

APPLICATION NO	PA/2014/1178
APPLICANT	European Property Acquisition Ltd
DEVELOPMENT	Outline planning permission for residential development and associated works.
LOCATION	Land off Burnside, Broughton
PARISH	BROUGHTON
WARD	Broughton and Appleby
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Subject to the completion of a Section 106 agreement, grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Broughton Town Council Member 'call in' (Councillor Glover – significant public interest and use of proposed access from Burnside)
POLICIES	

National Planning Policy Framework: Paragraph 14 states that at the heart of the NPPF 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 35 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 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

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.

Paragraphs 15, 47, 50, 55, 56, 60, 61 and 99 to 103 also apply.

North Lincolnshire Local Plan: Policies DS1, DS16, LC11, T2, T6, T9, T19 H5, H8 and H10 apply.

North Lincolnshire Core Strategy: Policies CS1, CS2, CS5, CS6, CS7, CS8, CS9, CS18, CS19, CS25 and CS27 apply.

CONSULTATIONS

Highways: Recommend conditions relating to the layout and location of vehicular access, method of preventing surface water run-off from hard paved areas, no loose material within 10m of the adopted highway, wheel cleaning facilities, full details of the layout/drainage/construction/services/lighting of the proposed access road and vehicular parking spaces. Conditions are also recommended relating to completion of the access road and lighting, setting out of visibility splays, construction of the footway, highway planting within the service strip and a phased traffic management plan.

Capital Team (Education): The application states the development is for 26 dwellings. No educational contribution is sought for 26 dwellings, however this response will change if the number of dwellings increases.

Strategic Housing: The application submitted appears to meet the council's planning policy CS9 in that it includes three affordable housing units and therefore no objection is raised. The 2009 Rural Needs Survey identified that there was a gross need of 78 affordable units per annum in Broughton. The 2012 Strategic Housing Market Assessment sets out a need for 328 new affordable units per annum to meet the need for affordable housing in North Lincolnshire. Demand for affordable housing in Broughton is very high. The council's preference for affordable housing is subsidised housing for rent provided by a Registered Social Landlord (RSL) or other social body. The council's preference for rented accommodation is based on evidence that shows those in the highest level of housing need require rented homes.

Environmental Health: Recommend conditions in respect of construction operations, investigation of unexpected contamination and necessary measures taken to control dust.

Public Open Space Co-ordinator: On a development of 26 number dwellings there is a need to provide a Local Area of Play (LAP) of approximately 100 square metres that would cater for younger children (4-8 years of age). It should comprise a safety surface/hard area containing three pieces of varied play equipment along with a toddler interactive play panel and a thermo graphic hopscotch game.

Casual open space of 260 square metres should also be provided and this can be used to surround the LAP in order to create larger buffer zones between the activity area and the boundary of the nearest property. The minimum buffer zone we would wish to see around the LAP would be a depth of 10 metres to the nearest property gable end. One dog bin is to be sited in an appropriate location on the casual open space to provide a suitable waste receptacle.

For the local authority to maintain and adopt the play area and casual open space in the future the commuted sum, based on the provisions stated above, would be £3,187.81 per annum x 10 years = £31,878.11.

Public Health: No objection.

Anglian Water: Records show that there are no assets owned by Anglian Water. The foul drainage from the development is in the catchment of Broughton Water Recycling Centre;

capacity is available for these flows. The sewerage system has available capacity for these flows. There are no surface water sewers and no surface water will be permitted to discharge to the public foul sewers.

Humberside Fire and Rescue: Adequate access for fire-fighting should be provided to all buildings and adequate provision of water supplies for fire-fighting appropriate to the proposed risk should be considered.

Historic Environment Record: Following the submission of the archaeological field evaluation, including trial-trenching, no objections are raised and the holding objection is withdrawn.

Environment Agency: No objection.

