

<b>APPLICATION NO</b>	<b>PA/2015/1504</b>
<b>APPLICANT</b>	Mr G Blair
<b>DEVELOPMENT</b>	Planning permission to change the use of land to provide an extension to an existing residential static home park
<b>LOCATION</b>	Land at rear of Charnwood Park Estate, Flixborough, Ferry Road West, DN15 8UG
<b>PARISH</b>	Flixborough
<b>WARD</b>	Burton upon Stather and Winterton
<b>CASE OFFICER</b>	James Roberts
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Councillor Elaine Marper – significant public interest)

## **POLICIES**

### **National Planning Policy Framework:**

Paragraph 14 – at the heart of the NPPF 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 35 – plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore developments should be located and designed, where practical, to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.

Paragraph 37 – planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

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 50 – planning authorities should ensure that appropriate provision is made for affordable housing within their area via appropriate plan-making and decision-taking.

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

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

Policy H8 – Housing Design and Housing Mix

Policy T2 – Access to Development

Policy T19 – Car Parking Provision and Standards

Policy DS1 – General Requirements

Policy DS14 – Foul Sewage and Surface Water Drainage)

Policy DS16 – Flood Risk

### **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 CS7 – Overall Housing Provision

Policy CS8 – Spatial Distribution of Housing Sites

Policy CS19 – Flood Risk

Policy CS25 – Promoting Sustainable Transport

### **CONSULTATIONS**

**Highways:** No objections subject to a condition.

**Environmental Health:** Recommend that further contaminated land information be provided prior to permission being granted. Recommend a condition in the event that planning permission is granted.

**Drainage:** No objections subject to a condition.

**Environmental Agency:** No objection subject to a condition.

**Operational Housing:** Advise that a licence will be required separately to any planning permission.

**Severn Trent Water:** No objections.

### **PARISH COUNCIL**

Object – concerns over congestion, sewerage, poor electricity supply, drainage and contaminated land.

## **PUBLICITY**

Neighbouring properties have been notified. Nine letters of objection have been received raising the following concerns:

- The proposal may result in access points at neighbouring dwellings being blocked.
- The proposal may impact on a public right of way.
- The proposal will result in noise and disturbance.
- Large vehicles using the access track will not be appropriate.
- The static homes may be occupied by undesirable persons.
- The proposal may encroach onto neighbouring land.
- The site is already subject to complaints and the living conditions on site are poor.
- The proposal will place extra pressure on inadequate services.
- The drainage at the site is inadequate and the proposal would increase pressure in this regard.
- The applicant will not adhere to any condition limiting working hours.
- Bin storage areas will need to be provided.
- The site already houses a range of individuals and there are problems of noise, disturbance and general antisocial behaviour.
- Contaminated land matters should be fully addressed.
- The site is not managed to an acceptable standard and is badly maintained.
- Any further extension to the park would exacerbate existing problems at the park.
- The proposal would be detrimental to the character of the area.
- The use of the access track by residents may increase the risk of crime in the area.

Two letters of comment have been received confirming that no objections are offered.

## **ASSESSMENT**

Following deferral of this application at the last meeting of the planning committee to enable members to visit the site prior to making a decision, the applicant has submitted a further letter, with photographs, in an attempt to address the concerns raised by the objector and local councillor who spoke at the meeting. The key points raised in the supporting letter are as follows:

- The applicant can provide technical evidence that the water pressure throughout the site is at an acceptable level.
- The applicant has contacted Northern Power Grid which confirms that the site benefits from an adequate supply of electricity to provide for the additional park homes.
- The applicant has provided written confirmation from the council's Building Control team that drainage provision at the site is adequate.
- The applicant has provided photographs showing that surface water does not accumulate on site, even when there are high levels of rainfall. It is understood that council staff have visited the site on a number of occasions to check whether adequate drainage is provided.
- The applicant strongly refutes any suggestion that levels of crime or antisocial behaviour are out of the ordinary at the site. Published statistics show that crime levels at the site over the past year are lower than at comparable sites (Ashfields Mobile Home Park and Park Lands Caravan Park).
- Suggestions that the site attracts undesirable residents are highly offensive to current residents, most of whom are employed.
- The proposal will result in visual betterment.
- There are no ongoing complaints regarding the running/maintenance of the site.

