

APPLICATION NO	PA/2019/88
APPLICANT	Mrs Goodhew
DEVELOPMENT	Outline planning permission to erect one dwelling with appearance, landscaping, layout and scale reserved for subsequent approval
LOCATION	Land adjacent to 31 Margrave Lane, Garthorpe, DN17 4RT
PARISH	Garthorpe and Fockerby
WARD	Axholme North
CASE OFFICER	Tanya Coggon
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Contrary to policy

POLICIES

National Planning Policy Framework:

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 15 – Conserving and enhancing the natural environment

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

North Lincolnshire Local Plan:

Policy RD2 (Development in the Open Countryside)

Policy H5 (New Housing Development)

Policy H8 (Housing Design and Housing Mix)

Policy LC12 (Protection of Trees, Woodland and Hedgerows)

Policy T2 (Access to Development)

Policy T19 (Car Parking Provision and Standards)

Policy DS1 (General Requirements)

DS14 (Foul and Surface Water Disposal)

Policy DS16 (Flood Risk)

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)

Policy CS19 (Flood Risk)

Housing and Employment Land Allocations Development Plan Document

CONSULTATIONS

Highways: No objections subject to conditions.

Environmental Protection: No objection subject to a contamination condition.

Trees: No objection subject to conditions.

Drainage Team: No objection subject to conditions.

Environment Agency: No objection subject to a condition relating to finished floor levels.

PARISH COUNCIL

No objections to the proposed development although has concerns regarding access to properties beyond the site. The road is very narrow facilitating one vehicle at a time. This could pose access problems for neighbouring properties beyond the site and especially emergency vehicles.

PUBLICITY

Advertised by site and press notices. Four individual objections have been received, raising the following issues:

- low water pressure and sewage issues

- the access is too narrow for vehicles to pass
- overlooking and overshadowing
- flooding
- the access is inappropriate to serve the development
- lack of facilities in the village and poor public transport
- increased use of cars commuting
- highway safety issues
- other infill plots are available in Garthorpe
- an ash tree will impose on the proposed dwelling.

ASSESSMENT

The proposal

This is an outline application for one dwelling with all matters reserved apart from access. The site lies just outside the development boundary of Garthorpe and Fockerby, and is bounded by residential properties to the north, east and west; to the south is open countryside. The site is accessed via Margrave Lane. There are two mature trees in the adjacent property's garden which overhang the application site on its northern boundary. The site lies in flood zone 2/3a (tidal) of the SFRA and is therefore at high risk of flooding.

The main issues

The main issues associated with the proposal are whether it is acceptable in planning policy terms, and if so, whether its impact on the highway, on neighbours and on the amenity of the locality is acceptable, and whether its impact on trees, biodiversity and flood risk is also acceptable in planning terms.

The principle of the development

The application site is 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 the designated development limit for Garthorpe and Fockerby. There are no allocated housing sites within Garthorpe and Fockerby.

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 Garthorpe and Fockerby 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 Garthorpe and Fockerby 39th out of 79 settlements and it is regarded as a smaller rural settlement in this survey.

Garthorpe and Fockerby has some services, including a village hall and a public house, which is currently closed, and it is on a bus route to Scunthorpe and Goole, with a Call Connect bus service also available. The site is located on the edge of the settlement boundary of Garthorpe and Fockerby. The services available in Garthorpe and Fockerby could be accessed by walking or cycling as they are relatively close to the application site. The proposed dwelling will support and sustain the existing services in Garthorpe and Fockerby. The proposal accords with the need to site development in locations with accessible local services. In terms of the environmental dimension, the development offers the potential for landscape and biodiversity enhancement through the delivery of the housing scheme. These matters weigh heavily in favour of the proposal in terms of the economic, social and environmental dimensions of sustainability. 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.

Access

In terms of access, this will be from Margrave Lane. Margrave Lane serves a number of existing residential properties. Comments made by neighbours and the parish council in relation to the access are noted. However, Highways have raised no objections to the proposal subject to conditions which would be imposed on any planning permission granted. The proposal therefore accords with policies T2 and T19 of the North Lincolnshire Local Plan.

