

<b>APPLICATION NO</b>	<b>PA/2017/677</b>
<b>APPLICANT</b>	Mr Chris Taylor, Mr Therm Ltd
<b>DEVELOPMENT</b>	Planning permission to erect a single-storey front extension, form a new road crossing, including new driveway, and erect a new detached garage
<b>LOCATION</b>	4 Stather Road, Burton upon Stather, DN15 9DH
<b>PARISH</b>	Burton upon Stather
<b>WARD</b>	Burton upon Stather and Winterton
<b>CASE OFFICER</b>	Andrew Willerton
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Cllr Elaine Marper – significant public interest)

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proposals that accord with the development plan without delay or where the development plan is absent, silent or out-of-date granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in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

Paragraph 32 states that decisions should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken to limit significant impacts of the 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 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 128 requires the applicant to describe the significance of any heritage asset affected by development with the level of detail proportionate to the scale of development proposed. Where a development has the potential to include heritage assets with archaeological interest, planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 129 requires planning authorities to identify and assess the significance of any heritage asset taking into account the available evidence and necessary expertise.

Paragraph 131 states that in determining planning applications, planning authorities should take account of the positive contribution that the conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 133 states that where proposed development will lead to substantial harm or total loss of significance of a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss.

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)

CS18 (Sustainable Resource Use and Climate Change)

#### **Housing and Employment Land Allocations Development Plan Document:**

Inset Map for Burton upon Stather

#### **North Lincolnshire Local Plan:**

HE2 (Development in Conservation Areas)

HE5 (Development affecting Listed Buildings)

T2 (Access to Development)

T6 (Pedestrian Routes and Footpaths)

DS1 (General Requirements)

DS5 (Residential Extensions)

DS14 (Foul Sewerage and Surface Water Drainage)

## **CONSULTATIONS**

**Highways:** Is of the opinion that the services of a civil engineer are required to inform the level of works required to construct the access given the significant level difference and subsequent gradient. Advises conditions.

**Drainage:** No comments received.

**Historic Environment Record:** No objection subject to conditions to secure a program of archaeological mitigation and recording.

**Conservation:** No objection subject to conditions to secure samples of facing materials and window detailing.

**Public Rights of Way:** No longer objects to the proposal following the removal of the relocation of the public footpath from the proposal provided that the public footpath in its current location is not obstructed, encroached upon, damaged or made difficult to use either during construction or as a result of permitted works.

## **PARISH COUNCIL**

No objection in principle to the front extension or garage elements. The parish council had concerns with regard to the repositioned public footpath which would cause access difficulties for disabled users and would require the installation of a dropped kerb crossing. The parish council also raised concerns in relation to the vehicular access from the property as it is on a blind bend with a steep gradient and the road is used by HGVs which may be unable to slow down or stop.

Upon receipt of the amended proposal, which involved the removal of the re-siting of the public footpath, the parish council was re-consulted but does not feel its concerns regarding the access have been addressed and reiterates its previous comments regarding the access.

## **PUBLICITY**

The application has been advertised by site notice and within the local press for a period of not less than 21 days prior to the writing of this report. Seven letters of comment have been received during the various rounds of consultation that have been undertaken to advertise the proposal. Three letters of objection have been received from two households. Two letters of support have been received from a further two properties and two letters of general comment have been received on behalf of the adjacent St. Andrew's Church. The following issues have been raised in the letters of objection:

- the re-siting of the public footpath has previously been refused consent
- the re-siting of the public footpath would result in a gain of privacy for the applicant at the expense of the neighbouring property

- the profile of the hillside would require a great amount of excavation and would affect the root systems of mature trees
- an application for a vehicular access has previously been refused under PA/1999/0204
- the objecting property has had previous applications for a driveway refused on grounds on inadequate visibility, intrusion on a plane of natural beauty and stability of the hillside
- the amount of excavation would threaten the natural beauty of the hillside
- the access is to be sited on a blind bend on Stather Hill and would be dangerous
- the effect of the proposal upon the perimeter wall of St. Andrew's Church
- land stability – requires the services of a civil engineer to design a solution.

The two letters of support raise the following positive attributes of the proposal:

- the sympathetic renovation of the property would be an asset to the conservation area
- the construction of the access and driveway would tidy up the 'paddock' to the front which has been no more than a muddy field or overgrown grassland for decades
- the proposed access to Stather Road offers the opportunity to improve highway safety through the provision of a wider footpath
- the re-siting of the public footpath allows for land to be acquired to support the Church wall.

The two letters of comment received on behalf of St. Andrew's Church state that any works to the Church wall may require the submission of faculty to the Diocesan Advisory Committee and issue is raised with structural engineering works required and implications of land ownership transfer in respect of the public footpath.

