

APPLICATION NO	PA/2017/1691
APPLICANT	Martin Flynn, JK Construction & Building Services Ltd
DEVELOPMENT	Planning permission to erect 10 new dwellings along with associated access and landscaping
LOCATION	Former School Playing Fields, High Street, Broughton
PARISH	Broughton
WARD	Broughton and Appleby
CASE OFFICER	Andrew Willerton
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Holly Mumby-Croft – significant public interest)

POLICIES

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 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.

Paragraph 74 states that playing field should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space is surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

Paragraph 118 states that local planning authorities should aim to conserve and enhance biodiversity by refusing planning permission if significant harm cannot be avoided or adequately mitigated. Opportunities to incorporate biodiversity in and around developments should be encouraged.

North Lincolnshire Core Strategy:

CS1 (Spatial Strategy for North Lincolnshire)

CS2 (Delivering More Sustainable Development)

CS3 (Development Limits)

CS5 (Delivering Quality Design in North Lincolnshire)

CS6 (Historic Environment)

CS7 (Overall Housing Provision)

CS8 (Spatial Distribution of Housing Sites)

CS9 (Affordable Housing)

CS17 (Biodiversity)

CS18 (Sustainable Resource Use and Climate Change)

CS19 (Flood Risk)

CS22 (Community Facilities and Services)

CS23 (Sport, Recreation and Open Space)

CS24 (Health Care Provision)

CS25 (Promoting Sustainable Transport)

CS27 (Planning Obligations)

Housing and Employment Land Allocations DPD:

Inset Map for Broughton

PS1 (Presumption in Favour of Sustainable Development)

North Lincolnshire Local Plan:

H5 (a-i only) (New Housing Development)

H8 (Housing Design and Housing Mix)

H10 (Public Open Space in New Housing Development)

T1 (Location of Development)

T2 (Access to Development)

T19 (Car Parking Provision and Standards)

R1 (Protecting Playing Fields)

DS1 (General Requirements)

DS13 (Groundwater Protection and Land Drainage)

DS14 (Foul Sewerage and Surface Water Drainage)

DS16 (Flood Risk)

CONSULTATIONS

Highways: Advises conditions.

Drainage: Advises conditions.

S106: Planning obligations cannot be sought as the scheme is for 10 dwellings or less.

Strategic Housing: No comments received.

Education Capital: Does not wish to seek educational contributions.

Environment Agency: No comments to make.

Humberside Fire: Advises Building Regulations.

Environmental Health: Advises conditions.

Internal Drainage Board: No comments received.

Street Lighting: No comments received.

Spatial Planning: Comments the proposal does not meet density requirements and is designated as protected playing field.

Anglian Water: Advises condition and informative.

Humberside Police: No comments received.

NHS: No comments received.

Leisure Services: Advises leisure contributions should be sought.

Historic Environment Record: No objection.

Trees/Landscape: No comments received.

Sport England: No objection.

Public Health: No objection.

TOWN COUNCIL

Broughton Town Council has been consulted and has concerns relating to drainage and on street parking for construction traffic. It was also believed that to begin work at 7am on Saturdays was too early.

PUBLICITY

The application has been advertised by site notice and within the local press for a period of not less than 21 days prior to the writing of this report. 5 letters were received during the first consultation period raising the following issues:

- the proposed access would result in disturbance to property on High Street as given the difference in levels, vehicle headlights would shine into a lounge window
- loss of privacy
- loss of light
- overshadowing and overly dominant structures when viewed from properties on Fairfield close which is of a lower land level
- congestion issues on High Street
- loss of recreational space which could be utilised by the local community
- detrimental effect to existing open character
- loss of view/outlook
- ownership issue of perimeter hedge and subsequent management/maintenance, suggestions include the removal of works to the hedge and the imposition of a fence to maintain privacy and allow access for maintenance

- construction hours should take place no earlier than 8am and not 7am on Saturdays
- dust control should be enhanced by watering down areas during warm/hot weather
- surface water drainage issues
- foul drainage issues
- a memorial tree near to the school should be retained.

Following receipt of amended plans, 4 letters were received stating the following concerns:

- the amended plans have not addressed issues relating to the hedgerow to the eastern perimeter of the site
- the amended plans have not re-located the access
- the amended plans have not addressed the siting of plot 9 which overlooks property on Fairfield Close
- a condition should be imposed to specify a date for completion to minimise disruption to neighbouring properties
- the surface water discharge rate of 5 litres per second is too much and questions were raised with regard to measures to be taken should surface water drains overflow as there is no mention of increasing the capacity of surface water drainage
- reiteration of previously raised issues
- devaluation of property.