Flood risk

In terms of flood risk, the site is located within flood zone 2/3a (tidal) in the council's SFRA and is therefore at high risk of flooding. The Environment Agency objected to the original and amended Flood Risk Assessments (FRA). The applicant has since submitted a further amended FRA, on which the Environment Agency has been consulted. The Environment Agency has raised no objections provided that finished floor levels are set no lower than 4.1 metres above Ordnance Datum (AOD). The site levels are 2.9 metres AOD and therefore any dwelling permitted on this site would need to be constructed substantially above existing ground levels. The applicant has submitted an indicative sketch proposal of a dormer-style bungalow demonstrating that a dwelling could be located on the site that was not too domineering/prominent in the street scene. Appearance, scale and layout would be addressed through a reserved matters application, but the council is satisfied that an appropriately designed dwelling could be achieved on the site despite it needing to be constructed above existing ground levels.

As the site lies within flood zone 2/3a both the sequential and exceptions tests set out in the NPPF must be complied with. The whole of Garthorpe and Fockerby is washed over by flood zone 2/3a and therefore there are no available sites in Garthorpe and Fockerby at a lower flood risk zone than the application site. The sequential test is therefore passed. In terms of the exceptions test the amended FRA is acceptable and the development subject to planning conditions is considered to be safe in terms of flood risk. The proposal will contribute to the council's 5 year supply of deliverable housing and will support the settlement of Garthorpe and Fockerby. The exceptions test is therefore passed. The proposal therefore accords with the NPPF, policy CS19 of the Core Strategy and policy DS16 of the North Lincolnshire Local Plan.

Drainage

In terms of drainage, the LFFA has raised no objections to the proposal subject to conditions which would be imposed on any planning permission. The comments made in relation to poor water pressure and sewage odours are noted. A planning condition in relation to the submission of details for foul and surface water disposal would be placed on any planning permission to ensure that a satisfactory scheme is obtained for the site. The proposal therefore would accord with policy DS14 of the North Lincolnshire Local Plan.

Trees

There are two mature trees adjacent to the site that are located in the neighbouring property's garden. The applicant has submitted an arboricultural implication assessment and tree protection plans. The council's tree officer raises no objection to the proposal subject to a condition relating to the development being carried out in accordance with the tree protection measures specified in the report. This would be a condition on any planning permission. The proposal would therefore safeguard the trees on the site and accord with policy LC12 of the North Lincolnshire Local Plan and policies CS5 and CS18 of the Core Strategy.

Impact on the amenity of the locality

In terms of the appearance, layout and scale of the proposed dwelling, this would be dealt with under a subsequent reserved matters application. It is considered that one dwelling on the site could be designed to be in character with surrounding properties. The site is a substantial size and could accommodate a dwelling without creating a cramped appearance in the street scene. The proposal therefore accords with the NPPF, policies CS1, CS2, CS5, CS7 and CS8 of the Core Strategy, and policies H5, H8 and DS1 of the North Lincolnshire Local Plan.

Impact on residential amenity

In terms of impact on residential amenity, the council is satisfied that a dwelling could be located on this substantially sized plot without adversely affecting the amenity of adjoining residents. The illustrative block plan and elevational sketch does demonstrate a dwelling could be sited on the plot without causing demonstrable harm to the amenity of nearby residents. This issue would be assessed in more detail through the submission of a subsequent reserved matters application when the appearance, scale and layout would be considered. The proposal therefore accords with the NPPF, policies CS1, CS2, CS5, CS7 and CS8 of the Core Strategy, and policies H5, H8 and DS1 of the North Lincolnshire Local Plan.

Other issues raised

In terms of alternative sites located within the development boundary of Garthorpe and Fockerby, the agent has carried out a site search and there is only one site available for sale (for two dwellings) which was granted planning permission in 2017 (PA/2017/611). This site has been on the market for some time with no sale achieved to date. There are no other plots for sale in Garthorpe and Fockerby, therefore it can reasonably be concluded that in terms of available and deliverable sites within the settlement boundary of Garthorpe and Fockerby, opportunities are very limited at the present time.