The original report is repeated below and the officer recommendation remains unchanged.

The application site comprises an existing vehicle repair facility containing a number of commercial buildings. The site is accessed via a track leading from Ferry Road West which runs adjacent to the rear boundaries of the residential properties to the north. To the west of the application site is an existing static home park which benefits from a separate access point. The majority of the developed land in the surrounding area is occupied by residential uses.

Full planning permission is sought for the change of use of land to provide an extension to an existing residential static home park. It is proposed to provide 10 static homes within the site. The extension would be directly linked to the existing park and would utilise the existing access point to the west of the site. The access track which serves the repair facility will not be utilised to serve the extension.

**The main issues in the determination of this planning application are the principle of development and its impact on the character and appearance of the area, highway safety, flood risk/drainage infrastructure and residential amenity.**

### **Principle of development**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the North Lincolnshire Local Plan (NLLP) which was adopted in May 2003 and the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011. Material

considerations exist in the form of national policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG).

Emerging policies are capable of carrying weight in the determination of this application in accordance with paragraph 216 of the NPPF. The Housing and Employment Land Allocations Development Plan Document (HELADPD) is an emerging document considered in the determination of this application.

The proposal seeks full permission for the change the use of land to provide an extension to an existing residential static home park. The application site is located within the settlement boundary for Scunthorpe. Current and emerging local policy makes it clear that Scunthorpe should accommodate the majority of new development, including housing.

The proposal would result in the redevelopment of a brownfield site which is encouraged by local and national policy. The proposal is therefore consistent with the spatial objectives for the site. The proposed scheme would result in 10 additional dwellings which would help to contribute to the mix of housing types within the locality and would contribute towards meeting an identified housing need.

The broad principle of development is therefore considered acceptable.

### **Impact on character and appearance of the area**

The proposed extension to the caravan park would replace the existing vehicle repair yard. The existing site contains structures of industrial type appearance and adds little to the character of the area. The proposal would result in an extension to the existing caravan park and it could be argued that it would result in visual betterment. The use of appropriate boundary treatments could be adequately controlled via condition. The proposal would not therefore have a detrimental impact on the character of the area and accords with policies DS1, CS5 and the relevant guidance contained within the NPPF in this regard.

### **Highways**

The proposal site is located within the existing settlement boundaries and benefits from good access to public transport links and local services. It is therefore considered that the scheme would be located within a sustainable location.

The council's Highways team has offered no objections to the proposed layout or parking arrangements subject to a condition. The applicant has confirmed that the proposed caravans would be accessed via the existing estate road as opposed to the access track to the rear (which currently serves the repair garage). This matter can be adequately controlled via condition. It is accepted that the proposed extension to the caravan park would result in an increase in residential units and associated vehicular movements. However, given the scale of the proposed extension, it is not considered that this increase would place unacceptable strain on the existing highway or estate infrastructure.

The submitted plans appear to show adequate space for one vehicle parking space at each plot and adequate provision for turning and vehicular movements within the extended area. Subject to the conditions it is considered that the scheme would not have an unacceptable impact on vehicular or pedestrian safety and sufficiently accords with policy in this regard.

## **Flood risk/impact on drainage**

It is noted that the application site is located within an area known to be at risk of flooding (zone 2/3a according to the council's Strategic Flood Risk Assessment (SFRA)). The applicant has provided a flood risk assessment with the application which concludes that the proposal can be accommodated within the site without resulting in an unacceptable increase in flood risk. Measures such as raised floor levels, anchoring and a flood evacuation plan are recommended. The Environment Agency has confirmed that it is satisfied with the submitted documentation and has offered no objections subject to a condition.

Given that the proposal forms an extension to the existing facility it could not be located within a sequentially preferable location. Furthermore, the proposal would result in wider benefits (additional dwellings, visual betterment, etc) which would outweigh the low level of flood risk. It is therefore considered that the proposal would satisfactorily pass the sequential and exceptions tests.

Neither the council's Drainage team nor Severn Trent Water has offered any objections to the scheme and the proposal is not of a scale which would place excessive strain on existing infrastructure. It is recommended that a condition be attached to any approval ensuring that full drainage details are agreed in writing prior to the commencement of development. This condition is considered reasonable given that local residents have highlighted that the proposal may exceed the capacity of existing infrastructure.

