

**NORTH LINCOLNSHIRE COUNCIL**

**PLANNING COMMITTEE**

**RESIDENTIAL DEVELOPMENT IN GOXHILL – MORATORIUM UPDATE**

**1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 To update members on progress by Anglian Water Services Ltd with regard to a solution to overcome sewerage and drainage issues in the settlement of Goxhill. This report updates the position with respect to what has been described as a “Moratorium” on new residential development within the village but in reality has been a precautionary approach to new development.

**2. BACKGROUND INFORMATION**

- 2.1 Members requested an update on progress with regard to the sewerage and drainage issues in Goxhill that were highlighted by predominantly surface water flooding in the summer of 2007.
- 2.2 This matter was originally considered by the Planning Committee at a meeting held on 30<sup>th</sup> January 2008 when it was resolved that:
- (a) A “Moratorium” be placed on new residential development within the defined development boundary for Goxhill until such time as Anglian Water had investigated and reported upon the issues surrounding sewerage capacity. New residential permissions were to be held in abeyance or refused if it was considered they would exacerbate known existing drainage and flooding issues;
  - (b) The “Moratorium” on such development was to be reviewed when the results of Anglian Water’s sewerage and drainage survey was known.
- 2.3 This matter was again reported to the Planning Committee on 25<sup>th</sup> August 2010 and on 27<sup>th</sup> April 2011. This latter Planning Committee resolved to extend the moratorium until the end of October 2012. The Planning Committee of 30<sup>th</sup> May 2012 assessed an updated report and resolved to extend the moratorium until the end of February 2013 to allow for Anglian water Services Ltd to complete the necessary improvement works. Although described as a “Moratorium” in successive reports in reality the Planning Authority has been taking a precautionary approach to proposals for new housing development. Rather than refusing all new housing development until the drainage systems are upgraded the council has adopted a pragmatic approach requiring applicants to demonstrate that the engineering solutions they are suggesting will work and not cause difficulties elsewhere in the village. During the “Moratorium” all planning applications for new housing

development have been determined by the Planning Committee and not by any delegated powers to officers.

- 2.4 I can now report that I have received (18<sup>th</sup> May 2015) Anglian Water's update on its Goxhill Flood Alleviation Scheme which is summarised in paragraph 2.5.
- 2.5 The Goxhill Flood Alleviation Scheme has been completed after a £2.5 million investment by the company to provide new sewers to prevent further surface water flooding in the Goxhill area. Anglian Water Services Ltd have stated that given that these works are now complete they have no objection to the current council moratorium on housing development at Goxhill being lifted. Whilst the company agree to lifting this moratorium they wish to emphasise that they request to continue to be consulted on planning applications for housing in the Goxhill area and recommend that developers complete a pre-planning application consultation with Anglian Water Services Ltd to resolve any issues before a planning application is registered.
- 2.6 The May 2012 Planning Committee was informed that the council has completed a £200k improvement to the surface water drainage system at South End, Goxhill. Works included installing new highway drains, construction of additional road gullies, clearance and reforming of drainage ditches, enlarging culverts and resurfacing to reshape the road for drainage. The scheme completed in February 2012 included works on South End, Chapelfield Road and Soff Lane. These improvement works are solely related to highway drainage improvements with possibly some benefit to residential properties and it was essential that Anglian Water's flood alleviation scheme was completed to fully benefit the satisfactory drainage of existing and potential residential areas in Goxhill.

### **3. OPTIONS FOR CONSIDERATION**

- 3.1 At the present time all new planning applications within the settlement of Goxhill are required to show that residential building, if permitted, would not exacerbate existing drainage issues within the village. Usually this has involved the applicant providing full details of how foul and surface water would be disposed of including, in some instances, on-site storage capacity to ensure no overload of the existing system. Unless such confirmation is provided, applications have been held in abeyance or refused. Approval has only been recommended for schemes where there is an engineering solution to deal with surface water, foul drainage disposal and any capacity problems.
- 3.2 At present the "Moratorium" is still council policy with respect to Goxhill and consideration needs to be given to Anglian Water's agreement to lift the moratorium on housing development in the Goxhill area after satisfactory completion of the water drainage works. Although described as a "moratorium" it is clear from the decisions made since 2008 that it was not the Planning Authority's intention to stop all housing developments pending the drainage improvements for the village.
- 3.3 All planning applications for residential development in Goxhill are referred to Anglian Water for comment and its views are incorporated in any report and

recommendation on each individual application. Officers within Highways and Planning assess the proposals against the information and detail that the council has put together following the flooding in 2007. This combined advice forms the basis on which any recommendation is then put forward as to whether the application should be supported. Procedurally applications that are recommended for approval have, during the period of the moratorium, been put to the Planning Committee for a decision rather than being dealt with by officers under delegated powers.

#### **4. ANALYSIS OF OPTIONS**

4.1 There are two options:

- (i) that the current position be maintained by continuing the moratorium;
- (ii) that the moratorium be lifted based on Anglian Water Services Ltd agreement to having no objections subject to continuing consultation on planning applications.

