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North Lincolnshire Council
Development Control
Civic Centre
Ashby Road
Scunthorpe
DN16 1AV

Date: 20 February 2015

Your ref **David Wordsworth**
Our ref

Dear Sirs,

Proposal: Outline planning permission for Residential Development of 5 plots.
Site Location: Land south of King Edward Street, Belton, Doncaster, DN9 1QN
Application ref: **Re-submission of PA/2014/0517**
Applicant: Croftsduon Enterprises Ltd.

DESIGN AND ACCESS STATEMENT

1.0 DESCRIPTION OF PROPOSAL

- 1.1 This is a re-submission of planning application PA/2014/0517 which was for residential development of 0.80ha approx of land to the south of King Edward Street, Belton to be developed for 5 dwellings.
- 1.2 This proposal differs significantly with the former application in that it is for only 4 dwellings/building plots, and has a much larger area of land set aside for LC11 use.

2.0 SITE/LOCATION

- 2.1 The site is located south of King Edward Street but towards the north end of the Belton Village centre. The site is bounded to the north, south east and west by residential development. However, further to the east beyond the rear garden area of “Coverdale” the site is bounded by the a disused railway line which is now a Public Right of Way and is used as such.
- 2.2 In addition this disused railway line and further land to the east are designated areas of amenity importance within the Core Strategy.
- 2.3 The subject part of the site as a whole is fairly level and poses no physical restrictions to development as all services in the form of mains water, electricity, gas and drainage are available on site.

3.0 NATIONAL PLANNING POLICY FRAMEWORK

- 3.1 The National Planning Policy Framework is the governing guidance for Local Planning Authorities and supersedes all other planning guidance in the form of PPG’s and PPS’s.
- 3.2 The NPPF does not change the development plan as the starting point for the making of decisions, further, planning applications should be determined in accordance with the development plans unless material considerations indicate otherwise.
- 3.3 At paragraph 2 of the NPPF it states that the National Planning Policy Framework is a material consideration when LPA’s make planning decisions.
- 3.4 Thus all planning decisions should have due regard to the relevant sections of the NPPF.
- 3.5 The NPPF at paragraph 47 makes it a requirement of LPA’s to “identify and update annually a supply of specific **deliverable** sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% however where there has been a record of persistent under delivery of housing, LPA’s should increase the buffer to 20% to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”. %. Furthermore at footnotes 11 and 12 the NPPF states that to be considered a deliverable site it has to be available **now**.

- 3.6 A recent appeal decision in October of 2014 (ref APP/Y2003/A/14/2221377) see appendix 3, found that North Lincolnshire Council did not have a 5 year supply of housing land paragraph 7 of that decision. In fact an independent assessment of North Lincolnshire Council's housing supply provided by DLP Planning calculated that in fact the Council could only demonstrate a 1.5 year deliverable supply of housing land.
- 3.7 In this context therefore North Lincolnshire Council should be looking to meet it's national obligations and that these same obligations of producing a 5 year supply of deliverable housing land (plus a 20% buffer as NLC have persistently under delivered in this regard) should out weigh Policy LC11 especially when it can be demonstrated (as in this case) that due regard has been had to LC 11 considerations.
- 3.8 The NPPF at paragraph 48 also states that LPA may make an allowance for windfall sites in the 5 year supply.
- 3.9 At paragraph 49 the NPPF further states that "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the LPA cannot demonstrate a 5 year supply of deliverable housing sites". This is a sustainable site se later.
- 3.10 The Independent Report prepared by DLP Planning Consultants identified that a five year housing supply for North Lincolnshire over the period 2012 – 2017 was for 6,182 houses to be built.
- 3.11 This report concluded on page 20 that North Lincolnshire had only a 1 ½ year housing land supply for the period 2012 – 2017 that was deliverable as defined by paragraph 47 of the NPPF. This therefore is a material consideration when assessing the subject site for housing development.

