

APPLICATION NO	PA/2010/1029
APPLICANT	Redrow Homes (Yorkshire) Ltd
DEVELOPMENT	Planning permission to erect 68 dwellings (amended layout and house types)
LOCATION	Plots 21-88, Tofts Road, Barton-upon-Humber
PARISH	BARTON-UPON-HUMBER
WARD	Barton-upon-Humber
SUMMARY RECOMMENDATION	Subject to the completion of a Section 106 agreement, grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Barton-upon-Humber Town Council

POLICIES

Regional Spatial Strategy for Yorkshire and the Humber: Policy H1 (Provision and Distribution of Housing) states that the region's housing stock should be improved and increased to provide appropriate accommodation for all households wanting homes.

North Lincolnshire Local Plan: Policy H5 (New Housing Development) requires all new housing developments to be well related to existing infrastructure; be in keeping with the scale and character of the settlement; not result in the loss of important open space; comprise development of not more than 3 dwellings; reasonably be expected to commence within the lifetime of the local plan; be appropriate in scale, layout, height, and materials of construction, which are compatible with the character and amenity of the immediate environment; have an appropriately designed access with adequate parking facilities; conserve and retain features of particular architectural, historic, archaeological, landscape or nature conservation importance; provide a sufficient amount of private amenity space unless the development is for flats; and not result in overlooking or loss of privacy of adjacent land uses.

Policy H8 (Housing Design and Housing Mix) requires new residential development to respect and reflect the form, scale, massing, design and detailing of the local environment; have a high standard of design and layout; protect existing natural and built features that contribute to the amenity of the area; prioritise the needs of pedestrian movement taking into account safety, health and the security of residents; and provide residents with a sense of identity and an appropriate mix of dwelling size and types.

Policy H9 (Housing Density) – in all settlements a minimum density of at least 30 dwellings per hectare will be sought unless there are overriding reasons relating to the surrounding built environment, character, landscape or design or an identified need for key worker provision.

The interim affordable housing policy requires 20% of dwellings on sites in market towns to be affordable.

Policy DS1 (General Requirements) requires a high standard of design in all developments and poorly designed developments will be refused. The following criteria will be used to assess each proposal:

- (i) the design and external appearance should reflect or enhance the character, appearance, and setting of the immediate area;
- (ii) the design and layout should respect and, where possible, retain or enhance the existing landform;
- (iii) no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, including overlooking or overshadowing;
- (iv) amenity open space should be retained where possible;
- (v) no pollution of water, air or land should result.

Policy T2 (Access to Development) requires all development to be provided with a satisfactory access. In larger developments it should be served adequately by:

- (i) being readily accessible by a choice of transport modes; and
- (ii) existing public transport services and infrastructure; or
- (iii) additions or extensions to such services linked directly to the development; and
- (iv) the existing highway network.

CONSULTATIONS

Highways: Advise conditions (4 to 13).

Environment Agency: No objections.

NHS: No comments.

TOWN COUNCIL

Object on the following grounds:

- severe overlooking of properties, including concerns for a childminding business on an adjacent site
- the size and appearance of the proposed dwellings is out of keeping with the surrounding area
- there are not enough external doors resulting in a fire risk
- there are insufficient parking areas for the number of occupiers of the dwellings
- the hedgerow along the northern boundary needs preserving for environmental and nature conservation reasons

- drainage problems are still apparent at the site and are a major concern with regard to flooding pollution and environmental impact
- the objections previously submitted, dated 7 October, are still valid

PUBLICITY

Neighbouring properties have been notified, and site and press notices posted. The objections received are as follows:

- the applicants have made inaccurate statements on the application forms, for example no hedges or trees on the site – in places the hedgerow is 40 feet high
- previous planning permission showed two-storey semi-detached houses adjacent to the northern boundary of the site, whereas this application shows a three-storey block of six two-bedroomed flats which will reduce privacy, cause overshadowing and loss of light, particularly to properties on Varah Close and Appleyard Drive
- originally approved semi-detached houses were sited further away from the northern boundary
- unhappy with the outlook of flats due to the height and width of the building and proximity to the boundary
- overlooking and loss of privacy to garden and rear of house from the flats
- impact upon an existing childminding business in a property adjacent to the northern boundary, particularly as children must be allowed to play outside in areas where the proposed flats would overlook - there is a child security issue here
- the change in density and layout will increase noise and disturbance, particularly due to lack of garages and parking provision in the new layout
- during the original planning application comments were made about problems of flooding/drainage/sewerage – the developer has had large ponds on the site during the construction phase, even in warm times of the summer, so these issues are still unresolved
- assurances are wanted that the ground levels around the site compound will not be raised and that properties to the north of the site will not be put at risk, particularly from flooding
- dismayed at the level of noise and air pollution from the site compound
- the three-storey flats would allow 21 windows to overlook the existing estate, reducing privacy

