

APPLICATION NO	PA/2020/1117
APPLICANT	Mr Cherry, Cherry Tree Homes Ltd
DEVELOPMENT	Planning permission to erect three dwellings and associated garages
LOCATION	7 Belton Road, Epworth, DN9 1JL
PARISH	Epworth
WARD	Axholme Central
CASE OFFICER	Brian McParland
SUMMARY RECOMMENDATION	Grant permission subject to conditions

REASONS FOR REFERENCE TO COMMITTEE Objection by Epworth Town Council
Significant public interest

POLICIES

National Planning Policy Framework: Section 12

North Lincolnshire Local Plan: DS1, DS7, DS11, LC12, H7, H8, T2, T19

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS5, CS6, CS7, CS8, CS18, CS19

CONSULTATIONS

Highways: No objection, but recommend conditions relating to access, parking, turning and cutting back the hedge.

Environmental Protection: No objection, but recommend a condition relating to contaminated land.

Ecology: No objection, but recommend conditions requiring a protected species method statement and a biodiversity management plan.

Tree Officer: No objection, but recommend a condition relating to root protection of the protected trees.

Drainage: No objection, but recommend a condition requiring the submission of a flood risk assessment and drainage strategy.

Archaeology: No objection.

TOWN COUNCIL

Objects as the proposal is over-development of the site by virtue of the size and number of proposed properties.

PUBLICITY

The application has been advertised by site notice and in the press. The responses received are summarised below:

- overlooking and loss of privacy
- boundary fencing too low
- drainage issues
- access and highway issues
- impact on ecosystems and wildlife
- impact on/loss of trees
- bin and waste management
- location of bins – smell and odour.

ASSESSMENT

This application was deferred at a previous meeting of the planning committee to allow members to visit the site before making a decision.

The main issues to be considered are whether adequate justification can be demonstrated with regard to the principle of the proposed development, along with impact on character and design, neighbouring amenity, drainage, land quality, ecology, trees and the highway.

The site

The application site is on the east side of Belton Road and is garden land to the rear of 7 Belton Road; it is occupied by detached garages along the south boundary (to the rear of number 94). The site is within the development limit of Epworth and is 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 number 94.

Proposal

Full planning permission is sought to erect three detached dwellings with associated garages. The site has been divided into three separate plots and the proposal includes the removal of the existing garages on the site.

Plot 1 would be to the north-east corner of the site and would be a one-and-a-half-storey dwelling (chalet style) finished with a pitched roof and rooflights at first floor. The dwelling would benefit from a detached single-storey garage along the north boundary.

Plot 2 would be to the north-west corner of the site and would be of a bungalow design finished with a hipped roof. The dwelling would benefit from an attached single-storey garage along the east elevation and would be finished with a pitched roof.

Plot 3 would be to the west side of the site and would also be of a bungalow design finished with a hipped roof. The dwelling would benefit from an attached single-storey garage along the east elevation finished with a hipped roof.

Each dwelling would benefit from four bedrooms. Materials are still to be determined. The proposal seeks to use the existing access serving number 7 from Belton Road, subsequently creating a shared access. A bin collection area has been designated along the access. A modest single-storey garage is also proposed to serve the existing dwelling (7 Belton Road) and would be sited to the rear.

Principle of development

Development limits for each settlement are set out in the Housing and Employment Land Allocations Development Plan Document and are strongly supported as a key tool in ensuring future development occurs in sustainable locations. The site is situated within the development limits of Epworth, which is defined in the Core Strategy as a market town. As a market town, Epworth is a very sustainable settlement with a range of services and facilities to support new housing. The market towns of Epworth, Barton-upon-Humber, Brigg, Crowle, Kirton in Lindsey and Winterton, along with the Scunthorpe urban area, are intended to cater for the majority of new residential development in North Lincolnshire. Moreover, housing is needed as the council currently does not have a five-year land supply, to which this proposal would make a modest contribution. Furthermore, it is also acknowledged that the proposal would improve the existing context of the vacant land.

In light of the above, the principle of residential use of the site in this location is acceptable (subject to the considerations below) and would accord with the overarching strategic policies of the Core Strategy and the principles set out in the National Planning Policy Framework (NPPF) in this regard.

