

<b>APPLICATION NO</b>	<b>PA/2008/0962</b>
<b>APPLICANT</b>	Advocate Developments Ltd
<b>DEVELOPMENT</b>	Planning permission to erect 3 detached dwellings and detached domestic garages (resubmission of PA/2008/0170)
<b>LOCATION</b>	43-45 Butterwick Road, Messingham
<b>PARISH</b>	<b>MESSINGHAM</b>
<b>WARD</b>	Ridge
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Messingham Parish Council
<b>POLICIES</b>	<p><b>Regional Spatial Strategy for Yorkshire and the Humber:</b> 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.</p> <p><b>North Lincolnshire Local Plan: Plan:</b> Policy H5 (New Housing Development) states that new housing should be in keeping with the scale and character of the settlement and immediate environment; have an area of private amenity space; and not result in overlooking, loss of privacy, loss of light or other loss of amenity to existing dwellings.</p> <p>Policy H8 (Housing Mix and Design) applies and states that new residential development will be permitted provided that it respects and reflects the form, scale, massing, design, detailing and materials of the local environment.</p> <p>Policies ST2 (Settlement Hierarchy), H1 (Housing Development Hierarchy) and DS1 (General Requirements) also apply.</p>
<b>CONSULTATIONS</b>	<p><b>Highways:</b> Recommend conditions.</p> <p><b>Severn Trent Water Ltd:</b> Recommend a condition and comments made that no surface water should be discharged into the main sewer.</p>

## **PARISH COUNCIL**

Object on the following grounds:

- The erection of three dwellings will result in a cramped form of development that is out of keeping with the street scene.
- The development will create additional traffic movements from a site where the current vehicle access has poor visibility along Butterwick Road.
- The proposed development will exacerbate known flooding issues in this part of Messingham where the sewerage infrastructure is considered to be poor.

## **PUBLICITY**

Neighbouring properties have been notified and seven letters of objection received. These letters of objection raise similar issues to those of Messingham Parish Council, together with the following material issues:

- The proposed development will result in loss of amenity to the occupants of 49 Butterwick Road through noise disturbance from additional car movements.
- The siting and arrangement of windows on plot 1 of the proposed development will result in loss of amenity to the rear garden of 41 Butterwick Road through overlooking.
- The siting of the existing vehicle access, together with poor visibility and traffic movements to and from the site, pose a risk to pedestrian safety.
- The proposed boundary treatment to the southern boundary of the site (1.8m fence and evergreen shrubbery) will result in loss of light to windows in the north elevation of 47 Butterwick Road.

## **ASSESSMENT**

The application site is currently occupied by two, two-storey dwellings which are physically attached. The dwellings are set within a large plot which measures 25m x 38m. There is an existing vehicle access along the western boundary of the site which is a shared access with 47 Butterwick Road located to the rear.

A previous planning application (PA/2008/0170) for three dwellings was refused on the grounds that the design and siting of the dwellings resulted in a regimented style of development that was out of keeping with the village street scene.

**The main issues in determining this application are whether:**

- **the erection of three dwellings will result in a cramped form of development that is out of keeping with the street scene;**
- **the development will create additional traffic movements from a site where the current vehicle access has poor visibility along Butterwick Road;**
- **the proposed development will exacerbate known flooding issues in this part of Messingham where the sewerage infrastructure is considered to be poor;**
- **the proposed development will result in loss of amenity to the occupants of 49 Butterwick Road through noise disturbance from additional car movements;**
- **the siting and arrangement of windows in plot 1 of the proposed development will result in loss of amenity to the rear garden of 41 Butterwick Road through overlooking;**
- **the siting of the existing vehicle access, together with poor visibility and traffic movements to and from the site, pose a risk to pedestrian safety;**
- **the proposed boundary treatment to the southern boundary of the site (1.8m fence and evergreen shrubbery) will result in loss of light to windows in the north elevation of 47 Butterwick Road.**

The proposed dwellings will be sited in a similar building line to existing properties along Butterwick Road and will be no higher in elevation. Additionally plot 3 will have its gable end facing onto Butterwick Road and the three dwellings will have varying ridge heights. The proposed style and design of the dwellings is considered to provide visual interest to the scheme and to break up the appearance of three regimented properties within the street scene. There are acceptable separation distances between the proposed dwellings themselves and between the new dwellings and existing properties. Furthermore an acceptable amount of private amenity space will be provided to the rear of each dwelling. Therefore the development is not considered to be cramped in its

appearance and positively contributes to the street scene in this part of Messingham.

