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| APPLICATION NO | PA/2016/271 |
| APPLICANT | R C Holgate |
| DEVELOPMENT | Planning permission to erect a detached dwelling on vacant plot with detached garage |
| LOCATION | Land adjacent to 28 Bracon, Belton, DN9 1QP |
| PARISH | Belton |
| WARD | Axholme Central |
| CASE OFFICER | Andrew Law |
| SUMMARY RECOMMENDATION | Grant permission subject to conditions |
| REASONS FOR REFERENCE TO COMMITTEE | Objection by Belton Parish Council Significant public interest |

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)
- Policy LC12 (Protection of Trees, Woodland and Hedgerows)
- Policy LC14 (Area of Special Historic Landscape Interest)

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)
- Policy CS16 (North Lincolnshire's Landscape, Greenscape and Waterscape)
- Policy CS17 (Biodiversity)

CONSULTATIONS

Highways: No objection subject to conditions.

Environment Team (Trees): Initially raised concerns that the development may impact on protected trees and that the arboricultural report submitted with the application was not sufficient to demonstrate that the development would not impact on root protection areas for these trees. Following the submission of more detailed root protection plans and tree protection plans the tree officer has removed their objection subject to conditions.

Environmental Health: Recommend conditions should permission be granted.

Archaeology: No objection. The proposal does not adversely affect any heritage assets of archaeological interest or their settings.

Conservation: No objection subject to conditions.

Severn Trent Water Ltd: No response received.

PARISH COUNCIL

Belton Parish Council objects to the development on the following grounds:

- The tree officer was not initially consulted on the application.
- This is totally inappropriate development on green land.
- The tree roots would go into the property and would be damaged by any building work; trees would also overhang the building.
- The site has been flooded in the past.
- The site is located on a bridal path.
- The parish council would also like to highlight the high number of objections from nearby residents and members of the public.

PUBLICITY

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

- The proposed dwelling will spoil the local area around Temple Belwood.
- The woodland area is a haven for wildlife with the dyke providing a beautiful tranquil environment which will be ruined by the development.
- The proposed development will lead to yet another loss of visual amenity and home for a variety of wild birds and small animals.
- The site is home to bats, tawny owls and newts.
- No protected species report has been submitted with the application.
- The development will destabilise the surrounding horse chestnut trees.
- Some clearing of trees has already taken place.
- proximity to a key drainage dyke
- The piece of land is a natural soakaway and the development could result in future flooding.
- No flood risk assessment has been provided as part of the application.
- loss of privacy and overlooking
- loss of light

- The dwelling should be sited more centrally within the plot to limit the impact on adjacent properties.
- The proposed dwelling is lacking in character and out of keeping with the area.
- The plans show a building line right up to the edge of the lane which is used by the local farmer to transport large machinery.
- Planning permission was refused on the site some years ago as only three dwellings were allowed down the lane. Has the council's criteria for decisions changed?
- The adjacent dwelling, Braiton Cottage, is grade II listed.
- The plans make little provision for parking: they show only one car parking space and there is no on-street parking available on the lane, where will visitors park?
- The lane exits onto a bend and there is already an issue with speeding and crashes in this area. This will be exacerbated by the extra vehicle movements generated by the development.
- Where will building materials be stored during development? The lane cannot be blocked as it provides access to existing properties.
- This is a quiet area. Will there be any restriction on construction hours should permission be granted?
- No mention has been made of the telephone line, gas and electricity lines which run along the lane close to the front of the site.
- The development would result in devaluation of neighbouring properties.
- Building works could damage the lane which has recently been resurfaced by the owners of the three dwellings that currently use it. Who will pay for any damage?

ASSESSMENT

The application site is a piece of land located on the outskirts of Belton in an area known as Bracon. This site was previously located outside the defined development limit for Belton but was incorporated when the development limit was extended earlier this year as part of the Housing and Employment Land Allocations Development Plan Document (DPD). The site is accessed via a narrow unsurfaced road, Wyre Lane, which runs off King Edward Street to the west; Wyre Lane currently serves three residential properties which are sited to the south and east of the site. The surrounding area is a mix of residential development and open countryside. There are a number of trees on site and large, mature trees directly adjacent to the site.

This application seeks planning permission for the erection of a detached dwelling and garage on the site. The dwelling is two-storey in height, is sited centrally along the site frontage and is orientated so that it faces Wyre Lane to the south. The proposed single garage is detached from the dwelling and is sited adjacent to the eastern boundary of the site. A new access will be formed onto Wyre Lane which will serve the dwelling.

