

<b>APPLICATION NO</b>	<b>PA/2015/0728</b>
<b>APPLICANT</b>	H G Homes (Bottesford) Ltd
<b>DEVELOPMENT</b>	Application for approval of reserved matters (appearance, landscaping, layout and scale) for the erection of 68 dwellings
<b>LOCATION</b>	Sunningdale Road, Bottesford, DN17 2TY
<b>PARISH</b>	<b>Bottesford</b>
<b>WARD</b>	Bottesford
<b>CASE OFFICER</b>	David Wordsworth
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Councillors Armiger and J Davison – due to significant public interest)

## **POLICIES**

### **National Planning Policy Framework:**

Paragraph 11 – Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 19 – The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 49 – 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 56 – The Government attaches great importance to the design of the built environment. 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 64 – 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 69 – The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see. To support this, local planning authorities should aim to involve all sections of

the community in the development of Local Plans and in planning decisions, and should facilitate neighbourhood planning. Planning policies and decisions, in turn, should aim to achieve places which promote:

- opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity;
- safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.

Paragraph 94 – Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations.

Paragraph 96 – In determining planning applications, local planning authorities should expect new development to:

- comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

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 103 – When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

Paragraph 104 – For individual developments on sites allocated in development plans through the Sequential Test, applicants need not apply the Sequential Test. Applications for minor development and changes of use should not be subject to the Sequential or Exception Tests but should still meet the requirements for site-specific flood risk assessments.

Paragraph 118 – When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and
- the following wildlife sites should be given the same protection as European sites:
  - potential Special Protection Areas and possible Special Areas of Conservation;
  - listed or proposed Ramsar sites; and

- sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

Paragraph 186 – Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.

Paragraph 187 – Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Paragraph 196 – The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This Framework is a material consideration in planning decisions.

Paragraph 197 – In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

Paragraph 204 – Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

Paragraph 206 – Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

### **North Lincolnshire Local Plan:**

Policy H8 (Housing Design and Housing Mix)

Policy T2 (Access to Development)

Policy T6 (Pedestrian Routes and Footpaths)

Policy T8 (Cyclists and Development)

Policy T15 (Highway Improvements and New Highway Construction)

Policy T19 (Car Parking Provision and Standards)

Policy LC5 (Species Protection)

Policy LC12 (Protection of Trees, Woodland and Hedgerows)

Policy DS1 (General Requirements)

Policy DS3 (Planning Out Crime)

Policy DS7 (Contaminated Land)

Policy DS13 (Groundwater Protection and Land Drainage)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy DS16 (Flood Risk)

**North Lincolnshire Core Strategy:**

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Policy CS9 (Affordable Housing)

Policy CS17 (Biodiversity)

Policy CS18 (Sustainable Resource Use and Climate Change)

Policy CS19 (Flood Risk)

Policy CS23 (Sport, Recreation and Open Space)

Policy CS25 (Promoting Sustainable Transport)

**CONSULTATIONS**

**Environment Agency:** Note that the development will be carried out in accordance with the approved flood risk assessment, including finished floor levels no lower than 7.6 metres AOD. Therefore no objections.

**Highways:** No objections subject to conditions.

**LLFA Drainage Team:** Originally objected and commented that the area shown on the indicative plan as public open space (POS) at the outline application stage should be utilised for SUDS and at least two forms of water treatment should be carried out along the SUDS treatment train. The surface water drainage report stated excessive land take and economic reasons to disregard the installation of above ground SuDs features which was not acceptable.

Discussions were held between the applicants and the drainage team. The drainage team has removed its objection and confirmed that the use of oversized underground storage to cater for 1 in 100 year plus climate change with restricted discharge of 42 litres/second into the highways drain is acceptable subject to conditions regarding:

- the method of controlling overland flows from the east;

- detailed modelling of the development and downstream catchment to be carried out;
- no above-ground flooding to occur up to and including 1 in 100 year plus 30% climate change.