The arrangement of windows on plot 1 will be front and rear facing. This arrangement of windows is the same as existing properties along Butterwick Road. Plot 1 will be sited in a similar building line to 41 Butterwick Road. It is considered that the arrangement of windows in plot 1 is acceptable and will not create unacceptable overlooking into the rear garden of 41 Butterwick Road.

The existing vehicle access runs along the western boundary of the site and currently serves three dwellings. It should be noted that one additional dwelling is to be created within the development, thereby resulting in additional vehicle movements to and from the site. However it is considered that one additional dwelling will not result in a significant increase in the volume of vehicles moving to and from the site.

A 1.8m fence and evergreen shrubbery is proposed to the southern boundary of the site. With regard to loss of light to windows in the front elevation of 47 Butterwick Road, it should be noted that this boundary treatment will be 4.5m from the objector's property and will be relatively low in height. Furthermore the proposed boundary treatment is considered acceptable, as it will define the boundaries of the site and screen development from the objector's property to the south. Therefore the impact of the proposed boundary treatment upon the objector's property is considered to be negligible.

With regard to the potential increase in traffic movements to and from the site, and poor visibility along Butterwick Road, it should be noted that an amended plan has been received showing the existing access to the site being widened to 6m where it meets Butterwick Road. This allows for better visibility for vehicles exiting the site onto Butterwick Road and for two vehicles to safely pass each other within the site. Furthermore the council's highway development department has no objections to the existing vehicle access being utilised and visibility along this part of Butterwick Road is acceptable to serve the proposed development. The proposed width of the vehicle access (6m), the open character of the front of the site (no obstructions) and the acceptable visibility splays along Butterwick Road should result in a vehicle being able to safely move in and out of the site without posing a risk to pedestrian safety.

Messingham Internal Drainage Board and Severn Trent have raised no objections to the proposed development in respect of drainage. Severn Trent has no issue with foul drainage being discharged to the main sewer. A condition will be imposed requesting details of the method of surface water disposal at the site. The applicant has provided percolation test results for surface water run off from the proposed development. These tests have been referred to the Council's Building Control Department and it has been confirmed that soakaways can be used for surface water disposal. It should be noted that only one additional dwelling is to be created at the site. It is considered that the one additional dwelling should not exacerbate potential flooding issues but the imposition of the surface water drainage condition will ensure that the matter will be carefully assessed before any building work commences.

There are two further matters to take into account. These relate to the presence of any bats in the existing dwellings and whether the existing dwellings could be considered for listed building status. It has been confirmed by the Council's Conservation Officer that the dwellings have not been considered worthy of retention for listed building status. The results of the Ecological Survey found no presence of bats roosting within the existing dwellings. However a condition will be imposed requesting a biodiversity management plan to ensure protection of animal species during demolition and construction works.

## **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 shall be carried out in accordance with the amended details received by the Local Planning Authority on 15 August 2008.

#### **Reason**

To define the terms of the permission and to help ensure the development is in keeping with its surroundings in accordance with policy DS5 of the North Lincolnshire Local Plan.

3.

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.

4.

Any gates or gate positions at the vehicular access shall be set back a minimum distance of 5 metres from the nearside carriageway edge.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

5.

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.

6.

Nothing shall at any time, whether permitted by the Town and Country Planning General (Permitted Development) Order or not, 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.

7.

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.

8.

The proposed new vehicle parking and turning facility shall not be brought into use until the vehicular access serving it has been completed within highway limits.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

9.

No development shall begin until details of the private driveway, including drainage and lighting 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 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.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

12.

No surface water from the development shall be discharged into the public foul sewer.

Reason

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

13.

No development shall take place until details of a soakaway system have been agreed in writing by the Local Planning Authority and all surface water run-off from the development shall be discharged to the agreed system.

Reason

To prevent pollution of the water environment and to comply with policy DS13 of the North Lincolnshire Local Plan.

14.

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.

15.

Before the dwellings are first occupied the bathroom window in the east wall of plot 2 and the toilet window in the east wall of plot 3 shall be obscure glazed and shall be 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 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.

17.

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.

18.

No development shall commence until a biodiversity management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:


- (a) details of measures to be carried out to avoid harm to nesting birds;
- (b) details of measures to be taken in the event of bats or nesting birds being found during development;
- (c) details of new bat roosting features to be included in the development;
- (d) timings for the above works in relation to the demolition and development.

