

APPLICATION NO	PA/2016/704
APPLICANT	Thompson & Burkitt
DEVELOPMENT	Outline application to erect three detached dwellings (with all matters reserved)
LOCATION	Land off College Road, East Halton DN40 3PJ
PARISH	East Halton
WARD	Ferry
CASE OFFICER	James Roberts
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Applicant request to address the committee

POLICIES

National Planning Policy Framework: Paragraph 14 states that at the heart of the National Planning Policy Framework there 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 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 35 of Core Planning Principle 4 states that 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.

At paragraph 37 it states that 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 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 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 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 T2 (Access to Development)

Policy DS1 (General Requirements)

Policy H5 (New Housing Development)

Policy H8 (Housing Design and Housing Mix)

North Lincolnshire Core Strategy:

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering more Sustainable Development)

Policy CS3 (Development Limits)

Policy CS 5 (Design)

Policy CS7 (Overall Housing Provision)

CONSULTATIONS

Highways: No objections subject to conditions.

Spatial Policy: Object on the grounds that the site is outside defined development limits and the proposal is therefore contrary to spatial objectives.

Environmental Health: Require further information in relation to contaminated land.

HER Team: No objections subject to conditions.

Environment Agency: No comments.

National Grid: No objections. The developer is responsible for ensuring the development does not affect existing infrastructure.

PARISH COUNCIL

No comments received.

PUBLICITY

Neighbouring properties have been notified and a site notice posted. Two letters of objection have been received from neighbouring residents raising the following concerns:

- The existing site prevents neighbouring dwellings being flooded. Any development of the site would negatively affect this.
- The site is outside the development limit and is contrary to the development plan.
- There is no need for this development.
- The proposal would adversely affect views.
- The proposal would adversely affect privacy.
- The proposal would adversely affect the character of the area.
- The proposal would increase traffic and place additional pressure on the highway network.
- The proposal would not represent sustainable development.

ASSESSMENT

Principle

Outline planning permission is sought for the erection of three detached dwellings. The application site falls outside the existing development limit for East Halton.

Policy RD2 of the North Lincolnshire Local Plan sets out the type of development which would be considered appropriate in the open countryside and the criteria against which all applications outside development boundaries will be assessed. This policy only supports residential development in such locations where it is to meet an essential proven need and the open countryside is the only appropriate location for the development. Policy CS3 of the Core Strategy also restricts development in the countryside to that which is essential for the functioning of the countryside. In this case, the proposal is for a private dwelling. The proposed dwelling would not be an affordable dwelling, essential to meet the needs of an agricultural or forestry worker, or essential to the functioning of the countryside. As a result

the proposal is contrary to policy CS3 of the Core Strategy and policy RD2 of the North Lincolnshire Local Plan.

The applicant suggests that the principle of development should be considered acceptable for the following reasons:

- The proposal would be located on the edge of a sustainable settlement.
- The proposal would form a sustainable form of development.

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.

The Core Strategy is considered to fully comply with the National Planning Policy Framework and an exercise was undertaken to ensure this was the case in 2012. This view was reiterated in appeal decision APP/Y2003/W/15/3137112 when the Inspector stated:

“The North Lincolnshire Local Development Framework Core Strategy (CS) Policy CS1 sets out a spatial strategy and CS Policy CS2 seeks to deliver sustainable development. Although these policies pre-date the Framework they are consistent with its aims of seeking sustainable development, maintaining the vitality of rural communities and in directing development to settlements with more facilities.”

Whilst the proposal would result in modest sustainability benefits (three additional dwellings, a small increase in economic activity, etc), it is considered that these benefits do not outweigh the inherent harm caused by locating the proposal outside the established settlement limit. 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.

The principle of development is not therefore considered acceptable.