ASSESSMENT

Full planning permission is sought to erect 68 dwellings on the eastern side of the well-established housing development by developers Redrow Homes at Tofts Road in Barton-upon-Humber. Outline planning permission (PA/2003/0696) was granted on 20 October 2005 and the approval of reserved matters (PA/2006/1777) for the erection of 159 houses

was granted on 31 January 2007. The development is under construction with many of the dwellings on the eastern part of the site being fully constructed and occupied. This application seeks permission to amend the layout and house types already approved under the reserved matters application for the western part of the site.

The key issues in determining this proposal are whether the amended layout is acceptable in terms of access and highway considerations and whether the amended house types and layout would adversely affect the residential amenity of the occupiers of existing properties to the north of the site.

The outline planning permission had a Section 106 agreement attached requiring education contributions. If planning permission is granted for this application a Section 106 agreement is required for the revised education commuted sum.

The road layout proposed for this scheme is essentially very similar to that already agreed under the approval of reserved matters, the main change therefore being the substitution of house types. When the reserved matters application was submitted North Lincolnshire Council officers gave great importance to the need to protect the privacy and residential amenity of occupiers of existing residential properties to the north of the Redrow site. The final layout that was approved achieved adequate separation distance between properties and also from the mature northern boundary hedge which helps screen existing residents' gardens to the north. Not only was the important northern hedgerow protected by planning conditions on the outline permission, but the properties to the south of the hedgerow were either single- or two-storey; no dwellings along that boundary were three-storey. However, the previously approved layout did have three-storey properties located elsewhere on the site.

When the current application was first submitted the layout included three-storey properties on plots 77 to 82 which are known as the dwelling type Avon 1 and are two-bedroomed flats. The block contains six flats. This part of the layout has now been revised due to officers' concerns regarding impact upon residential amenity for occupiers of existing properties to the north. Also of concern was the proximity of the dwellings located on plots 73 to 76 known as house types Evesham and Broadway which were a block of four terraced properties, two-bedroomed and two storeys in height. This part of the layout has also been amended to give adequate separation distance between proposed dwellings and the existing hedgerow and also between the existing dwellings on the northern side of the hedgerow with those proposed on the Redrow site. Neighbouring properties and the town council were consulted upon receiving the amended plans dated 2 November 2010. The town council have reiterated their objections to the scheme.

It is felt that the amended layout received on 2 November 2010 resembles the original approval of 2007 in terms of height, form and distance of the proposed dwellings from the northern boundary. The block of three-storey flats (Avon 1) on plots 82 to 87 are in excess of 20 metres from the northern boundary at its closest point, which is more than acceptable in terms of privacy and separation distance standards. Furthermore, this block replaces three-storey dwellings that were approved in the same position under the reserved matters application in 2007. Consequently objections relating to loss of privacy, overlooking and overshadowing cannot be supported because they have been addressed.

Objections raised regarding flooding and drainage issues can also not be supported given that this proposal reduces the number of dwellings on this part of the site from a total of 85

to 68 thereby 17 less dwellings upon this site will not adversely affect the drainage facilities over and above what has already been approved.

Objections received concerning noise and air pollution from the site compound are noted, however the compound is only present on the site during the construction phase and this does not justify a refusal of planning permission.

With regard to affordable housing, the interim affordable housing policy requires 20% of dwellings on sites within market towns to be affordable. This increase from the previous requirement of 10 to 15% is reflected by the requirements of condition 17.

RECOMMENDATION **Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 providing for a commuted sum in accordance with the SPG on Education Contributions, the committee resolves:**

- (i) it is mindful to grant permission for the development;**
- (ii) the decision be delegated to the Head of Planning upon completion of the obligation;**
- (iii) if the obligation is not completed by 12 March 2011, the Head of Planning be authorised to refuse the application on grounds of failure to comply with SPG8 and policy C1 (Educational Facilities) of the North Lincolnshire Local Plan; 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 approved plans as shown on the plans schedule.

