

APPLICATION NO	PA/2020/817
APPLICANT	Mr Dave Lyons
DEVELOPMENT	Outline planning permission to erect a dwelling with all matters reserved for subsequent consideration
LOCATION	21 Wharf Road, Crowle, DN17 4HS
PARISH	Crowle
WARD	Axholme North
CASE OFFICER	Nick Salt
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Crowle and Ealand Town Council

POLICIES:

National Planning Policy Framework:

Paragraph 7 states, ‘The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.’

Paragraph 8 states, ‘Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- (a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- (b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural wellbeing; and
- (c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.’

Paragraph 9 states, 'Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.' It also explains that the three overarching objectives are not criteria against which every decision can or should be judged.

Paragraph 10 states that at the heart of the Framework is a presumption in favour of sustainable development.

Paragraph 11 sets out the presumption in favour of sustainable development and confirms that, for decision-taking, this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless:
 - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.'

Paragraph 38 states, 'Local planning authorities should approach decisions on proposed development in a positive and creative way...Decision-makers at every level should seek to approve applications for sustainable development where possible.'

Paragraph 59 states that to support the Government's objective of significantly boosting the supply of homes, 'it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.'

Section 7 – Ensuring the Vitality of Town Centres

Section 12 – Achieving well-designed places

Section 14 - Meeting the challenge of climate change, flooding and coastal change

North Lincolnshire Core Strategy:

CS1 (Spatial Strategy for North Lincolnshire)

CS2 (Delivering more Sustainable Development)

CS3 (Development Limits)

CS5 (Design)

CS7 (Overall Housing Provision)

CS8 (Spatial Distribution of housing sites)

CS19 (Flood risk)

North Lincolnshire Local Plan:

Policy H1 (Housing Development Hierarchy)

Policy H5 (New Housing Development)

Policy H7 (Backland and Tandem Development)

Policy H8 (Housing Design and Housing Mix)

Policy T2 (Access to Development)

Policy T19 (Car Parking Provision and Standards)

Policy DS1 (General Requirements)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy DS16 (Flood Risk)

Housing and Employment Land Allocations DPD:

Policy PS1 (Presumption in Favour of Sustainable Development)

CONSULTATIONS

Highways: No objections, but recommend a condition relating to access and parking.

LLFA Drainage: No objection subject to standard conditions regarding surface water drainage.

Environment Agency: Initially objected on the basis of an unsuitable Flood Risk Assessment (FRA). The original FRA failed to adequately consider the finished floor level (FFL) of the proposed dwelling, taking into consideration the critical flood level for the location within the North and North East Lincolnshire Strategic Flood Risk Assessment (SFRA) and did not detail a safe emergency evacuation procedure in the event of flooding.

A revised flood risk assessment and plans have been submitted addressing previous concerns, the proposed floor levels having been amended to reflect the flood risk.

The Environment Agency has been re-consulted but no response has been received at the time of writing.

Environmental Protection: Recommend a condition requiring a phase 1 desk study into whether the land is contaminated.

TOWN COUNCIL

Crowle and Ealand Town Council object to the application on grounds of 'over-development, adverse access/egress and increased traffic flow onto a main road at which is sited a roundabout.'

PUBLICITY

A site notice has been posted. One objection has been received on the following grounds:

- over-development of the site
- increased traffic
- highway impacts close to a mini roundabout.

Another comment has been received noting the previous presence of Japanese Knotweed on the site, and requesting that this is dealt with.

ASSESSMENT

Relevant and recent planning history

PA/2019/1478: Outline planning permission to erect a detached bungalow with all matters reserved for subsequent consideration – refused December 2019 for the following reason:

The proposed development would be harmful to the existing land in respect of drainage and potential flooding. Furthermore, the applicant has failed to provide sufficient evidence that the proposed development would comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. Therefore, it is not considered that the proposal is in accordance with policy CS19 of the North Lincolnshire Core Strategy and DS16 of the North Lincolnshire Local Plan.