Conclusion

The proposed development conflicts with some of the restrictive policies of the development plan due to the site being located outside defined development limits where residential development is not normally supported. However, the proposal is considered to constitute sustainable development which would make an important contribution towards meeting a proven shortfall in the provision of housing land within North Lincolnshire. Given the lack of a demonstrable five-year supply of deliverable housing sites, it is considered that the benefits of the proposed development, with regard to the delivery of housing, must be given significant weight in the planning balance. The adverse impacts of the development are considered to be limited and do not significantly and demonstrably outweigh the benefits and as such, in line with the 'tilted balance' set out in paragraph 14 of the NPPF, the development is considered to be acceptable and is recommended for approval.

RECOMMENDATION: Grant permission subject to the following conditions:

1.

Approval of the details of the layout, scale and appearance of the building, 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 layout, 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: JG/18/02, JG/18/01 and JG/18/02A.

Reason

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

6.

No development shall take place until details of:

- (i) the location and layout of the vehicular access; and
- (ii) the number, location and layout of the vehicle parking space(s) within the curtilage of the site;

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.

7.

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.

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.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), nothing shall at any time be erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway for a distance of 2 metres from the highway boundary across the site frontage.

Reason

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

10.

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.

11.

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 the dwelling shall not be occupied until it is connected to the approved drainage system.

Reason

To ensure satisfactory drainage is provided for the approved dwelling in accordance with policy DS14 of the North Lincolnshire Local Plan.

12.

The finished floor levels of the approved dwelling shall be set no lower than 4.1 metres above Ordnance Datum (AOD) at any time.

Reason

To safeguard the dwelling from flooding in accordance with policy CS19 of the Core Strategy and policy DS16 of the North Lincolnshire Local Plan.

13.

The development shall be carried out in accordance with the tree protections specified in the amended arboricultural report dated 8 March 2019, and amended tree protection and amended proposed tree protection plan dated 8 March 2019.

Reason

To safeguard the existing trees on the site in accordance with policy LC12 of the North Lincolnshire Local Plan.

14.

No development shall take place until details showing an effective method of preventing surface water run-off from the highway onto the site is submitted to and approved in writing and thereafter implemented on the site.

Reason

To prevent the increased risk of flooding in accordance with policy DS16 of the North Lincolnshire Local Plan and policy CS19 of the Core Strategy.

15.

The dwelling shall not be occupied 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 dwelling is 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