Impact on character and design

The NPPF attaches great importance to the design of the built environment. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. Policy DS1 of the North Lincolnshire Local Plan (adopted May 2003) and policy CS5 of the Core Strategy (adopted June 2011) are concerned with quality of design and amenity. In respect of impact on character, policy DS1 states that the design and external appearance of a proposal should reflect or enhance the character, appearance and setting of the immediate area. Policies H7 and H8 of the North Lincolnshire Local Plan are also considered relevant.

Many of the dwellings within the immediate area appear to benefit from a range of design principles (i.e. different size of plots with no consistent setbacks etc); subsequently, there is no uniformity in the pattern of development. Although the proposed dwellings would be to the rear of numbers 9, 9a and 11, it would not be a harmful form of backland development and would not be out of character with the local area.

The proposed dwellings would each have a footprint which is considered simple and would be well-balanced, given the size of their rear garden amenity spaces and the proposed turning and manoeuvring spaces within the site; the proposal is therefore not considered to result in

a contrived or cramped form of residential development. In addition, the proposed amenity space for each dwelling would be sufficient to meet the needs of the occupants; however, given the proximity of the dwellings to the site boundaries and the general character of space within the wider area, permitted development rights would need to be partly removed by condition, should permission be granted. This would ensure future occupants would have to apply for planning permission to any erect any extensions, outbuildings or garages to the dwellings.

The proposed dwellings would be of a modest, low-built bungalow and chalet design which would not be readily visible from the street scene. Based on the site and surrounding context, the introduction of three dwellings of the scale proposed would create an appropriate mix of dwelling size and type and would not be at odds with the character and appearance of the immediate area. Materials are still to be confirmed. It is acknowledged that the proposal would alter the green space which currently exists and is enjoyed by neighbouring residents; however, this space (the site) is not a protected amenity space.

It is considered that the proposed new dwellings, by way of their design, location, residential style and sensitive proportion, would be a befitting form of development. As such, the development would be in accordance with policies DS1, H7, H8 and CS5.

Neighbouring amenity

Policy DS1 of the North Lincolnshire Local Plan and policy CS5 of the Core Strategy are concerned with quality of design and amenity. In respect of impact on amenity, policy DS1 states that 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. Policy H7 of the North Lincolnshire Local Plan is also considered relevant.

With regard to loss of privacy, massing and scale, the proposed dwellings would be of a single-storey bungalow design (plots 2 and 3) and so there would be no overlooking. It is acknowledged that plot 1 would be slightly larger compared with plots 2 and 3, given its chalet design; however, it would only be marginally larger and would have no east-facing fenestrations. Specifically, the rear rooflights of plot 1 would back onto properties (1, 3 and 5 Tottermire Lane). However, the deep rear gardens serving these properties (30 metres) would provide an adequate separation distance. This, coupled with the existing boundary treatments and the presence of rear residential enclosures (garden sheds etc), would mitigate harmful overlooking. Furthermore, it is acknowledged that plot 3 would be situated adjacent to the east site boundary shared with neighbouring properties 9, 9a and 11 to the east; however, given the low-built nature of plot 3 and the east-west orientation of the sun, the proposal would not result in a detrimental loss of sunlight to these properties. Holistically, the site would back onto the rear gardens of Tottermire Lane to the north and High Street to the south; however, this has influenced the design of the proposal (i.e. setback of plot 3 from the south boundary and the overall low-built nature of the proposal).

The proposed bin/refuse collection point would be adjacent to the rear amenity space serving 5 Belton Road, but no other details have been provided. Given there is potential for the bin/refuse collection point to cause smell and odour, concerns which would impact the amenities of number 5, further details are required with regard to means of enclosure, which can be secured by condition.

For these reasons it is considered that the proposed dwellings would not prejudice neighbouring amenities and the proposal would be in accordance with policies DS1, H7 and CS5.

Drainage

Policy CS19 of the Core Strategy is concerned with flood risk, whilst policy DS14 of the local plan is concerned with foul sewage and surface water drainage. The application site is located within flood zone 1 and therefore is a preferred place for development in terms of flood risk.

