

**APPLICATION NO** PA/2015/1339

**APPLICANT** Mrs K Emmerson

**DEVELOPMENT** Outline planning permission to erect one dwelling with appearance, landscaping and scale reserved for subsequent approval

**LOCATION** Land rear of Olcote House, King Edward Street, Belton, DN9 1QN

**PARISH** Belton

**WARD** Axholme Central

**CASE OFFICER** James Roberts

**SUMMARY RECOMMENDATION** Refuse permission

**REASONS FOR REFERENCE TO COMMITTEE** Applicant request to address the committee

**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 73 – access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

Paragraph 74 – open space should not be developed unless the benefits of doing so outweigh the loss.

Paragraph 109 – the planning system should protect and enhance valued landscapes and minimise impacts on biodiversity.

**North Lincolnshire Local Plan:**

Policy LC11 – Areas of Amenity Importance

Policy H7 – Backland and Tandem 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 DS14 – Foul Sewage and Surface Water Drainage

Policy DS16 – Flood Risk

**North Lincolnshire Core Strategy:**

Policy CS1 – Spatial Strategy for North Lincolnshire

Policy CS2 – Delivering More Sustainable Development

Policy CS3 – Development Limits

Policy CS5 – Delivering Quality Design in North Lincolnshire

Policy CS6 – Historic Environment

Policy CS7 – Overall Housing Provision

Policy CS8 – Spatial Distribution of Housing Sites

Policy CS16 – North Lincolnshire's Landscape, Greenscape and Waterscape

Policy CS17 – Biodiversity

Policy CS19 – Flood Risk

Policy CS25 – Promoting Sustainable Transport

**CONSULTATIONS**

**Ecology:** The proposal should only be approved if it does not detract from the open character of the area, visual amenity or ecological assets.

**Environmental Health:** Object on the grounds that insufficient information has been provided in relation to land contamination. Recommend conditions in the event that permission is granted.

**Highways:** No objections subject to conditions.

**Historic Environment Team:** No objections subject to conditions.

## **PARISH COUNCIL**

Objects on the grounds that the proposal has failed to address previous reasons for refusal, would result in unacceptable backland development and would be harmful to the character of the area.

## **PUBLICITY**

Neighbouring properties have been notified. No comments have been received.

## **ASSESSMENT**

The application site comprises a parcel of land some 0.3 hectares in area to the rear of Olcote House, Stamford House and Demaris Cottage, all of which front King Edward Street, Belton. The site is bounded to the east by the rear garden of Three Gables; to the west by the former railway line, which now acts as a green pathway for walkers and cyclists; and to the south by residential development on Popplewell Close. Access to the application site is from King Edward Street to the north and runs between Olcote House and Stamford House.

The site is a greenfield site within the development boundary of Belton as shown on inset plan 8 of the North Lincolnshire Local Plan (NLLP) and forms part of an Area of Amenity Importance (NLLP policy LC11) which extends the length of the green path as well as the application site and the land to the west of the former railway.

The immediate and wider area to the application site is predominantly residential in nature with a mix of large, detached properties along King Edward Street and a denser form of development along Popplewell Close to the south.

A previous application at the site for four dwellings (PA/2014/0826) was refused on the grounds that the scheme would be harmful to the character of the area and to residential amenity.

Outline planning permission is sought to erect one dwelling with appearance, landscaping and scale reserved for subsequent approval. The submitted details show vehicular access to the site via a shared driveway off King Edward Street. The siting of the dwelling shows the built form located towards the north-western corner of the site. Ample room would be provided for private amenity space.

**The main issues in the determination of this planning application are the principle of development, and its impact on the character and appearance of the area, highway safety, flood risk/drainage infrastructure and residential amenity.**

## **Principle of development**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the North Lincolnshire Local Plan (NLLP) which was adopted in May 2003 and the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011. Material considerations exist in the form of national policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG).

Emerging policies are capable of carrying weight in the determination of this application in accordance with paragraph 216 of the NPPF. The Housing and Employment Land and Allocations Development Plan Document (HELADPD) is an emerging document considered in the determination of this application.

Belton and Westgate are located within the Isle of Axholme with some 992 dwellings as set out in the North Lincolnshire Local Development Framework Settlement Survey (2009). The village offers a number of key services and facilities (e.g. primary school, general store, petrol station, doctor's surgery, playing fields, public house and church). Whilst a number of businesses operate in the area, they are not large employers and there would be a need to travel to larger settlements for employment. However this is not an uncommon situation within many villages, both in the Isle of Axholme and North Lincolnshire as a whole. The key local services within the village are accessible by both walking and cycling and there is a bus service to the main settlements of Scunthorpe and Doncaster. Bearing these matters in mind it is considered that the application site is a relatively sustainable location.

