

**APPLICATION NO** PA/2019/118

**APPLICANT** Mrs J Burt & Mr T Strawson

**DEVELOPMENT** Outline planning permission to erect five dwellings with appearance, landscaping, layout and scale reserved for subsequent approval

**LOCATION** Land west of Vicarage Lane, North Killingholme

**PARISH** North Killingholme

**WARD** Ferry

**CASE OFFICER** Leanne Pogson-Wray

**SUMMARY RECOMMENDATION** **Grant permission subject to conditions**

**REASONS FOR REFERENCE TO COMMITTEE** Objection by North Killingholme Parish Council

**POLICIES**

**National Planning Policy Framework:** Paragraph 10 states, so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.

Paragraph 11 states that housing applications should be considered in the context of the presumption in favour of sustainable development and that 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 79 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling.

Paragraph 103–104 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.

It also 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 130 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 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

Policy RD2 – Development in the Open Countryside

Policy LC11 – Area of Amenity Importance

Policy LC20 – South Humber Bank – Landscape Initiative

#### **North Lincolnshire Core Strategy:**

Policy CS1 – Spatial Strategy for North Lincolnshire

Policy CS2 – Delivering More Sustainable Development

Policy CS3 – Development Limits

Policy CS5 – Delivering Quality Design in North Lincolnshire

Policy CS7 – Overall Housing Provision

Policy CS8 – Spatial Distribution of Housing Sites

Policy CS19 – Flood Risk

Policy CS25 – Promoting Sustainable Transport

#### **CONSULTATIONS**

**Highways:** No objections subject to conditions following receipt of amended plans.

**Drainage:** No objections subject to conditions.

**Environmental Health:** Advise conditions regarding contamination and hours of construction.

**HER:** The proposals do not adversely affect any known heritage assets of archaeological interest or their designation.

**Spatial Planning:** No objections.

**Health and Safety Executive:** No objections.

**Waste and Recycling:** Make comments with regard to collection points.

## **PARISH COUNCIL**

Objects to the proposal on the following grounds:

- the proposed development is situated outside the current development boundary
- traffic generation created by the increase in properties on Vicarage Lane leading to highway safety concerns.

## **PUBLICITY**

A site and press notice have been posted. Letters of objection have been received from five residents raising the following issues:

- There is no need for the proposed development and North Killingholme cannot sustain further growth.
- The proposal would be harmful to local heritage and ecology.
- The submitted plans are inaccurate.
- The proposal would be of detriment to highway safety.
- The proposals would harm neighbouring living conditions through noise, loss of light, loss of privacy and overlooking.
- The proposal would have an adverse impact on the character of the locality and the local landscape.
- The proposal may increase flood risk/drainage problems.
- The proposal may be disruptive during the construction phase.

## **ASSESSMENT**

The application site is part of a large paddock bordering Vicarage Lane. There are dwellings to the north, east and south of the application site. The site is located within the main body of the village, although it is outside the development boundary. There is a wide

highway verge to the front of the site which is designated as LC11 land. Driveways to the dwellings to the north cross this land, but it is otherwise undeveloped.

This application seeks outline permission for the erection of five dwellings with access not reserved for subsequent approval. The scheme has changed slightly from the originally submitted scheme, with the access from one main access road with a private drive off this, to an access road serving the paddock with a private drive serving two dwellings and two access points serving three dwellings. This improves the appearance and character of the development. The indicative layout of the dwelling positions has also changed.

**The main issues in the determination of this planning application are the principle of development, taking into account housing supply and sustainability, and whether the proposed development is acceptable in terms of character, highway safety and landscape impacts.**

### **Principle**

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).

It is noted that the site falls outside the settlement boundary for North Killingholme and is therefore within the open countryside. The current development plan resists residential development of the nature proposed within the open countryside and the proposal is therefore in conflict with the plan in this regard.

However, Central Government places high importance on new homes being delivered throughout the country to address the chronic shortage. The council is unable to demonstrate a five-year supply of housing land. In such circumstances the Supreme Court has clarified that paragraph 11 of the NPPF is triggered, which states a presumption in favour of sustainable development. An assessment needs to be carried out to determine whether the proposal would constitute sustainable development. If so, it needs to be determined whether the benefits of the scheme in this regard would be significantly and demonstrably outweighed by any adverse impacts.

In this context, and whilst the conflict with policy is noted, it is considered that significant weight must be afforded to the provision of new housing in the area. Furthermore, it is also considered that the edge of North Killingholme is a broadly sustainable location and that the proposal would help support existing services within the settlement and at nearby locations.

The proposal would result in some small economic benefits during and post construction. The site is within 30 minutes of an employment centre and would also support the settlement of South Killingholme which is nearby.

The proposed development is not considered to have any significant environmental impacts and with appropriate design and landscaping the proposal could enhance the visual appearance of the area. The accesses to the development would not detract from the LC11 character or have any adverse impact on the appearance of the locality.

In terms of social benefits from the proposal, the introduction of five further dwellings within a residential area would add to the vitality of the area. The proposal would also support the restaurant at the Ashbourne Hotel opposite the site and the facilities and community within both North Killingholme and the nearby village of South Killingholme.