In light of the above it is considered that the proposed development can be satisfactorily drained without placing unacceptable strain on existing drainage infrastructure. Furthermore, the proposal would not be at unacceptable risk from flooding and would not give rise to an unacceptable increase in flood risk in the locality.

## **Impact on residential amenity**

The location and scale of the proposed structures would ensure that they would have no significant impact in terms of overlooking or overshadowing. Furthermore, whilst some increase in traffic in the area would be expected given that the scheme would increase the number of dwellings in the area, it is not considered that the net increase would be significant. The subsequent increase in noise/disturbance from vehicular movements would also be limited.

It is accepted that the construction period may result in an increase in noise and disturbance but this would not exceed typical levels for such developments and construction hours could be adequately controlled (7am to 7pm Monday to Friday and 7am to 1pm on Saturdays, with no working on Sundays or public/bank holidays) in accordance with the recommendation of the Environmental Health team. Subject to such a condition it is considered that an appropriate balance would be struck between the protection of residential amenity and the need to support appropriate housing development.

## **Contaminated land**

It is acknowledged that the council's Environmental Health team has requested further information in relation to potential contaminants. However, given that the proposal would not require significant intrusive groundworks, it is considered that any request for a full contaminated land survey at this stage would be overly onerous. This matter can be adequately controlled by condition.

## Other issues

The following issues have also been raised by the objectors:

- The proposal may encroach onto neighbouring land – *the submitted plans show that the development would be located wholly within land under the control of the applicant. Any boundary dispute is a civil matter.*
- The site is already subject to complaints and the living conditions on site are poor – *this is a matter for the licensing of the site.*
- The applicant will not adhere to any condition limiting working hours – *the suggested condition is regularly imposed on new developments and is enforceable.*
- Bin storage areas will need to be provided – *the submitted plans show that each plot would contain enough land to comfortably accommodate bins.*
- The site already houses a range of individuals and there are problems of noise, disturbance and general antisocial behaviour – *this is a matter for the licensing of the site.*
- The site is not managed to an acceptable standard and is badly maintained – *this is a matter for the licensing of the site.*
- Any further extension to the park would exacerbate existing problems at the park – *this is a matter for the licensing of the site.*
- The use of the access track by residents may increase the risk of crime in the area – *the applicant has confirmed that the access track to the rear of the site will not be used to provide future access.*

## Conclusion

The proposed development would make a positive contribution towards housing provision in the locality and would result in a sustainable form of development. Furthermore, the proposal would not have a harmful impact on the character of the area, would not result in unacceptable harm to vehicular or pedestrian safety, has adequately addressed flood risk and drainage issues, and would not result in unacceptable harm to neighbouring living conditions.

It is therefore concluded that the proposal sufficiently accords with adopted planning policy and guidance.

## **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: BDS-2015-34-01, Flood Risk Assessment reference 2015/1902.

Reason

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

3.

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.

4.

At no point shall the existing access track to the east of the site be used by residents or visitors to access the extended caravan park.

#### **Reason**

In the interests of vehicular and pedestrian safety and to accord with policy T2 of the North Lincolnshire Local Plan.

5.

The development shall be carried out in accordance with the approved Flood Risk Assessment reference 2015/1902 revision B prepared by EWE Associates Ltd dated 7 December 2015, in particular setting finished floor levels no lower than 4.4 metres AOD (above Ordnance Datum). The approved static homes shall be permanently anchored to the ground prior to occupation and shall be retained as such for the lifetime of the development.

Reason

To reduce the risk of flooding to the proposed development and future occupants.

6.

No more than 10 static homes shall be sited within the extension to the static home park hereby approved.

Reason

In the interests of residential amenity and to accord with policy DS1 of the North Lincolnshire Local Plan.

7.

No development shall take place until a scheme for the disposal of foul and surface water has been agreed in writing by the local planning authority and none of the dwellings shall be occupied until it is connected to the approved drainage system.

Reason

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

8.

Construction, demolition and site clearance operations shall be limited to the following days and hours:

7am to 7pm Monday to Friday

7am to 1pm on Saturdays.

No construction, demolition or site clearance operations shall take place on Sundays or public/bank holidays.

HGV movements shall not be permitted outside these hours during the construction phase without prior written approval from the local planning authority.

