

APPLICATION NO	PA/2016/391
APPLICANT	Mr Mark Kulleseid, K-Cube Ltd
DEVELOPMENT	Planning permission to erect a detached dwelling and detached double domestic garage
LOCATION	8 School Lane, Appleby, DN15 0AN
PARISH	Appleby
WARD	Broughton and Appleby
CASE OFFICER	Tanya Coggon
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Appleby Parish Council

POLICIES

National Planning Policy Framework: Paragraphs 49, 50, 56, 57, 128 and 131.

North Lincolnshire Local Plan: Policy DS1 (General Requirements) applies to all new development.

Policy H5 (New Housing Development) provides detailed design guidance for residential development.

Policy HE2 (Development in Conservation Areas) provides detailed design guidance in relation to development within conservation areas.

Policy T2 (Access to Development) – all new development should have a satisfactory access.

North Lincolnshire Core Strategy: Policy CS1 (Spatial Strategy for North Lincolnshire) sets out the spatial strategy for North Lincolnshire.

Policy CS2 (Delivering more Sustainable Development) – a sequential approach to development will be adopted.

Policy CS3 (Development Limits) applies to this development.

Policy CS5 (Delivering Quality Design in North Lincolnshire) – all new development should be well designed and appropriate for its context.

Policy CS6 (Historic Environment) – the council will seek to protect, conserve and enhance North Lincolnshire's historic environment, as well as the character and setting of areas of acknowledged importance, including conservation areas.

Policy CS7 (Overall Housing Provision) sets out the overall level of housing provision that will be required to meet North Lincolnshire's needs.

Appleby Conservation Area Appraisal: This SPG provides a detailed design and historic appraisal of Appleby.

Appleby Village Design Statement: This document outlines what is most appreciated by those who live in Appleby and their desires for the future.

CONSULTATIONS

Highways: No objection subject to conditions.

Environmental Protection: No objection subject to a contamination condition.

Heritage Officer: No objection subject to conditions.

PARISH COUNCIL

Objection. Affordable housing is not available within the village and the building of yet another large expensive property reduces even further the possibility of people getting on the 'housing ladder'. Access is an issue. The driveway adjacent to 8 School Lane has been taken away within this application which will cause a real problem regarding parking and access within the two properties sharing one driveway. It appears that the driveway has been given to the new property and has not been retained as a 'shared' right of way. This application has been submitted several times and the parish council has objected. The shared driveway is a potential area of conflict, one which the parish council does not wish to have foisted upon it. The previous application (PA/2012/1445) refers to the provision of adequate vehicle access and parking facilities serving the existing dwellings and that it should be retained. The new application does not appear to provide for this. Existing residents will suffer loss of amenity by being deprived of existing off-road parking. The turning circle is badly positioned and will be used for parking if and when construction starts, and vehicles will park on the shared access driveway causing residents of 8 School Lane to park on the road, which is narrow and a bus route, having an adverse effect on transport. This is the third application from the applicant. Is it their intention to leave the land for yet another three years giving an opportunity for more dumping of unwanted building material on the land and creating an eyesore?

PUBLICITY

Advertised by site and press notice, and adjoining properties notified. Five letters of objection have been received raising the following issues:

- access cannot be used by 8 School Lane
- the new dwelling should have parking behind the new house to allow parking for 8 School Lane at the far end of the shared access without blocking the way for the new house
- no off-road parking
- will result in on-street parking on School Lane

- loss of privacy due to vehicles passing neighbour's dining room window
- 8 School Lane's gate opens onto the driveway
- no objection to the dwelling or sharing the first 12 metres of the driveway
- restrictions need to be placed on the dwelling to ensure it is in character with the conservation area
- boundary shown further west than shown in 2004 which reduces narrow drive
- if on-street parking occurs on School Lane the proposed access will be difficult to enter and exit
- no parking for 8 School Lane – they will have to park on School Lane or the shared drive
- construction vehicles will cause difficulties if they park on the driveway or School Lane – a condition should be used to ensure construction vehicles park within the grounds of the proposed dwelling
- no parking for 6 School Lane resulting in on-road parking, causing hazards to other road users.

ASSESSMENT

This proposal is for a detached dwelling and detached garage on the site. The site has an extensive planning history. Planning permission was granted previously for this proposal in 2004 (PA/2004/1196), 2009 (PA/2009/1354) and 2013 (PA/2012/1445). These permissions have lapsed and the applicant is now applying again for planning permission on the site.