TOWN COUNCIL

Object on the following grounds:

- highways – any development would lead to additional traffic on a narrow road, which enters/leaves the estate at a busy junction with Brooklands Avenue, where there is speeding traffic
- drainage – worries about the drainage system being able to cope with additional development
- character – any development would change the character of the estate, which is mainly occupied by elderly residents
- the council was also aware of a potential boundary problem with a resident whose property was adjacent to the development.

PUBLICITY

Neighbouring properties have been notified, and site and press notices displayed. 35 letters of objection have been received raising the following issues:

- not in keeping with the surrounding area
- impact on infrastructure
- additional traffic in a quiet cul-de-sac
- mud from lorries during the construction period
- area is not conducive to the construction of affordable houses
- majority of houses in the area are single-storey
- impact on wildlife
- cars parked along Burnside will inhibit vehicles accessing the site
- adverse weather conditions can make Burnside inaccessible

- alternative site access should be considered
- potential damage to fence along the rear of Brooklands Avenue
- noise during and post construction
- access via Burnside is narrow
- devaluation of property prices
- increased risk of accidents
- light pollution
- sewerage system already struggles
- junction of Brooklands and Burnside is already dangerous
- it is not a family estate
- there has been a noticeable increase in both foot and vehicular traffic
- not suitable for larger vehicles
- unsuitable access for emergency services
- potential for flooding from additional properties
- Burnside should remain a cul-de-sac
- Over-development
- Burnside is inhabited by a number of elderly residents
- Broughton is not identified for any further housing.

ASSESSMENT

This is an outline application for residential development and associated works with all matters, other than access, reserved for subsequent approval. The application site comprises an area of garden land to the rear of properties located along Appleby Lane (nine properties in total). The majority of the gardens are laid to lawn and the site is bordered by a line of trees and two bungalows along its southern boundary and residential properties to the north, west and north east. The site is bordered by the deep gardens of residential properties located along Brooklands Avenue to the east. The site is located within the settlement boundary for Broughton within walking distance of the High Street, where the main concentration of local community services are located.

The main issues to consider in the determination of this planning application are the principle of development, impact on character and appearance of the area, impact on residential amenity and other issues.

Principle of development

The application site is garden land within the defined settlement boundary for Broughton, in a sustainable, central location within easy walking and cycling distance of a range of local facilities, including a school, doctor's surgery, shops, public house and convenience store. In terms of sustainability it is within walking distance of bus stops. The proposal therefore accords with the principles of sustainable development as set out within the policies of the local plan, Core Strategy and the National Planning Policy Framework on delivering residential development in appropriate locations.

Policy H8 (Housing Design and Housing Mix) is applicable and states that new residential development will be permitted provided that it incorporates a high standard of layout which maintains and where possible improves and enhances the character of the area and protects existing and natural and built features, landmarks or views that contribute to the amenity of the area. This site constitutes developable land within the settlement boundary of Broughton, in a sustainable location therefore there is a presumption in favour of residential development.

Policy CS9 (Affordable Housing) of the adopted Core Strategy applies and states that new residential development of three or more dwellings in rural settlements must make provision for an element of affordable housing. This policy seeks to ensure that 10% of housing on schemes of three or more dwellings in rural settlements is provided. The indicative layout shows 26 dwellings so this equates to three dwellings in this case. The provision of this affordable housing will be secured by a Section 106 legal agreement. It is a policy preference for this affordable housing to be provided on the site and this has been offered by the applicant. Strategic Housing has commented that there is a high demand for affordable housing in Broughton. This scheme will provide three affordable units.

Policy H10 (Public Open Space Provision in New Housing Development) of the North Lincolnshire Local Plan applies and states that new housing developments on windfall sites of 0.5 hectares or more will be required to provide recreational open space on a scale and in a form appropriate to serve the needs of residents. The site area is 0.82 hectares and constitutes a windfall site for residential development in Broughton. The council's Public Open Space Coordinator has commented that a Local Area of Play, measuring 100 square metres in area and containing three items of play equipment should be provided, together with casual open space of 260 square metres should be provided on the site. This open space provision would be secured through a Section 106 legal agreement. This element is not shown in the indicative layout but can be secured at reserved matters stage.

