

<b>APPLICATION NO</b>	<b>PA/2018/9</b>
<b>APPLICANT</b>	Mr Jake Turner
<b>DEVELOPMENT</b>	Planning permission for change of use of stables to dwellinghouse
<b>LOCATION</b>	Stables adjacent to Wyvern House, Bracon, Belton, DN9 1QP
<b>PARISH</b>	Belton
<b>WARD</b>	Axholme Central
<b>CASE OFFICER</b>	Andrew Willerton
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Belton Parish Council

## **POLICIES**

### **National Planning Policy Framework:**

Paragraph 14 states that at the heart of the National Planning Policy Framework there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. Where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, relevant policies which guide housing supply should not be considered up-to-date.

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 styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

Paragraph 61 states that planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

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 111 states that planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.

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.

Paragraph 123 states that planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise, and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

Paragraph 186 states that local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development.

Paragraph 187 states that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Paragraph 196 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

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

Paragraph 203 states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Paragraph 204 states that planning obligations should only be sought where they meet all the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

Paragraph 206 states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

**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)

CS17 (Biodiversity)

CS18 (Sustainable Resource Use and Climate Change)

**Housing and Employment Land Allocation DPD:**

Inset Map for Belton

PS1 (Presumption in Favour of Sustainable Development)

**North Lincolnshire Local Plan:**

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

H7 (Backland and Tandem Development)

H8 (Housing Design and Housing Mix)

T2 (Access to Development)

T19 (Car Parking Provision and Standards)

LC14 (Area of Historic Landscape Interest)

DS1 (General Requirements)

DS14 (Foul Sewerage and Surface Water Drainage)

**CONSULTATIONS**

**Highways:** Advises a condition.

**Drainage:** No comments received.

**Ecology:** No objection subject to conditions.

**Historic Environment Record:** No objection subject to a materials condition.

**Environmental Health:** Advises the submission of a contaminated land screening assessment.

## **PARISH COUNCIL**

Objects to the development as it is backland development and highlights previous refusals over the years for this site.

## **PUBLICITY**

The application has been advertised by site notice for a period of not less than 21 days prior to writing this report. Three letters of objection have been received from two properties raising the following issues:

- No garden plan, no access statement and no flood report have been provided.
- There are current drainage issues on the site: the drain regularly backs up and the water table is high. Concern is raised regarding potential materials used on any driveway and parking area.
- The address given by the applicant is Meadow View which is a barn and does not have consent for residential development. If this application is granted the barn would also become residential despite being outside the development limit.
- The access road to the property is known as Wyre Lane and has since been blocked off, yet objecting properties have a right of access of the lane as stated within property deeds.
- The access road is unsuitable for HGVs and its maintenance is paid for by the existing three properties on it. If a further dwelling is permitted it should be required to contribute to its maintenance.
- Concerns are raised over highway safety due to increased traffic at the junction of the access road with Bracon.
- Noise and disturbance will be caused by the increased volume of vehicular traffic passing in front of the objecting property. It is highlighted that there is a second access to the site which could be used and there would be no issue with the proposal if this were to form the primary access.
- The site has previously been refused planning permission and has an extensive planning history.
- There are land ownership issues/concerns.

## **ASSESSMENT**

This application was deferred at the last meeting of the planning committee to enable members to visit the site prior to making a decision.

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 (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 of the Planning Practice Guidance (PPG).

The application site is a stable block adjacent to Wyvern House which is accessed via a private road off Bracon within Belton. The site is bound to the north by agricultural fields, to the east by a brick-built barn, and to the south and west by residential properties. Planning permission is sought to change the use of the stable block to form a two-bedroom one-and-a-half-storey dwelling. The site has an extensive planning history which is summarised below:

- PA/2000/0199: Outline planning permission to erect stables and barn, which was granted.
- PA/2000/1039: Outline planning permission to erect a detached dwelling, including details of access, which was refused.
- PA/2003/0983: Planning permission to erect a barn and stable, which was granted.
- PA/2004/671: Planning permission to vary condition 4 of application PA/2003/0983 to remove the restriction of the use of barn and stables in connection with Wyvern House, which was refused.
- PA/2006/1651: Planning permission for conversion of stables into a dwelling, which was refused.
- PA/2008/1219: Planning permission to vary condition 4 of PA/2003/0983 to 'the barn and stables hereby permitted shall be used for domestic purposes only with a maximum of two horse being stables on the premises', which was refused.