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

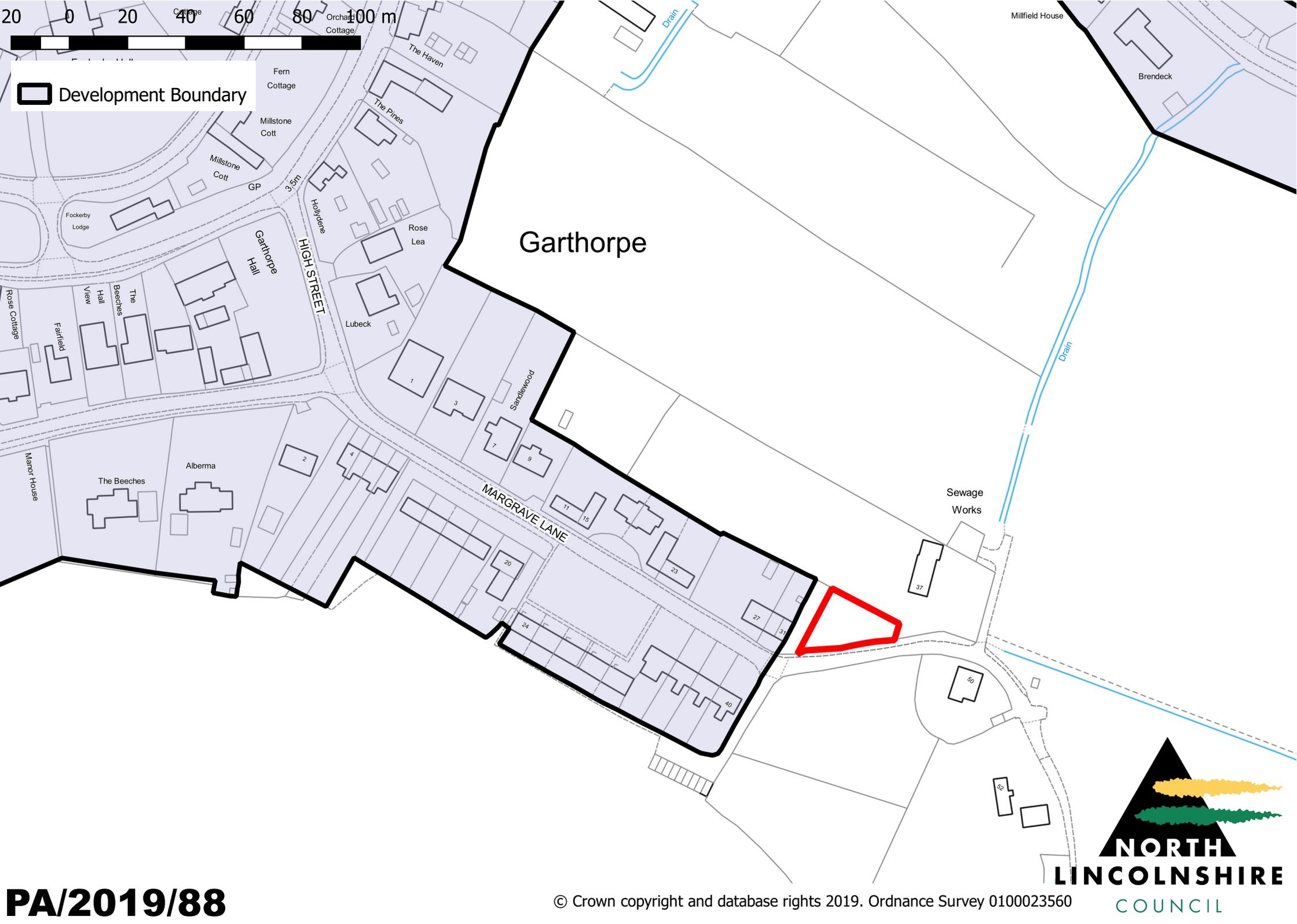
- before ANY construction works take place within the limits of the highway you **MUST** contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you **MUST** contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

Informative

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.



