

APPLICATION NO	PA/2010/0068
APPLICANT	Keigar Homes Ltd
DEVELOPMENT	Planning permission to demolish an existing dwelling and erect two 5/6-bedroomed dwellings
LOCATION	22 Top Road, Winterton
PARISH	WINTERTON
WARD	Burton Stather and Winterton
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Winterton Town Council

POLICIES

Regional Spatial Strategy for Yorkshire and the Humber: No specific policies apply.

North Lincolnshire Local Plan: Policy ST2 – the site lies within the development boundary of Winterton which is identified as a medium growth settlement.

Policy H1 – a lower level of housing allocation is proposed in medium growth settlements, compatible with their scale, character, location, facilities and existing environmental quality.

Policy H3 – the development of previously used land and vacant buildings will be preferred in sequence to the take-up of greenfield sites in the locality.

Policy H5 – all new housing development must meet the criteria set out in this policy.

Policy H8 – all new housing development must be of a high design standard.

Policy T2 – all new development must be provided with a satisfactory access.

Policy DS1 – provides general design guidance in relation to all new development.

CONSULTATIONS

Highways: No objection subject to conditions 7 and 8.

TOWN COUNCIL

'Objection. The proposed houses are not affordable, Winterton has adequate large houses in the town. The council is also mindful that this site is off a busy main road and the houses would need turnarounds so that they are not backing onto the A1077 – road safety concerns. This development will change the character and will affect the visual appearance of this part of Winterton. The Town Council has serious concerns about the building of an estate and backland development by Keigar Homes who have bought the land and some houses in Southfield Road which backs onto this development. The present infrastructure

ie) drainage is not adequate to take the existing houses and would need renewing. Apparently it is alleged they have removed 12 lime trees without permission. Both properties are not in keeping with surrounding properties and it is proposed that the properties will be considerably higher than their neighbour's properties. Apparently the area has a high water table and could be prone to flooding.'

PUBLICITY

Neighbouring properties have been notified and a site notice posted. Three letters have been received objecting on the following grounds:

- loss of privacy
- loss of light
- fence should be erected before building works commence on site
- additional development may be proposed at the rear of the site
- loss of trees
- loss of wildlife
- limit of rear gardens not shown on the plan
- drainage system cannot support additional dwellings
- soakaway and soil drainage is inadequate
- adjacent sites have been flooded
- driveways are out of character with the area
- height of dwellings is excessive

ASSESSMENT

This proposal is for two detached dwellings. The existing dwelling on the site is to be demolished and the proposed dwellings are to be set back from Top Road. They have been designed with an integral garage and are gable fronted. They will comprise six bedrooms, two of which will be in the roof space. The maximum height of these dwellings will be 8.7 metres from ground level. To the front of the dwellings will be a block-paved drive and turning area. The mature existing trees on the front and northern boundary will be retained. The site is surrounded by detached dwellings to the north and south.

The main issues associated with this proposal are whether, in planning policy terms, residential development is acceptable on this site. If it is, the impact the dwellings will have on the amenity of adjoining neighbours and the locality, and on the highway network also needs to be addressed. Issues such as the impact the development will have on the trees on the site and on wildlife must also be considered, as well as surface water disposal and drainage.

The site is located within the development boundary of Winterton, which is identified as a medium growth settlement. In broad planning terms residential development is considered to be acceptable in this location. The proposal therefore accords with policies ST2 and H1 of the North Lincolnshire Local Plan.

The site currently accommodates one large dwelling. This dwelling will be demolished and replaced with the two proposed dwellings. The site is regarded as previously used land and therefore complies with policy H3 of the North Lincolnshire Local Plan.