Impact on character of the area

The application site is currently undeveloped and the proposed development of three dwellings would have a material impact on the character of the area. However, the site and surrounding area are of no specific architectural merit and it is considered that the addition of three dwellings fronting College Road would not be at odds with the prevailing character or pattern of development in the area. Details relating to layout, scale and appearance could be adequately controlled at reserved matters stage to ensure the development would be carried out in a sympathetic style. The proposal is therefore considered acceptable in this regard.

Residential amenity

Whilst the application seeks outline permission with all matters reserved, it is clear that the site is capable of accommodating three dwellings without resulting in material harm to living conditions at neighbouring dwellings. The site abuts open land to the north and east, and

the indicative site layout satisfactorily demonstrates that the proposals could be positioned in a manner to ensure the protection of the living conditions of neighbours to the south and west. Careful consideration would need to be given to the location of openings, the type of boundary treatments, the layout of the plots and the scale of the development.

There is adequate land to provide appropriate levels of private amenity space and construction hours could be limited to protect neighbouring amenity during the construction period. It is therefore considered that the proposal would not have an adverse impact on residential amenity.

Highways

Whilst the means of access to the site and layout are reserved matters, the submitted details indicate that access would be obtained from College Road. The council's Highways team has offered no objections to the proposal subject to conditions.

It is considered that the use of the site for residential purposes would not result in a significant intensification in vehicular movements in the area. 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 presently undeveloped and there is no evidence that it contains contaminants. It is acknowledged that the council's Environmental Health team has requested further information in relation to potential contaminants. However, given that this matter could be adequately controlled by condition, it is considered that any request for a full contaminated land survey at this stage would be overly onerous. This proposal is therefore considered acceptable in this regard.

Archaeology

The site contains well preserved ridge and furrow earthworks of medieval cultivation strips and the development should seek to conserve this locally significant heritage feature. In addition, there is some potential for buried archaeological remains on the site. The applicant has submitted a Heritage Assessment in accordance with the National Planning Policy Framework (paragraph 128) and local plan policies CS6 and HE9.

The council's HER team has offered no objection to this proposal subject to conditions securing a programme of archaeological monitoring and recording prior to and during construction work. Subject to such conditions it is considered that the proposal would not have an unacceptable impact on any heritage asset.

Flood risk

The application site is not located within an area known to be at risk from flooding. The Environment Agency has offered no comments in relation to the proposal. It is noted that local residents highlight historic flooding events in the past. In order to ensure that drainage is satisfactorily addressed, any approval would need to be accompanied by a suitably worded condition requiring the submission of foul and surface water drainage details.

Subject to such a condition it is considered that any refusal on the grounds of flood risk would be difficult to substantiate.

Other issues

The following issues, raised by the objectors, have not been directly addressed in the above report:

- The proposal will adversely affect views – *case law dictates that this matter is not a material planning consideration.*