## **ASSESSMENT**

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, the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011 and the Housing and Employment Land Allocations Development Plan Document (HELA DPD) which was adopted in March 2016. 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 application site is 4 Stather Road, Burton upon Stather and is within the HELA DPD defined development limit for the settlement. The site is within the conservation area and is adjacent to the Grade I listed St. Andrew's Church to the east. Planning permission is sought for the erection of a single-storey front extension, the formation of a new road crossing including new driveway, and the erection of a detached garage. The proposal had

originally included the re-siting of a public footpath which has since been removed from the proposal and is to no longer be considered.

The site comprises a two storey dwelling with single-storey block to the east. It is proposed to erect a conservatory off the front (southern) elevation of the single-storey block. Due south of the curtilage of the dwellinghouse is a public footpath which bisects the application site in an east/west direction before running adjacent to the eastern boundary of the site adjacent to the Grade I Listed St. Andrew's Church. Within the space to the south of the dwellinghouse and public footpath it is proposed to erect a detached garage and associated driveway and vehicular access onto Stather Road. There is a significant level difference between the point of access on Stather Road and the dwellinghouse, the dwellinghouse being sited on a higher elevation.

**The main issues for consideration with regard to the determination of this application are: whether the proposed extension and detached garage are acceptable in terms of their design and siting with regard to their context in terms of the historic environment; and whether the proposed vehicular access would be to the detriment of highway safety.**

### **Design and siting**

The first element of the proposal forms a front extension off the southern elevation of the existing property in the form of a conservatory. The extension is to be sited to the eastern end of the dwelling off an existing single-storey block. The proposed extension measures 4.5 metres by 3.5 metres, with the eaves set at 2.4 metres and roof ridge at 4 metres. The extension is to be constructed predominantly in glazing with an oak frame. It is not considered that the extension would be to the detriment of residential amenity.

The second element of the proposal is the erection of a detached garage to the south of the dwellinghouse on currently vacant land. The garage measures 6.1 metres by 5.5 metres and features an asymmetrical roof with the ridge set at 3.6m. The proposed garage is 3 metres from the boundary with the nearest neighbouring residential property thus it is not considered its development would harm residential amenity. The garage is to be constructed of an oak frame with timber cladding and tiled roof.

The Conservation Officer has been consulted on the proposal and has raised no concerns with the proposed development provided that all elements are constructed of facing materials that are appropriate to context with regard to the setting of the application site within both the conservation area and adjacent to the Grade I Listed St. Andrew's Church. It is recommended that conditions are imposed to secure further detailed drawings of windows and doors to be installed in addition to samples of facing materials and hard landscaping.

The proposed development is situated within an archaeologically sensitive area and as such the council's Archaeologist has been consulted. The Archaeologist has considered the desk-based archaeological assessment and evaluation report submitted. It was noted that human remains were discovered under an existing patio where the proposed conservatory is to be sited. The report recommended preservation of the remains in situ and as such the conservatory and the proposed garage are to be constructed on raft foundations to minimise ground impact. The Archaeologist has no objection to the proposal

provided that an archaeological mitigation strategy is secured and implemented at the site which can be dealt with by the imposition of conditions.

## **Access**

The final element of the proposal comprises the construction of a new vehicular access to the southern boundary of the site with Stather Road and associated driveway up to the proposed garage. There is a significant level difference between the siting of the garage and the point of access on Stather Road which is lower in terms of its elevation and there is an immediate bend in Stather Road to the west of the access which also slopes downwards towards the River Trent to the west. Comments are noted from objectors and the parish council in terms of visibility issues in addition to land stability.

The Highways team has considered the proposal which has been amended to include the provisions of a retaining wall where necessary. No structural or site level surveys have been submitted and accordingly the Highway Officer has advised that further works from a civil engineering perspective are required. It is noted that an objector has raised this matter also and that objection has generally been received regarding land stability issues. It is considered pertinent to secure a civil engineers report and the implementation of any recommendations accordingly. It is anticipated that a retaining wall may be required to the site frontage. It is recommended that a condition is imposed to secure further details of the siting and appearance of the wall if required by engineering works.

The Highway Officer has not raised an objection to the proposal with regard to highway safety issues in respect of visibility. The submitted block plan shows the site frontage is to be set back by 2.5 metres to improve visibility from the access. It is noted that this would allow the footpath to the edge of the highway to be widened in future. Comments have been received in relation to land being 'gifted' to the highway authority to enable it to widen the public highway. This is not something that is proposed by this application and thus the proposal should be determined on its own merits accordingly. The Highway Officer has recommended conditions to secure further details of design of the highway access. On the basis of the imposition of planning conditions, it is not considered the proposal would be to the detriment of highway safety.

