

**APPLICATION NO** PA/2015/0669

**APPLICANT** G Golland Ltd

**DEVELOPMENT** Outline planning permission to erect two dwellings with appearance, landscaping, layout and scale reserved for subsequent approval including demolition of the farm sheds

**LOCATION** Chapel Farm, Ferry Road, Haxey, Graizelound, DN9 2LY

**PARISH** Haxey

**WARD** Axholme South

**CASE OFFICER** Scott Jackson

**SUMMARY** **Grant permission subject to conditions**

**RECOMMENDATION**

**REASONS FOR REFERENCE TO COMMITTEE** Agent request to address the committee

## **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 of Core Planning Principle 4 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 of Core Planning Principle 6 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 of Core Planning Principle 7 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.

Section 10 (Meeting the challenge of climate change, flooding and coastal change) states that inappropriate development in areas of flood risk of flooding should be avoided by directing development from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

**North Lincolnshire Local Plan:** Policies DS1, DS16, LC14, RD2, T2, T19, H5 and H8 apply.

**North Lincolnshire Core Strategy:** Policies CS1, CS2, CS3, CS5, CS6, CS7 and CS19 apply.

## **Draft Housing and Employment Land Development Plan Document (DPD)**

### **CONSULTATIONS**

**Highways:** No objections, but recommend conditions relating to the provision of the vehicular access and turning spaces, closure and reinstatement of any redundant accesses within three months of the completion of the proposed access and no loose material within 10 metres of the adopted highway. Further conditions are recommended relating to a method of preventing surface water run-off from hard paved areas, no boundary treatment above a height of 1.05 metres across the site frontage and the dwellings not being occupied until the access, parking and turning have been completed.

**Environmental Health:** The site is close to residential properties. Recommend conditions relating to construction and demolition hours, the submission of a dust management plan and contamination investigation.

**Environment Agency:** No objection. The site is shown to be located in flood zones 2/3a of the North Lincolnshire Strategic Flood Risk Assessment. Since the SFRA was published the Environment Agency's Flood Map for Planning has been updated based on the latest information, and the boundary between Flood Zones 2 and 1 has been amended slightly in this area. This is the reason for the discrepancy in this case. Were the above methodology to be applied today, the SFRA Zone 2/3a boundary would also be different. Accordingly, a flood risk assessment in relation to fluvial or tidal will not be required but recognise that your authority will use the SFRA to inform your decision and may need additional evidence that the development will be safe. Based on the submitted plans, it appears likely that the dwellings would have floor levels at least 300 millimetres above the critical flood level of 4.1 metres AOD established by the SFRA for this area.

**Highways Drainage:** No objection to the proposed development. The proposed development and/or adjacent land/properties have the potential to suffer from a level of flooding due to surface or ground water run-off and/or overland flow. Care should be taken with finished floor levels, threshold levels and location of openings. SuDS must be considered and investigated (i.e. ground infiltration feasibility). If soakaways are proposed these must be designed to cater for a 1 in 100 year storm event plus climate change.

**Ecology:** No bat/bird species surveys are required. Recommend conditions in relation to the submission and implementation of a biodiversity management plan.

## **PARISH COUNCIL**

No objection, the proposed development is outside the settlement boundary for Graizelound and planning permission shouldn't be granted until the Housing and Employment Land DPD is in place.

## **PUBLICITY**

Neighbouring properties have been notified. No comments have been received.

## **ASSESSMENT**

The application site consists of single-storey brick-built farm buildings set back from the public highway with a large gravelled yard to the front. The farm buildings are positioned in an east to west direction along the rear boundary of the site and are constructed from a red brick with a concrete profile roof. The site is bordered by a 1 metre high wall and railings along its eastern, southern and western boundary. It is located on the corner of Ferry Road and Graizelound Fields Road. The site is bordered by a dwelling immediately to the eastern boundary and Manor Farm to the west, a grade II listed building. The site is located within Flood Zone 2/3a as defined in the North Lincolnshire Strategic Flood Risk Assessment (SFRA).

**The main issues in the determination of this planning application are the principle of development, flood risk and residential amenity issues.**

### **Principle**

Due to its location outside of any defined development boundary, the application site is considered to be in the open countryside for the purposes of planning. This is clearly established in existing local planning policy (North Lincolnshire Local Plan and Core Strategy) which defines this area as being countryside. However, considerable weight needs to be given to the fact that Graizelound has a development limit proposed as part of the Draft Housing and Employment Land DPD. This document went to public examination in January 2015. This site is shown as being within the proposed development limit for Graizelound. In addition no objections were received to the inclusion of this site within the proposed development limits for Graizelound. Therefore, for the purposes of establishing the principle of residential development, this proposal will be assessed as being located within the proposed development limit for this settlement, within a rural settlement as defined in the North Lincolnshire Core Strategy.

