

<b>APPLICATION NO</b>	<b>PA/2022/1819</b>
<b>APPLICANT</b>	Mr S Cherry, Cherry Lane Homes Ltd
<b>DEVELOPMENT</b>	Planning permission to vary condition 2 of PA/2020/1117 namely to alter the height of the proposed fencing
<b>LOCATION</b>	7 Belton Road, Epworth, DN9 1JL
<b>PARISH</b>	<b>EPWORTH</b>
<b>WARD</b>	<b>Axholme Central</b>
<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 Epworth Town Council

## **POLICIES**

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

Section 2 (Achieving sustainable development)

Section 5 (Delivering a sufficient supply of homes)

**North Lincolnshire Local Plan:** DS1, LC12, H5, H7, H8, T1, T2 and T19 apply.

**North Lincolnshire Core Strategy:** CS1, CS2, CS3, CS5, CS6, CS7 and CS8 apply.

**New North Lincolnshire Local Plan Submission:** The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until later in 2023.

The Submitted North Lincolnshire Local Plan can be given some weight as a material planning consideration in the determination of planning applications. The relevant policies concerning this application are:

SS1, SS2, SS3, SS5, SS11, DQE1 and DQE12.

## **CONSULTATIONS**

**Highways:** No objection or comments.

**LLFA Drainage:** No objection or comments.

**Environmental Protection:** No objection or comments.

**Archaeology:** No objection or comments.

## **TOWN COUNCIL**

Object on the grounds the fence should be installed to the same height as the original planning application.

## **PUBLICITY**

A site notice has been displayed; two letters of objection have been received raising the following issues:

- the height of the fence should be installed as per the approved plans
- the height of the fence should be uniform throughout the development
- loss of hedge and wildlife
- the height of the fence should be increased to 2 metres throughout the development
- the 2-metre-high fence allows more privacy.

## **ASSESSMENT**

### **Planning history**

PA/2020/1117: Planning permission to erect three dwellings and associated garages – allowed at appeal on 08/04/2022.

The application site consists of three dwellings under construction (as per the approval under PA/2020/1117) on a site to the rear of residential properties on Belton Road (A161) and Tottermire Lane. The site is accessed from Belton Road to the west; this access also serves the host property (7 Belton Road) and the site previously contained some detached garages along its southern boundary. The site is within the development limit of Epworth within SFRA flood zone 1 (low). It is not within a conservation area and does not relate to a listed building. It is acknowledged that the site benefits from two tree preservation orders (TPOs) in the north-west corner of the site and one adjacent to the south boundary within the curtilage of 94 High Street. Planning permission is sought to alter the height of the boundary treatment around the perimeter of the site.

**The main issue in the determination of this application is whether the change to the height of the boundary fencing impacts on residential amenity.**

### **Residential amenity**

The site layout plan shows revisions to the proposed boundary treatment along three of the boundaries to the site: this consists of a reduction in height of the closed-boarded fence from 2 metres to 1.8 metres, a reduction of 0.2 metres. It is considered the reduction in height of the close-boarded fence to a height of 1.8 metres still affords sufficient screening to the gardens of each plot and to those existing dwellings which border the development site. It should be noted that the majority of close-boarded fences which are erected along the boundary of rear gardens in residential areas are erected at a height of 1.8 metres and as such it is considered this revision to the boundary treatment provides sufficient screening for all gardens.

In addition, it is noted that a small section of the northern boundary will be retained at a height of 2 metres where it borders the garden of 9 Tottermire Lane; this is to ensure there is sufficient privacy to the two bedroom windows which are proposed in the northern elevation of plot 2. The comments made by objectors are noted (in respect of the removal of the hedge for a fence), however it is considered the replacement of the hedge with a 1.8 metre high fence is sufficient to safeguard residential amenity to all gardens in this case. The fence is not visible within the street scene and therefore will not be viewed from the public highway, and the height of the proposed boundary fencing in its revised form is not considered to be out of keeping with the majority of gardens within the vicinity of the site. The proposed reduction in the height of the boundary fencing is not considered to result in any loss of residential amenity and provides sufficient privacy to the gardens of those dwellings proposed within the development site and those gardens which immediately border it; the application is therefore recommended for approval.

