

APPLICATION NO	PA/2018/2330
APPLICANT	Ms Julie Pressler
DEVELOPMENT	Outline planning permission to erect eight semi-detached dwellings and construct access (scale, appearance and landscaping reserved for subsequent approval)
LOCATION	21 New Street, Elsham, DN20 0RP
PARISH	Elsham
WARD	Brigg and Wolds
CASE OFFICER	Leanne Pogson-Wray
SUMMARY RECOMMENDATION	The decision be delegated to the Group Manager – Development Management and Building Control (grant permission subject to conditions)
REASONS FOR REFERENCE TO COMMITTEE	Objection by Elsham Parish Council Departure from policy

POLICIES

North Lincolnshire Local Plan:

Policy RD2 (Development in the Open Countryside)

Policy H5 (New Housing Development)

Policy H7 (Backland and Tandem Development)

Policy H8 (Housing Design and Housing Mix)

Policy LC5 (Species Protection)

Policy LC6 (Habitat Creation)

Policy LC12 (Protection of Trees, Woodland and Hedgerows)

Policy T1 (Location of Development)

Policy T2 (Access to Development)

Policy T19 (Car Parking Provision and Standards)

Policy DS1 (General Requirements)

Policy DS7 (Land Contamination)

Policy DS14 (Foul Sewage and Surface Water Drainage)

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 CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Policy CS17 (Biodiversity)

CONSULTATIONS

Highways: Following numerous discussions and amendments, no objections subject to conditions.

HER: A preliminary archaeological evaluation report has been submitted. Field evaluation comprised sample trial trenches; no significant archaeological remains were uncovered and therefore advise no further archaeological work required. No objections.

Environmental Health: Sensitive end use and possible previous agricultural use. Advise conditions relating to contamination and hours of construction.

Ecology: A protected species report has been submitted with the application. No evidence has been found of protected species. Advise a biodiversity enhancement condition.

Spatial Planning: Make comments regarding policies. State that currently there is no five-year land supply and will have to balance the effects of the proposal against the need for new housing.

PARISH COUNCIL

Object to the proposal on the following grounds:

- outside the development boundary
- there have previously been some issues with drainage and sewage in this area
- concerns regarding access
- out of character with the village and would, when taken with other approved applications, increase the population of the village by 20%, which is unsustainable

- increase in traffic
- highway safety
- lack of parking (note parking provision has increased since these comments were received).

PUBLICITY

A site and press notice have been posted. Representations have been received from five residents raising the following material concerns:

One general observation:

- no objections in principle but concerns regarding highway safety and drainage.

Four residents raising objections on the following grounds:

- outside the development boundary
- not sustainable
- Elsham has already seen recent growth or potential for growth with the approval of planning applications in other parts of the village
- increase in traffic/highway safety
- sewage flooding issues
- the site is an area of high landscape value in the local plan
- would detract from the rural nature of the village
- half the site falls within Elsham Hall Country Park Site of Nature Conservation Interest (SNCI996) making the site more unsuitable for development.

ASSESSMENT

The application site forms part of a large garden area to the rear of 23 New Street and would utilise the access from the adopted Woodland Drive. There is some recent planting along the edge of the site adjacent to the road. There are various garden sheds/greenhouses currently on part of the site and a large mature tree on the site which would be retained.

Outline planning permission is sought for the erection of eight dwellings, with access and layout not reserved for subsequent approval. The access would be taken from Woodland Drive, but, following Highways concerns regarding the access, this has been slightly amended, curving the access into the plot, giving an S-shaped access, which would culminate in a hammer head. Four pairs of semi-detached houses are proposed, all having adequate garden space and two parking spaces per dwelling. The amended access would very slightly extend into land which is not in the applicant's ownership. It is believed that permission has been sought from the landowner but by the date of the committee meeting, the 21 days for the Certificate B to run will not have expired and therefore it is advised that,

if members are minded to approve the application, the decision be delegated to the Group Manager – Development Management and Building Control until this period has passed.

The main issues in determining this application are whether the proposal is acceptable in principle in terms of sustainable development, and whether it would have any adverse impact on highway safety, drainage, or the character of the area.

