

APPLICATION NO	PA/2017/1024
APPLICANT	Mr Wilson
DEVELOPMENT	Planning permission to erect two bungalows with associated landscaping and access drive
LOCATION	Land to the rear of 30 Abbey Road, Ulceby, DN39 6TJ
PARISH	Ulceby
WARD	Ferry
CASE OFFICER	Leanne Pogson-Wray

SUMMARY RECOMMENDATION **Grant permission subject to conditions**

REASONS FOR REFERENCE TO COMMITTEE Departure from the development plan

POLICIES

National Planning Policy Framework: Paragraph 14 states that at the heart of the National Planning Policy Framework there 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 19 states that significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 34 states that plans and decisions should ensure developments which generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 35 of Core Planning Principle 4 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 48 states that local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.

Paragraph 49 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 housing supply should not be considered up-to-date.

Paragraph 56 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 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.

North Lincolnshire Local Plan:

Policy RD2 (Development in the Open Countryside)

Policy H5 (New Housing Development)

Policy H8 (Housing Design and Housing Mix)

Policy T2 (Access to Development)

Policy T19 (Car Parking Provision and Standards)

Policy DS1 (General Requirements)

North Lincolnshire Core Strategy:

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering more Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Design)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

CONSULTATIONS

Highways: No objections subject to conditions.

Trees & Landscape: Further information was requested following the original submission as there are trees on part of the site protected by a tree preservation order (TPO). Further information has been submitted and the tree officer has no objections subject to conditions.

PARISH COUNCIL

No objections but would draw officer's attention to severe flooding problems experienced in Abbey Road, particularly foul water drainage issues.

PUBLICITY

A site and press notice have been posted and one letter of comment has been received raising concerns regarding parking. As two spaces are proposed per dwelling it is queried as to where visitors will park and whether this will have an adverse impact on parking or highway safety on Abbey Road. The parking of construction traffic and where the relocated lighting column will be were also raised, however these are not material considerations which can be considered as part of this application.

ASSESSMENT

The application site comprises the rear garden of 30 Abbey Road, which has permission under PA/2016/2008 for a replacement dwelling. The land is somewhat overgrown with some trees protected by a tree preservation order to the north, and other trees and hedges on the site. The site slopes from the rear of the replacement dwelling and levels off, the majority of the site being flat but at a higher level than the front of the site. There is an existing vehicular access to the south of the site. It is proposed to utilise this access and extend it to serve the proposed development. This application seeks to erect two detached bungalows to the rear of the approved replacement dwelling. The site is outside the defined development boundary for Ulceby, although it is considered to be within the main body of the village.

The main issue in determining this application is whether the principle of residential development is acceptable.

Principle

The development plan for North Lincolnshire comprises three parts. These are: 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 Ulceby. There are no allocated housing sites within Ulceby.

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 part of the development plan, 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 focussing housing within settlement limits as defined in the HELAP. The application site is entirely outside the defined development boundary for Ulceby and is therefore in breach of policies CS2, CS3 and CS8 of the CS and RD2 of the LP.

Notwithstanding the development plan policies set out above, the National Planning Policy Framework (NPPF) is a material consideration when determining planning applications. Paragraph 49 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 recent Supreme Court judgement (Suffolk Coastal DC Vs 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 policies RD2 and CS3 are considered up-to-date. However, the weight to be afforded to them 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.

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.

This statement confirms that North Lincolnshire Council does not currently have a five-year supply of deliverable housing sites. The consequence of this shortfall is to demonstrate that current policies are failing to deliver a five-year supply of housing in accordance with policy 47 of the NPPF and they are, therefore, failing to meet short-term housing needs. As such it is considered that there is a clear and demonstrable need for housing development in the area. Accordingly the operation of paragraph 49 of the NPPF triggers the 'tilted balance' in paragraph 14 of the Framework whereby there is a presumption in favour of sustainable development and development proposals should be approved unless the adverse impacts significantly and demonstrably outweigh the benefits.

There are three dimensions to sustainable development as set out in paragraph 7 of the Framework. These are: economic, social and environmental.