The site is located within the development boundary of Appleby and within the conservation area. The site is becoming overgrown and building materials have been deposited on the site. The dwelling is located on the site frontage adjacent to the semi-detached dwellings known as 6 and 8 School Lane on the western side of the application site. To the north are traditional cottage-style dwellings and to the east and south are larger, more modern detached dwellings. The proposed garage will be located to the rear of the site. The access to the site will be via the existing access from School Lane. This access will become a shared access and will be used by the proposed dwelling and 8 School Lane.

The main issues associated with this proposal are whether it is acceptable in planning policy terms, and if so, whether it is acceptable in terms of design, and impact on the conservation area, the amenity of the locality and neighbours. The access arrangements and impact on the highway network also need to be assessed.

The site is located within the development boundary of Appleby where, in principle, residential development is considered to be acceptable. Appleby is a settlement with some community facilities and is located on a main bus route. The proposed dwelling will support the existing facilities in Appleby. The comments made by Appleby Parish Council in relation to affordable housing are noted, but the planning policies in relation to this application cannot be used to ensure that the dwelling is affordable as only one dwelling is proposed on the site. The proposal is therefore in accordance with policies CS1, CS2, CS3 and CS7 of the Core Strategy.

In terms of design and impact on the conservation area, the scheme has been well designed to respect the character and appearance of the conservation area and is reflective of other designs close to the application site. The dwelling has been designed with a half-hip roof with dormer windows in the front and rear elevation. The use of quoins on the building adds interesting detailing to the dwelling and the other detailing adds to the rural cottage design, which is reflective of other properties in Appleby. The council's heritage officer has raised no objections to the proposal subject to conditions relating to materials, gates and windows. The proposal will preserve and enhance the conservation area and therefore the proposal accords with policies CS5 and CS6 of the Core Strategy, HE2 and H5 of the North Lincolnshire Local Plan, advice given in the National Planning Policy Framework and guidance in the conservation area appraisal and village design statement.

In terms of impact on neighbours, the proposal, due to its siting and design, will not result in any loss of amenity to adjoining neighbours in terms of overlooking, overshadowing or a demonstrable increase in noise and disturbance. 8 School Lane has a dining room window in the flank elevation adjacent to the shared access. The proposed dwelling will be visible from this window but, due to the separation distance between the properties, no loss of amenity will be caused. The neighbour is concerned that vehicles using the access will have a view into this dining room, but this will not result in a significant loss of privacy to this property.

In terms of the access arrangements, the access will be via a shared driveway that will serve the application site and 8 School Lane. The access will have a turning area to the rear of the site and the garage to serve the proposed dwelling will be located in the south-eastern corner of the site. Highways have raised no objection to the proposal subject to planning conditions. The proposal therefore accords with policy T2 of the North Lincolnshire Local Plan.

In terms of comments from neighbours, the applicant has outlined the site which is within his ownership. This includes the existing driveway. The issue of the parking arrangements from 8 School Lane are noted. Planning conditions will be used to ensure that adequate access and parking facilities are provided to 8 School Lane. The issue of the gate of 8 School Lane opening onto the access is noted, but this is unlikely to be a hazard to vehicle users as those using the access will not be passing at a high speed. It is accepted that there is on-street parking on School Lane. The proposal will provide vehicle parking for both properties and therefore will not increase on-street parking in the vicinity. Planning conditions cannot be used to ensure construction vehicles park within the proposed dwelling site as this would be unreasonable and difficult to enforce.

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: 40601:1AB, 40601:2 Rev A and 40601:3.

Reason

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

3.

The vehicle access and parking facilities serving 8 School Lane shall be retained in accordance with details to be submitted to and approved in writing by the local planning authority before the approved dwelling is occupied.

Reason

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

4.

The dwelling shall not be occupied until the vehicular access to it and the vehicle parking space(s) serving it have been completed and, once provided, the parking space(s) shall thereafter be so retained.

Reason

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

5.

The proposed dwelling shall not be occupied until the private driveway has been constructed, in accordance with the approved details, up to the junction of the vehicular access serving it.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan. Compliance with this condition is required prior to the development commencing in order to ensure highway safety is maintained during the construction process.

6.

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.

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. Details are required prior to construction to ensure that the materials do not detract from the character and appearance of the conservation area and are incorporated into the construction process for the approved development.