The council's drainage team has been consulted and has no objections subject to a pre-commencement condition requiring a flood risk statement and drainage strategy to be submitted for approval, given the historical issues with flooding in the area.

Land quality

Policy DS7 of the local plan is concerned with contaminated land. It states that permission will only be granted on contaminated sites where a detailed site survey has been submitted, and a suitable scheme of remedial measures has been agreed to overcome any existing contamination.

The site is proposed to be a vulnerable use. The council's Environmental Protection team has reviewed the application and the submitted land quality report. They have no objection but recommend a contamination of land condition.

Ecology

The ecologist has suggested conditions which will secure the necessary mitigation measures and prevent unacceptable harm to protected and priority species. Subject to the requested conditions, it is considered that the proposed development is acceptable with regard to its impact on ecology.

Impact on trees

Policy LC12 of the local plan states that regard will be given to the protection of trees within the setting of settlements. It is acknowledged that the application site falls within a settlement and there are trees protected by TPOs within the site.

The council's tree officer has reviewed the application and the submitted tree report, and has no objection subject to a root protection condition.

Highways

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by a satisfactory access. Policy T19 is concerned with parking provision as well as general highway safety. Both policies are considered relevant.

The applicant has submitted a report with regard to highway safety. The council's highways department has made an assessment and has no objection, subject to conditions relating to vehicle parking, access and turning spaces. It is considered that the proposal would be in accordance with policies T2 and T19.

Other matters

Boundary and drainage details have been secured by condition.

Conclusion

Whilst the proposed dwellings would alter the existing site context, they would not conflict with relevant local plan policies and would provide a contribution of three, four-bedroom single family dwellinghouses within the settlement boundary. Furthermore, the proposal would not result in over-development of the site which would result in an adverse impact on the surrounding character of the area and/or the neighbouring amenity.

Pre-commencement conditions

The recommended pre-commencement conditions have been agreed with the agent/applicant.

RECOMMENDATION Grant permission subject to the following conditions:

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: 20-036-1 Location Plan; 20-036-2 Rev C Site Plan; 20-036-05 Rev B Plot 3; 20-036-04 Rev A Plot 2; 20-036-3 Plot 1; 20-036-6 Garage Plot 1; 20-036-7 Additional Garage; Technical Note, Sanderson Associates Prepared by Carl Hoyle 28.01.2021; 4052 Phase 1 Geoenvironmental Risk Assessment; 211120/CHE Arboricultural Method Statement; Design & Access Statement.

Reason

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

3.

No development shall take place until a detailed flood risk statement and drainage strategy has been submitted to and approved in writing by the local planning authority. This should outline all sources of flood risk (including surface water, ground water and ordinary watercourse) and proposals to mitigate this, and include preliminary drainage layout plans. SuDS should be considered. Full ground investigations must be carried out, along with a feasibility assessment for infiltration. Infiltration tests should comprise full-scale tests to demonstrate long-term effectiveness and suitability. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document.

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.

4.

The dwellings 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.

5.

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

Part 1: Site Characteristics

A Phase 1 desk study shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the local planning authority for approval prior to proceeding to further site investigation.

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

- (i) a survey of the extent, scale, and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed), including buildings, crops, livestock, pets, woodland, and service lines and pipes;
 - adjoining land;
 - groundwaters and surface waters;
 - ecological systems;

- archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and a proposal of the preferred option(s).

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

Part 2: Submission of Remediation Scheme

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

Part 3: Implementation of Approved Remediation Scheme

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

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

Part 4: Reporting of Unexpected Contamination

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

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

Reason

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

6.

No development shall take place until a protected species method statement has been submitted to and approved in writing by the local planning authority. The method statement

shall include details of measures to avoid harm to hedgehogs, bats and nesting birds during vegetation clearance and construction works.

Reason

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

7.

Within three months of the commencement of development, the applicant or their successor in title shall submit a biodiversity management plan to the local planning authority for approval in writing. The plan shall include:

- (a) details of at least two bat roosting features to be installed;
- (b) details of nesting sites to be installed to support house sparrows and starlings;
- (c) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (d) proposed timings for the above works in relation to the completion of the buildings;
- (e) prescriptions for the planting and aftercare of native trees and shrubs of high biodiversity value.

