

<b>APPLICATION NO</b>	<b>PA/2023/1636</b>
<b>APPLICANT</b>	Mr S Jackson
<b>DEVELOPMENT</b>	Outline planning permission to erect a new dwelling with all matters reserved for subsequent consideration
<b>LOCATION</b>	Land at 1 The Avenue, Burton upon Stather, DN15 9EX
<b>PARISH</b>	<b>BURTON UPON STATHER</b>
<b>WARD</b>	Burton upon Stather and Winterton
<b>CASE OFFICER</b>	Paul Skelton
<b>SUMMARY RECOMMENDATION</b>	<b>Approve with conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Burton upon Stather Parish Council

## **POLICIES**

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

- 2 Achieving sustainable development
- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 12 Achieving well-designed and beautiful places
- 15 Conserving and enhancing the natural environment
- 16 Conserving and enhancing the historic environment

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

- H5 New housing development
- H8 Housing design and housing mix
- HE5 Development affecting listed buildings
- T1 Location of development
- T2 Access to development

T19 Car parking provision and standards

DS1 General requirements

DS14 Foul sewage and surface water drainage

**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

CS25 Promoting sustainable transport

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

Policy PS1 Presumption in favour of sustainable development

Inset 12 Burton upon Stather

**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 late 2024.

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 Presumption in favour of sustainable development

SS2 A spatial strategy for North Lincolnshire

SS3 Development principles

SS5 Overall housing provision

SS6 Spatial distribution of housing sites

SS11 Development limits

H2 Housing mix and density

DQE1 Protection of landscape, townscape and views

HE1 Conserving and enhancing the historic environment

T1 Promoting sustainable transport

DM1 General requirements

## **CONSULTATIONS**

**Highways:** No objection in principle subject to conditions to secure an appropriate access.

**LLFA Drainage:** No objections subject to conditions relating to surface water drainage and an informative note.

**Environmental Protection:** No objection subject to a precautionary contaminated land condition.

**Conservation:** No objection subject to the proposal being single-storey and sited towards the eastern side of the plot, and design details which can be secured at reserved matters stage.

## **PARISH COUNCIL**

Objects. It is concerned that the proposed exit from this property would be directly opposite a junction. At the top of this junction is the entrance/exit to the primary school and Normanby Road/The Avenue get congested at school dropping off/picking up times. This could decrease the safety at this junction. Prior to considering this application, a site visit should be arranged when parents are dropping off/collecting their children from the school.

## **PUBLICITY**

The application has been advertised by site and press notice. One response has been received which is summarised below:

- The site is adjacent to a 'Y' junction where three roads meet, and access to the school drive is off this junction.
- At school drop-off and leaving times, parking along The Avenue creates congestion and inhibits the free flow of two-way traffic as well as posing a risk to child safety. An additional entrance so close to the junction would exacerbate this.

## **The site and its location**

The application site comprises part of the side garden of 1 The Avenue, within the settlement limits of Burton upon Stather. There are existing dwellings either side. The site is at the point where the B1430 changes from Normanby Road to The Avenue, with the T-junction with Flixborough Road directly opposite.

On the opposite side of the road, to the west of the site, lies the grade II listed building, Avenue Cottage.

To the southwest, behind the row of houses fronting The Avenue/Flixborough Road, is Burton upon Stather Primary School, which is accessed via a driveway between two dwellings, close to the T-junction.

The site is in flood zone 1.

## **ASSESSMENT**

### **Planning history**

There is no relevant planning history for the site.

### **The development**

The application is made in outline with all matters reserved for future consideration and proposes the erection of a single dwelling. An illustrative plan has been submitted with the application which shows the access towards the western corner of the site.

The application makes it clear that the proposal is for a single-storey dwelling. The illustrative site layout shows the proposed dwelling set back into the plot to ensure greater distance to the boundaries, and to allow vehicle access and turning within the site.

### **Material considerations**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act states that, in dealing with an application for planning permission the local planning authority shall have regard the provisions of the development plan, so far as material to the application; any local finance considerations, so far as material to the application; and any other material considerations.

In this instance, the development plan consists of the saved policies of the North Lincolnshire Local Plan (NLLP) and the North Lincolnshire Core Strategy (NLCS). Other material planning policy considerations include the National Planning Policy Framework (the NPPF), the emerging North Lincolnshire Plan and a suite of supplementary planning documents.