7.

Before development commences on site, joinery details of the windows and doors at a scale of 1:10 or 1:20, together with a material specification for the windows and doors, and details of the colour of the staining/paintwork of the windows and doors, shall be submitted to and approved in writing by the local planning authority. Thereafter only the approved scheme shall be implemented on site.

Reason

In order to preserve the character of the conservation area in accordance with policy HE2 of the North Lincolnshire Local Plan. Details are required prior to construction to ensure that the windows and doors do not detract from the character and appearance of the conservation area and are incorporated into the construction process for the approved development.

8.

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. Details are required prior to construction to ensure that the landscaping scheme can be incorporated into the construction process.

9.

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 enhance the appearance of the development in the interests of amenity.

10.

The existing hedge on the site frontage shall be retained at all times. If any part of the hedgerow dies, is removed or becomes seriously damaged or diseased within five years from the date of this permission it shall be replaced in the next planting season with others of similar size and species to those originally planted, unless the local planning authority agrees in writing to any variation.

Reason

In order to protect the existing hedge on the site frontage in accordance with policy DS1 of the North Lincolnshire Local Plan.

11.

Before development commences on site, details of the boundary treatments for the site, including any gates, shall be submitted to and approved in writing by the local planning authority. Thereafter only the approved scheme shall be implemented on site.

Reason

In order to preserve the character of the conservation area in accordance with policy HE2 of the North Lincolnshire Local Plan. Details are required prior to construction to ensure that the boundary treatment and gates are incorporated into the construction process.

12.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority.

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.

