

APPLICATION NO	PA/2012/0033
APPLICANT	Mr D & S E Egan
DEVELOPMENT	Outline planning permission to erect a dwelling (resubmission of PA/2011/1078)
LOCATION	Land adjacent to Bardney Cottage, 1 Caistor Road, Barton-upon-Humber
PARISH	BARTON-UPON-HUMBER
WARD	Barton-upon-Humber
CASE OFFICER	Ron White
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Councillor K Vickers – access and public interest) Objection by Barton-upon-Humber Town Council

POLICIES

National Planning Policy Framework: Delivering a wide choice of high quality homes, paragraph 49 – presumption in favour of sustainable development; paragraph 50 – to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable inclusive and mixed communities.

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

North Lincolnshire Local Plan: Policy DS1 (General Requirements) sets out the standards of design for all new developments.

Policy HE5 (Development affecting Listed Buildings) – the site is within the setting of a grade II listed building where a high standard of design is expected.

Policy T2 (Access to Development) also applies.

North Lincolnshire Core Strategy: Policy CS1 (Spatial Strategy for North Lincolnshire) states that the spatial vision and future development requirements will be delivered through the spatial strategy for North Lincolnshire supporting the market towns of Barton, Brigg, Crowle, Epworth, Kirton and Winterton as thriving places to live, work and visit and as important service centres serving the needs of local communities across North Lincolnshire.

Policy CS2 (Delivering More Sustainable Development) sets out the sequential approach to development.

Policy CS3 (Development Limits) – development limits will be applied to the Scunthorpe urban area, the market towns and rural settlements. Development outside these defined boundaries will be restricted to that which is essential to the functioning of the countryside.

Policy CS5 (Delivering Quality Design in North Lincolnshire) – all new development in North Lincolnshire should be well designed and appropriate for its context. The policy lists the design criteria which all new developments should comply with.

Policy CS7 (Overall Housing Provision) – within Scunthorpe and the market town development limits a density of 40-45 dwellings per hectare should be achieved within a residential site.

CONSULTATIONS

Highways: No objection subject to conditions 6, 7 and 9.

TOWN COUNCIL

Object and support the issues raised by local residents. They have concerns for highway issues and road safety at this very busy junction on a blind corner. They also point out that there are very limited views for traffic, particularly to properties and driveways.

PUBLICITY

Neighbouring properties have been notified, and site and press notices posted. Eight letters have been received in which the following concerns have been raised, together with some non-material planning considerations:

- the access track is an unsuitable means of access and is inadequate for accommodating an increase in vehicular traffic
- inadequate vehicular parking and turning facilities
- size of the proposed plot to accommodate the dwelling
- legal right of access is in doubt
- loss of trees and hedgerow which supports habitat
- loss of privacy to adjacent property
- impact on listed building

ASSESSMENT

This application is a resubmission of PA/2011/1078 and is identical in all aspects except that it is now supported by a legal ruling from the applicants' solicitor, which clarifies the access position. The previous application was withdrawn because there were significant doubts about the applicants' right of access to the application site for a dwelling along the private access track. The application is an outline proposal with all matters of detail reserved for subsequent approval, however the supporting information suggests the proposal will be a house.

The main issues in determining this application are whether the access arrangements are satisfactory and whether the proposal would create any adverse impact on the heritage assets.

The legal ruling of the applicants' right of access to the application site is set out in the solicitor's letter dated 22 December 2011. The right of way is clearly shown in the conveyance of 8 May 1946. It is a legal right of way which does not require any other party's consent and is subject only to making a contribution towards the cost of repair to the roadway.

Notwithstanding the objectors' adverse views on the suitability of the access onto Caistor Road, Highways are satisfied that the road is capable of accommodating a further dwelling without compromising highway safety subject to certain improvements being made to upgrade its standard and provide satisfactory vehicular parking and turning area within the curtilage of the site. In addition to the highway conditions included in the recommendation, two further conditions were recommended:

HC13 – '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.'

and

HC23 - 'No dwelling on the site shall be occupied until the private driveway has been completed, to a standard to be agreed beforehand in writing with the local planning authority, up to its junction with the vehicular access to that dwelling.'

These conditions were not considered appropriate because of the length of the private access.

The plot is of adequate size to accommodate the proposed dwelling with related open areas for amenity and parking and turning for vehicles. Core Strategy CS7 stipulates that a housing density of 40-45 dwellings should be achieved in market towns such as Barton. However, in this case the proposal only relates to a single dwelling which would have no significant impact on the character of the surrounding housing area.

With regard to the loss of trees and hedgerows, which it is claimed support habitat, the site is not within a designated area where they are afforded special protection.

It is maintained that the proposed dwelling would result in loss of privacy to an adjacent property. However, this is an outline application and it is felt that this issue can be adequately dealt with at the detailed planning stage.

With regard to policy HE5, it is recognised that the proposed dwelling would be within the setting of Barney Hall, a grade II listed building. However, there are a number of facts which would help reduce any adverse impact. The closest point of the plot would be 47 metres to the south-east corner of the hall and the corner of the proposed dwelling would be inset from the corner of the plot giving a separation distance of 54 metres between the two buildings. The ridge roof height of the proposed dwelling would be 7.9 metres which is in keeping with the height of surrounding properties and slightly lower than that of the adjoining dwelling which it would be set behind. The view from Barney Hall would be further masked by a band of mature trees and bushes within its gardens. Although the site is not within the conservation area, it is close to it and a high standard of design would be expected at the detailed planning stage.

