

## NORTH LINCOLNSHIRE COUNCIL

### PLANNING COMMITTEE

#### RESIDENTIAL DEVELOPMENT IN GOXHILL – MORATORIUM UPDATE

- 1. OBJECT AND KEY POINTS IN THIS REPORT**
  - 1.1 To update members on progress by Anglian Water with regard to a solution to overcome sewerage and drainage issues in the settlement of Goxhill. This report updates the position with respect to what has been described as a moratorium on new residential development within the village but in reality has been a precautionary approach to new development.
  
- 2. BACKGROUND INFORMATION**
  - 2.1 Members requested an update on progress with regard to the sewerage and drainage issues in Goxhill that were highlighted by flooding in the summer of 2007.
  - 2.2 This matter was originally considered by the Planning Committee at a meeting held on 30<sup>th</sup> January 2008 when it was resolved that:
    - (a) a moratorium be placed on new residential development within the defined development boundary for Goxhill until such time as Anglian Water had investigated and reported upon the issues surrounding sewerage capacity. New residential permissions were to be held in abeyance or refused if it was considered they would exacerbate known existing drainage and flooding issues;
    - (b) the moratorium on such development was to be reviewed when the results of Anglian Water's sewerage and drainage survey was known.
  - 2.3 This matter was again reported to the Planning Committee on 25<sup>th</sup> August 2010 and on 27<sup>th</sup> April 2011. This latter Planning Committee resolved to extend the moratorium until the end of October 2012 .Although described as a "Moratorium" in successive reports in reality the Planning Authority has been taking a precautionary approach to proposals for new housing development. Rather than refusing all new housing development until the drainage systems are upgraded the Council has adopted a pragmatic approach requiring applicants to demonstrate that the engineering solutions they are suggesting will work and not cause difficulties elsewhere in the village.
  - 2.4 I can now report that I have received Anglian Water's updated programme of works which are summarised in paragraph 2.5 below.
  - 2.5 The AW programme for the Goxhill flood alleviation scheme will start on 11<sup>th</sup> June 2012 and will last for approximately 38 weeks. This will mean that assuming the

construction start is adhered to and the programme reaches its predicted completion target the Anglian Water Goxhill flood alleviation scheme should be completed by the end of February 2013.

- 2.6 I can also report that the council has completed a £200k improvement to the surface water drainage system at South End, Goxhill. Works included installing new highway drains, construction of additional road gullies, clearance and reforming of drainage ditches, enlarging culverts and resurfacing to reshape the road for drainage. The scheme completed in February 2012 included works on South End, Chapelfield Road and Soff Lane. Members may be aware that these works have been completed. These improvement works are solely related to highway drainage improvements with possibly some benefit to residential properties and it is essential that Anglian Water's flood alleviation scheme is completed to fully benefit the satisfactory drainage of existing and potential residential areas in Goxhill.

### **3 OPTIONS FOR CONSIDERATION**

- 3.1 At the present time all new planning applications within the settlement of Goxhill are required to show that residential building, if permitted, would not exacerbate existing drainage issues within the village. Usually this has involved the applicant providing full details of how foul and surface water would be disposed of including, in some instances, on-site storage capacity to ensure no overload of the existing system. Unless such confirmation is provided, applications have been held in abeyance or refused. Approval has only been recommended for schemes where there is an engineering solution to deal with surface water and foul drainage disposal and any capacity problems.
- 3.2 At present the "Moratorium" is still council policy with respect to Goxhill and consideration needs to be given, in light of Anglian Water's continued commitment to undertaking the suggested improvements, as to whether or not the moratorium should be lifted. Although described as a "moratorium" it is clear from the decisions made since 2008 that it was not the Planning Authorities intention to stop all housing developments pending the drainage improvements for the village.
- 3.3 All planning applications for residential development in Goxhill are referred to Anglian Water for comment and its views are incorporated in any report and recommendation on each individual application. Officers within Highways and Planning assess the proposals against the information and detail that the council has put together following the flooding in 2007. This combined advice forms the basis on which any recommendation is then put forward as to whether the application should be supported. Procedurally applications that are recommended for approval have during the period of the moratorium been put to the Planning Committee for a decision rather than being dealt with by officers under delegated powers.