In terms of design and siting, this area of Top Road comprises large detached dwellings located within large plots. The design of the dwellings along Top Road are a mix of housing types and designs. The design of the dwellings has taken various characteristics from adjoining properties. The applicant has provided a streetscape elevation and it is considered that the dwellings will not be out of character with the area and immediate locality. It is accepted that the dwellings are slightly higher than the adjoining dwelling to the south of the application site, but it is not considered that this increase in height is excessive and results in demonstrable harm to the character of the area. The dwellings are set down from Top Road and will therefore not be overly prominent in the street scene. The proposal therefore accords with policies H5 and H8 of the North Lincolnshire Local Plan.

It is accepted that the dwellings will be visible from adjoining properties. However the northern boundary is well screened by an existing hedge and mature trees. The applicant will also locate a 1.9 metre high close-boarded fence along this boundary which will further preserve privacy. No habitable windows are proposed in the flank elevations of the dwellings which will further secure privacy to adjoining dwellings.

Plot 2 is located within 2 metres of the dwelling located to the south of the application site. This dwelling has no primary habitable windows located in its flank elevation. Due to the siting of plot 2 no loss of amenity will be caused to this adjoining dwelling. A 1.8 metre close-boarded fence will be located along most of the southern boundary of the site which will secure privacy between the dwellings. Planning conditions can be used to ensure that this boundary treatment is erected prior to the dwelling being occupied.

Concerns relating to block-paved drives are noted. It is not considered that block-paved drives will adversely affect the character of the area, particularly as the site frontage is screened by hedging and trees. In addition, driveways can be block-paved without planning permission subject to satisfactory drainage being provided within the site. The local planning authority is satisfied that no demonstrable loss of amenity will be caused to adjacent dwellings. The proposal therefore accords with policies H1, H5, H8 and DS1 of the North Lincolnshire Local Plan.

In terms of impact on the highway network, Highways have raised no objection to the proposal. The impact on the highway network is therefore acceptable. The proposed access, parking and turning arrangements within the site are also considered to be acceptable. The proposal therefore accords with policy T2 of the North Lincolnshire Local Plan.

There are several mature trees on the site. The applicant may have felled a number of trees before the application was submitted but these trees were not protected as the site is not in a conservation area or covered by tree preservation orders. The applicant has submitted a tree report and various emails to confirm the protection of the existing trees on the site whilst the dwellings are being constructed. The council's tree officer has found the

proposals for the protection of trees to be acceptable. Planning conditions can be used to ensure these trees are protected during construction works and retained after the dwellings have been completed. The proposal, subject to conditions, accords with policy LC12 of the North Lincolnshire Local Plan.

The applicant has submitted a protected species report with their application. There was no evidence of bat roosts on the site, however there was some evidence of birds' nests. Planning conditions can be used to protect nesting birds and also to ensure any bat roosts found are protected during construction works as bats are highly mobile and can utilise spaces that cannot be inspected. The use of planning conditions will ensure that the development complies with policy LC5 of the North Lincolnshire Local Plan.

Concerns relating to drainage are noted. The onus is on the applicant to ensure that the site can be adequately drained. The applicant has submitted a site test for soakaways with the application. The use of planning conditions will ensure that the site has adequate drainage in place for the proposed dwellings.

The issue of potential development to the rear of the site is not material to this application. The applicant has plotted on the site plan the land in his ownership which is a formal requirement when submitting a planning application.

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: TR/131/4/01, TR/131/4/02, TR/131/3/03, TR/131/3/04A, TR/131/4/05, TR/131/3/06, TR/131/4/07, TR/131/2/08, TR/131/3/09, DUs/AS/09/101 and DUs/OP/09/101.

Reason

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

3.
The materials used on the dwellings hereby permitted shall be as specified on the schedule of materials date stamped 25 January 2010.

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.

