

APPLICATION NO	PA/2018/58
APPLICANT	Mr Neil Ball
DEVELOPMENT	Outline planning permission to erect a dwelling with appearance, landscaping, layout and scale reserved for subsequent approval
LOCATION	26 Doncaster Road, Westwoodside, DN9 2EA
PARISH	Haxey
WARD	Axholme South
CASE OFFICER	Mark Niland
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Haxey Parish Council

POLICIES

National Planning Policy Framework: Paragraph 14 states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking.

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

Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

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

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

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

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

Paragraph 100 – Inappropriate development in areas at 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. Local plans should be supported by Strategic Flood Risk Assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards. Local plans should apply a sequential, risk-based approach to the location of development to avoid, where possible, flood risk to people and property and manage any residual risk, taking account of the impacts of climate change by:

- applying the Sequential Test;
- if necessary, applying the Exception Test;
- safeguarding land from development that is required for current and future flood management;
- using opportunities offered by new development to reduce the causes and impacts of flooding; and
- where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to facilitate the relocation of development, including housing, to more sustainable locations.

Paragraph 101 – The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.

Paragraph 102 – If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Both elements of the test will have to be passed for development to be allocated or permitted.

North Lincolnshire Local Plan:

H5 (New Housing Development)

H8 (Housing Design and Housing Mix)

T2 (Access to Development)

T19 (Car Parking Provision and Standards)

DS1 (General Requirements)

DS3 (Planning Out Crime)

DS7 (Contaminated Land)

DS11 (Polluting Activities)

DS14 (Foul Sewage and Surface Water Drainage)

North Lincolnshire Core Strategy:

CS1 (Spatial Strategy for North Lincolnshire)

CS2 (Delivering More Sustainable Development)

CS3 (Development Limits)

CS7 (Overall Housing Provision)

CS17 (Biodiversity)

CS19 (Flood Risk)

CONSULTATIONS

Highways: No objection in principle to the proposal. A number of conditions are advised relating to the access, surface water run-off and loose material.

Severn Trent Water Ltd: A water supply can be provided under the terms of the Water Industry Act 1991.

Environment Agency: The proposal is located within Flood Zone 1 of the Environment Agency's Mapping System. Based on the submitted FRA, the site levels are above the critical flood level of 4.1 metres above Ordnance Datum (AOD). The EA therefore has no objection.

Environmental Health: The Environmental Health department has no objections subject to conditions relating to land contamination.

Drainage: The LLFA has no objections to the proposed development subject to conditions requiring an effective method of preventing surface water run-off from the highway onto the developed site to be agreed and implemented.

PARISH COUNCIL

The parish council has objected on numerous grounds, which can be summarised as follows:

- The proposal does not appear to fill any local housing need, in particular affordable housing.
- The parish council considers it to be over-development of the site which would harm the character of an area which once had predominately large rural gardens.
- Access is directly onto Doncaster Road and the Byre Court exit is next to it, which raises concerns as to road and pedestrian safety.
- The parish council considers further development of this kind on Doncaster Road would inherently damage its place within the rural setting of Westwoodside.
- The parish council concludes that it is not a windfall site and therefore argues that it is not compatible with the aims of NPPF paragraph 48, policy CS1 of the Core Strategy and Haxey Parish Plan.

PUBLICITY

The application has been publicised by means of a site notice.

ASSESSMENT

Site characteristics

The application site is a plot of land to the side of 28 Doncaster Road, Westwoodside. The plans show a small building within the site that is given the number 26 and the planning agent has confirmed that this building has historically been used in connection with the habitation of no. 28 and has not been used as a separate dwelling. The existing access to the site is via the adjacent private driveway, Byre Court, which also provides access for a small residential cul-de-sac of four dwellings. This piece of land has previously been granted outline planning permission for a dwelling under PA/2013/0259 and other subsequent planning applications that are listed under the planning history section. These permissions allow for two dwellings to the north of the application site, both of which are accessed from Byre Court.

Proposal

The applicant seeks outline permission with means of access to be taken from Doncaster Road and with all other matters reserved for subsequent approval.