**The main issues for consideration are the principle of development, heritage issues, character and appearance, highway safety and impact on neighbouring property.**

### **The principle of development**

The Government released an updated NPPF in December 2023. Paragraph 226 makes clear that for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing against the housing requirement (rather than five years). This includes authorities like North Lincolnshire, which have an emerging local plan that has been submitted for examination. These arrangements apply for a period of two years from the publication date of the revised NPPF. Therefore, full weight can be attributed to the local plan and local development framework policies and the 'tilted balance' set out in paragraph 11(d) of the NPPF is not engaged.

Notwithstanding this, the site is within the settlement boundary of Burton upon Stather, as defined by the Housing and Employment Land Allocations DPD, in an area where new housing is supported by the local plan and Core Strategy. The principle of development is therefore acceptable.

In addition to policy compliance, some minor benefits would arise from the proposal. The dwelling would contribute, in a very small way, to the council's housing land supply. Limited economic benefits would arise from the construction phase (given the scale of development proposed it is likely local tradespeople would be used), and from the economic activity of future residents, who would be likely to support local businesses and facilities. Economic benefits would also arise from taxation.

## **Heritage matters**

Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Local plan policies HE5 and HE7 and Core Strategy policy C6 reflect this duty.

Paragraph 199 of the NPPF states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 200 continues by stating that any harm to, or loss of, the significance of a designated heritage asset (including from development within its setting), should require clear and convincing justification. Paragraph 202 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

As set out above, a listed building, Avenue Cottage, lies to the west of the application site, on the opposite side of the B1430. Avenue Cottage is itself a residential property and its setting is very much dominated by other residential properties.

The Conservation Officer has been consulted and notes that the proposal is for a single-storey dwelling. On that basis, and subject to the detailed design and materials being secured at reserved matters stage, the Conservation Officer does not object to the proposal.

In light of the above, it is considered that the proposal meets the statutory duty set out at section 66 of the Listed Buildings Act and the relevant local and national policies and guidance that seek to protect the setting of heritage assets.

## **Character and appearance**

Saved policy DS1 of the local plan, Core Strategy policy CS5 and section 12 of the NPPF all seek high quality design. Policy DS1(i) sets out that the design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area. This is reflected in policy CS5 and the NPPF.

Whilst the application is made in outline with all matters reserved for future consideration, an assessment falls to be made as to whether there are any reasons why the site could accommodate a dwelling without unacceptably affecting the character and appearance of the area. An illustrative layout plan has been submitted with the application to demonstrate how a dwelling could be accommodated on the site, and indicating where the access could be located.

The site is within a row of houses, and on the inside of a soft curve in the road as it transitions from The Avenue to Normanby Road. The layout shown on the illustrative plan indicates that the dwelling would be sympathetic to the building lines to the east and north, although given the curve in the road the siting would perhaps appear to project in front of the building line

from certain views. However, given the single-storey nature of the proposal and the nature of the plot with a mature hedgerow to the front, it is not considered that this would be harmful to the streetscene.

One significant, mature tree would be lost as a result of the proposal. This tree does play a part in the streetscene of The Avenue, in an area characterised by mature trees. Nevertheless, the tree is not the subject of a tree preservation order. The illustrative layout and Design and Access Statement indicate that the tree would be replaced with additional trees, and this could be secured at reserved matters stage.

Overall, it is therefore considered that the site is capable of accommodating an additional dwelling without undue harm to the character and appearance of the area. Detailed design matters including layout, scale, appearance and landscaping can be addressed at reserved matters stage.

### **Highway safety**

Local plan policy T2 requires all development to be provided with a satisfactory access. The NPPF, at paragraph 114(b), requires safe and suitable access to the site to be achieved for all users. Paragraph 115 advises that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts would be severe.

Concerns have been raised by the parish council and a local resident in respect of the access, and in particular the proximity of the site to the nearby primary school, which is accessed from Flixborough Road, close to the application site.

The Highways Officer has been consulted and advises that the location of the proposed new access as indicated on the illustrative layout plan would appear to be acceptable subject to trimming of adjacent vegetation to improve visibility. The illustrative layout includes visibility splays which indicate that the necessary visibility can be achieved in both directions. It is noted that this access would be no worse than the existing access serving the neighbouring property to the north, 31 Normanby Road.