Street scene and settlement character

The pattern of residential development around which development is proposed is characterised by a mix of semi-detached and detached properties set back from the highway with deep rear gardens, some of which extend to 170 metres in depth. The pattern of development to the south of the site changes to one of modern detached properties set within smaller plots (albeit spacious plots), the density of housing is higher. To the east of the site are examples of properties located to the rear of dwellings on Brooklands Avenue, on backland plots. The prevailing height of dwellings to the north, east and west of the site is two-storey; the height of the dwellings to the south (on the modern residential estates) is a mix of two-storey and bungalows.

Given the depth of these rear gardens (particularly along Appleby Lane) and the distance from existing properties it is considered that the development will result in an appropriate scale of residential development which infills a section of garden land between Burnside and South View/Trinity Court. The development will not be viewed in isolation, it will be viewed against the built context of a modern housing estate located directly to the south. Therefore the introduction of a modern housing development immediately to the north of a modern housing estate is considered to assimilate with the character and appearance of neighbouring residential properties. There is sufficient separation distance from neighbouring residential properties and space within the site for a development of this scale (26 dwellings) to be provided and which could be considered as being in keeping with the character and appearance of the area.

An illustrative plan has been submitted by the applicant's agent. This plan, whilst only indicative, provides an overview of the potential layout of the site and demonstrates that 26 dwellings, with associated parking and gardens, can be accommodated on the site, together with space for an access road and turning areas. Although no scale parameters have been submitted with the planning application, it is considered that the introduction of two-storey dwellings will be consistent with the prevailing height of existing properties close to the site.

Residential amenity

This is an outline planning application with all matters (other than means of access) reserved for subsequent consideration. Issues relating to the layout, scale, window arrangement of houses and potential for loss of residential amenity would be assessed as part of any subsequent reserved matters planning application. As stated previously, the indicative plan shows that 26 dwellings can be constructed on the site and have sufficient separation distance to the nearest residential properties on Burnside to the south. The majority of the objections submitted relate to highway and pedestrian safety concerns.

The proposed means of access to the site is from Burnside. This is an estate road which has the capacity for one vehicle to safely pass another. The proposal shows that the access road will be 5 metres wide, which is consistent with the width of the approach road along Burnside. In addition the indicative plan shows that the footway will continue from Burnside into the site, thereby providing pedestrian permeability and a safe means of accessing the site on foot. Highways have raised no objection to the proposal on highway safety grounds or on grounds of additional traffic movements being generated along local roads in Broughton.

It is inevitable that the construction period will result in some level of disruption to nearby residential properties through noise and other disturbance, however this will be relatively short-term without harming the long-term amenity of residents. In addition a condition is recommended by Environmental Health that construction operations only take place between the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturdays and at no time on Sundays or public/bank holidays. The imposition of this condition is considered sufficient to protect residential amenity, particularly during the construction period. Potential damage to fences along the boundaries of the site should be addressed by the developer during the construction period to ensure that they are adequately protected.

Details of external lighting will be secured by way of planning condition, which is consistent with the condition recommended by highways. This will allow the local planning authority to

ensure that external lighting, in particular street lighting, doesn't result in light spillage to existing residential properties which surround the site.

Other issues

The width of the proposed access road and the approach road (Burnside) is considered sufficient to allow emergency and larger vehicles to enter and leave the site. The local planning authority can only consider the point of access which is proposed from Burnside in this case. Highways have raised no objection to the means of access proposed to serve the site. Therefore there is no requirement to consider an alternative means of access to the site. A condition is recommended by Highways which requests wheel-cleaning facilities. This will reduce the potential for mud to be deposited onto local roads.

Devaluation of property prices is not a material planning issue and will not be assessed in this case. In addition the impact of the proposed residential development upon a particular demographic profile of residents in this part of Broughton is not a material planning issue, therefore it will not be assessed.