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

3.
The development shall be carried out in accordance with the amended details received by the local planning authority on 2 November 2010.

Reason
In the interests of residential amenity in accordance with policies H5 and DS1 of the North Lincolnshire Local Plan.

4.
No development shall commence until such time as details have been submitted to and approved in writing by the local planning authority of the means by which the proposed

dwellings (excluding those defined as affordable housing) will comply with the provisions of the Code for Sustainable Homes as follows:

- (a) 20% of properties shall meet Code Level 3; and
- (b) 40% of properties shall meet Code Level 4.

Reason

To ensure the development complies with the requirements of PPS1 (Planning and Climate Change).

5.

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 T2 of the North Lincolnshire Local Plan.

6.

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 T2 of the North Lincolnshire Local Plan.

7.

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 policy T2 of the North Lincolnshire Local Plan.

8.

No development shall begin until details of the private driveway, including drainage and lighting arrangements, have been submitted to and approved in writing by 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 policy T2 of the North Lincolnshire Local Plan.

9.

No development shall take place until details of the drainage, construction, services and lighting of the proposed access road, including the junction with the adjacent highway, have been submitted to and approved in writing by the local planning authority.

Reason

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

10.

No dwelling on the site shall be occupied until the access road has been completed to at least base course level and adequately lit from the junction with the adjacent highway up to the access to the dwelling.

Reason

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

11.

No other works shall be commenced on the site until the access road junction with the adjacent highway, including the required visibility splays, has been set out and established.

Reason

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

12.

No dwelling on the site shall be occupied until the footway has been constructed up to base course level from the junction with the adjacent highway to the access to the dwelling.

Reason

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

13.

No works shall be commenced on the penultimate dwelling on the site until the access road has been completed.

Reason

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

14.

No development, whether permitted by the Town and Country Planning (Development Management Procedure) (England) Order 2010 or not, shall take place within any service strip adjacent to any shared surface road, and any planting or landscaping within this service strip shall be of species which shall be agreed in writing with the local planning authority prior to planting.

Reason

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

15.

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.

16.

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.

17.

No dwelling shall be occupied until details of the arrangements for the provision of affordable housing as part of the development have been submitted to and agreed in writing by the local planning authority and such details shall include:

- (a) the type and nature of the affordable housing provision to be made which is required to be at a level of 20% of the total number of dwellings on the site (or in any single phase of the development);
- (b) the arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and
- (c) the occupation criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy criteria shall be enforced.

Reason

To comply with policy H11 of the North Lincolnshire Local Plan and the SPG (Affordable Homes).

19.

No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and agreed in writing by the local planning authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason

To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

20.

Before development is commenced, details of the method of protecting the existing hedgerows on the site throughout the construction period shall be submitted to and approved in writing by the local planning authority, and such works as may be so approved shall be carried out before development is commenced, and maintained until completion of the development. None of the hedgerows so protected shall be wilfully damaged or destroyed, 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 hedgerows during the period of construction without the previous written consent of the local planning authority. Any hedgerows removed without such consent or dying or being severely damaged or becoming seriously diseased during that period shall be replaced with hedgerows of such size and species as may be agreed with the local planning authority.

Reason

In order to protect the existing hedgerows on the site.

21.

No hedgerows 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 hedgerows without the previous written consent of the local planning authority. Any hedgerows removed without such consent, or dying or being severely damaged, or becoming seriously diseased, shall be replaced with hedgerows of such size and species as may be agreed with the local planning authority.

Reason

In order to protect the existing hedgerows on the site.

22.

Prior to the commencement of development, details of the post-completion site levels shall be submitted to and agreed in writing by the local planning authority.

