

<b>APPLICATION NO</b>	<b>PA/2016/966</b>
<b>APPLICANT</b>	Mr Mark Hutton, Trent View Medical Practice
<b>DEVELOPMENT</b>	Outline planning permission to erect 11 two-bedroom terraced properties with allocated parking (layout not reserved for subsequent approval)
<b>LOCATION</b>	Land adjacent to 45 Trent View, Keadby, DN17 3DR
<b>PARISH</b>	Keadby with Althorpe
<b>WARD</b>	Axholme North
<b>CASE OFFICER</b>	Leanne Pogson-Wray
<b>SUMMARY RECOMMENDATION</b>	<b>Subject to completion of a Section 106 agreement, grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Councillor John Briggs – significant public interest)  Objection by Keadby Parish Council

## **POLICIES**

**National Planning Policy Framework (NPPF):** 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 35 states that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore developments should be located and designed, where practical, to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.

At paragraph 37 it states that planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 100 states that inappropriate development in areas at high risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

Sequential and Exception Tests should be carried out to justify development, reduce the risk from flooding and steer development to those areas at lowest risk.

Paragraphs 15, 47, 50, 55, 56, 60, 61 and 99 to 103 also apply.

**North Lincolnshire Local Plan:** Policies DS1, H5, H8, T2, DS14 and DS16 apply.

**North Lincolnshire Core Strategy:** Policies CS1, CS2, CS3, CS5, CS19, CS9, CS7 and CS8 apply.

## CONSULTATIONS

**Highways:** Some concerns regarding the proposal but as this is an outline and the layout is indicative, no objections in principle. Advise conditions regarding improving pedestrian and vehicular access, parking and turning for the doctor's surgery and proposed site, bin provision facilities and pedestrian connections.

**Archaeology:** No objections.

**Drainage:** Advise a condition regarding surface water drainage/SuDS.

**Public Open Space:** Off-site commuted sum required to the amount of £6,685.40.

**Strategic Housing:** One unit on site shall be affordable.

**Fire & Rescue:** Comments, no objection to the proposal.

**Environment Agency (EA):** Initially objected to the proposal as the flood risk assessment (FRA) did not comply with the NPPF. Further information has been submitted and the objection has been withdrawn subject to conditions regarding mitigation.

**Environmental Health:** The proposal represents a sensitive end use. Advise conditions regarding contamination and hours of construction.

## PARISH COUNCIL

Objected to the original proposal on the following grounds:

- poor access – impact on users of the doctor's and residents
- lack of parking
- the proposed development should be reduced to eight dwellings.

Following amended details (layout withdrawn, all matters now reserved for subsequent approval), objection maintained on the following grounds:

- parking issues, including loss of surgery parking
- access too narrow/highway safety.

## **PUBLICITY**

Neighbouring properties have been notified by letter, and a site and press notice posted. Twelve letters of comment/objection were received in respect of the original application and ten letters in respect of the amended application, raising the following material issues:

- lack of information on car parking – should be a minimum of three spaces per dwelling
- drainage problems
- parking issues already – will increase
- concerns over access/highway safety
- overlooking
- loss of light
- overshadowing
- noise and disturbance
- extra strain on facilities in the village
- three-storey dwellings would affect privacy
- loss of parking for doctor's surgery.

## **STATEMENT OF COMMUNITY INVOLVEMENT**

Nothing has been submitted with this application regarding a statement of community involvement.

## **ASSESSMENT**

The application site is currently an area of open space adjacent to an established doctor's surgery within the village of Keadby. The area is grassed, with timber and palisade fencing surrounding the site. There are some scattered trees along the boundary to the site. There is a hard paved area to the front of the site which is used as a car park for the adjacent doctor's surgery. There are residential properties surrounding the site, with a mix of terraced and semi-detached properties. The site lies within a flood zone 2/3a and is therefore considered at risk of flooding.

This application seeks outline planning permission for residential development, with all matters reserved for subsequent approval. The aspirations of the applicant are for the development to be affordable units, however the application is for market housing with a minimum of four houses as affordable (secured by a Section 106 agreement) to allow for greater flexibility to develop and bring forward the site.

**The main issues in determining this application are whether the principle of residential development is acceptable, whether the proposed layout and impacts on residential amenity are acceptable, and whether the proposal is acceptable in terms of flood risk, access, parking and highway safety.**

## **Principle**

The site lies within the defined settlement boundary for Keadby and therefore is considered to be a sustainable location which is appropriate for residential development. The village is served by shops, a school, village hall, doctor's surgery and other community facilities which promote the sustainable nature of the settlement. It is not considered that the proposal would put pressure on such facilities, but support them by encouraging their use by local people. The provision of affordable housing on the site would also bring benefits to the local community, particularly as there is a proven local need for such housing.