The proposed development would have the social and economic benefits of addressing the current under-supply of housing land by the provision of market housing and there are local facilities within easy reach of the site on foot and a wide range of further services accessible by bicycle and public transport readily available. Therefore the proposal accords with the need to site development in locations with accessible local services. These matters weigh heavily in favour of the proposal in terms of the economic and social dimensions of sustainability.

It is considered that the proposed development would not significantly alter the character and appearance of the countryside. Given the fact that the site is comparatively enclosed and lies

directly adjacent to the defined development boundary and existing residential development, it is considered that any impact would be limited in this instance.

Whilst the restrictive policies of the development plan (CS2, CS3 and CS8) do still apply, the lack of a five-year supply of housing land and the scale of the shortfall limit the weight which can be attributed to these policies. Restricting development to land within development limits, if strictly applied, would severely affect the ability of the authority to address the need for housing. Overall it is considered that the proposal represents sustainable development in the context of the Framework and HELAP policy PS1, which sets a presumption in favour of sustainable development. The limited adverse impact of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework taken as a whole. For these reasons the principle of development is considered to be acceptable.

Design

With regard to the design of this development, the bungalows are of an L-shaped design and will be constructed from facing brickwork with aluminium windows and a zinc roof to be in keeping with the recently approved replacement dwelling. Landscaping is proposed to the development to protect the trees on site covered by the tree preservation order and to ensure appropriate new planting and grassed areas. The siting of the bungalows would not result in any loss of amenity to neighbouring properties or have any adverse impact on the character of the area.

Highways

Concerns have been raised in respect of parking. Two spaces per dwelling have been provided which is considered to be appropriate for dwellings of this size. Visitor parking could be achieved on Abbey Road where there are no parking restrictions. Highways raise no objections to the proposal subject to conditions.

Drainage

Comments have been made by the parish council regarding potential for flooding and drainage issues, particularly foul water drainage. The application form states that surface water will be discharged to soakaway and foul water to mains sewers. Having checked with Building Control, the mains sewer is wide enough to accommodate waste from the proposed development and it should be noted that drainage details will be confirmed with Building Regulations submissions.

Conclusion

Whilst the restrictive policies of the development plan (CS2, CS3 and CS8) do still apply, the lack of a five-year supply of housing land and the scale of the shortfall limit the weight which can be attributed to these policies. Restricting development to land within development limits, if strictly applied, would severely affect the ability of the authority to address the need for housing. Overall it is considered that the proposal represents sustainable development in the context of the Framework and HELAP policy PS1, which sets a presumption in favour of sustainable development. The limited adverse impact of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework taken as a whole. For these reasons the principle of development is considered to be acceptable.

RECOMMENDATION Grant permission subject to the following conditions:

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: 7501/010, 7501/011, 7501/012 and TPS-01-26-10-17.

Reason

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

3.

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.

4.

Adequate vehicle access, parking and turning facilities serving the existing dwelling shall be retained in accordance with details to be 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.

5.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking and turning space serving it have been completed and, once provided, the vehicle parking and manoeuvring space shall be retained.

Reason

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

6.

No development shall begin until details of the private driveway, including construction, drainage, lighting and, where appropriate, signage/street naming arrangements, have been agreed in writing with the local planning authority and no dwelling on the site shall be occupied until the private driveway has been constructed in accordance with the approved details. Once constructed the private driveway shall be retained.

Reason

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

7.

No development shall take place until details showing the driveway to be 5 metres wide for the first 10 metres from the junction with Abbey Road, which may include the relocation of the street lighting column, has 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.

8.

The scheme of landscaping and tree planting shown on drawing no. TS-01-26-10-17 shall be carried out in its entirety within a period of twelve months beginning with the date on which development is commenced or within such extended time period as may be agreed in writing with the local planning authority. Any trees, shrubs or bushes removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees, shrubs or bushes of similar size and species to those originally required to be planted unless the local planning authority have given written consent to any variation.

Reason

To enhance the appearance of the development in the interests of amenity.

9.

The development shall proceed in accordance with the information included within the submitted amended Arboricultural Report dated 25 October 2017 by 'Engie' and tree protection measures, phasing, no-dig systems etc included with the report shall be adhered to unless otherwise agreed in writing by the local planning authority.