The main issues for consideration under this planning application are the principle of development, character impacts, flooding and drainage, highway safety, ground conditions and the amenity of neighbouring properties.

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 (HELA DPD) adopted in March 2016. Material considerations exist in the form of national planning policy and guidance

contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising Planning Practice Guidance (PPG).

The application site is located within the defined development boundary for Westwoodside, in a sustainable location within walking distance of local services. For these reasons it is considered that the proposal accords with the principles of sustainable development as set out within the policies of the local plan, Core Strategy and National Planning Policy Framework on delivering residential development in appropriate locations. It is therefore considered that the proposal is acceptable in principle.

Flooding and drainage

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. This part of Westwoodside is located within Flood Zone 2/3a as identified by the North and North East Lincolnshire SFRA 2011. The applicant has stated that the search for sequentially preferable sites has taken place within the settlement and that a search of online estate agents found only one site to be physically compatible with the proposal, though the asking price made it financially unviable. The applicant therefore considers that 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 and the methodology for searching alternative sites is acceptable given the scale and nature of the proposal. It is therefore considered that the sequential test is passed in this case.

Exceptions test and FRA

The exceptions test is two folded: 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, reducing flood risk overall.

The applicant has submitted both an FRA as well as a flood evacuation plan. The Environment Agency has been consulted and considers the proposal to be acceptable. The critical flood level for the area is 4.1 metres AOD and the finished floor levels of the proposal are above this height.

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 second part of the exceptions test requires developers to provide a site-specific flood risk assessment that must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. The applicant has provided this information

and suggested in the FRA that infiltration to soakaways will be sought as well as the use of construction materials at low level that will largely be unaffected by water. The site level is at 4.8 metres AOD, clear of advised flood levels. The LLFA has been consulted and, subject to conditions, has no objections to the proposal. The conditions relate to the submission of a drainage scheme showing how the site would be protected from surface water and the second ties the applicant to this scheme. Surface water is normally mitigated at building regulations stage; however, given the flood zone within which the site sits, both conditions are considered necessary.

It is therefore considered that the proposal has passed the exceptions test subject to the conditions outlined above.

Highways

The applicant seeks the approval of the means of access to the proposed development which is to be gained from Doncaster Road. Highways have been consulted on the application and have stated that they have no objections subject to conditions relating to further details of the location and materials of the access, including parking within the site, and other conditions relating to loose materials and surface water.

It is considered, given the mitigation above, that the scheme is fairly mitigated from a highway safety perspective and is acceptable.

Other issues

There is a building on the site currently that has had an ancillary domestic use; the building, however, appears to be self-sufficient. It is considered, in the interests of amenity, that the building could not fairly co-exist with another dwelling on the site without giving rise to unacceptable impacts upon residential amenity. It is therefore considered that a condition should be attached for its removal prior to first occupation of any new dwelling.

RECOMMENDATION Grant permission subject to the following conditions:

1. Approval of the details of the layout, scale, and appearance of the building(s), 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, 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.

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.

4.

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.

5.

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.

6.

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.

7.

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.

8.

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.

9.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority.

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.

10.

Prior to first occupation of the dwelling, the building on site shown within the red line boundary shall be demolished and all materials removed from site unless otherwise agreed in writing with the local planning authority.

Reason

In the interests of amenity and in accordance with policies CS5 of the North Lincolnshire Core Strategy and DS1 of the North Lincolnshire Local Plan.

11.

Development shall not commence until details of all external materials to be used in the construction of the dwelling have been submitted to and agreed in writing with the local planning authority.

Reason

To protect the character and appearance of the area in accordance with policy CS5 of the North Lincolnshire Core Strategy.

12.

No development shall take place until details showing an effective method of preventing surface water run-off from the highway onto the developed site has been submitted to and approved in writing by the local planning authority.

Reason

To prevent the increased risk of flooding to themselves and others, in accordance with policy DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

13.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 12 above and shall be completed prior to occupation of any dwelling or building within each phase or sub phase of the development on site and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

To prevent the increased risk of flooding to themselves and others, in accordance with policy DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

Informative 1

The proposals show a new access to be provided over a highway drain in the footway. This must be consented by North Lincolnshire Council's LLFA drainage team, in their capacity as Lead Local Flood Authority through an ordinary watercourse consent. Please contact the LLFA drainage team on 01724 297522.

