

APPLICATION NO PA/2011/1172

APPLICANT Mr J Raby

DEVELOPMENT Planning permission to erect a dwelling with integral garage

LOCATION Land adjacent to Sunny Bank, North End, Goxhill

PARISH **GOXHILL**

WARD Ferry

CASE OFFICER Graeme Moore

SUMMARY RECOMMENDATION **Grant permission subject to conditions**

REASONS FOR REFERENCE TO COMMITTEE Objection by Goxhill Parish Council

POLICIES

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

North Lincolnshire Local Plan: Policy DS1 (General Requirements) and Policy H8 (Housing Design and Housing Mix).

North Lincolnshire Core Strategy: Policy CS1 (Spatial Strategy for North Lincolnshire), Policy CS2 (Delivering More Sustainable Development), Policy CS3 (Development Limits) and Policy CS19 (Flood Risk).

CONSULTATIONS

Highways: Advise conditions (3 to 5).

Environment Agency: Advise conditions.

Anglian Water Developer Services: Advise conditions.

PARISH COUNCIL

Object for the following reasons:

- The site is within flood zone 3 (high probability of flooding) and the accompanying flood risk assessment is out of date, and does not demonstrate that the development would provide wider sustainability benefits that outweigh flood risk.
- The Environment Agency did not object to building on the first plot as it was understood that there would be no further development on the site.

- There is a moratorium in place for new development and this part of North End was subject to significant flooding in 2007. Developing this elevated site will significantly increase run-off to surrounding properties during periods of heavy rainfall.
- The design and access statement is incorrect – there is no current permission on the site. The site had outline permission for two but this was lost when PA/2009/0981 was approved for one dwelling on over half the area of the site.
- The proposed development blocks off all vehicular access to Sunnybank and no details of a new access have been submitted. The parish council would not support a new access onto the narrow ‘S’ bend on Ferry Road as it would be a safety hazard.
- The proposal would have a detrimental impact on the amenities of surrounding residents, in particular to properties on Windsor Grove, due to overshadowing and overlooking. The rear windows would also directly overlook Sunnybank.

The parish council considers that this site has been fully developed.

PUBLICITY

Letters have been sent to surrounding residents and responses have been received from two properties raising the following issues:

- There is no material change from the previous application (PA/2011/0022).
- Two dwellings on this site is contrary to previous approvals on the site as the outline permission has been lost by building one large dwelling on more than half the site area.
- The land that is left is much smaller than on the outline permission for two, and to build a dwelling on this smaller parcel would be out of keeping and over-development.
- The parking and access arrangements are inadequate and will lead to parking on the shared driveway, blocking access/egress to other properties.
- There would be an increased risk of flooding, being in flood zone 3, in an area that is already prone to flooding.
- There would be a reduction in privacy due to overlooking and loss of amenity/light due to overshadowing.
- The proposal is out of scale with the original outline, with one large dwelling already being built on the first plot.
- A new access onto Ferry Road will be required for Sunnybank. This will be unacceptable on such a busy, dangerous road, which is narrow and already congested.

ASSESSMENT

The proposal involves the erection of a detached four-bedroom dwelling with integral garage on part of the garden to the adjacent property, Sunnybank. The design of the dwelling is the same as was submitted for PA/2011/0022. The site is within the development boundary for Goxhill and is surrounded by other residential properties, including one currently under construction which was also within the original part of the

garden of Sunnybank (PA/2009/0315). The plot measures approximately 31 metres deep by 17 metres wide. Vehicular access to the site is proposed via an existing private drive.

The main issues in determining this application are whether or not the development would be out of keeping with the character of the area and have a detrimental impact on the residential amenities of surrounding neighbours, and whether or not the proposal would increase the risk of flooding.

The proposed dwelling is located to the front of the plot approximately 6 metres back from the edge of the private drive, which leaves a back garden depth of 15 metres. The main living accommodation for the building under construction on the adjacent plot is 11 metres away from the boundary of the application site, with the dwelling to the north (1 Windsor Grove) having a separation distance of 12 metres from the boundary and 17 metres from the main two-storey part of the proposed dwelling itself. The proposed new dwelling will be on land to the south of 1 Windsor Grove and north of a plot currently under construction for another large detached house. There is sufficient space on the plot to provide adequate private amenity space. The dwelling has been designed so that the windows face the front and rear of the property, which will not result in any direct overlooking to any neighbouring property. There is one window to an en suite bathroom in the south-facing side elevation but this will be obscure glazed. It is considered, therefore, that the dwelling will not reduce the amenities of nearby residents due to overlooking. The design of the dwelling is considered to be in keeping with the overall character of the area, which has a mix of house types and sizes. Furthermore, condition 7 requires the floor levels to be raised to 4.85 metres Above Ordnance Datum to ensure dry floors. This results in a building that is 600 millimetres higher, however it is considered that with the floor levels raised the proposed new dwelling will still not adversely affect the amenity of the surrounding dwellings.