## **Layout**

In its originally submitted form the proposal included a layout plan for two rows of terraced housing with a parking area to the front. This layout plan was subsequently withdrawn and the application is now for outline planning permission with all matters reserved for subsequent approval.

Following discussions between the applicant and the Environment Agency, it was suggested that there should be no habitable rooms at ground floor level. It is suggested that the development could be two and a half or three storeys high to accommodate this. As this is an outline application, the design, height and layout is not known. However, it is considered that there is scope within the site to allow for such a development will no loss of amenity to neighbouring properties by way of overlooking, overshadowing or loss of light. These issues will be addressed in more detail at reserved matters stage.

## **Flood risk and drainage**

The NPPF states that the sequential and exceptions test must be passed in order for development to be considered acceptable in terms of flood risk. With regard to the sequential test, as all of Keadby is within the same flood zone, there are no suitable sites available which are at less risk of flooding. With regard to the exceptions test, the site is considered as sustainable as it is within walking distance of community facilities including shops, school and doctor's surgery. It is also well served by public transport. The aim for the site is to have many of the dwellings as affordable units. It is therefore proposed to exceed the suggested one unit on site as affordable to a minimum of four affordable units. This would help the applicant achieve the desired development and also provide a wider sustainable community benefit to meet the criteria of the exceptions test.

Following the initial objection to the application by the Environment Agency, further information has been provided, including an amended flood risk assessment and information that there will be no habitable rooms at ground floor level. One option would be to have garages at ground floor with residential above, making the development three storeys high. However, as this is only an outline application no designs have been considered.

Numerous comments have been made regarding drainage problems. The drainage team has been consulted and raises no objections subject to conditions to ensure that adequate drainage can be achieved on the site to alleviate any future problems.

## **Residential amenity**

With regard to objections on amenity (overlooking, overshadowing, loss of light etc), these issues will be determined at reserved matters stage. It is considered that the site is of an

appropriate size for residential development of up to 11 dwellings without any adverse impact on residential amenity and suitable designs can be achieved to alleviate any such concerns.

### **Highways and parking**

Concerns have been raised regarding access, parking and highway safety. Further details of access improvements and parking will be submitted at reserved matters stage. Highways have been consulted regarding the proposal and whilst there are some concerns, as the application is outline, conditions can be included requesting more detailed information.

Concerns have also been raised regarding loss of parking for the doctor's surgery. Only a small part of the site is currently used for parking for the surgery, and it is proposed to incorporate an area within the development for informal parking, including an area that can be used by those visiting the surgery. A condition is proposed requesting these details, and a parking layout will be submitted at the reserved matters stage.

### **Other issues**

Environmental Health has requested conditions relating to contamination and hours of construction. There is no evidence of contamination on this site and therefore the standard monitoring condition is proposed. A condition relating to hours of construction is not considered necessary or appropriate to this site.

The proposal is considered to meet the criteria of the above policies and bring forward needed housing within Keadby. The flood risk issues have been overcome and other concerns raised can be overcome by the inclusion of conditions and with the submission of reserved matters.

## **RECOMMENDATION**

**Subject to completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 providing for public open space and affordable housing, the committee resolves:**

- (i) it is mindful to grant permission for the development;**
- (ii) the decision be delegated to the Head of Development Management upon completion of the obligation;**
- (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), 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 scale and appearance of any buildings to be erected, the means of access to the site 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.

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.

7.

No development shall take place until details of:

- the method of improving the existing vehicular and pedestrian access to the site from its junction with Trent View;
- the retention of adequate vehicle parking, turning and servicing facilities serving the existing doctor's surgery;
- the provision of adequate vehicle parking and turning facilities serving the proposed residential development;
- the provision of suitable bin collection facilities;
- adequate internal pedestrian connections from the parking area to the houses;
- the method of preventing vehicles gaining unauthorised access to the front of the proposed new dwellings;

have been submitted to and approved in writing by the local planning authority.

Reason

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

8.

No dwelling on site shall be occupied until all features covered by the above condition have been provided in accordance with the approved details. Once provided all facilities/infrastructure shall be retained.

Reason

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

9.

No development shall take place until details of foul water drainage and a strategy for the management of surface water drainage, that includes the implementation of SuDS and their maintenance arrangements, have been submitted to and agreed in writing by the local planning authority.

Reason

To ensure satisfactory drainage is provided in accordance with policy DS14 of the North Lincolnshire Local Plan, and 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 policies CS18 and CS19 of the North Lincolnshire Core Strategy.

10.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 9, 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 policy DS16 of the North Lincolnshire Local Plan and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

11.

No dwelling on the site shall be occupied until details of the arrangements for the provision of affordable housing on a minimum of four plots have been agreed in writing by the local planning authority. Such details shall include:

- (i) a plan showing which plots are to be allocated as affordable housing;
- (ii) arrangements to ensure that the dwellings remain available as affordable units both for initial and subsequent occupiers; and
- (iii) the occupancy criteria to be used for determining the identity of prospective and successive occupiers of the housing and the means by which such criteria will be enforced.

