

APPLICATION NO	PA/2015/1139
APPLICANT	Mr D Sowerby
DEVELOPMENT	Planning permission to erect five dwellings with associated hard and soft landscaping
LOCATION	32 Low Street, Haxey
PARISH	HAXEY
WARD	Axholme South
CASE OFFICER	James Roberts
SUMMARY RECOMMENDATION	Subject to a Section 106 agreement, grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Haxey Parish Council

POLICIES

National Planning Policy Framework: Paragraph 15 states that at the heart of the National Planning Policy Framework 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 19 states that significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 34 states that plans and decisions should ensure developments which generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 55 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.

Paragraph 56 states that 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 60 states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or style. It is, however, proper to seek to promote or reinforce local distinctiveness.

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.

Paragraph 118 states that local planning authorities should aim to conserve and enhance biodiversity by refusing planning permission if significant harm cannot be avoided or adequately mitigated. Opportunities to incorporate biodiversity in and around developments should be encouraged.

North Lincolnshire Local Plan:

Policy RD2 (Development in the Open Countryside)

Policy H8 (Housing Design and Housing Mix)

Policy T1 (Location of Development)

Policy T2 (Access to Development)

Policy T19 (Car Parking Provision and Standards)

Policy T6 (Pedestrian Routes and Footpaths)

Policy DS1 (General Requirements)

Policy DS3 (Planning Out Crime)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy DS16 (Flood Risk)

Policy HE9 (Archaeological Evaluation)

North Lincolnshire Core Strategy:

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS6 (Historic Environment)

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 CS22 (Community Facilities and Services)

Policy CS23 (Sport, Recreation and Open Space)

Policy CS25 (Promoting Sustainable Transport)

Policy CS27 (Planning Obligations)

CONSULTATIONS

Highways: No objection subject to conditions.

Strategic Housing: No objection subject to the provision of one affordable unit within the site.

HER Team: No objections.

Spatial Policy: Object on the grounds that the site is outside the established settlement limits and that the current development plan conforms with the NPPF.

Environment Agency: No comments offered.

Sport, Leisure and Culture: No objections subject to a Section 106 contribution (£3,030.00) towards upgrade and improvement of recreational facilities.

Drainage: No objection.

Environmental Health: No objections subject to conditions.

Affordable Housing Officer: No objections subject to a Section 106 agreement ensuring the provision of one affordable housing unit within the site.

PARISH COUNCIL

Objects on the grounds that the site is outside the settlement boundary, would result in the over-development of the site and would harm highway safety.

PUBLICITY

Neighbouring properties have been notified. Eight letters of objection have been received raising the following concerns:

- A previous application at the site has been refused and nothing has changed.
- The applicant should not be allowed to make repeat applications.
- The proposal would be detrimental to highway safety.
- The proposal would be detrimental to visual amenity.
- The proposal would devalue neighbouring properties.
- The proposal would harm living conditions at neighbouring properties.
- The proposal would be out of character with the locality.

- The proposed affordable housing provision is not of merit.
- The proposal would be harmful to ecological interests and to the environment.
- The proposal would harm drainage infrastructure.
- The planning application has been insufficiently advertised.
- The application should be considered by the Planning Committee.
- The proposal may result in subsidence.
- The proposal may increase flood risk.
- The submitted information is inaccurate.

Two letters of support have been received stating the following:

- No recent accidents have happened in the area.
- The proposal includes highway improvements.
- The proposal has addressed previous concerns.
- The principle of development has previously been accepted by the Planning Inspector.

One letter of comment has been received stating the following:

- Details of how the paddock to the rear will be accessed should be provided.
- The paddock should not be used for commercial purposes.
- Care should be taken to ensure the development does not harm vehicular safety.
- Issues of drainage and flood risk should be satisfactorily addressed.

ASSESSMENT

The site forms an irregular parcel of land of approximately 0.41 hectares located on land to the rear of 32 and 34 Low Street, Haxey. Low Street forms part of the main east-west 'spine' of the village with Haxey Lane (A161) providing the main access into the village from the south. Ribbon development is found, particularly on the eastern side of the carriageway, along much of the course of Haxey Lane, between Haxey itself and the neighbouring settlement of Graizelound. The application site falls outside of any defined settlement boundary in both the existing local plan and emerging Housing and Employment Land Allocations (HELA) Development Plan Document (DPD).

