

<b>APPLICATION NO</b>	<b>PA/2016/981</b>
<b>APPLICANT</b>	Mr John Cumberland
<b>DEVELOPMENT</b>	Planning permission to erect a detached house and garage
<b>LOCATION</b>	109A on land rear of High Street, Belton
<b>PARISH</b>	Belton
<b>WARD</b>	Axholme Central
<b>CASE OFFICER</b>	Andrew Law
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Belton Parish Council

## **POLICIES**

**National Planning Policy Framework:** Paragraph 15 states that at the heart of the National Planning Policy Framework 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 19 states that significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 55 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.

Paragraph 56 states that 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 60 states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or style. It is, however, proper to seek to promote or reinforce local distinctiveness.

Paragraph 64 states that permission should be refused for 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.

**North Lincolnshire Local Plan: Policy DS1 (General Requirements)**

Policy DS3 (Planning Out Crime)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy H5 (New Housing Development)

Policy H7 (Backland and Tandem Development)

Policy H8 (Housing Design and Housing Mix)

**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 CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

## **North Lincolnshire Housing and Employment Land Allocations Development Plan Document**

### **CONSULTATIONS**

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

**Archaeology:** No objection subject to conditions securing a programme of archaeological monitoring and recording prior to and during construction work.

**Environmental Health:** No objection subject to conditions.

### **PARISH COUNCIL**

Belton Parish Council strongly object to the proposed development because it is planning by stealth, it would have a detrimental effect on surrounding properties and is backland development. The parish council also raises concerns that there existing flooding problems at 109 High Street and supports the comments made by neighbours.

### **PUBLICITY**

Neighbouring properties have been notified by letter. Two letters of objection have been received citing the following concerns:

- Privacy and light considerations have not been addressed.
- Flooding during high rainfall is endemic to the rear of 117, 119 and 121 High Street. It also affects the proposed site of 109A and 111 High Street.
- Two trees have been felled without permission and the application should be withdrawn pending a wildlife survey of the site.

- The dimensions of the plot differ from the previous approval PA/2006/0303.
- The position of the proposed dwelling is 3 metres from the rear boundaries of neighbouring properties with new tree planting shown between the house and the boundary. This development would result in loss of light and overlooking of neighbouring properties.
- The location of the garage to the rear will result in unacceptable noise, particularly if the drive is a gravel surface, not to mention headlight glare from turning vehicles. A smooth surface, maybe SuDS-style block paving, would reduce noise nuisance.
- The plans do not show vehicular access, turning layout or surface finish. The plans also do not show details of foul or surface water drainage.
- Condition 16 of the 2006 permission required the protection of existing trees on the site; this condition has clearly been contravened.
- The 2006 and 2013 permissions on the site should not have been approved due to overlooking of neighbouring properties.
- Highways drains are not capable of dealing with existing surface water in the area and already result in the flooding of the front gardens of neighbouring properties; this situation will be exacerbated by the proposed development which will result in additional surface water.
- The increase in impermeable areas on the site will result in additional surface water flooding of neighbouring properties.
- There should be a condition on any approval that the land level should not be raised on site and that any surplus excavated material from the digging of footings should be removed from site immediately to prevent flooding of neighbouring properties.

## **ASSESSMENT**

### **Site**

The application site is a piece of land located to the rear of 113-121 High Street, Belton. This site is located within the development boundary of Belton and is within flood zone 1 of the Strategic Flood Risk Assessment for North Lincolnshire. The site is not located within any conservation area. The surrounding area is residential in nature and the site is bounded by residential properties on all sides. Access to the site is via a gated, private drive off High Street which runs between numbers 109 and 113.

### **History**

This piece of land has previously been granted planning permission for the erection of a detached dwelling as part of a development of three dwellings on a larger site (PA/2006/0303). One of these previously approved dwellings (111 High Street) has been constructed and as such this planning permission is still in force; therefore there is live consent on the site for the erection of a dwelling. The original consent on the site was amended in 2013 (PA/2013/1378); this amendment related to the access drive and the position of boundaries for the approved plots.

The current application is a resubmission of a previous application submitted earlier this year (PA/2016/621) which was withdrawn. This previous application sought consent for a dwelling located directly adjacent to the western boundary of the site. The current proposal is for a dwelling of the same scale and design, but moves this dwelling 3.5 metres away from the western boundary and includes tree planting between the dwelling and the boundary fencing.