The main issues in the determination of this application are:

- **whether the principle of residential development is acceptable;**
- **whether the development will have an unacceptable impact on the character and appearance of the area;**
- **whether there will be an unacceptable impact on residential amenity;**
- **whether the proposal will have an adverse impact on protected species or protected trees; and**
- **whether the development will be harmful to highway safety.**

Principle

The application site is located within the defined development limit for Belton, where residential development is considered to be acceptable in principle. The site is in a sustainable location, within easy walking and cycling distance of a range of local facilities and public transport links. For these reasons it is considered that the proposal accords with the principles of sustainable development as set out within the policies of the local plan, Core Strategy and the National Planning Policy Framework on delivering residential development in appropriate locations. On this basis residential development of the site is considered to be acceptable in principle.

Visual impact

Concerns have been raised by local residents that the proposed development is lacking in character, would be out of keeping with surrounding development and would spoil the character of the local area. The proposed dwelling has been designed to resemble a traditional cottage in an attempt to sit sympathetically next to the adjacent listed building. However, it should be noted that the surrounding area has experienced new development in recent years and that a number of the dwellings in the surrounding area are individual modern properties. As such there is no easily identified vernacular in the area. The proposed dwelling is of a size and design which is appropriate for the local area and its traditional cottage appearance is suitable for a site on the edge of the settlement close to a listed cottage. For these reasons it is considered that the proposed development will have no unacceptable impact on the character or appearance of the area.

Amenity

The application site sits close to neighbouring residential properties and in particular Braiton Cottage to the south, which sits across the narrow lane (Wyre Lane) serving the dwellings. Therefore there is the potential for the proposed development to impact on the amenity of neighbouring properties.

The adjacent Braiton Cottage is designed with its principal elevation facing the rear (south), with the majority of its habitable room windows facing in this direction. However, there are still habitable room windows at ground-floor level facing north, towards the application site. The separation distance between this neighbour and the proposed dwelling, coupled with the fact that the site lies to the north, will prevent unacceptable loss of light or

overshadowing as a result of the development. Furthermore, the proposed dwelling is of a modest size and will not have an overbearing impact on the neighbouring property.

With regard to overlooking, the proposed dwelling has been designed with the vast majority of its habitable room windows located in the rear elevation, looking onto its rear garden area and away from neighbouring properties. However, there are two habitable room windows proposed in the front elevation of the dwelling: a ground-floor sitting room window and a first-floor bedroom window. Given the fact that these windows face towards the adjacent property and that the rooms in question are both served by two windows in the rear elevation, the applicant has agreed to a condition requiring the front-facing window to be obscure glazed which will remove the potential for overlooking. Subject to this condition the proposed dwelling will not result in loss of privacy to neighbouring properties.

For the reasons outlined above it is considered that the proposed development will have no unacceptable impact on the amenity of neighbouring residential properties.

Ecology

Numerous objections have been received on the grounds that the proposed development will destroy an area which is an important local wildlife site and supports bats, owls and newts; neighbours have also raised the fact that no protected species report has been submitted with the application.

The council's ecologist has been consulted on the application and has confirmed that the site is not designated as being of national or local significance with regard to ecology. The ecologist has also confirmed that the trees to be felled exhibit few features that indicate increased probability of a bat roost being present. On this basis the ecologist advises that no protected species reports are required in this instance. There remains a possibility that works could affect nesting birds and there is a very low possibility that bats could be affected during site clearance; this residual risk can be addressed through the use of sensitive working methods which can be secured via a planning condition.

On this basis a condition has been recommended which will secure a biodiversity management plan prior to development commencing; this plan will detail measures to be undertaken to avoid harm to protected species during construction and details of bat roosting features and nest boxes to be provided on site. This condition will prevent harm to protected species and will provide biodiversity enhancement on site. Subject to this condition, it is considered that the proposed development will not adversely affect protected species.

Highway safety

The application site is accessed via a narrow lane (Wyre Lane) which enters the adopted highway (King Edward Street) on a sharp bend. Concerns have been raised by local residents that the construction works associated with the proposed dwelling could result in the lane being blocked and the proximity of the new dwelling to the narrow lane could be problematic for agricultural traffic which also uses the lane.

The council's Highways department has commented on the application and has raised no objection subject to a condition requiring the proposed vehicular access and parking spaces to be completed prior to the dwelling being occupied and that they are retained thereafter. Highways have raised no concerns with regard to the narrowness of the lane,

visibility from the proposed access or the number of parking spaces provided for the dwelling. The proposed development is a modest, two-bedroom dwelling and as such is unlikely to generate significant vehicle movements and, subject to the condition recommended by Highways, it is considered that the development would not have a significant impact on highway safety in the area.