**Public Open Space Coordinator:** Is satisfied that there will be no recreational provision on site but that an agreed off-site commuted sum of £55,000 has been secured through a Section 106 agreement to be invested on a nearby site. Specific comments are made with regard to plots 8, 52, 56 and 59 concerning proposed trees and car parking.

**Public Health:** No objections.

**Severn Trent Water Ltd:** Advise a condition regarding details of drainage plans for the disposal of surface water and foul sewage being submitted to the local planning authority. [This condition is already on the outline planning permission so does not have to be repeated.]

**Sport, Leisure and Culture:** Request that a financial contribution be made in compliance with policy CS22 of the North Lincolnshire Core Strategy towards necessary improvements or additional provision for community services and facilities arising from development proposals.

**Historic Environment Record (HER):** The proposal does not affect any heritage assets or their setting, therefore no objections.

**Humberside Fire and Rescue Service:** Require access to all buildings and adequate water supplies to be provided for fire-fighting purposes.

**Environmental Protection:** The applicants submitted a noise report as requested by condition 24 on the outline planning permission as part of the reserved matters proposal to discharge this condition. On 22 July the consultees advised that insufficient information had been provided to demonstrate compliance with condition 24 on the outline permission.

## **TOWN COUNCIL**

No objections.

## **PUBLICITY**

Neighbouring properties have been notified, and site and press notices posted. Five letters of objection have been received together with a petition containing 17 signatures of residents on Goodwood to the east of the site specifically regarding the existing coniferous hedgerow adjacent to the boundary. The objections received can be summarised as follows:

- Can the footpath link from Lowes Gate from Ontario Road be made into a cycle path to improve and shorten the route for cyclists?
- The dwellings have been moved much closer to the boundary with Goodwood which will impact upon existing levels of privacy and sunlight to the garden.
- The previous plan showed garages and parking spaces which is now being replaced with just garden.

- Object to how the gable ends of buildings are placed right up to the boundary at 26 Goodwood.
- Felling the existing trees and constructing a 6 foot fence to replace them is not sufficient to safeguard privacy. The trees should be retained.
- If the trees are removed will the residents get money back as some residents paid the council in recent years to enforce the cutting of the trees?
- Comments are made regarding the proximity of proposed fencing to existing fencing and boundary treatments.
- Objections have been received from an existing waste management company which operates within North Lincolnshire and uses its site as a haulage depot. The objector notes that the noise impact assessment does not consider any noise generated by the operation of this site and questions the accuracy of the noise impact assessment.
- The noise impact assessment does not mention the business of JCF Engineering. Heavy machinery is run from units 3 and 4, plot 11a and this will soon be running on a 24-hour production basis. It is hoped that the plans to expand will not be curtailed by future residents of new properties objecting when the plans are implemented.

## **ASSESSMENT**

Outline planning permission was granted on 31 October 2014 for residential development on a site of 1.63 hectares that is located east of Sunningdale Road (PA/2013/1288). Consequently the principle of residential development on the site has been established. The applicant submitted an indicative plan with the outline application illustrating a total of 77 dwellings with access provided by the mini-roundabout on Sunningdale Road. Access was the only matter to be determined at outline stage with all other matters reserved for subsequent approval. This application for approval of reserved matters seeks approval of appearance, landscaping, layout and scale. The applicants have also applied to discharge several of the planning conditions attached to the outline permission. Some of the conditions require details to be submitted and some require construction in compliance with agreed details. The planning application was submitted with the following documents:

- Drainage Report (Aug 15)
- Surface Water Drainage Biodiversity
- Noise Impact Report
- Landscape & Biodiversity Plan
- House Type & Finishes Schedule.

**The key issues in determining this application are:**

- (1) whether the proposed layout is acceptable in terms of impact upon the residential amenity of occupants of properties adjacent to the site and the quality of the development proposed on the site;**

- (2) whether surface water drainage proposals are acceptable and comply with planning policy on the provisions of SUDS; and**
- (3) whether the noise impact assessment provided is acceptable to allow the layout of dwellings in the positions proposed.**

## **Layout**

The proposed site layout as shown on drawing number 22839/101 Rev E displays a series of cul-de-sacs dispersed throughout the site, all accessed off a main access road that gives access to the site from the proposed mini-roundabout on Sunningdale Road. The proposal includes a mix of house types varying from single-bedroom apartments to varying sizes of semi and detached houses to give a total of 68 plots. It is considered that the proposed layout and density of the development conforms with the settlement pattern for the surrounding areas of residential estates which is predominantly to the west and south of the site.

The eastern boundary that abuts the garden areas of properties on Goodwood, namely 14 to 32, contains an existing coniferous hedge of approximately 5 to 7 metres. Prior to submitting the application the applicants undertook a survey of the affected residents to gauge opinion as to whether the hedge should be maintained at a lower height, retained at the current height or removed. The result was that the majority of residents who responded wished the coniferous hedge to be removed. At planning application submission stage a resident considered that it would be appropriate to undertake a similar survey and the results were submitted in the form of a petition which demonstrated that of the 17 households interviewed 12 preferred the existing conifers to be retained. It is felt that this issue can be dealt with by planning condition and will require a programme of maintenance to be agreed in writing by the applicant prior to the commencement of works on site.

Concerns raised regarding loss of privacy and overlooking are not considered to be substantiated because there is a satisfactory distance between the rear elevations of the dwellings proposed and those of the existing dwellings on Goodwood which is in excess of 20 metres. In any case retention of the existing coniferous hedge on the eastern boundary will prevent overlooking of rear gardens or ground-floor windows between the existing and proposed dwellings. Comments regarding proximity of the gable end elevations proposed, particularly on plots 17 and 31, are also considered not to be excessively close and because there will be no habitable room windows within those gable ends that would reduce privacy to an unacceptable degree.

It should be noted that the plan submitted at outline stage was an indicative plan and did not form part of the approval. It was submitted for indicative purposes to show how a layout could be achieved.

## **Drainage**

A condition was attached to the outline planning permission as requested by the Environment Agency that required a surface water drainage scheme for the site to be submitted that is based on sustainable drainage principles.

The council's drainage team (Lead Local Flood Authority (LLFA)) originally objected to the proposal because the surface water drainage report disregarded the installation of above-ground SuDs features due to economic reasons which was not acceptable when



considered against SuDs policy guidance and it would not comply with the condition on the outline planning permission.

The applicants were requested to amend the layout to ensure that an above-ground SuDs feature was incorporated into the proposal. The applicants submitted a revised scheme which provided a swale adjacent to the western boundary, running parallel to Sunningdale Road and the rear gardens of proposed plots 56-65. The drainage scheme provided attenuation volume below ground and the swale suds attenuation storage feature above ground. After further discussions the drainage team considered that the SuDS feature proposed offered little or no value to the site and therefore would not be required providing that the scheme included oversize/underground storage to cater for a 1 in 100 year plus 30% Climate Change, with restricted discharge of 42 litres/second into our highway drain. Consequently the objection from the council's drainage team has now been removed subject to conditions requiring:

- method of controlling overland flows from the east;
- detailed modelling of the development and downstream catchment to be carried out; and
- no above ground flooding to occur up to and including 1 in 100 year plus 30% climate change.

## **Noise**

A condition (24) was attached to the outline planning permission as requested by the council's Environmental Protection Team for the submission of a site-specific noise impact assessment report including details of existing background noise levels, likely noise sources and proposed mitigation methods. A noise impact assessment was submitted and was assessed by the Environmental Protection Officer. Further details were required by Environmental Protection in order to comply with the condition.

## **Other matters**

Comments were received regarding rights of access for the proposed pedestrian link in the south-eastern corner between the proposed site and Bottesford Town Football Club to the south-east. The football club is accessed from Ontario Road. In planning terms the pedestrian access complies with government guidance contained within 'Manual for Streets' that encourages greater connectivity with surrounding residential areas and gives priority to pedestrian movements.

Fencing proposed on the boundary is shown as a 1.8 metre tall close-boarded fence with concrete posts and timber rails. The proposed fencing will replace the existing panels unless residents wish to retain the existing fencing.

