

APPLICATION NO	2006/0906
APPLICANT	Brinkley Homes
DEVELOPMENT	Planning permission to revise the design of a detached dwelling on plot 1 (currently under construction), previously approved under application 1997/0703, to erect 3 dwellings
LOCATION	Land adjacent 84 Westgate Road, Westgate, Belton
PARISH	BELTON
WARD	Axholme Central
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Third party request to address the committee Objection by Belton Parish Council
POLICIES	<p>Humberside Structure Plan: Policy S5 identifies Belton as a selected settlement.</p> <p>Regional Spatial Strategy for Yorkshire and the Humber: No specific policies apply.</p> <p>North Lincolnshire Local Plan: Policy ST2 identifies Belton as a minimum growth settlement.</p> <p>Policy ST3 – the site lies outside the development boundary of Belton, within the open countryside.</p> <p>Policy H1 states that within the open countryside, residential development will only be permitted where it is essential to enable agricultural and forestry workers to live at or near their place of work, or in other circumstances where there is a special justification.</p> <p>Policy H5 provides general design guidance in relation to new residential development.</p> <p>Policy DS1 provides general design guidance for all new development.</p> <p>Policy T2 requires all development to be provided with a satisfactory access.</p> <p>Policy LC14 – the area is designated as an area of special historic landscape.</p>

CONSULTATIONS

Highways: No objection subject to conditions.

Environment Agency: No objection subject to a condition.

PARISH COUNCIL

The parish council would like to point out that the original planning permission on 1997/0703 had expired before work commenced on this site (the work only started last year). An application to renew 1997/0703 (2002/0630) was subsequently withdrawn. Surely that makes this application invalid.

PUBLICITY

Advertised by site notice and adjoining properties notified. Four letters of objection have been received raising the following material planning issues:

- dwelling almost complete
- out of character with the area
- original planning permission has lapsed
- overlooking
- loss of visibility
- loss of light
- overshadowing
- additional noise and disturbance
- over-development

ASSESSMENT

This proposal is for planning permission to revise the design of a detached dwelling on plot 1 that was previously approved under application no. 1997/0703 to erect three dwellings. The proposed dwelling is two-storey in an L-shaped design. The dwelling will be a 5-bedroom property with an integral garage on the front elevation. The property has two gable ends on the front elevation.

In 1997/0703 planning permission was granted for a dwelling on this site and two dwellings on the adjacent plots. The originally approved dwelling on plot 1 was implemented on site within the five-year time limit. The works were inspected by the council's enforcement team who agreed that the dwelling had been lawfully implemented on the site. As a result, the site has an extant permission for a dwelling on this site and two

dwellings on the adjacent plots. The applicant has decided to amend the design of the dwelling which is the subject of this planning application.

The main issues associated with this case are whether a dwelling is acceptable in planning policy terms and if so, whether the design of the dwelling is acceptable and its impact on the highway network, amenity of the locality and the amenity of neighbours.

Although the site is located within the open countryside, a lawful implementation of planning permission 1997/0703 for three dwellings has taken place on the site. There is therefore an extant permission for one dwelling on this plot. As a result, the principle of residential development has already been established.

The proposed design of the dwelling is considered to be acceptable. There are a wide variety of housing types and designs along Westgate Road. The proposed design is better than the previous design approved on this site under 1997/0703 which was a two-storey dwelling of a mock Tudor design. It is not considered that the proposal will have a detrimental impact on the amenity of the locality.

In terms of impact on neighbours, the approved properties under 1997/0703 to the west of the application site have not yet been constructed on the site. Further to the west is open land. The nearest dwelling to the west is over 36 metres away, therefore the proposal will have minimal impact on this property. To the east of the site is a bungalow. This is located at its nearest point 6 metres from the proposal dwelling. Along the boundary between the two properties is a 2 metre high hedge.