**The main issues for consideration are whether the principle of residential development at this location is acceptable and whether the use of the site as a dwelling would harm residential amenity or highway safety.**

### **Principle**

The HELA DPD adopted in 2016 defines the development limits of settlements as referred to within NLCS policy CS3. The stable block proposed for conversion to a dwellinghouse is within the HELA DPD development limit for Belton. The development limit runs directly along the rear elevation of the stable block and the rear portion of the application site is outside the HELA DPD. However, no dwelling is proposed on land outside the development limit and the use of this land would most likely form residential garden. Residential gardens outside the development limit are a common feature across settlements within North Lincolnshire. The principle of residential conversion is considered acceptable and is supported by planning policy.

It is noted that a number of objections have been raised, including from the parish council in relation to the principle of residential development of the site and the fact that the site has previously been refused planning permission. The change of use of the stable block to a dwelling has previously been refused planning permission under PA/2006/1651. This was due to conflicts with NLLP policy RD9 and the council's view was upheld at appeal. However, there has been a fundamental change in planning policy since this decision was made. In 2006 the stable block was outside the development limit for the settlement and accordingly NLLP policy RD9 was relevant to the determination of the proposal as it governs the residential re-use of redundant buildings within the open countryside. The site is now not considered, in planning terms, to be within the open countryside as it is within the development limit for the settlement as defined by the HELA DPD adopted in 2016. Accordingly, NLLP policy RD9 is no longer relevant to the determination of the proposal and the previous reasons for refusal no longer stand.

### **Design and amenity**

The stable block as existing is constructed of brick and tile and features a number of openings to all elevations. It is proposed that some of these openings be retained, some blocked up and others replaced with doors/windows. Where openings are to be blocked up it is proposed to utilise matching materials. In addition, it is proposed to create a first floor within the roof space of the stable block. To light this space, dormer windows are proposed to the rear roof slope and rooflights to the principal roof slope. It is not considered that the first-floor level windows proposed would result in a significant loss of privacy to neighbouring properties: the dormer windows would overlook the proposed garden space and beyond to the barn known as 'Meadow View', and the rooflights to the front would overlook the driveway and parking area with a separation distance of 20 metres to the rear boundary of neighbouring properties.

Objection has been received on the grounds that the development is 'backland' and would result in an increase in traffic movements along the private lane which would result in an increase in noise and disturbance. It is acknowledged that the development of a dwelling would likely increase traffic movements but the volume of traffic associated with a modest two-bedroom dwelling is not considered to be significant. Furthermore, the private lane has an appropriate separation distance to the elevations of dwellings and it is not considered the development would increase noise and disturbance significantly more than the existing situation.

It is important to consider the findings of the Planning Inspector at the appeal associated with PA/2004/0671. This application sought to vary condition 4 of PA/2008/1219 from "the stables and barn hereby permitted shall only be used for domestic purposes incidental to the enjoyment of Wyvern House and its occupants and shall not be used in connection with any commercial use" to "the barn and stables hereby permitted shall be used for domestic purposes only with a maximum of two horses being stabled on the premises". The original condition was imposed so that the development could be controlled in the interests of amenity. Consent to vary the condition was refused and this decision was upheld at appeal. Within his report the Inspector found that to sever the stable block from Wyvern House would result in harm to the amenity enjoyed by Wyvern House in terms of odour, vehicular movements, noise and disturbance given its close proximity. The main issue identified by the Inspector was that the condition proposed by the applicant was deficient and did not sufficiently control development through the entirety of the site. The Inspector infers that the barn and the extensive open space would not have any restrictions imposed by the proposed condition and the use of the site could therefore intensify significantly. Whilst an

Inspector has previously identified harm with the use of the stable block without connection to Wyvern House, this was mainly due to the deficiency of the condition proposed. The development for consideration by this application is for the use of the stable block as a dwellinghouse and not for stabling horses. This is a fundamental difference between the historic refusal and this application. The converted stable block for use as a dwellinghouse is that is 7.7 metres away from the boundary and 12.5 metres away from the side elevation of Wyvern House is considered sufficient separation for the use of the site as a dwellinghouse without causing significant noise and disturbance to the occupiers of Wyvern House.

Objection has been received in relation to the lack of a plan of the proposed garden. The site as existing is grassed to the rear. It is considered that the amount of grassed space to the rear that is within the application site as shown on the block plan is sufficient garden space within regard to the scale of dwelling proposed. The application site is partially bound by existing boundary treatments to existing residential properties. However, boundary treatments are required to the north and east boundaries of the application site which can be secured by planning condition.

