

<b>APPLICATION NO</b>	<b>PA/2014/1424</b>
<b>APPLICANT</b>	Mr K Credland, Barton Building Contractors Ltd
<b>DEVELOPMENT</b>	Planning permission to erect three town houses following demolition of garage block and joiner's workshop
<b>LOCATION</b>	57 Castledyke West, Barton-upon-Humber
<b>PARISH</b>	<b>BARTON-UPON-HUMBER</b>
<b>WARD</b>	Barton-upon-Humber
<b>CASE OFFICER</b>	Scott Jackson
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Barton Town Council

## **POLICIES**

**National Planning Policy Framework:** Paragraph 14 – at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Paragraph 35 – plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore developments should be located and designed, where practical, to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.

Paragraph 37 – planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

Paragraph 49 – housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Paragraph 56 – good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 128 states that in determining planning applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

### **North Lincolnshire Local Plan:**

Policy H5 – New Housing Development

Policy H8 – Housing Design and Housing Mix

Policy T2 – Access to Development

Policy T19 – Car Parking Provision and Standards

Policy DS1 – General Requirements

Policy HE2- Development in Conservation Areas

Policy HE3- Demolition in Conservation Areas

**North Lincolnshire Core Strategy:**

Policy CS1 – Spatial Strategy for North Lincolnshire

Policy CS2 – Delivering More Sustainable Development

Policy CS5 – Delivering Quality Design in North Lincolnshire

Policy CS6 – Historic Environment

Policy CS7 – Overall Housing Provision

Policy CS8 – Spatial Distribution of Housing Sites

**CONSULTATIONS**

**Highways:** Recommend conditions relating to the method of preventing surface water from hard-paved areas, loose material close to the highway and provision of vehicular access and parking.

**Environmental Health:** Recommend conditions in respect of demolition/construction hours and contamination investigation.

**Ecologist:** No bat or bird surveys are required. The proposal will not affect protected or priority species. If permission is granted there will be a need to secure biodiversity enhancements in accordance with the NPPF. Recommend a condition relating to the submission of a biodiversity management plan.

**Historic Environment Record:** The proposal does not affect any sub-surface heritage assets.

**Conservation Officer:** No objection. Recommend conditions relating to the submission of proposed external materials and drawings of the proposed windows and doors.

**TOWN COUNCIL**

Objects on the following grounds:

- the development is close to a school

- issues relating to pedestrian and road safety
- parking issues in this area of Barton
- inadequate garage and parking spaces proposed.

## **PUBLICITY**

Neighbouring properties have been notified and a site notice displayed. One letter of objection has been received raising the following issues:

- overbearing impact
- impact on view
- proximity of house to neighbour
- loss of light
- overlooking, exacerbated by proximity to boundary
- overlooking from rear windows
- the building should be reduced in height, particularly at its southern elevation.

Two letters of support have also been received.

## **ASSESSMENT**

This application was deferred at the last meeting of the Planning Committee to enable members to visit the site prior to making a decision.

The application site comprises single-storey garages framed behind a brick wall, together with a workshop. There are two existing vehicular accesses into the site, these being along the northern and southern boundaries respectively. The garages open out onto the highway footpath to the east. The site is located to the south of Castledyke Primary School, to the west of the town centre, within the Barton conservation area. The area to the west of the site is residential in nature and there is a public car park located to the south-east. It is proposed to erect a terrace of three properties with a detached garage and associated parking.

**The main issues in the determination of this planning application are the principle of development, impact on the character and appearance of the conservation area and upon residential amenity.**

### **Principle**

Policies H5 and H8 of the North Lincolnshire Local Plan and CS5 of the Core Strategy are the most relevant policies in the determination of this application. Further guidance is set out in the National Planning Policy Framework and the National Planning Practice Guidance. Policies H5 and H8 of the local plan set out the criteria against which all proposals for residential development will be assessed. These policies seek to preserve or enhance the character and amenity of the area and require new developments to be

sympathetic to the existing character of the area in which they are located in terms of their scale, layout, design and detailing. Policy H5 also requires that new residential developments do not have an unacceptable impact on the amenity of neighbouring properties and that they are served by appropriate access and parking arrangements and provided with a suitable area of amenity space.

Policy CS5 of the Core Strategy seeks to promote high quality design in all new developments, including residential developments. This policy requires all new developments to be well designed and appropriate for their context. Design which is inappropriate or fails to maximise opportunities for improving the character and quality of the area will not be acceptable. The application site is located within the development boundary for Barton immediately to the west of the town centre; it comprises an infill plot between existing dwellings and is not located in a flood risk zone. For these reasons it is considered that residential development of the site is acceptable in principle.