Reason

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

8.

The protected species method statement and biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. The applicant or their successor in title shall submit photographs of the installed bat roosting and bird nesting features and planted trees and shrubs, within two weeks of installation, as evidence of compliance with this condition.

Reason

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

9.

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.

10.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revising, revoking and re-enacting that Order with

or without modification), there shall be no enlargement or extension of the dwelling (including additions or alterations to the roof) hereby permitted, including any new buildings or enclosures, without the prior written approval of the local planning authority.

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.

11.

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.

12.

The dwelling shall not be occupied 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 policy DS1 of the North Lincolnshire Local Plan.

13.

The dwellings shall not be occupied until enclosure details for the bin/refuse collection point have been submitted to and approved in writing by the local planning authority. The enclosure shall be made/constructed in accordance with the agreed details before the dwellings are occupied and once made/constructed it shall be retained.

Reason

To ensure there is no unacceptable loss of amenity in terms of smell and odour to 5 Belton Road.

Informative 1

The hedge to the eastern boundary will require cutting back before any of the dwellings are occupied.

Informative 2

The applicant should review the comments provided by the recycling team, i.e. waste management guidance.

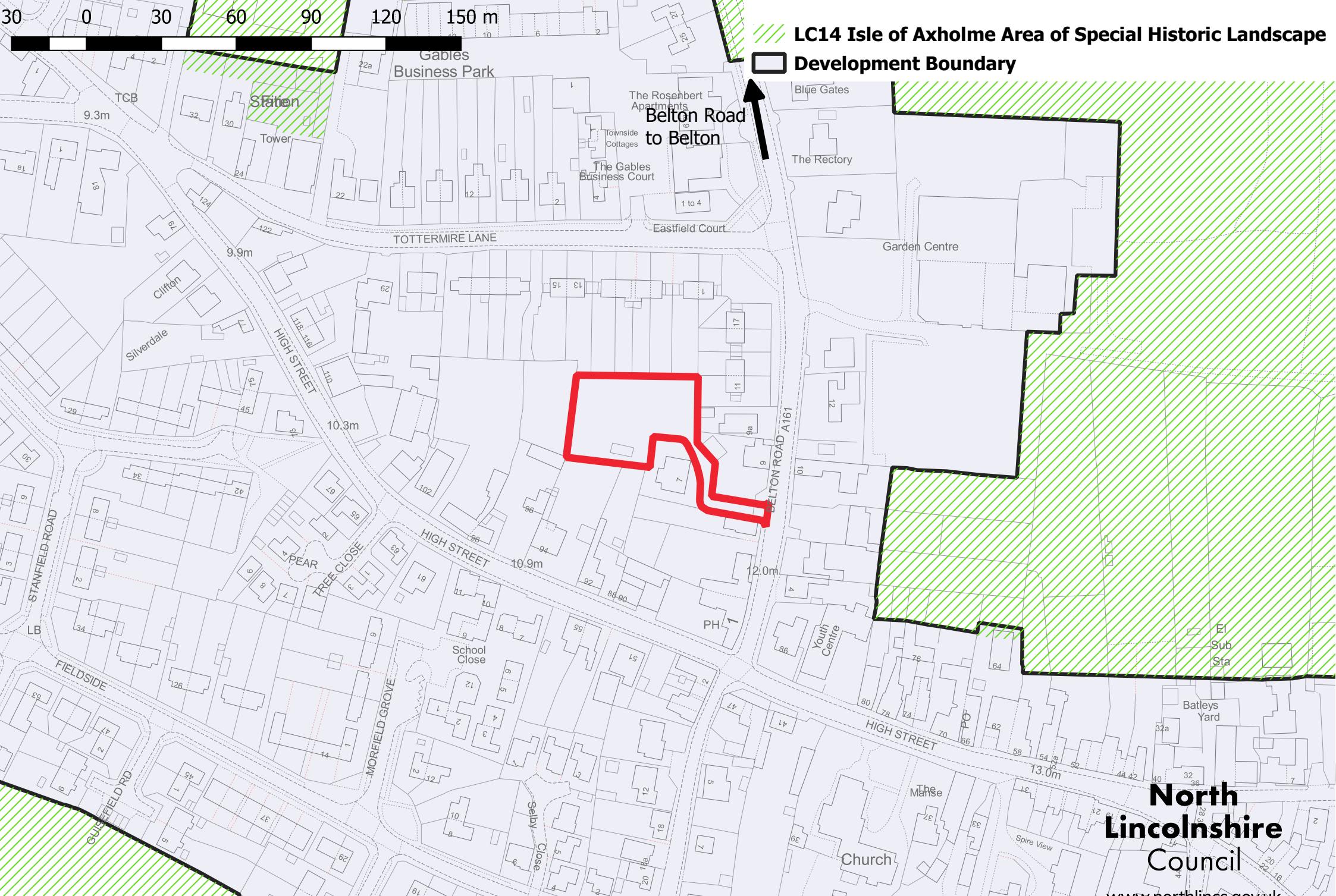
Informative 3

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.

30 0 30 60 90 120 150 m

LC14 Isle of Axholme Area of Special Historic Landscape

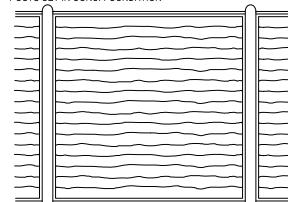
Development Boundary



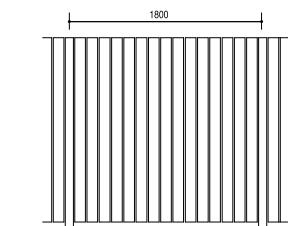
**KEY**

denotes proposed shrub planting

denotes proposed tree planting

PRE-CAST CONC. POST
POSTS SET IN CONC. FOUNDATION

1800 HIGH LARCH LAP FENCE



1800 HIGH SCREEN FENCE

REV A - NOV 20 - PLOTS 2 AND 3 AMENDED
REV B - NOV 20 - PLOT 3 AMENDED
REV C - FEB 21 - PLOT 3 AMENDED

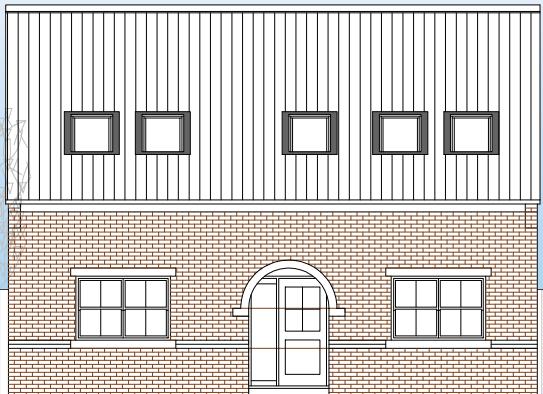
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**7 BELTON ROAD
EPWORTH
DN9 1JL**

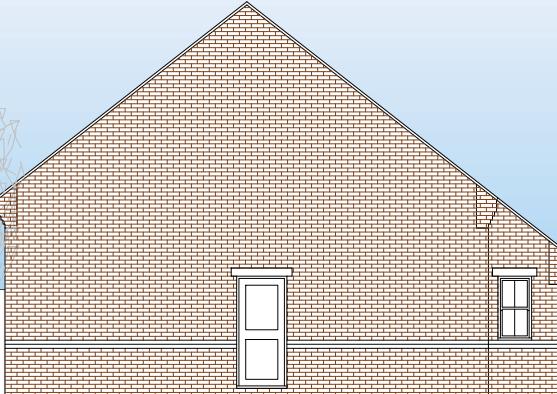
SITE PLAN

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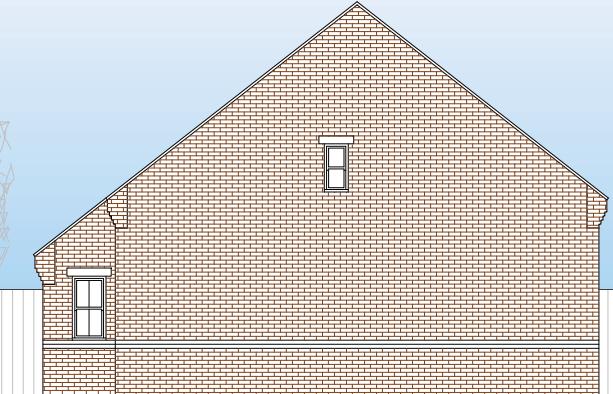
PA/2020/1117 Plot 1 (not to scale)



