

APPLICATION NO	PA/2017/198
APPLICANT	Mr Clark
DEVELOPMENT	Planning permission to erect two dwellings with separate garages and one double garage to the rear of 41 High Street
LOCATION	41 High Street, Burton upon Stather, DN15 9DG
PARISH	Burton upon Stather
WARD	Burton upon Stather and Winterton
CASE OFFICER	Andrew Willerton
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Helen Rowson – significant public interest) Agent request to address the committee

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. For decision taking this means approving proposals that accord with the development plan without delay or where the development plan is absent, silent or out-of-date granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole or where specific policies in the Framework indicate development should be restricted.

Paragraph 19 states that significant weight should be placed on the need to support economic growth through the planning system.

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.

Paragraph 129 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal including by development affecting the setting of a heritage asset taking account of the available

evidence and any necessary expertise. This assessment should be taken into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 196 states that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise and that the National Planning Policy Framework forms a material consideration.

Paragraph 197 states that in assessing and determining development proposals local planning authorities should apply the presumption in favour of sustainable development.

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)

CS6 (Historic Environment)

CS7 (Overall Housing Provision)

CS8 (Spatial Distribution of Housing Sites)

Housing and Employment Land Allocations DPD:

Inset Map for Burton upon Stather

North Lincolnshire Local Plan:

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

H7 (Backland and Tandem Development)

H8 (Housing Design and Housing Mix)

T1 (Location of Development)

T2 (Access to Development)

HE2 (Development in Conservation Areas)

DS1 (General Requirements)

CONSULTATIONS

Highways Team: No objection or comments to make.

Drainage Team: No comments received.

Tree Officer: No objection, advises conditions.

Conservation Officer: No objection subject to conditions.

Archaeology: No objection, advises conditions.

Environmental Health: No objection, advises conditions.

PARISH COUNCIL

Objects to this application as it is backland development and further concerns have been raised about parking.

PUBLICITY

Neighbouring properties have been notified by letter, and site and press notices posted. Nine letters of objection have been received raising the following issues:

- Large detached houses are not needed in Burton and there are numerous on the market. Affordable housing is required.
- The development would result in a loss of privacy to neighbouring properties.
- The development would result in a loss of light and overshadow neighbouring properties.
- The development would add to the current drainage and sewerage issues experienced by residents on High Street.
- The development would be to the detriment of the character and appearance of the conservation area and contravenes planning guidance.
- The development would increase traffic congestion.
- The development would increase parking issues on High Street.
- The access has poor visibility.
- The development would be detrimental to highway safety on High Street.
- Trees are to be removed and should be retained in a Conservation Area.
- The development would be constructed within the root protection zones of trees and be detrimental to their existence.
- Noise and stress from building would affect health.
- The development would spoil views/outlook.

ASSESSMENT

The application site is 41 High Street, Burton upon Stather. This application forms a resubmission of PA/2016/1821 which was withdrawn by the applicant following concerns raised by this authority. Planning permission is sought for the erection of two dwellings with detached garages and the erection of one double garage to the rear of 41 High Street.

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 National Planning Practice Guidance (NPPG).

The main issues for consideration with regard to the determination of this application are: whether the development would significantly harm the character and appearance of the Burton upon Stather conservation area or the setting of adjacent listed buildings; whether the backland development, in terms of its layout and scale, would result in the over-development of the site, an unacceptable level of noise and disturbance to neighbouring properties, or a significant loss of amenity afforded to neighbouring residential properties; and whether the development would be to the detriment of highway safety.

Principle

The application site in its entirety is located within the development limit for the settlement as defined by the Housing and Employment Land Allocations (HELA) DPD (2016). The site is within Flood Zone 1 according to the Strategic Flood Risk Assessment (SFRA) (2011) and thus is within an area of least flood risk. The proposed development in principle is therefore acceptable in planning terms for development subject to an assessment of other technical factors including that the development lies wholly within the Burton upon Stather conservation area.

