

APPLICATION NO	PA/2017/1006
APPLICANT	Mr T Milner
DEVELOPMENT	Outline planning permission for residential development for six building plots with access and layout not a reserved matter
LOCATION	White House Farm, Main Street, Ealand, DN17 4JG
PARISH	Crowle
WARD	Axholme North
CASE OFFICER	Emma Carrington
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Crowle Town Council Member 'call in' (Cllr Julie Reed – significant public interest)

POLICIES

National Planning Policy Framework: Paragraph 14 states that at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Paragraph 49 of Core Planning Principle 6 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 56 states that 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 61 states that planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Paragraph 197 states that in assessing and determining development proposals local planning authorities should apply the presumption in favour of sustainable development.

North Lincolnshire Local Plan:

Policy DS1 – General Requirements

Policy H5 – New Housing Development

Policy H8 – Housing Design and Housing Mix

Policy DS14 – Foul Sewage and Surface Water Drainage

Policy DS16 – Flood Risk

Policy HE9 – Archaeological Evaluation

Policy T2 – Access to Development

Policy T19 – Car Parking Provision and Standards

Policy LC11 – Areas of Amenity Importance

North Lincolnshire Core Strategy:

Policy CS1 – Spatial Strategy for North Lincolnshire

Policy CS2 – Delivering More Sustainable Development

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 CS19 – Flood Risk

CONSULTATIONS

Highways: No objections subject to conditions and an informative.

Historic Environment Record (Archaeology): No objections subject to conditions.

Environment Team (Ecology): No objections subject to a condition regarding biodiversity enhancements.

Environmental Protection: No objections subject to a condition relating to contaminated land and hours of construction.

Environment Agency: No objections subject to conditions regarding the submitted Flood risk Assessment.

LLFA Drainage: Recommends conditions and an informative.

Shire Group of IDBs: Advice and recommendations.

TOWN COUNCIL

For a considerable time flooding of surface water and sewage has been a major issue in Ealand, especially in the area relating to this planning application. We as a council feel that more needs to be done to stop the flooding before this development is considered. The full council unanimously voted against this planning application due to reports from many residents about flooding of their properties over the years, and this problem has still not been addressed and certainly not resolved. We feel Severn Trent and the Drainage Board should have more involvement in planning applications of this nature.

PUBLICITY

Advertised by site notice. Over 30 letters have been received raising the following issues:

- If the land is higher than neighbours this will result in unacceptable flooding.
- Some of the land is subject to standing water.
- The existing drainage system cannot cope with run-off and sewage with reverse flow occurring.
- North Lincolnshire Council should improve the surface water drainage system to deal with emergency situations – perhaps some kind of pumping system.
- The north soak drain cannot adequately deal with surface water drainage and the new development will only add further stress to the system.
- The access is not suitable and construction traffic will affect amenity.
- The houses will overlook surrounding bungalows.
- The site should be inspected for contaminants.
- The proposal states single-storey. Can this be changed in the future?
- The proposal will result in the loss of valuable LC11 land.
- Wildlife surveys should be carried out.
- The development is not sustainable.
- The proposal does not pass the sequential or exceptions tests.
- There is no reference to affordable housing.
- The proposal involves building over an existing drain.

ASSESSMENT

This application was deferred at the last meeting of the Planning Committee to enable members to visit the site prior to making a decision.

Outline planning permission is sought to erect six dwellings on land within the settlement boundary for Ealand. The land is also within a larger area of land allocated as LC11 – Area of Amenity Importance in the North Lincolnshire Local Plan. The land is also in a high flood risk zone (SFRA Flood Zone 2/3a High Probability).

The main issues in the determination of this application are: whether the site can be developed without having an adverse impact on the character of the area, including LC11 land; whether the proposal has an impact on flooding; and whether the development will affect residential amenity.

