

APPLICATION NO	PA/2008/0932
APPLICANT	Mr M Taylor
DEVELOPMENT	Outline planning permission to erect a dwelling and garage (access not reserved for subsequent approval) (re-submission of PA/2007/1989)
LOCATION	Plot adjacent Animal Farm, North End, Goxhill
PARISH	GOXHILL
WARD	Ferry
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Goxhill Parish Council

POLICIES

North Lincolnshire Local Plan: Policy ST2 (Settlement Hierarchy) identifies Goxhill as a minimum growth settlement and the site is located within the settlement boundary (policy ST3).

Policy H5 (New Housing Development) sets out the criteria to control new housing development and to ensure consistency in design and layout.

Policies H3 (Previously Used Land), H8 (Housing Mix and Design) and DS1 (General Requirements) also apply.

Policy DS14 (Foul Sewage and surface Water Drainage) applies and states that the council will require satisfactory provision to be made for the disposal of foul and surface water from new development, either by agreeing details before planning permission is granted, or by imposing conditions on a planning permission or completing planning agreements to achieve the same outcome.

Policy DS16 (Flood Risk) sets out the criteria for dealing with developments on land at risk of flooding.

CONSULTATIONS

Highways: No objections subject to conditions.

Environment Agency: No objections subject to conditions.

Anglian Water: No objections.

North East Lindsey Drainage Board: No objections subject to surface water run-off being throttled down to a rate not exceeding 1.4 litres per second/hectare.

PARISH COUNCIL

Object on the following grounds:

- The site lies within the Environment Agency's flood zone 3a (high probability) and sequential and exceptions tests are required.
- The flood risk assessment is out of date.
- There is currently a moratorium in place and until further works have been carried out by Anglian Water it is inappropriate to allow further development.
- The position of the new dwelling would result in loss of privacy to an adjacent dwelling.
- The development would harm the rural character of the area which is generally that of spacious plots.

PUBLICITY

Neighbouring properties have been notified and two objections have been received which raise the following issues:

- the dwelling should be single-storey as two-storey will result in loss of light and overlooking
- the siting and location are inappropriate and out of keeping with the character of the area
- cramped and inappropriate backland development not in keeping with the area
- queries regarding accuracy of flood risk assessment
- the development would result in increased flood risk – in 2007 and 2008 the drain at the junction of North End and Ferry Road overflowed
- the existing wall to the outbuildings should be retained for privacy and shelter
- a two-storey property will result in loss of views

ASSESSMENT

The applicant seeks outline planning permission to erect one detached two-storey dwelling on garden land within the development boundary for Goxhill. The design and access statement indicates that the dwelling can be located centrally within the plot and have a maximum depth of 14 metres and maximum width of 11 metres with an integral garage or parking spaces within the site. The plot measures approximately 50 metres deep and 14 metres wide. The only matter not reserved for subsequent approval is the proposed means of access.

The main issues to be considered when determining this application are whether the development of this site would have an adverse impact on residential amenities and the character of the village and whether the proposal would increase the risk of flooding.

In relation to the development of the site for a two-storey dwelling, it is considered that this is an appropriate use of the site in planning terms. The site is within the development boundary and Goxhill is identified as a minimum growth settlement in the North Lincolnshire Local Plan. At this stage, the application is in outline form, with all matters reserved except for the vehicular access. There are many two-storey dwellings in the village and it is not considered that a two-storey dwelling in itself is out of character with the area. As the location and size of the proposed dwelling are indicative and no specific design is being applied for at this stage, the principle of allowing a two-storey dwelling on this site is acceptable. It would be possible to design a dwelling that would be in keeping with the character of the area, with windows located to avoid overlooking. Such matters would be considered in detail at the reserved matters stage.

With regard to the issue of flooding, the site is located within zones 1 and 2 of the Strategic Flood Risk Assessment (SFRA). Within zone 2 it is necessary to carry out the sequential test. This has been carried out and in accordance with the SFRA the development of this site for residential purposes is considered to be appropriate. Within zones 1 and 2 it is not a requirement that the exceptions test be applied. The submitted flood risk assessment has been submitted to the Environment Agency and no objections have been received. The neighbours and the parish council have expressed concern about flooding, and have referred to specific incidents in 2007 and 2008. However, consultation responses with the relevant bodies who deal with such matters have reported no specific problems of flooding in this area, and no formal objections have been received from either Anglian Water or the Environment Agency.

Members will be aware that the decision to impose a moratorium on new housing development was maintained in April, and that every application for development will be considered on its own merits, giving full consideration to the drainage and sewerage conditions for the site. There are no issues raised from any statutory consultee regarding the drainage of this site.

In this case Anglian Water have specifically advised that it has no objections to the grant of outline approval on this site and the council's internal engineers also advise of no specific flooding issues around this site. Whilst, therefore, the general moratorium remains in force until advised differently by Anglian Water, there are no flooding/drainage issues raised by this particular application. Additionally, the applicant has submitted technical information to demonstrate that a soakaway on the site would adequately drain surface water from the proposed dwelling. The scheme has been agreed by the council's internal engineer.

On balance, therefore, it is considered that the development of this site for one dwelling is acceptable.

RECOMMENDATION Grant permission subject to the following conditions:

1. Approval of the details of the layout, scale, 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 3(1) of the Town & Country Planning (General Development Procedure) Order 1995.

2.

Plans and particulars of the reserved matters referred to in condition 1 above, relating to the layout, scale, 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 3(1) of the Town & Country Planning (General Development Procedure) Order 1995.

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 provision 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 provision of Section 92 of the Town and Country Planning Act 1990.

5.

No development shall take place until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority and only the approved materials shall be used.

Reason

In order to retain the character of the listed building in accordance with policy HE5 of the North Lincolnshire Local Plan.

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.

Adequate vehicle access, parking and turning facilities serving the existing dwelling shall be retained in accordance with details to be 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.

8.

Any redundant access to the site shall be removed and the area reinstated to footway/verge (including the provision of full height kerbs) in accordance with details to be 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.

9.

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 policies T2 and T19 of the North Lincolnshire Local Plan.

10.

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.

11.

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of two years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the local planning authority.

Following completion of the measures identified in that scheme, and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the local planning authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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.

Before development commences, details of the proposed demolition of the existing outbuildings on the site shall be submitted to and agreed in writing with the local planning authority. The scheme shall be carried out in accordance with the agreed details.

Reason

In the interests of the amenity of the area in accordance with policy DS1 of the North Lincolnshire Local Plan.

13.

Unless otherwise agreed in writing with the local planning authority and notwithstanding the submitted plans and the flood risk assessment, floor levels shall be set to a level at least 5.5 metres AOD.

Reason

To reduce the risk of flooding to the development and future occupants in accordance with policy DS16 of the North Lincolnshire Local Plan.

14.

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 the dwelling shall not 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.




----- NLLP development boundary

Drawing Title: 2008/0932

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