### **Conservation area**

The site is located within the Barton conservation area and has a strong visual presence along a 30 metre section of Castledyke West. The Barton Conservation Area Appraisal states that the buildings on this site have a negative effect on the character and appearance of the conservation area. The proposal will result in the demolition and removal of a row of garages and a workshop which are not considered to contribute to the character and appearance of the street scene and conservation area. The replacement scheme, which consists of a terrace of three dwellings, with varying ridge heights, staggered front elevations and detailing (stone cills, brick headers, lead entrance canopies and metal railing along the front boundary) is considered to enhance the character and appearance of the Barton conservation area. The proposal will result in the demolition of buildings which are considered to have a negative effect (Barton Conservation Area Appraisal) and deliver a comprehensive redevelopment scheme which will provide a continued mass of built development along a 22.5 metre stretch of Castledyke West. The scheme will also introduce residential development into an area of Barton which is predominantly residential in nature.

The prevailing height of residential properties in this area of Barton is two-storey; this proposal is consistent with this height. In addition the character of development in the Barton conservation area comprises rows of residential properties built up to the highway footpath. Again the proposal here is consistent with the character of development in the Barton conservation area. The detailing to the proposed dwellings highlighted in the previous paragraph of this report is also reflective of the appearance of dwellings located within the conservation area, including the metal railings to the front of the site. The inclusion of a hipped roof to either end of the development is reflective of the appearance to a number of dwellings in the immediate vicinity of the site, some of which are also located within the Barton conservation area.

The Conservation Officer has raised no objection to the proposal, but recommends conditions in relation to samples of construction materials and detailed drawings and materials for windows and doors. The imposition of these conditions will allow the local planning authority to ensure that the appearance and detailing of the proposed dwellings are in keeping with the character and appearance of the conservation area. In conclusion it is considered that the proposal will enhance the character and appearance of the conservation area.

## **Residential amenity**

The proposal is for a terrace of three properties. The separation distance to 2 West Acridge (to the south) is 10 metres and to 55 Castledyke West (to the north) is 6 metres. The ground levels slope from north to south (away from West Acridge) with the site occupying a lower finished ground level than the adjacent properties on West Acridge. The plans show that the eaves level, and subsequently the ridge line of the nearest plot (plot 1) will be significantly lower than that of 2 West Acridge to the north. It is considered that the difference in ground levels (with the site being lower than the neighbouring property) and the separation distance involved (10 metres) will remove the potential for loss of residential amenity to the occupants of 2 West Acridge through the effects of loss of light or having an overbearing impact. In addition the terrace has been designed with a hipped roof, which will reduce the potential for an overbearing impact to the garden and rear windows of 2 West Acridge. Similarly it is considered that the hipped roof design and separation distance involved (6 metres) is sufficient to remove the potential for an overbearing impact on the occupants of 55 Castledyke West to the south of the site (i.e. from plot 3).

It is noted that there are three bedroom windows proposed in the first-floor rear elevation of the terrace; each of the windows will serve one of the plots. These windows will have an outlook onto the rear-most garden and garage roof of the outbuilding belonging to 4 West Acridge and the rear-most part of the garden belonging to 6 West Acridge. There is a window proposed in the first floor southern elevation of plot 2, however this is proposed to serve the landing (a non-habitable room) therefore no overlooking is considered to take place. Impact on view is not a material planning issue and therefore will not be assessed in this case.

The proposals show the provision of a garage and driveway to serve plots 2 and 3 and a driveway to serve plot 1. It is considered that the provision of two off-street parking spaces per dwelling is sufficient to meet the needs of the occupants. It is also worth noting that a small area of private amenity space is proposed to the rear of each plot, which will provide an area of useable, private space.

## **Other issues**

The proposal has been assessed by Highways and no objections have been raised on grounds on pedestrian/highway safety or visibility. The proposal will not displace the parking spaces available to the front of the plots; indeed it will increase the number of spaces available on Castledyke as the restricted parking area in front of the existing garage block will no longer be required.

## **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: BBC/23/2014, Street scene and Fencing Detail Plans.

Reason

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

3.

No development shall take place until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority and only the approved materials shall be used. The roofing materials shall be natural slate.

Reason

In order to preserve or enhance the character and appearance of the Barton conservation area, in the interests of visual amenity in accordance with policies HE2 of the North Lincolnshire Local Plan and CS6 of the adopted Core Strategy.

4.

No development shall take place until detailed drawings, at a scale of 1:20, of the proposed windows and external doors have been submitted to and agreed in writing by the local planning authority. The window details shall show sections, opening arrangements and glazing bar patterns. Details of the proposed materials and colour finishes shall be included. All works shall be carried out in accordance with the approved details.