The most recent planning history for the site includes application PA/2014/0308 (planning permission to erect 12 dwellings and associated landscaping) which, following non-determination, was dismissed at appeal on the grounds that it would cause harm to the character of the area and would harm residential amenity. However, the Inspector did conclude that the principle of development was acceptable, along with the impact on neighbouring living conditions and drainage.

The current scheme has subsequently been amended to reduce the number of dwellings, revise the layout, move development away from Haxey Lane and include junction improvement measures

The main issues to consider in the determination of this application are the principle of residential development; impact on the character of the site/area, residential amenity, drainage infrastructure and highway safety/efficiency; and Section 106 contributions.

Principle of residential development

The application site is located outside of any defined settlement boundary and the proposal would represent a departure from the current local plan. The council is able to demonstrate a five-year supply of housing sites and the development boundary in Haxey has been reviewed as part of the HELA DPD adoption process and this site has no unresolved objections. In most circumstances it would therefore be considered that the provision of dwellings outside of the settlement boundary would be unacceptable.

However, it is considered that significant weight can be given to the previous, site-specific appeal decision (APP/Y2003/A/14/2221430) which related to the site and concluded that the principle of residential development at the site was acceptable. In particular the Inspector commented as follows:

“The area is part of a large garden within the built-up area of the village. It is not connected functionally or visually within the open countryside and it does not have the characteristics of the open countryside”.

and,

“...overall I consider that development of this site could take place in a manner which would be consistent with the aims of the Framework and would not harm the natural, built or historic environment. The Council acknowledge that this is a sustainable location for development and I share that view. I conclude that its development is acceptable in principle.”

It is accepted that weight should also be afforded to the fact that the relevant Inspector has not raised concerns with the exclusion of this land from the development limits in the HELA DPD. However, given the site-specific nature of the aforementioned appeal decision, and that the HELA DPD has yet to be formally adopted, it is considered that the planning balance is tipped in favour of the principle of development.

This is a borderline case which is open to interpretation and any grant of permission does not invalidate the council's five-year land supply position. The council can demonstrate an up-to-date supply of housing land and in most cases residential development outside of any settlement limit would not be supported.

For the reasons set out it is therefore considered that the principle of development is acceptable in this instance.

Impact on character/design/impact on neighbouring amenity

The submitted plans detail five detached dwellings within the site. The dwellings have been designed so as to limit their height, the maximum being of one-and-a-half-storey design.

The properties would be located in well-spaced plots and would be a sufficient distance from neighbouring properties. With this in mind it is considered that the scheme would not result in harm to light levels or privacy at any neighbouring property. This could be further ensured by the use of appropriate boundary treatments (controlled by condition).

It is accepted that neighbouring properties may experience a degree of noise and disturbance during the construction process. However, in line with the comments from the council's Environmental Health team, a suitable condition could be imposed limiting construction hours. Subject to such a condition it is considered that an appropriate balance could be struck between the encouragement of development and the protection of residential amenity.

Both national and local policy and guidance aim to ensure that new developments should respect, and where appropriate enhance, the character of the locality within which they are situated. The surrounding area features a variety of dwelling types and the proposed dwellings would be broadly compatible with the character of the area. The scheme has been amended from that previously dismissed and the site area reduced to ensure no dwellings are located adjacent to Haxey Lane. This was previously viewed as problematic by the relevant Inspector. The proposed density of development would be broadly consistent with the character of the area. Furthermore, details of external materials could be adequately controlled by condition. It is therefore considered that the proposal has adequately addressed previous concerns in this regard and that the impact of the scheme on the character of the area would be acceptable.

Drainage

The previous Inspector confirmed that in his view the site could be adequately drained and stated:

“Detailed plans of how foul and surface water from the site would be dealt with have not been provided and neighbouring residents are concerned that the development may cause or aggravate flooding problems. However Severn Trent Water, the body responsible for drainage, has raised no objection. A Flood Risk Assessment provided by the appellant concludes that the development can be achieved safely without increasing the flood risk elsewhere. I have no reason to doubt that it would be possible to design a drainage scheme which would ensure that the development has no adverse effect on the adjoining land and properties. A condition attached to any planning permission could ensure that the development does not start unless and until such a scheme is agreed.