STATEMENT OF COMMUNITY INVOLVEMENT

No statement of community involvement has been provided.

ASSESSMENT

The application site comprises of 0.46ha of land at the former Broughton Infants School Playing Field. The site is bound by residential properties to the east; the former Infant School buildings to the south, now a community hub; Wells Court to the west, a sheltered housing complex; and High Street to the north. The predominant character of the area is residential. Planning permission is sought for the erection of ten dwellings. It is noted that the site benefits from outline planning consent for the erection of eight dwellings under PA/2016/578.

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 North Lincolnshire Local Plan (NLLP) which was adopted in May 2003, the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011 and the Housing and Employment Land Allocations (HELA) DPD which was adopted in March 2016. Material considerations exist in the form of national planning policy and guidance contained within

the National Planning Policy Framework (NPPF) and the suite of documents comprising of the Planning Practice Guidance (PPG).

The main issues for consideration with regard to the determination of this application are: whether the site, given its nature as a designated playing field, is in principle suitable for residential development, and; whether the design and layout of the site is acceptable in terms of highway safety and visual and residential amenity.

Principle

The application site is wholly within the development limit for Broughton as defined by the HELA DPD. The site occupies a central location within the settlement which is considered to be a sustainable location as there are a number of key facilities and services within close proximity of the site. It is considered that the principle of residential development on the site is acceptable. It is also noted that the site has recently gained outline planning permission for eight dwellings on 12 May 2017.

The site forms a protected playing field under policy R1 of the North Lincolnshire Local Plan. This policy states that the loss of playing fields will be resisted unless there is a substantiated justification for its loss and suitable replacement is provided prior to its loss. In this case, the school to which it is associated with has closed. The two schools in Broughton have amalgamated to form one primary school at the former Junior School site on Brigg Road which has its own playing field facilities. There is therefore no need for the playing field at the Infants School site. Sport England has been consulted on the proposal and has raised no objection to the proposal, noting that the principle of development on the site has been established by outline permission PA/2016/578.

An objection has been received suggesting that the site could be utilised for recreational purposes by the local community and that it would affect the open character of the area. Whilst an alternative use for the site could be explored, the planning authority can only consider the merits of the case before it. Furthermore, given that the site has the benefit of outline planning permission which could be implemented, the principle of development on the site has already been established by the planning authority.

Design, layout and amenity

The proposed development is for the erection of 10 dwellings. The proposed mix of housing will deliver 5 detached four bedroom dwellings and 5 three bedroom dwellings comprising of a pair of semi-detached properties and a terrace of three dwellings. The proposed mix of housing is considered acceptable and responsive to the character of the residential area.

The site has an area of 0.46ha which equates to a housing density of 21 dwellings per hectare. North Lincolnshire's Core Strategy policy CS7 states that the overall housing density in settlements within the countryside, such as Broughton, should be 30-35 dwellings per hectare. Whilst the proposed development is lower than the required density, it is nonetheless considered to be acceptable as the layout of the site is considered to provide an appropriate mix of housing and responds to the character of the area.

The dwellings are to be constructed of Crest Harewood facing brick with feature timber cladding and chalk white render. The roof is to be finished with a dark grey Sandtoft

Calderdale tile. The design of the dwellings is of contemporary appearance which is acceptable in this instance as there is no prevailing character to the area.

The dwellings have been laid out within the site to ensure the dwellings do not overlook each other or overshadow each other. First floor side facing windows serve bathrooms and are to be obscure glazed. It is recommended that a condition be imposed to require the designated windows to be obscure glazed prior to first occupation of the dwellings.

An Objection has been received from residents of Fairfield Close in relation to a loss of light and privacy as a result of the development. Plot 9 as originally submitted, was orientated in such a way that first floor windows to the rear elevation would look towards the private garden of number 5 Fairfield Close, directly off its rear elevation. The amended plan has rotated plot 9 so that the dwelling does directly look toward the garden of number 5 adjacent to its rear elevation. Some views will be possible towards the southern end of the garden but a level of privacy will be retained towards the northern part of the garden. A separation distance of 10m will be achieved and it is not considered that that proposal would result in a significant loss of privacy to warrant refusal of the proposal given its siting within a built up area. It is not considered that the proposal would result in a significant loss of light to existing properties given the separation distances.