The application site is within the settlement boundary for Ealand and, as such, residential development in this location is acceptable in principle. The parcel of land is relatively large, and the submitted plans demonstrate that the land can accommodate six plots, together with adequate amounts of private amenity space, parking and access for all the new properties. The scale of the proposal is not considered to be out of keeping with the area, nor is it considered to be an over-development of the site. The design and access statement states that the properties will be two-storey. As the application is in outline form, the details of the design and impact on neighbours can be considered at the reserved matters stage.

The town council has objected to the proposal mainly on grounds of flood risk and drainage. This concern is also reflected in the many letters received from local residents, who raise concerns about the capacity of the existing drainage system to support both existing and new development in the area, and the additional pressure that any further development will have on this capacity. It has been suggested that no further development be permitted until the drainage system has been improved. Whilst it is clear that there are significant concerns in the community relating to drainage and flood issues, this is not reflected in the consultation responses from the Environment Agency, the internal drainage board, or the council's drainage team. No technical evidence has been provided at this stage to demonstrate the inadequacies of the local drainage system. The applicant has submitted a flood risk assessment, and has addressed the issues relating to the sequential and exceptions tests. This demonstrates that there are no alternative sites available for development that are at a lower risk of flooding than the application site. It also demonstrates that the development will have wider community benefits that, together with suggested flood mitigation measures, satisfy the policy requirements in relation to flood risk. The Environment Agency is satisfied that the FRA addresses the issue of flooding and provides adequate mitigation measures. It is therefore considered that there are no planning reasons at this stage to resist the proposed development on flood risk grounds.

Conditions are proposed to secure the submission and implementation of an acceptable drainage scheme to serve the properties. This scheme will be agreed with the relevant drainage consultees. It is considered that these conditions adequately address the issue of drainage and will prevent unacceptable impact on the local drainage network.

The site lies within an area designated as an Area of Amenity Importance (Policy LC11). This policy seeks to resist development in such areas, where the character of the designation will be adversely affected. In this particular case, it is considered that the extension of the built environment into the area of LC11 is relatively small, and the overall impact on the wider Area of Amenity Importance will not be significant.

Other issues raised include the provision of affordable housing; impact on wildlife; loss of amenity due to overlooking; the access not being suitable and the possibility of the land being contaminated. In relation to affordable housing, the site is below the policy threshold for the provision of any designated affordable units (10 units or less do not require such provision). Consultation responses in relation to ecology, highways and land contamination have all raised no objections subject to conditions. As the scale and design of the properties is not for consideration at this stage, it is not possible to assess whether the design of the proposed dwellings would have an adverse impact on residential amenity due to overlooking. This will be a matter for consideration at the reserved matters stage and can be addressed accordingly once the design and appearance has been submitted for approval.

In conclusion, it is considered that the proposal complies with the relevant policies in the adopted development plan as referred to above, and is a sustainable form of development within the settlement boundary.

RECOMMENDATION Grant permission subject to the following conditions:

1.
Approval of the details of the scale and appearance of the building(s), and the landscaping of the site, (hereinafter called 'the reserved matters') shall be obtained from the local planning authority in writing before any development is commenced.

Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

2.
Plans and particulars of the reserved matters referred to in condition 1 above, relating to the scale and appearance of any buildings to be erected, and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

3.
Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

4.
The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

5.
No development shall take place until details 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.

6.
The development shall be carried out in accordance with the submitted Flood Risk Assessment dated 20 June 2017, compiled by Howard J Wroot, specifically with finished

floor levels set no lower than 4.4 metres above Ordnance Datum. The mitigation measures shall be fully implemented prior to occupation and shall subsequently remain in place.

Reason

To reduce the risk and impact of flooding to the proposed development in accordance with policy DS16 of the North Lincolnshire Local Plan.

7.

No development shall commence until details of the private driveway and the access to it from the highway, including construction, drainage and lighting arrangements, have been submitted to the local planning authority and agreed in writing, 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.

8.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

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

9.

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.

10.

