

<b>APPLICATION NO</b>	<b>PA/2018/917</b>
<b>APPLICANT</b>	Mrs Kim Goad
<b>DEVELOPMENT</b>	Outline application to erect a detached bungalow with means of access not reserved for subsequent approval
<b>LOCATION</b>	Land adjacent to 35 South Cliff Road, Kirton-in-Lindsey, DN21 4NR
<b>PARISH</b>	Kirton in Lindsey
<b>WARD</b>	Ridge
<b>CASE OFFICER</b>	Scott Jackson
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Kirton in Lindsey Town Council

## **POLICIES**

**National Planning Policy Framework (July 2018):** Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Paragraph 59 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Paragraph 128 states that design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

Paragraph 190 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. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict.

**North Lincolnshire Local Plan:** Policies DS1, H5, H8, HE2, LC12, T1, T2 and T19 apply.

**North Lincolnshire Core Strategy:** Policies CS1, CS2, CS5, CS6, CS7 and CS9 apply.

## **CONSULTATIONS**

**Highways:** No objection, but recommend 7 conditions and an informative in relation to works within the highway.

**LLFA Drainage:** No objection, but recommend conditions in respect of a method of preventing surface water run-off onto the highway and for the granting of ordinary watercourse consent to allow the build over the existing highway drain.

**Conservation:** The site is just outside the Kirton conservation area and, considering there are similar existing or approved buildings immediately adjacent, there is no objection to the principle of development in this instance.

However, it is recommended that the boundary retains its green appearance and that the construction materials are of a traditional appearance ie clay pantile roofs and rustic red brick to maintain the rural character and appearance of the site which is adjacent to the historic core of Kirton. Appropriate conditions to control these factors should be considered.

## **TOWN COUNCIL**

Object on the following grounds:

- proximity to the bus stop from the proposed access
- the density of houses being constructed in this area is more than is required
- loss of green space and impact on trees
- loss of garden space.

## **PUBLICITY**

The application has been advertised by site and press notice. Four letters of objection (three from the same objector) have been received raising the following issues:

- the proposed access is opposite a bus stop and adjacent to another vehicular access approved under PA/2016/1370
- the adjacent vehicular access and those located opposite the site are omitted on the plan
- increase in congestion and traffic along Dunstan Hill

- impact on highway safety
- impact on the character of the area
- the dwelling should be single-storey in height
- proximity to protected trees and potential impact
- it is questioned whether the visibility splays can be achieved
- the design layout may be difficult to achieve
- cramped form of development which is out of keeping
- proximity to dwelling and site to the south-west
- overbearing and domineering impact exacerbated by the proximity to the boundary
- lack of separation distance
- potential for overlooking
- increase in noise and disturbance
- loss of light and overshadowing
- it is not a design-led solution which fails to take into account the impact on the neighbours
- potential structural damage to neighbouring property exacerbated by difference in ground levels
- any planning application should account for the proximity to the conservation area.

## **ASSESSMENT**

The application site is an area of garden space belonging to 35 South Cliff Road. The site also contains a detached brick garage which is located immediately to the south-east. A vehicular access has been formed from Dunstan Hill to the south. To the west of the site a dwelling has been constructed on land which was formerly garden land to the applicant's property. A closed boarded fence has been constructed along the western boundary of the site and there are a number of mature trees along the northern boundary of the site which are located within the Kirton in Lindsey conservation area. This application seeks outline planning permission for the erection of a detached bungalow with means of access not reserved for future consideration.

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

### **Principle**

The proposal seeks outline planning consent for a detached bungalow on garden land to the south-west of the applicant's dwelling; the land also contains a detached garage which

is located in the south-eastern corner of the site. The indicative plan shows that vehicular access is proposed in the south-western corner of the site to be served from Dunstan Hill and that there is sufficient space in which to provide a detached dwelling with associated private amenity space and parking and turning areas. The application site is located within the settlement boundary for Kirton in Lindsey which is designated as a Market Town in the adopted Core Strategy. Policy CS2 states that development should be focused on previously developed land and buildings within the defined development limits of North Lincolnshire's Market Towns.

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 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 Kirton in Lindsey; therefore there is a presumption in favour of residential development. Notwithstanding that this is an outline planning application, the indicative plan shows that a detached bungalow can be accommodated on the site and can be positioned in line with neighbouring dwellings located to the west with its gable facing towards the public highway; this is consistent with the orientation of a number of dwellings located along Dunstan Hill to the south-west.