4.
No development shall take place until an archaeological mitigation strategy, as defined in a brief prepared by the North Lincolnshire Sites and Monuments Record Office, has been submitted to and approved in writing by the local planning authority. The strategy shall include details of the following:

- (i) measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance
- (ii) methodologies for the recording and recovery of archaeological remains, including artefacts and ecofacts
- (iii) post-fieldwork methodologies for assessment and analyses
- (iv) report content and arrangements for dissemination, and publication proposals
- (v) archive preparation and deposition with recognised repositories
- (vi) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy
- (vii) monitoring arrangements, including the notification in writing to the North Lincolnshire Sites and Monuments Record Office of the commencement of archaeological works and the opportunity to monitor such works
- (viii) a list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site lies in an area of archaeological interest.

5.

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings, subject to any variations agreed in writing by the local planning authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site lies in an area of archaeological interest.

6.

A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the North Lincolnshire Sites and Monuments Record Office within six months of the date of completion of the development hereby approved by this permission or such other period as may be agreed in writing by the local planning authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site lies in an area of archaeological interest.

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.

All development shall be carried out outside the birds nesting season or a nesting bird survey shall take place prior to works commencing and if any active nests are found a buffer zone shall be placed around them to the satisfaction of the local planning authority and shall remain in force until the young have fledged.

Reason

In order to comply with policy LC5 of the North Lincolnshire Local Plan.

10.

Compensatory nesting habitat should be provided for house sparrows in or on future constructions. The sparrow terrace nest boxes should be provided on the site as specified in section 4.2 of the Protected Species Survey dated January 2010 and retained as such at all times.

Reason

In order to comply with policy LC5 of the North Lincolnshire Local Plan.

11.

The provision of roosting sites for bats within the new development shall be made as specified in section 4.1 of the Protected Species Survey dated January 2010 at all times.

Reason

In order to comply with policy LC5 of the North Lincolnshire Local Plan.

12.

A swift box shall be provided in each dwelling as specified on the Ecology and Conservation sheet date stamped 25 January 2010 to the satisfaction of the local planning authority and thereafter retained as such at all times.

Reason

In order to comply with policy LC5 of the North Lincolnshire Local Plan.

13.

Before the dwellings are occupied, the boundary treatment shown on drawing no. TR/131/3/03 shall be installed on the site to the satisfaction of the local planning authority and thereafter retained as such at all times.

Reason

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

14.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order re-enacting that order with or without modification), no new window openings shall be created in the northern or southern walls or roofplanes of the approved dwellings other than those shown on the submitted plan.

Reason

In order to protect the living conditions presently enjoyed by the occupants of adjoining properties in accordance with policy DS5 of the North Lincolnshire Local Plan.

15.

Before the dwellings are occupied the WC window at ground floor level and en suite window at first floor level shall be obscure glazed and retained in that condition thereafter.

Reason

In order to protect the living conditions presently enjoyed by the occupants of adjoining properties in accordance with policy DS5 of the North Lincolnshire Local Plan.

16.

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.

17.

The scheme of landscaping and tree planting shown on drawing no. TR/131/3/03 shall be carried out in its entirety 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.

18.

Before development commences on site the tree protection fencing shown on drawing no.

TR/31/3/04A and details submitted in the applicant's email dated 8 March 2010 shall be implemented on site to the satisfaction of the local planning authority and retained on site until the development is completed. The tree protection fencing shall be to BS5837:2005 at all times.

Reason

In order to protect the existing trees on the site.

19.

The construction of the approved driveways shall be carried out in complete accordance with drawing no. TR/31/3/04A and details submitted in the applicant's email dated 8 March 2010 at all times and no deviation from the approved construction method shall be carried out on site without the prior approval in writing of the local planning authority.

Reason

In order to protect the existing trees on the site.

20.

No trees shall be wilfully damaged or destroyed or uprooted, felled, lopped or topped nor any other works carried out which would cause damage to the root systems or otherwise threaten the lives of the trees without the previous written consent of the local planning authority. Any trees removed without such consent, or dying or being severely damaged, or becoming seriously diseased, shall be replaced with trees of such size and species as may be agreed with the local planning authority.

Reason

In order to protect the existing trees on the site.