PA/2019/277: planning permission to erect a detached dwelling (including demolition of existing) – approved April 2019 (not the same site as current application)

PA/2019/257: Planning permission for change of use from garage and store to dwelling with the installation of a new first floor and new roof design – approved June 2019 (not the same site as current application).

Site

The application site is located to the rear of Wharf Road. It is a parcel of land accessed from a lane off Wharf Road and behind a tandem row of existing and proposed (planning approved) sites.

The site is located fairly centrally within Crowle. It has previously been vacant land used for a variety of purposes, including storage.

It is not within a conservation area and does not affect a listed building. It is within SFRA Zone 2/3 (a) Tidal, meaning higher flood risk.

Proposal

This application seeks outline planning permission to erect a detached dwelling. All matters are reserved for subsequent consideration, however indicative layouts, plans and elevations have been provided and these will be examined against relevant policies.

Material considerations

The main issue in the determination of this application is the principle of the development. Other issues will be considered based on the submitted information:

- **principle of development**
- **drainage**
- **contamination**
- **highways**
- **indicative plans.**

Principle of development

As this is an outline planning application with all matters reserved, the key consideration is the acceptability in principle of a dwelling on this site.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the saved policies of the North Lincolnshire Local Plan (NLLP), the North Lincolnshire Core Strategy (NLCS) and the Housing and Employment Land and Allocations Development Plan Document (HELADPD). Material considerations exist in the form of national policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG).

Central Government places high importance on new homes being delivered throughout the country to address the chronic shortage. Paragraph 11(d) of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, relevant policies which guide the supply of housing should not be considered up-to-date.

A Supreme Court judgement (Suffolk Coastal DC v Hopkins Homes Ltd [2017] UKSC 37) provides clarity on the policies which are considered 'relevant policies' for the supply of housing. These do not include general restrictive policies such as those restricting development in the open countryside. As such, policy CS1 is considered up-to-date. However, the weight to be afforded to it needs to be balanced against the need to deliver new housing and the broader merits of the scheme when viewed in the context of sustainable development.

A recent review of the of the Five Year Housing Land Position Statement has identified that the council's housing land supply has reduced from five years and six dwellings, to four years. The council has prepared a Housing Delivery Action Plan in accordance with the NPPF and PPG. The Action Plan will assist in securing a five year land supply; some of the actions include reviewing the windfall allowance calculation, and working with developers to bring forward outline planning applications.

The proposed scheme would result in the delivery of one additional dwelling at the site which would help to contribute to the mix of housing types within the locality and would contribute towards meeting local need, albeit to a limited degree.

The site is within the development boundary of Crowle as per the Housing and Employment Land Allocations DPD. The site is a sustainable location for residential development as it is within walking distance of the town centre area of Crowle where there is a range of services and facilities. The site is also located on a bus route to Scunthorpe and the Ealand train station. The proposal therefore accords with guidance in the NPPF and policies CS1, CS2, CS3 and CS8 of the Core Strategy.

Flood risk and drainage

The site lies within flood zone 2/3a according to the council's SFRA. The previous proposed scheme on this site was refused due to a failure to meet the requirements of the Environment Agency with regard to reducing flood risk for future inhabitants. A flood risk assessment has been provided following an initial objection from the Environment Agency, addressing the concerns raised. The EA noted that if the plans were altered as suggested, they would remove their objection. This information addresses previous concerns and, subject to conditions, flood risk could be successfully managed at the reserved matters stage.

Final designs submitted with any future reserved matters application should ensure that finished floor levels are set no lower than 4.1 metres above Ordnance Datum and that flood resistant and resilient construction elements are incorporated as described in the FRA. It is considered that a dwelling could safely be accommodated on this site with due regard to flood risk and drainage.

The Drainage team recommend conditions relating to surface water run-off, which are considered appropriate to ensure that water run-off does not have an unacceptable impact on surrounding properties or the highway.

