

**APPLICATION NO** PA/2015/0943

**APPLICANT** Mr W Foster-Thornton

**DEVELOPMENT** Planning permission to erect two semi-detached dwellings with associated garages to the rear (resubmission of PA/2014/0838)

**LOCATION** Site of 37-39 High Street, Burringham

**PARISH** BURREINGHAM

**WARD** Burringham and Gunness

**CASE OFFICER** Tanya Coggon

**SUMMARY RECOMMENDATION** Grant permission subject to conditions

**REASONS FOR REFERENCE TO COMMITTEE** Third party request to address the committee

## **POLICIES**

**National Planning Policy Framework:** Paragraphs 6-14, 17, 49, 56, 57, 60, 61, 100, 101, 102 and 103.

**North Lincolnshire Local Plan:** Policy DS1 (General Requirements) lists the design criteria that all new development must fulfil. Policy T2 (Access to Development) – all new development must have a satisfactory access. Policy H5 (New Housing Development) gives general criteria for new residential development. Policy H8 (Housing Design and Housing Mix) permits new residential development subject to specific criteria being fulfilled. Policy DS16 (Flood Risk) provides guidance in relation to flood risk.

**North Lincolnshire Core Strategy:** Policy CS1 (Spatial Strategy for North Lincolnshire) – the spatial vision and future development requirements will be delivered through the spatial strategy for North Lincolnshire. Policy CS2 (Delivering More Sustainable Development) – a sequential approach to development will be adopted. Policy CS5 (Delivering Quality Design in North Lincolnshire) provides detailed guidance in relation to design for all new developments. Policy CS7 (Overall Housing Provision) sets out the council's housing requirements. Policy CS19 (Flood Risk) – development in areas of high flood risk will only be permitted where specific criteria are fulfilled.

## **CONSULTATIONS**

**Highways:** No objections subject to conditions relating to surface water run-off, access arrangements, gates and boundary wall.

**Severn Trent Water:** Views awaited and will be reported verbally.

**Drainage Team:** No objection subject to conditions.

**Environmental Protection:** No objection subject to conditions relating to contamination and noise.

**Environment Agency:** No objection subject to a condition.

## **PARISH COUNCIL**

No comments received.

## **PUBLICITY**

Neighbouring properties have been notified and a site notice posted. Two letters of objection have been received raising the following issues:

- dwelling too near to the highway
- overlooking
- inadequate parking leading to parking on the highway
- already significant on-street car parking
- lack of visibility
- flood risk assessment is not up-to-date
- flooding has occurred in Burringham (December 2013) causing damage to dwellings
- the site was flooded in December 2013
- if dwellings are constructed they will cause flooding to adjacent dwellings
- the scheme should be redesigned with the garages relocated to protect property on Orchard Close.

## **ASSESSMENT**

It is proposed to erect a pair of semi-detached dwellings on a vacant site located within the development boundary of Burringham. Burringham is a settlement with a number of services such as a public house, fish and chip shop, village hall, playground, and commercial garage. There is a railway station close to the settlement and the settlement is on a main bus route to Scunthorpe. Close to the settlement is a primary and pre-school.

The site is surrounded by residential development on all sides. The dwellings will be located close to the site frontage facing the High Street with a shared access from the High Street. The dwellings are three-bedroom dwellings with a gable on the front elevation. The double garage will be located to the rear of the site adjacent to the driveways and rear garden areas. The position of the garage has recently been amended to avoid being close to a public sewer located on the rear boundary of the site. This area of Burringham comprises a mix of housing types and designs with many dwellings located close to the site frontage. The site is located within Flood Zones 2 and 3. Members will recall that parts of Burringham were subject to flooding in December 2013. A previous application (PA/2014/0838) for two dwellings was withdrawn due to flood risk issues. A flood risk assessment has been

submitted with the application and one of the mitigation measures is that the dwellings must be built above the existing ground level. This will result in steps to the front and rear of the dwellings and quite high dwellings being created in the street scene.

**The main issues associated with this proposal are whether in planning policy terms, including flood risk, the development is considered to be acceptable, and if so whether the design, vehicular access arrangements and impact on adjoining neighbours and the amenity of the locality are also acceptable.**

In terms of policies CS1, CS2 and CS7 of the Core Strategy, the site is located within the development boundary of Burringham where, in principle, residential development is considered to be acceptable. Burringham has a number of services and some employment opportunities and has public transport links. There is evidence to suggest that the site, although vacant, is a brownfield site. In terms of policies CS5 of the Core Strategy and H5, H8 and DS1 of the North Lincolnshire Local Plan, the two-storey dwellings have been sited and designed to be in character with this area of the settlement. The ground floor level of the dwellings will be higher than the ground level of the site to avoid them being flooded. They will appear quite high in the street scene but will be viewed in context with the fairly new dwelling at number 41 which is also quite a high and very substantial dwelling. There are also other tall and substantial dwellings located on the High Street in Burringham. On balance it is therefore considered that the siting and design of the dwellings will not result in demonstrable harm being caused to the amenity of the locality. In addition, the site is becoming an 'eyesore' and the redevelopment of the site will improve its visual appearance which is supported.