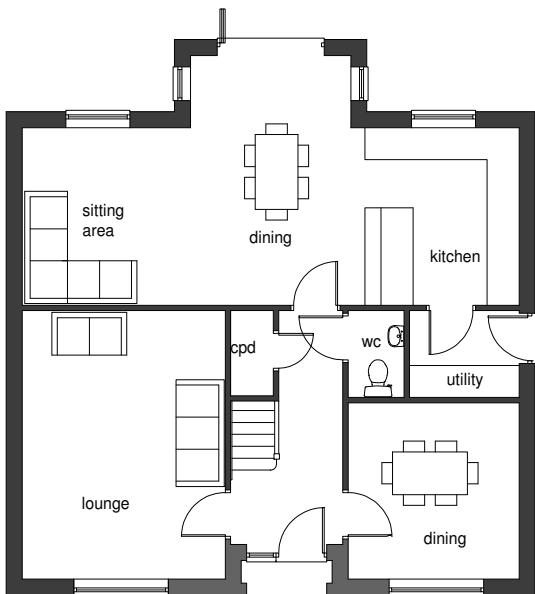
front elevation



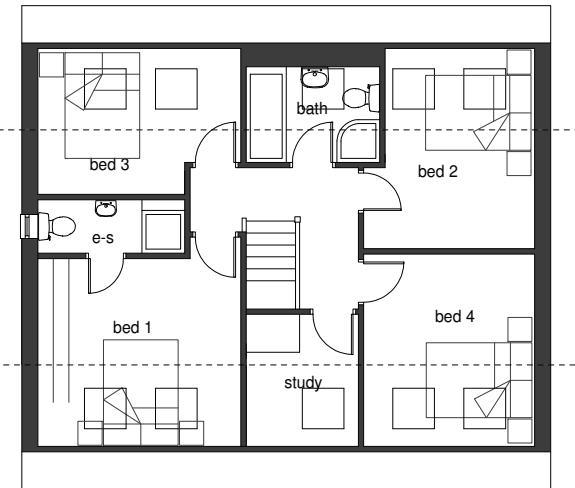
side elevation



side elevation



ground floor plan



first floor plan



rear elevation

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PLOT 1