At no time shall any more than six dwellings be served by the private driveway as shown on the approved drawings submitted with the application.

Reason

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

11.

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

- 7am to 7pm Monday to Friday

- 7am to 1pm on Saturdays.

No construction or site clearance operations shall take place on Sundays or public/bank holidays.

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

To protect the amenities of nearby residents in accordance with policy DS1 of the North Lincolnshire Local Plan.

12.

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

Part 1: Site Characteristics

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed), including buildings, crops, livestock, pets, woodland, and service lines and pipes;
 - adjoining land;
 - groundwaters and surface waters;
 - ecological systems;
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and a proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Part 2: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part 3: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

Part 4: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

Reason

To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

13.

The development hereby permitted shall be carried out in accordance with the following approved plans: 985 drawing 1 of 2, 985 drawing 2 of 2.

Reason

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

14.

No development shall take place until a detailed flood risk statement and drainage strategy is submitted to and approved in writing by the local planning authority. This should outline all sources of flood risk (including surface water, ground water and ordinary watercourse) and proposals to mitigate this, and include preliminary drainage layout plans and ground investigation details to support the feasibility of infiltration for the site. SuDs should be considered.

Reason

To prevent the increased risk of flooding and to ensure the implementation and maintenance of sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

15.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 14 above, shall be completed prior to the occupation of any dwelling on the site, and shall thereafter be retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

To prevent the increased risk of flooding and to ensure the implementation and maintenance of sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

16.

No development shall take place until an archaeological mitigation strategy, as defined in a brief prepared by North Lincolnshire's Historic Environment Record, has been submitted to and approved in writing by the local planning authority. The strategy shall include details of the following:

- (i) measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance
- (ii) methodologies for the recording and recovery of archaeological remains, including artefacts and ecofacts
- (iii) post-fieldwork methodologies for assessment and analyses
- (iv) report content and arrangements for dissemination, and publication proposals
- (v) archive preparation and deposition with recognised repositories
- (vi) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy

- (vii) monitoring arrangements, including the notification in writing to North Lincolnshire's Historic Environment Record of the commencement of archaeological works and the opportunity to monitor such works
- (viii) a list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site lies in an area of archaeological interest.

17.

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings, subject to any variations agreed in writing by the local planning authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site lies in an area of archaeological interest.

18.

A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at North Lincolnshire's Historic Environment Record within six months of the date of completion of the development hereby approved by this permission or such other period as may be agreed in writing by the local planning authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site lies in an area of archaeological interest.

Informative 1

Developers are advised to contact the North Lincolnshire Historic Environment Record for a discussion about the archaeological mitigation strategy at least 20 working days prior to the proposed commencement of development (email alison.williams@northlincs.gov.uk or telephone 01724 297471).

Measures to achieve preservation by record of any archaeological remains should include a programme of archaeological observation and recording work during all groundwork associated with the development, followed by appropriate assessment, analysis and reporting of the results. The Historic Environment Office can prepare a brief for this mitigation strategy; alternatively an archaeological contractor may prepare a specification for approval.

Informative 2

Records indicate that the proposed development site is bounded and has running through it, a watercourse (surface water pipe/culvert or ditch). The application makes no reference to this. 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. An easement adjacent to the watercourse may need to be provided for future maintenance. Any other drainage feature found during excavations must be

immediately reported to the LLFA Drainage Team on 01724 297522, prior to any further construction works being carried out.

New connections and/or alterations to the watercourse must be consented by North Lincolnshire Council's LLFA Drainage Team in their capacity as Lead Local Flood Authority and/or the local Internal Drainage Board through an Ordinary Watercourse Consent.

Informative 3

Please refer to the Environment Agency's 'Living on the edge - Riverside ownership rights and responsibilities' document which can be found online for further information. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development. Please contact the LLFA Drainage team on 01724 297522 or via email to llfadrainageteam@northlincs.gov.uk for further details.