The site is within an area designated as being of special historic landscape interest. The Historic Environment Record has been consulted on the proposal and has confirmed it has no objection to the proposal in terms of its design or effect upon the setting of the historic landscape subject to conditions relating to materials. As the building is already in existence it is not considered necessary to secure samples of materials. It is noted that some building operations are required to block up windows/doors to the existing stable block and to install dormer windows. The submitted plans indicate that matching facing materials are to be used and it is not considered necessary to secure these by condition as development will be required to take place in accordance with the submitted plans.

## **Highways**

The site has the benefit of an existing access point onto the private lane which appears to run north/south through the site along the western boundary. There is an area to the front of the stable block which could be utilised to provide sufficient parking with regard to the scale of the dwelling. The Highways team has been consulted and has raised no objection to the proposal subject to conditions. Objection has been received in relation to highway safety concerns at the junction of the private lane with Bracon. It is accepted that the creation of a dwelling at this location would result in an increase in traffic using this junction. However, it is not considered the provision of a single dwelling would significantly result in additional vehicular movements at the junction to refuse the application on highway safety grounds given the fact that Highways has raised no objection to the proposal.

## **Other matters**

Concern has been raised in relation to surface water and flooding issues at the site. The Drainage team has been consulted and advise conditions requiring further information to be provided in respect of ground investigation works to inform whether infiltration is suitable at the site. However, the stable block for conversion into a dwelling is already in existence and this proposal in itself would not increase the impermeable area on the site. Regard is to be had to the potential for hard surfacing to be installed at the site to form vehicular parking and driveway areas as noted by objectors. The installation of hard surfacing could increase the impermeable area of the site and cause surface water issues. A condition could be imposed to prohibit the installation of impermeable hard surfacing at the site

without the prior approval of the authority in relation to the method of draining the area being provided. It is, however, not considered necessary to include such a condition as the Town and Country Planning (General Permitted Development) Order 2015 regulations already require permission for such works greater than 5 square metres in area where impermeable materials are to be used.

The Environmental Health Team has been consulted on the application and notes the proposed end use of the building as a dwelling forms a sensitive end use. The team advises the submission of a screening assessment in order to determine the potential for land contamination at the site. The team advises that this assessment be submitted prior to determination of the proposal but advises conditions should the local planning authority be minded to determine the application without such an assessment. In this instance, given the site's previous use as a stable, there is potential for land contamination and the condition proposed by the Environmental Health team is considered reasonable and necessary.

As the application site forms a stable block within a rural location it is necessary to consider the potential for protected species at the site. The Ecologist has been consulted on the proposal and considers additional information should be provided in order to determine whether a protected species survey should be carried out at the site. The applicant has submitted the additional information requested and the Ecologist has confirmed that no protected species surveys are required. The Ecologist does recommend conditions to secure biodiversity enhancement at the site which is considered to be reasonable and in accordance with local and national planning policy.

A number of objections have been received in relation to financial contributions by the applicant for future management and maintenance of the private drive off Bracon, the blocking off of the private drive by the applicant and queries of land ownership of the access road by the applicant. These matters are private civil matters between the parties involved and cannot be considered by the planning authority in the determination of the proposal.

Further concerns have been raised in relation to the barn to the east of the site which is stated as being the current address of the applicant despite this not being permitted in planning terms for use as a residential dwelling. The use of the barn as a residential dwelling would require planning permission. The application being considered in this report is not for a change of use of the barn known as 'Meadow View' and only relates to the stable block to the west of the barn. All planning applications are to be determined on their own merits and the decision reached on this proposal does not prejudice any decision that may be made on a future application for the barn to the rear, should this be submitted to the local planning authority for consideration.

**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: PA/2018/9/01 and T/01/02/3217/A.

Reason

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

3.

The dwelling shall not be occupied until the vehicular access to it and the vehicle parking and turning space(s) serving it have been completed and, once provided, the vehicle parking and turning space(s) shall be retained.

Reason

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

4.