Reason

To enhance the appearance of the development in the interests of amenity.

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 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

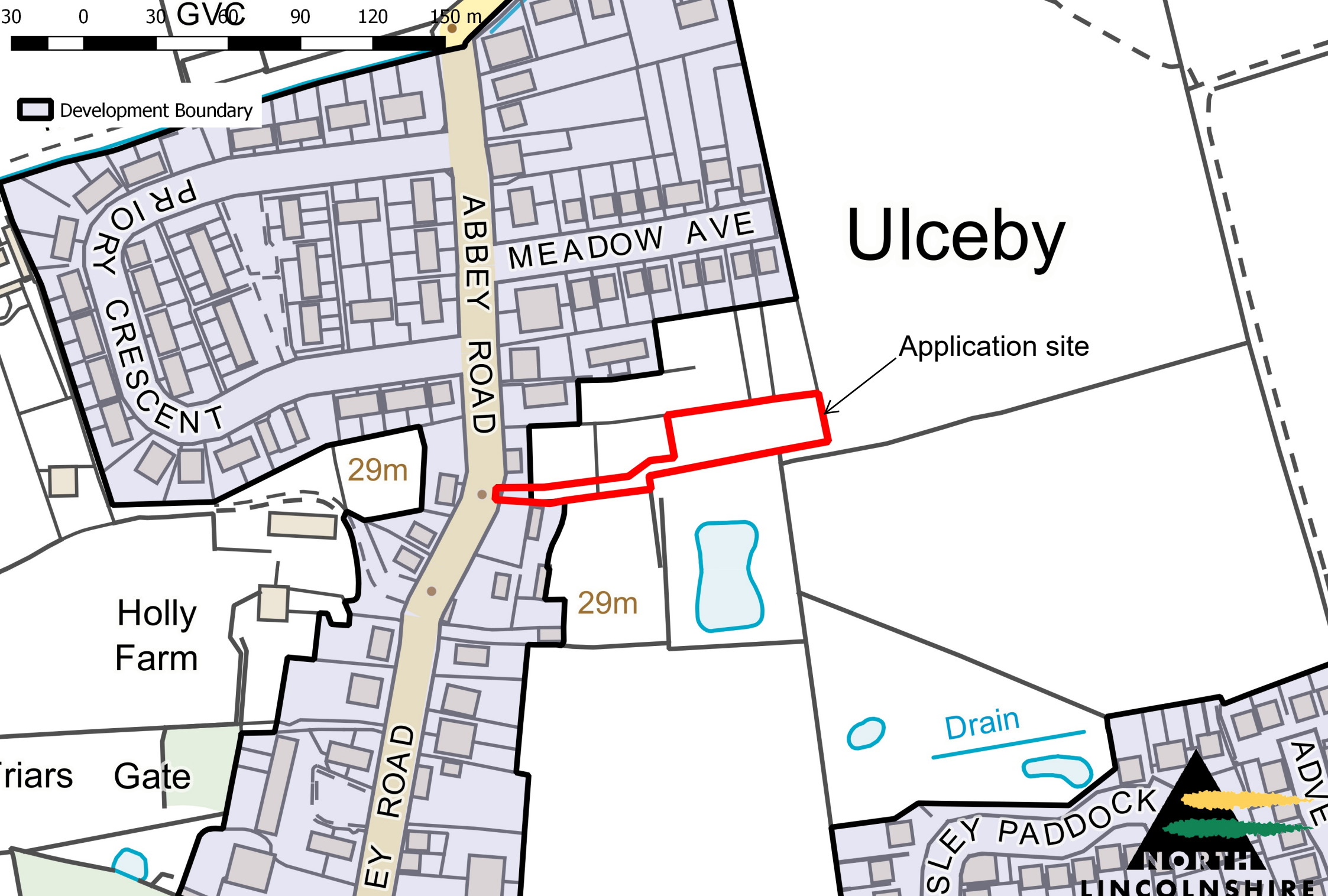
seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

30 0 30 60 90 120 150 m

Development Boundary

Ulceby

Application site



PA/2017/1024