In relation to the issue of flooding, the parish council, neighbours and the Environment Agency have objected to the proposal. The site is within flood risk zone 3, wherein it is considered that residential development should not be permitted unless there is an overriding sustainable benefit to the local community. It cannot be argued in this particular case that the erection of one dwelling on this plot provides such a benefit. The moratorium within Goxhill is still in place which requires each application for residential development to be determined on its merits following consultation with council engineering officers, specifically with regard to areas of the village known to have experienced flooding due to heavy rainfall. This consultation confirmed that there was no record of flooding on the application site although one property on North End to the west reported having internal property flooding in June 2007. Mitigation details regarding construction and surface water retention were recommended. Additionally, Anglian Water must confirm if the local foul sewage system can accommodate additional capacity, without impacting upon other properties in the vicinity. Anglian Water were consulted and confirmed that there is sufficient capacity within the system to accommodate foul drainage from the development.

This site has an extensive and complicated planning history. There have been a number of applications for residential development on this parcel of land dating back to 1979, when outline permission was given for two dwellings. However, the more relevant applications are as follows:

PA/2004/0941: Outline planning permission for two dwellings, approved.

- PA/2007/0981: Outline planning permission for two dwellings (renewal of PA/2004/0941), approved.
- PA/2008/0493: Full planning permission for the erection of one dwelling on part of the site, refused on the grounds that the development did not pass the sequential or exceptions test as required by PPS25. The Environment Agency objected to this application.
- PA/2009/0315: Full planning permission for the erection of one dwelling on a larger part of the site, approved at committee. The Environment Agency did not object to this application as it was considered that one dwelling was more appropriate than the two approved at outline. This build (which is currently under construction) covers more than half of the original plot size – see plan.
- PA/2010/0338: Full planning permission to erect a detached dwelling and new access. Withdrawn from committee but was recommended for refusal on flood risk grounds and impact on amenities of neighbours.
- PA/2011/0022: Full planning permission to erect a detached dwelling and new access. Refused at committee on the grounds of flood risk.

The site does not now have planning permission for the erection of two dwellings, as the original outline permission has been superseded by the erection of one dwelling on more than half the site.

A number of other issues have been raised by neighbours and the parish council relating to parking and access. In relation to the access and parking arrangements for the new plot, the Highways department considers that the level of provision is sufficient to meet the needs of the development. By building on this plot, the existing access to Sunnybank will be lost, but this has always been the case. Neighbours and the parish council have raised concerns that a new access to Sunnybank onto Ferry Road would not be acceptable, as it would be dangerous due to the bend in the road and the amount of traffic that already uses the highway. However, an access onto Ferry Road has always been anticipated by Highways, and there was a condition on the outline application to this effect. Similarly, with this application, there are no objections to this, subject to the position and details being submitted for approval before work on the proposed dwelling is commenced.

Turning to the issue surrounding flood risk, it is noted that in the previous applications flood risk has been a determining factor, with the Environment Agency (EA) objecting to the previous scheme. However, further discussions with the EA and the applicant's consultant has meant that in relation to this application, the EA do not object to the proposal on flood risk grounds.

Nevertheless, in accordance with PPS25, the council asked the applicant to carry out a thorough sequential test, in order to ascertain whether or not there are other sites available in Goxhill which are less susceptible to flooding. The work carried out by the applicant's consultant has shown that whilst there are alternative sites which could be developed, none of them are considered to be readily available. Primarily, this is down to the costs associated with purchasing the land and developing a property, however it is also the applicant's intention to develop the proposed property for his daughter. Therefore the

council, as local planning authority, considers that the proposal passes the sequential test element of PPS25.

The question then needs to be asked as to whether the proposal passes the exceptions test as outlined in PPS25. Specifically, does the proposal create a wider sustainable benefit? It is considered that, on balance, the creation of a new dwelling in this location does meet this criterion, principally because the proposal is bringing a disused portion of land back into a worthwhile use, whilst also allowing the settlement to grow in a sustainable way. Moreover, the proposal will continue to contribute to the facilities in Goxhill, such as the school, to function.

Therefore when balancing all relevant material considerations, it is considered that, in accordance with policies DS1 and H8 of the North Lincolnshire Local Plan and policies CS1, CS2, CS3 and CS19 of the North Lincolnshire Core Strategy, the proposal can be recommended for approval.

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: MAR 2010.

Reason

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

3.
Adequate vehicle access, parking and turning facilities serving the existing dwelling shall be retained in accordance with details to be 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.