Principle

The application site is located outside of any defined settlement boundary and the proposal would represent a departure from the current local plan. In determining whether the principle of residential development outside the settlement boundary is acceptable in this instance it is considered necessary to consider the following key issues:

The development plan for North Lincolnshire comprises three parts: those policies of the North Lincolnshire Local Plan (2003) (LP) which were saved by a direction of the Secretary of State in September 2007, the North Lincolnshire Core Strategy DPD (2011) (CS), and the Housing and Employment Land Allocations DPD (2016) (HELAP).

Policy CS1 of the CS sets out a spatial strategy for North Lincolnshire, which, amongst other matters, provides that rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing local services to meet local needs and that any development that takes place should be in keeping with the character and nature of the settlement.

Policy CS8 deals with the distribution of housing sites and prioritises development in Scunthorpe and the market towns, with brownfield sites and sites within development boundaries being the primary focus. With regard to rural settlements, the policy states that new housing will create opportunities for small-scale infill development that maintains the viability of the settlement and meets identified local needs without increasing the need to travel.

Policy CS8, whilst restricting housing outside development limits, contemplates some greenfield development as it refers to allowing development on such sites where it can be demonstrated that this would bring additional community benefits, contribute to building sustainable communities and be acceptable in terms of its impact on the high quality environment and adjoining countryside. This overall approach is supported by policy CS2 which sets out a sequential approach for development.

Policy CS3 provides that development limits will be defined in future development plan documents. Outside these boundaries, development will be restricted to that which is essential to the functioning of the countryside. The development limits were subsequently defined in the HELAP, and the application site is located outside but immediately adjacent to the designated development limit for Elsham. There are no allocated housing sites within Elsham.

LP saved policy RD2 restricts development in the open countryside other than in exceptional circumstances. This policy only supports residential development outside defined development limits where it is to meet an essential proven need and the open countryside is the only appropriate location for the development. Whilst this policy remains, it has largely been overtaken by policies in subsequent plans addressing the same issue (such as policies CS2 and CS3 referenced above).

The aforementioned policies are aimed at focusing housing within settlement limits as defined in the Housing and Employment Land Allocations DPD. The application site is entirely outside the defined development boundary for Elsham and is therefore considered to be in breach of policies CS2, CS3 and CS8 of the Core Strategy and RD2 of the local plan.

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 11 and footnote 7 (page 6) of the NPPF states the presumption in favour of sustainable development applies for applications involving the provision of housing where the local planning authority cannot demonstrate a five-year supply of housing site and that housing applications should be considered in the context of the presumption in favour of sustainable development.

The five-year housing land supply statement sets out North Lincolnshire Council's assessment of its supply of housing land from 1 April 2016 to 31 March 2021, having regard to Government guidance on how this is calculated. This report states that North Lincolnshire has a 3.9 year housing land supply of deliverable sites during the period April 2016 to March 2021.

There are three dimensions to sustainable development as set out in paragraph 8 of the Framework: economic, social and environmental. Investment in construction and related employment would represent a benefit, as would the support which the additional population would produce for the local economy. In terms of the social benefits, the North Lincolnshire Sustainable Survey 2016 ranks the settlement of Elsham 47th out of the 79 settlements. Elsham is identified as a smaller rural settlement in the sustainable settlement survey. The site is located on the edge of settlement boundary of Elsham and most of the access from Woodland Drive does lie within the settlement boundary of Elsham. The proposal dwellings would support and sustain services in nearby settlements such as Barnetby and Brigg. In terms of the environmental dimension, the development would partly result in the development of the site and offer the potential for landscape and biodiversity enhancement through the delivery of the housing scheme. As a result, the proposal is considered to be a sustainable form of development and therefore the principle of the development is considered to be acceptable.

Whilst it is accepted that other housing developments have been approved in the village in recent years, it is not considered that allowing eight further dwellings would have a significant adverse impact on the vitality of the settlement to outweigh the benefits of providing needed housing.

Highways

The access to the site has been amended a number of times over the course of the application to alleviate Highways' concerns with regard to the angle of the access. The latest amended plans give a more sweeping access into the site, which would incorporate a small piece of hardstanding at the end of the adopted highway, which is in third party ownership. This curve would give an easier access into the site and also slow traffic entering and leaving the site. The footpath from the northern side of Woodland Drive would continue into the site, however this would also allow access to the land to the west of the site. A minimum of two parking spaces per dwelling are proposed which would reduce any potential on-street parking.

Highways have been consulted and have no objections to the proposal subject to conditions.