Development Boundary



PA/2019/88

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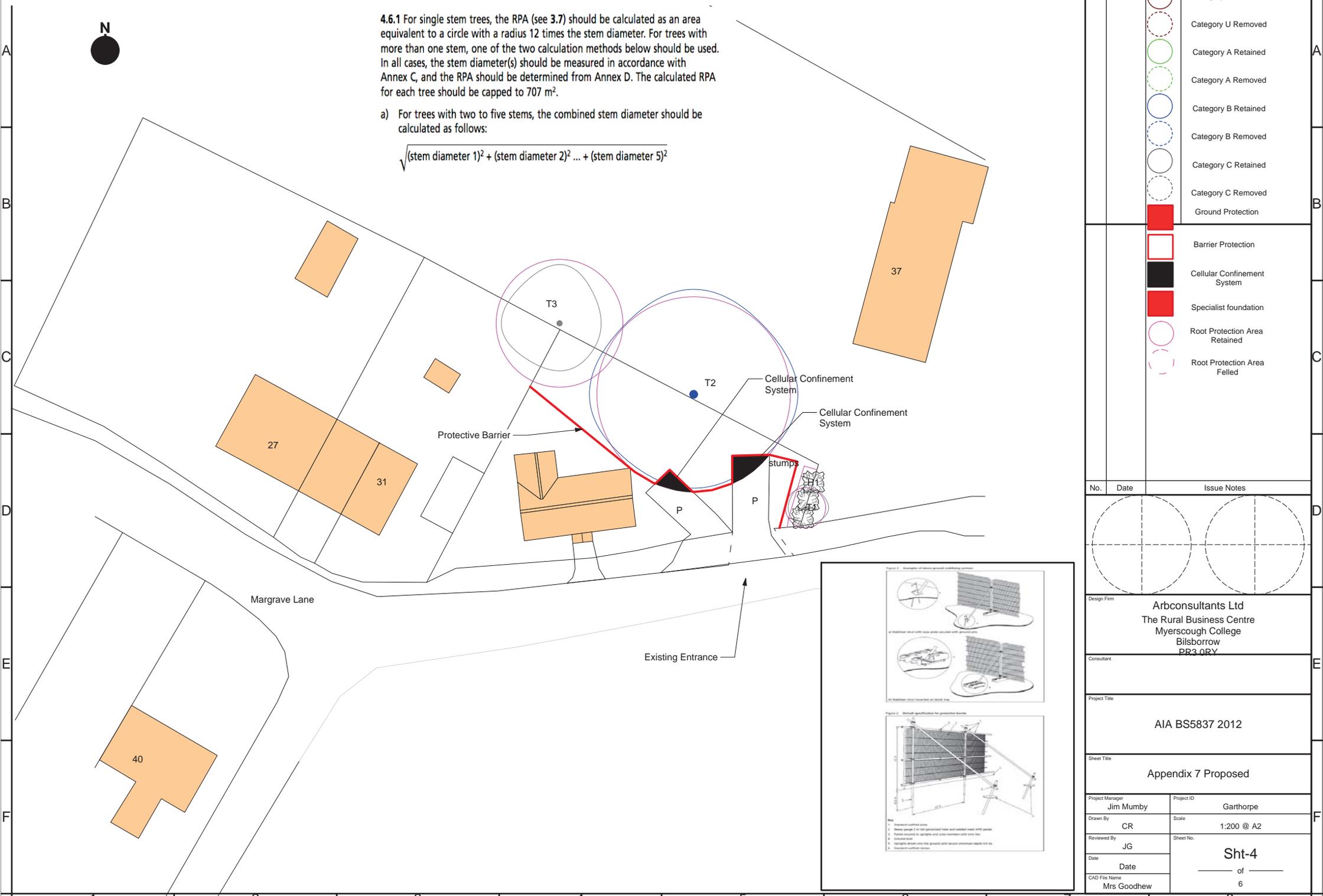
PA/2019/88 Tree positions on proposed block plan(not to scale)



4.6.1 For single stem trees, the RPA (see 3.7) should be calculated as an area equivalent to a circle with a radius 12 times the stem diameter. For trees with more than one stem, one of the two calculation methods below should be used. In all cases, the stem diameter(s) should be measured in accordance with Annex C, and the RPA should be determined from Annex D. The calculated RPA for each tree should be capped to 707 m².

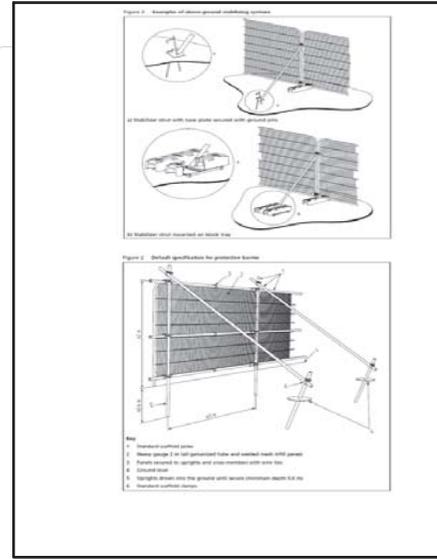
a) For trees with two to five stems, the combined stem diameter should be calculated as follows:

$$\sqrt{(\text{stem diameter } 1)^2 + (\text{stem diameter } 2)^2 \dots + (\text{stem diameter } 5)^2}$$