The details submitted to comply with the outline conditions have been considered and whilst some of the conditions can be formally discharged others can only be discharged when works on site have been completed. It should be noted that conditions 1-4 are standard outline planning permission conditions that cannot be discharged.

## **Conditions discharged:**

5 (all within-highway works)

8 (vehicular access)

14 (wheel-cleaning facilities)

26 (construction environmental management plan)

**Details agreed:**

13 (private driveway)

14 (wheel-cleaning facilities)

A Section 106 agreement was signed as part of the outline planning permission (PA/2013/1288) which secured nine units of affordable housing and an off-site recreation contribution of £65,000.

**RECOMMENDATION      Grant permission subject to the following conditions:**

1.

The development hereby permitted shall be carried out in accordance with the following approved plans: 22839/100 Rev A, 22839/101 Rev E, 22839/102 Rev B, 22839/111 Rev A, 22839/405 Rev D, 22839/411 Rev D, 22839/114 Rev A, 22839/415 Rev B, 22839/417 Rev D, 22839/423 Rev C, 22839/426 Rev D, 22839/430 Rev B, 22839/434 Rev C, 22839/432 Rev C, 22839/450 Rev A, 795-01 Rev A, 795-02 Rev A, 538139/001 Rev A, 22839/115 Rev A, 22839/202 Rev C, 22839/204 Rev B, 22839/206 Rev B, 22839/208 Rev B, 22839/209 Rev B, 22839/215 Rev B, 22839/223 Rev A, 22839/224 Rev A, 22839/225 Rev A, 22839/226 Rev A and NSD/05/004.

**Reason**

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

2.

Notwithstanding the details hereby approved on site layout plan number 22839/101 rev E, the existing coniferous hedge on the eastern boundary of the site shall be retained at a height not less than 4 metres, unless otherwise agreed in writing by local planning authority.

**Reason**

To ensure the levels of amenity currently enjoyed by the occupants of properties to the east of the site is not adversely affected by the development in accordance with policy DS1 of the North Lincolnshire Local Plan.

3.

Prior to occupation of any dwelling on site details shall be submitted to and agreed in writing by the local planning authority of the means by which the existing trees (referred to in condition 2) will be maintained at the height specified.

**Reason**

To ensure the existing trees are maintained in the interests of protecting levels of amenity currently enjoyed by the occupants of properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

4.

At no time shall any new openings be inserted into the eastern elevations or roof slopes of dwellings without frosted glazing on plots 16, 17, 31, 40 or 41.

**Reason**

In the interests of protecting levels of amenity currently enjoyed by the occupants of properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

5.

Prior to the commencement of development details shall be submitted to and agreed in writing by the local planning authority of the following:

- the method of attenuation and dispersal of over-land flows into the site from surrounding areas to the north and east
- detailed modelling (MDX format) of the downstream off-site catchment incorporating the agreed discharge rate of 42 litres per second from the site
- confirmation that no above ground flooding will occur up to and including a 1 in 100 year (plus 30% climate change) flooding event.

**Reason**

To prevent the increased risk of flooding to the occupants of properties on the site and others in accordance with paragraph 103 of the National Planning Policy Framework and policy CS19 of the North Lincolnshire Core Strategy.

**Informatives**

1.