### **4 ANALYSIS OF OPTIONS**

- 4.1 There are two options:-

i-That the current modus operandii be maintained with the "moratorium" remaining in place until such time as the actual works have been completed.

ii-That the moratorium be lifted.

- 4.2 The retention of the “moratorium” for a further period of time pending completion of the works needs to be reassessed. Any planning application for residential development that is refused or appealed against non-determination within the appropriate timescale has to be defended at appeal. Clearly, if applicants can show that their proposals will not exacerbate existing drainage facilities within the village, then that would be a difficult decision to defend. Furthermore, applicants will, in due course, clearly be able to show that arrangements are in place to address issues of drainage by the statutory undertaker which again weakens the local authority’s case for refusal. It should also be borne in mind that, due to the fact that Goxhill is a rural settlement as defined in the Core Strategy and under Policy CS1 it should be supported as a thriving sustainable community, with a strong focus on retaining and enhancing existing local services to meet local needs. Policy CS1 of the Core Strategy also states that development will be limited and should take into account levels of local service provision, infrastructure capacity and accessibility. Any development that takes place should be in keeping with the character and nature of the settlement.
- 4.3 The “moratorium” in Goxhill has now been in place since February 2008, and has had an impact on the scale and frequency of new residential development within the village. In this respect the moratorium has proved successful and generally applicants and developers have accepted that the problems within Goxhill require careful attention. The pragmatic precautionary approach has been working well considering each planning application for residential development on its merits particularly regarding drainage issues. However, as reported above Anglian Water has now tabled a scheme with a timetable of works which to alleviate the problems for the village, now would seem an appropriate time to review the “moratorium”.

## **5 RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)**

### **5.1 Financial**

- 5.1.1 Whilst the moratorium for development in Goxhill stands, each application for development still has to be considered having regard to the development plan and on the individual merits of the case. If an application was refused and an appeal made on purely drainage issues the council would have to be fully aware of the implications and if an appeal is lodged against that decision costs could be awarded to the appellants if the council’s actions were considered to be unreasonable. Furthermore, legal and professional costs could also be incurred in defending such appeals.

### **5.2 Staffing**

- 5.2.1 There are no staffing implications – all necessary resources exist within the existing local planning authority.

### **5.3 Property**

5.3.1 None.

### **5.4 IT**

5.4.1 None.

## **6 OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 – CRIME AND DISORDER, RISK AND OTHER)**

### **6.1 Statutory**

6.1.1 All decisions on planning applications have to be properly justified and defended in accordance with the provisions of the Town and Country Planning Act. Refusal of planning permission has to be justified on the basis that the application decision can be defended at appeal. Officers of North Lincolnshire Council and Anglian Water, if necessary, would have to properly defend any such decision at a public inquiry or local hearing or through the written representation procedure.

### **6.2 Environmental**

6.2.1 None.

### **6.3 Diversity**

6.3.1 None

### **6.4 Section 17 – Crime and Disorder**

6.4.1 None

### **6.5 Risk**

6.5.1 Whilst the moratorium remains, the risk relates to the proper assessment of drainage and sewerage implications of individual applications by reference to both Anglian Water and the council's own engineers.

### **6.6 Other**

6.6.1 None.

## **7 OUTCOMES OF CONSULTATION**

7.1.1 All comments have been considered and accounted for in this report, particularly from the council's engineers and Anglian Water.

## **8 RECOMMENDATIONS**

8.1.1 That, in view of the information provided by Anglian Water and reported at paragraph 2.5 of this report, the "moratorium" be extended for a further 9 months, that is until

the end of February 2013. Effectively this will retain the current modus operandi with proposals to approve housing development in Goxhill being determined by the Planning Committee on their particular merits.

- 8.1.2 That a further review be undertaken once a firm finish date for the works is known.

## **HEAD OF DEVELOPMENT MANAGEMENT**

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### **Background papers used in the preparation of this report**

Previous reports to Planning Committee dated 30 January 2008, 18 June 2008, and 23 July 2008, 1 April 2009, 25 August 2010 and April 2011.

Correspondence from Anglian Water between 20 December 2007 and May 2012.