#### Reason

To ensure the provision of an appropriate level of affordable housing as part of the development in accordance with policy CS9 of the North Lincolnshire Core Strategy.

12.

No 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 the dwellings 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.

13.

The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) compiled by UNDA (Ref: 86355) dated September 2016 (Version 2, amended 23 November 2016), including the following mitigation measures detailed on page 14 of the FRA:

- ground floor to be restricted to non-habitable uses only (car parking/garages and store)
- all habitable accommodation to be at first floor and above, with floor levels set no lower than 4.4 metres above Ordnance Datum (AOD).

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



## Reasons

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

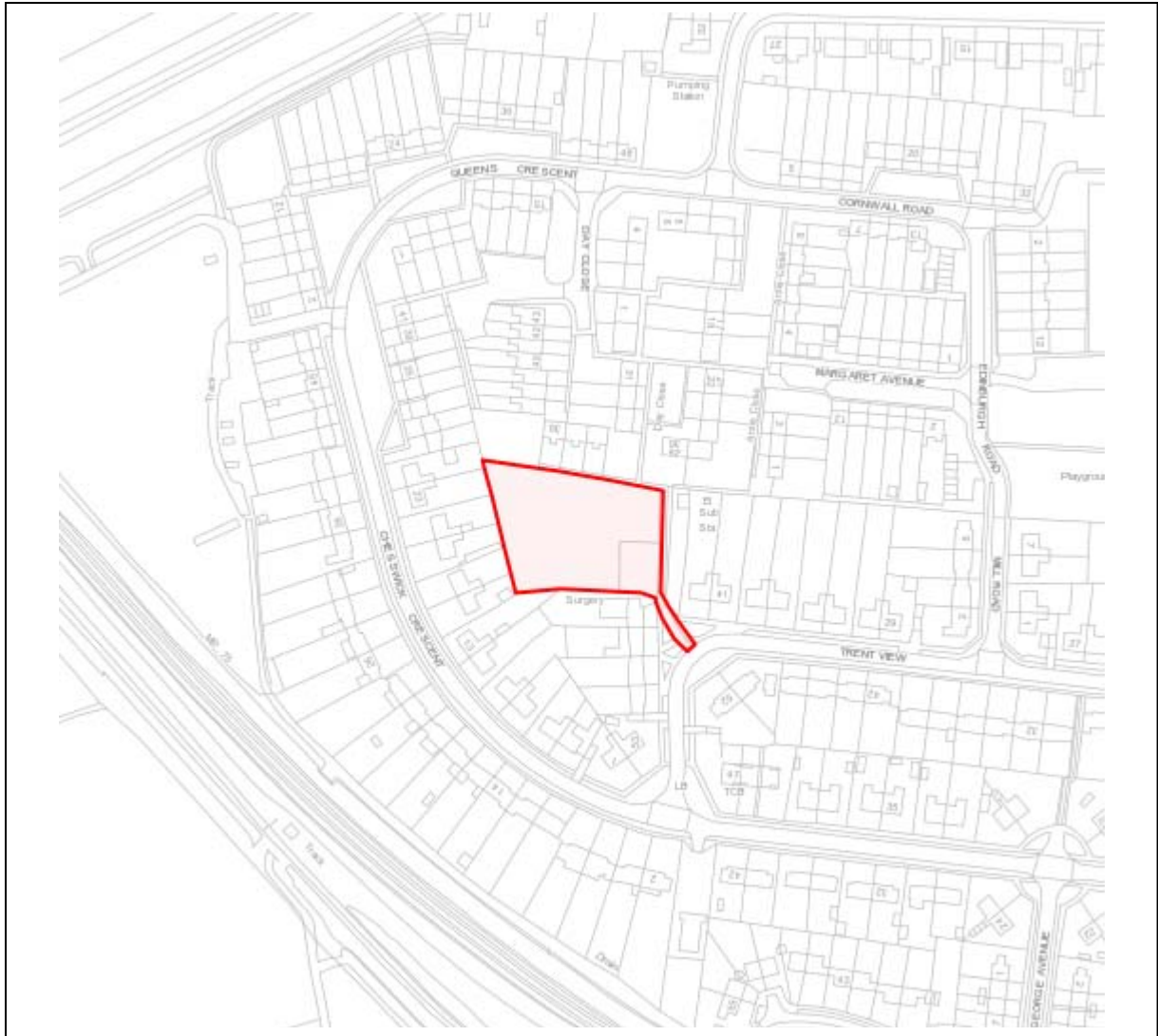
### **Informative 1**

The applicant's attention is drawn to the attached letter from the Environment Agency dated 13 February 2017.

### Informative 2

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/2016/966 – Site Location



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PA/2016/966 Indicative Layout - Not to scale

