

APPLICATION NO	PA/2016/1703
APPLICANT	Mr & Mrs Stuart Mason
DEVELOPMENT	Outline planning permission to demolish two outbuildings and to erect two pairs of semi-detached dwellings and garages with all matters reserved for subsequent approval together with new vehicular access to 12 Queens Road, Barnetby le Wold
LOCATION	Land south of and 12 Queens Road, Barnetby le Wold, DN38 6JH
PARISH	Barnetby Le Wold
WARD	Brigg and Wolds
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Barnetby Parish Council Member 'call in' (Cllr Rob Waltham – significant public interest)

POLICIES

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

Paragraph 34 states that plans and decisions should ensure developments which generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 47 states that to boost the supply of housing, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements.

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

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.

Paragraph 118 states that local planning authorities should aim to conserve and enhance biodiversity by refusing planning permission if significant harm cannot be avoided or adequately mitigated. Opportunities to incorporate biodiversity in and around developments should be encouraged.

North Lincolnshire Local Plan:

Policy H5 (New Housing Development)

Policy H8 (Housing Design and Housing Mix)

Policy H10 (Public Open Space Provision in New Housing Development)

Policy T1 (Location of Development)

Policy T2 (Access to Development)

Policy T19 (Car Parking Provision and Standards)

Policy DS1 (General Requirements)

North Lincolnshire Core Strategy:

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Policy CS9 (Affordable Housing)

Policy CS17 (Biodiversity)

CONSULTATIONS

Highways: Following a site meeting with the agent and receipt of an amended site plan, no objection subject to the imposition of eight conditions.

Environmental Health: The application for residential development is a sensitive end use. In addition, local knowledge provides reason to believe that contamination might be an issue due to the site's use as an orchard. Historical horticultural practices have the potential to introduce contaminants to the site which are harmful to human health such as organochlorine pesticides, arsenic, cadmium, copper, lead and zinc. It is the developer's responsibility to assess and address any potential contamination risks, however no supporting information has been provided that demonstrates potential risks can be reduced to an acceptable level. Notwithstanding this, recommend a condition requiring a contaminated land investigation to be undertaken.

Environment Team (Ecology): No objection. The buildings to be demolished show no features that would indicate the presence of bats. One building, however, does have an existing

nest box; nest boxes must therefore be installed onto the new buildings. Recommend conditions requiring the submission and implementation of a biodiversity management plan.

PARISH COUNCIL

Object on the following grounds:

- The existing entrance should be used to access all the dwellings.
- A maximum of two dwellings should be built.

PUBLICITY

Neighbouring properties have been notified. Two letters of objection (both from the same address) have been received raising the following issues:

- No materials of construction or elevational drawings have been submitted.
- It is not an orchard – it is the garden of 12 Queens Road with associated access and parking.
- It is garden grabbing and utilises a single vehicular access.
- The proposed road to 12 Queens Road is dangerous and on a blind bend.
- The garage to be demolished contains bats.
- The layout will result in vehicles being parked within the highway.
- The access is not suitable to serve a number of new properties.
- It is not a windfall site within Barnetby.
- The number of dwellings proposed on the site should be reduced.
- The garages on the site should be retained.

ASSESSMENT

This application seeks outline planning permission (with all matters reserved) for the erection of four dwellings with associated gardens, parking and turning. The proposals also include the provision of a new vehicular access to serve 12 Queen Street. The application site serves as garden land to the side of 12 Queen Street and is predominantly laid to lawn and contains a number of trees. There is an existing vehicular access located in the south-east corner of the site and two garages towards the southern and south-eastern boundaries. There is an existing conifer hedge along the eastern boundary and the surrounding area is predominantly residential in nature.

The main issues in the determination of this planning application are the principle of development, impact on residential amenity and other issues.

Principle

The application site is garden land within the defined settlement boundary for Barnetby, in a sustainable, central location within easy walking and cycling distance of a range of local facilities, including a primary school, village hall, shops, church, public house and post office. In terms of sustainability, it is within walking distance of bus stops. The proposal therefore 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. The Housing and Employment Land Allocations DPD shows that this site is located within the settlement boundary for Barnetby. The proposal constitutes a windfall site in Barnetby.

Policy H8 (Housing Design and Housing Mix) applies and states that new residential development will be permitted provided that it incorporates a high standard of layout which maintains, and where possible improves and enhances, the character of the area and protects existing and natural and built features, landmarks or views that contribute to the amenity of the area. This site constitutes developable land within the settlement boundary of Barnetby, in a sustainable location. There is, therefore, a presumption in favour of residential development.