However, the fact that an application site is locationally sustainable does not mean that any development of that land represents a sustainable form of development. As set out in the NPPF, sustainable development has three intertwined elements (social, environmental and economic) and no one element outweighs the other two in the decision-making process. It is considered that the proposed development, by reason of its relationship to the character of the area, does not represent a sustainable form of development. Consequently the proposed development does not benefit from the presumption in favour of sustainable development set out in the NPPF and consent should not be forthcoming on this basis for the reasons set out below.

The broad principle of development cannot therefore be considered acceptable.

## **Character and appearance of the area**

In this instance the defining character of the application site is that of an open, greenfield site, that brings a sense of the surrounding countryside within the village. Whilst it is acknowledged that any archaeological or ecological landscape significance could be addressed by way of a planning condition, this in itself does not alter or overwrite the fact that the application site provides an important area of open space (NPPF paragraphs 73 and 74; PPG paragraph 001 Reference ID: 37-001-20140306) separating the built development that surrounds the site. It is this open space and visual separation that defines the character of the area.

Policies DS1, LC11, H7 and H8 of the local plan and CS1, CS2 and CS5 of the Core Strategy require that new development should reflect or enhance the character of the area;

incorporate a high standard of layout which maintains and where possible improves and enhances the character of the area; and protects existing natural and built features, landmarks or views that contribute to the visual amenity of the area. This position is reinforced at the national level with the NPPF resisting development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The spaces between areas of development are of great importance in creating the character, identity and amenity value of a place. The loss of these spaces can affect the appearance and character of the village as a whole. If uncontrolled, changes to the open spaces between areas of development can irrevocably change the special character of a place. The application site forms an important area of open space, demonstrated by the LC11 designation that plays an integral role in defining the character of this part of the village. The proposed development will erode this aspect of the village and as such the proposed development is contrary to the above quoted policies of the local plan, Core Strategy and guidance set within the NPPF and the PPG. The reduction in the number of proposed dwellings from the previously refused scheme has failed to adequately address this concern.

The addition of one dwelling in this location would not make a significant contribution to meeting housing targets and the applicant has failed to provide sufficient justification for the loss of the LC11 designated land. It is therefore considered that there is no justification for the proposed development that would outweigh the harm that it would cause to the character of the area.

### **Residential amenity**

Privacy and protection of general amenity constitutes a material consideration in determining development proposals and is an important design objective in ensuring that residents of properties bounding any development site and those occupying new dwellings feel at ease within their homes. This is reflected within local plan policy DS1 and the Core Planning Principles of the NPPF.

In particular, backland developments have the potential to result in detrimental impacts to residential amenity due to their relationship with existing development and the means of access. Policy H7 of the local plan only supports backland development where there is no adverse effect on the amenities of residential properties or adjoining uses through overlooking, loss of amenity area or nuisance from the movement of vehicles.

It is noted that the previous application was refused on the grounds that vehicles utilising the proposed access road would pass between Olcote House and Stamford House and would harm the amenity enjoyed by the residents of these dwellings, as a result of noise and disturbance from vehicular movements, and in particular the enjoyment of their garden/amenity areas. However, the revised scheme would result in a significantly reduced number of dwellings and subsequently the number of vehicular movements. With this in mind, and given the lack of objection from the council's Environmental Health Section on the grounds of noise/disturbance, it is considered that any refusal on these grounds would be difficult to justify.

Furthermore, it is considered that a dwelling is capable of being designed to ensure that adequate distances are maintained between the built form and windows at neighbouring

properties. It is therefore considered that a scheme could be designed to adequately protect levels of light and privacy at neighbouring dwellings.

Consequently, it is considered that the proposed development accords with policies DS1 and H7 of the North Lincolnshire Local Plan and the Core Planning Principles of the NPPF in this regard.

### **Highway safety**

The site is located within the existing settlement boundary and benefits from good access to public transport links and local services. It is therefore considered that the scheme would be located within a sustainable location as previously discussed.

The council's Highways team has offered no objections to the proposed layout or parking arrangements subject to appropriate conditions. Whilst it is accepted that the proposal would result in an increase in vehicular movements, it is not considered that the scale of the development would place unacceptable strain on the existing highway network.

Subject to the range of conditions suggested by the council's Highways Engineer it is considered that the scheme would not have an unacceptable impact on vehicular or pedestrian safety and sufficiently accords with policy in this regard.

### **Flood risk/impact on drainage**

The application site is not located within an area known to be at risk of flooding according to current local and national flood risk maps. Furthermore there is no technical indication that the proposed development could not be satisfactorily drained without placing unacceptable strain on existing drainage infrastructure. The proposal is therefore considered acceptable in this regard.

