

APPLICATION NO	PA/2016/1403
APPLICANT	Mr D Rowbottom
DEVELOPMENT	Planning permission to erect five dwellings with associated access road
LOCATION	The Old Maltings, Kings Road, Barnetby le Wold
PARISH	Barnetby le Wold
WARD	Brigg and Wolds
CASE OFFICER	Andrew Willerton
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Barnetby le Wold Parish Council

POLICIES

National Planning Policy Framework: Paragraph 14 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 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.

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 58 states that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Development should also respond to the local character and reflect the identity of local surroundings and materials and should be visually attractive and use appropriate landscaping.

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:

H5 (a-i only) (New Housing Development)

H8 (Housing Design and Housing Mix)

T1 (Location of Development)

T2 (Access to Development)

DS1 (General Requirements)

DS7 (Contaminated Land)

DS14 (Foul and Surface Water Drainage)

North Lincolnshire Core Strategy:

CS1 (Spatial Strategy for North Lincolnshire)

CS2 (Delivering More Sustainable Development)

CS3 (Development Limits)

CS5 (Delivering Quality Design in North Lincolnshire)

CS7 (Overall Housing Provision)

CS8 (Spatial Distribution of Housing Sites)

Housing and Employment Land Allocations Development Plan Document:

Development Limit for Barnetby le Wold

CONSULTATIONS

Highways Team: Advises conditions.

Drainage Team: No comments received.

Archaeology: No objection.

Network Rail: Advises conditions and informative.

Spatial Planning: Advises of procedures for Section 106 Agreement and current position.

Strategic Housing: No comments received.

Public Open Space: Advises of requirement for a commuted sum of £3,349.89 to improve recreational facilities at the Silver Street Playing Field. Advises of the need for other public open space within the site to be managed and maintained privately.

Tree Officer: No comments received.

PARISH COUNCIL

Objects to the application on the grounds of the narrowness of the access to the site.

PUBLICITY

Neighbouring properties have been notified by letter. One letter of comment has been received raising the following:

- Is the privately owned road between Kings Road and the gated access to the site to be adopted?
- What provisions have been made to ensure access to the driveway of 2 Kings Road for the duration of the works and is there a traffic management proposal/system in place?
- Is the elevated section of Kings Road sufficiently robust for the movement of heavy commercial vehicles during development? A surveyor contracted by Network Rail, when asked about the development, indicated that the elevated section would not withstand today's heavy vehicles.
- In the past the owner of the site has attempted to restrict parking on the elevated section to allow access to the site, given the width of the road. How will access be controlled?

ASSESSMENT

The application site comprises the former Maltings which is to the rear of properties along Kings Road and adjacent to the railway line within the settlement of Barnetby le Wold.

The 'Old Maltings' site has previously gained planning permission for residential development. Planning permission for the erection of five dwellings was granted under 7/1989/0642 and again under 7/1993/0009. Outline planning permission was granted for three dwellings under PA/2009/0268 with the reserved matters granted under PA/2012/1312.

Planning permission is now sought for the erection of five dwellings with associated access road.

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 planning policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising Planning Practice Guidance (PPG).

The main issues with regard to the determination of this application are whether the site has acceptable access with regard to highway safety and whether the design and layout of the scheme are acceptable with regard to highway safety and residential amenity.

Principle

The application site does not form an allocation within the adopted Housing and Employment Land Allocations Development Plan Document (HELA DPD). The site is

wholly within the development limit for Barnetby le Wold as defined by the HELA DPD. The site meets the aspirations of policies CS1, CS2, and CS3 of the NLCS and will bolster the supply of housing as required by section 6 of the NPPF.

Access

Access to the site is gained off Kings Road. Although Kings Road forms the main route through the settlement, the position where access is derived is gained off a slip road of Kings Road. This slip road serves a public house, a terrace of a dozen properties and a single detached house, whilst the main road descends to pass under the railway line. It is proposed towards the end of this slip road, between the row of terraced properties and the detached house, that an existing access be upgraded to form a new roadway into the site off which the new dwellings will be served.

