

<b>APPLICATION NO</b>	<b>PA/2013/0213</b>
<b>APPLICANT</b>	JHP
<b>DEVELOPMENT</b>	Planning permission to erect three detached two-storey dwellings and domestic garages and construct access onto High Street
<b>LOCATION</b>	Adjacent to 95 High Street, Wootton
<b>PARISH</b>	<b>WOOTTON</b>
<b>WARD</b>	Ferry
<b>CASE OFFICER</b>	Tanya Coggon
<b>SUMMARY RECOMMENDATION</b>	<b>Subject to completion of a section 106 agreement, grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Wootton Parish Council

## **POLICIES**

**National Planning Policy Framework:** Paragraph 49 – 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 local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Paragraph 54 – in rural areas, exercising the duty to cooperate with neighbouring authorities, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs.

**North Lincolnshire Local Plan:** Policies DS1 (General Requirements), H8 (Housing Design and Housing Mix) and T2 (Access to Development)

**North Lincolnshire Core Strategy:** Policies CS1 (Spatial Strategy For North Lincolnshire), CS2 (Delivering More Sustainable Development), CS3 (Development Limits), CS5 (Design Quality) and CS9 (Affordable Housing)

## **CONSULTATIONS**

**Highways:** Advise conditions (6 to 12).

**Environment Health:** Advise a condition regarding contaminated land.

**Strategic Housing:** Require a section 106 agreement in order to secure an off-site contribution for affordable housing.

## **PARISH COUNCIL**

Object to the proposal on the grounds that vehicles entering and leaving the proposed dwellings would suffer from poor visibility due to HGVs entering and leaving the existing weighbridge facility. Also express concerns that congestion would occur on the main road due to queuing HGVs.

## **PUBLICITY**

Neighbouring properties have been notified. No comments have been received.

## **ASSESSMENT**

Members may recall that this application was originally reported to the planning committee on 3 July 2013. The planning committee was minded to grant permission subject to the applicant entering into a Section 106 agreement for an off-site contribution towards affordable housing and subject to planning conditions. The Section 106 obligation had to be completed by 3 January 2014. Unfortunately, although the applicant is willing to enter into the Section 106 obligation, there have been significant delays which have resulted in the obligation not being completed within the required timescale. The delays appear to have been resolved to all parties' satisfaction and the obligation can now be completed. As a result the application is being reported back to planning committee with an amended recommendation to extend the time limit for the completion of the Section 106 agreement by a further three months.

Planning permission is sought for the erection of three large detached dwellings located on High Street, Wootton. The proposed dwellings lie at the entrance to the JH Walter Haulage yard to the south of the site and would be split in two, with one property to the west of the site entrance and the other two to the east of the site entrance. Outline planning permission was granted in 2013 (PA/2012/0274) for 13 dwellings on land to the south of the application site, subject to a Section 106 agreement that provides two units of affordable housing on that site and a recreational contribution.

This application will effectively act as the entrance to the estate approved under PA/2012/0274, with access to the haulage yard to the south restricted.

**The main issue to consider in the determination of this application is whether or not there would be a detrimental impact on highway safety.**

The site in question lies at the entrance to Wootton next to the JH Walter Haulage yard, which lies to the south of the application site. The surrounding area is characterised by detached dwellings to the north of varying styles and ages, and to the east and west are pairs of semi-detached dwellings.

The existing site entrance to the JH Walter site is wide and is not currently hindered by obstructed views; the access would also serve the housing estate approved under PA/2012/0274, once implemented. The addition of three new houses would undoubtedly change the appearance of the junction, however colleagues in Highways have assessed the application and, subject to conditions, have no concerns about the proposal in principle. It is therefore considered that there is no reason to justify refusal on grounds of highway safety. Whilst concerns have been raised in relation to HGV movements, it should be noted that access to the haulage yard will be from the south via an existing access and therefore

no HGVs will be accessing the haulage yard from the northern access point – this was agreed under PA/2012/0274 for the 13 dwellings to the rear of this application.

In all other respects the proposal fully accords with the adopted development plan for North Lincolnshire. The site lies within the development boundary for Wootton which is considered to be a relatively sustainable rural settlement – it benefits from its own primary school and facilities such as a pub and local shop. There are no concerns with the design of the dwellings which, although of a relatively simple style, cause no issues of overlooking and/or loss of privacy. The developers will also be required to enter into a section 106 agreement for an off-site contribution towards affordable housing provision in the area. Policy CS9 of the North Lincolnshire Core Strategy requires 10% of accommodation to be affordable in rural settlements or a contribution to be made of an equivalent value. In this respect the applicant has agreed to enter into negotiations in order to secure an off-site contribution of £11,905.08.

In conclusion, in accordance with policies DS1, H8 and T2 of the North Lincolnshire Local Plan and policies CS1, CS2, CS3, CS5 and CS9 of the North Lincolnshire Core Strategy, the proposal is recommended for approval.

## **RECOMMENDATION**

**Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 providing for an off-site contribution towards affordable housing provision in the area, 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 11 May 2015, the Head of Development Management be authorised to refuse the application on grounds of failure to comply with policy CS9 of the North Lincolnshire Core Strategy; and**
- (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: 1579B-01, 02A, 03, 04, 05, 06, 07, 08 and 10.

Reason

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

3.

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.

4.

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.

5.

No development shall take place until details have been submitted to and approved in writing by the local planning authority of the make, type and colour of all external facing materials for the development and only the approved materials shall be used.

#### **Reason**

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

6.

No development shall take place until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have been submitted to and approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use.

Reason

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

7.

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.

8.

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

Reason

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

9.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order revoking and re-enacting that order with or without modification), nothing shall at any time be erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway for a distance of 1 metre from the highway boundary across the site frontage.

Reason

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

10.

No development shall take place until full details of the alterations to the existing access road to the site between plots 1 and 2 have been submitted to and approved in writing by the local planning authority. Prior to the occupation of plot 1 or 2, the access road shall be set out and established in accordance with these details.

Reason

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

11.

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.

12.

No dwelling on the site shall be occupied until the footway fronting plots 2 and 3 and the new bus stop facilities as shown within the application have been provided 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 policy T19 of the North Lincolnshire Local Plan.

**Informative 1**

This application must be read in conjunction with the relevant Section 106 Agreement.