4.
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.

5.

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.

6.

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

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, a 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.

7.

The development shall only be carried out in accordance with the approved Flood Risk Assessment undertaken by AAH Planning Consultants (Ref. ENV/0305/11FRA and dated July 2011). In particular, the finished floor levels shall be set no lower than 4.85 metres above Ordnance Datum and flood resilient construction methods shall be incorporated into the development. The applicant shall confirm in writing to the local planning authority that this has taken place within one month of completion.

Reason

To reduce the risk and impact of flooding on the development and future occupants in accordance with policy CS19 of the North Lincolnshire Core Strategy.

8.

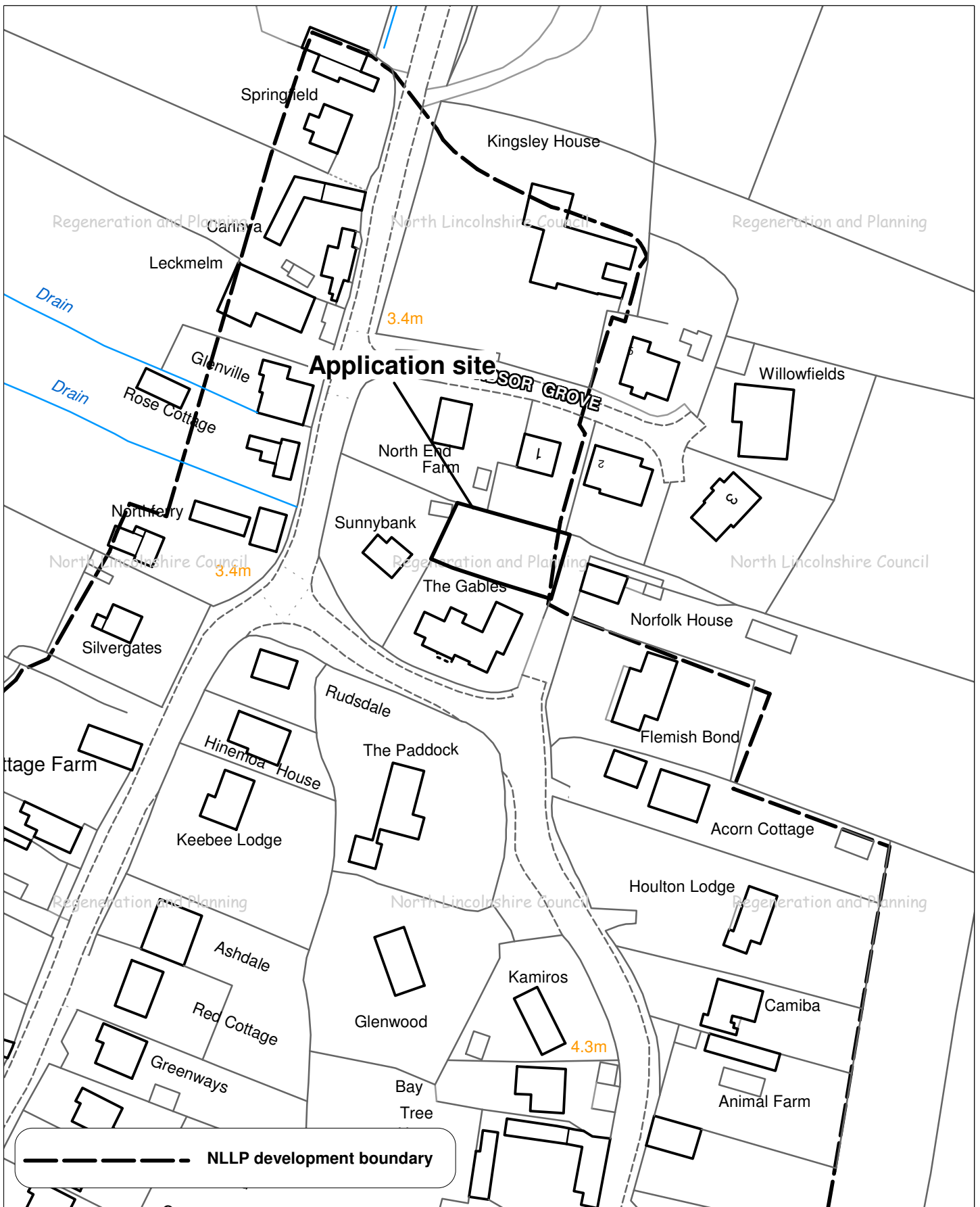
None of the dwellings shall be occupied until the sewage disposal/drainage works to serve these dwellings have been completed in accordance with the submitted plans.