The parish council has objected to the proposal on the grounds of the narrowness of the access. The Highways team has been consulted and has not raised any concerns in relation to the access route. It is noted that the slip road already serves numerous properties and once served the Maltings itself. It is not considered that the access, although unusual, is unacceptable for an additional five dwellings. It is further acknowledged that the site has previously gained permission for residential development utilising the same access point and route.

The gap between the terraced and detached properties forms the access to the site. This access presently serves as an access route to the driveway of the detached property and a gravelled parking and turning area used by four of the terraced properties.

A letter of comment has also been received in relation to access. The Highways team has confirmed that the elevated slip road referred to is adopted by the council and maintained accordingly. As the Highways team has not advised of traffic management plan or any issue in terms of suitability of the road for construction vehicles, it is not considered necessary to restrict the construction of the development, although during construction some disruption may take place.

Upon entry into the site, the access road turns towards the railway before running parallel to it. Four detached properties are proposed to be sited perpendicular to this road with a further detached dwelling at the end of the road where a turning head is to be sited. The Highways team has advised a condition to secure further details with regard to the access road which is recommended for inclusion.

Design and amenity

Each of the dwellings is served by a private driveway providing ample parking for each dwelling. The Highways team advises several conditions regarding the private driveway, parking and bin storage areas which are recommended for inclusion.

The proposal consists of the development of five detached four-bedroomed dwellings to be sited to the north of the proposed access road. Plots 1 to 4 will be served by an integral garage whereas plot 5 will feature a detached garage to the south-east of the dwelling. The design and scale of the dwellings indicated on the submitted plans is considered to be acceptable and have regard to the character of the area.

The dwellings sit well within the site and are each provided with an appropriate level of private amenity space. There is an amount of open space within the site which does not appear to be within the future ownership of any property. In line with comments received from the Public Open Space Officer, it is recommended that a condition be imposed upon any grant of permission to obtain details to secure such details of the future management and maintenance of this land.

The layout of the dwellings is not considered to adversely affect the amenities afforded to adjacent properties on Kings Road given the separation distances. The dwellings themselves feature first-floor windows in the front, rear and side elevations. The front and rear first-floor windows pose no concern with regard to the future amenity of future occupiers. The first-floor side windows to plots 2 and 3 do pose such a threat as these are bedroom windows, albeit secondary windows. These secondary bedroom windows to plots 2 and 3 will effectively look into each other. It is recommended that conditions be imposed to require these windows to be obscure glazed. The secondary bedroom window to plot 1 does not pose a concern as it will overlook the access road to the site. There are no concerns with regard to the impact of the proposal upon residential amenity afforded to existing properties on King's Road.

Other matters

The site is adjacent to the railway line. It is essential that any noise issues are appropriately mitigated. The applicant has provided a Noise Impact Assessment which is considered to be acceptable. It is proposed that an acoustic fence be installed at the site. The Environmental Health Team has been consulted and has recommended a condition to obtain details and secure implementation of noise mitigation measures.

Network Rail has been consulted and has no objection subject to conditions to secure the safe operation and integrity of the railway and land within the ownership of Network Rail. It is recommended that conditions be imposed subject to the granting of permission to ensure the safe operation and integrity of the railway line is retained during and post construction. In addition, it is recommended to include an informative upon any positive decision notice advising the applicant to heed comments received by Network Rail in the consultation response received and where necessary contact Network Rail directly.

The site is a former Maltings and has potential for land contamination. A desktop study was included with the application which identifies potential contamination at the site. The Environmental Health Team has been consulted, has considered the supporting documentation and concludes that further site investigation works, including remediation, are necessary. It is recommended that a condition be imposed on any grant of permission to secure such a scheme and its implementation.

In terms of drainage, the applicant has indicated that foul water will be dealt with through connection to the existing foul sewer network which is considered to be acceptable. With regard to surface water, the applicant has stated that this will be through the creation of soakaways within garden spaces associated with each property. Surface water from the access road will also be dealt with by soakaway within other landscaped areas. It is considered that the surface water drainage system is acceptable.