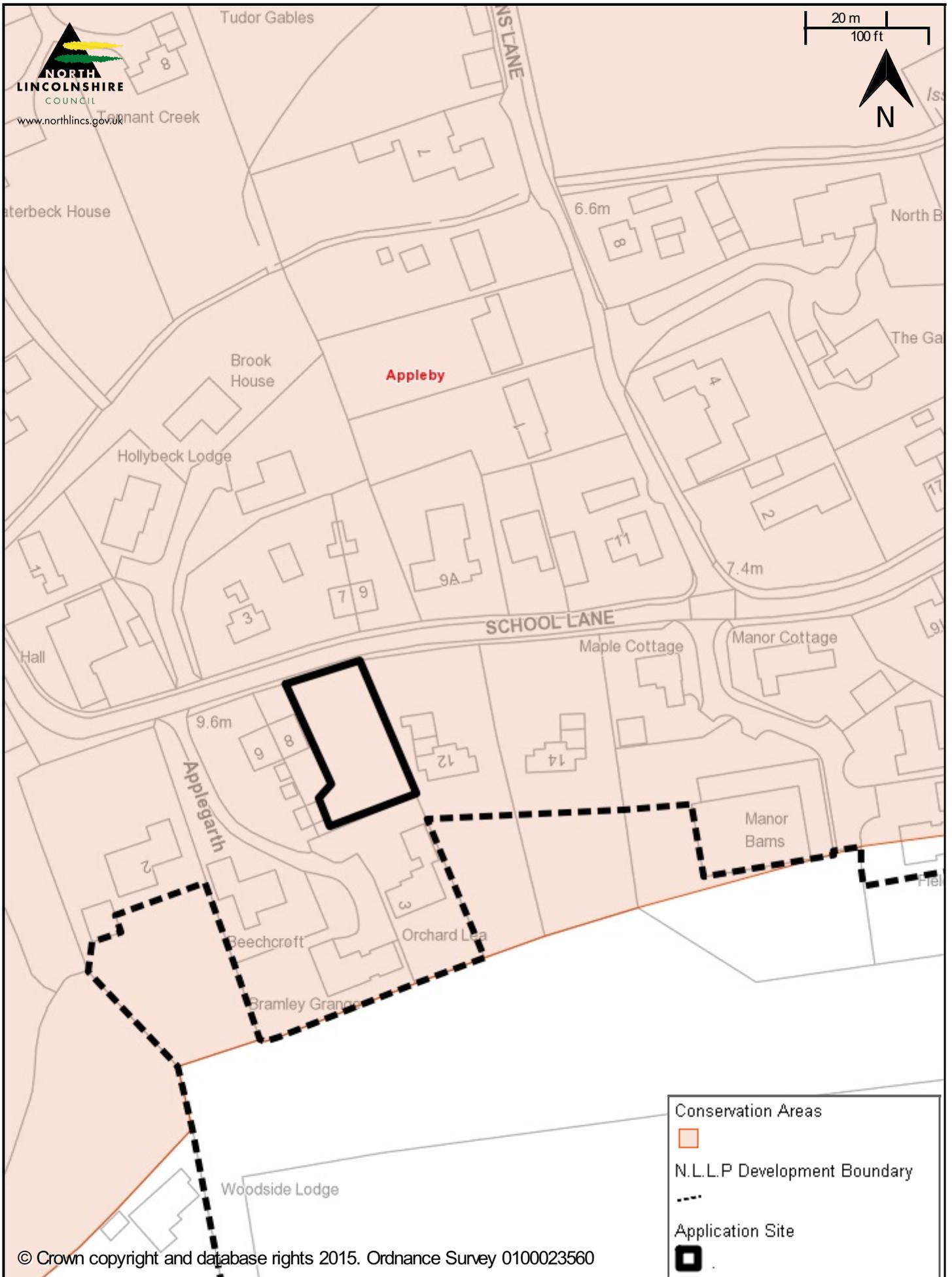
Informative 1

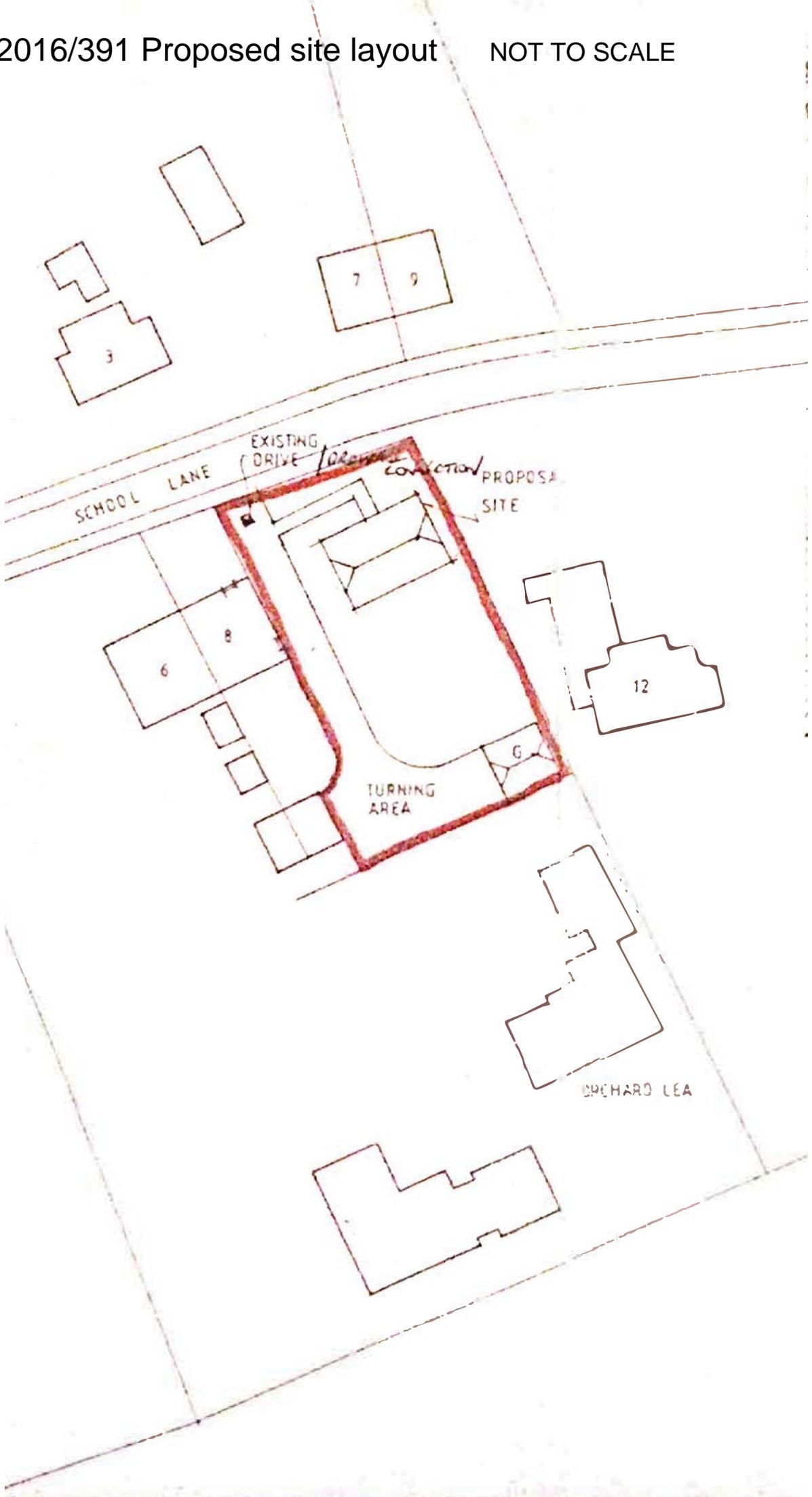
The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- 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