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 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/visual impact**

Outline planning permission is sought for five dwellings within the site. All matters are reserved with the exception of access. The application is supported by an indicative layout plan which shows five plots facing towards the site frontage. The proposed layout would broadly continue the existing linear pattern of development in this area.

The proposed dwelling density at the site is broadly compatible with the character of the surrounding area. The applicant has supplied a detailed Landscape and Visual impact Assessment which concludes as follows:

*“...the proposed development will be well integrated into the village pattern with its associated trees, hedgerows and woodlands. Its close association with the village will result in a slight, neutral effect on the landscape character of the study area. Only visual amenity in the immediate vicinity will be affected by the proposals, where they are judged to have a moderate, adverse effect.”*

Subject to sensitive design at reserved matters stage, including consideration of heights, footprints and materials, it is considered that the proposal would not have a detrimental impact on the character or appearance of the area.

It is therefore considered that the proposed scheme accords with policies DS1 of the NLLP and CS5 of the NLCS, and relevant guidance contained within the NPPF.

### **Area of Amenity Importance**

The front section of the application site is allocated as LC11 land. The purpose of this policy is to protect such areas from significant development to ensure they continue to serve an amenity purpose.

The indicative layout has clearly considered this allocation and the front portion of the site would not contain any built form. Low-level access drives would cross this area and would

sufficiently maintain the open characteristics of this land. It is therefore considered that the proposal would not be in conflict with the purposes of including the land within the LC11 allocation.

## **Highways**

The site is located in close proximity to the existing settlement boundaries and benefits from good access to public transport links and local services. It is therefore considered that the scheme would be located within a sustainable location.

The council's Highways team has offered no objections to the access, layout (indicative) or parking arrangements (indicative) subject to appropriate conditions. Whilst it is accepted that the proposal would result in an increase in vehicular movements, it is not considered that the scale of the development would place unacceptable strain on the existing highway network.

It is therefore considered that the scheme would not have an unacceptable impact on vehicular or pedestrian safety and sufficiently accords with policy in this regard.

## **Flood risk/impact on drainage**

The application site is not located within an area known to be at risk of flooding according to current local and national flood risk maps and it is not envisaged that the type/scale of development would place unacceptable strain on existing drainage infrastructure. The proposal would not be at unacceptable risk from flooding and would not give rise to an increase in flood risk in the locality.

## **Land contamination**

There is no evidence that the site has been previously developed and is likely to contain contaminated material. Whilst the comments of the EHO are noted, it is considered that any further matters relating to land contamination can be adequately controlled by a monitoring condition.

## **Impact on residential amenity**

The submitted site plan shows that five dwellings could be provided with sufficiently-sized rear garden areas. There is sufficient space to ensure that future residents would be provided with a sufficiently high standard of living environment.

Subject to a considered design at reserved matters stage, it is considered that the site can accommodate five well-sized dwellings without resulting in an unacceptable degree of harm to neighbouring living conditions.

The proposal is therefore considered to accord with the relevant criteria in policies CS1, CS2 and CS5 of the Core Strategy, and policies DS1, H5 and H1 of the North Lincolnshire Local Plan.

## **Heritage**

The council's HER team has offered no objections to the scheme. The council can still exercise full control over the design of the dwellings at reserved matters stage and it is considered that the location and scale of the proposed development would ensure that no

heritage asset would be affected by the proposed development, including the Old Vicarage (a grade II listed building located to the south of the site). There are no other significant heritage impacts arising from the proposed development.

### **Other issues**

The site is not subject to any formal designation with respect to ecology and is not known to be of special biodiversity value. As such there are not considered to be any significant ecological implications with the proposal.

Whilst there may be some disruption to local wildlife during the construction of the dwellings, this would be localised and for a temporary period of time only.

### **Conclusion**

The proposed development would make a small, yet valuable, contribution towards housing provision in the locality and would result in a sustainable form of development. The proposed scheme would not result in adverse impacts which would significantly and demonstrably outweigh the benefits. Therefore, in line with the 'tilted balance' set out in paragraph 14 of the NPPF, the development is considered to be acceptable and is recommended for approval.

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

1.

Approval of the details of the layout, scale and appearance of the building(s) 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 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 access to the site shall be laid out in accordance with drawing number 18/129/0003 rev B.

Reason

To define the terms of the permission.

6.

No above-ground 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.

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 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.

8.

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.

9.

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.

10.

Prior to the occupation of any dwelling, all new driveways serving them shall be appropriately constructed within highway limits and adequately demarked at the highway boundary in accordance with details to be submitted 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.

11.

No dwelling served by the shared private driveway shall be occupied until the driveway has been constructed in accordance with details to be submitted to and agreed in writing by the local planning authority. These details shall include:

- the proposed method of forming access from the highway, including the required visibility splays;
- the method of constructing/paving the drive;
- the provision of adequate drainage features;
- the provision of suitable bin collection facilities adjacent to the highway;
- the provision of suitable lighting arrangements; and
- the provision of street name plates that shall include the words "Private Drive".

Once constructed the private driveway shall be retained thereafter.

Reason

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

12.

No development shall take place until a construction phase traffic management plan showing details of all associated traffic movements, including delivery vehicles and staff/construction movements, any abnormal load movements, contractor parking and welfare facilities, storage of materials and traffic management requirements on the adjacent highway, has been submitted to and approved in writing by the local planning authority. