

<b>APPLICATION NO</b>	<b>PA/2015/0481</b>
<b>APPLICANT</b>	Mr C Muscroft
<b>DEVELOPMENT</b>	Outline planning permission for residential development
<b>LOCATION</b>	Land west of A161, Seven Lakes Industrial Estate, access road to leisure complex and industrial site, Ealand, Crowle
<b>PARISH</b>	<b>CROWLE</b>
<b>WARD</b>	Axholme North
<b>CASE OFFICER</b>	James Roberts
<b>SUMMARY RECOMMENDATION</b>	<b>Refuse permission</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Councillor Briggs – significant public interest)

## **POLICIES**

**National Planning Policy Framework:** Paragraph 15 states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Paragraph 19 states that significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 22 states that planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

Paragraph 34 states that plans and decisions should ensure developments which generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 48 states that local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.

Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. Where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites relevant policies which guide housing supply should not be considered up-to-date.

Paragraph 55 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.

Paragraph 56 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 60 states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or style. It is, however, proper to seek to promote or reinforce local distinctiveness.

Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 100 states that inappropriate development in areas at high risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Sequential and Exception Tests should be carried out to justify development, reduce the risk from flooding and steer development to those areas at lowest risk.

Paragraph 118 states that local planning authorities should aim to conserve and enhance biodiversity by refusing planning permission if significant harm cannot be avoided or adequately mitigated. Opportunities to incorporate biodiversity in and around developments should be encouraged.

#### **North Lincolnshire Local Plan:**

Policy RD2 (Development in the Open Countryside)

Policy RD5 (Alternative Uses of Industrial and Commercial Sites in the Open Countryside)

Policy H8 (Housing Design and Housing Mix)

Policy H10 (Public Open Space Provision in New Housing Development)

Policy LC5 (Species Protection)

Policy LC6 (Habitat Creation)

Policy LC7 (Landscape Protection)

Policy LC12 (Protection of Trees, Woodland and Hedgerows)

Policy T1 (Location of Development)

Policy T2 (Access to Development)

Policy T19 (Car Parking Provision and Standards)

Policy T6 (Pedestrian Routes and Footpaths)

Policy DS1 (General Requirements)

Policy DS3 (Planning Out Crime)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy DS16 (Flood Risk)

Policy HE9 (Archaeological Evaluation)

**North Lincolnshire Core Strategy:**

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS6 (Historic Environment)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Policy CS9 (Affordable Housing)

Policy CS17 (Biodiversity)

Policy CS18 (Sustainable Resource Use and Climate Change)

Policy CS19 (Flood Risk)

Policy CS22 (Community Facilities and Services)

Policy CS23 (Sport, Recreation and Open Space)

Policy CS24 (Health Care Provision)

Policy CS25 (Promoting Sustainable Transport)

Policy CS27 (Planning Obligations)

**CONSULTATIONS**

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

**Severn Trent Water Ltd:** No objection subject to conditions.

**Yorkshire Water:** No objections.

**Spatial Policy:** Object on the grounds that the site is outside the established settlement limits and that the council can demonstrate an up-to-date five-year housing supply.

**Environment Agency:** Confirm that the site falls within flood zone 2/3a as shown within the council's Strategic Flood Risk Assessment (SFRA). Advise that the council must determine whether the proposal passes the sequential and exception tests.

**Sport, Leisure and Culture:** No objections subject to a Section 106 contribution (£4,879.47) towards upgrade and improvement of recreational facilities.

**Public Health:** No objections.

**Humberside Police:** No objections.

**Canal and River Trust:** No comments.

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

**Humberside Fire and Rescue Service:** No objection subject to informatives.

**Network Rail:** No comments.

**Environmental Health:** No objections subject to conditions.

**Historic Environment Record:** No objections.

**Section 106 Officer:** No objections.

**Affordable Housing Officer:** No objections subject to a Section 106 agreement ensuring the provision of one affordable housing unit within the site.

## **TOWN COUNCIL**

Objects on the grounds of lack of infrastructure and inappropriate access/egress arrangements.

## **PUBLICITY**

The application has been advertised via site notice and neighbour notification letters. No comments have been received.

The applicant has not provided any documentation which indicates that community consultation has been undertaken in advance of the application being submitted to the council.

## **ASSESSMENT**

Planning permission is sought for residential development on approximately 0.64 hectares of land at the 7 Lakes Industrial Estate, Crowle Wharf, Ealand. The application site is largely hard surfaced and is defined by metallic, palisade fencing. The land which is subject to this application forms part of a wider area which is also owned by the applicant. Outline planning permission (reference PA/2013/1256) was granted via appeal for residential

development (up to 20 dwellings) on land immediately to the west of the current proposal site.

The site is allocated in the North Lincolnshire Local Plan for industrial development. Permission was granted in 1996 (2/1996/0110) for the erection of industrial units and infrastructure works, including roads (2/1996/0100), however only the latter permission was implemented with the construction of the roads and associated infrastructure. The applicant suggests 8 houses can be accommodated on the site, however all matters of detail are reserved for subsequent approval.

The site lies to the north of the railway line running from Cleethorpes to Doncaster, which in turn is adjacent to the Stainforth canal. To the west/north-west is the 7 Lakes Country Park development and to the east is the defined settlement of Ealand, albeit separated by the A161. The surrounding area is flat, with no discernible landscape features in the immediate vicinity of the site.

The main issues to consider in the determination of this application are the principle of residential development, flood risk, impact on amenity, highways safety/efficiency and Section 106 contributions.

### **Principle of residential development**

The application site is located outside of any defined settlement boundary and the proposal would represent a departure from the current local plan. In determining whether the principle of residential development outside the settlement boundary is acceptable in this instance it is considered necessary to consider three key issues:

#### **(i) Sustainability of the site**

In relation to the sustainability of the site it is considered that significant weight should be afforded to the appeal decision (APP/Y2003/A/14/2221377) which related to the adjacent site. In determining the appeal the relevant Inspector concluded that the adjacent site was situated in a sustainable location and made the following pertinent comments:

“Whilst the distances and pedestrian access to local schools is not ideal, the range of facilities available in Ealand and the proximity of the railway station show to my mind that the site has good accessibility, particularly in the context of a rural area.”

The Inspector went on to state that the development of the site for residential purposes would also result in small-scale economic and social benefits.

Given the proximity of the current application site to that considered at appeal stage it is considered that direct parallels apply. The site must be considered sustainable in terms of location given the precedent set by the appeal decision. Furthermore, whilst small-scale, the development of the site would result in some social and economic benefits in the form of new housing, additional economic investment and additional support for local services and facilities. It is therefore considered that the proposal would result in a broadly sustainable form of development.

## **(ii) Housing land supply**

It is accepted that in determining the neighbouring appeal the Inspector concluded that the council had not satisfactorily demonstrated an up-to-date five-year supply of housing land. However, in the intervening period the council has published a revised five-year supply document which clearly demonstrates that an up-to date five-year supply is available.

The applicant has argued that the council does not have a five-year housing land supply. In the absence of an identified five-year housing land supply, in accordance with paragraph 47 of the NPPF, housing supply policies within the adopted development plan should be considered out-of-date or silent in that regard.

The applicant has undertaken an appraisal of the council's five-year supply document and concludes that the council requires a 20% buffer of housing sites, and that the council cannot demonstrate a five-year supply.

This supporting documentation has been inspected by the council's Spatial Policy Section who remain firmly of the view that the council's five-year supply can be demonstrated. In light of this response it is considered that there is insufficient justification for the proposed development which would result in a development undermining the council's spatial objectives of locating new housing developments within established settlement boundaries. The proposal is therefore considered contrary to policies CS2, CS3 and CS8 of the Core Strategy, along with policy RD2 of the local plan in this regard.

## **(iii) Provision of employment land**

The application site is allocated for industrial development in the existing local plan and emerging Housing and Employment Land Allocations (HELA) Development Plan Document (DPD). As an allocated industrial site, its use for other purposes is prohibited by policy RD5 unless it can be proven that there is no demand for industrial units in this area and its continued allocation for industrial purposes is preventing the land from being brought into a worthwhile use. The applicant has demonstrated that the site has been marketed for industrial use for an extended period whilst the previous appeal decision at the adjacent site clearly established that the Council benefits from a significant oversupply of industrial land. Furthermore, given the scale of the proposed development, it is considered that the southern section of the industrial allocation could still be developed for industrial purposes subject to appropriate landscaping and noise mitigation measures being incorporated into any future scheme. The proposal would not therefore undermine the ability of the council to provide employment land in the immediate locality or wider council area.

For the reasons set out in part (ii) of the above assessment it is considered that the principle of development is not acceptable in this instance.

## **Flood risk**

The site is shown to be within zone 2/3a in the council's SFRA. In accordance with national and local guidance the applicant has undertaken a sequential test of alternative sites within the nearest settlement boundaries and has satisfactorily demonstrated that there are no

reasonably available sites to accommodate this development. The submitted sequential test documentation has been discussed with the council's Spatial Policy Section who are satisfied that the sequential test has been satisfactorily passed.

In accordance with national and local policy it then falls for the applicant to pass the 'exceptions test'. The exceptions test requires the proposed development to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

The Environment Agency has provided comments on the application which confirm that the development will be satisfactorily safe for its lifetime:

*"The submitted Flood Risk Assessment confirms that finished floor levels of the dwellings will be no lower than 300mm above the critical flood level of 4.1m established for this area in the SFRA. We therefore consider that no further assessment of flood risk or mitigation is required."*

Furthermore, it is clear that the proposal would result in some modest sustainability benefits in the form of increased jobs during construction, additional housing provision to support local services, and the re-development of derelict and unattractive land. It is considered that when balanced against the low level of flood risk the sustainability benefits satisfactorily outweigh such risk. It is therefore considered that the scheme satisfactorily passes the exceptions test.

### **Impact on character/design/impact on neighbouring amenity**

Whilst the scheme seeks outline consent with all matters reserved, the submitted plans demonstrate eight detached dwellings set within well-sized plots. Further details of layout, scale and appearance would be considered at reserved matters stage. Having regard to the outline consent at the neighbouring site it is considered that that eight dwellings could be developed within the site without resulting in material harm to the character of the surrounding area. Furthermore, the fact that the dwellings could be designed so as to be set within well-sized plots would ensure that satisfactory standards of living accommodation could be provided within the site and at neighbouring dwellings.

It is therefore considered that the proposed scheme could be designed to ensure that it would not have a harmful impact on the character of the site or locality and would not have an unacceptable impact on neighbouring living conditions.

### **Transport**

As previously discussed, the sustainability of the site has been considered and found to be acceptable. In particular the site has good access to public transport links and some local services are within reasonable walking distance. The location of the site therefore complies with national and local objectives of creating sustainable patterns of development.

Whilst the means of access to the site and layout are reserved matters, the submitted details indicate that access would be obtained via the existing service road. The council's Highways Section have offered no objections to the proposal. It is considered that the use of the site for residential purposes would not result in an intensification in vehicular movements above and beyond those which would be likely under the employment land allocation. Furthermore, the indicative layout clearly demonstrates that sufficient space

exists within the site to provide adequate parking and turning facilities. It is therefore considered that the scheme could be developed for residential purposes without resulting in unacceptable harm to vehicular or pedestrian safety.

### **Contaminated land**

The site is unoccupied and is largely hard-surfaced. To ensure that the site is free from contaminants and suitable for future residential use, it has been recommended that a suitable condition be attached to any approval ensuring that appropriate investigation/remediation strategies are implemented at the site to deal with this matter. Subject to such a condition it is considered that the issue of contaminated land would be adequately addressed.

### **Section 106 contributions**

Given the scale and nature of the proposed development, any approval would need to be accompanied by a Section 106 legal agreement ensuring appropriate contributions to open space and affordable housing provision. The applicant has offered no objections to such requirements during the consideration of the application.

### **Conclusion**

Contrary to the assertions of the applicant the council has an up-to-date, publicly available five-year supply of housing. The proposed development would result in unacceptable development outside of any settlement boundary which would undermine spatial objectives. The proposal is therefore considered contrary to adopted planning policy and guidance.

### **RECOMMENDATION      Refuse permission for the following reasons:**

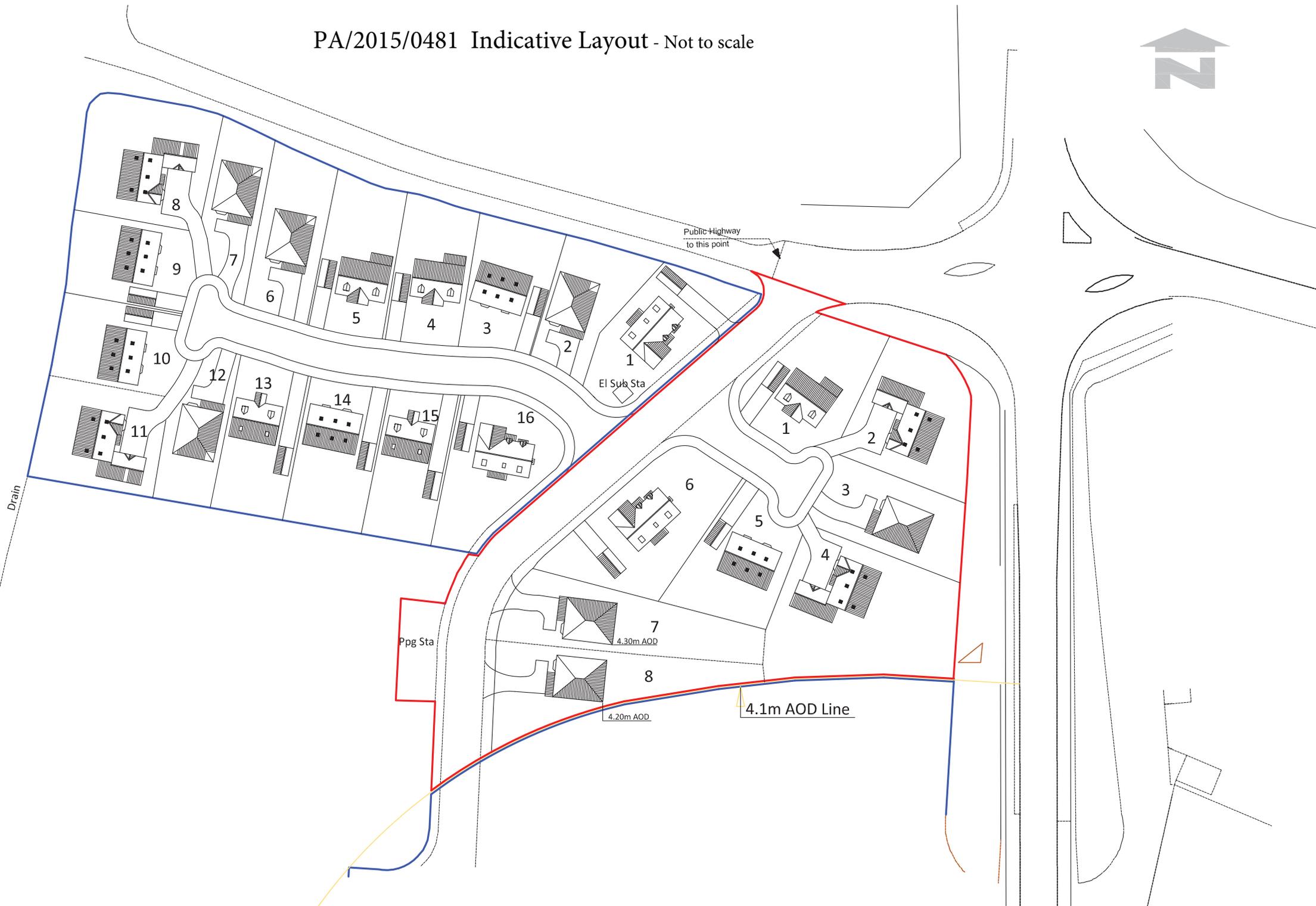
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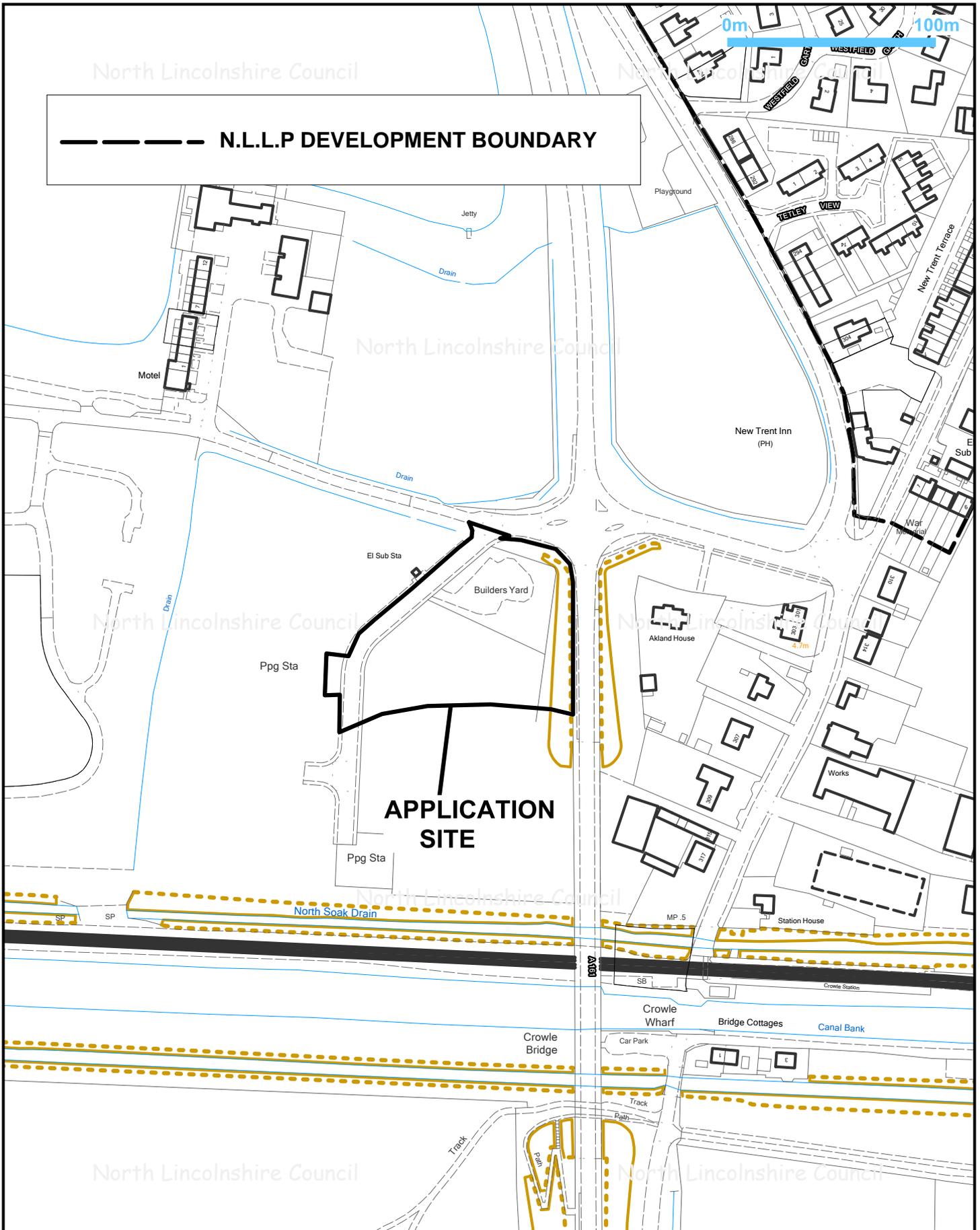
Given that the council can demonstrate an up-to-date five-year supply of housing sites there is insufficient justification for this residential development being located outside of the established settlement boundaries. The proposal would result in inappropriate development outside of any established settlement boundary contrary to policies CS2, CS3 and CS8 of the North Lincolnshire Core Strategy, along with policy RD2 of the North Lincolnshire Local Plan.

### **Informative**

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.

PA/2015/0481 Indicative Layout - Not to scale





Title: PA/2015/0481			
Drawn by: Sue Barden	Date: 08/09/2015	Scale 1:2500	

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