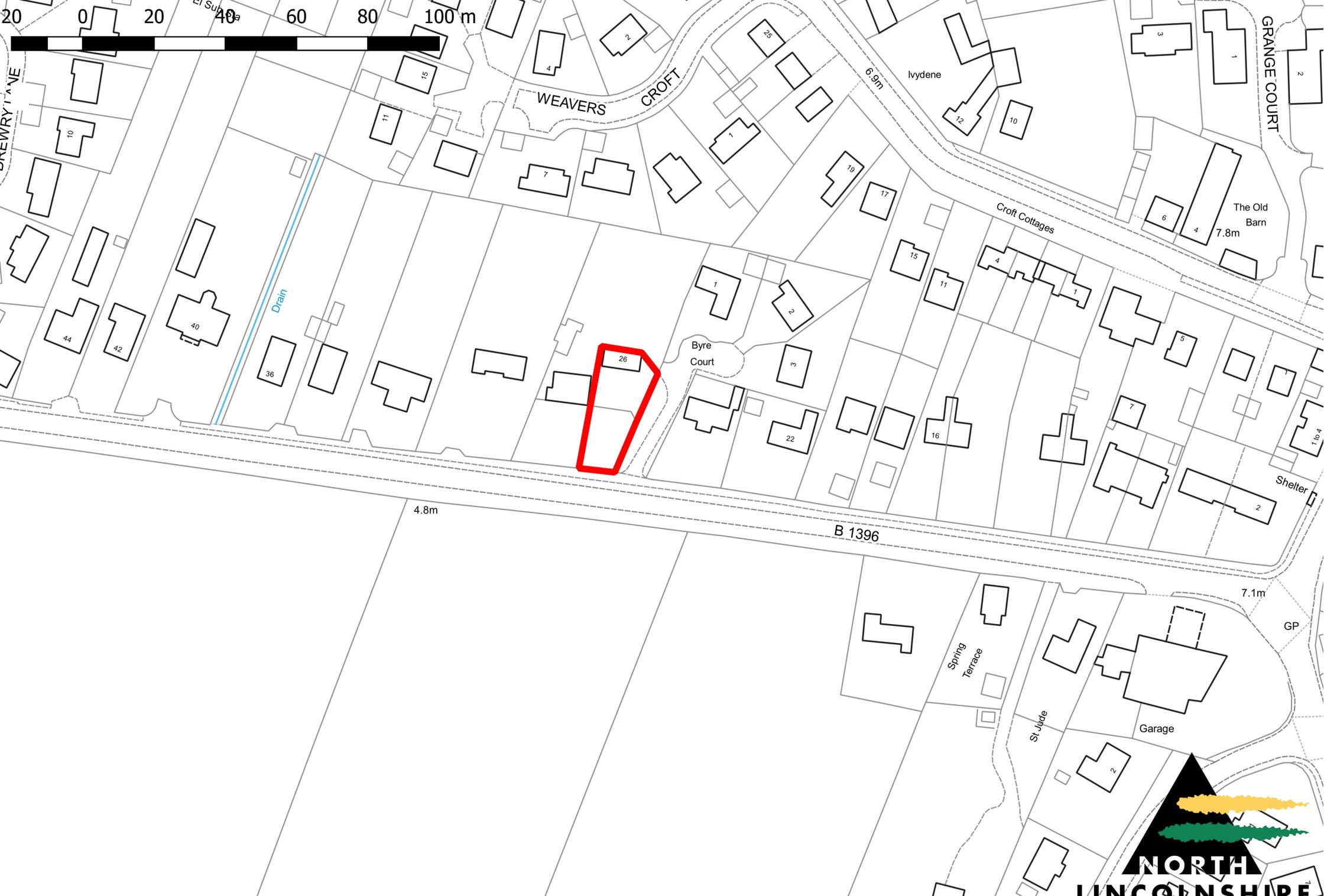
Informative 2

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.

Informative 3

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.



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