An objection has been received in relation to the siting of the access road from a property to the northern side of High Street. The siting of the access is opposite the lounge window of the objecting property. The objection relates to disturbances caused by vehicle headlights in an evening which will shine into the lounge when exiting the site in an evening as the site is of a higher elevation. However, the site is within an established residential area where some level of disturbance is to be expected. There are numerous accesses to the southern side of High Street, including Fairfield Close, which serves 5 dwellings. It is also noted that High Street is a main road with street lighting and it is a common occurrence within residential areas for accesses to be sited opposite residential dwellings. It is not considered that a significant level of disturbance will occur given the number of dwellings the road is to serve.

In terms of boundary treatments, the existing site boundaries to the south and west are to be retained. To the northern boundary on High Street, the fencing is to be removed but the wall retained with a 1m high metal railing installed to be painted black. Between plots themselves, it is proposed to erect a 1.8m high close boarded timber fence. It is recommended to secure the installation of new fencing prior to the occupation of the dwellings by planning condition. The proposed boundary treatments are considered to be acceptable in terms of their design.

To the eastern boundary there is an existing hedge; it was originally proposed to remove part of the hedgerow and replace it with fencing. However, the neighbouring property on Fairfield Close objected to these works taking place. The applicant has since amended the proposal to retain the hedgerow. Further objection was received in relation to the close proximity of plot 6 to the hedge and it was requested that a fence be erected at an appropriate buffer away from the hedge to ensure development does not affect the integrity of the hedge. Comments were also made in relation to the ownership and maintenance of the hedge. The hedgerow is not protected under planning legislation and matters relating to its ownership or responsibilities for maintenance do not form material planning considerations, they are civil matters between the landowners involved. No response has

been received from the Tree/Landscape Officer and on this basis it is considered the development is acceptable with regard to its siting.

Highways

The proposed development is to be accessed off High Street with two accesses. Seven dwellings are proposed to be accessed off a private road to be created and a terrace of three dwellings has its own vehicular access off High Street. Each of the dwellings is to be served by a satisfactory level of off road parking according to the size of the dwelling. The Highways team has been consulted on the proposal and has raised no objection. The applicant has since supplied additional information since the first consultation response and the Highways team has updated its recommended list of conditions accordingly. Objection and concern has been raised by the local community and the Town Council in relation to construction traffic and congestion issues on High Street. A Construction Phase Traffic Management Plan has been provided and which has been found to be satisfactory by the Highways team. Conditions are recommended to secure its implementation during the course of development.

Other matters

A number of objections and concerns have been raised by the local community and Town Council in relation to surface water drainage of the site. The Council Drainage team originally requested further information from the applicant with regard to surface water management of the site. The applicant has worked with the Drainage team to deal with surface water drainage issues and has provided the authority with a drainage report which describes the proposed sustainable drainage system. The Drainage team has advised of conditions to require implementation of this scheme and to restrict the discharge rate of the system to no more than 5 litres per second. Objection has been received where it was considered that this rate was too much. The standard green-field run off rate is 5 litres per second and as such the scheme and limit of 5 litres per second is no greater than the existing run-off from the playing field site.

Anglian Water has been consulted and has confirmed that the foul sewerage system has the capacity to deal with the development. Anglian Water has raised concerns in relation to surface water drainage and suggested conditions to secure a surface water management strategy. Anglian Water has not commented on the additional information submitted during the second round of consultation. However, the council's Drainage team as Lead Local Flood Authority with the responsibility for dealing with surface water drainage, has confirmed it does not have an objection to the proposed drainage scheme and has recommended conditions to secure its implementation and restricts the discharge rate of the system to no more than 5 litres per second which is the standard green-field run-off rate comparable to the existing run-off rate from the site.

The Environmental Health team originally requested conditions to secure a Phase 1 land contamination survey to determine the potential for contamination at the site. The team has since received further information and has amended the condition to a watching condition to require development to cease should unexpected contamination be discovered.

