

APPLICATION NO	PA/2017/442
APPLICANT	Mr William Bradwell, Garthorpe Farming Company Ltd
DEVELOPMENT	Planning permission to erect two detached houses
LOCATION	Land south of 31 and adjacent to Luddington and Garthorpe Primary School, High Street, Luddington
PARISH	Luddington and Haldenby
WARD	Axholme North
CASE OFFICER	Andrew Willerton
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Significant public interest

POLICIES

National Planning Policy Framework: Sections 6, 7 and 10 apply.

North Lincolnshire Local Plan: Policies H5 (a-i only), H8, T1, T2, T19, DS1, DS7, DS13, DS14 and DS16 apply.

North Lincolnshire Core Strategy: Policies CS1, CS2, CS3, CS5, CS7, CS8, CS9, CS11, CS18 and CS19 apply.

CONSULTATIONS

Highways: No objection, but advise a condition.

Environment Agency: No objection, but advises a condition.

Environmental Health: Advises a land contamination screening assessment be carried out or a land contamination condition be imposed.

Drainage: No comments received.

PARISH COUNCIL

The parish council has no objections to make on the scheme but would like the permission closely monitored and policy H42 adhered to.

PUBLICITY

The proposed development has been advertised by means of a site notice and neighbour notification. Seven letters of objection have been received from four individuals from two rounds of public consultation following amended plans. The following issues have been raised:

- lack of visibility at the crossroads junction given the proposed boundary, particularly in relation to egress from the southern farm access road
- the positioning of fencing along the southern (disputed) boundary line would cause difficulty for large farm vehicles safely using the access road
- land ownership concerns with regard to the eastern and southern boundaries
- an increase in vehicular parking along High Street, which is narrow, would affect highway safety, which is of concern given the adjacent school
- existing parking issues impede the use of High Street by large farm vehicles, particularly at school start/finish times and during sporting events; this will be increased should owners/visitors to the proposed properties park on High Street
- highway visibility issues from access to/egress from the proposed driveways
- the driveways of the proposed properties are directly opposite those of properties on High Street
- highways issues associated with construction traffic which will park on High Street due to the small site
- the application site contains trees and hedges which are shown on the plan yet are not declared on the application form
- the desk stop study required by Environmental Health has not been published
- requests a road risk assessment be carried out due to road safety concerns associated with increased traffic, farm vehicles, school traffic and construction traffic
- parish councillors were not notified by letter and are opposed to the plans
- the response from the parish council is not correct and it is questioned whether a meeting took place
- no response to the concerns raised during the initial consultation
- PA/2016/1284 should be noted as being further from the school and the junction
- the proposal will not benefit villagers and could cause an accident.

ASSESSMENT

The application site is land south of 31 High Street, Luddington which is within the Housing and Employment Land Allocations DPD defined development limit for the settlement. The site is within SFRA Flood Zone 2/3a. Planning permission is sought for the erection of two detached houses. The site is located on previously undeveloped land to the north of the junction where High Street meets Church Road. There are trees which closely abut the site.

The material considerations in relation to this planning application are:

- **principle of development**

- **flood risk and drainage**
- **residential amenity**
- **appearance**
- **highway safety**
- **protection of trees**
- **environmental issues.**

Principle of development

The site is located within the settlement boundary of Luddington which is described as a 'Rural Settlement' within the settlement hierarchy of the Core Strategy. Policy CS1 of the Core Strategy states that "(In)... Rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing existing local services to meet local needs. Development will be limited and should take into account levels of local service provision, infrastructure capacity and accessibility. Any development that takes place should be in keeping with the character and nature of the settlement.

Policy CS2 is concerned with delivering more sustainable development. It puts forward a sequential approach in supporting the delivery of the spatial strategy (CS1). Point 3 of policy CS2 states "Small scale developments within the defined development limits of rural settlements to meet identified local needs."

The proposal is located within the centre of Luddington and would provide support to existing services and amenities. The proposal is also located within the defined development limits of the settlement. It is therefore considered that the proposal for the erection of two dwellings on this site is in line with the overarching locational strategy of policy CS1, whilst the scale of the development would make it succinct with policy CS2. The proposal is therefore acceptable in principle subject to a review of the constraints below.

Flood risk and drainage

Policy CS19 is concerned with flooding. It states that the council will support development proposals that avoid areas of current or future flood risk, and which do not increase the risk of flooding elsewhere. The site is located within flood zones 2 and 3a in accordance with the council's SFRA as well as the Environment Agency's indicative mapping system.

Furthermore, paragraph 100 of the National Planning Policy Framework states that local planning authorities should take advice from the Environment Agency as well as the Lead Local Flood Authority (LLFA). Both have been consulted as part of this planning application.

The applicant has submitted a Flood Risk Assessment (FRA) which contains both the sequential and exceptions test. The Environment Agency considers the report satisfactory and recommends a condition be attached requiring the development to be carried out in accordance with the FRA. The LLFA has also been consulted but has not offered any response and this relates to the scale of the development. The proposed development needs to be assessed against the sequential and the exceptions test

Sequential test

Given that the site and scale of development is in accordance with the overarching aims of the locational strategy (policies CS1 and CS2), Luddington is acceptable as the geographical area of research for the sequential test, especially as other villages in close proximity are within the same flood risk classification. The entire settlement of Luddington is at the same level of flood risk; there are no alternative sites available within the development boundary which could reasonably accommodate the development and are at a lower risk of flooding (i.e. Flood Zone 1). It is considered that the sequential test is passed in this case.

Exceptions test

The exceptions test then needs to be applied. The applicant has provided additional information in support of the planning application. This supporting information sets out how the development is considered to be sustainable in terms of proximity to local services and transport routes. In terms of community benefits the supporting statement highlights the fact that the construction of the dwelling will create jobs for local tradesmen, it will support local services, all materials will be sourced locally, and it will provide an additional dwelling. In order to pass the exceptions test a development must meet the following criteria.

Essentially, the two parts to the test require a proposed development to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk. The proposed development needs to be assessed against the sequential and the exceptions test.

It is considered that the FRA satisfactorily demonstrates that the development will be safe without increasing flood risk elsewhere and this is reinforced by the Environment Agency's comments. The FRA considers mitigation measures in respect of floor levels, emergency access and egress, flood warning and evacuation and flood resilience. It is considered that sufficient justification has been submitted with the application to demonstrate that the proposal will deliver sustainable development in Luddington and will be of wider community benefit, in that it will support existing services.

The proposal is therefore considered to provide wider sustainability benefits which outweigh flood risk. Subsequently the sequential and exception tests are passed in this case and the proposal is considered to comply with policies DS16 of the North Lincolnshire Local Plan, CS19 of the Core Strategy and the National Planning Policy Framework in terms of flood risk.

Residential amenity

North Lincolnshire Local Plan (2003) chapter 15 is concerned with development standards; policy DS1 (iii) states that "...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". Furthermore, policy CS5 of the Core Strategy states that "(proposals should)...consider the relationship between any buildings and the spaces around them, and how they interact with each other as well as the surrounding area.

The proposed dwellings which face into the street scene are located a sufficient distance from all existing properties and from each other not to give rise to any overlooking or overshadowing and this is reinforced by the omission of openings on the gable ends. Both plots also have sufficient outdoor amenity space and this is located to the rear of the dwelling which provides a sufficient level of privacy.

It is therefore considered that the proposal is in accordance with policy DS1 (iii) as well as policy CS5 and would not give rise to any unacceptable impact upon residential amenity.

Appearance

Policy CS5 is concerned with delivering quality design within North Lincolnshire. The policy positions that development should be driven from the immediate and wider context and this does not discount contemporary design provided it is appropriate for its location and setting.

The site is located on the High Street and will heavily inform the street scene. There is a mix of built form which includes both a school and dwellings along this part of the street. The housing mix allows the applicant flexibility in their design approach given that there is no uniform mix of materials or architectural features.

The dwelling proposed on plot 1 is two-storey with a dual-pitched roof and chimney stack to the north gable. The openings all have cill and lintel detailing with a flat hood over the main entrance. There are steps leading up to the front door which takes on a Regency-esque appearance. Plot 2 contains many of the same architectural features but differs in that there is a bay window serving the lounge and a pitched hood over the main entrance. The applicant has not provided any details of materials nor boundary treatments and it is considered that these can be secured through condition to protect the character of the area.

