

APPLICATION NO	PA/2016/1214
APPLICANT	Mr Gordon Blair
DEVELOPMENT	Planning permission to change the use of land to provide an extension to an existing residential static home park
LOCATION	Land at the rear of Charnwood Park Estate, Ferry Road West, Scunthorpe, DN15 8UF
PARISH	Flixborough
WARD	Burton upon Stather and Winterton
CASE OFFICER	James Roberts
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	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.

Chapter 11 – Aims to ensure that development proposals do not result in unacceptable impacts on biodiversity.

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

Policy LC12 – Protection of Trees, Woodland and Hedgerows

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 CS17 – Biodiversity

Policy CS19 – Flood Risk

Policy CS25 – Promoting Sustainable Transport

North Lincolnshire Housing and Employment Land Allocations Development Plan Document

CONSULTATIONS

Highways: No objections subject to a condition.

Drainage: No response received. Previously offered no objections subject to condition.

Environmental Health: No objection subject to conditions.

Environment Agency: No objection subject to a condition.

Public open space: Initially suggested an off-site contribution towards the upgrade and improvement of nearby recreational facilities. Subsequently confirmed that this request was not justified given the nature of the proposal.

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

Ecology: No response received. Previously offered no objections subject to a condition.

Severn Trent Water: No objections subject to a condition.

Tree Officer: No response received. Previously confirmed that there are no protected trees in the area. Recommended further work be undertaken to gauge impact of the scheme on nearby poplars.

Humberside Fire and Rescue Service: No objections.

PARISH COUNCIL

No comments received.

PUBLICITY

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

- The proposal would reduce employment opportunities in the area.
- The proposal would encroach onto neighbouring land.
- The proposal would affect a public right of way.
- The proposal may increase the risk of crime in the area.
- The proposal would increase flood risk and place extra pressure on drainage and electrical infrastructure.
- The benefits of the scheme do not outweigh the increased flood risk.
- The proposal would increase noise and disturbance during and post construction.
- The proposal would be detrimental to highway safety and would increase traffic.
- The site is currently poorly managed and the proposed expansion would exacerbate this.
- The additional units would be of poor quality.
- The submitted documentation is inaccurate.
- The proposal would be out of keeping with the character of the area.
- The proposal would harm local wildlife.

- The proposal would devalue neighbouring properties.

Twenty letters of support have been received stating the following:

- Electricity supply at the site is adequate.
- Drainage arrangements at the site are adequate.
- Crime levels at the site are not high.
- The proposal would result in much needed housing in the area.
- The proposed use would be preferable to the existing garage or an alternative business use.

ASSESSMENT

This application follows previous refusals at the site (PA/2015/1504 and PA/2016/613). The most recent application (PA/2016/613) was refused following a meeting of the council's planning committee for the following reason:

“Insufficient information has been provided to establish that foul drainage generated from the proposed development can be adequately disposed of. The proposal as such is contrary to Saved Policy DS14 of the North Lincolnshire Local Plan 2003.”

The applicant has resubmitted this application with updated supporting documentation which will be discussed in the main body of this report.

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, impact on employment opportunities, crime prevention, flood risk/drainage infrastructure, impact on trees/ecology 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, the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011 and the Housing and

Employment Land Allocations Development Plan Document (HELADPD) adopted March 2016. 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).

The proposal seeks full planning 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 applicant has submitted a site plan which includes landscaping and boundary treatments, with particular emphasis given to screening the site from the east. The proposed landscaping and boundary treatments, which could be controlled via condition, would further enhance the visual merits of the scheme. The proposal would not therefore have a detrimental impact on the character of the area and accords with policies DS1, CS5 and relevant guidance contained within the National Planning Policy Framework (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.

Impact on employment opportunities

A previous application at the site (PA/2015/1504) was refused, partially on the grounds that it would result in the loss of an existing business and would unacceptably reduce employment opportunities in the area. Whilst it is noted that the proposal would result in the redevelopment of a current commercial site, the applicant has since confirmed the following:

- The existing business will not be lost but relocated.
- The applicant is currently discussing alternative sites for the vehicle repair business, including council-owned sites.
- The council has a current over-supply of employment land.
- The re-use of the site would result in a valuable housing windfall site which would assist in helping to meet housing targets.
- The council's Core Strategy favours the redevelopment of brownfield sites for residential development.
- The site is located in a sustainable location.
- The benefits, in terms of housing supply, more than outweigh any concerns about the loss/availability of employment/business premises.

It is considered that the points raised by the applicant are relevant and accurate. The redevelopment of this site for residential purposes would make a small yet valuable contribution towards housing targets and the benefits of the scheme in this regard do outweigh the potential loss of the employment source. In any case the applicant intends to relocate the business rather than close it and it is considered that any refusal on grounds of loss of employment opportunities would be difficult to justify.