I conclude that, subject to an appropriate condition on any permission, the development would not give rise to an increased risk of flooding or drainage problems affecting neighbouring properties and land.”

Nothing has changed in the intervening period that would justify a different approach being taken and it is therefore considered that the scheme would not have an unacceptable impact on existing drainage infrastructure.

Transport

As previously discussed, the sustainability of the site has been considered and found to be acceptable. In particular the site has good access to public transport links and some local services are within reasonable walking distance. The location of the site therefore complies with national and local objectives of creating sustainable patterns of development.

In considering the previous appeal the Inspector expressed concerns regarding the impact of the proposal on highway safety. In particular it was stated that visibility at the proposed junction (off Low Street) was insufficient given the scale of development proposed. To address these concerns the applicant has reduced the number of dwellings proposed (from 12 to 5), improved the visibility splays at the junction and proposes the relocation of an existing telegraph pole to further improve visibility. As a result the council's Highways team has confirmed that the proposed arrangements are technically acceptable and offer no objections subject to conditions.

With these comments in mind, and subject to appropriately worded conditions, it is considered that the scheme has adequately addressed previous highway-related concerns and that the proposal would not result in unacceptable harm to vehicular or pedestrian safety.

Section 106 contributions

The applicant has confirmed that one of the dwellings within the site would be provided as an affordable unit. Furthermore the applicant has confirmed that they would be willing to provide the required contribution towards off-site public space upgrading/maintenance. Both of these issues could be adequately controlled using a Section 106 agreement.

Other issues

The following issues, raised by the contributors, have not been addressed in the above report:

- The applicant should not be allowed to make repeat applications – *there is no legislative reason why the council should fail to consider the current application.*
- The proposal would devalue neighbouring properties – *case law dictates that this issue should not be afforded significant weight.*
- The proposal would be harmful to ecological interests and to the environment – *the scheme is not considered to result in any significant ecological impacts.*
- The planning application has been insufficiently advertised – *the application has been fully advertised in accordance with all statutory requirements.*
- The proposal may result in subsidence – *any boundary dispute would be a civil matter.*
- The submitted information is inaccurate – *the submitted information has been scrutinised and a site visit carried out. It is considered that sufficient information has been provided to allow for an accurate assessment.*
- Details of how the paddock to the rear will be accessed should be provided – *the submitted plans show that the paddock would be accessed via a gate to the rear of the site. This is not considered to be problematic.*
- The paddock should not be used for commercial purposes – *the use of the paddock is not being considered as part of this application and no indication has been given that the paddock will be used for commercial purposes.*

Conclusion

For the reasons set out in this report, it is considered that the proposal has adequately addressed the previous reasons for refusal outlined in the appeal decision. The location of the development outside of the development limits is, on balance, justified in this case and the proposal would not result in unacceptable harm in any other way. The scheme is considered to sufficiently accord with adopted planning policy and guidance.

RECOMMENDATION

Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 providing for £3,030.00 towards public open space upgrades and maintenance, and one unit of affordable housing, 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 13 July 2016 the Head of Development Management be authorised to refuse the application on grounds of failure to provide the requisite off-site contribution towards open space upgrades and maintenance contrary to policies CS23 and CS27 of the adopted Core Strategy; and**
- (iv) the permission so granted be 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: 700s-11a, 700s-10, 700s-9, 700s-11ab, 700s-12, 700s-8, 700s-7, 700s-5, 700s-6, 700s-3, 700s-4, 700s-1 and 700s-2.

Reason

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

3.

Construction, demolition and site clearance operations shall be limited to the following days and hours:

7am to 7pm Monday to Friday

7am to 1pm on Saturdays.

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

In the interests of residential amenity and to accord with policy DS1 of the North Lincolnshire Local Plan.

4.

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.

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.

6.

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.

7.

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

Reason

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

8.

No development shall begin until details of the private driveway, including construction, drainage, lighting and where appropriate signage/street naming arrangements, have been

agreed in writing with the local planning authority and no dwelling on the site shall be occupied until the private driveway has been constructed in accordance with the approved details. Once constructed the private driveway shall be retained.

Reason

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

9.

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.

10.

No further development shall take place until the required visibility splay has been set out and established by means of relocating the bollard walls on the Low Street frontage in accordance with amended drawing number 700S-11 AB. The existing footway fronting the site where the amended visibility splay has been provided shall be improved in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

In the interests of vehicular and pedestrian safety and to accord with policy T2 of the North Lincolnshire Local Plan.

