

APPLICATION NO	PA/2021/1180
APPLICANT	Mr Paul Evans
DEVELOPMENT	Outline planning permission to erect five dwellings with all matters reserved for subsequent consideration and demolition of existing dwelling
LOCATION	18 Manor Road, Bottesford, DN16 3PA
PARISH	Bottesford
WARD	Bottesford
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Margaret Armiger – significant public interest)

POLICIES

National Planning Policy Framework: Sections 5 and 12 apply.

North Lincolnshire Local Plan: Policies DS1, H5, H8, H10, T1, LC12, T2 and T19 apply.

North Lincolnshire Core Strategy: Policies CS1, CS2, CS5, CS7, CS8, CS9, CS16, CS17 and CS27 apply.

CONSULTATIONS

Highways: No objection, but recommend conditions.

Drainage (Lead Local Flood Authority): Object to the proposal on the following grounds:

The development falls within our lower threshold assessment levels (5–9 properties) and provides no information to support the proposals. There would seem to be no positive surface water drainage outfall within the vicinity of the development should it be unfeasible for infiltration.

Although the applicant has provided a flood risk assessment and suggested a variety of SuDS features and their maintenance requirements, they have not proposed anything to date. Whilst we appreciate the type of development would not warrant the larger open SuDS features (ponds, wetlands), we still ask that an appropriate level of source control features (filter drains, permeable paving, rain gardens, water butts) are fully investigated.

- The outline planning application does not provide a principle drainage strategy. This should include preliminary drainage layout plans, topographical survey and outline hydraulic calculations for a 1 in 100 year storm event plus CC based on current national guidance and be based on SuDS principles, including adoption/maintenance proposals.

- The outline planning application does not provide desktop ground investigation details to support or oppose the feasibility of infiltration for the site.

Consequently, the proposal fails to comply with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 155, 157, 163 and 165 of the NPPF.

Environmental Protection: This application for residential development is a sensitive end use. 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. Taking into account the above advice, the applicant should submit a Phase 1 report for this department's consideration prior to the application being determined in accordance with national policy guidance. This will allow the council to decide whether or not further assessment of the site is required and ensure that appropriate conditions are applied which render the development safe and suitable for use prior to use. Recommend conditions in respect of contaminated land investigation and construction working hours.

Historic Environment Record: I have checked the HER database for known and potential heritage assets that may be affected. The proposal does not adversely affect any heritage assets or their settings. No further recommendations.

Spatial Planning: The site is within the development limit of Scunthorpe and therefore in principle the proposals conform with the development plan. This application for five houses conforms with Core Strategy policy CS7 (Overall Housing Provision). The principal focus for housing is previously developed land and buildings within the development limits of Scunthorpe.

Housing density within Scunthorpe development limits is 40–45dph. This proposal is below the housing density for Scunthorpe. Scunthorpe is a major sub-regional town and scored 75 points in the North Lincolnshire Settlement Survey (2019) and was 1st overall out of all the settlements in North Lincolnshire on sustainability grounds. The settlement survey looks at key features which make up sustainability: primary school, secondary school, doctors and community facilities. Scunthorpe is a market town/large service centre and has seven of the seven key facilities: public house; village hall/church hall/community centre; primary school.

As the application is within the development limit of Scunthorpe, in principle development would be supported. The density of the site is, however, below the policy requirement.

Recycling: It is unclear without clear scaled plans of the proposed road whether there is adequate space for a refuse collection vehicle (RCV) to fit on the proposed road. The road layout also lacks a turning area which would result in the RCVs reversing further than is considered safe within a development.

Therefore, householders would be required to take their waste to the nearest adopted highway accessible by the RCV and present at a pre-agreed collection point.

The collection point should be conveniently located with easy access for residents:

- Residents should not have to take their waste and recycling more than 30 metres to a bin storage area.

- Residents should not have to take their bins more than 25 metres to a collection point, (usually kerbside) in accordance with Building Regulations Approved Document H Guidance.

Section 106 Officer: No contribution will be sought in this case.

Trees Officer: These new documents for this application do appear to be more accurate in their description of the trees, their locations, condition and root protection areas required around them.

The documents do suggest that if consent is given there would be a loss of five trees, and other works to several others in order to implement the consent. Some of these trees are protected by a TPO (tree preservation order), although those planted as replacement trees for previous TPO'd trees that have been removed are not protected by the TPO.