Reason

To ensure satisfactory drainage is provided in accordance with policy DS14 of the North Lincolnshire Local Plan.

Reasons for approval

The council, as local planning authority, has had regard to policies CS1, CS2, CS3 and CS19 of the North Lincolnshire Core Strategy and policy DS1 of the North Lincolnshire Local Plan and considers that, subject to compliance with the conditions attached to the permission, the proposed development would be in accordance with the development plan, 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.



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Regeneration and Planning

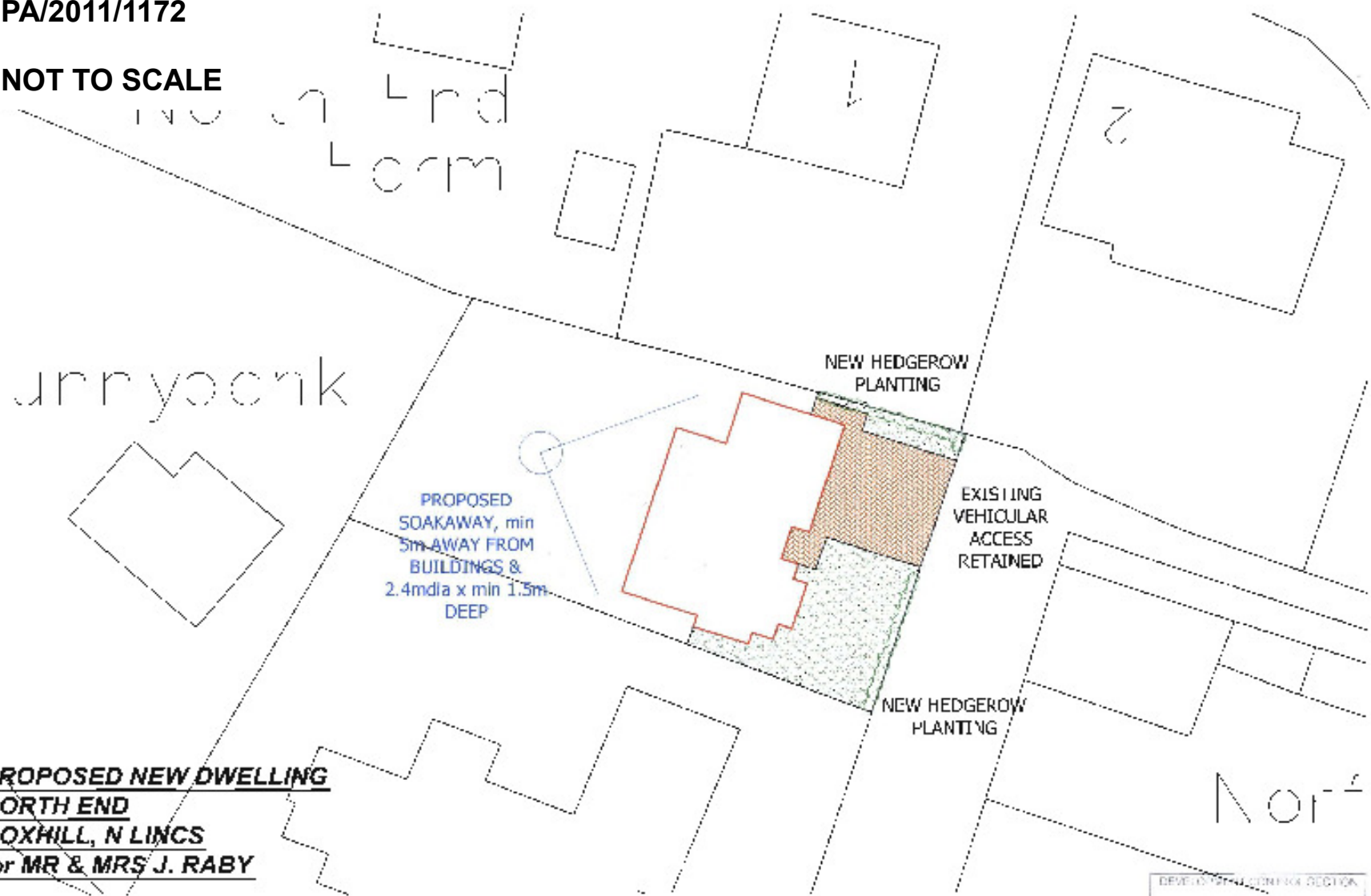
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PA/2011/1172

NOT TO SCALE



PROPOSED NEW DWELLING
NORTH END
GOXHILL, N LINGS
for MR & MRS J. RABY

SITE LAYOUT 1 / 200
MAR 2010

DEVELOPMENT CONTROL SECTION
29 SEP 2011
[Signature]