The Highways Officer notes that the indicative location of the proposed access is close to the Flixborough Road junction, however advises that the additional traffic arising from the proposed single-storey dwelling would be minimal. In this context it is unlikely that the development would give rise to any material highway safety issues over and above the current situation. It is also understood that traffic is managed by a school crossing service ('lollipop person') at the beginning and end of the school day.

In light of the above, it is not considered that the proposal would result in unacceptable impacts on highway safety and there would be no severe impacts on the local highway network.

### **Impact on neighbouring property**

Local plan policies all seek to protect the living conditions of occupiers of nearby residential property. Local plan policy DS1 states, 'No unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.' The NPPF (paragraph 130(f)) requires decisions to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

The only two properties that could realistically be affected by the proposal are the host property, 1 The Avenue to the east, and 31 Normanby Road to the north. Given the single-storey nature of the proposal and its relationship with 1 The Avenue, there would be no undue harm to occupiers of the existing dwelling as a result of a single-storey dwelling being built on the site.

Whilst the dwelling shown on the illustrative plan would be close to the boundary with 31 Normanby Road, again, given its single-storey nature, it would not unduly affect the living conditions of residents of that property. In any event, the precise details and impacts can be assessed at reserved matters stage.

The plot is of a size that could easily accommodate a dwelling whilst providing sufficient amenity space and outlook for its occupiers. There is just one seemingly high-level window on the first floor of 31 Normanby Road, which otherwise has a blank elevation at first-floor level, so no overlooking would arise. There are dormer windows on the garage and side elevation of the house at 31 facing the application site, which will require careful consideration as to the final siting and design of the proposed dwelling; however, this can be addressed at reserved matters stage.

Overall, therefore, a single-storey dwelling could be satisfactorily accommodated on the plot and, subject to the final design and siting, the proposal would not give rise to any unacceptable impact on neighbouring dwellings.

### **Other matters**

The Environmental Protection Officer has been consulted and, further to a contaminated land screening assessment submitted by the applicants, raises no objection subject to a precautionary condition which requires remediation in the event that unexpected contamination is found during development.

The site is located in flood zone 1, the area at least risk of flooding, and there is no evidence of any flood risk issues affecting the site. The LLFA has been consulted and raises no objection.

### **Conclusions and planning balance**

The principle of residential development in this location is considered acceptable in light of prevailing development plan policies. The application proposes a net increase of one dwelling in a sustainable location which meets the broad strategy for delivery of housing in the district. This weighs in favour of the application, as do the very limited economic benefits arising from the proposal.

Subject to reserved matters approval, there would be no harm to the setting of the nearby listed building, nor the character and appearance of the area. Similarly, subject to detailed design, there would be no unacceptable impacts on highway safety or the satisfactory operation of the local highway network, nor on the living conditions of existing or future residents. There are no objections in respect of other technical matters.

Overall, the proposal is considered to represent sustainable development in accordance with the development plan, and it is recommended that outline planning permission is granted subject to the conditions set out below.

**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 1:1250 scale Location Plan only as shown on Drawing Number 1770.01 Rev B.

Reason

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

6.

The dwelling hereby permitted shall be a single-storey bungalow.

Reason

To protect the character and appearance of the area and the living conditions of residents of neighbouring dwellings.



7.

All reserved matters applications for 'layout' made pursuant to condition 1 above shall include details of existing and proposed ground and floor levels in relation to a fixed, off-site, datum point.

Reason

To protect the character and appearance of the area and the amenity of occupiers of existing neighbouring residential properties.

8.

All reserved matters applications for 'appearance' pursuant to condition 1 above shall include precise details and/or samples of the external walling, roofing and hard surfacing materials proposed to be used. Development shall be carried out in accordance with the approved details.

Reason

In the interest of good design.

9.

All reserved matters applications for 'layout and appearance' pursuant to condition 1 above shall include details of the positions, design, materials and type of boundary treatments to be erected. The boundary treatments shall be completed in accordance with the approved details before the dwelling hereby permitted is first occupied.

Reason

In the interests of the amenities of the occupiers of neighbouring properties and to protect the visual amenity of the area.

10.