If NLC is minded to give consent for this application, there is a need to ensure that sufficient mitigation replacement planting be conditioned to ensure a continuing tree landscape in this location.

TOWN COUNCIL

No response received.

PUBLICITY

Site notices have been displayed and two responses have been received objecting to the proposal on the following grounds:

- increase in traffic
- increase in vehicular movements along the local highway
- local amenities, including the drainage, cannot cope with additional housing
- impact on highway and pedestrian safety
- impact on local services such as schools and doctors' surgeries.

ASSESSMENT

This application was deferred at the planning committee meeting held on 22 September 2021 to allow the local planning authority to assess the potential impact of the proposals upon the trees covered by a tree preservation order on the site. In this regard the applicant has submitted an updated Arboricultural Impact Assessment, a Tree Plan and a Site Plan.

This application site consists of a large, detached dwelling set within a spacious plot with garden to the front and rear. The site extends to 0.28 hectares (2800 square metres) in area and is located within the defined settlement boundary for Scunthorpe, within flood zone 1. The site is accessed via a long driveway approach from Manor Road to the south and the land surrounding the site is residential in nature. Outline planning permission is sought to demolish the existing house on the site and erect five dwellings with all matters reserved.

The main issues in the determination of this application are the principle of development, and impact on the character and appearance of the area, on residential amenity and on trees.

Principle

The application site is located within the settlement development boundary for the Scunthorpe and Bottesford urban area which is designated as the main focus for the majority of new development and growth, including housing. This accords with policy CS1 (Spatial Strategy for North Lincolnshire) of the Core Strategy. Policy CS2 (Delivering More Sustainable Development) states that development should be focused on previously developed land and buildings within the Scunthorpe urban area, followed by other suitable infill opportunities within the town, then by appropriate greenfield urban extensions.

Policy H8 (Housing Design and Housing Mix) of the local plan applies and states that new residential development will be permitted provided it incorporates a high standard of layout that 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 Scunthorpe and Bottesford and is located within walking and cycling distance of local services and amenities, and sustainable modes of travel. There is therefore a presumption in favour of residential development on this site. In addition, the proposal would result in the net gain of four additional houses which would contribute to the housing land supply in North Lincolnshire.

Street scene and settlement character

Manor Road and the surrounding streets have a defined character with large dwellings set within spacious plots, set back from the highway to the south. The character around the site changes to an extent to the west with detached dwellings arranged in a denser setting within a cul-de-sac (Wayside Close). Similarly, the character of development changes to the east of the site (along Manor Road, towards the junction with Cambridge Avenue) with pairs of semi-detached dwellings set back from the highway with off-street parking spaces and large rear gardens. Taking into account the existing settlement character in this part of Bottesford (including the cul-de-sac development to the west) it is considered the introduction of the five dwellings will not be at odds with the prevailing character of the area.

The site area of 0.28 hectares equates to approximately 560 square metres per plot, sufficient space in which to accommodate five dwellings with associated parking and private amenity space. Notwithstanding this, an indicative layout plan has been submitted demonstrating that five dwellings can be accommodated on the site, together with the provision of private gardens, two off-street parking spaces per dwelling and vehicular turning areas, and that the dwellings can be positioned in line with neighbouring dwellings to both the east and west to ensure the residential development is in keeping with the immediate locality.

The comments made by Spatial Planning in relation to density of the development are noted. The site is 0.28 hectares in area, which equates to a density of approximately 18 dwellings per hectare. This figure of 18 dwellings per hectare is below the density of 40–45 dwellings per hectare set out in policy CS7 of the Core Strategy. However, policy CS7 does advocate that, whilst housing development will be expected to make an efficient use of land, the density of new development should be in keeping with the character of the area.

The surrounding area is characterised by a modern residential cul-de-sac to the west and rows of semi-detached houses to the east. The development is considered to reflect the character of development whilst retaining a sense of openness within the street scene (based on the submitted plan, which is indicative only). Due to the openness that will be retained as a result of the development, together with the spacious pattern of development, it is considered that, although the proposal falls below the thresholds set out in policy CS7, it is acceptable in this instance.

Residential amenity

Outline planning permission is sought with all matters reserved for subsequent consideration (through the submission of a reserved matters application). Matters relating to the position and heights of windows, orientation and scale of the dwellings and the position of the highway access would be considered at reserved matters stage. The potential loss of residential amenity arising from this subsequent application would be assessed at that stage of the planning process. An indicative plan has been submitted with this application, which shows that separation distances of 20m can be achieved between habitable room windows on the rear most plots and existing houses on Jacklins Approach to the north.

