

<b>APPLICATION NO</b>	<b>PA/2012/0588</b>
<b>APPLICANT</b>	Keir Living
<b>DEVELOPMENT</b>	Application for a minor material amendment to application 7/375/1995 for substitution of house types and layouts and alignment of turning head to the north of the site
<b>LOCATION</b>	Land off Lancaster Drive, South Killingholme
<b>PARISH</b>	<b>SOUTH KILLINGHOLME</b>
<b>WARD</b>	Ferry
<b>CASE OFFICER</b>	Tanya Eggett
<b>SUMMARY RECOMMENDATION</b>	<b>Subject to the completion of a Section 106 agreement, grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Contrary to policy

## **POLICIES**

**National Planning Policy Framework:** Paragraphs 54 and 55 – local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing and promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraphs 56-66 – achieve high quality and inclusive design for all development.

**Regional Spatial Strategy for Yorkshire and the Humber:** No specific policies apply.

**North Lincolnshire Local Plan:** Policy DS1 (General Requirements) sets out specific design guidance for all new development.

Policy T2 (Access to Development) requires all new development to have a satisfactory access.

Policy LC4 (Site of Important Nature Conservation) – any development or land use change which is likely to have an adverse impact on a site of importance for nature conservation will not be approved unless it can be clearly demonstrated that there are reasons for the proposal which outweigh the need to safeguard the intrinsic nature conservation value of the site or feature.

Policy RD2 (Development in the Open Countryside) lists the type of development considered to be acceptable in the open countryside.

Policy H8 (Housing Design and Mix) sets out the criteria against which new housing development will be judged.

Policy H10 (Public Open Space in New Housing Development) sets out the criteria for the requirement of open space on housing development sites.

Policy HE9 (Archaeological Evaluation) – where development proposals affect sites known or suspected to be of archaeological importance, an archaeological assessment will need to be submitted prior to the determination of the planning application.

**North Lincolnshire Core Strategy:** Policy CS1 (Spatial Strategy for North Lincolnshire) supports rural settlements as thriving sustainable communities, where development will be limited and should take into account levels of local service provision, infrastructure capacity and accessibility. Any development which takes place should be in keeping with the character and nature of the settlement. In the countryside support will be given to development that promotes rural economic diversification and small-scale employment opportunities.

Policy CS2 (Spatial Strategy for North Lincolnshire) – a sequential approach to development will be adopted. Any development that takes place outside the defined development limits of settlements will be restricted. Only development which is essential to the functioning of the countryside will be allowed to take place.

Policy CS3 (Development Limits) – development outside development limits will be restricted to that which is essential to the functioning of the countryside.

Policy CS5 (Delivering Quality Design in North Lincolnshire) – all new development should be well designed and appropriate for its context.

Policy CS6 (Historic Environment) – the council will promote the effective management of North Lincolnshire's historic assets through preserving and enhancing the rich archaeological heritage of North Lincolnshire.

Policy CS7 (Overall Housing Provision) – within rural settlements and the open countryside 30-35 dwellings per hectare should be achieved.

Policy CS8 (Spatial Distribution of Housing Sites) – in the open countryside housing development will be strictly limited. No development should have an adverse impact on the environment or landscape.

Policy CS9 (Affordable Housing) – new residential development comprising three or more dwellings in rural settlements must make provision for an element of affordable housing. Planning permission will be granted for rural exception sites within or adjacent to the development limits for 100% affordable housing where a local need has been clearly identified.

Policy CS17 (Biodiversity) – the council will promote effective stewardship of North Lincolnshire's wildlife.

## **CONSULTATIONS**

**Highways:** No objection subject to the following conditions (3 to 10).

**HSE:** No objections.

**PROW:** No objections.

**Archaeology:** No objection subject to conditions.

## **PARISH COUNCIL**

Objection. Increased traffic onto Greengate Lane will cause a danger and hazard to the children walking to school – highway safety and increased traffic generation. The parish council objects to the layout and density of the proposed buildings.

## **PUBLICITY**

Adjoining properties have been notified and two site notices posted. One response has been received raising the issue that the houses may be for affordable purposes.

## **ASSESSMENT**

The site is located outside the development boundary of South Killingholme and is therefore located within the open countryside. The site is also designated an LC4 site – site of nature conservation importance. The majority of the site has already been developed for housing under a 1995 permission which was a phased development. The site is at present located in the open countryside. There is a proposal in the Housing and Employment land allocations for the whole site to be placed within the development boundary of South Killingholme but this will not be considered for another 12 months at least.