## **Conditions**

The pre-commencement conditions imposed on the original planning permission have been formally discharged under reference PA/2022/1562 and works have commenced on site. Amended conditions are proposed to ensure that the development is carried out in accordance with the details agreed pursuant to the conditions imposed on the original planning permission. These conditions relate to drainage, contamination, protected species, biodiversity, materials, and access and parking details.

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

1.  
The development hereby permitted shall be completed in accordance with the following approved plans:

- 20-036-1 Location Plan
- 20-036-2 Rev J Site Plan
- 20-036-3 Plot 1
- 20-036-6 Garage Plot 1
- 20-036-04 Rev A Plot 2
- 20-036-05 Rev B Plot 3
- 20-036-7 Additional Garage.

### **Reason**

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

2.

The dwellings hereby permitted shall not be first occupied until the surface water drainage strategy approved under PA/2022/1562 (the discharge of conditions submission) has been fully implemented, and once implemented the drainage scheme shall be retained thereafter.

### **Reason**

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the Core Strategy, and paragraphs 155, 157, 163 and 165 of the National Planning Policy Framework.

3.

Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

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.

4.

The development hereby permitted shall be carried out in accordance with the approved details and timings in the Biodiversity Management Plan submitted under PA/2022/1562 (the discharge of conditions submission), and the approved features shall be retained thereafter.

Reason

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

5.

No additional works shall take place on site until an updated biodiversity management plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

- (a) prescriptions for the planting and aftercare of native trees and shrubs of high biodiversity value;
- (b) proposed timings for the above works in relation to the completion of the dwellings hereby permitted.

The development hereby permitted shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter. Photographs of the planted trees and shrubs shall be submitted to the local planning authority within two weeks of installation.

Reason

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

6.

The dwellings hereby permitted shall be constructed in accordance with the following approved details and once constructed shall be retained thereafter:

Brick: Terca Mardale Antique  
Tile: Marley Calderdale Grey.

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.

7.

The vehicular access, vehicle parking and turning spaces shall be completed in accordance with the approved details before the dwellings are first occupied and shall be retained for such purposes thereafter.

Reason

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

8.

The development hereby permitted shall be carried out in accordance with the mitigation measures set out in the Arboricultural Method Statement for Tree Protection reference 211120/CHE prepared by Urban Arborist, including that during construction, no plant, equipment or materials shall be placed within the root protection areas of the existing trees protected by a tree preservation order. The root protection areas shall be calculated in accordance with BS5837:2012.

Reason

To protect the integrity of the protected trees.

9.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revising, revoking and re-enacting that Order with or without modification), there shall be no enlargement or extension of the dwellings (including additions or alterations to the roofs) hereby permitted, or any buildings or enclosures within their curtilages.

Reason

To satisfactorily protect the character and appearance of the area and the residential amenities of future occupiers, and to accord with policies CS5 of the North Lincolnshire Core Strategy and DS1 of the North Lincolnshire Local Plan.

**Informative 1**

Please be advised that any conditions formally discharged against PA/2020/1117 are considered to be discharged against this planning application also.

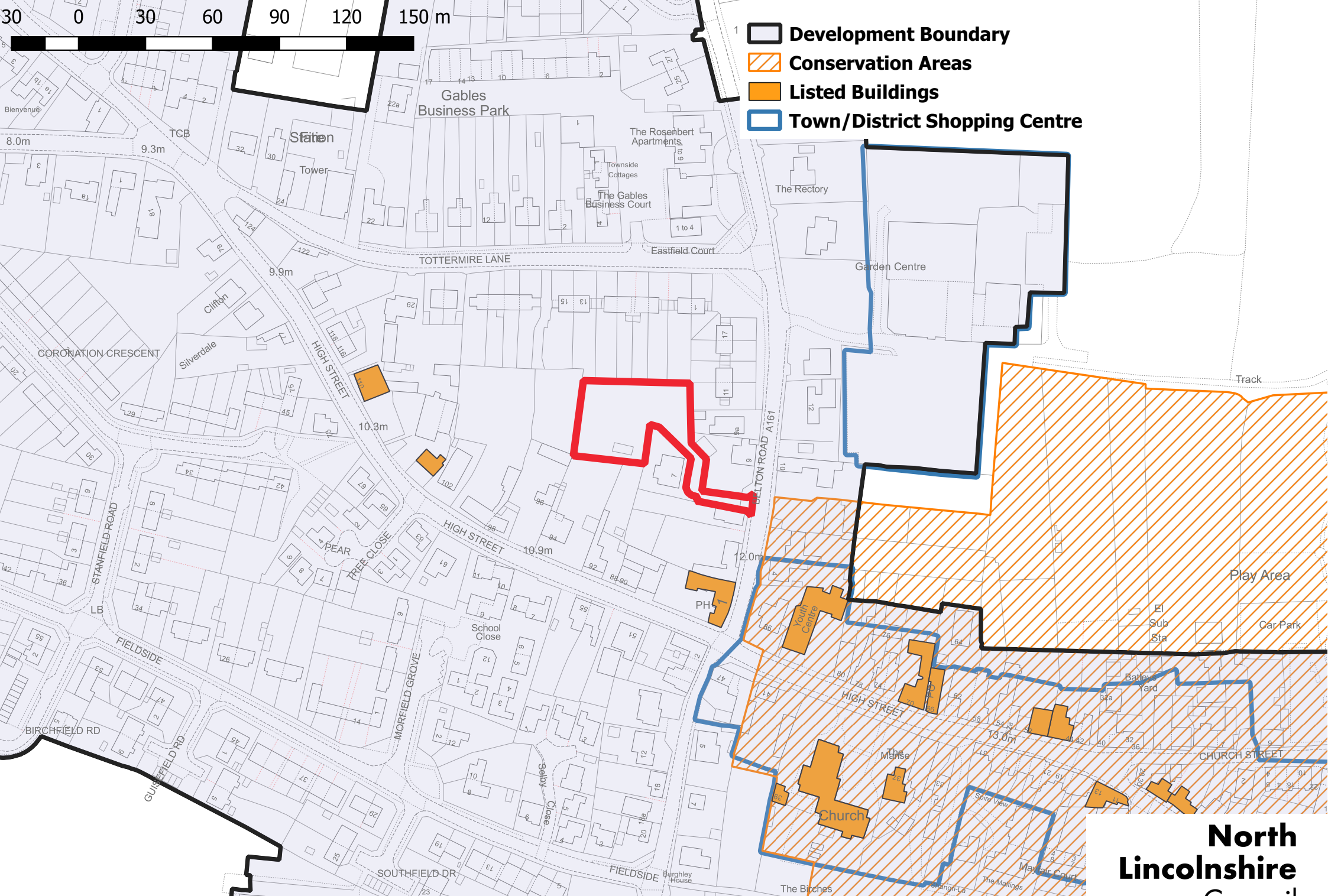
**Informative 2**

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.