## **Other matters**

Comments are noted from objectors with regard to the re-siting of the public footpath. This matter is no longer for consideration as it has been withdrawn from the proposal. The Public Rights of Way Officer has no objection to the proposal in its current form. It is recommended that an informative be placed on any decision to reflect the comments made by the officer with regard to a public right of way that crosses that site that should not be impeded during and post construction of the developments at the site.

Representation has been received from St. Andrew's Church which primarily relates to the former proposal which would see the public footpath re-sited away from the eastern boundary of the site and concerns regarding works that could affect the church wall. No works are now proposed in this location although the comments are noted with regard to the possible submission of faculty to the Diocesan Advisory Committee if works to the wall are required. It is recommended that an informative be placed on any decision notice to that effect and to encourage dialogue between the two parties regarding proposed works.

The Environmental Health team has been consulted and has raised no objection to the proposal. The response recommends the inclusion of an informative to advise the applicant to contact the relevant water board as measures may need to be taken for protective underground piping given the previous use of the site as a graveyard.

## **Conclusion**

In conclusion, the proposal is considered to improve the aesthetics of the conservation area through the renovation of a currently vacant dwellinghouse. The proposals have considered their context through their design to ensure that there is no significant impact upon heritage assets and conditions are recommended to secure further details on materials and detailing and appropriate mitigation of assets where necessary. The Highways team has raised no objection to the proposed access and comments are noted from the department and objectors alike with regard to land stability issues. It is considered that such details can be secured through the imposition of planning conditions and thus the proposal is recommended for approval.

## **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: MT/16/01, MT/16/02 (Received 04/07/2017), MT/16/05 Revision A, MT/16/06 Revision A and TW170121.

### **Reason**

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

3.  
No further development shall take place until samples of the external facing materials to be used for the dwellinghouse, garage and retaining wall (if required), and details of materials to be used for the driveway, parking area and any other areas of hard landscaping, have been submitted to and approved in writing by the local planning authority and only the approved materials shall be used.

### **Reason**

In order to preserve or enhance the character and appearance of the conservation area, in the interests of visual amenity, in accordance with policies DS1, DS5 and HE2 of the North Lincolnshire Local Plan, and CS5 and CS6 of the North Lincolnshire Core Strategy.

4.  
No further development shall take place until detailed drawings of the proposed windows and doors, at a scale of 1:20, including cross-sections, have been submitted to and agreed in writing by the local planning authority. The drawings shall include details of the colour

and material specification for all doors and windows. The development shall be undertaken in accordance with the agreed details and shall thereafter be retained.

Reason

To preserve or enhance the character and appearance of the conservation area, in the interests of visual amenity, in accordance with policies DS1, DS5 and HE2 of the North Lincolnshire Local Plan, and CS5 and CS6 of the North Lincolnshire Core Strategy.

5.

No further 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.

6.

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.

7.

The proposed new vehicle parking and turning facility shall not be brought into use until the vehicular access serving it, including visibility splays and appropriate retaining walls, has been completed 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 policies T2 and T19 of the North Lincolnshire Local Plan.

8.

No further development shall take place until a civil engineering report, which shall include details of existing and proposed site levels, cross-sectional drawings and details of measures to be taken (including the specifications of any retaining wall where necessary), and the timescales for the implementation of such measures, to ensure land stability both during and after construction of the new access and driveway hereby permitted, has been submitted to and approved in writing by the local planning authority. The measures, once approved, shall be carried out in accordance with the approved implementation timescales and any permanent land stability measures shall be retained in perpetuity.



#### Reason

No such details have been provided, and in the interests of highway safety and to comply with policies T2 and DS1 of the North Lincolnshire Local Plan.

9.

No further development shall take place until an archaeological mitigation strategy, as defined in a brief prepared by the North Lincolnshire Historic Environment Record, has been submitted to, and approved in writing, by the local planning authority. The strategy shall include details of the following:

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

#### Reason

To comply with paragraph 141 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy and policy HE9 of the North Lincolnshire Local Plan because archaeologically significant remains exist within the application area that merit preservation in situ and because other archaeological remains may be destroyed during construction groundworks.

10.

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

#### Reason

To comply with paragraph 141 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy and policy HE9 of the North Lincolnshire Local Plan

because archaeologically significant remains exist within the application area that merit preservation in situ and because other archaeological remains may be destroyed during construction groundworks.

11.

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

#### Reason

To comply with paragraph 141 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy and policy HE9 of the North Lincolnshire Local Plan because archaeologically significant remains exist within the application area that merit preservation in situ and because other archaeological remains may be destroyed during construction groundworks.

#### **Informative 1**

The applicant is advised to contact representatives of St. Andrew's Church to determine whether or not the consent of the Diocesan Advisory Committee is required with regard to the proposed works.

#### **Informative 2**

The applicant's attention is drawn towards comments made by Environmental Health and the need to contact the relevant Water Board to determine whether or not protective water pipes are required given the ground conditions.