There are a mix of house types and styles in the area with houses, bungalows and dormer bungalows. As such it is not considered that the proposed detached bungalow would be out of character with the scale and size of existing residential development in this part of Kirton in Lindsey. The erection of a single detached bungalow on a site which extends to over 600m<sup>2</sup> in area is not considered to be at odds with the density of existing housing in this part of Kirton.

### **Residential amenity**

The proposal is seeking outline planning permission for a residential development with all matters other than means of access reserved for subsequent consideration (through the submission of a reserved matters planning application). Matters relating to the position and heights of windows, orientation, siting and scale of the dwelling would be considered at reserved matters stage, and the potential loss of residential amenity arising from this subsequent planning application would be assessed at that stage of the planning process.

Notwithstanding this an indicative plan has been submitted with the planning application, which shows that there will be sufficient land to serve as private amenity space for the proposed dwelling; in addition there is sufficient land to the side of the proposed dwelling to provide a minimum of two off-street parking spaces and a turning space. It is acknowledged that the position of the indicative dwelling would have the potential to result in loss of residential amenity to the new dwelling on the site immediately to the west and to its ground floor west-facing kitchen window and which could be impacted upon further by the difference in ground levels (with the application site occupying an elevated position). However, this is an outline planning application and there is sufficient space in which the indicatively drawn bungalow could be re-orientated so that the bulk and height of the dwelling is positioned north to south, clear of the root protection areas for the protected trees (conservation area trees) in the applicant's garden to the north. The indicative plan shows that a detached bungalow can be accommodated on the site and, based on the indicative drawing, the proposal is not considered to constitute a cramped form of residential development in this case.

It is noted that the development will result in the loss of part of the garden belonging to 35 South Cliff Road; however, the applicant will retain a significant amount of private amenity space to the side and rear of their dwelling as a result of the proposals.

The construction of the dwelling has the potential to impact on the foundations of the newly constructed dwelling to the west, particularly as the neighbouring dwelling is located close to the party boundary. However, it is considered that the means of constructing the dwelling (in terms of its foundations and its structural integrity) would be addressed under the building regulations procedure.

Notwithstanding this it is inevitable that there will be some disruption to neighbouring dwellings during the construction period; however, this disruption will be short term and will not harm the long term amenity of the area.

## **Highways**

Highways have considered the proposal and raise no objections on highway or pedestrian safety grounds. The access is of sufficient width and there is a turning space within the site to ensure that vehicles can enter and leave the site in a forward motion. Concerns have been raised regarding the access and volume of traffic. Highways have been consulted and raise no objection to the proposal subject to conditions. The bus stop and the adjacent vehicular access will remain unaffected by the proposal. In terms of visibility a condition is recommended by Highways that no form of boundary treatment (including hedges) is retained, erected or planted or allowed to grow above a height of 1.05 metres along the highway frontage for a distance of 2 metres to either side of the access; the imposition of this condition will ensure that there is sufficient visibility when exiting the site onto Dunstan Hill.

## **Other issues**

There are three mature trees located on the northern boundary of the site which are afforded protection as a result of their location within the conservation area. The plan shows that the development can be accommodated on the site without impinging on the root protection zones and the canopies of these trees. The plans show the provision of a 1.8 metre high closed boarded fence along the newly formed northern boundary; given that this boundary will intercept these trees (and they are protected) and that a closed boarded fence has the potential to impact on the root protection area of said trees it is considered prudent to recommend a condition that details of the boundary treatment are submitted for consideration. Therefore a softer form of boundary treatment (such as a hedge or trees) along the northern boundary is considered to be more appropriate to this location.

## **RECOMMENDATION      Grant permission subject to the following conditions:**

1.

Approval of the details of the layout, scale and appearance of the building(s), 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, 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.

No development shall take place until details of:

- (i) the location and layout of the vehicular access; and
- (ii) the number, location and layout of vehicle parking and turning spaces within the curtilage of the site;

have been 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.

6.

Within 3 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.

7.

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.

8.

Any gates or gate positions at the vehicular access shall be set back a minimum distance of 5 metres from the nearside carriageway edge.

Reason

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

9.

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.

10.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), nothing shall at any time be erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway for a distance of 2 metres from the highway boundary across the site frontage.

Reason

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

11.

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.

12.

No works shall commence on site until the required visibility splays have been set out and established and shall thereafter be retained.

Reason

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

13.

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.

14.

Notwithstanding the details shown on drawing KG/18/02A, 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, including a soft boundary treatment to be planted along the northern boundary of the site. The agreed boundary treatment shall be built/planted before the dwelling is occupied and once built/planted it shall be retained.