## **Proposal**

This application seeks planning permission for a two-storey detached dwelling and detached garage on the site. The design and position of the dwelling and garage are different to the dwelling and garage previously approved on the site. The dwelling is sited predominantly to the rear of 119 High Street; however part of the dwelling also sits to the rear of number 121. There is approximately 3.5 metres separation distance between the dwelling and the close-boarded timber fencing that forms the boundary with the neighbouring properties. The garage is proposed to sit in the south-east corner of the site; this leaves a small garden area in the south-west corner of the site, with the majority of the amenity space located to the north of the dwelling. The dwelling is largely two-storey in height with a smaller single-storey element on its north-facing side elevation. The principal elevation of the dwelling faces east towards the rearmost part of the large garden serving 111 High Street, with its rear elevation facing properties to the west.

### **The main issues in the determination of this application are:**

- **whether the proposed development will have an unacceptable impact on the character or appearance of the area;**
- **whether the development will have an unacceptable impact on the amenity of neighbouring residential properties;**
- **whether the proposed development will be harmful to highway safety in the area; and**
- **whether the proposal would have an unacceptable impact on drainage in the area.**

### **Principle of residential development**

The principle of residential development on the site is already established by virtue of the live planning permission that covers the site. In addition to this the site is located within the development boundary for Belton and is in a sustainable location within walking distance of a range of facilities.

### **Visual impact**

The site is located to the rear of existing dwellings on High Street, Belton and these properties largely screen the development from view from the public realm. The dwelling and garage are of a modest scale and are of a relatively traditional design which is appropriate for this location. The proposed development does constitute backland development, being located to the rear of existing residential development; however there is existing backland development immediately adjacent to the site (number 111) and there is a live permission on the site for the erection of a dwelling. Therefore it is considered that backland development is appropriate in this location, would not be out of keeping with the

character of the area and the proposal would not have an unacceptable impact on visual amenity in the area.

### **Residential amenity**

The proposed dwelling is located directly to the rear of 119 and 121 High Street, Belton with approximately 3.5 metres separation distance between the dwelling and the close-boarded timber fencing defining the rear gardens of these properties. The dwelling has been designed so that its principal elevation faces east, with its rear elevation facing neighbouring properties to the west. The rear elevation has been designed with a low eaves height of 4.7 metres, with the section of the roof nearest to the western boundary having a low pitch; the roof pitch then steps up to match that of the front-facing roof slope. There is just one bathroom window at first-floor level within the rear elevation along with two rooflight windows, which are located in the shallow roof slope and as such face nearly directly upwards. A condition can be imposed to ensure that the bathroom window in the rear elevation is obscure glazed. The windows in the front elevation of the dwelling face onto the rear garden of 111 High Street. However the area of garden that they overlook is the very rear of a very large and spacious garden, which wraps around the dwelling, and a significant area of the garden serving this dwelling will remain private.

Whilst the dwelling is close to the boundary with neighbouring properties to the west, it is at the end of rear gardens which measure approximately 17 metres long and as such there is more than 20 metres between the proposed dwelling and the rear elevations of dwellings to the west. In addition to this it should be noted that the dwelling sits partially behind existing outbuildings in the rear garden of 119 High Street and the applicant proposes to use tree planting between the dwelling and the boundary fences to soften the appearance of the dwelling when viewed from the west.

For the reasons outlined above it is considered that the proposed development will have no unacceptable impact on the amenity of neighbouring residential properties by virtue of loss of overlooking, loss of light or overbearing impact.

In addition to the above, one of the objectors to the application has raised a concern that the development could result in a loss of residential amenity as a result of noise and disturbance from vehicles accessing the site, particularly if a gravel driveway is used, and suffer from glare as a result of vehicles turning. At present no details have been provided with regard to the layout of the vehicular access, parking or turning areas or how they will be constructed. However a standard condition would be imposed on any approval requiring these details to be agreed prior to the commencement of development. Furthermore, it should be noted that the site currently has consent for the erection of a detached dwelling and garage and as such the proposed development will not result in additional vehicle movements above and beyond what could be expected to be generated by the consented development on the site. With regard to the potential for light disturbance from turning vehicles it should be noted that the driveway and turning areas will be further from neighbouring properties than those serving existing adjacent dwellings and indeed High Street itself; it should also be noted that these areas will be screened from neighbours by the existing close-boarded boundary fencing. On this basis it is considered that the proposed development will have no unacceptable impact on neighbouring dwellings as a result of noise, disturbance or glare from turning vehicles.