A condition is recommended requiring details of all boundary treatments to serve the five plots to be submitted for consideration; this would allow the local planning authority to ensure that the boundary sections which border the gardens of existing residential properties are secured with appropriate boundary treatments and to clarify whether the hedge along the front and eastern boundaries of the site would be retained.

Trees

The site is covered by a blanket TPO which covers 39 trees in the gardens of 16, 18 and 18a Manor Road respectively. It is worth noting that some of these trees have been removed and replaced over time, including within the development site. Given the number of dwellings proposed and the associated garages, parking areas and access road, the proposals have the potential to impact on the protected trees and others within the site. The applicant has submitted additional information in the form of an Arboricultural Impact Assessment and Tree Plan, and an additional indicative site layout plan to show whether the dwellings can be accommodated on the site and how the development would interact with the existing trees (by way of encroachment into root protection zones or the canopies of the trees).

Policy LC12 of the North Lincolnshire Local Plan applies and states that proposals for all new development will, wherever possible, ensure the retention of trees, woodland and hedgerows with particular regard to the protection of these features within the setting of settlements, the protection of ancient woodlands and historic hedgerows and the amenity value of trees within built-up areas. The Arboricultural Impact Assessment (AIA) shows that the vast majority of trees are to be retained within the site and that development (shown on the indicative layout plans) can mainly take place outside the root protection zones (RPZ) of the trees without encroachment and resulting in soil compaction. The supporting information shows that five trees are proposed to be removed from the site, two of which are considered to be Category B trees and three Category C trees (referring to the quality of the trees).

The plans show that two trees (Trees 13 and 14) are proposed to be removed to facilitate vehicular access to the site. This proposed access point is positioned centrally along the

southern boundary with Manor Road. Neither of these trees are protected by the TPO and as such can be removed. Whilst their loss is regrettable, it is considered necessary to facilitate future vehicular access. In addition, if the existing access and driveway was retained (as shown on the previous indicative plan) the proposal would result in greater impact and therefore potential loss of trees, including those protected by a TPO. Also, as these trees are of category C quality, they are classed as being of low quality with a low life expectancy.

It is also proposed to remove Tree 4 from the site. This is a Lawson Cypress tree and was a replacement for the TPO tree that was previously located in this part of the site. The removal of this tree is considered acceptable to facilitate off-street parking spaces. In addition, the council's tree officer has commented that the replacement tree is not protected by the TPO and as such can be removed for off-street parking purposes.

It is also proposed to remove Trees 28 and 29 to facilitate the provision of a detached garage and off-street parking spaces to the rear of one of the dwellings (shown indicatively). One of these trees (T29) is a category C tree and is not protected by the TPO. It is therefore considered that it can be removed due to its limited amenity value and quality. T28 is a Lawson Cypress tree and is included within the TPO. Its retention should therefore be sought. The Arboricultural Impact Assessment states that it is in good condition with a life expectancy of 40+ years. Given this is an outline application with layout reserved for future consideration, it is considered that T28 should be retained, and alternative plans put forward for off-street parking and garage provision in this part of the site as part of any reserved matters application, in order to safeguard the tree. It is proposed to undertake remedial works to a number of the trees within the site and the plans show that no-dig driveway methods will be employed, and sufficient protection afforded to trees during the construction process. This is considered acceptable in the context that all but four of the trees within the site will be retained and that T28, which is a TPO tree, is to be retained by planning condition. In addition, there is scope to secure additional tree planting within the site to mitigate the loss of the trees, to improve the visual amenity of the area and to secure biodiversity enhancement. This will be done through the inclusion of an informative on any planning permission granted.

In conclusion, the loss of the trees is regrettable, however there are no category A trees to be removed from the site, nor any TPO trees. The submitted documentation shows that the proposals can be accommodated on the site with limited impact on existing trees and that appropriate methods of tree protection and no-dig driveway techniques can be employed to safeguard existing trees during development.

Other issues

The site is within flood risk zone 1; a flood risk assessment is therefore not required. As this site is identified on National Surface Water Drainage Maps (Gov.uk) as being at a very low risk of flooding from surface water drainage, there is no requirement for a surface water drainage scheme to be submitted for consideration in this case. Given the existing house is connected to a soakaway in terms of surface water disposal and that it is proposed to dispose of surface water from the five dwellings in the same way, it is considered that this matter will be dealt with sufficiently via a condition to secure a detailed drainage scheme prior to works commencing. No information or evidence has been presented with the objectors' comments to substantiate whether there are existing surface water drainage issues in this part of Bottesford.

