

APPLICATION NO PA/2017/1888

APPLICANT Mr Coggon, Coggon Brothers Ltd

DEVELOPMENT Outline planning permission to erect a dwelling with all matters reserved for subsequent approval

LOCATION Land between 43 -51 North Street, West Butterwick

PARISH West Butterwick

WARD Axholme South

CASE OFFICER Mark Niland

SUMMARY RECOMMENDATION **Grant permission subject to conditions**

REASONS FOR REFERENCE TO COMMITTEE Objection by West Butterwick Parish Council

POLICIES

National Planning Policy Framework: Paragraph 14 and Section 12

North Lincolnshire Local Plan: LC14, DS1, DS7, DS16, T1, T2

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS7, CS8, CS19

CONSULTATIONS

Archaeology: Application site lies within the Area of Special Historic Landscape Interest of the Isle of Axholme. The Historic Environment Record recommends refusal of planning permission as the development would adversely affect the character, appearance and setting of the historic landscape.

Highways: No objections subject to conditions and informative.

Drainage: No objections subject to conditions.

Environment Agency: Raises concerns in relation to the evacuation plan. Otherwise no objections subject to conditions.

PARISH COUNCIL

The parish council have objected on the grounds that the proposal would have a poor access with poor visibility.

PUBLICITY

The application was publicised by means of a site notice.

The application has received an objection from the parish and 2 neighbouring properties; these are summarised as follows:

- poor highway vicinity
- new access may cause highway safety issue
- residential amenity.

ASSESSMENT

Relevant planning history

PA/2017/264 – Planning Permission to build two five bedroomed detached houses, each with a detached single garage (including demolition of existing bungalow). Approved 25/05/2017.

Site characteristics

The site is located on North Street, West Butterwick and within the defined settlement boundary in accordance with the Housing and Employment Land Allocations DPD. The site is located in Flood Zone 2/3a of the North Lincolnshire SFRA 2011 and Flood Zone 3 in accordance with the Environment Agency flood mapping system. The whole site is also washed over by the Area of Special Historic Landscape Interest of the Isle of Axholme.

The land at present is considered agricultural land and is open in nature. It is located adjacent to a residential property and there are 2 detached dwellings in the construction process located to the north. The site is located in close proximity to the River Trent whilst there are 2 public houses and a primary school located within the village.

There is a varied housing mix in the area with a palate of architectural styles. North Road itself is the main thoroughfare that follows the River Trent. Althorpe is located to the north whilst Gunthorpe and Owston Ferry are located to the south.

The applicant is applying for outline permission with all other matters reserved, although an indicative sketch of the siting has also been submitted. The assessment will therefore concentrate on the following matters:

- principle of development
- flood risk
- land contamination
- highways
- landscape conservation area
- indicative plans
- other issues.

Principle of development

The proposal is located within the settlement boundary for East and West Butterwick in accordance with the HELA DPD which is described as a rural settlement within the Core Strategy. Policy CS1 is concerned with the overall spatial strategy for North Lincolnshire and states the following:

Rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing existing local services to meet local needs. Development will be limited and should take into account levels of local service provision, infrastructure capacity and accessibility. Any development that takes place should be in keeping with the character and nature of the settlement.

The proposal is located between an existing residential dwelling, No. 43, and the above planning approval for 2 dwellings (PA/2017/264). Policy CS2 puts forward a sequential approach to how land will be adopted for development. Point 3 states the following:

Small-scale developments within the defined development limits of rural settlements to meet identified local needs.

This is reinforced by policy CS8 which states that new housing within rural settlements will create opportunities for small-scale infill development that maintains the viability of the settlement and meets the identified local needs without increasing the need to travel.

Policy CS7 marks out recommended densities for development with 30-35 dph expected to be achieved. Given that the historic landscape washes over the site, it is considered that there are other competing policies in respect of achieving a high volume of built form.

West Butterwick is ranked 25 in the North Lincolnshire Sustainability Appraisal and contains 27 key facilities and services; amongst these are 2 public houses and a primary school. The settlement is therefore considered to be a sustainable location in terms of supporting infill rural development.

Landscape conservation

The proposal site is washed over by an Area of Special Historic Landscape Interest of the Isle of Axholme and policy LC14 is considered relevant. The policy states that within this area, development will not be permitted which would destroy, damage or adversely affect the character, appearance or setting of this historic landscape or any of its features.