- Category U Retained
- Category U Removed
- Category A Retained
- Category A Removed
- Category B Retained
- Category B Removed
- Category C Retained
- Category C Removed
- Ground Protection

- Barrier Protection
- Cellular Confinement System
- Specialist foundation
- Root Protection Area Retained
- Root Protection Area Felled



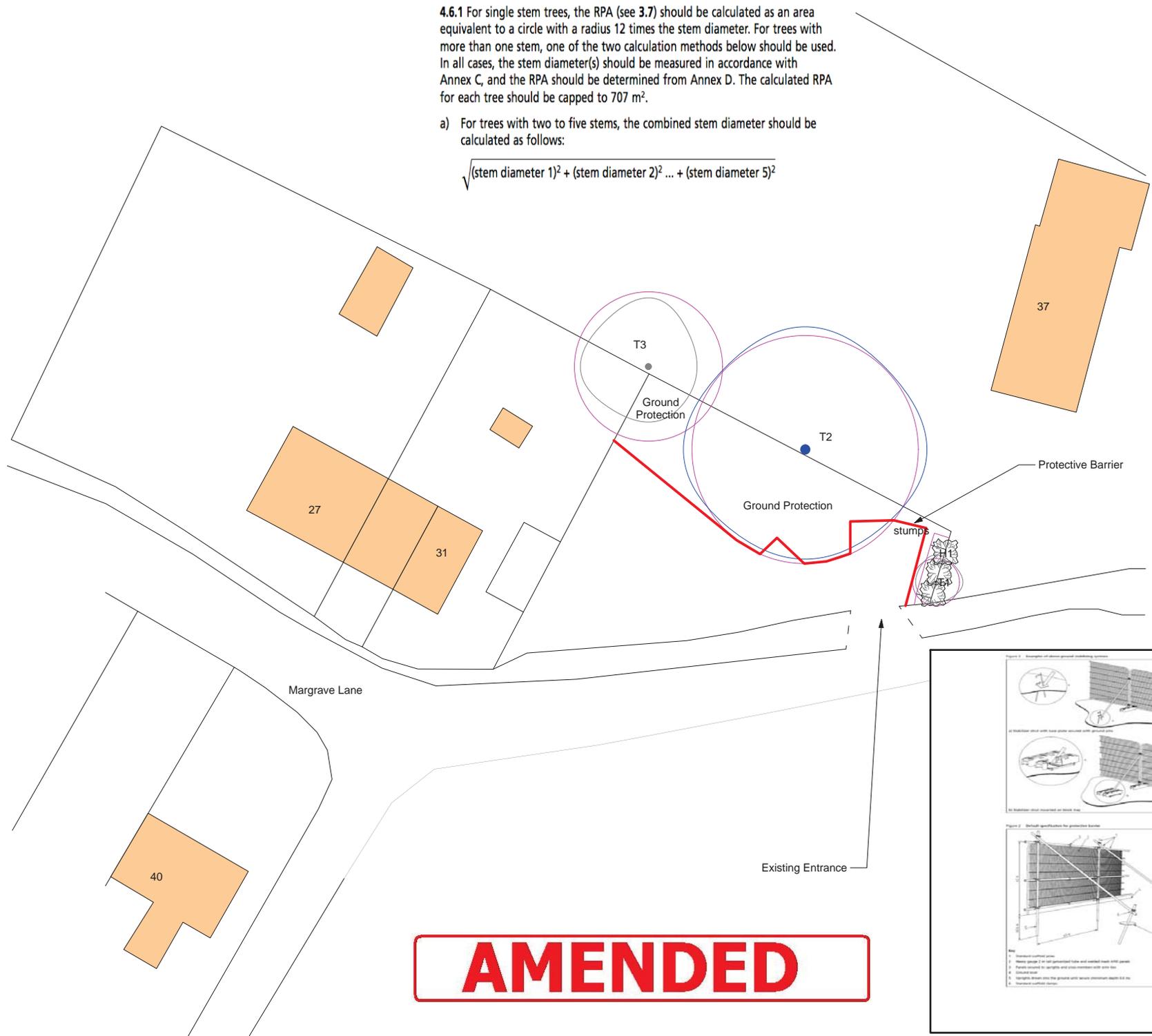
No.	Date	Issue Notes
Design Firm Arbconsultants Ltd The Rural Business Centre Myerscough College Bilsborrow PR3 0BY		
Consultant		
Project Title AIA BS5837 2012		
Sheet Title Appendix 7 Proposed		
Project Manager Jim Mumby	Project ID Garthorpe	
Drawn By CR	Scale 1:200 @ A2	
Reviewed By JG	Sheet No. Sht-4	
Date Date		
CAD File Name Mrs Goodhew	6	