4.0 LOCAL PLANNING POLICIES

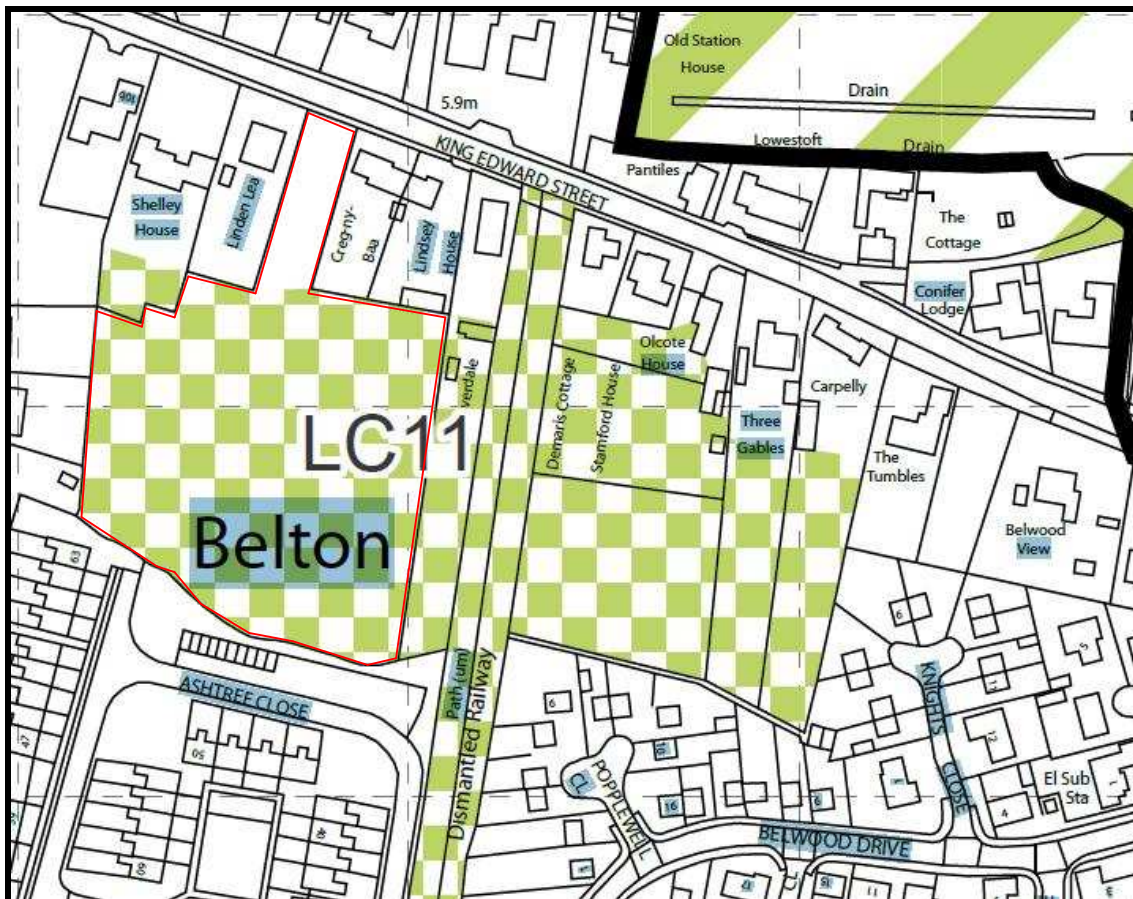
- 4.1 The majority of the site is allocated as an LC11 site on the DPD plan referring to the site as being an Area of Amenity Importance, see below. It can also be seen that the LC11 allocated area includes various properties gardens in addition to the majority of this site.
- 4.2 Therefore if the rear garden areas of the following properties 1. Carpelly, 2. Three Gables, 3. Olcote House, 4. Demaris Cottage, 5. Stamford House and 6. Coverdale all located to the east of the site and contiguous within this area of LC 11, can be happily encompassed within an LC 11 policy area then the garden areas of the proposed 4 plots must also be able to be accommodated within the area.

4.3 There is therefore no conflict with policy LC11 encompassing garden areas of dwellings and therefore there should be no difficulty in simply washing over the garden land and buffer zone of the proposal with policy LC 11, as has occurred in the 6 above examples.

4.4 The Ecology Report also submitted as part of this application found no evidence of any protected species on site the report did make various recommendations of which all will be adhered to by the applicants.