The site was granted planning permission in November 1995 for 90 dwellings (7/375/1995). This permission has been implemented by virtue of the road construction and construction of a number of residential dwellings which are now occupied. The majority of the approved dwellings have been constructed under the 1995 permission which was developed as a phased development.

The site is now becoming overgrown. The application is for a minor amendment for the substitution of the approved house types and layouts and the alignment of the turning head to the north of the site. The proposed changes will update the properties in terms of design and layout and allow the use of sustainable building techniques since they were granted approval in 1995. The applicant is proposing that all 31 dwellings will now be affordable housing.

**The main issues associated with this proposal are whether it is acceptable in planning policy terms and, if so, whether its design and layout, and impact on the highway network, wildlife, archaeology and the amenity of neighbours are also acceptable.**

In planning policy terms the site is located outside the development boundary of South Killingholme, within the open countryside. New dwellings are only permitted in the open countryside if they are for agricultural or forestry purposes or to meet a special need associated with the countryside. As a result, the proposal is clearly contrary to policies CS1, CS2, CS3 and CS7 of the Core Strategy and policy RD2 of the North Lincolnshire Local Plan. In addition the NPPF advises that housing development should reflect local needs and promote sustainable development in rural areas. The site lies outside the development boundary of South Killingholme and cannot be considered to be sustainable development. The proposal is therefore contrary to some of the guidance given in the NPPF. However, there is an existing extant permission for 31 dwellings on the site (7/375/1995). The developer could therefore implement this permission at any time and 31 dwellings can be

constructed on the site. There is a special justification for allowing 31 dwellings that are an alternative design and layout to the 1995 permission on the site in this case.

The 31 dwellings in terms of design and layout are a betterment than the 1995 permission and more sustainable building techniques will be used. The dwellings will have minimal impact on the amenity of neighbours. In terms of the visual amenity of the locality there will be an improvement as the site will be completed and occupied rather than being fenced off and overgrown as the site is at present. Concerns from the parish council in terms of layout and density of the buildings are noted. However, the density is exactly the same as the 1995 permission as 31 dwellings are proposed. In terms of layout, it is similar to the approved 1995 layout. The proposal therefore accords with policies CS5 of the Core Strategy, H8 and DS1 of the North Lincolnshire Local Plan and paragraphs 56-66 of the NPPF.

The applicant is proposing that all the dwellings will be for affordable purposes. The 2009 Rural Needs Survey identified that there was a need for 16 affordable dwellings in South Killingholme, with other local parishes also having some need for affordable housing units nearby. No affordable housing has been built in South Killingholme since 2009. As a result it is likely that the need will be greater than the 16 dwellings originally identified. The Rural Needs Survey showed that around 75% of the units required in South Killingholme need to have two-bedrooms with 15% needing to be three-bedroom properties. This application fulfils these requirements. In February 2012 the Home Choice Lincs household waiting list for dwellings to rent in South Killingholme showed a total of 75 households, which is above the proposed 31 dwellings proposed in this application. Due to the recently approved developments in the vicinity (Able UK) there will be a need for additional dwellings to accommodate new workers in the vicinity.

Policy CS9 (Affordable Housing) of the Core Strategy requires new residential developments of three or more dwellings to provide 10% affordable housing. The site, although located in the open countryside, does have the benefit of an existing permission for 31 dwellings. The proposal for all 31 dwellings to be affordable does exceed the levels of affordable housing set out in policy CS9. However, it has been demonstrated that there is a substantial need for affordable housing in South Killingholme at present and in the future. The council's preference for affordable housing is subsidised housing for rent provided by a Registered Social Landlord or other social body.

In terms of the NPPF, local planning authorities should plan housing development to reflect local needs, particularly affordable housing. In this case it has been demonstrated that there is a need for affordable housing in South Killingholme and also there will be a need for affordable housing in the future, particularly when the recently approved major developments in the vicinity are developed. The site is located outside the development boundary of South Killingholme, but is located on the edge of the settlement. The scheme will seek to enhance the vitality of the rural settlements. The proposal is considered acceptable in terms of this aspect of the NPPF.

The views from a neighbour in relation to the housing being affordable housing are noted. However, this report has demonstrated the need for affordable housing in South Killingholme. No alternative sites for affordable housing in South Killingholme have been put forward for development. In order to ensure all 31 properties will be for affordable housing for rent a Section 106 agreement will be required.