All works shall be carried out in accordance with the approved details and timings, and the bat roosting features shall be retained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

**Reason**

To conserve features of nature conservation importance in accordance with policies DS1 and LC5 of the North Lincolnshire Local Plan.



 Existing site boundary showing layout of existing dwellings

Drawing Title: 2008/0962

OS Grid Ref: SE89120427

Drawn by: SJ

Scale: 1:1250

Date: 14/08/2008



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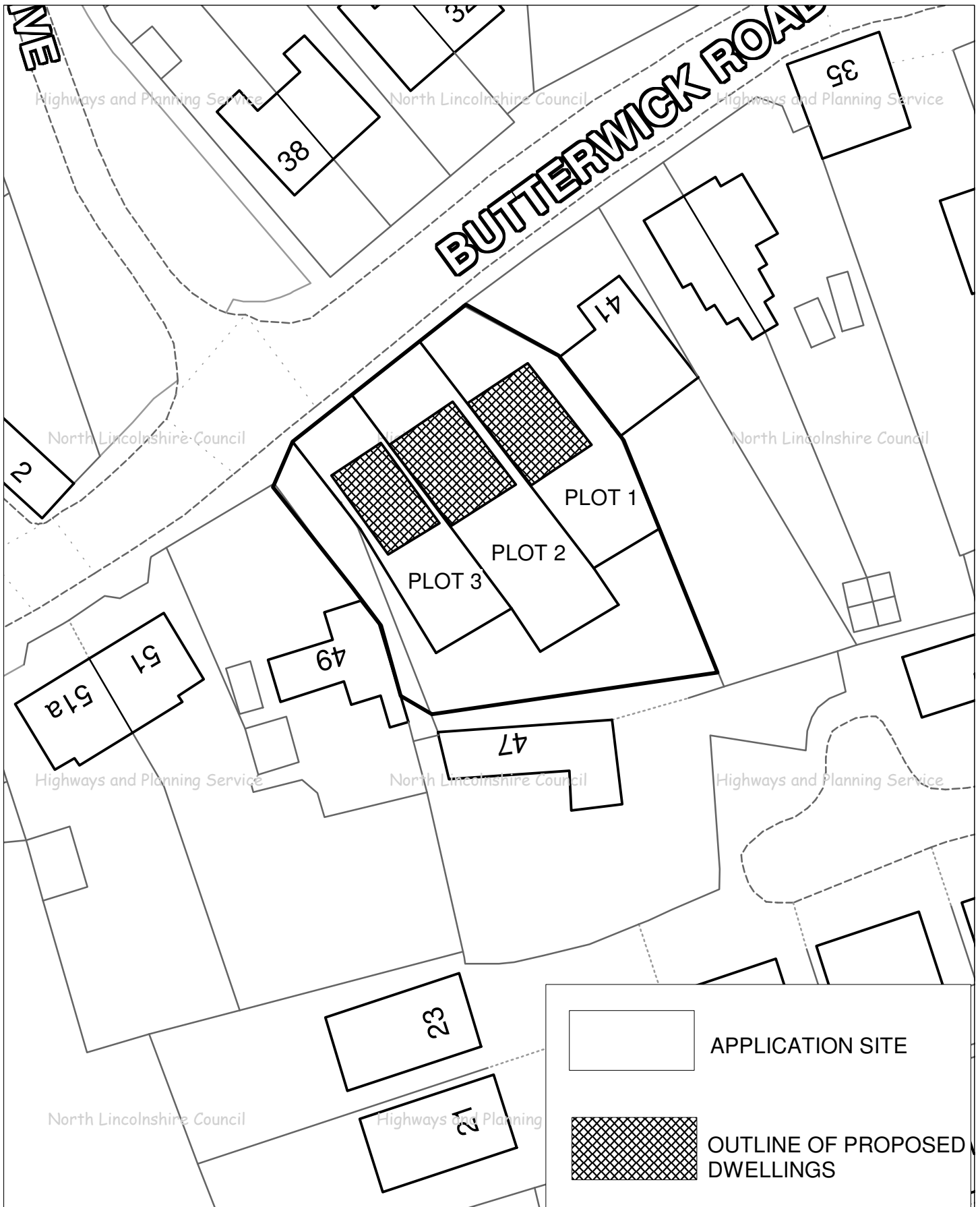
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**Highways and Planning Service**

Service Director,  
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Drawing Title: 2008/0962 (Proposed)

OS Grid Ref: SE89120426

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