4.2 The reason for retaining the “Moratorium” for a further period of time has now been resolved after completion of the drainage works by Anglian Water Services Ltd.. The lifting of the “Moratorium” will still require applicants to show that their proposals will not exacerbate existing drainage facilities within the village. The lifting of the “Moratorium” will alter the procedure for decisions on new housing development planning applications at Goxhill in that it will enable delegated decisions to be made by officers where appropriate as outlined in paragraph 3.3. Consultation with Anglian Water Services on housing development proposals in the Goxhill area will remain important. However, applicants will now clearly be able to show that arrangements are in place to address issues of drainage by the statutory undertaker which should lessen the local authority’s case for refusal. It should also be borne in mind that, due to the fact that Goxhill is a rural settlement as defined in the Core Strategy and under Policy CS1 it should be supported as a thriving sustainable community, with a strong focus on retaining and enhancing existing local services to meet local needs. Policy CS1 of the Core Strategy also states that development will be limited and should take into account levels of local service provision, infrastructure capacity and accessibility. Any development that takes place should be in keeping with the character and nature of the settlement.

4.3 The “Moratorium” in Goxhill has now been in place since February 2008, and has had an impact on the scale and frequency of new residential development within the village. In this respect the “Moratorium” has proved successful and generally applicants and developers have accepted that the problems within Goxhill have required careful attention. The pragmatic precautionary approach has worked well considering each planning application for residential development on its merits particularly regarding drainage issues. However, as reported above, Anglian Water Services Ltd has now agreed to the lifting of the “Moratorium” on new housing development after the successful completion of drainage works.

## **5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)**

### **5.1 Financial**

5.1.1 Whilst the “Moratorium” for housing development in Goxhill stands, each application for development still has to be considered having regard to the Development Plan and on the individual merits of the case. If an application was refused and an appeal made on purely drainage issues the council would have to be fully aware of the implications and if an appeal is lodged against that decision costs could be awarded to the appellants if the council’s actions were considered to be unreasonable. The lifting of the “Moratorium” will likely lessen reasons for refusal on drainage grounds for new housing development based on the fact that a new drainage scheme has been installed by Anglian Water Services Ltd. However, each application for development will still have to be considered having regard to the Development Plan and on the individual merits of the case. Furthermore, legal and professional costs could also be incurred in defending such appeals.

### **5.2 Staffing**

5.2.1 There are no staffing implications – all necessary resources exist within the existing local planning authority.

### **5.3 Property**

5.3.1 None.

### **5.4 IT**

5.4.1 None.

## **6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 – CRIME AND DISORDER, RISK AND OTHER)**

### **6.1 Statutory**

6.1.1 All decisions on planning applications have to be properly justified and defended in accordance with the provisions of the Town and Country Planning Act. Refusal of planning permission has to be justified on the basis that the application decision can be defended at appeal. Officers of North Lincolnshire Council and Anglian Water, if necessary, would have to properly defend any such decision at a public inquiry or local hearing or through the written representation procedure.

### **6.2 Environmental**

6.2.1 None.

### **6.3 Diversity**

6.3.1 None.

## 6.4 **Section 17 – Crime and Disorder**

6.4.1 None.

## 6.5 **Risk**

6.5.1 Whilst the “Moratorium” remains, the risk relates to the proper assessment of drainage and sewerage implications of individual applications by reference to both Anglian Water Services Ltd and the council’s own engineers. If the “Moratorium” is lifted there is likely to be less risk in properly assessing the drainage and sewage implications of individual applicants by reference to Anglian Water Services Ltd Goxhill drainage improvements having been successfully completed and their agreement with the council to lift the “Moratorium”.

## 6.6 **Other**

6.6.1 None.

## **7. OUTCOMES OF CONSULTATION**

7.1 All comments have been considered and accounted for in this report, particularly from the council’s engineers and Anglian Water Services Ltd.

## **8. RECOMMENDATIONS**

8.1 That, in view of the information provided by Anglian Water Services Ltd and reported at paragraph 2.5 of this report, the “Moratorium” on housing development at Goxhill will be lifted. This will potentially enable quicker decision-making on planning applications for housing development at Goxhill by giving back “delegated powers” to officers where appropriate. Now the drainage improvement scheme has been successfully completed it should also give more confidence and certainty to the council, Anglian Water Services Ltd and the development industry in considering individual drainage schemes for planning applications in relation to new housing development at Goxhill. All housing development proposals in Goxhill will be determined by “delegated powers” to officers where considered appropriate or by the Planning Committee on their particular merits.

## **HEAD OF DEVELOPMENT MANAGEMENT**

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## **Background papers used in the preparation of this report**

Previous reports to Planning Committee dated 30 January 2008, 18 June 2008, 23 July 2008, 1 April 2009, 25 August 2010, April 2011 and 30 May 2012

Correspondence from Anglian Water between 20 December 2007 and May 2015