11.

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.

12.

No development shall take place until a scheme for the disposal of foul and surface water has been agreed in writing by the local planning authority and none 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.

13.

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.

Informative 1

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

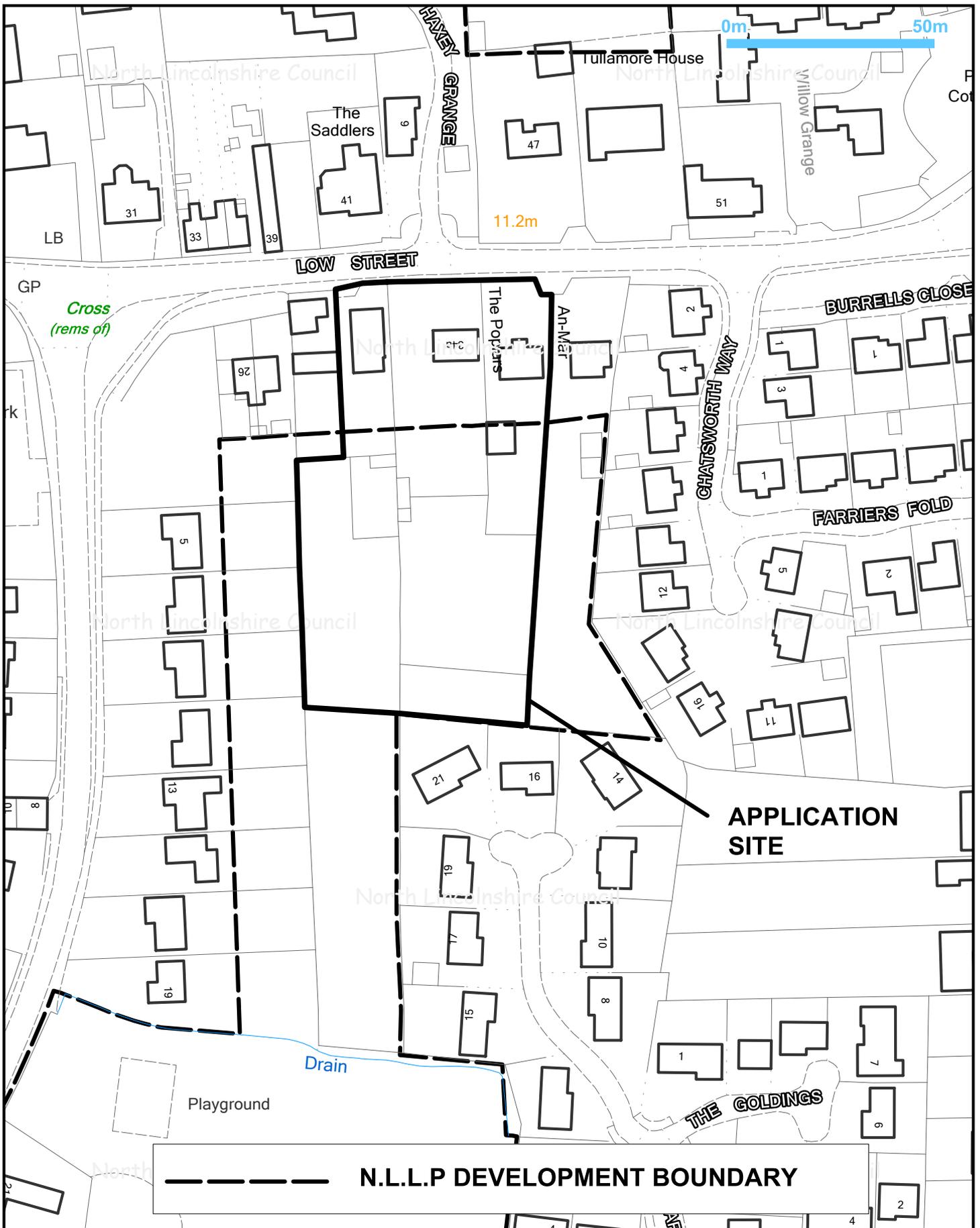
Informative 2

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.



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Drawn by: Sue Barden	Date: 16/12/2015	

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