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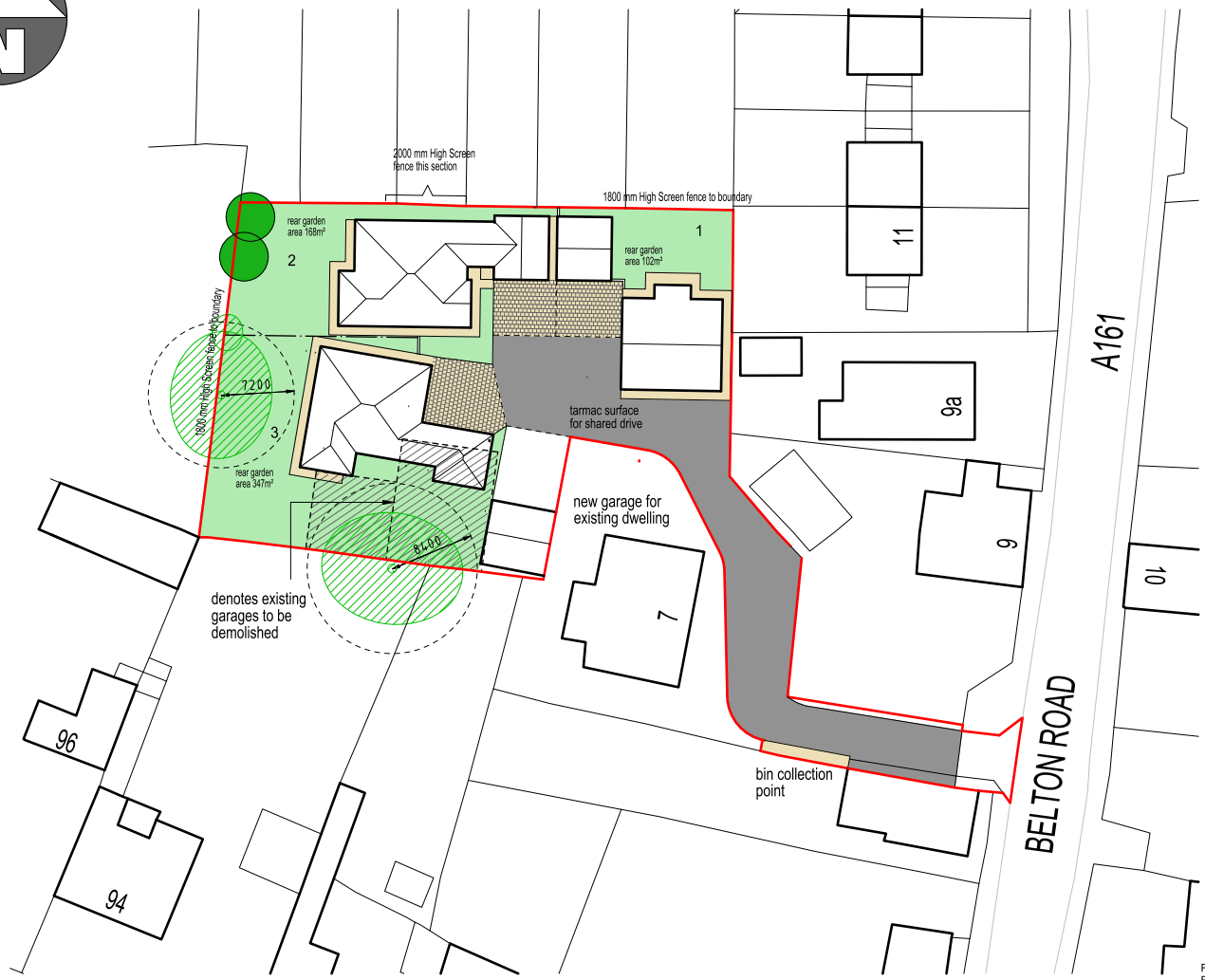
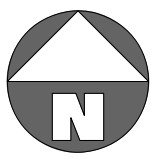
- Development Boundary
- Conservation Areas
- Listed Buildings
- Town/District Shopping Centre





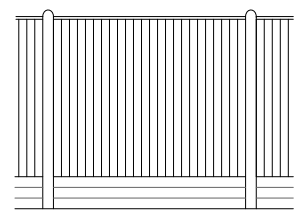
**PA/2022/1819**

**North  
Lincolnshire  
Council**

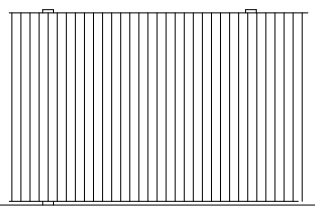
# PA/2022/1819 Proposed layout (not to scale)



- KEY**
-  denotes proposed shrub planting
  -  denotes proposed tree planting



1800 SCREEN FENCE TO BOUNDARY



1800 SCREEN FENCE WITH SITE BETWEEN PLOTS  
POST AND RAIL WITH FEATHER EDGE BOARDING

REV A - NOV 20 - PLOTS 2 AND 3 AMENDED  
 REV B - NOV 20 - PLOT 3 AMENDED  
 REV C - FEB 21 - PLOT 3 AMENDED  
 REV D - AUG 22 - SHARED DRIVE INDICATED AS TARMAC  
 REV E - SEP 22 - BOUNDARY FENCE AMENDED TO 1800 HIGH  
 REV F - OCT 22 - FENCE STYLE AMENDED  
 REV G - FEB 23 - FENCE AMENDED

**CHERRY TREE HOMES LTD**

**7 BELTON ROAD  
 EPWORTH  
 DN9 1JL**

**SITE PLAN**

scale	date	drawn	checked
1:500 @ A3	July 20	PB	
drawing no	revision		
<b>20 - 036 - 2</b>	G		

**C3 Architecture Planning & Design Ltd**

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