All reserved matters applications for 'layout' made pursuant to condition 1 above shall include details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway and an effective method of preventing surface water run-off from the highway onto the developed site. The approved details shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained for the lifetime of the development.

Reason

In the interests of highway safety and 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 policies T19 and DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

11.

All applications for reserved matters related to 'layout' and 'access' submitted pursuant to condition 1 above shall include 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.

#### Reason

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

12.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway.

#### Reason

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

13.

All reserved matters for 'access' submitted pursuant to condition 1 above shall include full details of the proposed access and required visibility splays based on a measured survey of the site and the relevant parts of the adopted highway.

#### Reason

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

14.

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 by the local planning authority. The approved method statement shall be implemented in full prior to any further development commencing on the site.

#### Reason

To ensure the site is safe for future users and construction workers.

### **Informatives**

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.

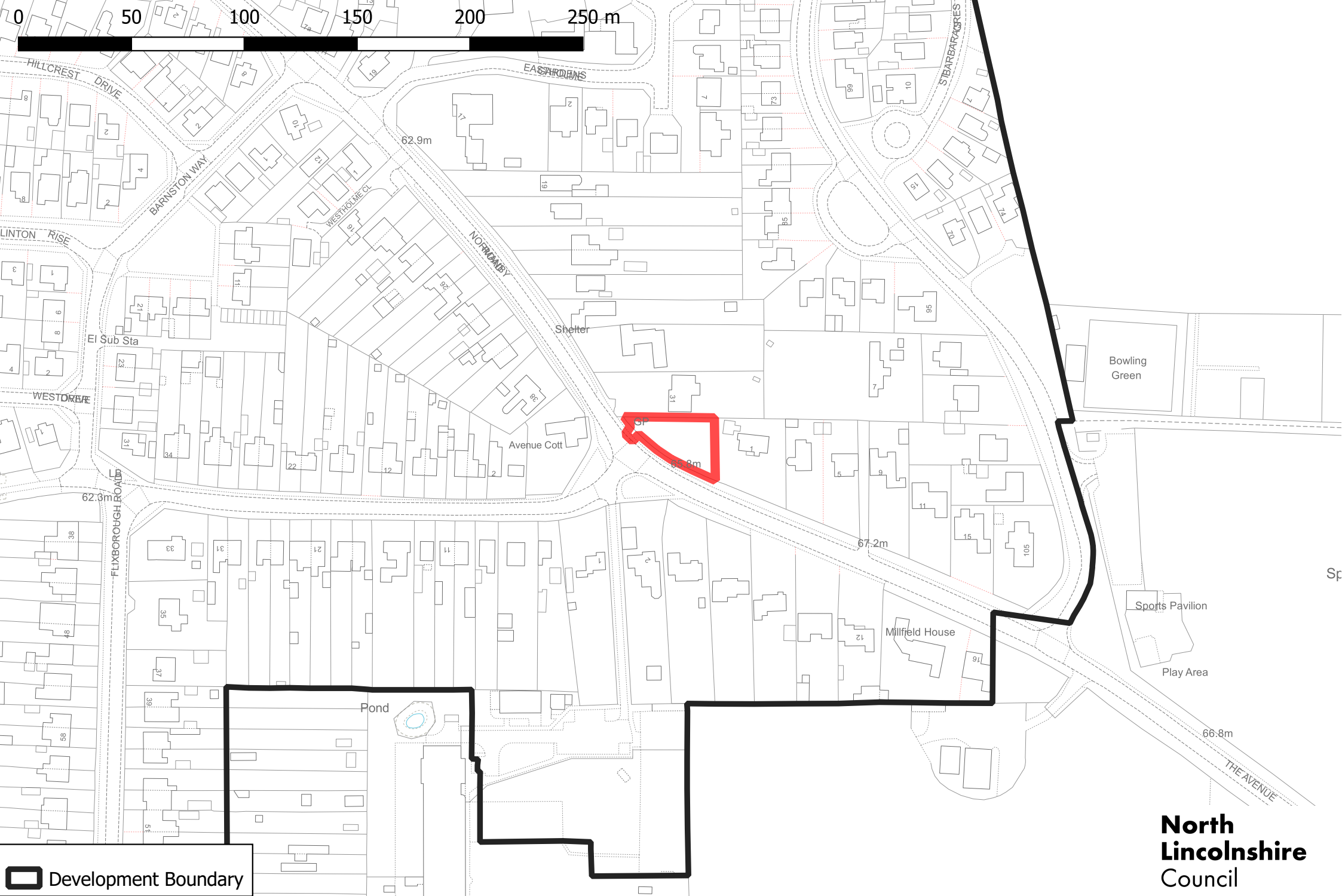
2.

