

NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

RESIDENTIAL DEVELOPMENT IN GOXHILL – MORATORIUM UPDATE

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To update members on progress by Anglian Water with regard to a solution to overcome sewerage and drainage issues in the settlement of Goxhill. Furthermore, this report updates the position with respect to the current moratorium on new residential development within the village.

2. BACKGROUND INFORMATION

- 2.1 Members will recall that I have reported on a number of occasions on progress with regard to the identification of sewerage and drainage issues in Goxhill that were made worse by flooding in the summer of 2007.
- 2.2 This matter was originally considered by the Planning Committee at a meeting held on 30 January 2008 when it was resolved that:
- (a) a moratorium be placed on new residential development within the defined development boundary for Goxhill until such time as Anglian Water had investigated and reported upon the issues surrounding sewerage capacity. New residential permissions were to be held in abeyance or refused if it was considered they would exacerbate known existing drainage and flooding issues;
 - (b) the moratorium on such development was to be reviewed when the results of Anglian Water's sewerage and drainage survey was known.
- 2.3 I can now report that I have received details of Anglian Water's proposals which are set out in paragraph 2.4 below.
- 2.4 Survey work for ecology, archaeology, ground condition and ordnance is starting imminently. Subject to the above being satisfactory, the work on site will start in September and will take six to eight months to complete. (Exact timing will depend on survey findings.)

3. OPTIONS FOR CONSIDERATION

- 3.1 At the present time all new planning applications within the settlement of Goxhill are required to show conclusively that residential building, if permitted, would not exacerbate existing drainage issues within the village. Usually this has involved the applicant providing full details of how foul and surface water would be disposed of including, in some instances, on-site storage capacity to

ensure no overload of the existing system. Unless such confirmation is provided, applications have been held in abeyance or refused. Approval has only been recommended for schemes where there is a clear engineering solution to any capacity problem.

- 3.2 At present the moratorium is still council policy with respect to Goxhill and consideration needs to be given, in light of Anglian Water's commitment to undertaking the suggested improvements, as to whether or not the moratorium should be lifted.
- 3.3 All planning applications for residential development in Goxhill are referred to Anglian Water for comment and their views are incorporated in any report and recommendation on each individual application. Furthermore, engineers within Highways and Planning assess the proposals against the information and detail that the council has put together following the flooding in 2007. This combined advice forms the basis on which any recommendation is then put forward as to whether the application should be supported.

4. ANALYSIS OF OPTIONS

- 4.1 There is a straightforward choice to be made in relation to the contents of this report, namely that the moratorium remains in place until such time as the actual works have been completed or alternatively that the moratorium be lifted.
- 4.2 The retention of the moratorium for a further period of time pending completion of the works needs to be reassessed. Any planning application for residential development that is refused or appealed against non-determination within the appropriate timescale has to be defended at appeal. Clearly, if applicants can show that their proposals will not exacerbate existing drainage facilities within the village, then that would be a difficult decision to defend. Furthermore, applicants will, in due course, clearly be able to show that arrangements are in place to address issues of drainage by the statutory undertaker which again weakens the local authority's case for refusal. It should also be borne in mind that, due to the fact that Goxhill is a minimum growth settlement, council policy H1(iii) in the adopted local plan restricts the number of buildings to a maximum of three on any individual site.
- 4.3 The moratorium in Goxhill has now been in place since February 2008, and has certainly impacted on the scale and frequency of new residential development within the village. In this respect the moratorium has proved successful and generally applicants and developers have accepted that the problems within Goxhill justified such a radical approach. However, as Anglian Water have now tabled a scheme which identifies 'hot spots' within the village where flooding is a real issue, together with a scheme to alleviate the problems for the village, now would seem an appropriate time to review the moratorium.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

5.1 Financial

5.1.1 Whilst the moratorium for development in Goxhill stands, each application for development has to be considered on its own merits and the drainage and sewerage implications fully investigated before considering whether to grant or refuse consent. If an application was refused and an appeal made on purely drainage issues the council would have to be fully aware of the implications and if an appeal is lodged against that decision costs could be awarded to the appellants if the council's actions were considered to be unjustified and without foundation. Furthermore, legal and professional costs could also be incurred in defending such appeals.

5.2 Staffing

5.2.1 There are no staffing implications – all necessary resources exist within the existing Development Control team.

5.3 Property

5.3.1 None.

5.4 IT

5.4.1 None.

6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 – CRIME AND DISORDER, RISK AND OTHER)

6.1 Statutory

6.1.1 All reasons for refusal of planning applications have to be properly justified and defended in accordance with the provisions of the Town and Country Planning Act. Refusal of planning permission has to be justified on the basis that the application decision can be defended at appeal. Officers of North Lincolnshire Council and Anglian Water, if necessary, would have to properly defend any such decision at a public inquiry or local hearing or through the written representation procedure.

6.2 Environmental

6.2.1 None.

6.3 Diversity

6.3.1 None.

6.4 Section 17 – Crime and Disorder

6.4.1 None.

6.5 Risk

6.5.1 Whilst the moratorium remains, the risk relates to the proper assessment of drainage and sewerage implications of individual applications by reference to both Anglian Water and the council's own engineers.

6.6 Other

6.6.1 None.

7. RECOMMENDATIONS

7.1 That, in view of the information provided by Anglian Water and reported at paragraph 2.4 of this report, the moratorium be extended for a further 18 months, that is until the end of October 2012.

7.2 That a further review be undertaken once a firm finish date for the works is known.

HEAD OF PLANNING

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Background papers used in the preparation of this report

Previous reports to Planning Committee dated 30 January 2008, 18 June 2008, 23 July 2008, 1 April 2009 and 25 August 2010

Correspondence from Anglian Water between 20 December 2007 and July 2010