In the east elevation of the proposed dwelling will be a garage window and hall door at ground floor level and a secondary bedroom window at first floor level. Two rooflights are proposed to light the hall and stairs. The bungalow to the east has a secondary lounge window in the flank elevation. The window to window distance is 19 metres. The 30 degree rule is not appropriate as this is a secondary window. The principal window to this property is a large bay window in the front elevation. Due to the distance between the windows and the hedge on the boundary, any overlooking from the secondary bedroom window and garage window will be marginal. Planning conditions can be used to ensure no additional windows are placed in the east elevation to preserve

privacy to the neighbour's patio and conservatory and kitchen.

Concerns relating to loss of light and overshadowing are noted. However, the original planning permission (1997/0703) shows a two-storey dwelling in the same position and very similar layout to the proposal the subject of this application. In light of this fact, it is considered that this proposal will have no more impact on the amenity of the adjoining neighbour than the original planning permission for the site. Furthermore, it is not considered that the occupation of this dwelling will result in noise and disturbance to the adjoining neighbour.

In highway terms the proposal is acceptable. The access will not impede the visibility of the adjoining neighbour. Westgate Road can accommodate the additional vehicular movements generated by this dwelling.

RECOMMENDATION

Grant permission subject to the following conditions:

1.

The development shall be carried out in accordance with the submitted drawings and particulars unless otherwise agreed in writing by the local planning authority in which case the development shall be carried out in accordance with the agreed amended details.

Reason

To ensure that the development is carried out in accordance with the provisions of the Town and Country Planning Act 1990 or any amending legislation.

2.

The dwelling shall not be occupied until proposals for landscaping have been submitted to and approved by the Local Planning Authority. The proposals shall include indications of all existing trees and hedgerows on the site, and details of any to be retained, together with measures for their protection during the course of development.

Reason

To enhance the appearance of the development in the interests of amenity.

3.

All the approved landscaping shall be carried out within twelve months of development being commenced (unless a longer period is agreed in writing by the Local Planning Authority). Any trees or plants which die, are removed or become seriously damaged or diseased within five years

from the date of planting shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the Local Planning Authority agrees in writing to any variation.

Reason

To ensure the implementation and maintenance of the submitted scheme of landscaping for the proposed development.

4.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order re-enacting that order with or without modification), no new window openings shall be created in the eastern wall or roof plane of the dwelling other than those shown on the submitted plan.

Reason

In order to protect the living conditions presently enjoyed by the occupants of adjoining properties in accordance with policy DS5 of the North Lincolnshire Local Plan.

5.

Before the dwelling is occupied the two Velux rooflights in the eastern roof plane shall be obscure glazed and shall be retained in that condition thereafter.

Reason

In order to protect the living conditions presently enjoyed by the occupants of adjoining properties in accordance with policy DS5 of the North Lincolnshire Local Plan.

6.

The dwelling shall not be occupied until details of the boundary treatment to all boundaries of the site have been submitted to and approved in writing by the Local Planning Authority and the approved scheme fully implemented.

Reason

To provide an appropriate level of screening in accordance with policy DS1 of the North Lincolnshire Local Plan.

7.

Development shall proceed fully in accordance with the mitigation measures (eg finished floor levels) set out in the approved flood risk assessment, and the applicant

shall confirm completion of the approved scheme in writing within one month thereafter.

Reason

To reduce the potential impact of flooding in accordance with policy DS16 of the North Lincolnshire Local Plan.

8.

The proposed dwelling shall not be occupied until the footway has been provided across the whole of the site frontage in accordance with the approved details.

Reason

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

9.

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

Reason

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

10.