Reason

In order to preserve or enhance the character and appearance of the Barton conservation area, in the interests of visual amenity in accordance with policies HE2 of the North Lincolnshire Local Plan and CS6 of the adopted Core Strategy.

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 T19 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 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 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 policies T2 and T19 of the North Lincolnshire Local Plan.

8.

No development shall take place 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 avoid harm to bats and nesting birds during demolition, vegetation clearance and construction works;
- (b) details of bat roosting features to be installed;
- (c) details of nesting sites to be installed to support house sparrows;
- (d) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (e) proposed timings for the above works in relation to the completion of the building.

Reason

To protect features of recognised nature conservation importance in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy.

9.

The applicant or their successor in title shall submit photographs of the installed bat roosting and bird nesting features, within two weeks of installation, as evidence of compliance with condition 8 of this planning permission.

Reason

To protect features of recognised nature conservation importance in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy.

10.

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

### **Part 1: Site Characteristics**

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority.

The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health
  - property (existing or proposed), including buildings, crops, livestock, pets, woodland and service lines and pipes
  - adjoining land
  - groundwaters and surface waters
  - ecological systems
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and a proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

### **Part 2: Submission of Remediation Scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

### **Part 3: Implementation of Approved Remediation Scheme**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

### **Part 4: Reporting of Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to

the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

#### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

11.

Demolition and construction operations shall be limited to the following hours:

8am to 6pm Monday to Friday

8am to 1pm on Saturdays.

No demolition or construction operations shall take place on Sundays or public/bank holidays.

HGV movements shall not be permitted outside these hours during the construction phase without prior written approval from the local planning authority.

Installation of equipment on site shall not be permitted outside these hours without prior written approval from the local planning authority.

#### Reason

To help preserve the living conditions of neighbouring property in accordance with policy DS5 of the North Lincolnshire Local Plan.

12.

Notwithstanding the provisions of Classes A-E of Part 1 and Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any order revoking and re-enacting that order with or without modification, no extension, alterations or other improvements shall be erected to the dwellings, and no building or enclosure erected, other than those expressly authorised by this permission.

#### Reason

To maintain the living standards of the adjoining residential properties/the surrounding residential area and to ensure that the private amenity space to each dwelling is retained in accordance with policy DS1 of the North Lincolnshire Local Plan.