Anglian Water has confirmed there is sufficient capacity within the foul sewer to accommodate the additional foul drainage flows from the proposed development. This is an outline planning application and there is scope within any subsequent reserved matters application for a surface water drainage scheme to be submitted for consideration. However, given the concerns raised by local residents in respect of existing infrastructure, it is considered prudent to recommend a condition in relation to the submission of a surface water drainage scheme. This will allow the local planning authority to assess whether SuDs can be incorporated on the site in full.

Community involvement

The applicant has not undertaken any community involvement prior to the submission of this major planning application. All representations received in response to this planning application were as a result of notifying the public, advertising the proposed development in the local newspaper and displaying a site notice.

RECOMMENDATION

Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 providing for three on-site affordable houses, the provision of open space and a maintenance contribution of £31,878.11, the committee resolves:

- (i) it is mindful to grant permission for the development;**
- (ii) the decision be delegated to the Head of Development Management upon completion of the obligation;**
- (iii) if the obligation is not completed by 18 May 2016 the Head of Development Management be authorised to refuse the application on grounds of inadequate provision of essential community benefits; and**
- (iv) the permission so granted be 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 the vehicle parking space(s) 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.

Works shall not commence on site until wheel cleaning facilities, in accordance with details to be submitted to and approved in writing by the local planning authority, have been provided within the curtilage of the site, and this facility shall be retained for the duration of the works.

Reason

To prevent material being deposited on the highway and creating unsafe road conditions.

9.

No development shall begin until details of the layout, drainage, construction, services and lighting of the proposed access road, including the junction with the adjacent highway, 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.

10.

No dwelling on the site shall be occupied until the access road has been completed to at least base course level and adequately lit from the junction with the adjacent highway up to the access to the dwelling.

Reason

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

11.

No other works shall be commenced on the site until the access road junction with the adjacent highway has been set out and established.

Reason

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

12.

No dwelling on the site shall be occupied until the footway has been constructed up to base course level from the junction with the adjacent highway to the access to the dwelling.

Reason

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

13.

No works shall be commenced on the penultimate dwelling on the site until the access road has been completed.

Reason

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

14.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order revoking and re-enacting that order with or without modification), no development shall take place within any service strip adjacent to any shared surface road, and any planting or landscaping within this service strip shall be of species which shall be agreed in writing with the local planning authority prior to planting.

Reason

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

15.

No development shall take place until a construction phase traffic management plan showing details of all associated traffic movements, including delivery vehicles and staff/construction movements, any abnormal load movements, contractor parking and welfare facilities, storage of materials and traffic management requirements on the adjacent highway, has been submitted to and approved in writing by the local planning authority. Once approved the plan shall be implemented, reviewed and updated as necessary throughout the construction period.

Reason

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

16.

Construction operations shall be limited to the following hours:

8am to 6pm Monday to Friday

8am to 1pm on Saturdays.

No construction operations shall take place on Sundays or public/bank holidays.

HGV movements shall not be permitted outside these hours during the construction phase without prior written approval from the local planning authority.

Installation of equipment on site shall not be permitted outside these hours without prior written approval from the local planning authority.

Reason

To maintain the living standards of the adjoining residential property/the surrounding residential area and to enable any alternative use to be assessed against the criteria in policy DS4 of the North Lincolnshire Local Plan.

17.

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.

18.

No development shall take place until details of the positions, design, materials and type of boundary treatment to be built/planted have been agreed in writing by the local planning authority. The agreed boundary treatment shall be built/planted (before the change of use takes place/the building/dwelling(s) is/are occupied/in accordance with a programme to be submitted to and agreed in writing by the local planning authority before development is commenced), and once built/planted it shall be retained.

Reason

To provide an appropriate level of screening in accordance with policies H8 and DS1 of the North Lincolnshire Local Plan.

19.

No development shall take place until a scheme for the disposal of surface water, including consideration for Sustainable Urban Drainage Systems (SuDS) has been submitted to and agreed in writing by the local planning authority and none of the 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.

Informative 1

This application must be read in conjunction with the relevant Section 106 Agreement.