Furthermore, part of the site is outside the settlement boundary and policy CS1 states that North Lincolnshire's townscapes and historic landscapes will also be protected and enhanced and high quality design encouraged. In particular, the nationally significant historic landscapes of the Isle of Axholme and Crowle Moors will be conserved and their potential as a tourist and educational resource realised.

The applicant has submitted a heritage statement which concludes that given the nearby approvals for residential development as well as the existing built form of the village, that the proposal would not carry adverse impacts upon the landscape conservation area. Conversely, the council's Historic Environment Record have been consulted and have recommended refusal, stating that the development would adversely affect the character,

appearance and setting of the historic landscape contrary to policy LC14 and Core Strategy policy CS6.

It is considered that the proposal would carry some harm to that of the landscape conservation area, however, there are numerous examples of existing properties whose residential curtilage stretch beyond the settlement boundary and this is also true of planning application PA/2017/264, which approved 2 dwellings adjacent to this site.

This application is for outline only and it is considered that built form should be contained wholly within the settlement boundary and residential curtilage should also be located within the settlement boundary in order not to bring built form right up to the open countryside and conservation area. This, however, can be controlled through the reserved matters stage.

It is considered therefore, that a design solution can be achieved that would not give rise to any greater harm than that which already exists.

Summary of principle

Paragraph 14 of the NPPF 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".

There is a balance to the assessment in that the majority of the proposal site (and proposed built form as shown on the indicative plans) is located within the settlement boundary of West Butterwick and aligns with the overarching spatial strategy of the North Lincolnshire LDF. The proposal would, however, impinge upon the existing character of the landscape conservation area. This impact is not considered to be wholly unacceptable given that existing dwellings extend out into this policy area and a recent permission approved by committee (PA/2017/264) also allowed for 2 dwellings with a similar relationship. The balance therefore, whilst the proposal would not comply with policy LC14, is tilted towards presumption in favour of sustainable development given that the addition of a single dwelling within an infill plot when taken against the impact of the existing village and extant permission upon the special historic landscape would represent marginal harm.

Flood risk

Policy CS19 (this policy sits alongside DS16 of the Local Plan) is concerned with flood risk. It states that the council will support development proposals that avoid areas of current or future flood risk, and which do not increase the risk of flooding elsewhere. This will involve a risk based sequential approach to determine the suitability of land for development that uses the principle of locating development, where possible, on land that has a lower flood risk, and relates land use to its vulnerability to flood. Development in areas of high flood risk will only be permitted where it meets the following prerequisites:

1. It can be demonstrated that the development provides wider sustainability benefits to the community and the area that outweigh flood risk.
2. The development should be on previously used land. If not, there must be no reasonable alternative developable sites on previously developed land.

3. A flood risk assessment has demonstrated that the development will be safe, without increasing flood risk elsewhere by integrating water management methods into development.

The site is located within Flood Zone 2/3a of the North Lincolnshire Strategic Flood Risk Assessment. The proposal is for 'more vulnerable' development, and there is a requirement for the sequential and exceptions tests to be applied and passed for the proposed dwelling. A revised flood risk assessment (FRA) has been submitted with the planning application.

Sequential test

The applicant has submitted a flood risk assessment, sequential test and exceptions test. The entire settlement of West Butterwick is at the same level of flood risk; there are no sites available which could reasonably accommodate the development and are at a lower risk of flooding (i.e. Flood Zone 1). It is considered that the rural settlement, given its score in the sustainability table, is an agreeable area for geographical search. It is therefore considered that the sequential test is passed in this case.

Exceptions test and FRA

The exceptions test is twofold; the 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 applicant has provided additional information in support of the planning application. This supporting information sets out how the development is considered to be sustainable in terms of proximity to local services and transport routes. In terms of community benefits, the supporting statement highlights the fact that the proposal will provide additional housing and will support local businesses and services. The use of building regulations compliant fabrics also underlines how the development attempts to mitigate itself from climate change.

The flood risk assessment which states that the finished floor levels of the dwelling would be set at no lower than 5.04m AOD and that flood resistant design and construction techniques will be incorporated to at least 300mm above finished floor levels. It is considered that the FRA satisfactorily demonstrates that the development will be safe without increasing flood risk elsewhere. The FRA considers mitigation measures in respect of floor levels, emergency access and egress, flood warning and evacuation and flood resilience. It is considered that sufficient justification has been submitted with the application to demonstrate that the proposal will deliver sustainable development in West Butterwick and will be of wider community benefit, in that it will support existing services within the defined rural settlement of West Butterwick.