#### **Informative 3**

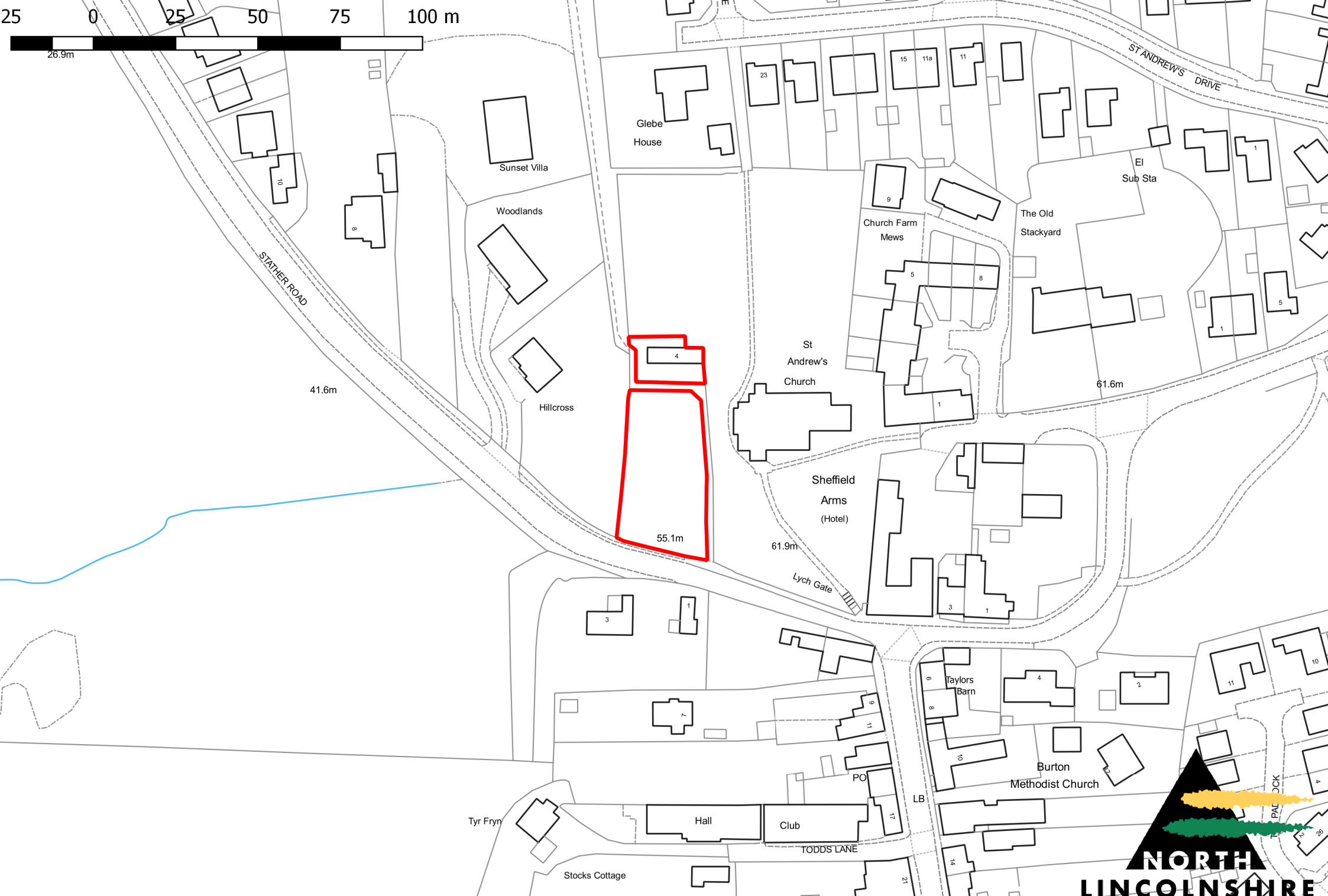
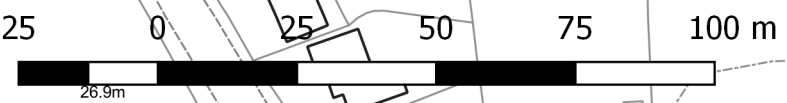
At no time should the public right of way running through and adjacent to the application site be obstructed, encroached upon, damaged or made difficult to use either whilst the planning permission is being implemented or as a result of the permitted works.

#### **Informative 4**

Developers are advised to contact the North Lincolnshire Historic Environment Record for a discussion about the archaeological mitigation strategy at least 20 working days prior to the proposed commencement of development (email [alison.williams@northlincs.gov.uk](mailto:alison.williams@northlincs.gov.uk); telephone 01724 297471).

#### **Informative 5**

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/2017/677**

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