Reason

To provide an appropriate level of screening and to ensure that the trees on the site are not impacted upon by inappropriate forms of boundary treatment in accordance with policies H8, DS1 and LC12 of the North Lincolnshire Local Plan.

15.

The development hereby permitted shall be carried out in accordance with the following approved plans: KG/18/01, KG/18/02 and KG/18/02A

Reason

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

16.

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.



**Informative 1**

Ordinary watercourse consent will be required for the build over the existing highway drain to facilitate the new vehicular crossing. You are advised to contact LLFA Drainage to discuss how to obtain the necessary consents.

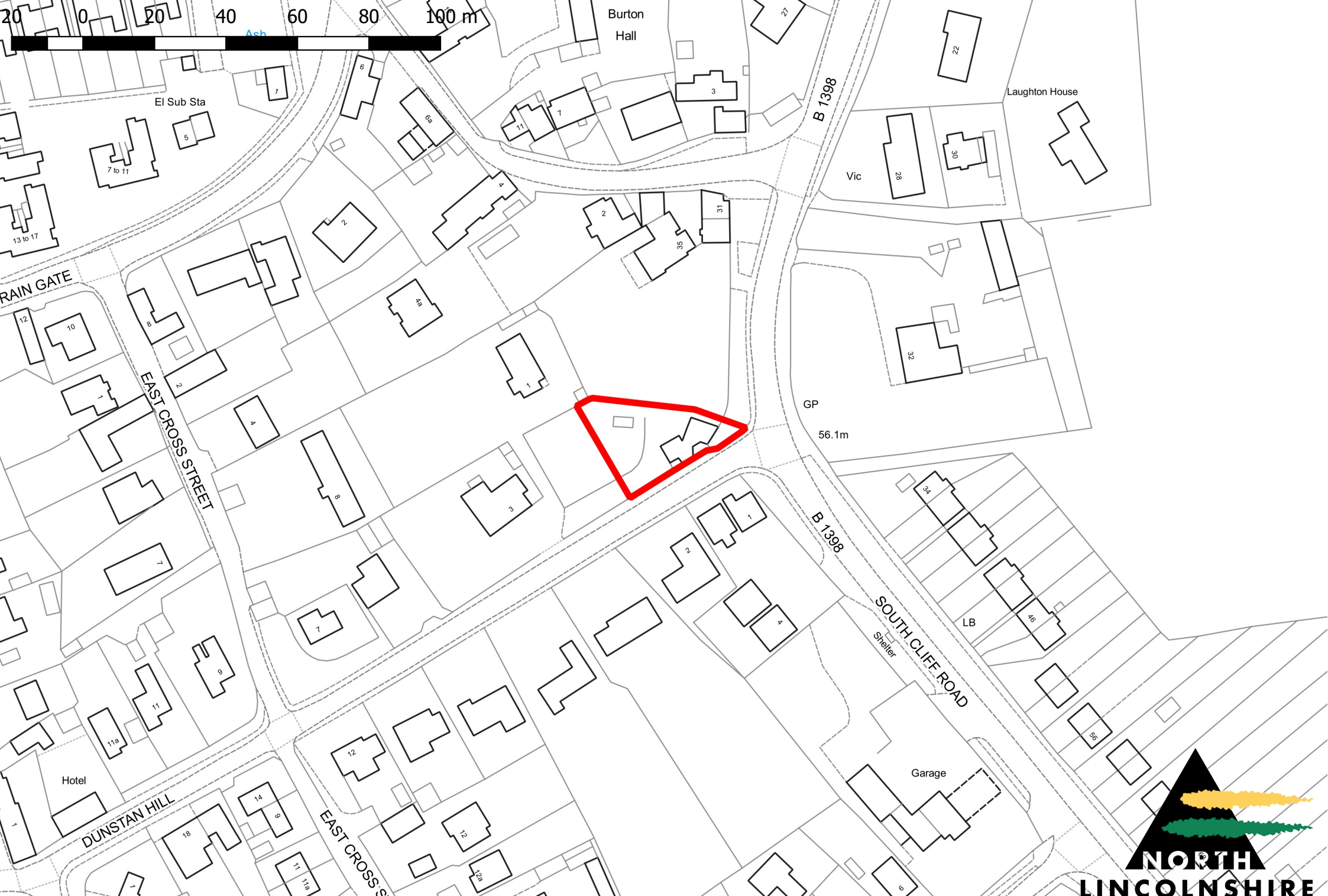
**Informative 2**

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 3**

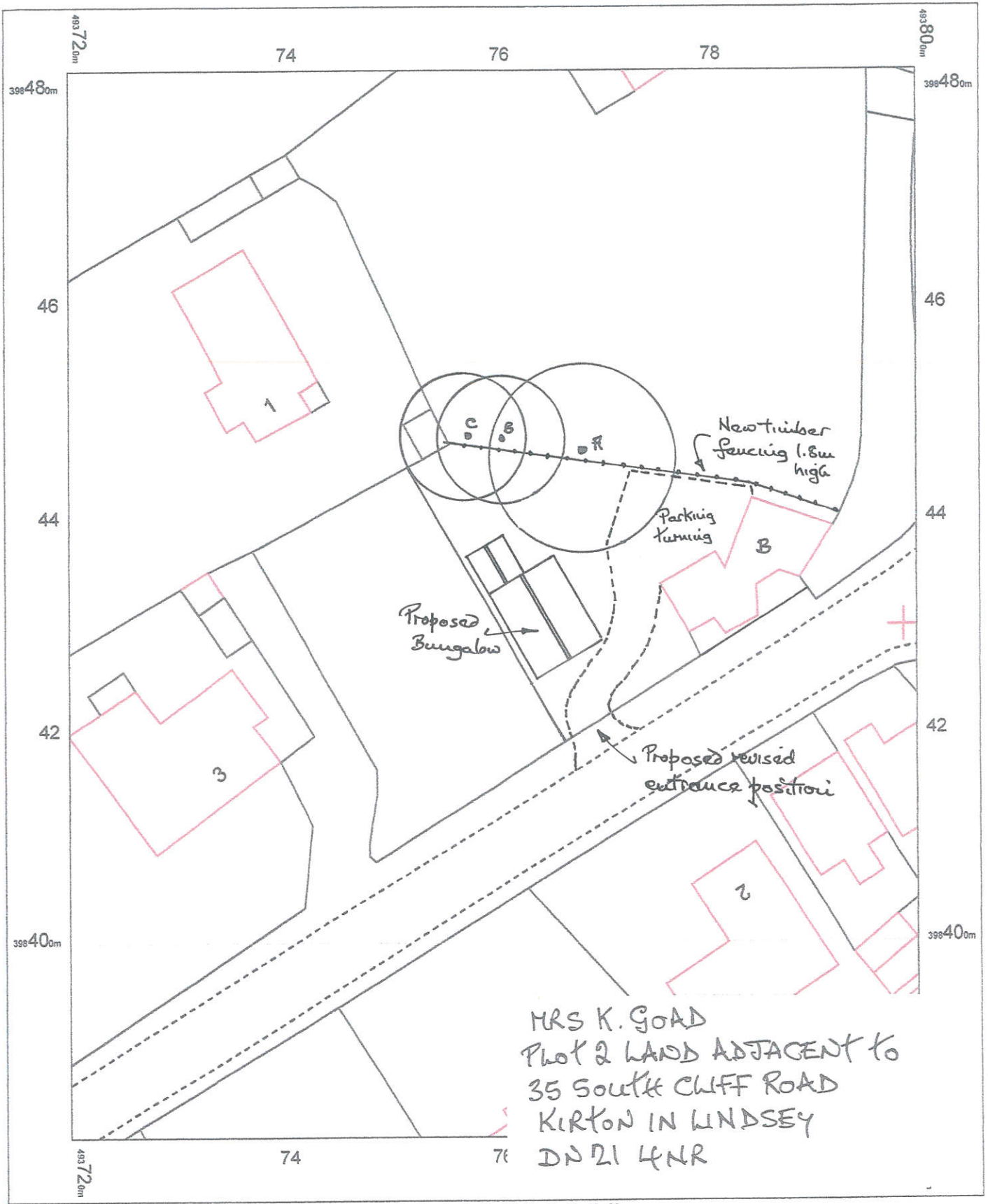
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



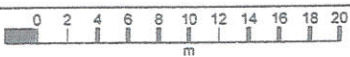
PA/2018/917



# PA/2018/917 Proposed block plan (not to scale)



MRS K. GOAD  
 Plot 2 LAND ADJACENT TO  
 35 SOUTH CLIFF ROAD  
 KIRTON IN WINDSEY  
 DN 21 4NR



DRG. NO. KG/18/02A



**"PROPOSED BLOCK PLAN"**

DEVELOPMENT CONTROL SECTION  
**08 MAY 2018**  
 DATE RECEIVED

16 August 2016, ID: BW1-00553685  
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