Impact on heritage

The proposed development is within the Burton upon Stather conservation area. The conservation area boundary was extended in 2005 to include the rear garden of 41 High Street which set the boundary in line with that of the development limit. Although the rear garden, where the majority of development is to occur, is in the conservation area this does not preclude the area from development. The Conservation Officer notes that the land to the west of the dwellings along High Street is of open landscape character and provides a green naturalistic setting for the village. The assessment continues to acknowledge that development has occurred to the north and south of application site but retains this open character feel. The Conservation Officer has no objection to the principle of some limited development occurring in this location provided that the development accords with the Burton Supplementary Planning Guidance (SPG) and the open landscape character is conserved.

The SPG states that *'The principal aim of new development, whether on a backland site, or on the historic street frontage, should be to marry-in the new with the existing, rather than making the new building completely different. New buildings should respect the constraints imposed by adjoining historic development in terms of scale, bulk, height, materials and detailing.* It continues to require that *'All new development should therefore reflect the scale and materials of adjoining property. The form of any new building, including its height, relationship to the street, and any rear extensions, should be sympathetic to the surrounding buildings using existing rooflines, eaves heights and architectural details, to*

inform design solutions for development in the conservation area or adjacent to it. The addition of chimneystacks in some locations may be required, to ensure compatibility with adjoining properties.' These aspirations are furthered in policies CS6 of the NLCS and HE2 of the NLLP.

The Conservation Officer considers that, with regard to this proposal, the proposed layout would not significantly affect the open landscape character of the area as the layout is somewhat spacious. In addition, the Conservation Officer considers that the design and scale of the dwellings are more sympathetic to the conservation area than the previous scheme, being smaller in scale and of a more traditional appearance. It was noted that the garages now formed a more traditional outbuilding to the dwellings versus the previous integral design. It was recommended that conditions be imposed to secure further details of facing materials to be used in construction and details of windows/doors. It was considered by the Conservation Officer that there would be no significant harm upon the conservation area as a result of this development.

Plot 1 forms a three-bedroom one-and-a-half-storey dwelling with detached garage. It is proposed to feature catslip windows to the front and rear elevations which are in keeping with the local vernacular. In terms of materials the principal elevation is to predominantly feature stone with red facing brick to other elevations. Plot 2 forms a four-bedroom two-storey dwelling with detached garage. In keeping with plot 1, the principal elevation is to predominantly feature stone with red facing brick to other elevations.

The Conservation Officer has verbally advised that there is no objection to the provision of the wall to the southern side of the existing property at number 41 High Street provided that traditional materials are used and that there is no objection to the removal of the existing wall to the front to allow the creation of the wider access. The Conservation Officer has also verbally advised that there is no objection to the removal of windows in number 41 to the southern elevation, again provided that traditional materials are used to undertake this work. Indeed it was considered that the removal of the windows would result in betterment given that there is an excessive level of fenestration to this elevation which detracts from the character and appearance of the conservation area.

The proposed development is therefore not considered to result in significant adverse effect upon the character and appearance of the Burton upon Stather conservation area subject to conditions being imposed to secure the use of traditional materials.

Impact on residential amenity

The proposed development seeks planning permission for two dwellings and associated garages, a double garage to serve the existing number 41 High Street, the development of a wall and other elevational alterations to number 41, and the development of a shared private driveway to the southern boundary of the application site.

Plot 1 is proposed to occupy a central position on the land towards the northern boundary and adjacent to an existing chalet bungalow, number 35, itself a form of backland development. A detached single car garage is proposed between the private driveway and proposed dwelling. The three-bedroom dwelling measures 11.1 metres wide, 8.9 metres deep, 4.6 metres to eaves height and 7.4 metres to roof ridge. The dwelling is to be sited 17.6 metres from its eastern boundary fence, 42.9 metres from the rear elevation of the existing dwelling, number 41, 15 metres from its western boundary fence and 48.7 metres

to the front elevation of plot 2. The proposed dwelling is to be 4.2 metres from the southern elevation of number 35.

