of November 2014, which raised the threshold for affordable housing provision to sites of 10 units or more, is still in force following an earlier decision to quash it in the High Court in July 2015. As a result of this Written Ministerial Statement for Affordable Housing being in force, there is no requirement for any affordable housing contribution to be sought in this case.

## **Highway issues**

The council's Highway department has raised no objections in principle to the proposed development or to the point of vehicular access shown on the drawings submitted with the planning application. In addition, the proposed access will be in use as a private drive and serve five properties in total. Highways have raised no objection to the proposal on highway and pedestrian safety grounds and there are no issues in this part of Belton in terms of parking within the highway or highway visibility. In addition, there is a traffic regulation order in place along the section of highway between the site and the mini-roundabout located at the junction of Kind Edward Street with the A161; this restricts parking within the highway along this section of King Edward Street.

An indicative layout plan has been submitted in support of this planning application; this plan shows that the width of the proposed vehicular access is 5.5 metres for the initial 7 metres into the site, reducing to 4.1 metres in width for the remainder of the site. These vehicular access widths are considered sufficient to allow one vehicle to safely pass another. The proposal is not considered to generate traffic movements over and above that reasonably expected in a residential area. A condition is recommended in respect of bin storage and collection; this will ensure that bins can be presented and collected adjacent to the public highway on the requisite day.

## **Residential amenity**

A number of existing residential properties are located close to the site; the proposal has the potential to result in loss of amenity to these properties. This is an outline planning application, therefore issues relating to the scale, siting and layout of housing, and thus the potential for loss of residential amenity arising from these matters, will be considered at a detailed application stage. The submitted layout plan, whilst indicative in nature, shows that five dwellings can clearly be positioned within the site; these dwellings can be easily positioned at regular intervals with sufficient residual space for the provision of two off-street parking spaces per dwelling, three spaces to serve the dwellings located to the west and for private amenity space to the front and rear of each dwelling. The indicative plan also shows that the position of the dwellings will respect the openness that exists between dwellings along both sides of King Edward Street. Whilst the layout plan is indicative it shows that the site can clearly be developed for five dwellings and associated parking and garden space without resulting in a cramped form of development.

### **Other issues**

There are examples of residential development in Belton where dwellings or groupings of dwellings are positioned to the rear of dwellings located along the highway frontage. In addition, outline planning permission was granted in 2015 (PA/2015/0200 and PA/2015/1339) on two applications for dwellings on land to the rear of existing dwellings along the southern side of King Edward Street. Whilst the erection of dwellings on land to the rear of proposed houses along the highway frontage is a form of backland development it is not considered to represent a form of development which is at odds with the prevailing character of residential development in this settlement.

### **RECOMMENDATION      Grant permission subject to the following conditions:**

1.

Approval of the details of the layout, scale, appearance of the building(s) and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the local planning authority in writing before any development is commenced.

#### **Reason**

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

2.

Plans and particulars of the reserved matters referred to in condition 1 above, relating to the layout, scale, appearance of any buildings to be erected and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

#### **Reason**

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

3.

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

#### **Reason**

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

4.

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

5.

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, a 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 off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

6.

No development shall take place until details of the provision of adequate bin collection facilities have been provided 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.

7.

No dwelling shall be occupied until the bin collection facilities have been provided in accordance with the details approved by condition 6 of this planning permission.

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 details of:

- (i) the location and layout of the vehicular access; and
- (ii) the number, location and layout of vehicle parking and turning spaces within the curtilage of the site;

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.

9.

Within three 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.

10.

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.

11.

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.

12.



Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), nothing shall at any time 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.

13.

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.

14.

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.

15.

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.

16.

No development shall take place until details of the positions, design, materials and type of boundary treatment to be built/planted have been agreed in writing by the local planning authority. The agreed boundary treatment shall be built/planted before the dwellings are occupied, and once built/planted it shall be retained.

Reason

To provide an appropriate level of screening in accordance with policies H8 and DS1 of the North Lincolnshire Local Plan.

17.

The development hereby permitted shall be carried out in accordance with the following approved plans: C330/A1/102 Rev B.

Reason

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

18.

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. The surface water drainage scheme shall consider sustainable urban drainage techniques where appropriate. None of the dwellings shall be occupied until it is connected to the approved drainage system.