The site is designated as a site of important nature conservation (LC4). This designation covers the whole site, including the area where properties have been built and occupied. The applicant has submitted a habitat and protected fauna survey. The survey indicates that the proposal will not affect protected or priority species except for nesting birds. In terms of the fauna, it is unlikely that any noteworthy plant species or communities have persisted on the site. However, until recently the site was important in terms of the neutral grassland on the site. As a result it is considered that the site is an appropriate site to require biodiversity enhancement in accordance with guidance given in the NPPF and in accordance with policy CS17 of the Core Strategy. This issue can be dealt with by virtue of a planning condition to ensure that nesting and roosting features are installed on the site and neutral grassland is created and maintained.

In terms of open space, policy H10 of the North Lincolnshire Local Plan sets out the criteria for open space within housing development sites. In this case open space is required on the site due to the size of the site. The open space to be provided is in the same position as the 1995 permission. In order for the open space to be maintained by the council a number of requirements are necessary in terms of dog and litter bins, species contained within proposed hedgerows, type and height of fencing and proposed play equipment. The design detail for the open space can be dealt with by virtue of a planning condition. The commuted sum for the maintenance of the open space is £4,351.54 per annum x 10 years = £43,515.42. This money will need to be obtained by a Section 106 agreement.

In terms of highways, the scheme provides primarily two car parking spaces for each dwelling which conforms to the council's adopted car parking standards. There is a footpath link to St Denys Close to provide pedestrian links to the surrounding dwellings and a condition of this permission is for this link to be provided at all times. The site can be accessed by walking, cycling and the site is 250 metres from a bus stop that provides a bus service to Immingham and Grimsby. Highways have raised no objections to the proposal subject to conditions. Concerns raised by the parish council are noted, but 31 dwellings can already be constructed on the site under the 1995 permission. As a result no increase in traffic will be generated. The proposal therefore accords with policy T2 of the North Lincolnshire Local Plan.

In terms of archaeology, an archaeological desk-based assessment has been submitted with the application in accordance with policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan. It is considered that further evaluation of the site is required. However, when balancing against the wider benefits of the scheme, such as the affordable housing and improvements to the visual appearance of the site, it is considered that the issues raised by archaeology can be dealt with by virtue of planning conditions.

## **RECOMMENDATION**

**Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 providing for a commuted sum of £43,515.42 for maintenance of the open space, and the provision of 31 dwellings for affordable housing for rental purposes, the committee resolves:**

- (i) it is mindful to grant permission for the development;**
- (ii) the decision be delegated to the Head of Development Management upon completion of the obligation;**

**(iii) if the obligation is not completed by 30 September 2012 the Head of Development Management be authorised to refuse the application on the grounds that the development would not make any provision for affordable housing on the site or for the maintenance of open space which would be contrary to policy CS9 of the North Lincolnshire Core Strategy and policy H10 of the North Lincolnshire Local Plan;**

**(iv) the permission so granted be 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: K/SK/SL/01, 001 and SK/HT/01.

Reason

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

3.

No loose material shall be placed on any driveway or parking area within 10 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.

4.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking spaces serving it have been completed and, once provided, the vehicle parking spaces 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.

No development shall take place until details of the drainage, construction, services and lighting of the proposed access road, including the junction with the adjacent highway, have been submitted to and approved in writing by the local planning authority.

Reason

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

6.

No dwelling on the site shall be occupied until the access road has been completed to at least base course level and adequately lit from the junction with the adjacent highway up to the access to the dwelling.

Reason

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

7.

No other works shall be commenced on the site until the access road junction with the adjacent highway, including the required visibility splays, has been set out and established.

Reason

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

8.

No dwelling on the site shall be occupied until the footway has been constructed up to base course level from the junction with the adjacent highway to the access to the dwelling.

Reason

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

9.

No works shall be commenced on the penultimate dwelling on the site until the access road has been completed.

Reason

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

10.

No development, whether permitted by the Town and Country Planning (Development Management Procedure) (England) Order 2010 or not, shall take place within any service strip adjacent to any shared surface road, and any planting or landscaping within this service strip shall be of species which shall be agreed in writing with the local planning authority prior to planting.

Reason

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

11.