A number of objections have been raised by the occupiers of number 35 with regard to residential amenity. The new property has been sited so that it is in line with the bungalow to the north. The southern elevation of this property does not feature any windows and forms the gable. First-floor windows are proposed in plot 2 to the east and west elevations only. Whilst the development of this plot will have some effect upon amenities afforded to the property to the north, this is not considered to be significant. The proposed dwelling will not directly overlook gardens or result in a loss of light to windows. Given the separation distances involved between plots 1 and 2 and the existing number 41, it is not considered the proposal will result in adverse effect upon the existing number 41 or plot 2.

Plot 2 is proposed to be sited to the rear of the application site. A detached double garage is proposed to the south-east of the dwelling. The four-bedroom dwelling measures a maximum of 17.6 metres wide, 10.6 metres deep, 5.3 metres to eaves height and 8.6 metres to roof ridge. The aforementioned dimensions are inclusive of the single-storey block to the south of the main bulk of the two-storey dwelling and the two-storey block to the rear. The dwelling is to be sited 34.2 metres from the eastern boundary, 48.7 metres to the western elevation of plot 1, 2.3 metres to the northern boundary, 6.3 metres to the southern boundary and 4.4 metres to the western boundary which overlooks the Trent Valley.

The proposed dwelling is to feature an enclosed balcony to the rear and includes openings to the side, north and south, elevations in addition to the rear to the west. As the dwelling is well screened through mature vegetation to the north and south there are no concerns with regard to overlooking caused by the balcony or the upper floor side-facing windows sited only within the rear two-storey block. Given the separation distances involved between plots 1 and 2, it is not considered that the proposal will result in adverse effect upon plot 2.

In order to access the two properties to the rear, the existing access point that serves number 41 is to be utilised. This access point is to be widened and would involve the removal of an existing stone wall. There are numerous windows to the southern elevation of number 41 with the majority being at ground level. A further two windows are in the northern side elevation of the neighbouring property at number 43. The applicant proposes that many of the windows in number 41 are to be blocked up. Windows at ground-floor level to be retained serve non-habitable rooms and an en-suite bathroom and bedroom at first-floor level. The upper floor windows at number 43 are considered to serve bedrooms also. The applicant proposes that new windows are to be inserted on the northern side elevation of number 41 to ensure habitable rooms continue to receive light. These new insertions are at ground-floor level and are not considered to result in a loss of privacy to neighbouring properties to the north therefore.

The applicant proposes to construct a 1.5 metre high stone wall running the length of number 41. In addition, the first 25 metres of this private driveway will be tarmacked, the remainder being constructed using either gravel or permeable paving. These measures have been employed in an attempt to reduce the impact of the private driveway. However, in doing so the driveway is now closer to the neighbouring property at number 43 than the existing situation and thus is likely to result in an increase in more noise and disturbance to this property than as existing. This problem is then considered to be further exacerbated by the increase in traffic that would occur as a result of t additional two dwellings. Therefore,

the development is considered to result in an unacceptable impact as a result of traffic movements in terms of noise and disturbance to the side-facing bedroom windows to numbers 41 and 43.

Impact on the highway

A number of objections have been raised with regard to matters of highway safety and parking. The proposed development will see the development of two family dwellings which it is acknowledged will generate an additional amount of traffic compared to the existing dwelling. Each of the dwellings is to be served by an appropriate level of parking and includes garaging space in addition. The development also provides for vehicle turning within the site. However, whilst High Street may suffer from congestion as a result of inappropriate parking, it cannot be said that this proposal will exacerbate this issue as it is to be served by an adequate level of parking on site. As the proposal will utilise an existing access point onto High Street it cannot be said the development will result in an unacceptable number of proliferations onto the highway as defined by policy H7 of the NLLP. The Highways team has been consulted and has raised no objections to the proposal but has recommended conditions for inclusion upon any grant of permission. It is therefore concluded that the proposed development would not be to the detriment of highway safety.

Other matters

There are a number of trees within the application site. An Arboricultural Report has been submitted to support the application which has been considered by the Tree Officer. Several trees are to be removed to allow the construction of the private driveway to the south of the site but the majority of trees are to be retained, including those which screen the site along the northern boundary and south-western corner. The arboricultural report considers more trees for removal than are proposed by the applicant and the applicant has designed the layout to retain trees where possible. The report determines that the trees for removal are unsuitable for retention or of low quality. It is not considered that the removal of these trees would be detrimental to the character or appearance of the area. The Tree Officer recommends that conditions are imposed upon any grant of permission to secure replacement trees to mitigate those lost and the implementation of a Tree Protection Plan.