Policy CS9 (Affordable Housing) of the adopted Core Strategy applies and states that new residential development of three or more dwellings in rural settlements must make provision for an element of affordable housing. This policy seeks to ensure that 10% of housing on schemes of three or more dwellings in rural settlements is provided, which equates to 0.4 dwellings. However, the Written Ministerial Statement on Affordable Housing of November 2014, which raised the threshold for affordable housing provision to sites of ten units or more, is still in force following an earlier decision to quash it in the High Court in July 2015. As a result of this Written Ministerial Statement for Affordable Housing being in force, there is no requirement for the off-site affordable housing contribution to be sought in this case.

Policy H10 (Public Open Space Provision in New Housing Development) of the North Lincolnshire Local Plan applies and states that new housing developments on windfall sites of 0.5 hectares or less will require the developer to make an appropriate commuted payment to off-site recreational open space provision within the catchment area and to contribute to future maintenance in accordance with supplementary planning guidance. The site area is 0.118 hectares and constitutes a windfall site for residential development in Barnetby. Due to a recent appeal decision, no contributions for social infrastructure on sites of 10 dwellings or less will be sought.

Residential amenity

This proposal seeks outline planning permission for the erection of four dwellings with all matters reserved for subsequent consideration (through the submission of a reserved matters planning application). Matters relating to the position and heights of windows, orientation of the dwellings, external materials, the appearance and scale of the dwellings would be considered at reserved matters stage; the potential loss of residential amenity arising from this subsequent planning application would also be assessed at that stage of the planning process. Notwithstanding this, an indicative plan has been submitted with the application showing that there will be sufficient space within the site to position four dwellings, and provide private amenity space to the front and rear of each dwelling, two off-street parking spaces and a detached garage per dwelling together with a turning space. The submitted plan, whilst indicative, also shows that the site is capable of accommodating this amount of residential

development (four dwellings) whilst still allowing separation distances and areas for circulation between existing and proposed dwellings. There is no requirement for the number of residential units proposed on the site to be reduced in this case. The plan also shows the provision of a new vehicular access to serve 12 Queens Road which will ensure that it maintains off-street parking and turning provision and an area of amenity space to the side and front.

Other issues

A number of objections have been received in relation to the provision of new dwellings and a new access which are located in immediate and close proximity to a bend in the highway along Queens Road. Highways have considered the proposals and raise no objections on highway and pedestrian safety grounds; this includes consideration of the new and intensified vehicular accesses onto Queens Road. In addition, Highways have recommended conditions to secure the removal of existing boundary vegetation and a restriction on the height of new boundary treatment to ensure that the necessary visibility splays onto Queens Road can be set out and retained. In light of the lack of an objection from Highways it is considered that the site can accommodate four dwellings, together with the formation of a new vehicular access, in this case.

The proposal will result in the loss of two garages. Concern has been raised that these garages may contain bat roosts. The council's ecologist has considered the quality of these buildings and concluded that they show no features which would indicate the presence of bats. However the presence of a nesting box results in the requirement for replacement nest boxes to be installed within the development site. In light of this, it is considered prudent to recommend conditions for the submission and implementation of a biodiversity management plan; this will secure biodiversity enhancement across the site.

Given the past use of the site as a garden and orchard, Environmental Health has recommended a condition requiring a contaminated land investigation to be undertaken. However, the land has been used as garden in association with 12 Queens Road. In light of the previous use of the land it is not considered reasonable to impose the condition recommended by Environmental Health in this case. However, it is considered prudent to recommend a condition which investigates any contamination found during the construction period.

RECOMMENDATION Grant permission subject to the following conditions:

1.
Approval of the details of the layout, scale, and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the local planning authority in writing before any development is commenced.

Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

2.
Plans and particulars of the reserved matters referred to in condition 1 above, relating to the layout, scale, and appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

3.

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

4.

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

5.

The development hereby permitted shall be carried out in accordance with the following approved plans: GA(SL)001 (Site Location Plan) and GA(SL)001 Revision 2.

Reason

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

6.

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 demolition, vegetation clearance and construction works;
- (b) details of nesting bird boxes and bat boxes to be installed;
- (c) details of the use of trees and shrubs of high biodiversity value, including traditional fruit tree varieties, in landscaping.

Reason

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

7.

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 North Lincolnshire Core Strategy.

8.

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.

9.

The proposed new access, parking and turning area serving 12 Queens Road shall be set out and established (including the required visibility splays) in accordance with amended drawing GA(SL)001 Revision 2. Once established the vehicular access, parking, turning and visibility splays shall be retained.

Reason

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

10.

Nothing shall at any time, whether permitted by the Town and Country Planning (General Permitted Development) Order or not, be erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway within the area identified as visibility splay on drawing number GA(SL)001 Revision 2 fronting Queens Road.