A further point of importance raised by the Environment Agency is that no evacuation plan is in place or is insufficient. It is considered that this should form a pre commencement to any permission. It is felt that this can be dealt with through condition given that such a request was not required under planning application PA/2017/264 although there are other outline approvals along North Street where this was requested.

Therefore the proposal is considered to provide wider sustainability benefits which outweigh flood risk. Subsequently, the exception test is passed in this case and the

proposal is considered to comply with policies DS16 of the North Lincolnshire Local Plan, policy CS19 of the Core Strategy and the National Planning Policy Framework in terms of flood risk.

Land quality

Policy DS7 is concerned with contaminated land. It states that In the case of proposals for development on land known or strongly suspected as being contaminated, applicants will be required to demonstrate that the level of contamination can be overcome by remedial measures or improvements.

The applicant has not submitted any information in relation to land contamination and the council's Environmental Health department have stated that further information is required given its historical use for agriculture and the proposal to introduce residential development which would increase the sensitivity of the land. However, given that the location/siting of the dwelling is not made explicit under this application nor any associated outbuildings or hardstanding, it is considered that this mitigate can be adequately secured through the attachment of a planning condition.

It is therefore considered that the proposal is in accordance with policy DS7 of the North Lincolnshire Local Plan.

Highways

Policy T1 of the North Lincolnshire Local Plan is concerned with the location of development and is succinct with the spatial strategy of the Core Strategy. Policy T2 is concerned with access to development and it states that all proposals should be provided with a satisfactory access.

The council's Highways department has been consulted and do not object to the development subject to certain conditions. The conditions include further details on the location and layout of the access and its improvements, control of surface water and loose material to the highway, the laying out of surfaces and further details of the private driveway. It is considered that all of the conditions would pass the 6 tests of conditionality contained within planning practice guidance (formally circular 11/95) and will duly be attached.

The applicant is applying for outline planning permission only and therefore means of access will be required and assessed under a reserved matters submission. It is therefore considered that the proposal is in accordance with policies T1 and T2 of the North Lincolnshire Local Plan.

Other issues

The application is for outline planning permission solely and details of appearance, layout, landscaping, scale and access are yet to be considered. Any subsequent design solution should provide a fully robust scheme that includes boundary treatments, materials etc. The scheme should be driven from a contextual analysis and responsive to policies that have been identified within this report.

RECOMMENDATION Grant permission subject to the following conditions:

1.

Approval of the details of the layout, scale, and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the local planning authority in writing before any development is commenced.

Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

2.

Plans and particulars of the reserved matters referred to in condition 1 above, relating to the layout, scale, and appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

3.

Plans and particulars of the reserved matters referred to in condition 1 above, relating to the layout, scale, and appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

4.

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

5.

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

6.

No development shall take place until details of:

- (i) the location and layout of the vehicular access; and

- (ii) the number, location and layout of vehicle parking and turning spaces within the curtilage of the site;

have been submitted to and approved in writing by the local planning authority.

Reason

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

7.

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

Reason

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

8.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

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

9.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), nothing shall at any time be erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway for a distance of 2 metres from the highway boundary across the site frontage.

Reason

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

10.

The dwelling shall not be occupied until the vehicular access to it and the vehicle parking and turning space(s) serving it have been completed and, once provided, the vehicle parking and turning space(s) shall be retained.

Reason

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

11.

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.

12.

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) compiled by Roy Lobley Consulting under reference number RLC/0110/FRA01 dated 21 September 2017, including the following mitigation measures detailed within the FRA:

- (a) Finished floor levels set no lower than 5.04m above Ordnance Datum (AOD) as indicated in point 5.4
- (b) Flood resistant design and construction techniques incorporated to at least 300mm above finished floor levels as stipulated in point 5.5.

The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.

Reason

To reduce the risk of flooding to the proposed development and future occupants and to reduce the consequences of flooding and to facilitate a quicker recovery in accordance with policy CS19.

13.

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.

14.

Development shall not take place until an evacuation plan has been submitted to and agreed in writing with the local planning authority.

Reason

To protect future residents in the event of flooding and in accordance with policy CS19 of the North Lincolnshire Core Strategy.

15.

The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan DN17-3JR-A-20

Reason

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

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.

Informative 2

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

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