4.5 Policy CS8 states “New housing within rural settlements will create opportunities for small scale infill development that maintains the viability of the settlement and meets identified local needs without increasing the need to travel”.

BELTON POLICY LC11



“Within important amenity areas, development will only be permitted where it would not adversely affect their open character, visual amenity or wildlife value or compromise the gap between conflicting land uses. Where development is permitted, measures shall be taken to minimise their impact or, where necessary, make a positive contribution to such areas”.

5.0 LC11 DEVELOPMENT CRITERIA

- 5.1 The above description sets out the criteria within which development within an LC11 policy area will be permitted. Therefore dealing with each one in turn as follows:-
- 5.2 Open character of area – referring to the Google Earth photograph below it can be seen that in fact the area is not open but in fact is an enclosed area therefore the proposal could not and will not adversely affect the open character as this area is not characterised by openness rather the opposite in that it a very enclosed area of infill land.
- 5.3 Therefore with regard to this criteria the development will not adversely affect the openness of the area.

Google Earth photo



- 5.4 The second of the criteria is that the development would not adversely affect the visual amenity of the area. Referring to the Tree Survey and Report attached at appendix 1 and to the photographs within this statement below, plus the comments contained within the Ecology Report and Ecology Management Plan then it is clear that the area in question starts from a very base in regard to visual amenity.
- 5.5 It is in fact an area of overgrown scrub, the Ecology Report gives a very full description of the various species but suffice it to say none of them

have any visual amenity, it is bordered by a few trees of very poor quality C1 and of limited life possibly over 10 years.

5.6 Therefore in terms of visual amenity the development will not adversely affect this area because it is of such a poor existing standard.

Site Photographs –

View to Linden Lea



View to Ashtree Close



View to Creg-ny-Baa



- 5.7 That the proposed development would adversely affect wildlife value. I would here refer to the Ecology Report on the site prepared by Scarborough Nixon Associates dated March 2014 and attached at appendix 2.
- 5.8 This report concluded that there were no reptiles, bats or badgers within or within a relevant distance of the site, no further investigation in respect of these was necessary.
- 5.9 Therefore again the development cannot be shown to have any adverse affect on the wildlife value of the policy area, there is none on site.
- 5.10 Finally that the development might compromise the gap between conflicting land uses. In the supporting text to LC11 it states “In larger settlements they (LC11 policy areas) provide breaks between built up areas and often serve as important buffers between conflicting land uses such as housing and industry.” The narrative also goes on to state that within smaller settlements “they often provide open areas important to the character of and setting of of villages and may also contain interesting plants and animals”.
- 5.11 Referring to the plans, maps and photographs supplied herewith it is plain that the site is set within and surrounded by residential use, therefore the LC11 designation that these sites provide a buffer between conflicting land uses is not relevant as all surrounding land uses are the same – residential. This criteria is therefore met.

6.0 POSITIVE CONTRIBUTION TO THE LC11 SITE

- 6.1 The descriptive narrative of the definition of an “Area of Amenity Importance” that is to be afforded an LC11 designation also states that where development is permitted, measures shall be taken to minimise their impact or, where necessary, make a positive contribution to such areas.
- 6.2 It is intended through the reduction in the size of the proposed development see (plan 1 of 1) with the resultant increase in the area of land that can be improved and enhanced in terms of visual amenity and wildlife value that this LC11 site can be significantly improved in both of these areas.
- 6.3 The original application had a site buffer zone of only 1500m² (green land on plan) it is now intended to increase the area of the buffer land or area of positive contribution to 3970m² (brown and green land) which makes a more than significant improvement in the amount of land area that can be utilised to make these improvements.
- 6.4 With the increase in the area of the buffer or improvement land the sense of space surrounding the plots and neighbouring houses can be retained. It

can be easily conditioned that the green and brown land must be retained as such, that it cannot be taken into the domestic curtilage of the plots. Further that the land must be planted with native tree species and sown with wild flowers such species and landscaping to be approved by the Local Planning Authority.