Reason

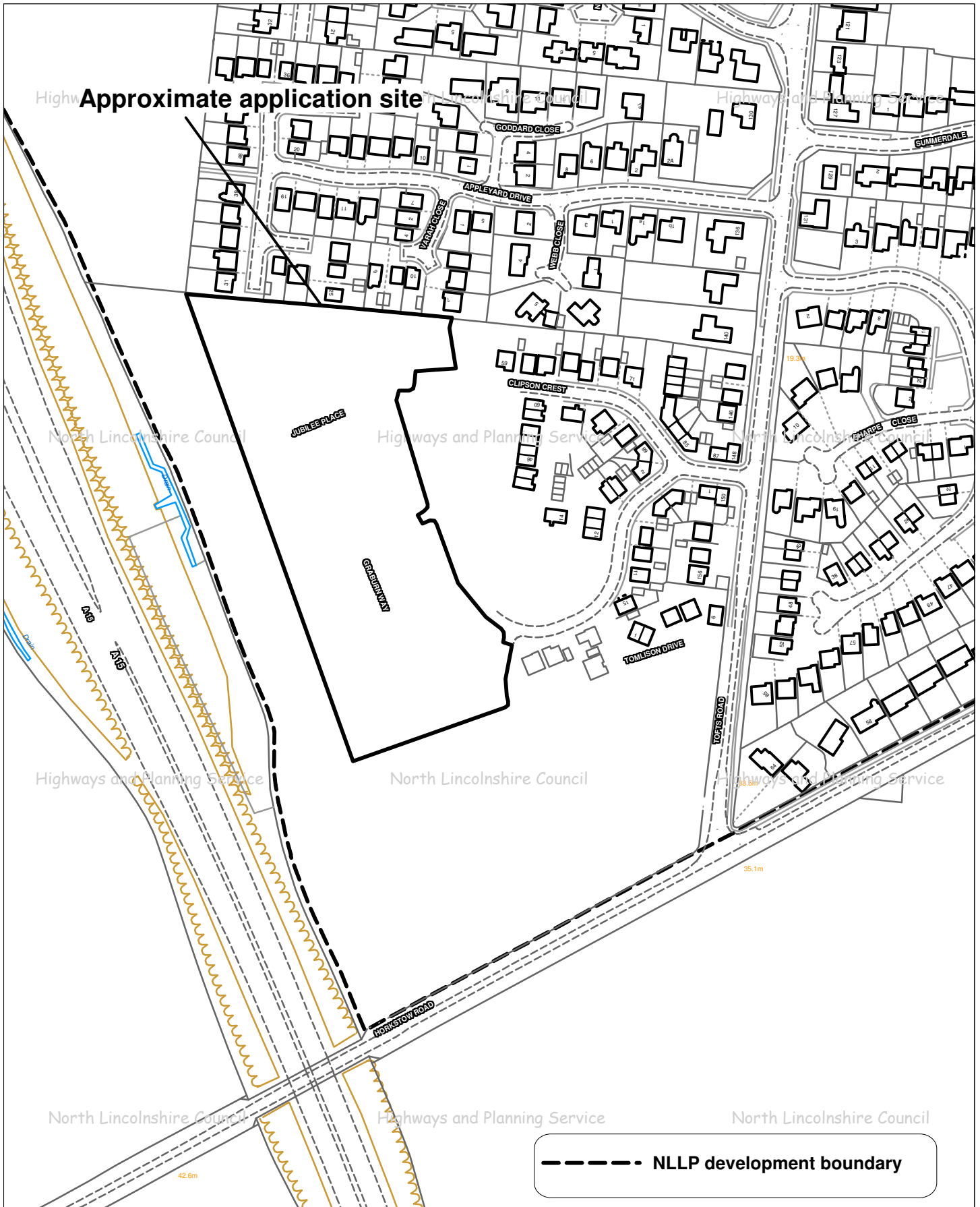
To ensure that the privacy of occupiers of residential properties to the north of the site is protected in accordance with policies DS1 and H5 of the North Lincolnshire Local Plan.

23.

The landscaping proposal to the south and west of the housing site allocated under policy LC15-7 of the North Lincolnshire Local Plan shall be carried out in accordance with the drawing entitled 'Tofts Road, Barton-upon-Humber Landscape Strategy 2 Rev B' that was granted under reserved matters approval PA/2007/1777. The scheme 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

For the avoidance of doubt and to ensure compliance with policy LC15-7 of the North Lincolnshire Local Plan.



Drawing Title: 2010/1029

OS Grid Ref: TA02402101

Drawn by: KC

Scale: 1:2500

Date: 29/11/2010



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NORTH LINCOLNSHIRE COUNCIL 0100023560 2010



Highways and Planning Service

Service Director,
G Pople

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FOR OFF SITE LANDSCAPING PROPOSALS REFER TO TFM DRAWINGS

OFF SITE FOOTPATH LINK

AMENDED

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Redrow Homes

TOFTS ROAD
 BARTON UPON HAMBER
 FOXES FOLD
 PLANNING LAYOUT
 Planning No: **A728-d-l-BUH-PL02**
 Scale: **C** Date: **13/03**
 Drawn By: **DGL** Issue No: **21/07/2010**

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