### **Contaminated land**

It is noted that the council's Environmental Health Section has objected on the grounds that more documentation should be supplied to deal with the issue of potential land contaminants. However, this is a greenfield site with no obvious planning history which would suggest that the land is contaminated. This matter can therefore be adequately dealt with via an appropriately worded condition which would ensure contaminants are fully dealt with if and when they are discovered on site.

### **Other issues**

The applicant has highlighted a previous approval on LC11 designated land in the local area. It is presumed that the case being referred to is PA/2015/0200 where outline permission was granted for four dwellings (a committee decision). Whilst this decision is noted, it is a fundamental principle of the planning system that each case be treated on its own merits. The loss of LC11 land resulting from the approval at the neighbouring site arguably places greater importance on the retention of other such areas in the locality and for the reasons set out above it is considered that the scheme is contrary to policy.

## **Conclusion**

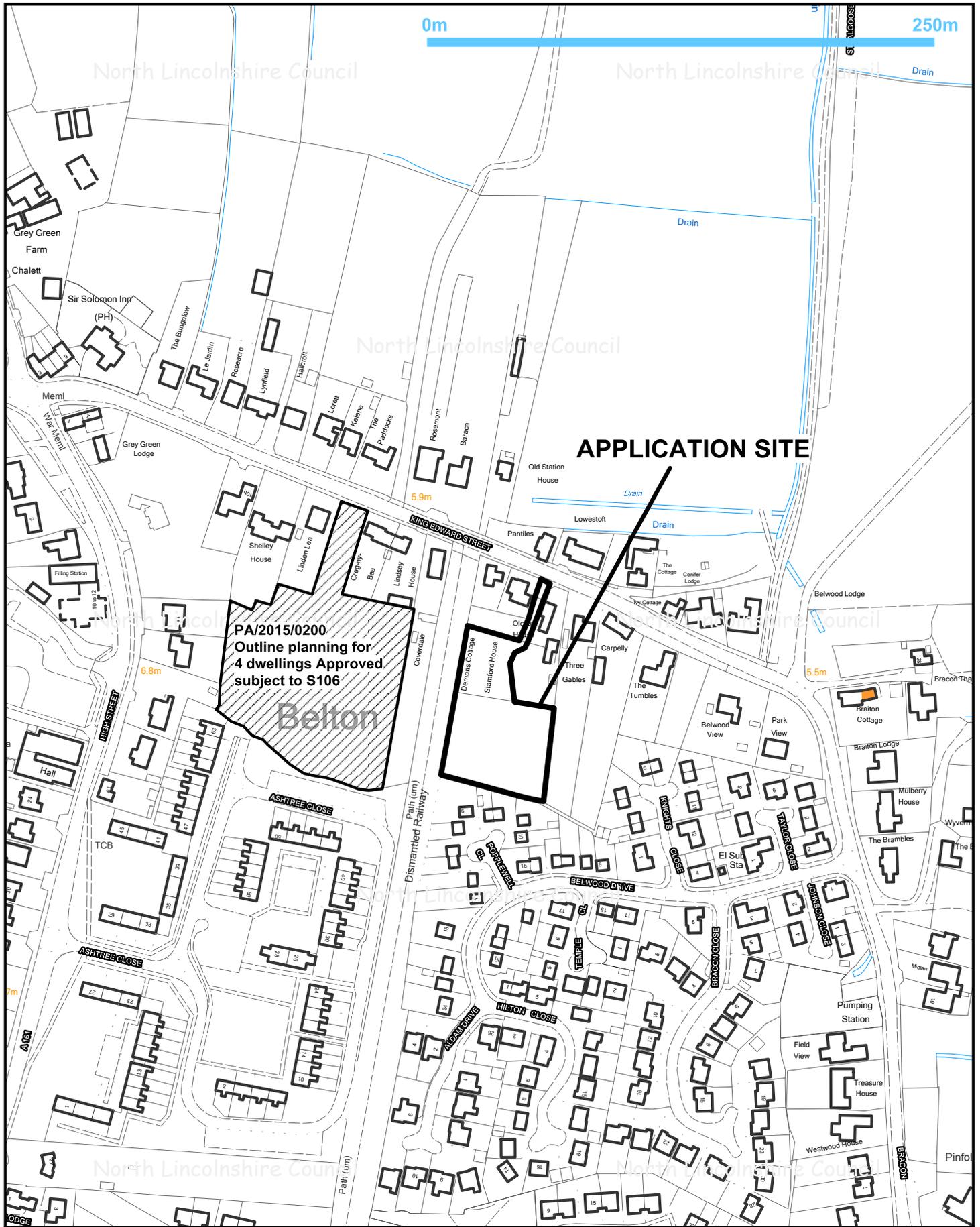
For the reasons set out above it is considered that the proposed scheme would result in the unacceptable loss of LC11 land and is therefore considered contrary to adopted planning policy and guidance.

## **RECOMMENDATION      Refuse permission for the following reason:**

The proposed development does not have due regard to its context and would adversely affect the open character of the protected Area of Amenity Importance. The proposed development is therefore contrary to policies DS1, H7, H8 and LC11 of the North Lincolnshire Local Plan, CS3 and CS5 of the North Lincolnshire Core Strategy and guidance contained within the National Planning Policy Framework.

## **Informative**

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/2015/1339

Drawn by: Sue Barden

Date: 27/01/2016

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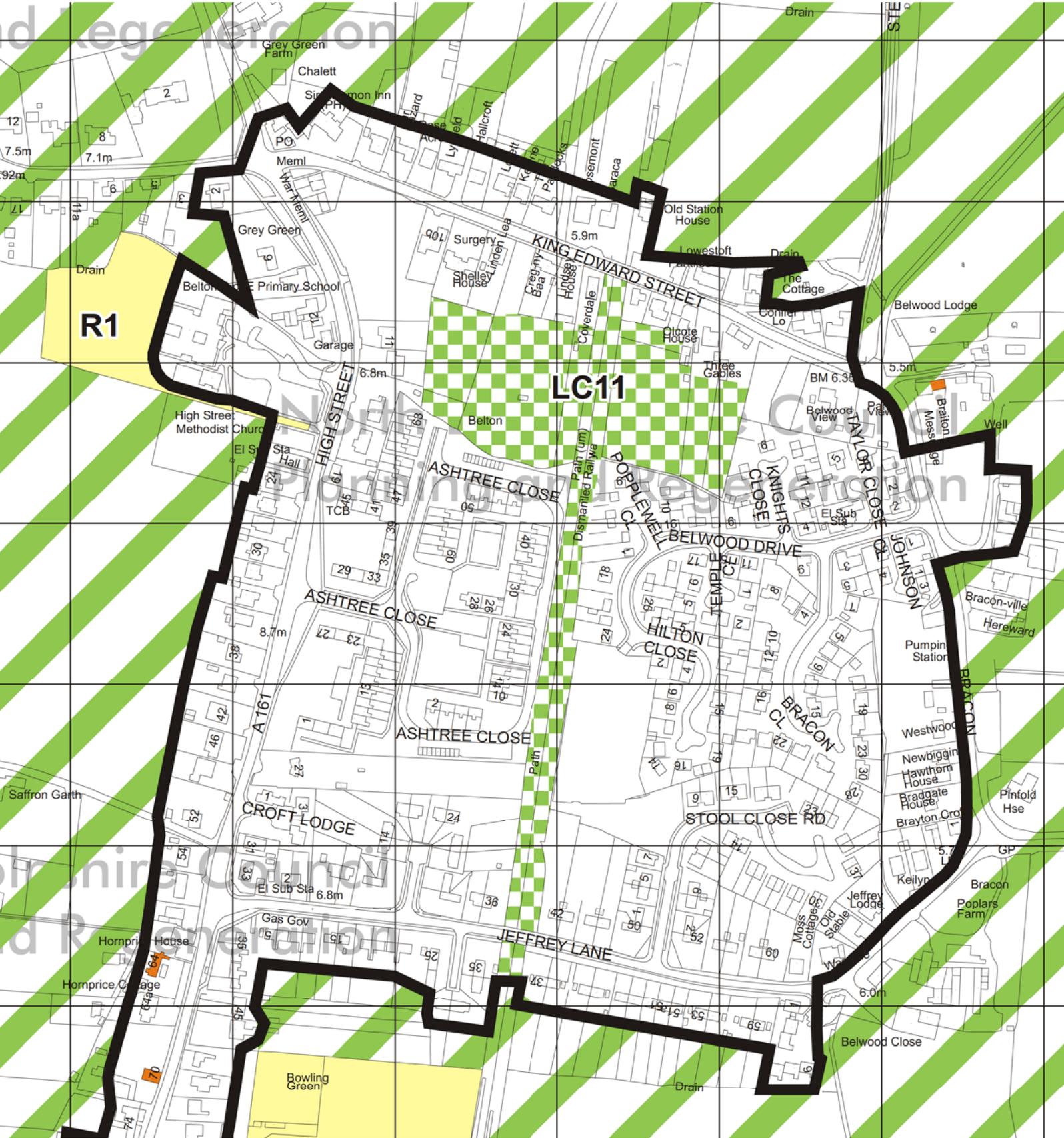
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Director of Places  
Peter Williams  
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Local Plan Adopted May 2003

LC11 hatched on the map shows an Area of Amenity Importance



# PA/2015/1339 Proposed Layout

Not to scale