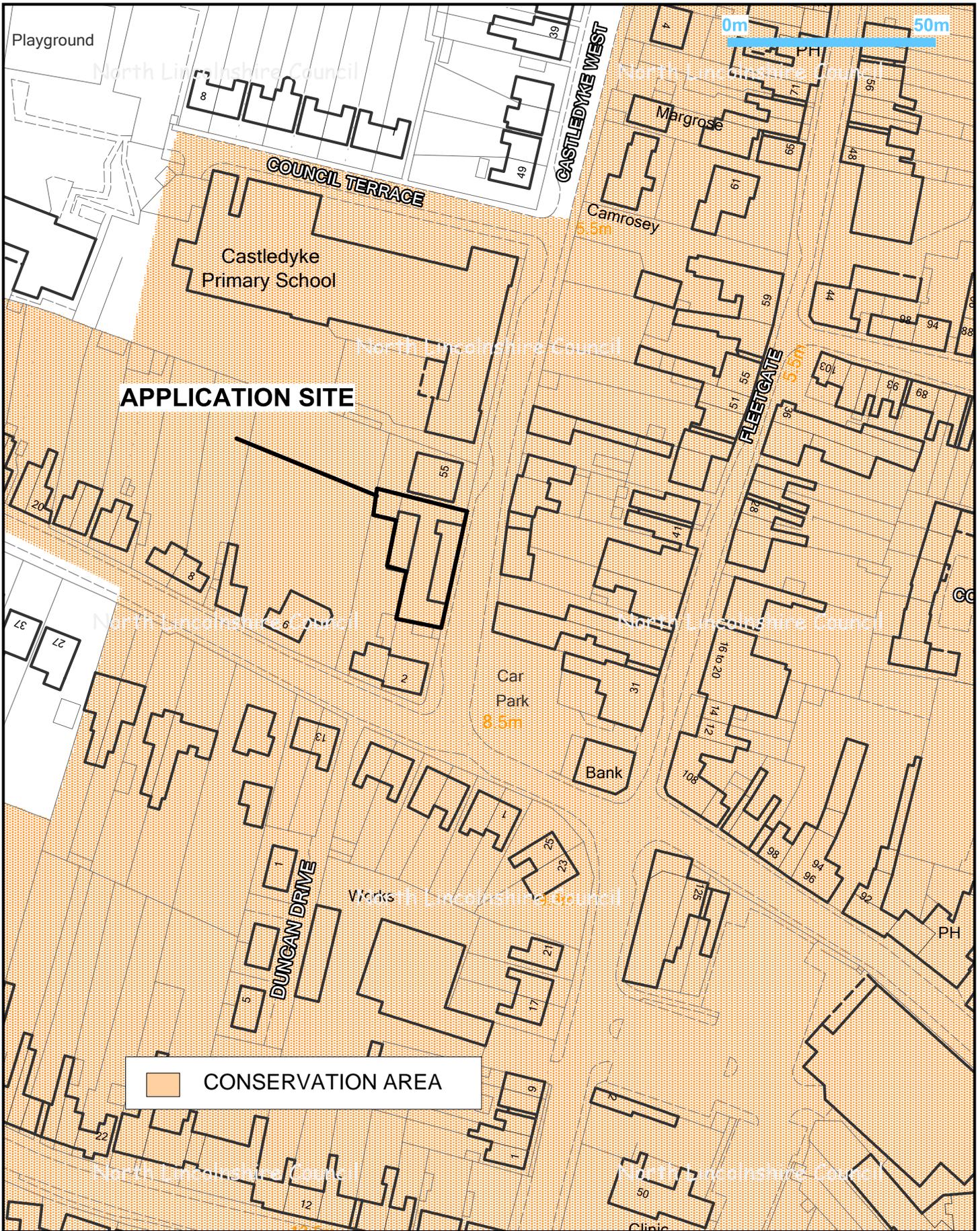
**Informative 1**

The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

**Informative 2**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



Title: PA/2014/1424

Drawn by: Sue Barden

Date: 16/06/2015

Scale 1:1250



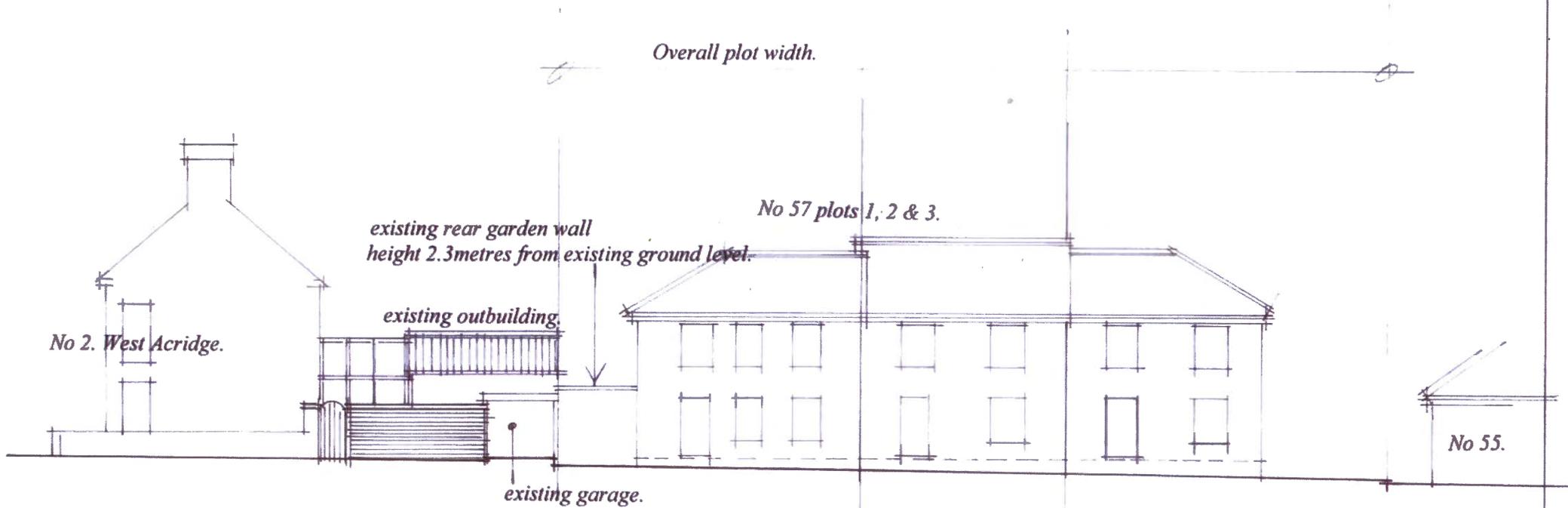
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Director of Places  
Peter Williams  
BSc,DMS,CEng,MEI,MCMI,AMIMechE

PA/2014/1424 Proposed Street Scene

Not to scale



Street Scene 57 Castledyke West Barton-upon-Humber

DEVELOPMENT CONTROL SECTION  
- 6 MAY 2015  
DATE RECEIVED  
Referred To

# PA/2014/1424 Proposed Layout

Not to scale

