

**APPLICATION NO** PA/2017/1440

**APPLICANT** Mr P Wright

**DEVELOPMENT** Outline planning permission for erection of two bungalows with all matters reserved

**LOCATION** Land to the north of Ivy Cottage, King Edward Street, Belton

**PARISH** Belton

**WARD** Axholme Central

**CASE OFFICER** Mark Niland

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

**REASONS FOR REFERENCE TO COMMITTEE** Objection by Belton Parish Council

#### **POLICIES**

**National Planning Policy Framework:** Paragraphs 9, 118 and Section 12

**North Lincolnshire Local Plan:** LC14, DS1, DS7, DS16, T1, T2, H7

**North Lincolnshire Core Strategy:** CS1, CS2, CS3, CS7, CS8, CS19

#### **CONSULTATIONS:**

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

**Drainage:** No objections; attachment of informatives.

**Ecology:** No objections; would like to see the scheme incorporate a net gain for biodiversity.

**Tree Officer:** Two significant trees on the site considered to be of a B retention value are T14 (sycamore) and T20 (Ash) however both of these trees are not being retained and this is of concern. It is considered that they have not sufficiently justified the loss of these trees on the application, or indeed given any indication as to mitigation for their loss.

**Environmental Health:** Requires a land contamination survey.

**Archaeology:** No objection subject to a sympathetic appearance being achieved.

#### **PARISH COUNCIL**

The parish council has objected on the following grounds:

- ownership of the land

- parcel of land not in village plan
- green field land
- access and egress
- backland development
- wildlife, barn owls.

## **PUBLICITY**

The application has been advertised by means of a site notice. There have been a number of objections and the issues put forward are summarised as follows:

- inadequate access
- flooding concerns
- disruption during construction
- land ownership
- impacts upon biodiversity
- public right of way through the site.

## **ASSESSMENT**

### **Site characteristics**

The site is located to the north of the settlement of Belton but wholly within the settlement boundary within the Housing and Employment Land Allocations DPD. The proposed site is located within Flood Zone 1 in accordance with the North Lincolnshire SFRA and is washed over by an Area of Special Historic Landscape Interest.

The proposed site is accessed from a track emanating from King Edward Street and contains trees and scrub. There is a varied housing mix in the area with red brick bungalows situated to the south, a white 2 storey farm cottage to the west and a new build to the south west and on the corner of the proposed entrance. To the east of the site and outside the red line boundary runs a public right of way, to the north is open countryside.

The applicant is applying for outline permission only with all other matters reserved. The assessment will therefore discuss the following issues:

- principle of development
- landscape conservation
- flood risk
- highways

- trees
- biodiversity
- indicative plans.

### **Principle of development**

The proposal is located within the settlement boundary for Belton in accordance with the HELA DPD which is described as a rural settlement within the core strategy. Policy CS1 is concerned with the overall spatial strategy for North Lincolnshire and states the following:

Rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing existing local services to meet local needs. Development will be limited and should take into account levels of local service provision, infrastructure capacity and accessibility. Any development that takes place should be in keeping with the character and nature of the settlement.

The proposal is located on land to the rear of properties fronting King Edward Street between and to the east of an existing residential property. There have been objections stating that this development is backland though that description is questionable given the access that is available from King Edward Street. In any case, policy H7 of the local plan allows for backland development providing that all impacts upon amenity, character and vehicular movement are sufficiently mitigated. Furthermore, policy CS2 puts forward a sequential approach to how land will be adopted for development. Point 3 states the following:

Small scale developments within the defined development limits of rural settlements to meet identified local needs.

This is reinforced by policy CS8 which states that new housing within rural settlements will create opportunities for small scale infill development that maintains the viability of the settlement and meets the identified local needs without increasing the need to travel.

Policy CS7 marks out recommended densities for development with 30-35 dph expected to be achieved. Given that the historic landscape washes over the site it is considered that there are other competing policies in respect of achieving a high volume of built form.

It is therefore considered that the proposal aligns with the above policy and is considered acceptable in principle.

### **Highways**

Policy T1 of the North Lincolnshire Local Plan is concerned with the location of development and is succinct with the spatial strategy of the Core Strategy. Policy T2 is concerned with access to development and it states that all proposals should be provided with a satisfactory access.

The council's Highways department has been consulted and do not object to the development subject to certain conditions. The conditions include further details on the location and layout of the access and its improvements, control of surface water and loose material to the highway, the laying out of surfaces and further details of the private driveway. It is considered that all of the conditions would pass the 6 tests of conditionality

contained within planning practice guidance (formally circular 11/95) and will duly be attached.

The applicant is applying for outline planning permission only and therefore means of access will be required and assessed under the reserved matters submission. It is therefore considered that the proposal is in accordance with policies T1 and T2 of the North Lincolnshire Local Plan.