A construction management plan has been submitted with the proposal. This plan provides details of traffic management, working hours and measures to be taken to deal with dust and to employ sensitive construction techniques to minimise noise and disturbance. The

Environmental Health team recommends a condition to secure the implementation of this plan. The team has also recommended a condition to restrict the hours of construction and site clearance to between 7am and 7pm Monday to Friday and between 7am and 1pm on a Saturday with no works at other times. Comments have been received from neighbouring properties requesting that the hours be restricted to 8am and 1pm on a Saturday. The conditions, as proposed by Environmental Health, are considered reasonable restrictions but could be amended by committee should members be minded to do so.

The council's Leisure Service has commented on the proposal and has requested that planning obligations be sought. The S106 Officer has commented on the proposal and notes the High Court decision to uphold the decision of the Secretary of State for Communities and Local Government versus West Berkshire and Reading Borough Councils case to give weight to the written ministerial statement to not permit planning authorities to seek tariff style planning obligations on schemes of 10 or less dwellings. The planning authority is therefore unable to seek planning obligations on this application. Education Capital has confirmed that it did not intend to seek planning obligations in any case.

The council's Historic Environment Record has been consulted on the proposal and has raised no objection. On this basis, it is not considered the development would result in harm to the historic environment.

Objection has been raised on the grounds the proposal would lead to the devaluation of neighbouring properties. This matter does not form a material consideration for the purposes of planning and cannot be considered. A condition has been proposed by an objecting property to require completion by a specific date to ensure that noise and other disruption caused by construction is limited in its duration. Such a condition is considered to be unreasonable and unlawful under the Town and Country Planning Act which only requires development to be commenced within a certain timescale and does not allow for a requirement for its completion.

Conclusion

Planning permission is sought for the erection of ten dwellings on a playing field within the settlement of Broughton. The playing field is considered to be redundant given that the school has consolidated its operations to a single site. Sport England has no objection to the proposal and the principle of the sites redevelopment is acceptable. It is considered that the scale and design of housing proposed would not lead to significant adverse effect upon highways safety, visual or residential amenity and would lead to the development of a mix of housing within a sustainable location.

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: PA/2017/1691/01, JK/BR/MF/01 Revision A, K/BR/MF/08, K/BR/MF/04, K/BR/MF/02, K/BR/MF/03, K/BR/MF/01 and K/BR/MF/07.

Reason

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

3.

The development shall be carried out in accordance with the approved Flood Risk Assessment prepared by EWE Associated Ltd, Rev 0, dated November 2017 and the surface water drainage layout as shown on drawing number EWE/2166/01 Rev 0 dated 27 November 2017 shall be implemented in its entirety prior to the occupation of the dwellings. The discharge rate from the approved system shall not exceed 5 litres per second.

Reason

To prevent the increased risk of flooding to themselves and others, to improve 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.

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. 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.

6.

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.

7.

No dwelling on the site that is served by a shared private driveway shall be occupied until it

has been completed to at least base course level and adequately lit from the junction with the adjacent highway up to the access to the dwelling.

Reason

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

8.

Prior to the occupation of the penultimate dwelling on the shared private driveways, all works require to complete them (including where appropriate, street name plates) shall be carried out in accordance with the submitted and approved details.

Reason

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

9.

During the course of construction works on site, operations shall be carried out in accordance with the amended construction phase traffic management plan. This plan shall be reviewed, updated as may be necessary during the course of the construction works at the request of 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.

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.

Construction activities shall be undertaken in accordance with the approved Construction Management Plan dated 12/10/2017.

Reason

To protect residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

12.

Construction, demolition and site clearance operations shall be limited to the following days and hours:

- 7am to 7pm Monday to Friday

- 7am to 1pm on Saturdays.

No construction or site clearance operations shall take place on Sundays or public/bank holidays.

HGV movements shall not be permitted outside these hours during the construction phase without prior written approval from the local planning authority.

Installation of equipment on site shall not be permitted outside these hours without prior written approval from the local planning authority.

Reason

To protect residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan

13.

The approved boundary treatment features as shown on drawing number JK/BR/MF/01 Revision A shall be installed prior to first occupation of the dwellings.

Reason

To provide an appropriate level of screening in accordance with policies H8 and DS1 of the North Lincolnshire Local Plan.

14.

All windows shown on the approved elevations to be obscure glazed shall be installed with obscure glazing prior to the first occupation of the dwelling and be retained thereafter.

Reason

In order to protect the living conditions of residential properties in accordance with policy DS5 of the North Lincolnshire Local Plan.