PA/2019/88 Tree positions on existing block plan (not to scale)

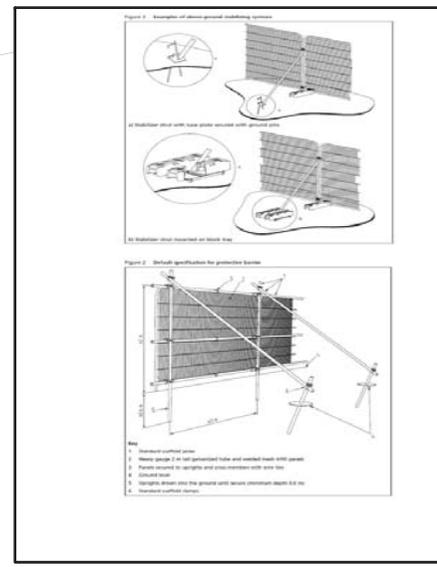
4.6.1 For single stem trees, the RPA (see 3.7) should be calculated as an area equivalent to a circle with a radius 12 times the stem diameter. For trees with more than one stem, one of the two calculation methods below should be used. In all cases, the stem diameter(s) should be measured in accordance with Annex C, and the RPA should be determined from Annex D. The calculated RPA for each tree should be capped to 707 m².

a) For trees with two to five stems, the combined stem diameter should be calculated as follows:

$$\sqrt{(\text{stem diameter } 1)^2 + (\text{stem diameter } 2)^2 \dots + (\text{stem diameter } 5)^2}$$



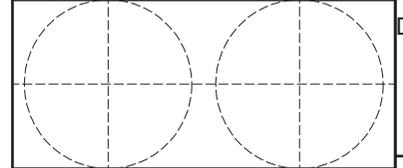
AMENDED



- Category U Retained
- Category U Removed
- Category A Retained
- Category A Removed
- Category B Retained
- Category B Removed
- Category C Retained
- Category C Removed
- Ground Protection

- Barrier Protection
- Cellular Confinement System
- Specialist foundation
- Root Protection Area Retained
- Root Protection Area Felled

No.	Date	Issue Notes
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Design Firm
Arbconsultants Ltd
 The Rural Business Centre
 Myerscough College
 Bilsborrow
 PR3 0BY

Consultant

Project Title
AIA BS5837 2012

Sheet Title
Appendix 5 Tree Protection Plan

Project Manager
Jim Mumby Project ID
 Garthorpe

Drawn By
 CR Scale
 1:200 @ A2

Reviewed By
 JG Sheet No.
Sht-3

Date
 Date

CAD File Name
 Mrs Goodhew

PA/2019/88 Indicative elevations (not to scale)