- 6.5 In addition please refer to the attached Belton Management Plan revised dated November 2014 -appendix 4. What is clear from this Management Plan is that the both the visual amenity and the wildlife diversity and therefore value will be greatly enhance by this scheme or development.
- 6.6 What is also of significant importance is that the area of “buffer land or improvement land” is to be extended along the sides of the access drive, this will shield the occupiers of Linden Lea and Creg-ny-Baa from the few vehicle movements that will pass by them along the private access drive. It must be noted that these properties do front the busy King Edward Street and that any noise from the access drive will be masked behind the traffic noise along King Edward Street.
- 6.7 It is also noted that neither of the residents of either Linden Lea or Creg-ny-Baa wrote in to object to this development.
- 6.8 Further that North Lincolnshire Highways department did not object to the road access also see appendix 5.
- 6.9 Therefore from an area of land that is severely overgrown with brambles, of very little wildlife value and with poor visual amenity it can be transformed to the opposite. That with the planting of suitable native trees, grasses and wild flowers it can make a positive contribution to the LC11 area off King Edward Road, Belton.

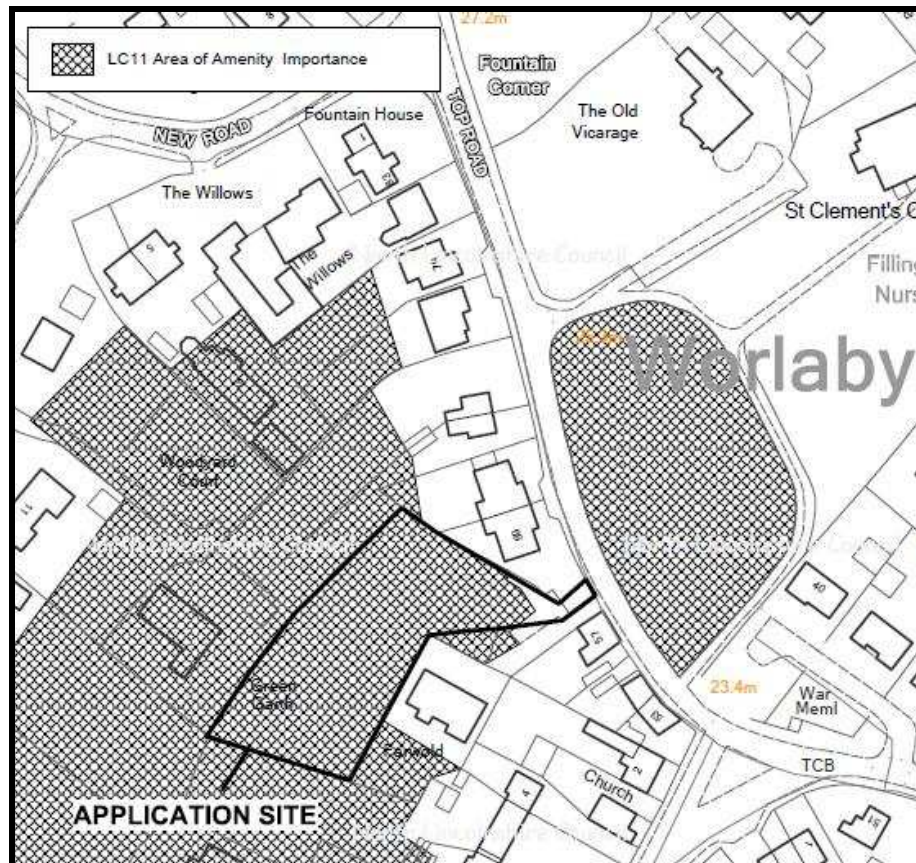
7.0 SUSTAINABILITY OF SITE

- 7.1 The site is scored as a sustainable settlement within the North Lincolnshire Sustainable Settlement Survey 2009 please refer to appendix 6 – Sustainability Statement.
- 7.2 From this statement it is clearly shown that Belton is classified as a sustainable settlement as scored under the criteria set out in the SSS 2009. From this there can be no dispute and where the grounds for refusal of application PA/2014/0517 refer to the development as not representing a sustainable form of development this is incorrect under the definition of sustainable development contained in the NPPF as it has not been shown to harm the character of the area, in fact the proposal has the very opposite effect of improving the character of the area.
- 7.3 It was further noted that the site is only a couple of hundred metres from a bus stop.