Due to the narrowness of Wyre Lane and the proximity of protected trees to the site there is limited space for the parking of construction vehicles and the storage of materials. For these reasons the construction of the dwelling will have to be well managed to prevent obstructions to Wyre Lane or impacts on the surrounding highway network during construction. Therefore, in addition to the condition suggested by Highways, it is recommended that a further condition be imposed which would require a construction phase traffic management plan to be submitted and agreed prior to development commencing. This management plan will detail all vehicle movements associated with the construction of the dwelling and how these will be managed, including details of parking and welfare facilities and the storage of building materials.

For the reasons outlined above, and subject to the recommended conditions, it is considered that the proposed development will not have an unacceptable impact on highway safety.

Trees

There are a number of immature trees on site which are to be removed to facilitate the proposed development and some clearance of trees and shrubs have already taken place on site. In addition to this there are mature trees adjacent to the site, some of which have canopies that overhang the site. Neighbouring properties have raised concerns that the health of these trees could be adversely affected by the proposed development.

The council's tree officer has commented on the application and initially raised an objection on the grounds that insufficient information had been provided with the application to demonstrate that the proposed development would not have an unacceptable impact on the mature trees bounding the site. Following this objection the applicants have provided further information relating to root protection areas and details of protective fencing which will be used to protect these areas. Subsequently the council's tree officer has removed their objection, confirming that the identified protective fencing will protect the mature trees on adjacent land. The tree officer has also confirmed that the trees which have been removed from site, and the larger tree that is proposed to be removed, are not as significant as the trees on adjacent land and that their loss would not be detrimental to the wider street scene. It should also be noted that these trees are not protected by a tree preservation order and as such no consent would have been required for their removal.

Therefore, subject to a condition securing the proposed tree protection measures, it is considered that the proposed works will not have an unacceptable impact with regard to trees.

Flood risk and drainage

The application site is located in flood zone 1 of the Strategic Flood Risk Assessment for North Lincolnshire and as such is considered to be at low risk of flooding. On this basis a detailed flood risk assessment was not required to be submitted with the application.

The site is close to a drainage dyke and it has been suggested by local residents that the site acts as a natural soakaway and that its development could result in surface water flooding to the surrounding area. However the proposed development is for a single dwelling which is modest in size with a much smaller floor area than the majority of neighbouring dwellings; this means that a large proportion of the site will remain undeveloped and permeable. Due to the scale of the development it is unlikely to result in significant additional surface water. It is proposed that surface water will be disposed of by soakaways and the design and position of the soakaways is something that will have to be agreed under Building Regulations.

For these reasons it is considered that the proposed dwelling and garage will have no unacceptable impact on flood risk or drainage in the local area. Furthermore, as drainage details will be agreed under Building Regulations, it is neither necessary, nor reasonable, to impose a drainage condition in this instance.

Conservation

The application site sits adjacent to the grade II listed Braiton Cottage. This building is a replacement of the original building which stood on the site and was demolished without consent. The building was rebuilt using the existing bricks and is of similar appearance to the original; however, due to it not being an original building, it is considered to be of reduced significance, despite it still being listed.

The proposed dwelling sits on the opposite side of Wyre Lane within the setting of the aforementioned listed building. The proposed building is relatively small in scale and from the road frontage has a simple traditional fenestration. On this basis the council's conservation officer has raised no objection to the dwelling. The conservation officer has, however, confirmed that the materials and detailing of the dwelling are essential and has recommended conditions to secure acceptable, traditional materials, and windows and doors. Subject to this condition, the proposed development will have no unacceptable impact on the character, appearance or setting of the adjacent listed building.

Other matters

Concerns have also been raised by local residents that there was a previous refusal for a dwelling on the site and that the proposed development would result in devaluation of adjacent properties.

Each application must be determined on its own merits and the fact that there has been a previous refusal of planning permission on a site does not mean that all subsequent applications should be refused. In this instance, the application site was previously located outside the defined development limit for Belton and as such residential development would have been considered to be unacceptable in principle; however, following the adoption of the Housing and Employment Land Allocations DPD, earlier this year the site is now located within the development limit and as such residential development is now considered to be acceptable in principle. This change in policy is a key consideration that has to be taken into account when determining this current application.

The impact of proposed developments on house prices is purely speculative and is not a material planning consideration. As such no weight can be given to this issue when determining this planning application.