Crime prevention

A previous application (PA/2015/1504) was refused, partially on the grounds that it may not result in the formation of a safe and secure environment for residents. The applicant has since responded to this concern and has provided statistics which show that recorded levels of crime at the site are not particularly high. Furthermore, Members are advised that any refusal on grounds of fear of crime must be linked to the proposed use of the land. Case law dictates that any refusal on grounds of concerns associated with a certain type of housing cannot be substantiated. Furthermore, the park licensing process controls other matters related to noise and disturbance. It is therefore considered that the proposal would not give rise to an unacceptable increase in the fear or risk of crime in the area.

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 previously 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. The benefits of the scheme have been set out in a sustainability checklist which has been provided by the applicant in relation to this scheme. 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 noted that the previous application was refused on grounds of insufficient drainage capacity and that objectors have highlighted existing drainage issues in the area. However, no technical information has been supplied which contradicts the comments from the relevant consultees. The applicant has provided a plan of the local drainage network and it is considered that the proposal could satisfactorily connect into this without resulting in excess pressure being placed on the 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 trees/ecology

There are no trees within the site which would be directly affected by the proposal. Furthermore there are no trees in the vicinity which are subject to a tree preservation order. However, there are mature trees in the surrounding area. Whilst no tree report has been provided with the application the applicant has stated that the proposed caravans will be set a minimum of 3 metres away from the site boundaries, that the poplars are of no particular arboricultural merit and that the root structures of the trees would be unlikely to be extensive within the development area. With these factors in mind, and given that the type of development proposed would not require the extensive ground works required at a typical residential development, it is considered that any request for the submission of a detailed tree survey would be overly onerous in this instance.

Furthermore, the council's Ecologist has previously confirmed that the site has low potential to support protected or priority species, save for nesting birds of common species. The existing buildings and trees appear to have negligible potential to support roosting bats and a protected species survey is not required with this application. A condition is suggested to ensure ecological enhancements in accordance with NPPF guidance.

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

The applicant has provided a Phase 1 Desk Study in relation to ground contaminants which identifies potential contaminants as a result of the past use of the site. The council's Environmental Health team has offered no objections to the scheme subject to a condition requiring further intrusive investigation to be carried out to categorise contamination present on site in order to adequately assess the remediation required to bring the site to a condition suitable for its end use. Subject to such a condition it is considered that the scheme would not result in the future development being unacceptably exposed to contaminants.

Other issues

The following issues have also been raised by the objectors:

- The proposal may encroach onto neighbouring land – *the submitted plans and documentation show that the development would be located wholly within land under the control of the applicant. Any boundary dispute is a civil matter.*
- The proposal would affect a public right of way – *there are no public rights of way close to the site.*
- The site is currently poorly managed and the proposed expansion would exacerbate this - *this is a matter for the licensing of the site.*
- The additional units will be of poor quality - *this is a matter for the licensing of the site.*
- The submitted documentation is inaccurate – *it is considered that sufficient information has been provided to allow for an accurate assessment of the planning merits of the case to be carried out.*
- The proposals will devalue neighbouring properties – *case law dictates that this matter can be afforded little planning weight.*

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, would not harm trees or ecological assets 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 - 2016 - 10 - 01, Flood Risk Assessment reference 2015/1902, Supporting Statement dated 27 July 2016 and J-D1917.00_R0_CA Issue.

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.

The development hereby approved shall not be occupied until the existing access track to the east of the site has been fenced off as shown on approved plan BDS - 2016 - 10 – 01. The fencing shall thereafter be retained for the lifetime of the development unless otherwise agreed in writing with the local planning authority. At no time shall the access track 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.

9.

No development shall take place until a biodiversity management plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

- (i) details of measures to avoid harm to bats, hedgehogs and nesting birds during demolition, vegetation clearance and construction works;
- (ii) details of nest boxes and bat roosting features to be installed in retained trees;
- (iii) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (iv) prescriptions for the retention, planting and aftercare of native trees and shrubs of high biodiversity value;
- (v) proposed timings for the above works in relation to the installation of caravans.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy.

10.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. Prior to the installation of the 6th mobile home, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the biodiversity management plan.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy.

11.

The hedge to be planted between points A and B on the approved site plan (reference BDS- 2016 - 10 - 01) shall comprise a double staggered row of hawthorn planted at a height of around 0.3 to 0.5 metres at a density of not less than five per metre, with approximately 450 millimetres between plants in the same row, and 300 to 400 millimetres between the two rows. The hedge trenches shall be dug to a minimum depth of 400 millimetres and a width of 600 millimetres, with the plants put into the ground at the same depth as they have previously been grown in the nursery. All plants shall be well heeled in

after planting and watered in during dry weather. The planted hedgerow shall be protected from rodent damage with spiral tree guards or the use of rabbit netting/fencing to either side which shall be retained until at least the plants are well established (approximately three to five years). Weed control shall be undertaken for at least the first three years after planting.