Conclusion

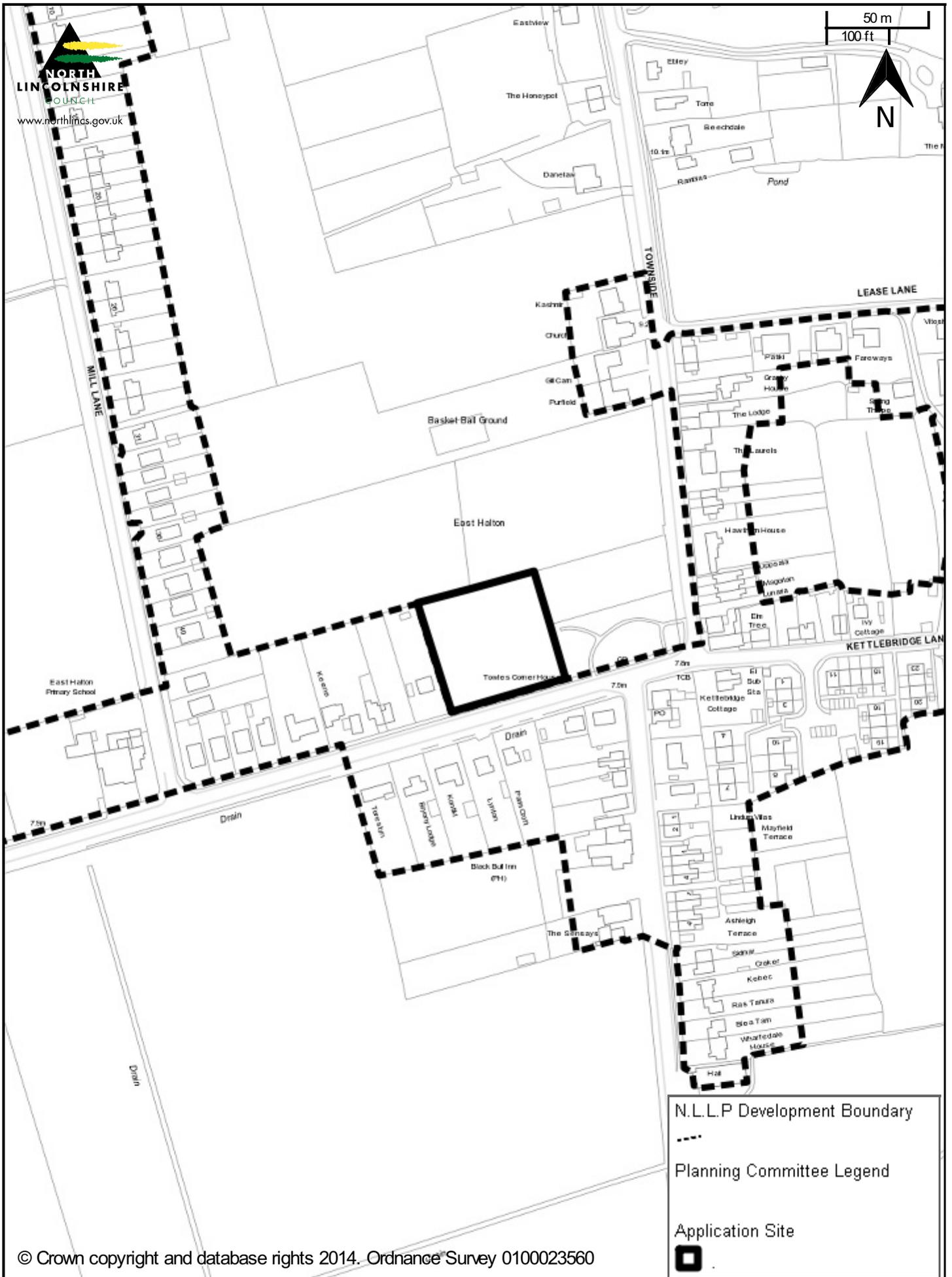
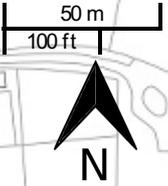
For the reasons set out above it is considered that the principle of a residential dwelling at this site is contrary to adopted planning policy and guidance.

RECOMMENDATION Refuse permission for the following reasons:

The proposed development is contrary to policies RD2 of the North Lincolnshire Local Plan and CS2, CS3 and CS8 of the North Lincolnshire Core Strategy in that the site lies outside the defined settlement limit. In addition, no evidence has been provided to justify a special need for the dwellings in this location.

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.



N.L.L.P Development Boundary

Planning Committee Legend

Application Site



PA/2016/704 Indicative Layout - Not to scale

INDICATIVE PROPOSED BLOCK PLAN
scale 1:500



Existing hedges retained (front & rear boundaries)

Plot widths in keeping with the this section of College Road

Dwellings to have traditional form and appearance to compliment the character of the area

Although visibility from new access points is more than adequate space to be provided so that vehicles can manouvre and exit on College Road in a forward gear

NOTE: Layout is indicative only all details such as access, layout, appearance and landscaping are reserved for a future application