In their consultation response Environmental Health has recommended a contaminated land investigation be undertaken, owing to the unknown previous use of the site and that residential development is a sensitive end use. However, the site has been in residential use as a dwelling with private garden surrounding it; the end use will therefore be the same as existing and a condition requiring contaminated land investigation is considered neither necessary nor reasonable in this case. A less onerous condition has been recommended to deal with any unexpected contamination should it be encountered during construction.

Highways have considered the proposal and raise no objection to the development on grounds of pedestrian or highway safety. The proposed development will inevitably result in an increase in traffic movements to and from the site and onto the public highway, however such an increase in vehicular movements is not considered to be above that which is expected in a residential area. In addition, there is sufficient space to the front of the site (adjacent to the access) in which to provide an area for refuse collection, which will be addressed when the layout is considered at the reserved matters stage.

Conclusion

The proposed development would make a valuable contribution towards housing provision in the locality and is a sustainable form of residential development. Furthermore, the proposal would not have a harmful impact on the character of the area, would not result in unacceptable harm to vehicular or pedestrian safety, has adequately addressed any drainage issues and loss of trees, and would not result in unacceptable harm to neighbouring living conditions. It is therefore concluded that the proposal sufficiently accords with adopted planning policy and guidance, and the application is recommended for approval.

Pre-commencement conditions

The pre-commencement condition included in the recommendation has been agreed with the applicant/agent.

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:

LNMR 001

LMR 009 (Tree T28 to be retained), and

OWA0185 AIA (Tree Protection Zone).

Reason

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

6.

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.

7.

Construction and site clearance operations shall be limited to the following days and hours:

- 8am to 6pm Monday to Friday

- 8am to 1pm on Saturdays.

No construction, demolition or site clearance operations shall take place on Sundays or public/bank holidays.

HGV movements shall not be permitted outside these hours during the construction phase without prior written approval from the local planning authority.

Installation of equipment on site shall not be permitted outside these hours without prior written approval from the local planning authority.

Reason

To define the terms of the permission and in the interests of safeguarding residential amenity.

8.

No above-ground works 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.

9.

No above-ground works 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.

10.

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.

11.

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.

12.

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.

13.

No dwelling served by the private driveway shall be occupied until it has been constructed in accordance with details including:

- (i) the proposed method of forming access from the highway, including the required visibility splays;
- (ii) the method of constructing/paving the drive;
- (iii) the provision of adequate drainage features;
- (iv) the provision of suitable bin collection facilities adjacent to the highway;
- (v) the provision of suitable lighting arrangements; and
- (vi) the provision of street name plates that shall include the words 'Private Drive';

which have been agreed in writing by the local planning authority before any above ground works commence. 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.

14.

No dwelling on the site shall be occupied until the private driveway has been completed, to a standard to be agreed beforehand in writing with the local planning authority, up to its junction with the vehicular access to that dwelling.

Reason

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

15.

No development shall take place until a scheme for the disposal of foul and surface water has been agreed in writing by the local planning authority and none of the dwellings shall be occupied until it is connected to the approved drainage system.

Reason

To ensure satisfactory drainage is provided in accordance with policy DS14 of the North Lincolnshire Local Plan.

16.

Notwithstanding the details shown on drawings LMR 009 and OWA0185 AIA (Tree Protection Zone), Tree T28 shall be retained on the site and included within the layout considered as part of any reserved matters application submission.

Reason

This tree is afforded protection by a tree preservation order and is of sufficient quality to merit retention. As this is an outline planning application, flexibility is built into any reserved matters submission to ensure any parking and garages are located clear of this tree.

17.

The development hereby permitted shall be carried out in strict accordance with the method and extent of tree protection measures detailed in the Arboricultural Impact Assessment produced by Arb Consultants Ltd dated October 2016, including the method and extent of tree protection identified on drawing OWA0185 AIA (Tree Protection Zone). The tree protection measures shall be retained for the duration of the works. Within the areas so fenced off, the existing ground level shall be neither raised nor lowered (except as may be approved by the local planning authority as part of the development) and no materials, equipment, machinery or temporary buildings, or surplus soil, shall be placed or stored thereon. If any trenches for services are required in the fenced-off areas, they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 5 centimetres or more shall be left unsevered.