In addition to the above matters, the council's Environmental Health department has requested conditions relating to contaminated land due to the sensitive end use (residential) of the development. However there is no evidence of contaminative uses on the site or adjacent land and as such there is extremely limited potential for contamination. On this basis it is considered that the suggested land contamination conditions are unnecessary and overly onerous. It is recommended that a standard condition protecting against unexpected contamination would be more appropriate in this instance.

Conclusion

Subject to conditions it is considered that the proposed development would have no unacceptable impact on the character or appearance of the area, residential amenity, protected species or highway safety. The development is considered to comply with the relevant development plan policies and there are no other material considerations that would justify a refusal of planning permission. On this basis it is recommended that this application be supported and planning permission be approved.

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: 15-01-01, 15-01-02, 15-01-04, 15-01-05, 15-01-06, 15-01-07, 15-01-08, 15-01-09 and 15-01-10.

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.

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 drawings at a scale of 1:10, including material specification, of all windows and external doors to be used have been submitted to and approved in writing by the local planning authority. Only the approved windows and doors shall be used in the development.

Reason

To protect the setting of the adjacent listed building in accordance with policy HE5 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 a construction phase traffic management plan showing details of all associated traffic movements, including delivery vehicles and staff/construction movements, any abnormal load movements, contractor parking and welfare facilities, storage of materials and traffic management requirements on the adjacent highway, has been submitted to and approved in writing by the local planning authority. Once approved the plan shall be implemented, reviewed and updated as necessary throughout the construction period.

Reason

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

7.

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.

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 vegetation clearance and construction works;
- (b) details of bat roosting features and nest boxes to be installed;
- (c) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (d) proposed timings for the above works in relation to the completion of the building.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy.

9.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. 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 this condition.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy.

10.

The protective tree fencing identified on drawing 15-01-10 shall be erected prior to any works taking place on site and shall remain in situ for the duration of construction works. No plant, equipment or materials shall be placed in this area and no fires shall be lit on site at any time.

Reason

To protect the mature trees that stand adjacent to the site in accordance with policy LC12 of the North Lincolnshire Local Plan.

11.

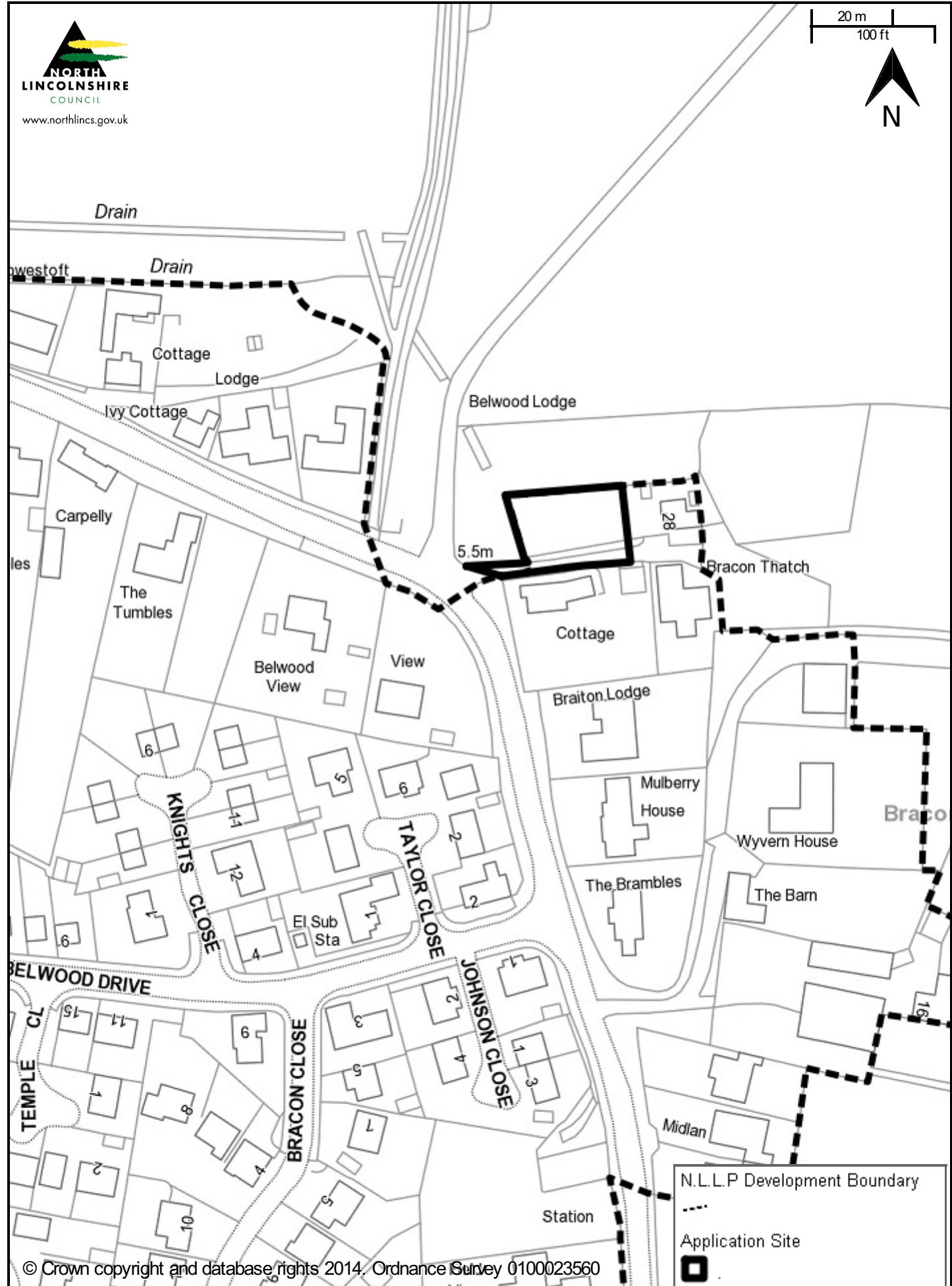
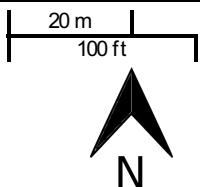
Before the dwelling is first occupied, the four windows in its south-facing (front) wall shall be obscure glazed and shall be retained in that condition thereafter.