In terms of flood risk, the site is located in a high flood risk zone, and the settlement of Burringham did experience flooding in December 2013. The applicant has submitted a flood risk assessment and a sustainability appraisal objective checklist with his application. The Environment Agency has raised no objection to the proposal subject to a condition in relation to the flood risk assessment. In accordance with policy CS19 of the Core Strategy and advice given in the National Planning Policy Framework, both the sequential and exceptions test must be passed in order for the development to be acceptable in terms of flood risk. In relation to the sequential tests, there are no other sites available within or close to the settlement at a lower probability of flooding due to proximity of the River Trent in relation to Burringham. The sequential test can therefore be passed. In relation to the exceptions test, the applicant has completed the council's sustainability appraisal objectives check list. It is considered that the two dwellings will support the settlement and contribute to its long-term growth which will in turn potentially strengthen the local economy and improve local services. In visual terms the site is a vacant plot that is experiencing some fly-tipping and becoming overgrown which is visually intrusive. As a result, the first part of the exceptions test is passed. In relation to the second part of the exceptions test, the flood risk assessment must demonstrate that the development will be safe for its lifetime. The Environment Agency has raised no objection to the flood risk assessment subject to conditions, and therefore the development is considered to be safe and will not increase flood risk elsewhere. The proposal therefore accords with policies CS19 of the Core Strategy, policy DS16 of the North Lincolnshire Local Plan and advice given in the National Planning Policy Framework.

In terms of comments made by the objectors, Highways considers that the proposed access and car parking arrangements are acceptable and therefore the proposal accords with policy T2 of the North Lincolnshire Local Plan. It is accepted that Burringham has

significant on-street parking issues, but this development will provide adequate car parking within the site and acceptable visibility arrangements.

In terms of overlooking, the dwellings have been designed and sited to avoid overlooking to adjoining dwellings. There are no windows in the flank elevations of the dwellings. The dwellings are located close to the site frontage, but this is a typical characteristic of this part of the settlement. The habitable windows in the front elevation are located 11 metres from the dwelling opposite the site, across a main road. This pattern is repeated elsewhere in the vicinity. It is considered that this distance, when taking into account it is across a main road, would not result in demonstrable harm being caused to this neighbour in terms of overlooking and loss of privacy. The proposal therefore accords with policies CS5 of the Core Strategy and DS1 of the North Lincolnshire Local Plan.

In terms of the comments made in relation to the amended position of the garages to protect the neighbouring properties to the rear, this is noted. However, the Environment Agency has raised no objections to the proposal and considers the flood risk assessment to be acceptable and there is no increased flood risk to third parties. As a result, the council has no planning basis to request the applicant to amend the siting of the garages in this case.

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

1.

The development must be begun before the expiration of three years from the date of this permission.

**Reason**

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: CP-6818-001, CP-6818-002 Rev A, CP-6818-004 Rev C, CP-6818-003 Rev B, CP-6818-005, CP-6818-008 Rev A, CP-6818-007 Rev B and CP-6818-006 Rev B.

**Reason**

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

3.

The proposed gates will be arranged in such a fashion as to not open out over the highway.

**Reason**

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

4.

The proposed wall, including any foundations, shall not be constructed within the limits of the adopted highway.

**Reason**

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

5.

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. Compliance with this condition is required prior to commencement of development to ensure that highway safety is maintained during the construction process.

6.

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.

7.

The proposed new vehicle parking and turning facility shall not be brought into use until the vehicular access serving it has been completed within highway limits.

Reason

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

8.

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and in particular the following mitigation measures detailed within the FRA:

- Finished floor levels shall be set no lower than 5.57 metres AOD.
- Flood resilient construction measures shall be incorporated throughout the development to a minimum height of 300 millimetres above finished floor levels.
- The surface water run-off generated by the development shall be restricted to greenfield run-off rates, by way of sustainable drainage systems (including soakaways and permeable paving).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the local planning authority.

Reason

To reduce the risk of flooding to the proposed development and future occupants in accordance with policy CS19 of the North Lincolnshire Core Strategy.

9.

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. Compliance with this condition is required before development commences to protect construction works from contamination.

10.

No development shall take place until details have been submitted to and approved in writing by the local planning authority of the make, type and colour of all external facing materials for the development 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. Compliance with this condition is required prior to commencement of the development to ensure that the materials are incorporated into the construction of the dwellings.

11.

Before the dwellings are first occupied the bathroom windows in the front elevation shall be obscure glazed and shall be retained in that condition thereafter.