Drainage

Concerns have been raised regarding sewage flooding. Anglian Water are responsible for foul water drainage in this location. There is a responsibility from sewage providers to allow foul water connection for new development. It would be for the applicant and Anglian Water to agree this connection. A condition is proposed regarding surface water drainage to ensure that appropriate drainage can be achieved on the site.

Character and environment

Concerns have been raised regarding impact on character and environment. One of the objectors raised concern that the site is partly within an area of Nature Conservation Interest as shown on one of the submitted documents. However, the allocation in the Core Strategy omits all of the application site from this area (LC4) and it is the Core Strategy which contains the up-to-date allocations as the document referred to is considered to now be out of date. Comment has also been made regarding the Area of Amenity Importance (LC11) to the verge to the south of Woodland Drive. This area is part of a private garden and is not within the application site. As such, there are no allocations on the application site which would be affected by the proposal.

Whilst the proposed development could be considered as a form of backland development, its access from an adopted road would create a cul-de-sac with its own access. Good separation to neighbouring properties can be achieved and the development is not cramped. Any potential for overlooking can be designed out at reserved matters stage. Elsham does not have a set character of development and the proposal is not considered to be out of character with the surrounding area.

The mature tree on the site would be retained by the development, which is why the access is in the chosen location. There are no biodiversity or ecology constraints with the application, however a biodiversity enhancement condition is proposed to ensure biodiversity is enhanced.

The site is not easily visible from the public domain and, with appropriate design of the dwellings at reserved matters stage, the proposal would not have any adverse impact on the character and appearance of the area or street scene.

Conclusion

The proposed development would make a small, yet valuable, contribution towards housing provision in the locality and would result in a sustainable form of development. The proposed scheme would not result in adverse impacts which would significantly and demonstrably outweigh the benefits.

It is therefore concluded that the proposal sufficiently accords with adopted planning policy and guidance. There are not considered to be any material considerations which would justify refusal of this application.

It is advised that the decision be delegated to the Group Manager – Development Management and Building Control following the expiration of 21 days from the service of the Certificate B ownership certificate.

RECOMMENDATION

The committee resolves:

- (i) it is mindful to grant permission for the development;**
- (ii) the decision be delegated to the Group Manager – Development Management and Building Control to be issued following the expiration of 21 days from the service of the Certificate B ownership certificate; and**
- (iii) the permission so granted be 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.

The development hereby permitted shall be carried out in accordance with the following approved plans: 2206-002 rev D.

Reason

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

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 take place until details of the drainage, construction, services and lighting of the proposed access road, including the junction with the adjacent highway, have been submitted to and approved in writing by the local planning authority.

Reason

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

9.

No dwelling on the site shall be occupied until the access road has been completed to at least base course level and adequately lit from the junction with the adjacent highway up to the access to the dwelling.

Reason

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

10.

No other works shall be commenced on the site until the access road junction with the adjacent highway, including the required visibility splays, has been set out and established.

Reason

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

11.

No dwelling on the site shall be occupied until the footway has been constructed up to base course level from the junction with the adjacent highway to the access to the dwelling.

Reason

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

12.

No works shall be commenced on the penultimate dwelling on the site until the access road has been completed.

Reason

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

13.

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.

14.

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 residential amenity during construction of the development.

15.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority.

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.

16.

No above-ground 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.

17.

No above-ground 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 dwelling(s) 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.

18.

No development shall take place until a detailed surface water drainage scheme for the site shall be submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100 year critical storm (including an allowance for climate change) will not exceed the run-off from the existing site. It shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development so that flood risk, both on and off the site, is not increased.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation, and future adoption and maintenance, of the sustainable drainage structures in accordance with policies DS16 of the North Lincolnshire Local Plan, and CS18 and CS19 of the North Lincolnshire Core Strategy.

19.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 18 above, completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter 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 to themselves and others, to improve and protect water quality, and to ensure the implementation, and future adoption and maintenance, of the sustainable drainage structures in accordance with policies DS16 of the North Lincolnshire Local Plan, and CS18 and CS19 of the North Lincolnshire Core Strategy.

Informative 1

Anglian Water does not have a surface water sewer within the vicinity of the development. Alternative methods for the disposal of surface water need to be investigated.