Reason

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

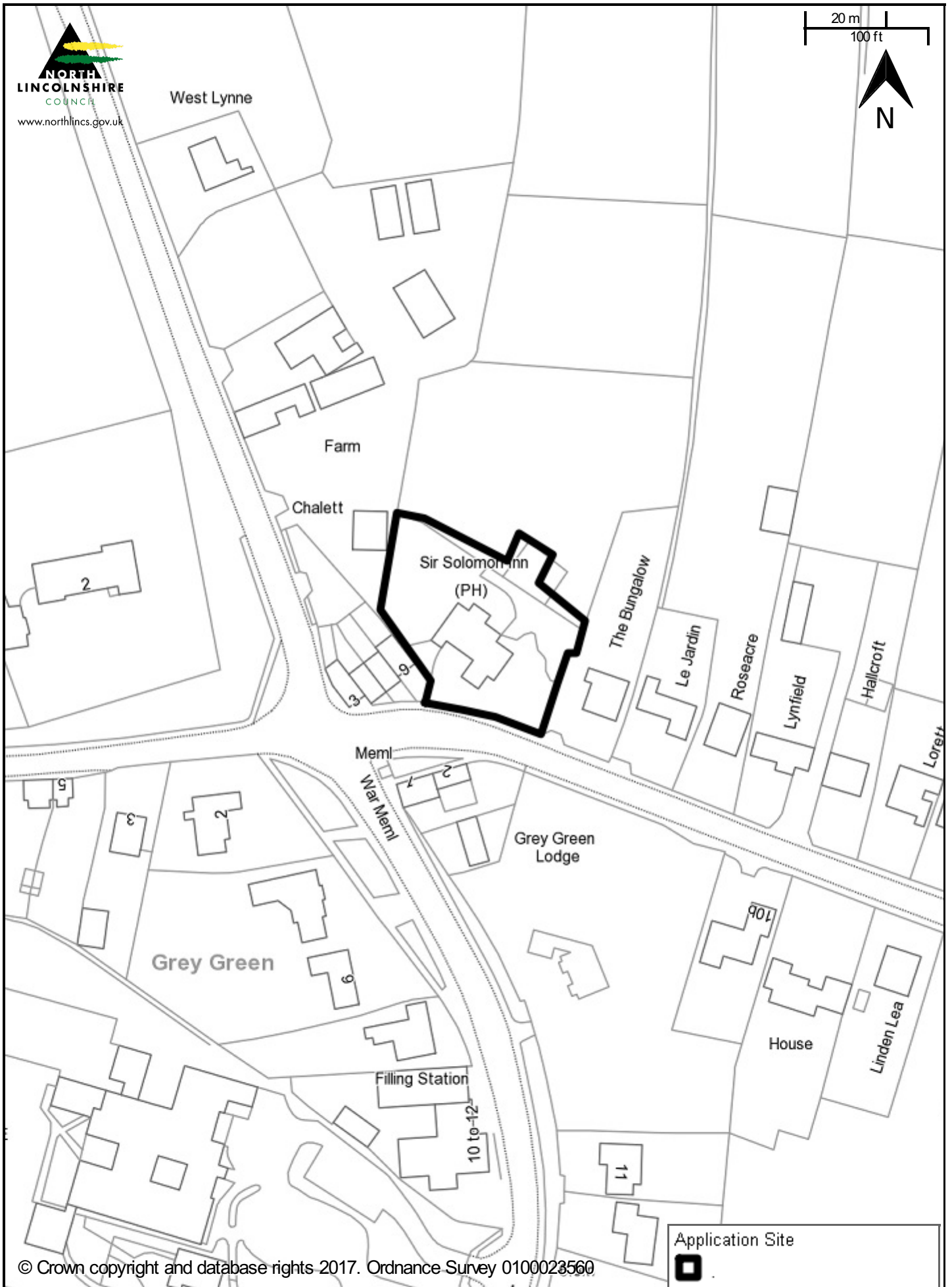
### **Informative 1**

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.

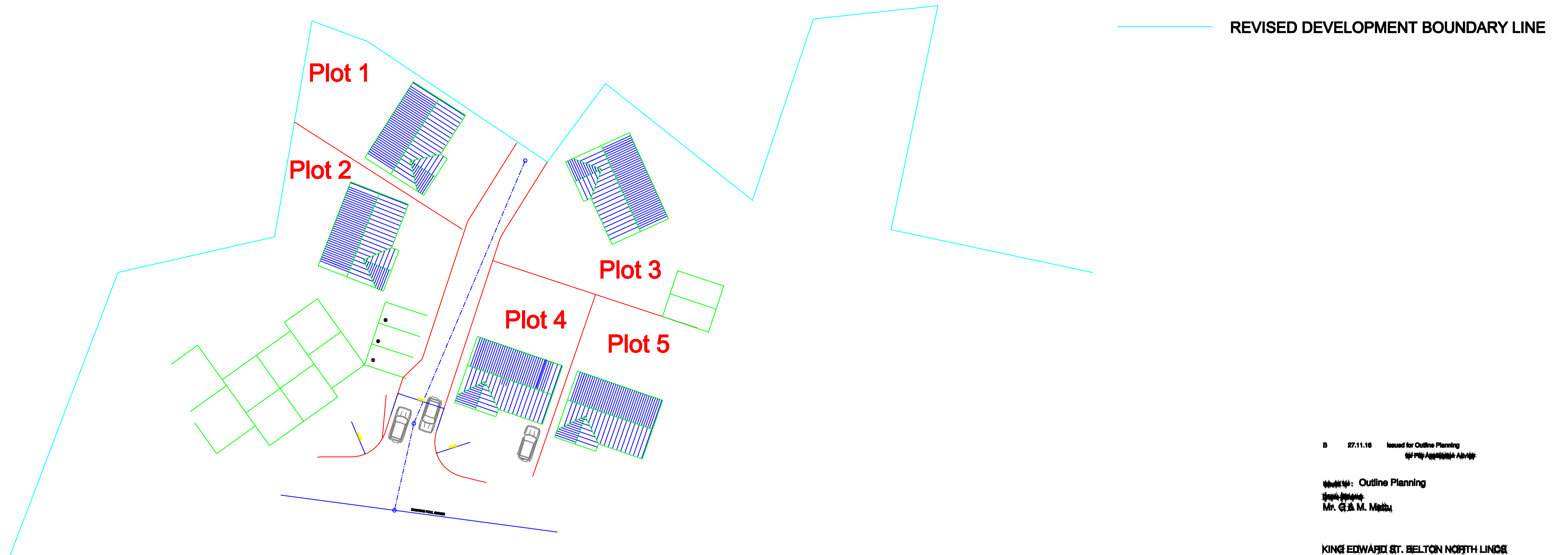
### **Informative 2**

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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# Scheme A



B 27.11.16 Issued for Outline Planning  
(1/19/Agenda/16/16)

Scheme: Outline Planning  
Prepared by:  
Mr. G. M. Mabbu

KING EDWARD ST. BELTON NORTH Lincs

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