Reason

To ensure the work is carried out in a correct manner to protect the health of the trees and their contribution to the visual amenity and character of the area.

Informative 1

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.

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

Any reserved matters submission should include details of the method of constructing the driveways in close proximity to, and within, the Tree Protection Zones. No-dig methods may be required in that regard.

Informative 4

Any reserved matters submission should include a substantial landscaping scheme with tree planting to mitigate the removal of trees from the site to facilitate development.



**North
Lincolnshire
Council**

PA/2021/1180

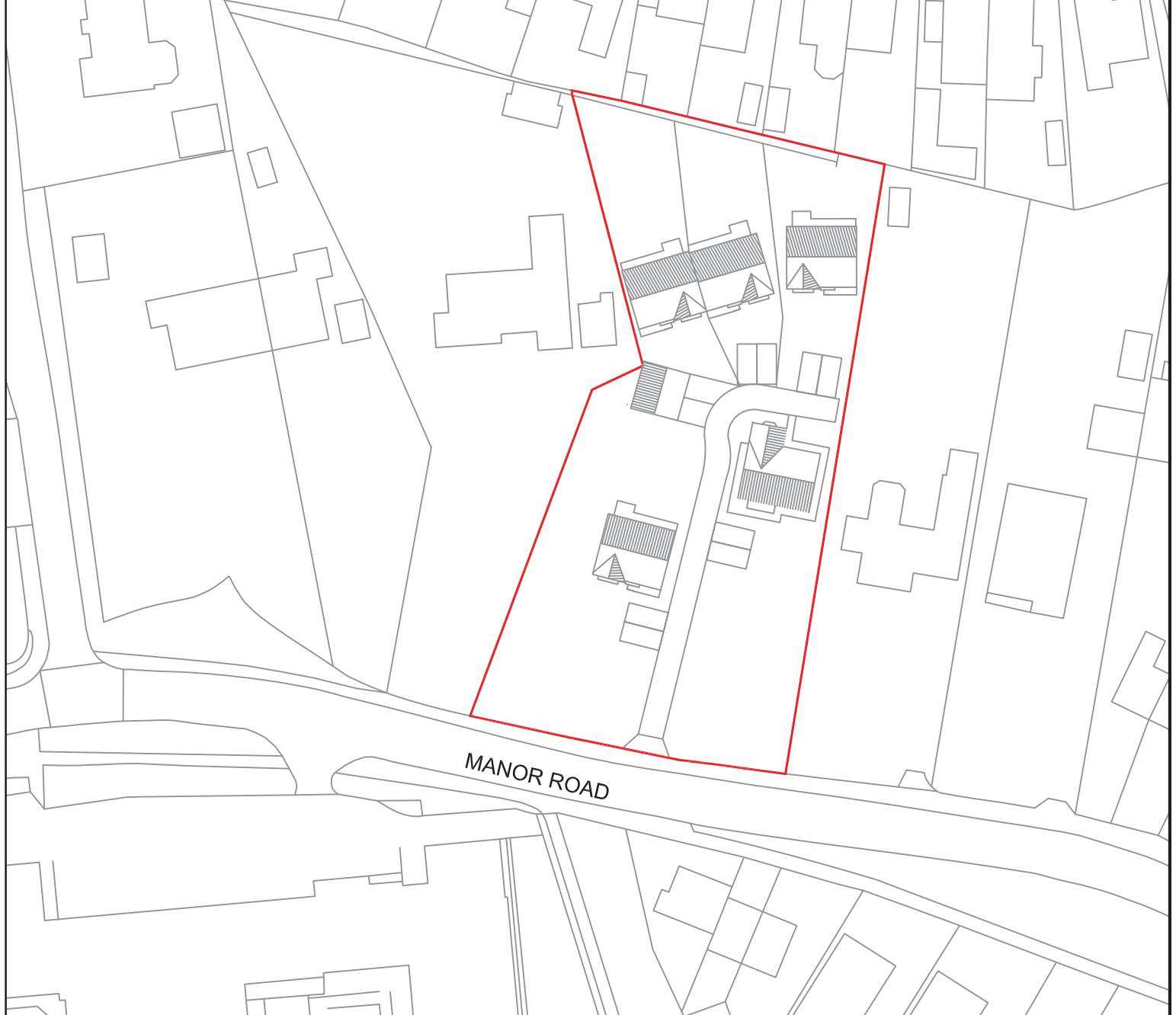
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PA/2021/1180 Indicative layout (not to scale)