Land contamination

Policy DS7 is concerned with contaminated land. It states that permission will only be granted on contaminated sites where a detailed site survey has been submitted, and a suitable scheme of remedial measures has been agreed to overcome any existing contamination.

The Environmental Protection team note the previous existence of unidentified buildings on the site and consider there to be a risk of contamination. They have requested a full site survey to establish any land contamination issues. This can be secured by condition before the commencement of any works. Subject to there being no insurmountable contamination issues, there is no objection in this regard.

With regard to the potential for Japanese knotweed on the site, this is not strictly a planning issue. Nevertheless, the applicant is advised to ensure that the site is clear of the plant, in the interests of the ecology of the area.

Highways

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by a satisfactory access. Policy T19 is concerned with parking provision as well as general highway safety; both policies are considered relevant.

Access and parking will be fully considered at the reserved matters stage. The indicative site plan shows parking and turning spaces for one vehicle and access from the road. Highways have advised a condition to ensure that access and parking is provided prior to occupation in accordance with the above policy. This condition is considered reasonable and necessary to maintain highway safety.

An objection has been received to the application on grounds of potential highway risk; this also forms part of the objection from the town council. The site would use an existing access, and the intensification resulting from one additional dwelling is unlikely to have a significant detrimental impact on highway safety.

Whilst access matters will be considered fully at the reserved matters stage, there are no outstanding issues for concern in this regard.

Indicative plans

Policy DS1 is partly concerned with impacts upon residential amenity. It states ‘...No unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing’. Impact on neighbouring residential amenity would be considered at the reserved matters stage. Based on the submitted plans, however, with the ground level being raised by approximately 2 metres to achieve 4.1 metres AOD, the dwelling would likely sit higher than the terraced bungalow of 11 Laburnum Grove to the southwest. Care should be taken to avoid any overbearing impact or overshadowing which would unacceptably reduce light into and onto that property, or any effect as an intrusive and oppressive structure.

The applicant has included an indicative block plan which shows sufficient space around the dwelling as well as a proportionate amenity area. Therefore, subject to a more detailed assessment at reserved matters stage, it is considered that the applicant has demonstrated that a dwelling could be achieved within the plot. It is therefore considered that the proposal would be in accordance with policy DS1 of the North Lincolnshire Local Plan.

In term of design and appearance, these matters will also be fully considered at reserved matters stage. The bungalow design provided in the indicative plans does, however, demonstrate design which is in keeping with the surrounding area. Given the backland location of the site, it would not be highly visible from the street scene in any case and impact thereon would likely be minimal.

RECOMMENDATION **Grant permission subject to the following conditions:**

1.

Approval of the details of the layout, scale and appearance of the building(s), the means of access thereto, 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, the means of access thereto, 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: PL01 Rev B Site Location Plan.

Reason

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

6.

The dwelling shall not be occupied until the vehicular access to it and the vehicle parking and turning space(s) serving it have been completed and, once provided, the vehicle parking and turning space(s) shall be retained.

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 approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraph 163 of the National Planning Policy Framework.

8.

No development shall take place until details showing an effective method of preventing surface water run-off from the highway onto the developed site 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 and thereafter so retained.

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 maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 155, 157, 163 and 165 of the National Planning Policy Framework.

9.

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

A Phase 1 desk study shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the local planning authority for approval prior to proceeding to further site investigation.

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, 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 the site is safe for future users and construction workers.

10.

The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 19 August 2020 by Howard J Wroot, and the following mitigation measures detailed within the FRA:

- finished floor levels to be set no lower than 4. metres above Ordnance Datum
- flood resistant and resilient construction elements to be incorporated as described.