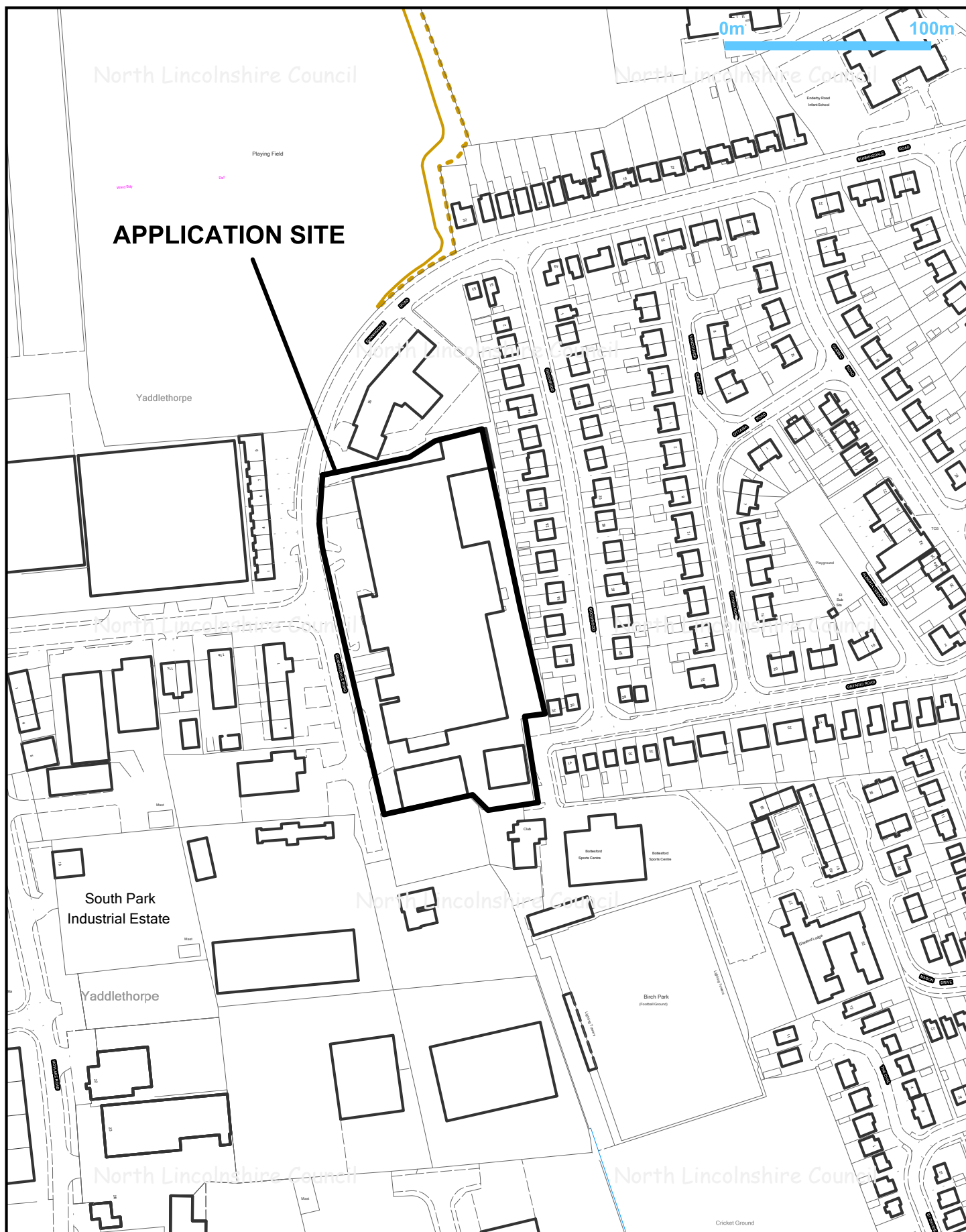
The applicants are advised that the two pear trees situated to the rear of plots 8 and 59 should be planted away from the boundary or be replaced with an appropriate species.

2.

The applicants are advised that the landscaped area adjacent to plots 52 and 56 should be conveyed to these properties to ensure the areas are maintained in the future. Alternatively a management company would be required to maintain these areas.

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/2015/0728

Drawn by: Sue Barden

Date: 21/01/2016

Scale @A4 1:2500



© Crown copyright and database rights 2016  
Ordnance Survey 0100023560



Director of Places  
Peter Williams  
BSc,DMS,CEng,MEI,MCMI,AMIMechE





Unit 2 House type B

FRONT ELEVATION



Unit 6 House type D

FRONT ELEVATION



Unit 8 House type E

FRONT ELEVATION



Unit 5 House type C

FRONT ELEVATION