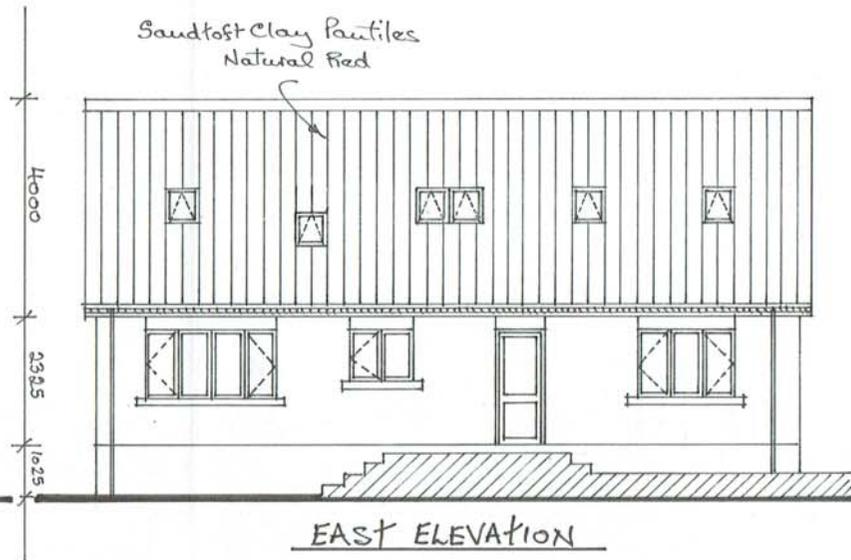
Composite boarding
to sides & gable of
front door & porch.

Velux Rooflights 580x980mm
as indicated.



WEST ELEVATION

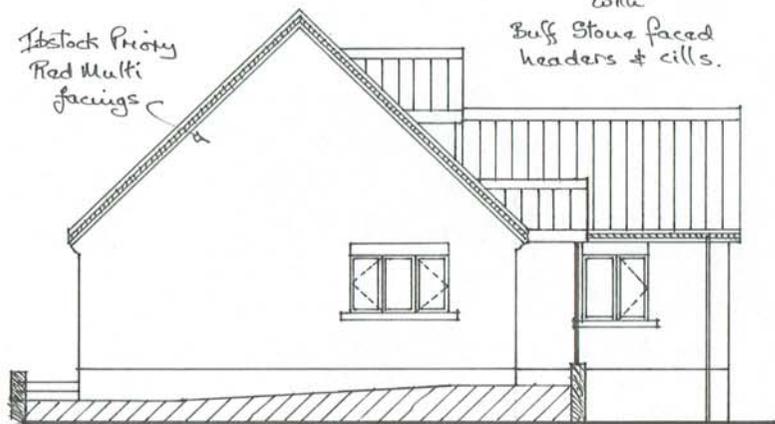
Sandtoft Clay Pantiles
Natural Red



EAST ELEVATION

Istock Priority
Red Multi
facings

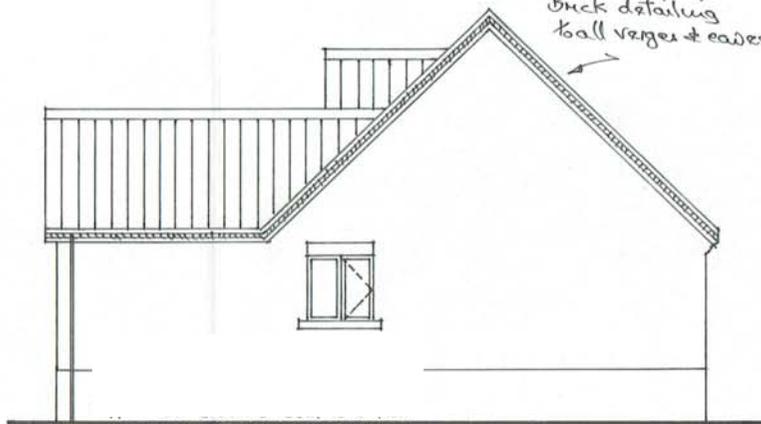
Mahogany Woodgrain
upvc windows & doors
with
Buff Stone faced
headers & cills.



NORTH ELEVATION

Raised paving to
provide level access
to front door. Paving enclosed
by brick walling or raised garden.

Brick detailing
to all verges & eaves



South ELEVATION

PROPOSED DETACHED
CHALET BUNGALOW

DRAWN BY:
JEM MANAGEMENT SERVICES
45 OSWALD ROAD
SCUNTHORPE 01724 282386