Reason

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

11.

The proposed new vehicle parking and turning facility serving 12 Queens Road shall not be brought into use until the vehicular access serving it has been completed within highway limits.

Reason

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

12.

Within three months of the completion of the new access, any redundant access to the site shall be removed and the area reinstated to footway/verge (including the provision of full height kerbs) in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

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

13.

No development shall take place until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have been submitted to and approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use.

Reason

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

14.

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.

15.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking and turning space serving it have been completed and, once provided, the vehicle parking and manoeuvring space shall be retained.

Reason

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

16.

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.

17.

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.

18.

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.

Informative 1

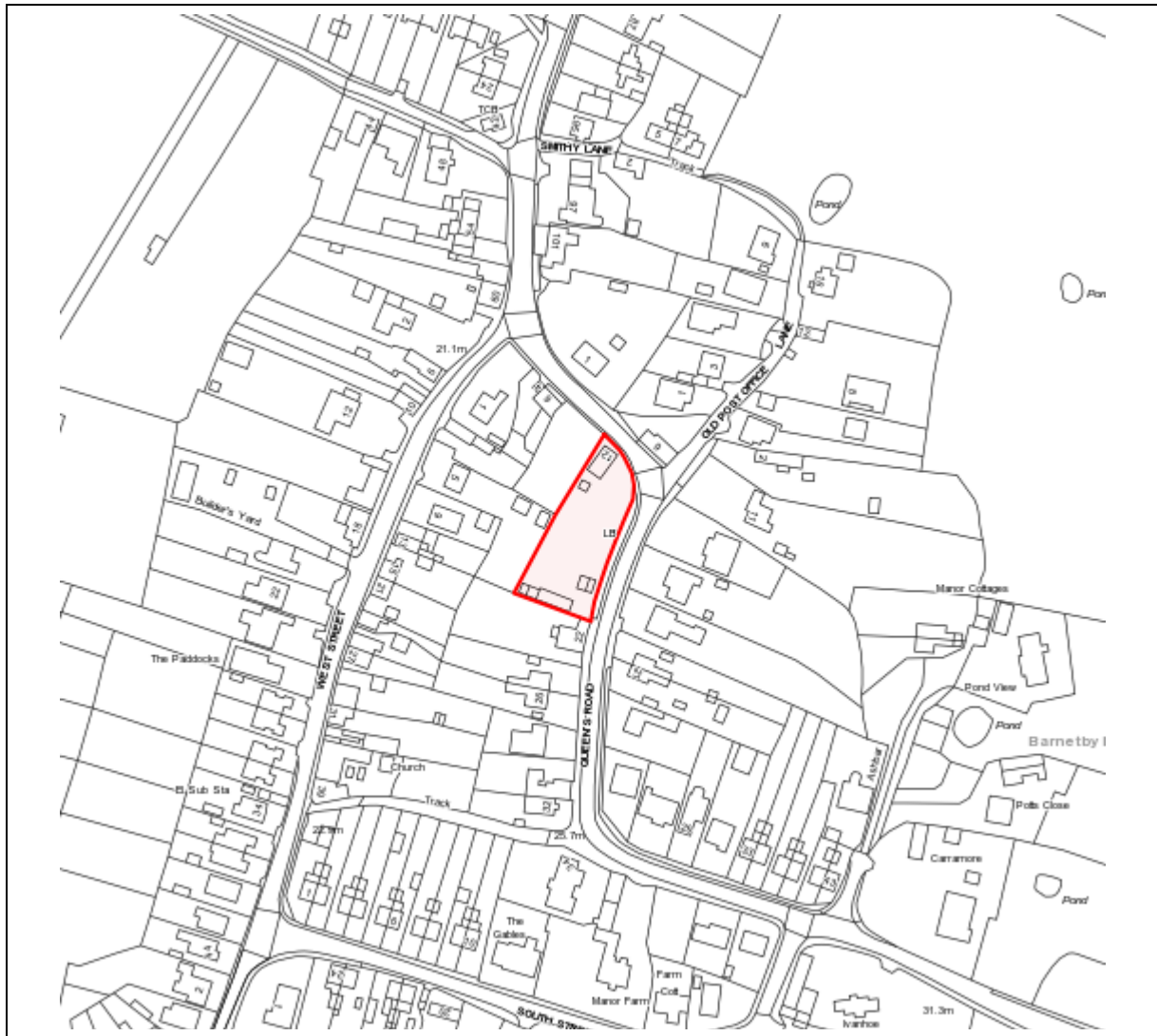
The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

Informative 2

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

PA/2016/1703 – Site Location



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