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.

3.

It is suggested that the developer considers upsizing the pipe network increasing storage around the development to cater for more intense storm conditions. Although this is not a requirement in terms of surface water flood risk compliance, it would be good practice to ensure an increased level of resilience for the development and its future occupiers. It is also suggested that the developer fully explores all source control SuDS techniques that can store and allow water reuse.



 Development Boundary

**PA/2023/1636**

**North  
Lincolnshire  
Council**

# PA/2023/1636 Illustrative layout (not to scale)

**NOTES:**

All dimensions & details given on this drawing are to be checked and verified on site prior to works being undertaken. Any discrepancies and/or variations to the specifications will be those drawings or associated documents are to be referred to by keystone architecture.

Do not scale from these drawings - if in doubt - ask.

All materials shall be fixed, applied or fitted in accordance with the manufacturers written instructions, recommendations and specifications. Variations to specified materials shall be agreed in writing with keystone architecture.

The Contractor shall take into account everything necessary for the proper execution of the works and to the satisfaction of the Local Authority, whether or not indicated on the drawings or in the specification.

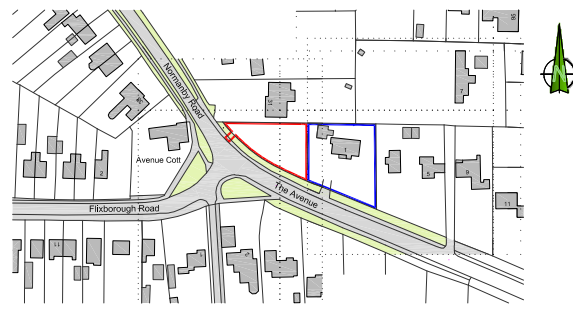
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**PARTY WALL NOTICES:**

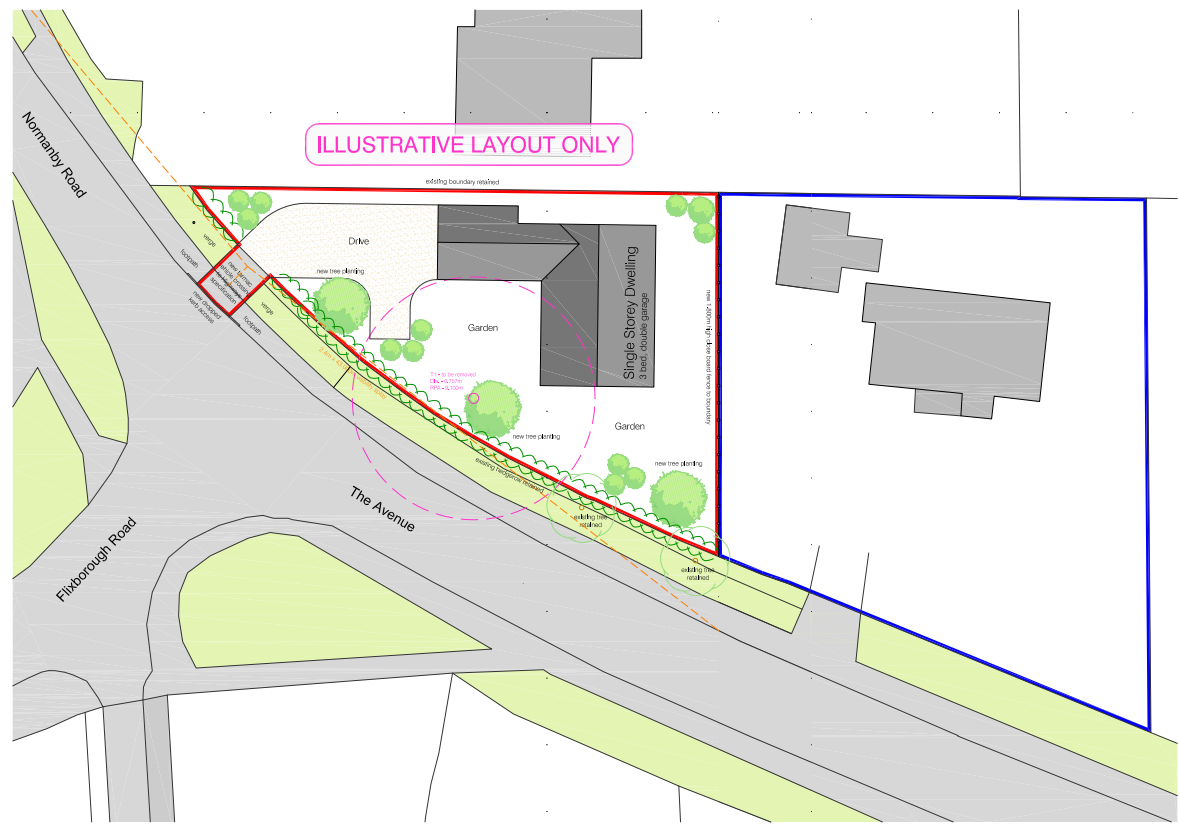
Building beside (A) or against (B) the boundary line:  
If you plan to build a party wall beside or against the boundary line, you must inform the Adjoining Owner by serving a Notice.