#### **Reason**

In order to protect the living conditions presently enjoyed by the occupants of adjoining properties in accordance with policy DS5 of the North Lincolnshire Local Plan.

12.

The development shall be carried out in accordance with the amended details received by the local planning authority on 28 September 2015.

#### Reason

In order to define the terms of the permission and to avoid works being located too close to the existing sewer on the site.

#### **Informative 1**

The applicant's attention is drawn to the attached comments/informatives made by the Environment Agency.

#### **Informative 2**

The applicant is advised of the following by the council's drainage team.

'Our records indicate that the proposed development site is bounded by a watercourse (surface water culvert/pipe) on its eastern boundary. Following inspection, the watercourse may need to be cleared, replaced, protected or diverted by the landowner at their expense in accordance with their riparian responsibilities. Any other drainage feature found during excavations must be immediately reported to the Drainage Team on 01724 297522, prior to any further construction works being carried out. Please refer to link re riparian responsibilities: <https://www.gov.uk/government/publications/riversideownership-rights-and-responsibilities>.

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 (ie ground infiltration feasibility or re-use of water).

The drain should be surveyed, inspected and jetted, if required, to assess its condition and capacity prior to any connection.'

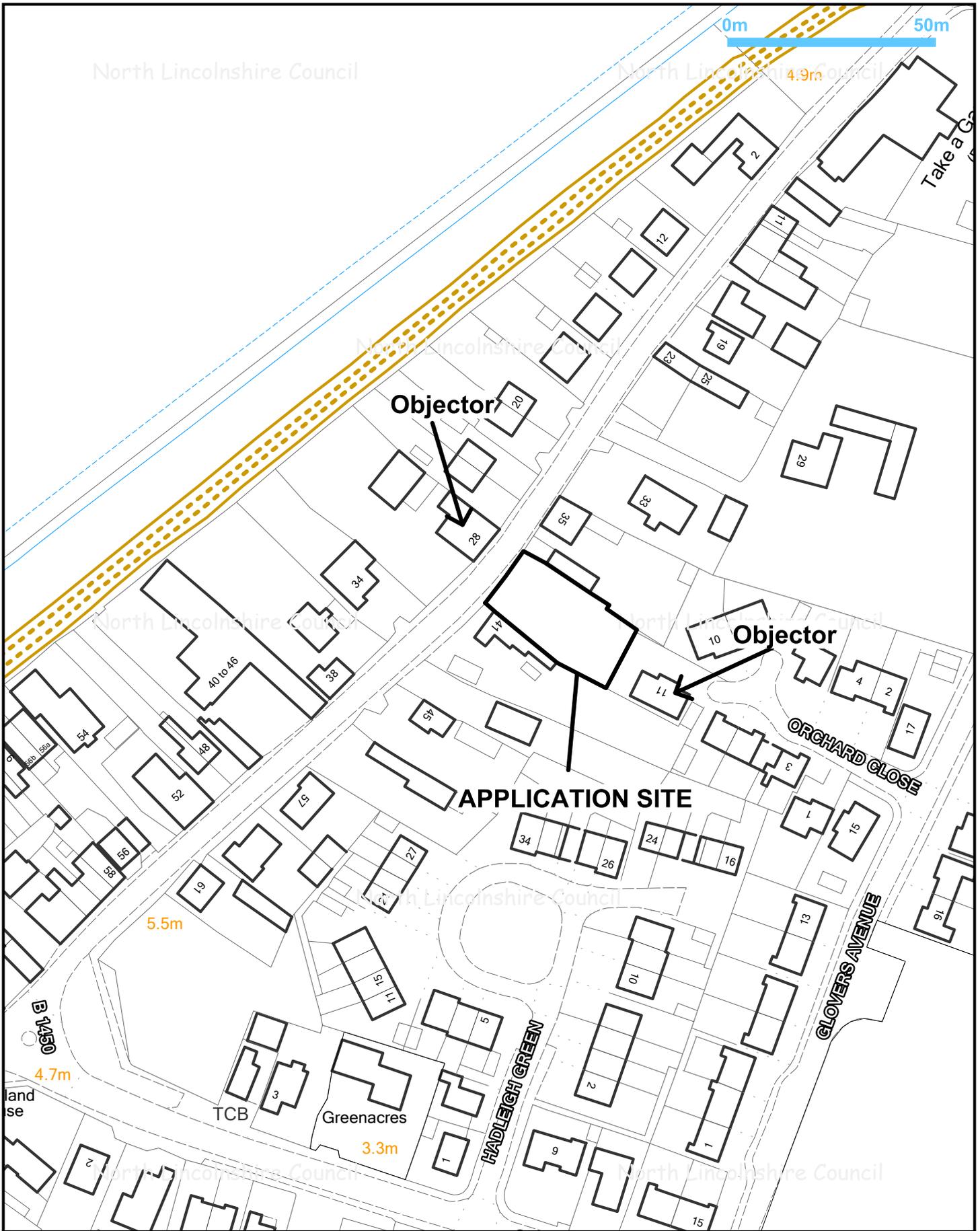
#### **Informative 3**

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 4**

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.