Although the Public Open Space Officer has requested a commuted sum to be paid in respect of improvements to the Silver Street Playing Fields, it is considered that this is

unreasonable to request. Since this initial request, the Section 106 Officer has advised that, following recent appeal decisions taken within North Lincolnshire, that appear to have been directed by a recent appeal determined by the Secretary of State for Communities and Local Government (SOS –v- West Berkshire and Reading Borough Council [2016] EWCA Civ 441), the council should not be requiring any contributions to affordable housing or social infrastructure.

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: 'Site Location Plan' drawing no, 101207, 'Proposed Site Plan/Block Plan' drawing no. 101208, 'Proposed Plans, Section and Elevations Plots 1-4' drawing no 101209, 'Proposed Plans, Section and Elevations Plot 5' drawing no. 101210 and 'Proposed Garage Plot 3' drawing no. 101205.

Reason

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

3.

No development shall take place until details of a suitable bin collection point adjacent to the highway have been submitted to and approved in writing by the local planning authority. The bin collection area shall be provided on site in accordance with the approved details prior to the occupation of any dwelling at the site.

Reason

To ensure an appropriate method of waste collection is agreed prior to occupation of the dwellings.

4.

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.

5.

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.

6.

No development shall begin until details of the private driveway, including construction, drainage, lighting and where appropriate signage/street naming arrangements, have been agreed in writing with the local planning authority and no dwelling on the site shall be occupied until the private driveway has been constructed in accordance with the approved details. Once constructed the private driveway shall be retained.

Reason

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

7.

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 2 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 omitted]

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.

8.

No development shall take place until a noise mitigation scheme has been submitted to and approved in writing by the local planning authority. As a minimum this noise mitigation scheme shall include details of:

- noise mitigation, including fencing, glazing and ventilation;
- predicted noise levels to be achieved at sensitive locations as a result of the noise mitigation scheme;
- how the noise mitigation scheme will be maintained for the lifetime of the development.

The noise mitigation scheme shall be implemented before occupation of the development and shall be retained thereafter.

Reason

To protect the amenity of the residents of the proposed dwellings and to minimise potential land use conflict in accordance with saved policy DS1 of the North Lincolnshire Local Plan (2003).

9.

The secondary bedroom windows to Plots 2 and 3 on the side elevations, as shown on the 'Proposed Plans, Section and Elevations Plots 1-4' drawing no 101209, shall be obscure glazed and retained so thereafter.

Reason

For the protection of residential amenity of future occupants in accordance with saved policy DS1 of the North Lincolnshire Local Plan (2003).

10.

No development shall take place until details of the positions, design, materials and type of boundary treatment to be built/planted have been agreed in writing by the local planning authority. The agreed boundary treatment shall be built/planted before the dwellings are occupied, and once built/planted it shall be retained.

Reason

To provide an appropriate level of screening in accordance with policies H8 and DS1 of the North Lincolnshire Local Plan.

11.

No development shall take place until a scheme for the management and maintenance of non-curtilage open space at the site has been submitted to and approved in writing by the local planning authority. The scheme submitted shall be implemented in accordance with the approved details.

Reason

To ensure landscaping proposed at the site is appropriately managed and maintained.

12.

No dwelling shall be occupied until a 1.8 metre high fence has been erected along the south-eastern site boundary in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

In the interest of public safety and to safeguard the operational needs of Network Rail.

13.

Details of any external lighting to be erected adjacent to the operational railway shall be submitted to and approved in writing by the local planning authority.

Reason

To safeguard the operational needs of Network Rail.

14.

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 and to safeguard the operational needs of Network Rail.

Informative 1

The applicant's attention is drawn to the attached comments made by Network Rail.