8.0 COMPARABLE PLANNING APPLICATION

8.1 Planning Application PA/2014/0943 to erect a 3 bedroom detached chalet bungalow and garage block on land adjacent to Farwold, Top Road, Worlaby was granted planning permission On the 19th of November 2015.

8.2 What is relevant about PA/2015/0943 planning permission in respect to this application is that the site was within an LC11 area yet was still granted planning approval see below.



8.3 What is noticeable about this site is that it is similar to the application site in that not all is covered by the LC11 designation and it is surrounded by housing.

8.4 When looking at the Google Earth aerial photograph it is also very evident that this is a much more visually attractive site with mature trees and managed pasture. The committee report assessment describes the site as an area of open garden land laid predominantly to grass and boarded by a low hedge. Rather different to the description of the application site contained in the Ecology Report herewith.

8.5 In addition to the site being within an LC11 area it was outside the development boundary of Worlaby and thus could not be termed an infill plot.

8.6 From this decision it is clear that the planning committee have a different interpretation of the LC11 designation and will listen to counter arguments.

Google Earth photograph of area



9.0 ALTERNATIVE USE OF SITE

9.1 The application site has been in my client's ownership for many years, it in fact permission for development at one stage, unfortunately this was allowed to lapse.

9.2 The LC11 designation or inclusion has therefore had the effect of blighting this site and rendering it not being capable of any form of economic development. Thus it is incapable of any beneficial use in its existing state and may fall under section 137(2) of The Town and Country Planning Act 1990 in respect of the service of a Purchase Notice on the council.

9.3 Alternatively my client can put the land up for sale to whomsoever for whatever purpose, and he has been approached on many occasions by parties inquiring as to the availability of the land.

10.0 CONCLUSION

10.1 The site at present has little or no wildlife value – refer Ecology Report, it has no trees of any note on site – refer Tree Survey and Report, it is badly overgrown by invasive species of plants such as Bramble and areas of Japanese Knot Weed – refer Ecology Report it therefore has no Visual

Amenity value as the trees are stunted C1 class and the land overgrown scrub.

10.2 This application differs significantly from the previous application in that by the increasing of an area of land that is to be retained within the LC11 area (green and brown land) this land can be improved in terms of Visual Amenity and Wildlife Value.

10.3 Refer Belton Management Plan revised and Landscaping Plan herewith.

10.4 By increasing the improvement land the openness of the site can be retained and enhanced by the measures described in 8.1 and 8.2 above and in section 6.0 of this statement.

10.5 These factors alone should be adequate to outweigh any reservations regarding LC11 status, they will be a positive contribution to the area.

10.6 However the lack of a 5 year **deliverable** housing supply of land of North Lincolnshire Council must also be taken into account and given proportionate weight. The NPPF at paragraph 28 states that planning should support economic growth in rural areas and LPA's should take a positive approach to sustainable new development. The development of 4 new properties within Belton will promote the vitality of the village, the new residents will increase the use of all the local facilities and amenities and will accord in every way with the focus of this policy, that of promoting a strong rural economy.

10.7 That Belton is a sustainable settlement as defined in the North Lincolnshire Sustainable Settlement Survey 2009 and that the site is within the Village boundary of Belton and thus available for development.

10.8 The Core Strategy Policy CS3 states that small scale development will be allowed in rural settlements and therefore the proposed development accords with this policy. The provision of additional housing will bring increased use of the local shops, petrol filling station, school, buses etc. All these factors should be weighed in favour of this development.

10.9 I would also state that the site is in Flood Zone 1 and therefore any development within the Isle of Axholme should be steered to such sites first.

11.0 APPENDICES

1. Tree Survey and Report
2. Ecology Report
3. Appeal Decision

4. Belton Site Management Plan

5. Highways Consultation

6. Sustainability Statement

This site is therefore developable, deliverable, within the development boundary of a sustainable village, it will enhance the wildlife value of this LC11 area, it will improve the visual amenity of the LC11 area it will remove an area of overgrown invasive plant species and transform it to one that will enhance this area and be a benefit to the locality.

Howard J Wroot BSc MRICS