Policy CS1 (Spatial Strategy for North Lincolnshire) therefore applies which states that rural settlements will be supported as thriving sustainable communities and development will be limited, taking into account local service provision and being in keeping with the character and nature of the settlement. This proposal is for the redevelopment of a brownfield site (previously used for agriculture) within the proposed development limit of a settlement which will accommodate two dwellings. An indicative plan has been submitted with the planning application which demonstrates that two dwellings can reasonably be accommodated on the site and positioned in line with existing detached dwellings fronting Front Street and Main Street. This would result in the proposed dwellings being in keeping with the scale and position of dwellings in Graizelound. The site is considered to represent a suitable infill plot which would be located within the proposed settlement boundary for Graizelound.

It is acknowledged there are no local services within Graizelound, however, the settlement is located within the parish of Haxey which has a number of local services including public houses, a post office, two convenience shops, hairdressers, primary school, playing fields and a village hall. It is considered that the erection of two dwellings within Graizelound could reasonably result in these local services within Haxey being supported by the occupants of the proposed development. Given that the proposal is for residential development on an infill plot and brownfield site within a settlement which has a proposed development limit, together with the fact that significant weight can be given to the inclusion of this site within said development limit, the principle of residential development is considered acceptable in this case.

## **Flood risk**

The site is located within Flood Zone 2/3a of the North Lincolnshire Strategic Flood Risk Assessment. As the proposal is for 'more vulnerable' development, the sequential and exceptions tests need to be applied and passed for the proposed dwellings. A Flood Risk Assessment (FRA) has been submitted with the planning application. This recommended the finished floor levels of the proposed dwellings being 0.3 metres AOD above the existing floor level of the site. The Environment Agency has commented that this site is located within Flood Zone 1 according to their mapping system, however they acknowledge that the site is in flood zone 2/3a of the North Lincolnshire SFRA. In addition, the Environment Agency states that since the SFRA was adopted their flood mapping system has been updated, and is based on the latest information, resulting in this site being located in flood zone 1, meaning no FRA is formally required for them to consider. In summary, the SFRA shows the site to be located in flood zone 2/3a whilst the Environment Agency, in accordance with their updated flood mapping, considers the site to be located within flood zone 1.

The Environment Agency has raised no objections to the proposal and advises it is likely the dwellings would have floor levels at least 300 millimetres above the critical flood level of 4.1 metres AOD. The FRA confirms that the finished floor levels of the proposed dwellings would be set a minimum of 0.3 metres above the existing ground level of the site.

The proposed development needs to be assessed against the sequential and exceptions tests. Given that a development boundary is proposed for Graizelound, only the sequential test needs to be applied to this settlement. Applying the SFRA, there are no sites at lower risk of flooding within Graizelound. Consequently the sequential test is considered to be passed in this case.

The exceptions test then needs to be applied. The applicant has submitted a sustainability checklist with the planning application. This supporting information sets out how the development is considered to be sustainable in terms of supporting local services, providing housing, demolition of redundant services and redevelopment of a brownfield site. In order to pass the exceptions test a development must meet the following criteria:

Essentially, the two parts to the test require 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.

It is considered that the revised FRA satisfactorily demonstrates that the development will be safe without increasing flood risk elsewhere. In addition it is considered that sufficient

justification has been submitted with the application to demonstrate that the proposal will deliver sustainable development in this part of Haxey parish and will be of wider community benefit, in that it will support existing services within the nearby settlements of Haxey and Westwoodside. 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, CS19 of the Core Strategy and the National Planning Policy Framework in terms of flood risk.

### **Residential amenity**

The proposal is seeking outline planning permission for means of access to be considered and all other matters reserved for subsequent consideration (through the submission of a reserved matters planning application). The plans show the means of access from Front Street to the south, a paired access will serve both dwellings. Matters relating to the position and heights of windows, orientation of the dwelling and scale of the dwellings would be considered at reserved matters stage, the potential loss of residential amenity arising from this subsequent planning application would be assessed at that stage of the planning process. Notwithstanding this an indicative plan has been submitted with the planning application, this shows that there will be sufficient land to serve as private amenity space for the proposed dwellings, in addition there is sufficient land to the side of the proposed dwellings to provide a minimum of two off-street parking spaces, together with a turning space to serve each property. No issues have been raised by Highways in respect of the means of access proposed from Main Street or on grounds of highway or pedestrian safety.

### **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.

Within 3 months of the completion of the new access, 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 policy 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.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking and turning space serving it have been completed and, once provided, the vehicle parking and manoeuvring space 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.

The development hereby permitted shall be carried out in accordance with the following approved plans: GG/15/01, GG/15/02 and GG/15/03.

Reason

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

12.

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.

13.

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

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

14.

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 dwellings are occupied 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.

15.

The design of the development shall incorporate all the mitigation measures identified in the agreed flood risk assessment dated 18 August 2015.