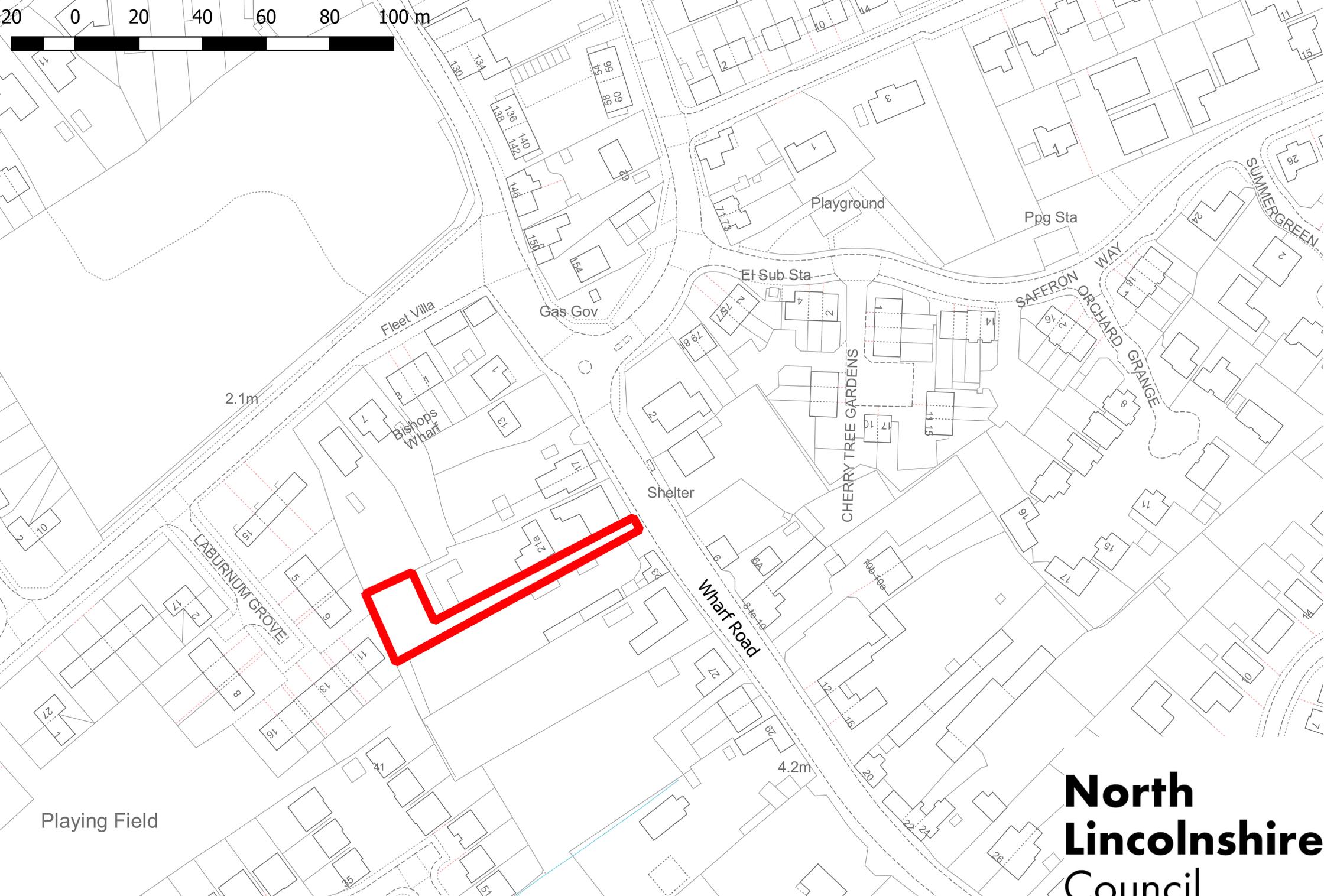
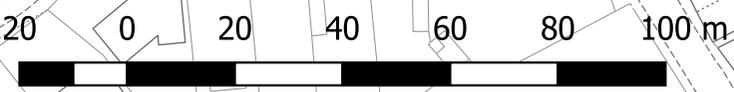
The mitigation measures shall be fully implemented prior to occupation and shall subsequently remain in place.