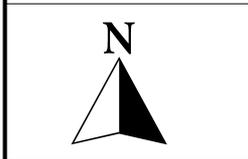


Title: PA/2015/0943

Drawn by: Sue Barden

Date: 06/10/2015

Scale 1:1250 at A4



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Ordnance Survey 0100023560



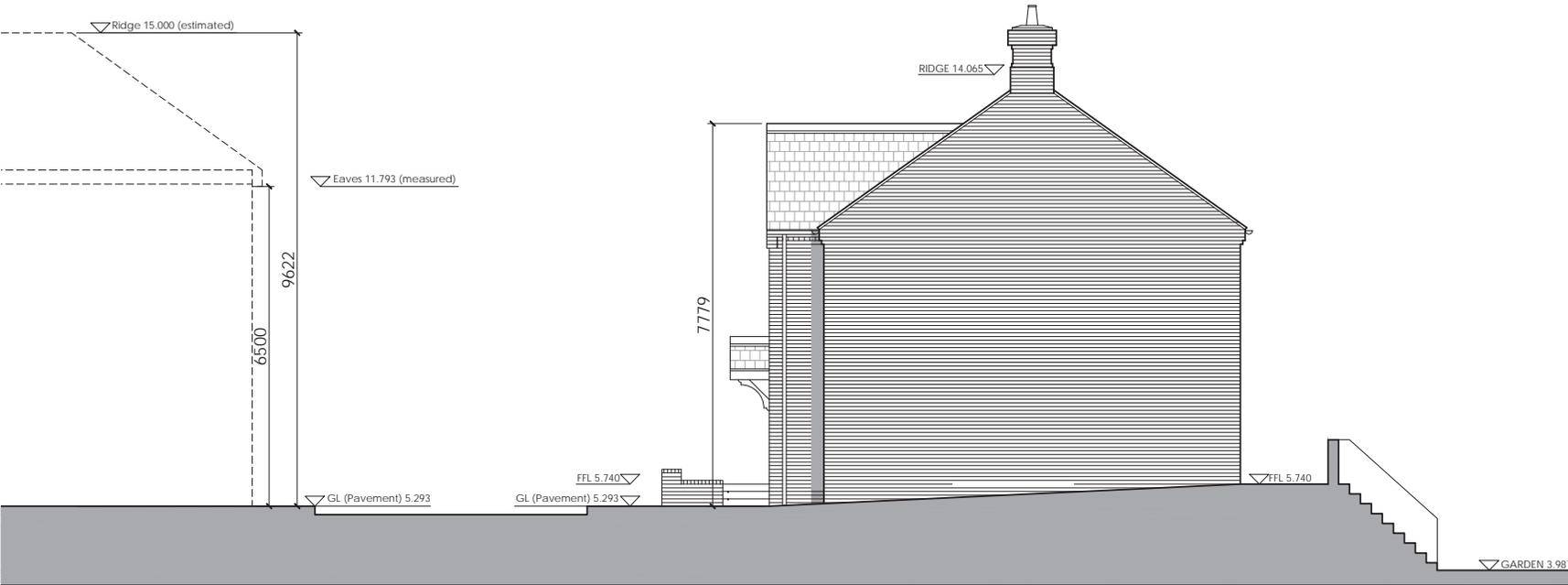
Director of Places  
Peter Williams  
BSc,DMS,CEng,MEI,MCMI,AMIMechE

# PA/2015/0943 Street scene Not to scale

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 All dimensions & details given on this drawing are to be checked on site by the contractor prior to works starting. Any discrepancies to be notified to C.R. Parrott Consultants Limited as soon as possible



NORTH WEST (STREET FACING) ELEVATION



SECTION THROUGH HIGH STREET (FACING NORTH EAST)

A	-	-	-	-
Date :	Drawn	Revision		Chk
				
Architecture   Structural Engineering   Project Management				
Prince House, Queensway Court, Arkwright Way, Scunthorpe T. 01724 278155 F. 01724 278166 E. info@crparrott.co.uk				
© This drawing is the property of C.R. Parrott Consultants limited and must not be copied or reproduced either in whole or in part				
<b>Proposed Residential Development at 37-39 High Street Burringham</b> <b>Proposed North West and North East Street Elevations</b>				
Drawn :	PW/AB	Date :	07.10.15	Scale : 100@A3
Checked :	SP	Drawing No.	CP-6818-009	Revision :
Approved :	SP			-



PA/2015/0943 Proposed front elevation - Not to scale

