

<b>APPLICATION NO</b>	<b>PA/2008/1032</b>
<b>APPLICANT</b>	Mrs D McTamney
<b>DEVELOPMENT</b>	Planning permission to erect a detached dwelling (resubmission of PA/2008/0583)
<b>LOCATION</b>	Land to the rear of 8 Silver Street, Winteringham
<b>PARISH</b>	<b>WINTERINGHAM</b>
<b>WARD</b>	Burton Stather and Winterton
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Winteringham Parish Council  Third party request to address the committee
<b>POLICIES</b>	<p><b>Regional Spatial Strategy for Yorkshire and the Humber:</b> Policy P1 (Strategic Patterns of Development) encourages brownfield and urban area development. Policy H2 advocates the sequential approach in using previously developed land first within urban areas.</p> <p><b>North Lincolnshire Local Plan:</b> Winteringham is identified as a minimum growth settlement (policy ST2) and the site is shown as being within the development boundary (policy ST3).</p> <p>Policy H5 (New Housing Development) sets out the criteria to control new housing development and ensure consistency in design and layout.</p> <p>Policies H3 (Previously Used Land), H8 (Housing Mix and Design) and DS1 (General Requirements) also apply.</p> <p>The site is in the conservation area (policy HE2) where the Local Planning Authority has a duty to pay special attention to the desirability of preserving and enhancing the character or appearance of the conservation area.</p>
<b>CONSULTATIONS</b>	<p><b>Highways:</b> No objections.</p> <p><b>Environment Agency:</b> No objections but have identified the site as a possible source of contamination to water sources and have requested appropriate conditions.</p>
<b>PARISH COUNCIL</b>	Object on the following grounds:

- two-storey dwelling which would dominate listed properties on Silver Street
- the site is a garden area not a vacant building plot
- no details of facilities for waste storage and collection
- lack of consultation with neighbours
- could result in possible over-capacity of existing sewerage option
- concerns about water supply
- would create surface water disposal problems
- contaminated grounds
- impact on nearby mature trees – no survey submitted

## **PUBLICITY**

Neighbouring properties have been notified and site and press notices posted. Eight letters of objection have been received raising issues already listed by the parish council, some non-material planning considerations together with the following:

- area is known to be frequented by bats, they use the trees in the garden of 8 Silver Street, but no habitat survey has been submitted
- contrary to SPG Winteringham conservation area planning guidance
- no archaeological report
- no turning facility for vehicles within the site
- contrary to conservation area policies
- would result in cramped development
- overlooking and loss of privacy/daylight to dwellings on Silver Street
- contrary to policy on backland and tandem development
- loss of important open space
- breach of SPG guidance relating to 45 degree angle rule

## ASSESSMENT

This application is a re-submission of PA/2008/0583 which was withdrawn in agreement with the applicant in May 2008 because the proposed dwelling was considered an over-development of the site which would detract from the character of the conservation area because of unsympathetic design. The dwelling now proposed is a modest two-bedroom dormer bungalow occupying a substantially reduced footprint.

**The main issue which needs to be considered in determining this proposal is whether the concerns associated with the previous application have now been adequately addressed.**

Turning to the objections, for ease of assessment they have been divided into two groups: those received from the parish council and those received from nearby residents. Firstly, those raised by the parish council:

*Two-storey dwelling which would dominate the Listed building and other properties on Silver Street*

This objection cannot be justified because the proposed dwelling has a ridge roof height limited to approximately 6.4 metres, lower than that of adjacent dwellings, and it would not overshadow or dominate any properties on Silver Street. It may impact upon space to the rear of the listed building but it would have little impact on its setting because the principal elevation is that onto Silver Street.

*Site is a garden area not a vacant building plot*

Whilst this is indeed domestic garden, it is regarded as a 'windfall site' for planning purposes.

*No details of facility for waste storage and collection*

A condition has been suggested on any permission granted requiring the identification of a suitable storage and collection area for bins.

*Lack of consultation with neighbours*

All neighbouring properties have been notified by letter in accordance with the agreed format for consultations, and site and press notices posted, so the appropriate level of consultation has been carried out.

*Could result in possible over-capacity of existing sewerage system*

The applicant has indicated that sewage will be discharged into the mains sewer and this has not been raised as an issue by the water company.