No development shall take place until a landscape and biodiversity management plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

- (a) details of nesting and roosting features to be installed on the buildings to be constructed, to support Pipistrelle bat (*Pipistrellus* spp.) and swift (*Apus apus*);

- (b) proposed timings for the installation of the above features in relation to the completion of each building;
- (c) details for the creation and ongoing management of areas of neutral grassland rich in wildflowers;
- (d) details of native trees and hedgerows to be planted and retained
- (e) details of landscaping features to maintain and enhance the value of the site for wildlife generally and for bats and farmland birds in particular;
- (f) details of measures to be taken during the construction phase of the proposal, to avoid harm to nesting birds and other protected species or priority species.

Reason

To enhance features of recognised nature conservation importance in accordance with policy CS17 of the North Lincolnshire Core Strategy.

12.

The landscape 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.

Reason

To enhance features of recognised nature conservation importance in accordance with policy CS17 of the North Lincolnshire Core Strategy.

13.

The external facing materials hereby permitted shall be those specified on the finishing schedule date stamped 15 May 2012 at all times.

Reason

To ensure that the dwellings are in keeping with their surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

14.

Before development commences on the site, full details of the layout and design of the approved open space shall be submitted to and approved in writing by the local planning authority. The layout shall include details and locations of seats, gates, fencing, play equipment, litter bins, dog bins, tree planting, hedgerows and bollards.

Reason

In order to ensure a satisfactory standard and layout of the open space on the site in accordance with policy H10 of the North Lincolnshire Local Plan.

15.

No development shall take place 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.

16.

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.

17.

Before the development commences on site, details of a footpath link to be constructed between the eastern end of Lancaster Drive and St Deny's Close, designed with bollards to be erected adjacent to that link to prevent vehicular access from one road to another, shall be submitted to and approved in writing by the local planning authority. The approved footpath link shall be implemented on site before any of the approved dwellings are occupied and thereafter retained as such at all times.

Reason

In order to facilitate pedestrian access between neighbouring developments in accordance with policy T2 of the North Lincolnshire Local Plan and policy CS25 of the North Lincolnshire Core Strategy.

18.

No development shall take place until an archaeological mitigation strategy, as defined in a written scheme of investigation, has been submitted to and approved in writing by the local planning authority. The strategy shall include details of the following:

- (i) the proper identification and evaluation of the extent, character and significance of archaeological remains within the application area, in accordance with the written scheme of investigation for archaeological evaluation (Archaeological Research Services Ltd, Report No. 2012/30 dated May 2012)
- (ii) an assessment of the impact of the proposed development on the archaeological remains
- (iii) measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance
- (iv) methodologies for the recording and recovery of archaeological remains, including artefacts and ecofacts
- (v) post-fieldwork methodologies for assessment and analyses
- (vi) report content and arrangements for dissemination, and publication proposals

- (vii) archive preparation and deposition with recognised repositories
- (viii) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy
- (xi) monitoring arrangements, including the notification in writing to the North Lincolnshire Sites and Monuments Record Office of the commencement of archaeological works and the opportunity to monitor such works
- (x) a list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

**Reason**

To comply with policy HE9 of the North Lincolnshire Local Plan because the site lies in an area of archaeological interest.

19.

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings, subject to any variations agreed in writing by the local planning authority.

**Reason**

To comply with policy HE9 of the North Lincolnshire Local Plan because the site lies in an area of archaeological interest.

20.

A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the North Lincolnshire Historic Environment Record within six months of the date of completion of the development hereby approved by this permission or such other period as may be agreed in writing by the local planning authority.

**Reason**

To comply with policy HE9 of the North Lincolnshire Local Plan because the site lies in an area of archaeological interest.

**Reasons for approval**

The council, as local planning authority, has had regard to the relevant policies of the development plan as set out below and considers that, subject to compliance with the conditions attached to the permission, the proposed development would not materially harm the character of the area nor the living conditions of neighbouring occupiers, and would be acceptable in all other planning considerations. The council has taken into account all other matters, none of which outweigh the considerations that have led to its decision. The policies taken into consideration in the determination of this application are policies DS1, T2, LC4, RD2, H8, H10 and HE9 of the North Lincolnshire Local Plan, policies CS1, CS2, CS3, CS5, CS6, CS7, CS8, CS9 and CS17 of the North Lincolnshire Core Strategy, and paragraphs 54-55 and 56-66 of the National Planning Policy Framework.

--- NLLP development boundary

0m 100m

North Lincolnshire Council

North Lincolnshire Council

North Lincolnshire Council

Application site



Title: 2012/0588	Drawing No:	Version: 1
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