AMENDED



PROPOSED SITE PLAN MANOR ROAD SCUNTHORPE



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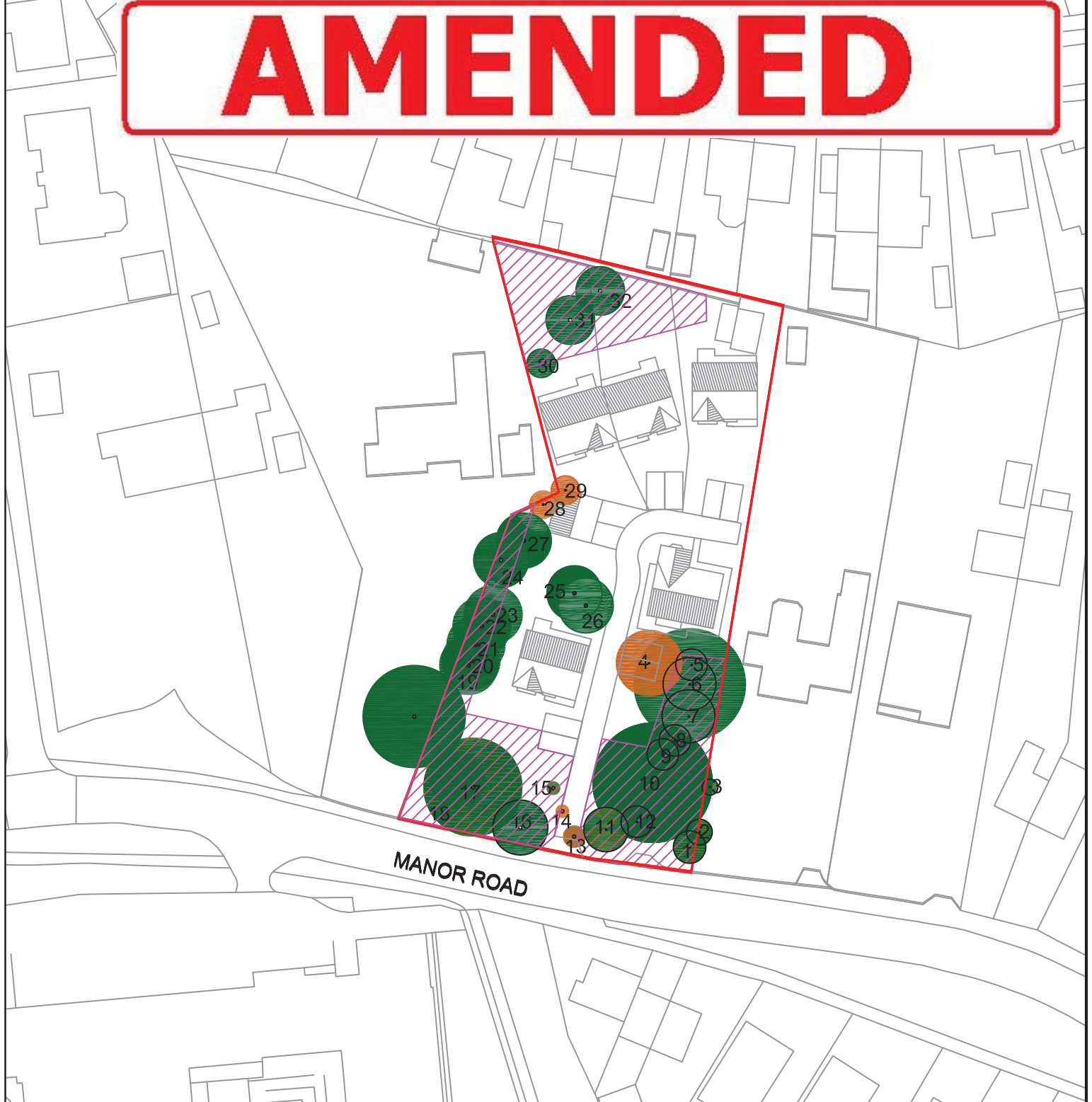
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JAN/22

PA/2021/1180 Tree plan (not to scale)



AMENDED



Key

-  Tree to be retained
-  Tree to be removed
-  Tree root protection area

TREE PLAN MANOR ROAD SCUNTHORPE



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Date
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