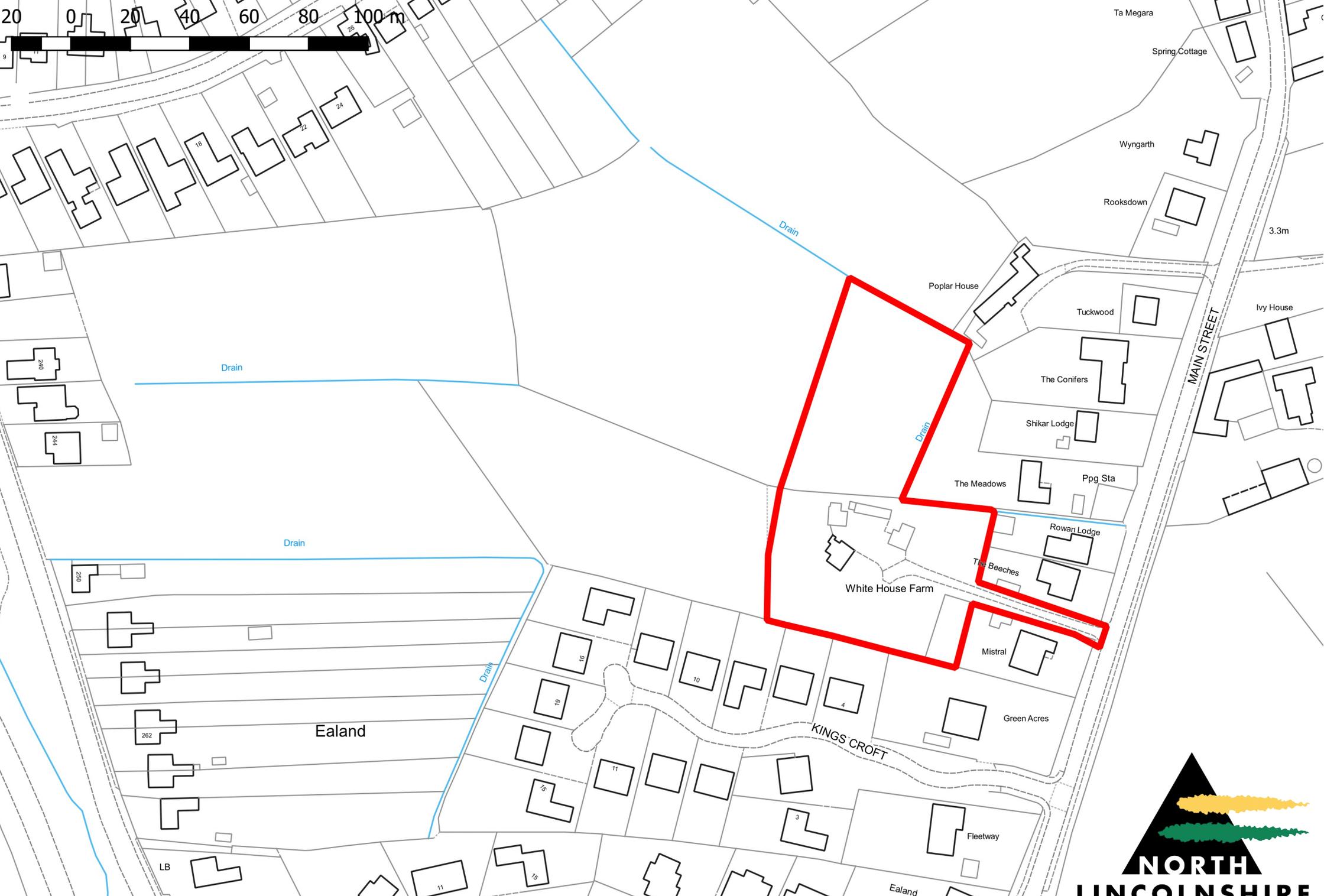
Informative 4

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 5

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.



PA/2017/1006

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