No loose material shall be placed on any driveway or parking area within ten 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

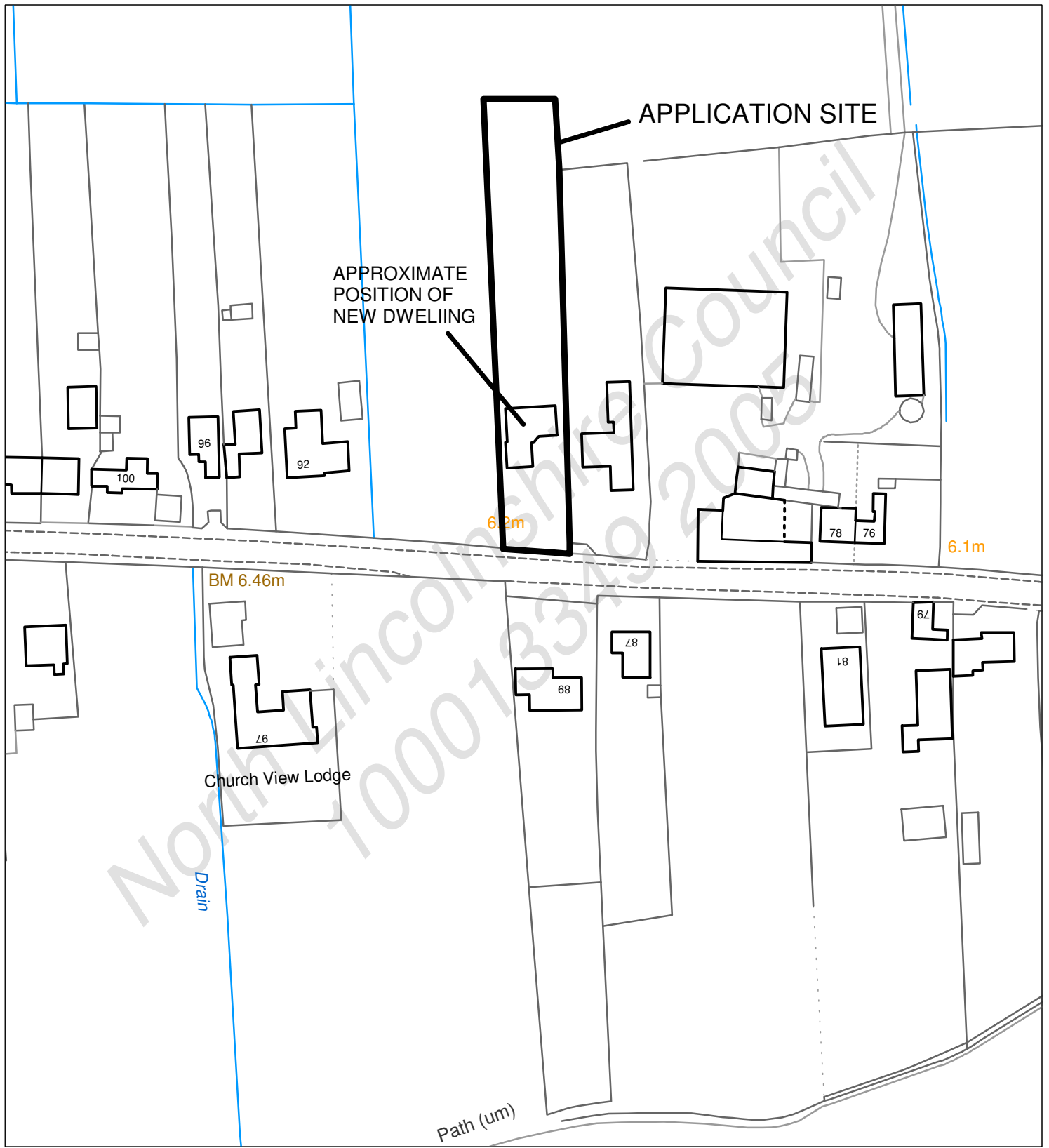
In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

11.

The dwelling shall not be occupied until the vehicular access to it and the vehicle parking and turning space(s) serving it have been completed and, once provided, the vehicle parking and turning space(s) shall be retained.

Reason

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



TITLE: 2006/0906

SCALE: 1:1250



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 Planning and Regeneration Service
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