A number of objections have been raised with regard to loss of view and outlook as a result of the proposal. Whilst matters relating to loss of light and ensuring that development does not result in an overbearing nature are material considerations, matters relating to loss of view or outlook are not material and cannot be considered in the determination of this application.

Objections have been raised in relation to noise and disturbance generated during construction and subsequent effects on health. Whilst it is accepted construction will result in some noise and disturbance it is only for a temporary period and is not likely to be significant. The Environmental Health team has been consulted and has raised no concerns in this regard.

The Environmental Health team has recommended a condition with regard to contaminated land given that residential use forms a sensitive end use. The proposed condition is considered to be unreasonable as it is unlikely that the land is contaminated given it is

presently garden land. A watching condition with regard to contaminated land is considered to be more appropriate.

Other objections raised relate to drainage and sewerage matters. The Drainage team has been consulted and no comments have been received. Thus it is considered that the provision of soakaways would form an appropriate solution to deal with surface water drainage given that the vast majority of land would remain undeveloped. The applicant has not provided details as to how foul sewerage is to be dealt with and as such details of the method should be secured through planning condition.

Conclusion

It is considered that the development of the two dwellings in this location is acceptable in planning and conservation terms providing conditions are imposed upon any grant of permission. The proposed development is not considered to result in a significant loss of amenity afforded to neighbouring residential properties or be to the detriment of highway safety. However, the proposed development, given the access point to High Street between numbers 41 and 43 High Street, is considered to result in an unacceptable level of noise and disturbance to these properties as a result of the increased level of traffic that two additional dwellings would generate despite the measures taken to remove windows to number 41 High Street. It is therefore the recommendation of this report to refuse planning permission for this reason.

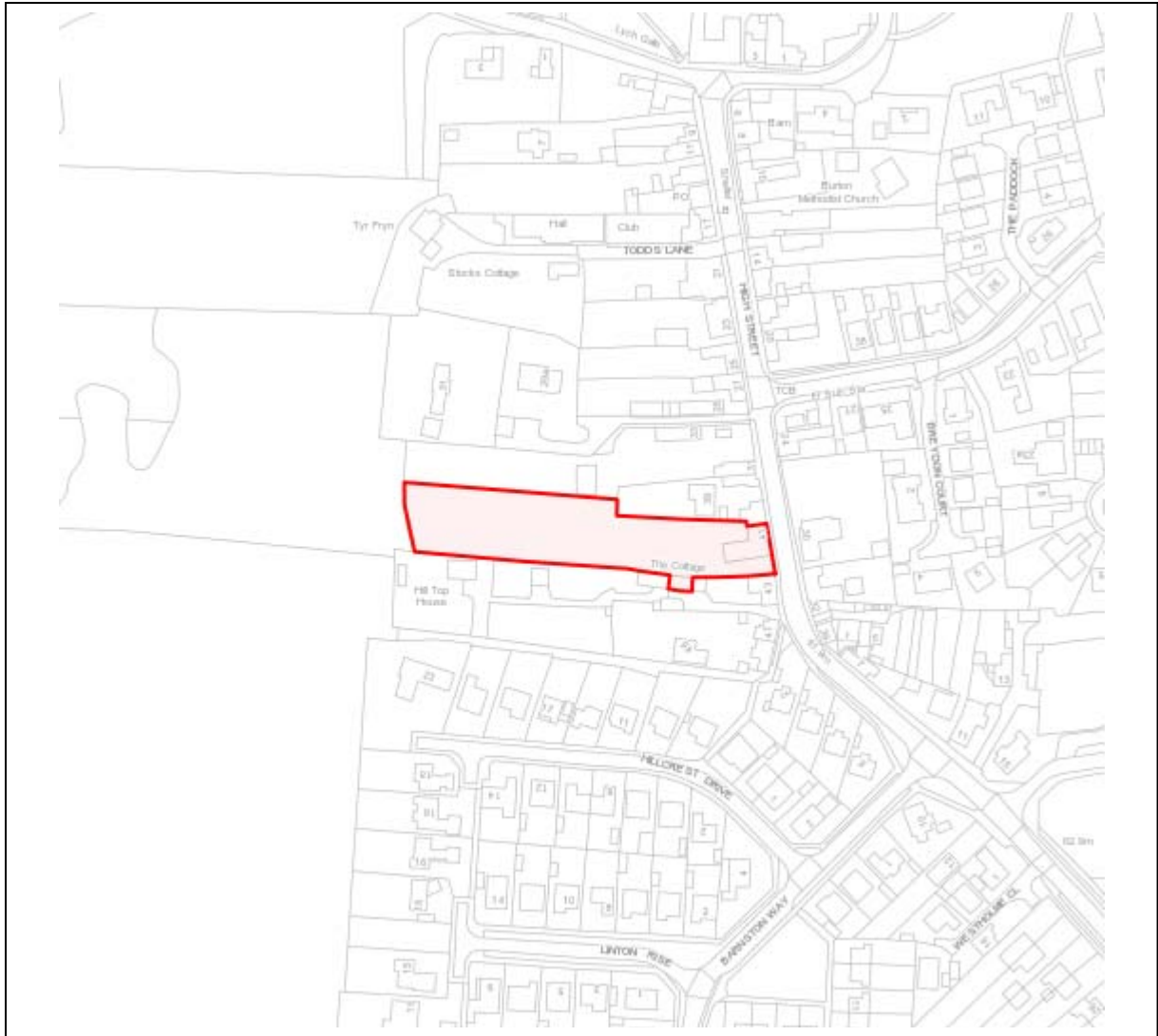
RECOMMENDATION Refuse permission for the following reason:

The proposed development, by virtue of its associated traffic movements, is considered to result in an unacceptable impact in terms of noise and disturbance to 41 and 43 High Street. The development is therefore contrary to the provision of saved policy H7 of the North Lincolnshire Local Plan (2003).

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.

PA/2017/198 – Site Location



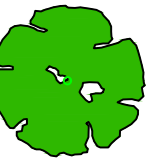
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PA/2017/198 Proposed Site Plan Not To Scale

PROPOSED SITE PLAN

TOTAL SITE AREA = 3410m² (0.84 acres)
 AREA FOR No 41 = 790m²
 AREA FOR PLOT 1 = 830m²
 AREA FOR PLOT 2 = 1280m²

Existing tree to be retained (see Tree Survey)



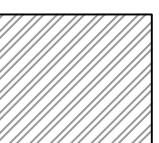
Existing tree to be removed (see Tree Survey)



Driveway to be permeable loose stone drive OR SUDs paving



Driveway past existing house to be tarmac to reduce noise of traffic



Soft landscaped areas



Proposed new timber fencing 1.8m high



Proposed new stone wall 1.5m high



Replace existing poor quality fencing with new 1m high timber fencing



Retain existing metal fence and existing trees



Retain existing brick walls and timber fencing



Retain existing stone wall



Retain existing hawthorn hedge



C	07.02.17	CHANGES SUGGESTED BY PLANNING	JJM
B	14.11.16	PLANS WORKED UP FOR PLANNING	JJM
A	15.09.16	CHANGES FROM CLIENT	JJM
REV	DATE	DETAILS OF AMENDMENTS	DRAWN

REVISIONS
 ALL MEASUREMENTS IN mm - DO NOT SCALE - IF IN DOUBT ASK

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CLIENT
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SITE
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TITLE
 TWO NEW DWELLINGS TO LAND
 REAR OF 41 HIGH STREET
 PROPOSED SITE PLAN

SCALE	1:500 @ A2	DATE	08.09.16
DRAWN	KEMH	DWG NO.	DN15 9DG-A-03C
DRAWING STATUS			

PLANNING

CHECKED BY		APPROVED BY	
DATE		DATE	