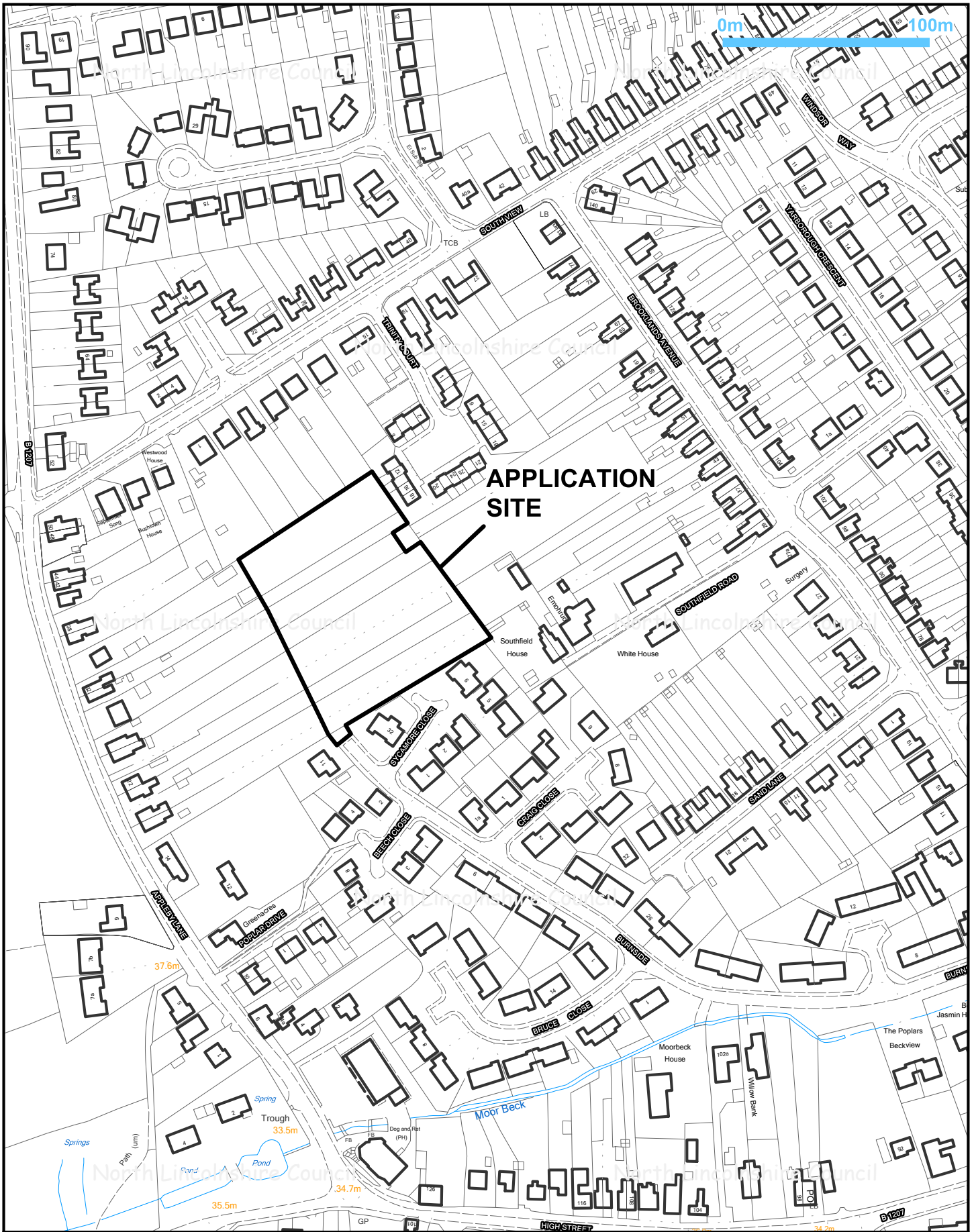
Informative 2

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.



Title: PA/2014/1178

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PA/2014/1178 - Indicative Layout - Not to scale