scale date drawn checked

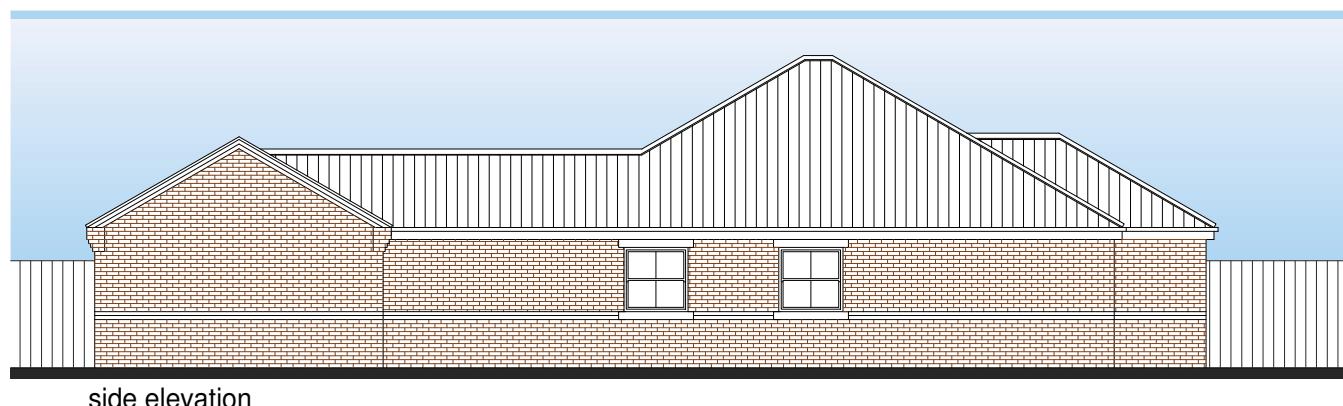
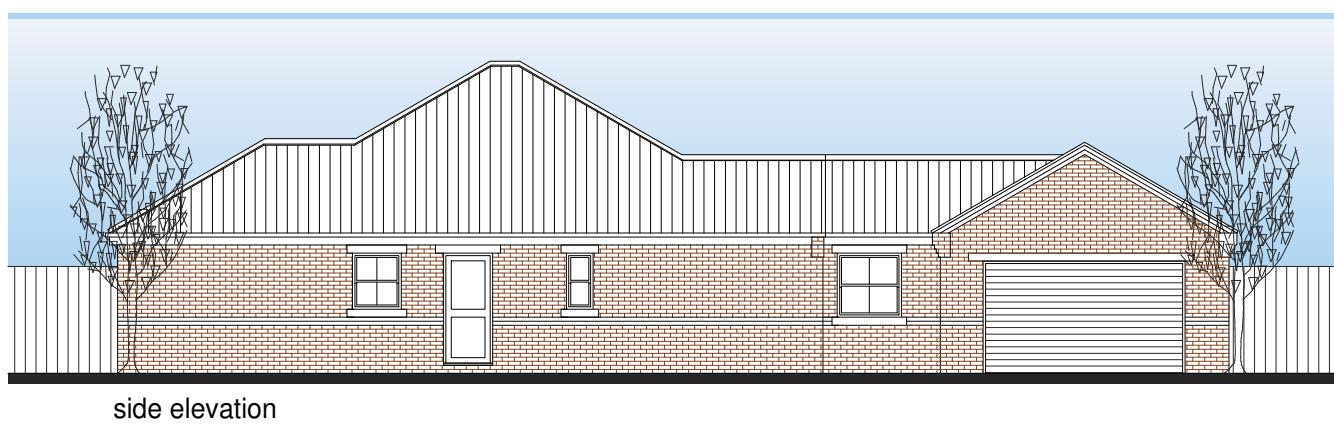
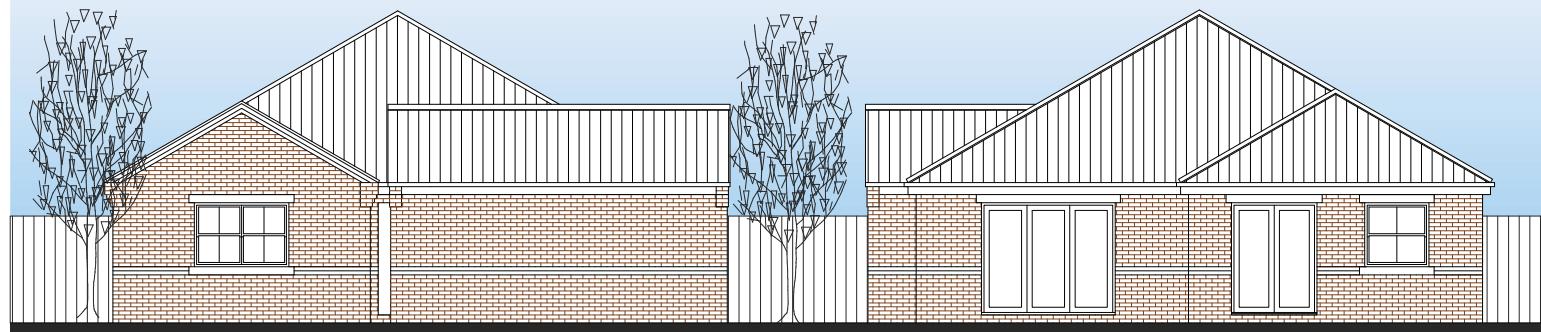
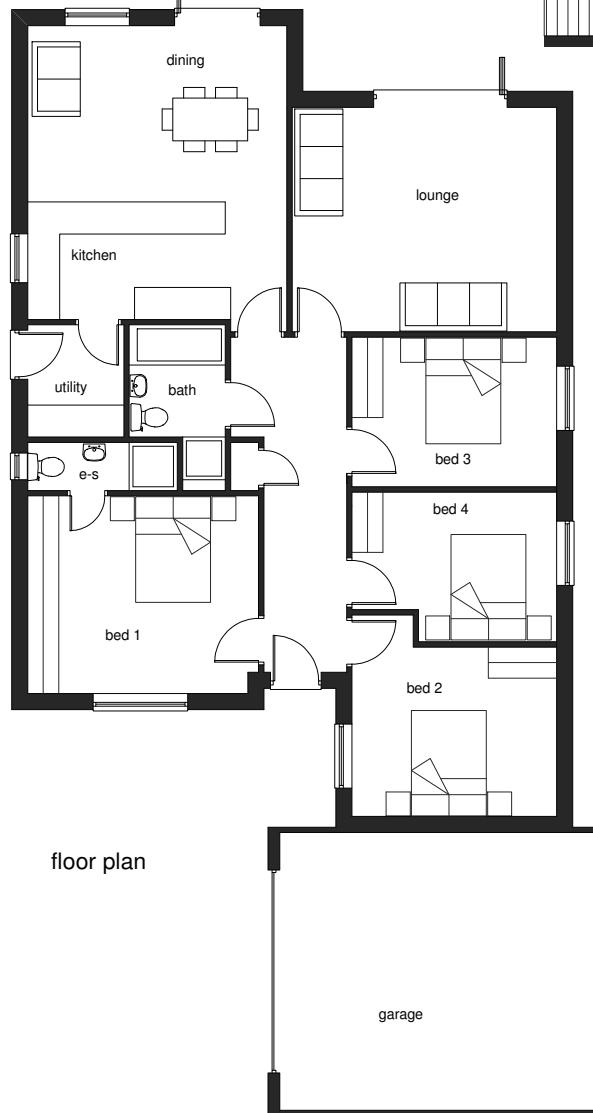
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drawing no revision