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

#### Part 1: Site Characteristics

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health;
  - property (existing or proposed), including buildings, crops, livestock, pets, woodland, and service lines and pipes;
  - adjoining land;
  - groundwaters and surface waters;
  - ecological systems;
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and a proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### Part 2: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### Part 3: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

#### Part 4: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

#### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

#### 5.

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 nest boxes to be installed;
- (c) prescriptions for the installation of a woodcrete bat box at a height of at least 3 metres on the southern elevation of the building;
- (d) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (e) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (f) prescriptions for the planting and aftercare of native trees and/or shrubs of high biodiversity value;
- (g) 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 North Lincolnshire Core Strategy.

**6.**

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.

**7.**

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 prior to the occupation of the dwellinghouse and once built/planted it shall be retained.

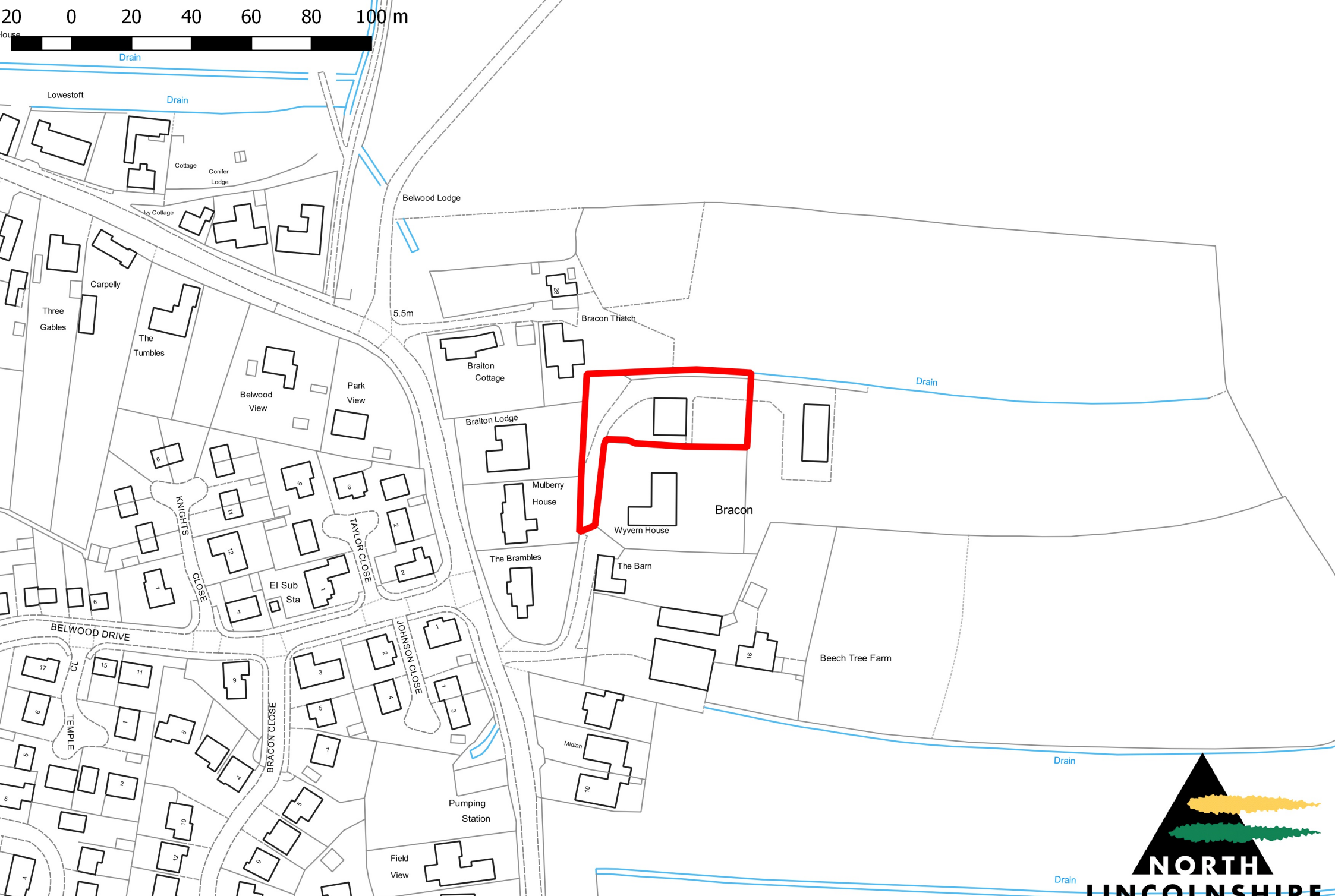
**Reason**

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

**Informative**

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/2018/9**

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