Excavating near neighbouring buildings:  
If you plan to excavate foundations within 3 metres of a neighbouring building or structure, where the excavation will go deeper than the neighbour's foundations, you must inform the Adjoining Owner by serving a Notice.

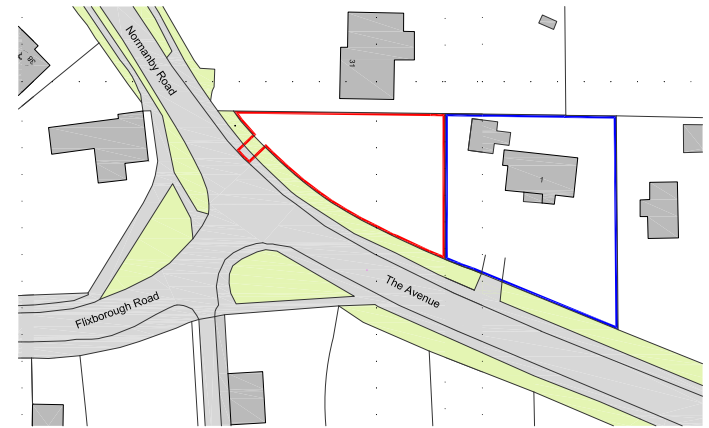
If you plan to excavate foundations within 6 metres of a neighbouring building or structure, where the excavation will cut a line down at 45° from the bottom of the neighbour's foundations, you must inform the Adjoining Owner by serving a Notice.



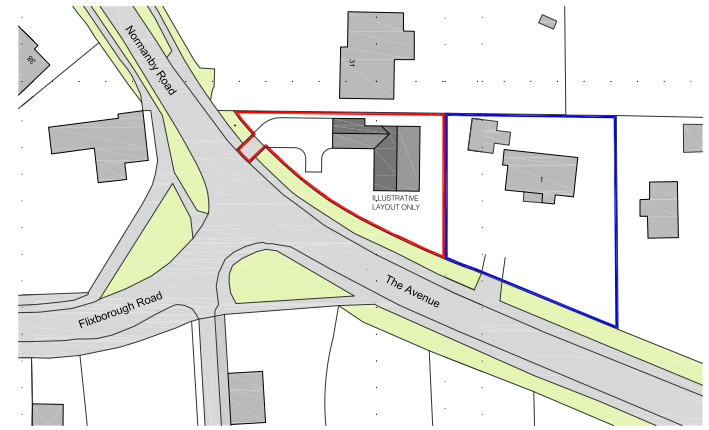
Location Plan  
scale 1:1250



Proposed Site Plan  
scale 1:200



Existing Block Plan  
scale 1:500



Proposed Block Plan  
scale 1:500

**NOT FOR CONSTRUCTION**

B	Proposed Layouts Confirmed as Illustrative Only	12/22/24
A	Red Line Boundary Amended	13/10/23
rev	agreement	date
Proposed New Dwelling at 1 The Avenue, Burton upon Stather, North Lincolnshire	stage	1770,01 rev B
	scale	Sept 23
	as noted	drawn by JCB