### **Landscape quality**

The proposed site is washed over by an Area of Special Historic Landscape Interest of the Isle of Axholme and policy LC14 is considered relevant. The policy states that within this area, development will not be permitted which would destroy, damage or adversely affect the character, appearance or setting of this historic landscape or any of its features.

The council's Historic Environment Records team have been consulted and have no objections to the erection of dwellings in this area. The officer is satisfied that if an appropriate scale of development is secured along with sympathetic materials then harm to the Special Historic Landscape would be mitigated.

It is therefore considered that the proposal can overcome the requirements and align to the criteria of policy LC14.

### **Flood risk**

Policy CS19 (this policy sits alongside DS16 of the Local Plan) is concerned with flood risk. It states that the council will support development proposals that avoid areas of current or future flood risk, and which do not increase the risk of flooding elsewhere. This will involve a risk based sequential approach to determine the suitability of land for development that uses the principle of locating development, where possible, on land that has a lower flood risk, and relates land use to its vulnerability to flood.

The site is identified as being within Flood Zone 1 in accordance with the North Lincolnshire SFRA and is a preferable place for development. The LLFA have made comments upon the application and have no objections subject to the attachment of informatives to any permission. Whilst Highways have issued comments that would protect surface water from affecting the network.

A consultation response from the Isle of Axholme and North Nottinghamshire Water Level Management Board has been received. The officer states that the board wish to be consulted directly if the following cannot be achieved:

- existing catchments and sub-catchments to be maintained
- surface water run-off limited to 1.4l/s/h for pumped and low land catchments.

Therefore, subject to a condition which would require a scheme of surface water and foul drainage to be submitted, the proposal is considered to be in accordance with policy C19.

## **Trees**

Policy LC12 is concerned with the Protection of Trees, Woodland and Hedgerows. It states that proposals for all new development will, wherever possible, ensure the retention of trees, woodland and hedgerows.

The submission contains an Arboricultural report that states there are 2 trees worthy of retention (T14 and T20). Both are marked as category B trees. The applicant seeks to remove these trees to allow for the development and the tree officer has concerns. The applicant states that the trees cannot inform any forthcoming design solution due to their location on the site, however their loss could be overcome through a scheme of replanting. Therefore, a condition to secure an appropriate scheme of replanting will be attached to any permission.

Furthermore, the applicant will also be required to submit a landscaping scheme. The scheme should be driven from the consultee comments in this report (biodiversity and trees) as well as the potential character impacts upon the LC14 allocation.

It is therefore considered that the proposal has the opportunity to incorporate a scheme of replanting that would contribute to the areas character and therefore align with policy LC12.

## **Biodiversity**

Policy CS17 is concerned with Biodiversity and is succinct with paragraphs 9 and 118 of the NPPF. The site at present has a mixture of shrubs and trees and there have been numerous concerns about the impact upon any biodiversity that exists on site.

The applicant has submitted a habitats survey and the council's ecologist largely agrees with its content. The ecologist has put forward the aforementioned policies stating that a net gain for biodiversity should be captured. The ecologist puts forward two informatives and does not object to the proposal. It is therefore considered that the proposal can align with the aforementioned policies.

The habitat survey identifies where biodiversity may be prevalent and, therefore, this document should inform the design solution especially the reserved matters for landscaping.

## **Other issues**

The application is for outline permission solely and details of appearance, layout, landscaping, scale and access are yet to be considered. Any subsequent design solution should provide a fully robust scheme that includes boundary treatments, materials etc. The scheme should be driven from a contextual analysis and responsive to policies that have been identified within this report.

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

1.

Approval of the details of the layout, scale, and appearance of the building(s), the means of access thereto 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, and appearance of any buildings to be erected, the means of access to the site 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.

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.

6.

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.

7.

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.

8.

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.

9.

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.

10.

No development shall take place until a scheme for the disposal of foul and surface water has been agreed in writing by the local planning authority and 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.

11.

No development shall take place until proposals for a scheme of replanting has 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. Any trees or plants which within a period of 5 years from the completion of the landscaping die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species to those originally required to be planted the local authority have given written consent to any variation.

## Reason

In the interests of securing mitigation for trees with amenity value and in accordance with policy LC12.

### **Informative 1**

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.

### **Informative 2**

Our records indicate that the proposed development site is bounded by, or has running through it, on the northern and eastern a watercourse (surface water pipe/culvert or ditch). Following inspection, the watercourse may need to be cleared, replaced, protected or diverted by the landowner at their expense in accordance with riparian responsibilities. An easement adjacent to the watercourse may need to be provided for future maintenance. Another drainage feature found during excavations must be immediately reported to the LLFA drainage team on 01724 297522, prior to any further construction works being carried out.

Please refer to the Environment Agency's 'Living on the Edge - Riverside ownership rights and responsibilities' document which can be found online for further information. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

### **Informative 3**

Ensure that any proposed hedge planting does not impact on access for future drain maintenance. 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.