In light of the above it is considered that the proposed development would add interest to the existing street scene and not be of detriment to local character. It is therefore considered that the proposal is in accordance with policies CS5 of the Core Strategy and DS1 of the North Lincolnshire Local Plan.

Highway safety

Chapter 7 of the North Lincolnshire Local Plan is concerned with transportation. Policy T2 states that all development should be provided with a satisfactory access whilst policy T19 is concerned with car parking provision standards.

The applicant proposes two parking spaces per dwelling accessed from the High Street. Highways have been consulted and do not object to the proposal subject to the attachment of planning conditions. The proposed development has satisfactorily demonstrated that it can be negotiated by vehicles without risk to other highway users. It is therefore considered that the proposal is in accordance with the aforementioned policies of the local plan.

Trees

Policy LC12 of the North Lincolnshire Local Plan is concerned with the protection of trees, woodland and hedgerows. The applicant has submitted information in relation to trees that are in vicinity of the site. To the north of the site is an existing willow tree just outside the boundary of plot 1 and a sycamore tree to the rear boundary of plot 2.

The applicant has shown how these trees will be protected during construction and this plan will be approved in order to achieve the proposed mitigation. Given the trees are not protected and that mitigation is proposed, it is considered that the proposal is in accordance with policy LC12.

Environmental issues

Policy DS11 of the North Lincolnshire Local Plan is concerned with pollution activities. The policy states that planning permission for development, including extensions to existing premises and changes of use, will only be permitted where it can be demonstrated that the levels of potentially polluting emissions, including effluent, leachates, smoke, fumes, gases, dust, steam, smell or noise, do not pose a danger by way of toxic release, result in land contamination, pose a threat to current and future surface or underground water resources, or create adverse environmental conditions likely to affect nearby developments and adjacent areas.

Environmental Health have been consulted and have stated that, given the end use is sensitive (i.e. residential), a condition should be attached in order to satisfy that there is no land contamination. The applicant did not submitted any information relating to ground conditions as part of the submission; however, given that the site is previously undeveloped, a pre-commencement condition would be onerous and fail the tests for conditionality. Instead, a condition requiring the development to stop and submit such information if unexpected contamination is found during construction is more appropriate, given the planning use associated with the site. It is therefore considered that the proposal is in accordance with the aforementioned policy.

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: Plot 1 'Elevations and Floor Plans' 1 of 4, dated 17.03.2017; Plot 2 'Elevations and Floors Plans' 2 of 4, dated 17.03.2017; Garages Plots 1 and 2, 3 of 4, dated 17.03.2017; Block Plan, 4 of 4, dated 17.03.2017 (received as amendment on 15th May 2017) and Tree Plan, 1 of 2 dated 16.06.2017.

Reason

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

3.

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.

4.

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.

5.

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

Reason

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

6.

Prior to the first occupation a scheme detailing the boundary treatments to the scheme shall be submitted to and agreed in writing by the local planning authority.

Reason

To help protect the character of the surrounding countryside/nearby settlement in accordance with policies DS1 of the North Lincolnshire Local Plan and CS5 of the North Lincolnshire Core Strategy.

7.

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.

8.

The scheme shall be carried out in accordance with the Flood Risk Assessment carried out by Howard J Wroot dated 17th March 2017.

Reason

To reduce the risk of flooding to the proposed development and future occupants in line with policy CS19 of the North Lincolnshire Core Strategy.

9.

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.

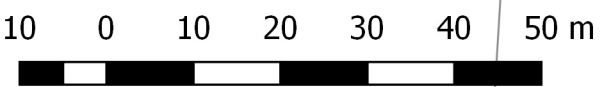
Informative 1

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.



Hope Cottage

White House Farm

Little Foxes

3.5m

Hill Villa

3.0m

Drain

CHURCH LANE

HIGH S

Luddington
And Garthorpe
Primary School



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White House
Farm

1.8m fence

Plot 1

0.9m fence

Silver Birch

1.8m fence & Hedge

0.9m fence

Plot 2

Silver Birch

1.8m fence

3.5m