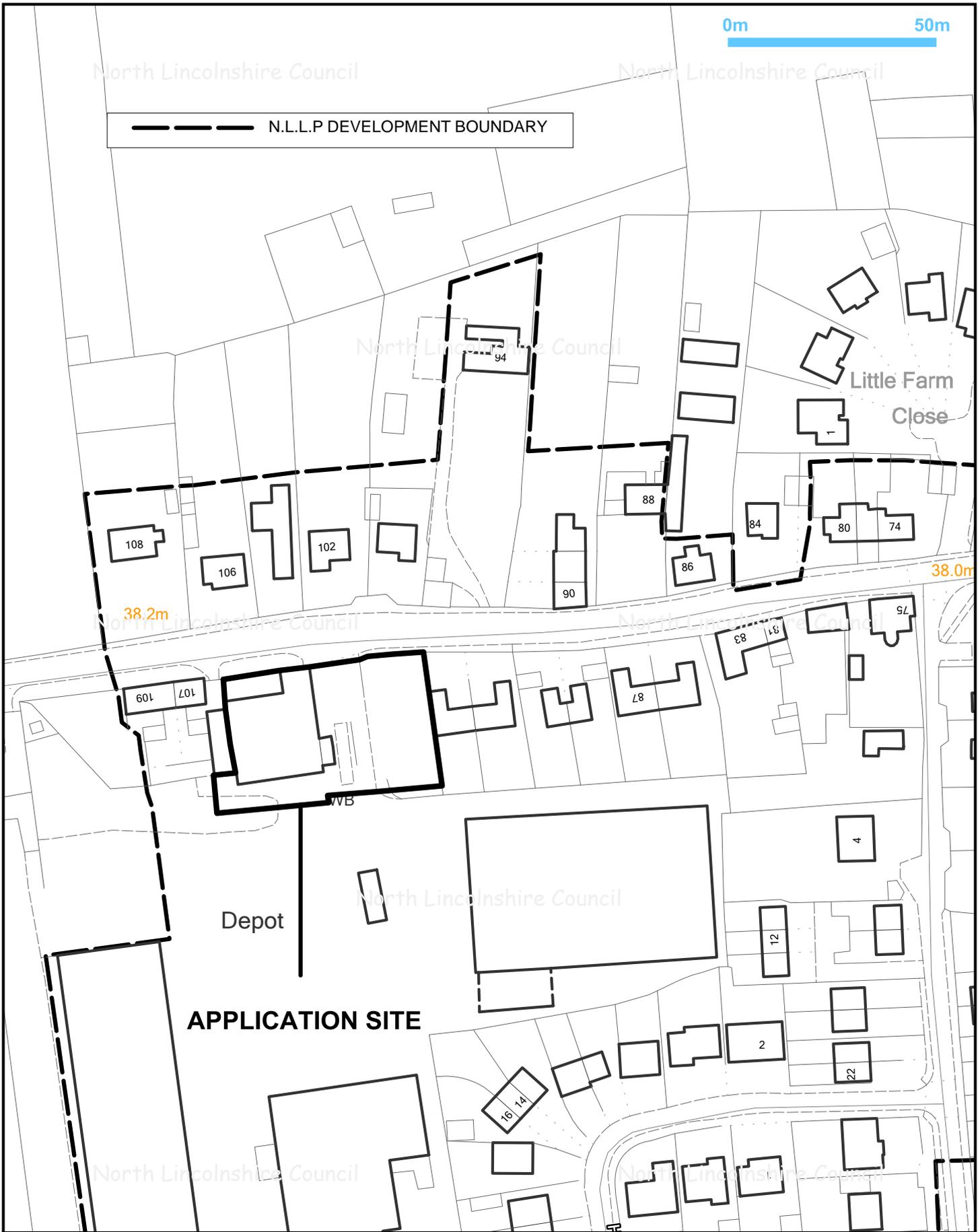
**Informative 2**

The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

**Informative 3**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



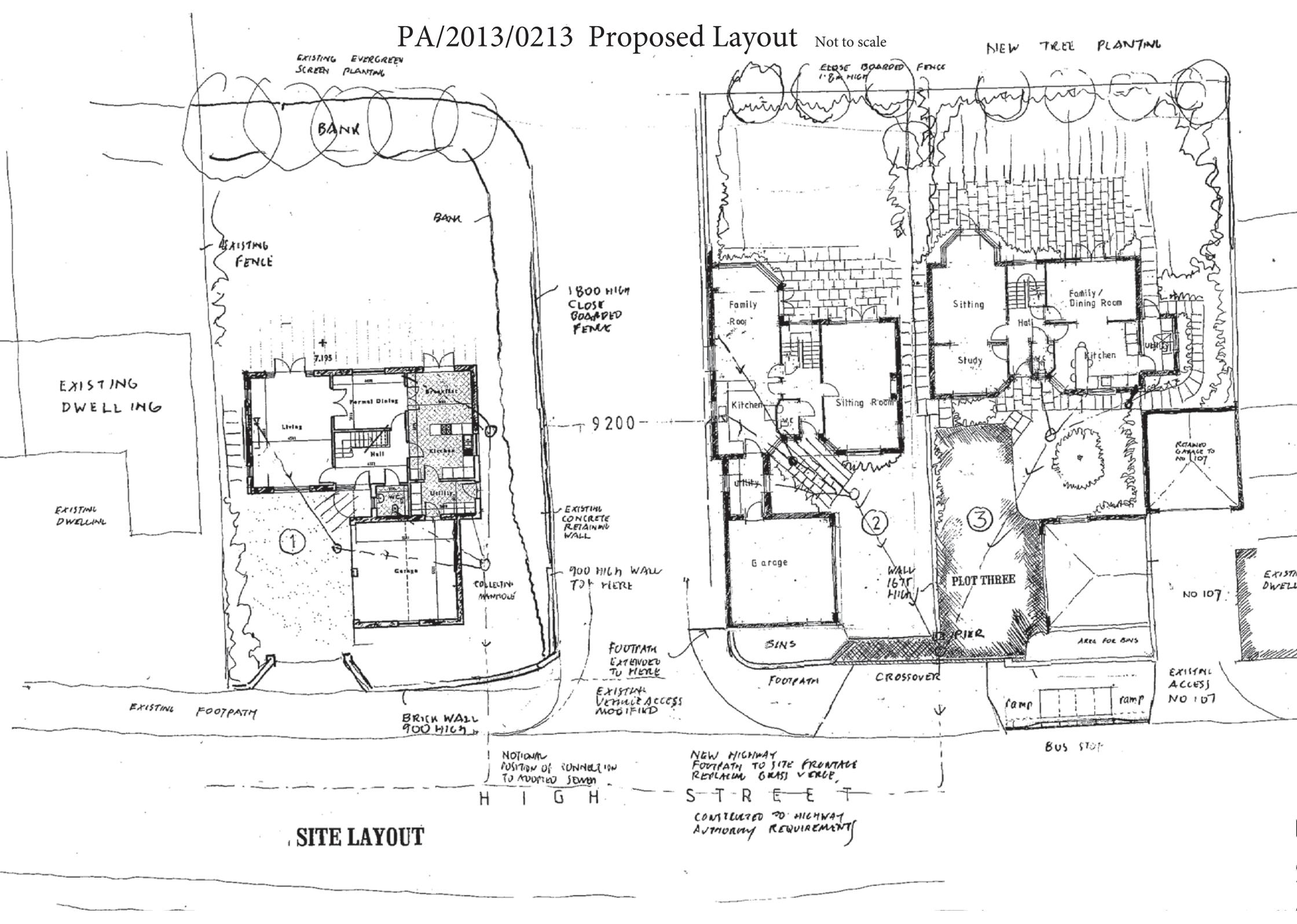
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# PA/2013/0213 Proposed Layout

Not to scale

NEW TREE PLANTING



SITE LAYOUT

H I G H S T R E E T  
CONSTRUCTED TO HIGHWAY AUTHORITY REQUIREMENTS