Informative 2

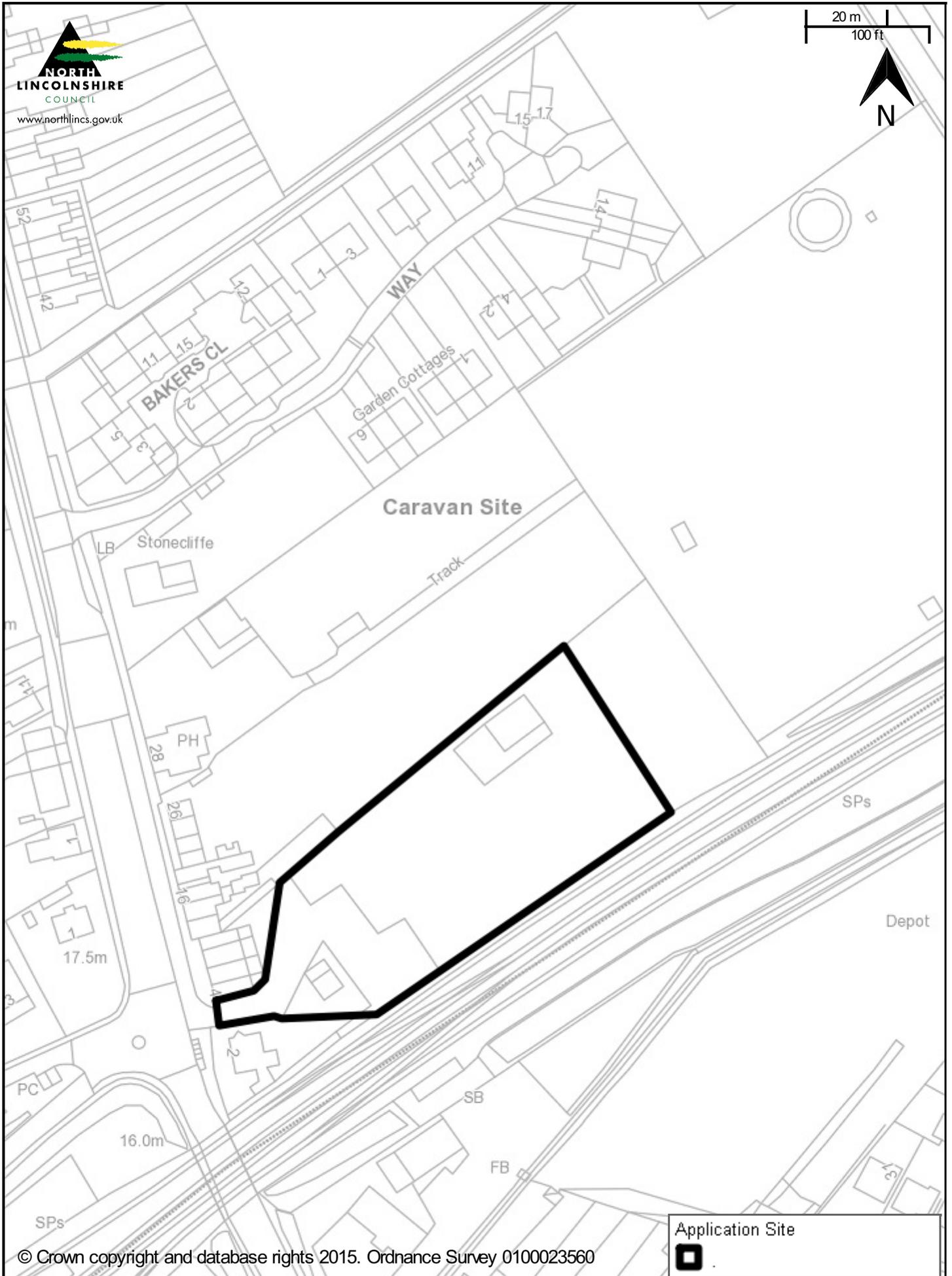
The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- 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 3

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.



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PA/2016/1403

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Printed on: 14/12/2016 at 10:18 AM

PA/2016/1403
Block Plan

NOT TO SCALE