*Concerns about water supply*

No representation has been received from the water authority to suggest that supply to water is a problem.

*Would create surface water disposal problems*

The applicant has indicated that surface water would be disposed of through a soakaway system. The local drainage authority has raised no objection to the proposal and the council's drainage engineer has reported there are no drainage issues locally.

*Contaminated land*

The Environment Agency have identified the site as a possible source of contamination to local watercourses and in accordance with their advice an appropriate condition would be attached to any permission granted.

*Impact on nearby mature trees*

The applicant has submitted a tree report as requested by the Environment Officer for Trees and Landscape Matters. There are no trees of any significance within the site worthy of any protection but there is a line of young beech trees along the northern boundary which may be affected and a condition has been suggested to require their replacement.

Secondly, there are the additional objections which have been raised by local residents:

*Trees in the garden of 8 Silver Street are frequented by bats but no habitat survey submitted*

The proposed development would not result in the removal of any trees. The only trees which may be affected in the long term are a line of small beech trees but this species is not recognised as a resting place for bats by the council's ecologist.

*Contrary to SPG Winteringham Conservation Area Planning Guide*

This objection cannot be substantiated. The proposed dwelling is well designed and of an appropriate scale which tries to reflect and enhance the character of the older properties within the conservation area with the use of standard traditional features such as Yorkshire sliding sash windows, random stone walls to the front elevation, 45° roofs with red pantiles and cat slide dormers.

*No archaeological report*

Although no archaeological evaluation has been submitted with the application the site has been recognised as one of possible archaeological importance by the council's Sites and Monuments Records Officer who has requested a watching brief condition (no. 4).

*No turning facilities for vehicles within the site*

Access to this development would be from a private drive and Highways have not identified the need for this facility.

*Would result in cramped development*

As stated earlier in the report the footprint of the proposed dwelling has been significantly reduced from the previous submission. The dwelling is now able to provide adequate open areas to the front and rear so as not to give the development a cramped appearance.

*Overlooking and loss of privacy/daylight to dwellings on Silver Street*

The dwelling has been specifically designed to avoid any overlooking issues to adjacent properties. The front elevation has first-floor windows which face onto the proposed driveway and Bramble Lane beyond. The rear elevation has one, first-floor Velux rooflight to a bathroom. Privacy at ground floor level will be maintained by existing landscape boundary treatment. There is no loss of daylight to any adjacent property because of the limited height to the dwelling previously referred to.

*Contrary to policy on backland and tandem development*

The proposed dwelling does constitute backland development but is not tandem development, in other words siting of one dwelling behind another sharing a common access. A precedent has already been set for

this type of development in this area with the erection of dwellings off Bramble Lane.

*Loss of important open space*

The loss of space and the possible erosion of the 'grain' of the conservation area has been considered but with this plot it is not felt that the loss will be appreciable with the site being well related to existing surrounding properties and well concealed.

*Breach of SPG guidance relating to the 45 degree angle rule*

The SPG guidance relates to house extensions only and is not intended for use for new dwellings.

It is considered that this revised scheme adequately addresses the shortcomings of the previous application. It respects and enhances its position within the conservation area and can now be supported.

**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.

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.

3.

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.

4.

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the investigation, which has been submitted by the applicant at least 14 days prior to the proposed commencement date, and approved 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.

5.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification) no development under Schedule 2, Part 1, Classes A, B, C, D or E, or Schedule 2, Part 2, Class A shall be permitted within the curtilage of the dwelling hereby permitted other than those expressly authorised by this permission.

Reason

To maintain the character of the development in accordance with policy DS1 of the North Lincolnshire Local Plan.

6.

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

- (i) a preliminary risk assessment which has identified:

- all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site
- (ii) a site investigation scheme based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site
- (iii) the site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken
- (iv) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

**Reason**

In the absence of a desk-top study the risks posed to controlled waters are unknown. This precautionary approach is advocated by Planning Policy Statement 23.

**7.**

No development shall take place until a suitable area for the storage and collection of bins has been submitted to and approved in writing by the Local Planning Authority.

**Reason**

In the interests of visual amenity and to protect the appearance of the conservation area.



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Highways and Planning Service

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