Reason

To reduce the risk and impact of flooding to the development and future occupants.

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.



**North
Lincolnshire
Council**

PA/2020/817

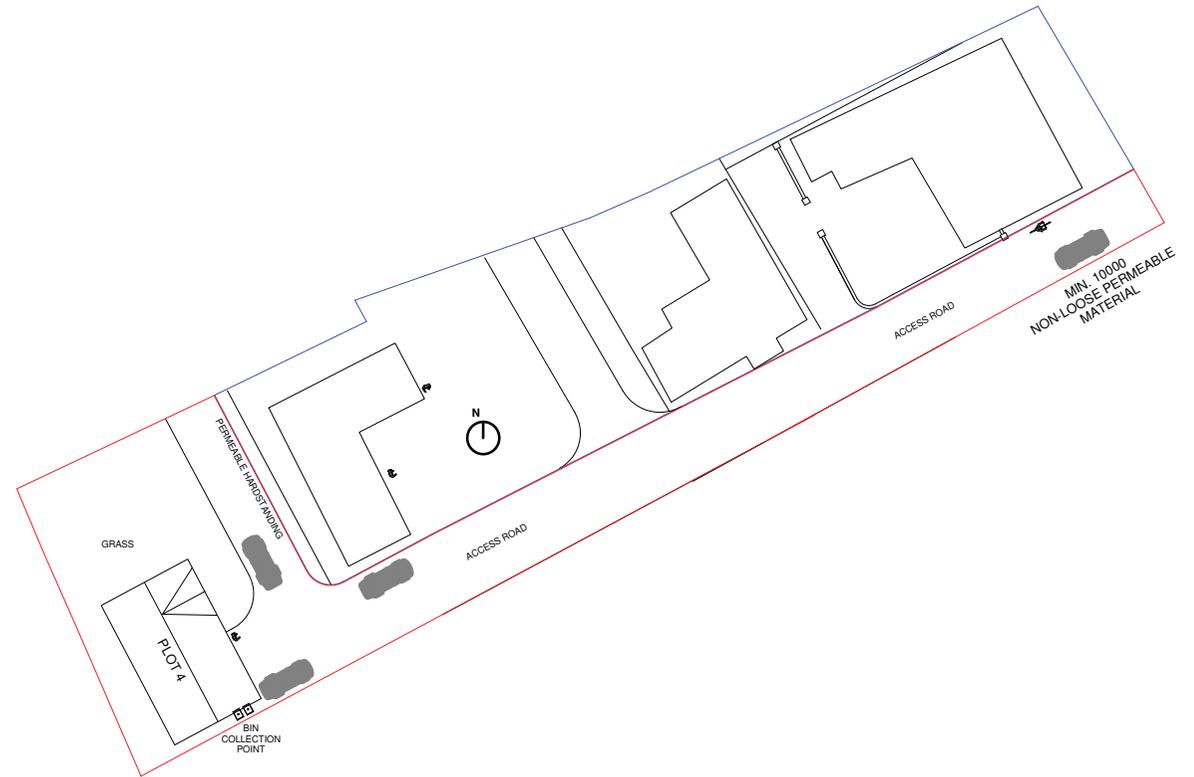
PA/2020/817 Indicative layout (not to scale)



Location Map
1 : 1250



Site Map
1 : 500



Site Plan
1 : 200



AMENDED

TITLE New Dwelling PLOT 4 - 21 Wharfe Rd, Crowle - DN17 4HS	DRAWN BY CG	CHECKED BY CH	DATE JULY 2020	REV B	CENTRELINE DESIGN CONSULTING LTD.	Telephone: 01724 410150 Mobile: 07834915720 Email: info@centrelinedesigns.co.uk Website: www.centrelinedesigns.co.uk
	SCALE As indicated	APPROVED BY CH	DRAWING No. PL01			

Site Plan & Location Map