## **Highway safety**

The proposed development will result in one new dwelling on the site. This proposal will not generate significant levels of vehicle movements. Furthermore, as the site already has consent for the erection of a new dwelling, there will be no increase in movements above and beyond what could be expected to be generated by the existing consented development on the site. The council's Highways department has been consulted on the application and has raised no concerns or objection to the application subject to conditions. Therefore it is considered that the proposed development will have no unacceptable impact on highway safety in the area.

## **Drainage**

Concerns have been raised by neighbouring properties and the parish council relating to drainage and surface water flooding; these concerns refer to existing drainage problems in the area which result in the flooding of the application site and adjacent properties during heavy rainfall. The proposed development will result in a reduction of permeable area on the site as a result of the dwelling and garage and potentially the driveway and parking areas (depending on materials). However it should be noted that the site currently has planning permission for a large detached dwelling and detached garage which could be built out at any time; the proposed development will have no significant impact on the local drainage system above and beyond what could be expected as a result of the already consented development on the site. This fall-back position is a material consideration.

Notwithstanding the above, it is recommended that a condition be imposed, should planning permission be approved, which requires a drainage scheme to be submitted and agreed prior to the commencement of development. This condition will enable the local planning authority to ensure that the development is appropriately catered for with regard to drainage and that it will not result in flooding of neighbouring properties.

## **Other matters**

Concerns have also been raised by neighbouring properties that the applicant has removed trees from the site without consent and that these trees were protected by virtue of a condition imposed on the previous 2006 planning permission. None of trees on site were covered by a tree preservation order nor were they protected by being located within a conservation area. Furthermore, the condition on PA/2006/0303 referred to by neighbours (condition 16) protected trees on site during the construction of the dwelling approved by that permission only. The applicants are not carrying out the development consented by this previous planning permission and the trees have not been removed during construction; therefore the condition did not prevent the trees being removed. For these reasons the trees on site were not protected and the applicant did not require consent for their removal and as such no breach of planning has taken place. It should also be noted that the applicant does propose to plant new trees on the site as part of the proposed development and this will be secured via condition.

## **Conclusion**

The proposed development will not have an unacceptable impact on the character or appearance of the area, the amenity of neighbouring residential properties or highway safety in the area; nor will the development have an unacceptable impact on the local drainage system. On this basis it is considered that the application should 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.

The development hereby permitted shall be carried out in accordance with the following approved plans: PA/2016/981/01, PA/2016/981/02, PA/2016/981/03 and PA/2016/981/04.

Reason

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

3.

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.

4.

No development shall take place until details of:

- (i) the location and layout of the vehicular access; and
- (ii) the number, location and layout of vehicle parking and turning spaces within the curtilage of the site;

have been submitted to and approved in writing by the local planning authority.

Reason

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

5.

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.

6.

No development shall take place until an archaeological mitigation strategy, as defined in a brief prepared by North Lincolnshire's Historic Environment Record, has been submitted to

and approved in writing by the local planning authority. The strategy shall include details of the following:

- (i) measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance
- (ii) methodologies for the recording and recovery of archaeological remains, including artefacts and ecofacts
- (iii) post-fieldwork methodologies for assessment and analyses
- (iv) report content and arrangements for dissemination, and publication proposals
- (v) archive preparation and deposition with recognised repositories
- (vi) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy
- (vii) monitoring arrangements, including the notification in writing to North Lincolnshire's Historic Environment Record of the commencement of archaeological works and the opportunity to monitor such works
- (viii) a list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site lies in an area of archaeological interest.

7.

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings, subject to any variations agreed 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.

8.

A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at North Lincolnshire's Historic Environment Record within six months of the date of completion of the development hereby approved by this permission or such other period as may be agreed 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.

9.

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.

10.

No development shall take place until a scheme for the disposal of foul and surface water has been agreed in writing by the local planning authority and none of the dwellings shall be occupied until it is connected to the approved drainage system.

Reason

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

11.

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.

12.

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

13.

Before the dwelling is first occupied the first-floor bathroom window in its west-facing wall 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.

14.