Reason

To protect the amenity 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.



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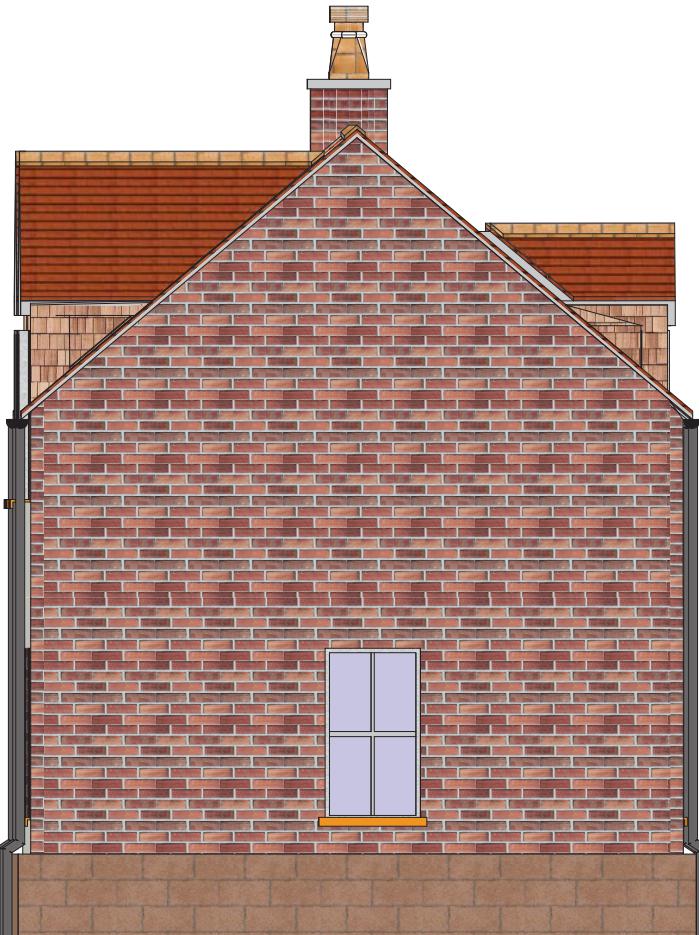
PA/2016/271

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Drawn by: S Barden

PA/2016/271 Proposed Elevations - Not to scale



EAST ELEVATION

Natural clay pantile roof tiles
with matching clay ridge tiles

Natural timber shingle cladding
to face and flank of dormers

Half round black aluminium gutters
and downpipes

Mellow stock facing brickwork
to match that of the buildings opposite

Double glazed PVCu windows
and door

Limestone plinth



SOUTH ELEVATION

PA/2016/271 - Proposed Site Layout - Not to scale



PA/2016/271 Indicative 3D Image - Not to scale