Installation of equipment on site shall not be permitted outside these hours without prior written approval from the local planning authority.

Reason

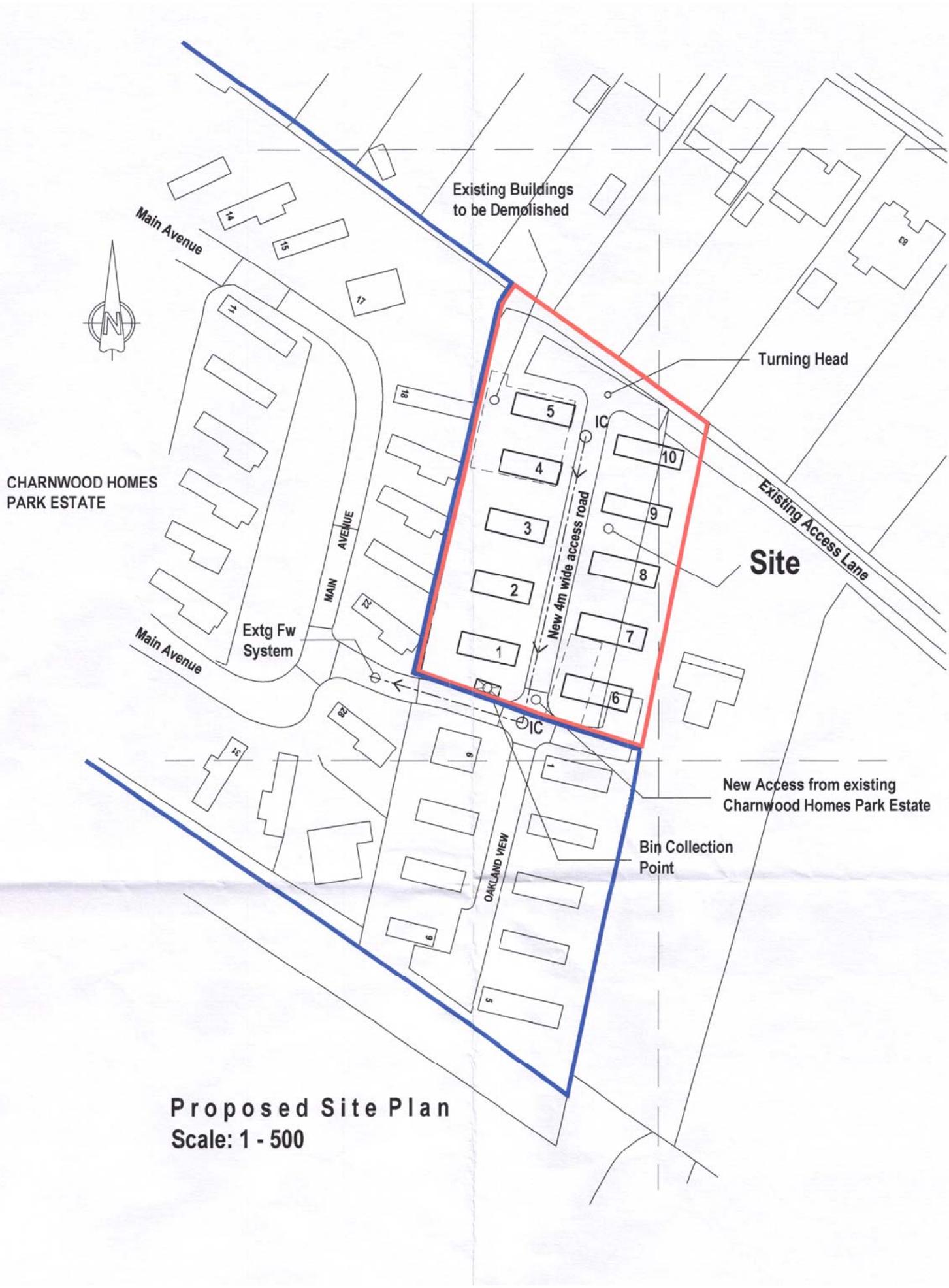
In the interests of residential amenity and to accord with policy DS1 of the North Lincolnshire Local Plan.

**Informative 1**

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/2015/1504 Proposed Layout - Not to scale



**Proposed Site Plan**  
**Scale: 1 - 500**