The Historic Environment Officer has identified the site as being within an area of significant archaeological interest and has requested an archaeological monitoring and recording programme.

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 3(1) of the Town & Country Planning (General Development Procedure) Order 1995.

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 3(1) of the Town & Country Planning (General Development Procedure) Order 1995.

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.

The development hereby permitted shall be carried out in accordance with the following approved plans: DSE/11/1/1 Rev A.

Reason

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

6.

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.

7.

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.

8.

The dwelling shall not be occupied until the vehicular access to it and the vehicle parking and turning space(s) serving it have been completed and, once provided, the vehicle parking and turning space(s) 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 take place until an archaeological mitigation strategy, as defined in a brief prepared by the North Lincolnshire Historic Environment Record, 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 Historic Environment Record Office of the commencement of archaeological works and the opportunity to monitor such works;
- (vii) 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 is of archaeological interest.

10.

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 is of archaeological interest.

11.

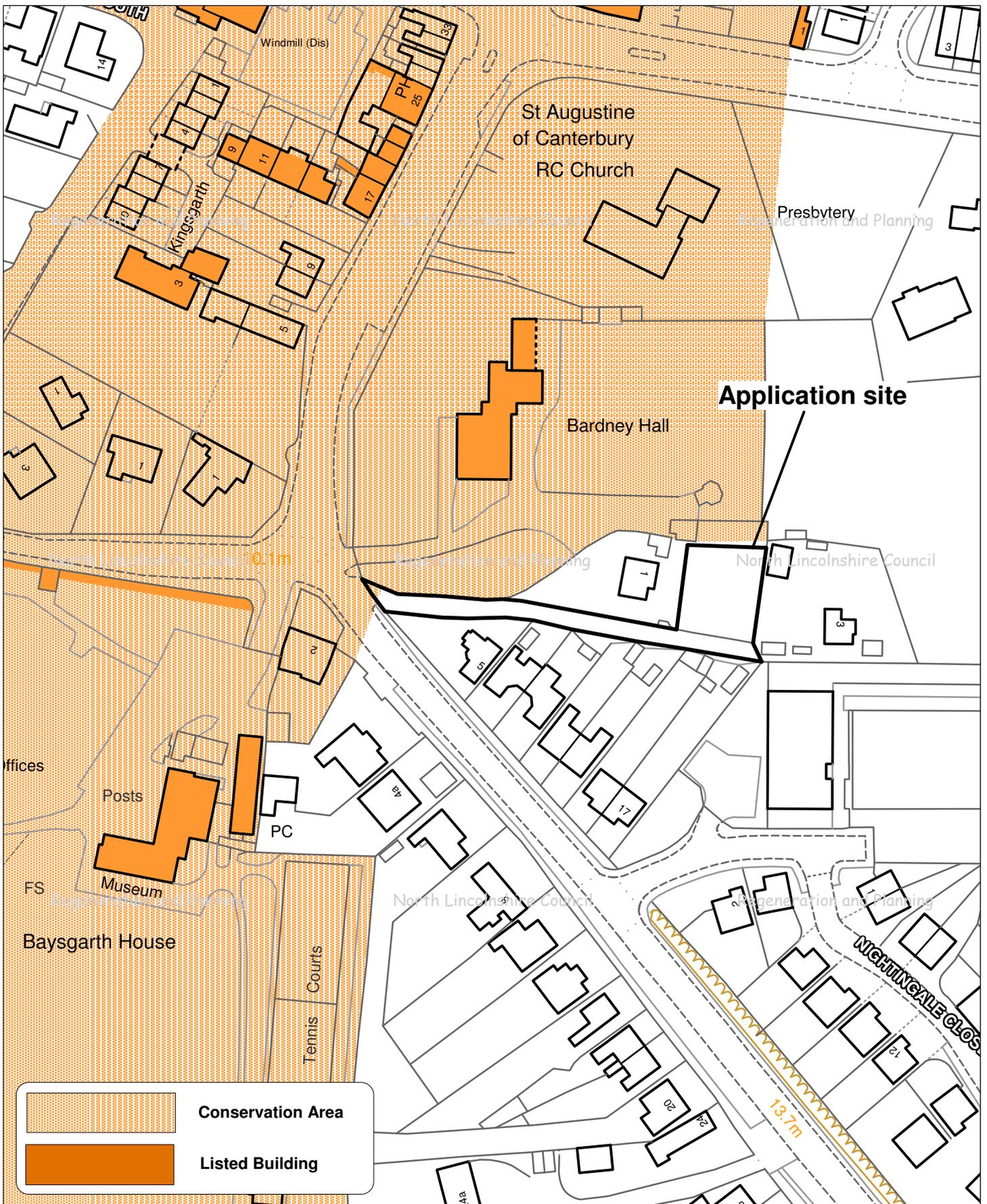
A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the North Lincolnshire Historic Environment Record within six months of the date of completion of the development hereby approved by this permission or such other period as may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

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site is of archaeological interest.

Reasons for approval

The proposal complies with policies DS1, HE5 and T2 of the North Lincolnshire Local Plan and policies CS1, CS3, CS5 and CS7 of the North Lincolnshire Core Strategy. It has been substantiated that the applicants have a right of access to the application site which is satisfactory from a highway perspective and has no impact on any neighbouring property.



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