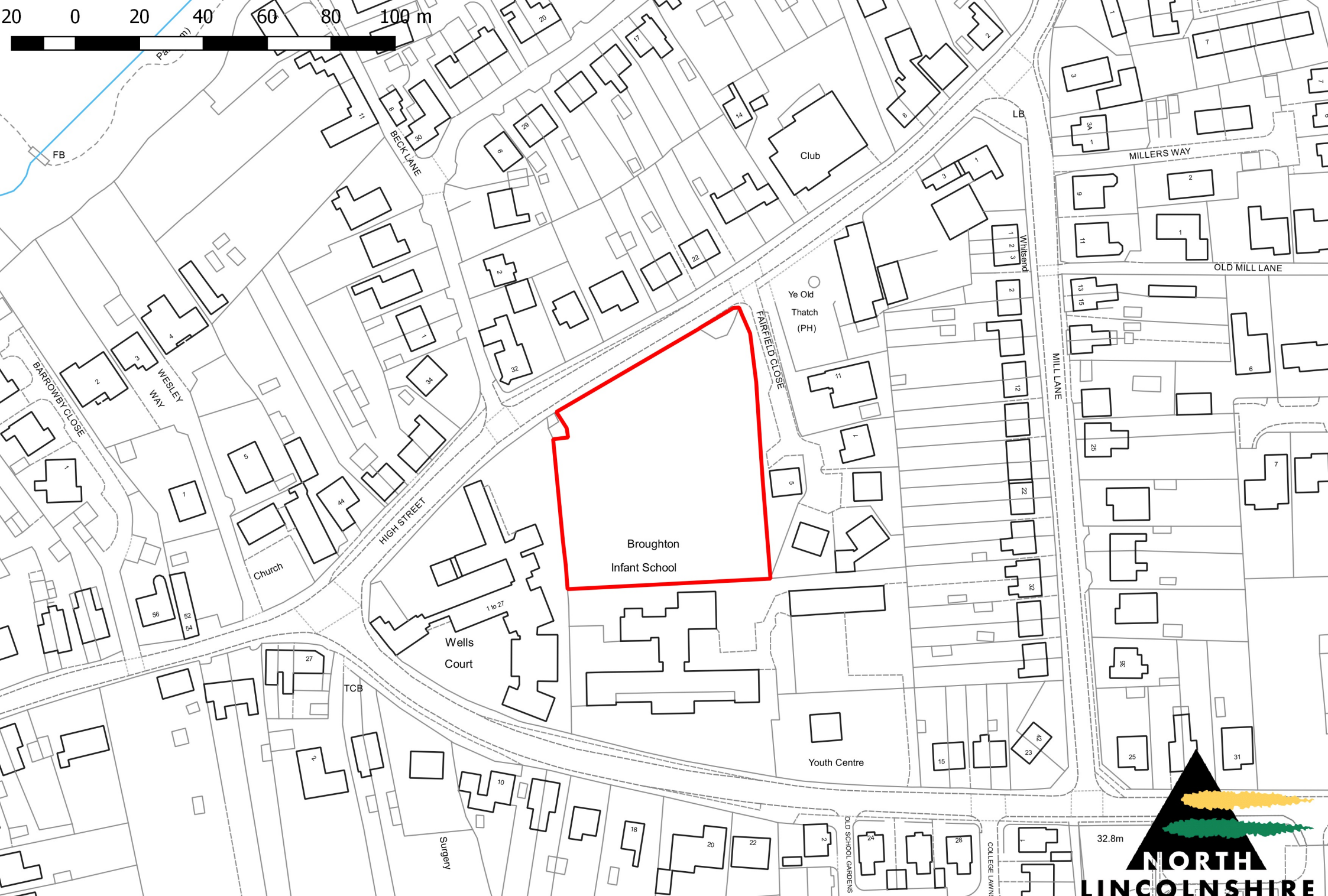
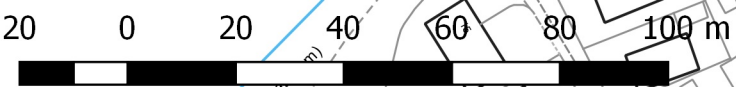
Informative 1

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.

Informative 2

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.



PA/2017/1691

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PA/2017/1691 BLOCK PLAN

Ye Old Thatch (PH)

NOT TO SCALE