Informative 2

Records indicate that the proposed development site is bounded by an ordinary/riparian watercourse beyond the southern and western boundaries. Any proposed connections must be consented by North Lincolnshire Council's Drainage Team, in their capacity as Lead Local Flood Authority, through an Ordinary Watercourse Consent with the agreement of the relevant riparian owner(s). Please contact the LLFA Drainage team on 01724 297522 or by email to lifadrainageteam@northlincs.gov.uk for further details. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

Informative 3

The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

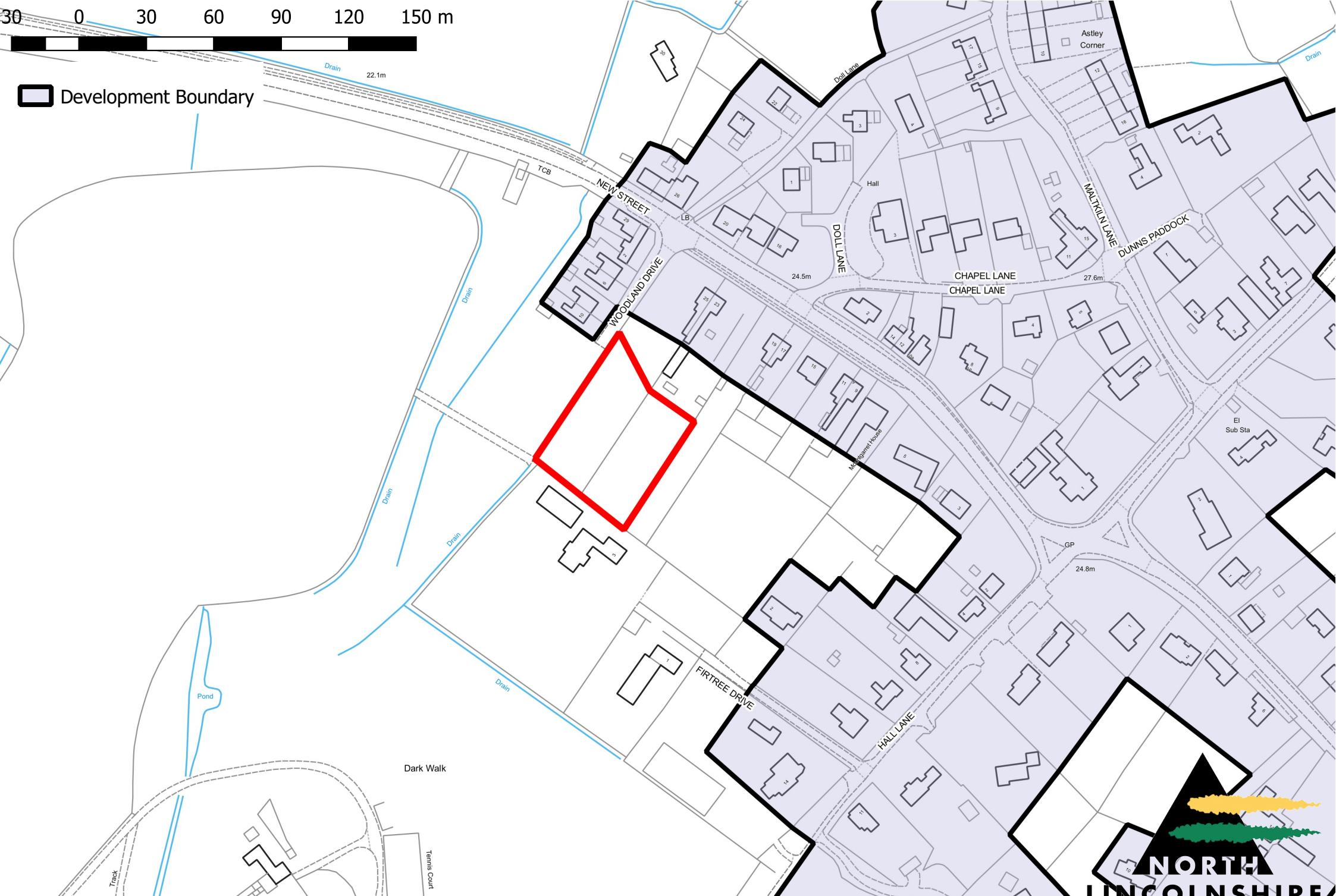
- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you 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 paragraph 38 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.

30 0 30 60 90 120 150 m

■ Development Boundary



PA/2018/2330

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PA/2019/2330 Block plan (not to scale)

AMENDED