Ten whips shall be planted in the positions shown on the approved plan to create interest/improve screening and add to the ecological value of the site. All plants shall be well heeled in after planting and watered in during dry weather. They shall be protected from rodent damage with tree guards which shall be retained until at least the plants are well established (approximately three to five years). Weed control shall be undertaken for at least the first three years after planting. The ten trees shall be:

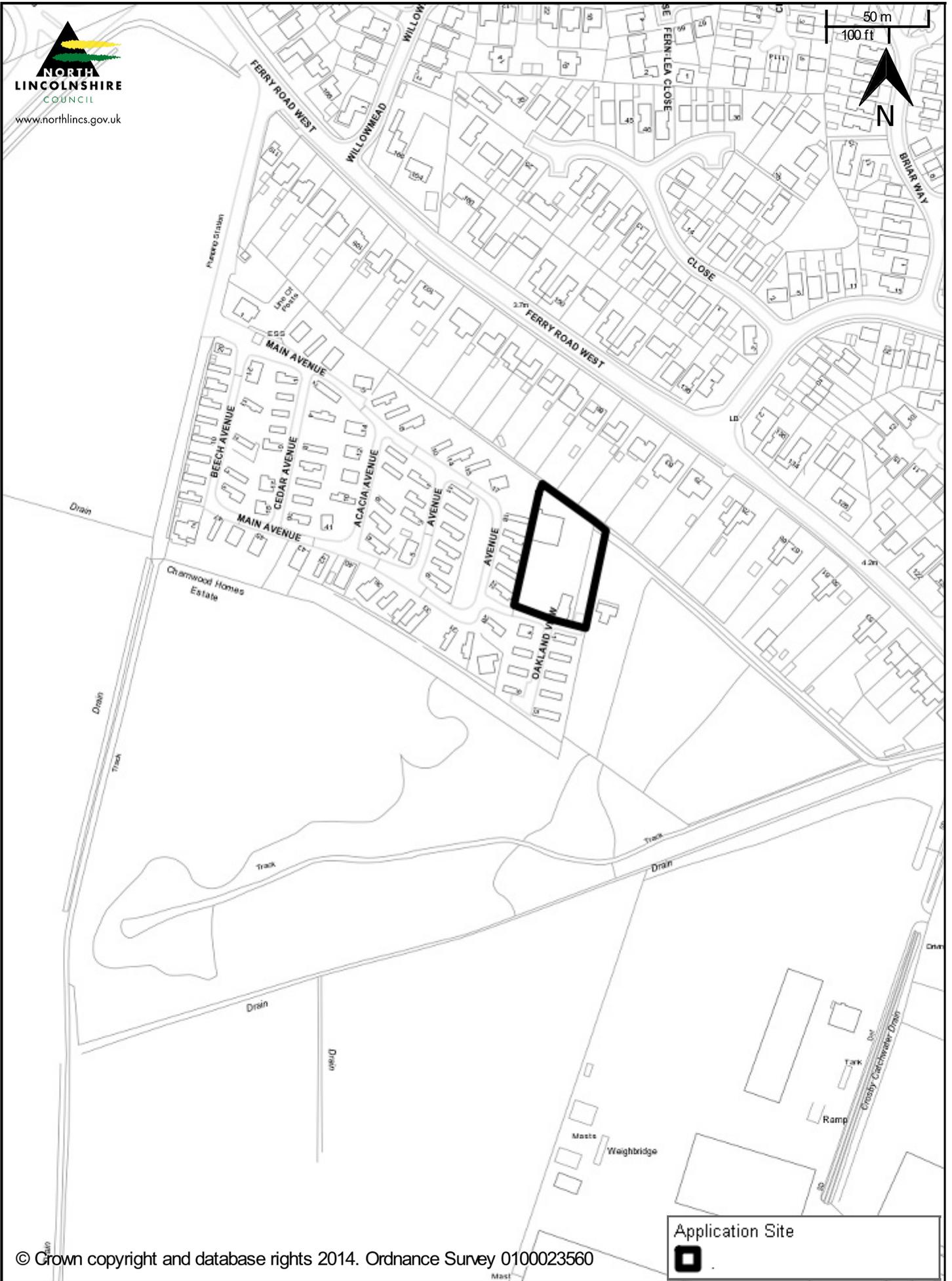
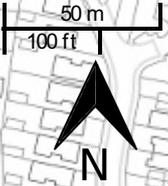
- 1, 2, 4 and 7: field maple;
- 3, 6 and 9: rowan;
- 5 and 8: hornbeam;
- 10: pedunculate oak.

Reason

In the interests of visual amenity and to promote ecological betterment, and to accord with policies DS1 of the North Lincolnshire Local Plan and CS17 of the North Lincolnshire Core Strategy.

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.



Application Site

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PA/2016/1214 Proposed Layout - Not to scale

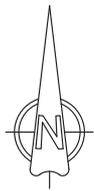
Extg Fw
Drainage System

Existing Buildings
to be Demolished

Turning Head

New fencing to close off
site from extg ...lane, but
positioned to maintain
access to no's. 83 / 85 rear
gardens from lane.

CHARNWOOD HOMES
PARK ESTATE



Tree Planting (Cherry or Similar Native Trees)



Low level mixed shrub planting



New Concrete post / Gravel Boards +
timber fencing 2m high + hedge



Bin Storage Point



New access road