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AMENDED

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DN9 1JL

PLOT 2

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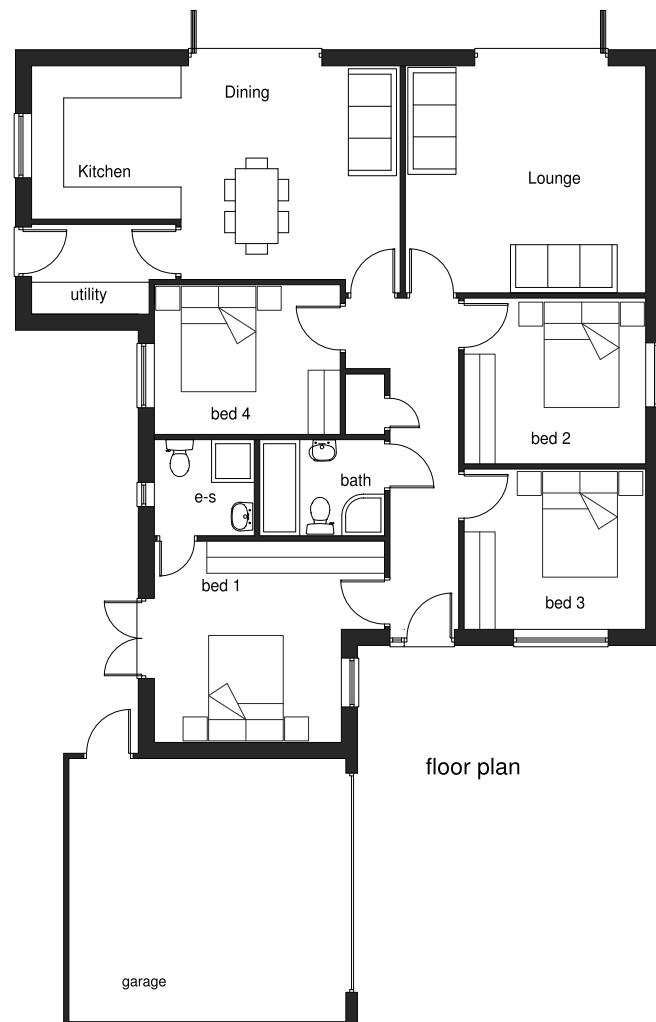
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front elevation



side elevation



side elevation



rear elevation

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PLOT 3

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