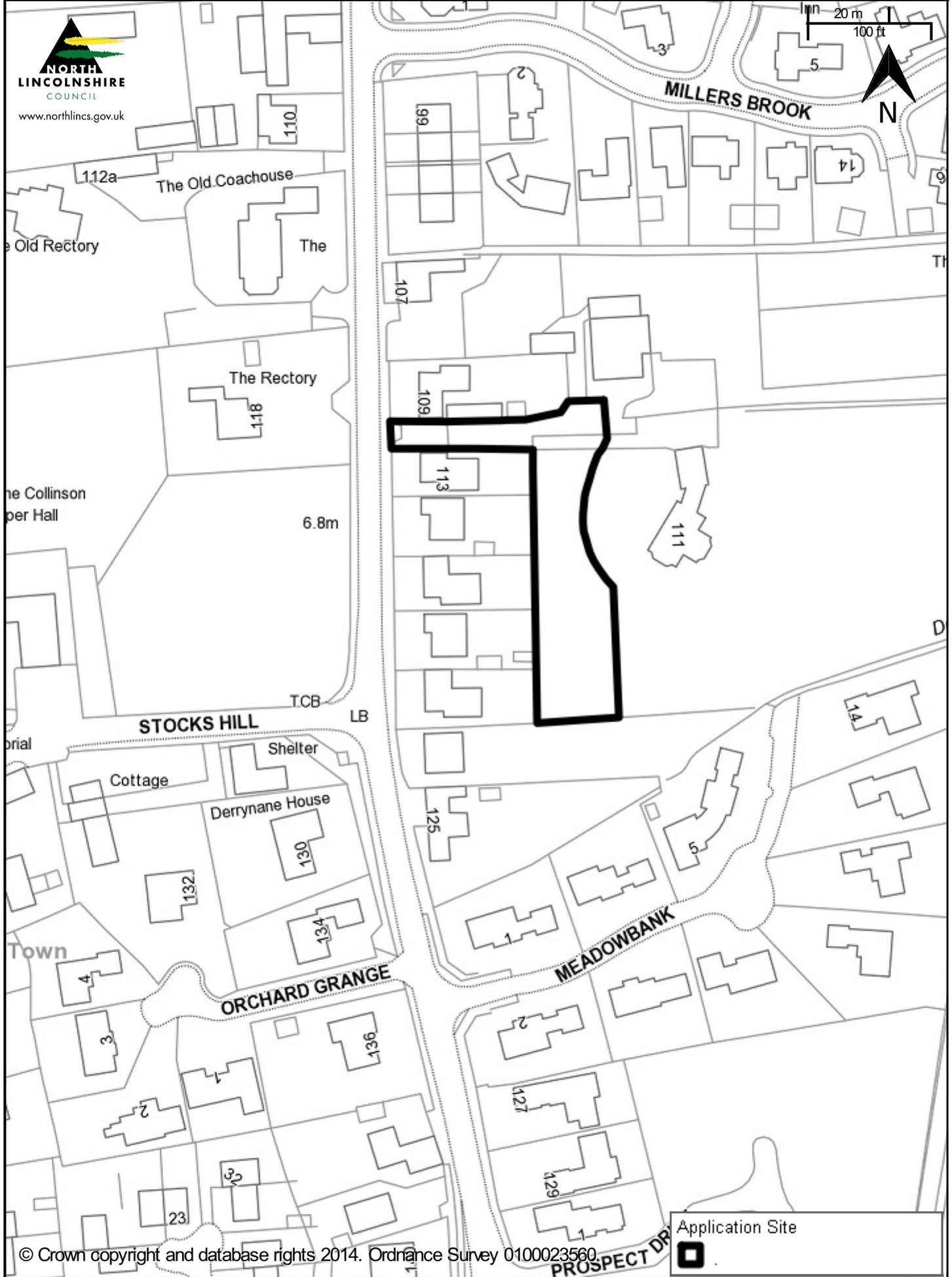
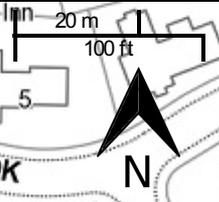
Notwithstanding the provisions of Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 or any order revoking and re-enacting that order with or without modification, no new windows shall be installed in the western wall of the dwelling other than those expressly authorised by this permission.

**Reason**

To prevent the overlooking of neighbouring properties in accordance with policies DS1 and H5 of the North Lincolnshire Local Plan.

**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.



Application Site 

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PA/2016/981 Proposed Elevations - Not to scale