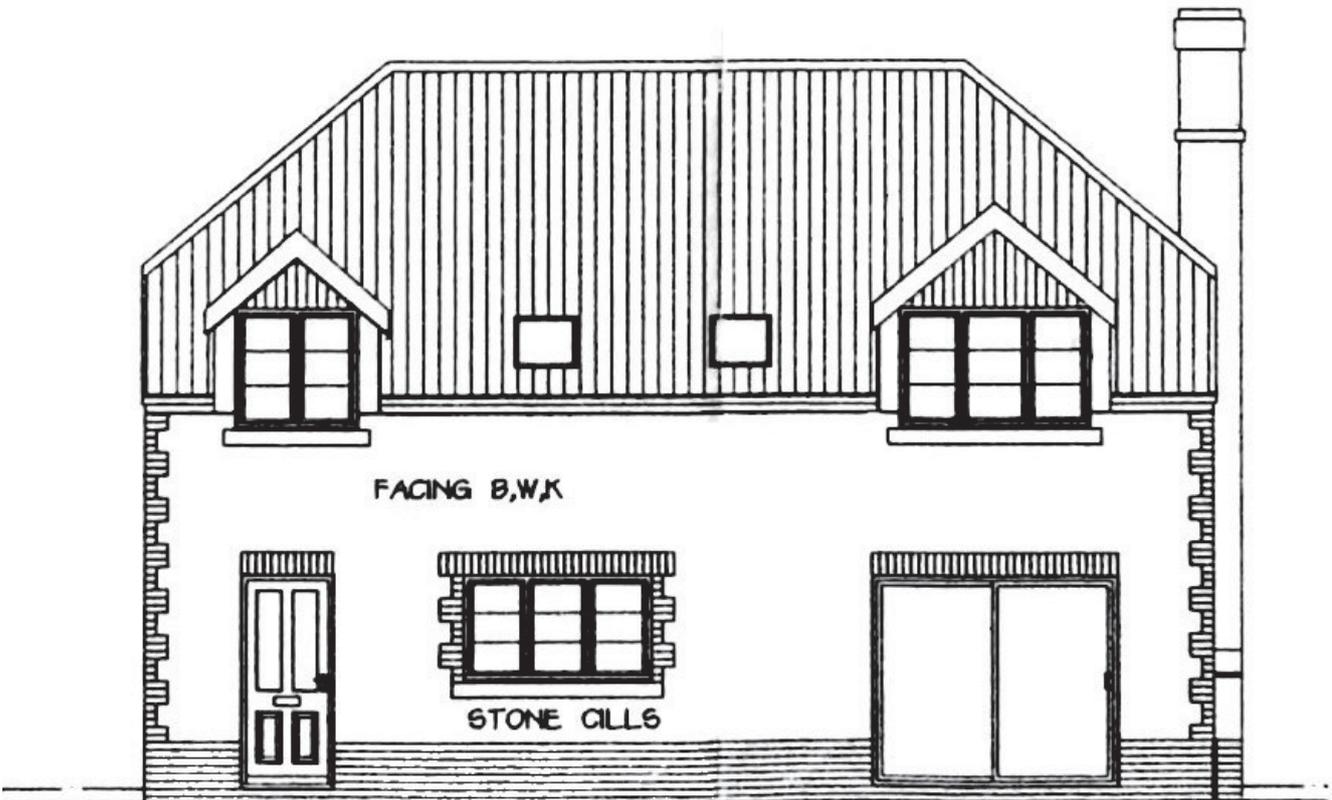
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.







NORTH,



SOUTH