Reason

To reduce the potential impact of flooding in accordance with policy DS16 of the North Lincolnshire Local Plan.

16.

No development shall take place until a biodiversity management plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

- (a) details of measures to avoid harm to nesting birds in the event of them being discovered during demolition and construction works;
- (b) details of nesting sites to be installed to support house sparrows (*Passer domesticus*);
- (c) trees and/or shrubs of high biodiversity value to be used in landscaping;
- (d) proposed timings for the above works in relation to the completion of the building.

Reason

To protect features of recognised nature conservation importance in accordance with policies CS5 and CS17 of the Core Strategy.

17.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. The applicant or their successor in title shall submit photographs of the installed bat roosting and bird nesting features, within two weeks of installation, as evidence of compliance with this condition.

#### Reason

To protect features of recognised nature conservation importance in accordance with policies CS5 and CS17 of the Core Strategy.

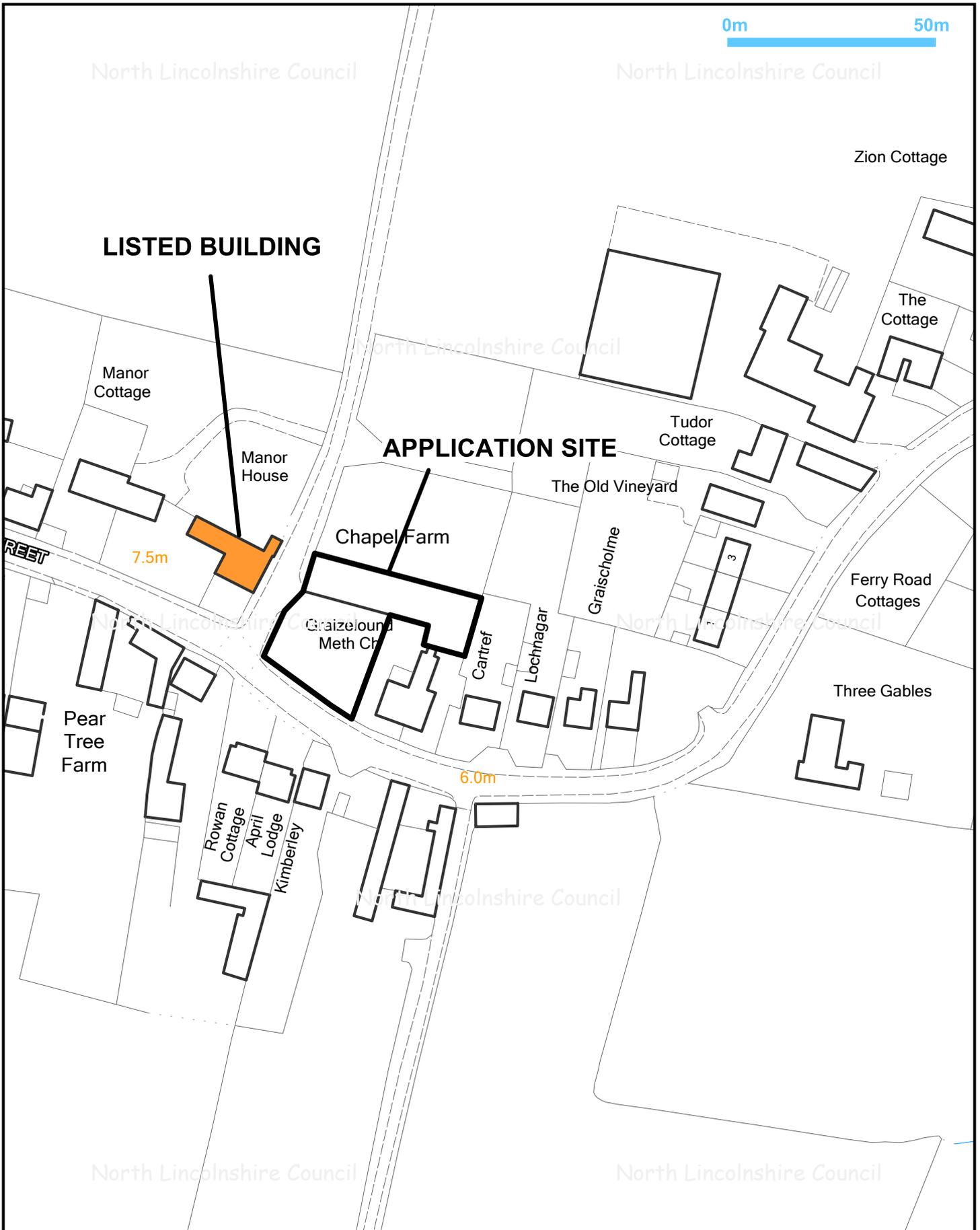
#### **Informative 1**

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 2**

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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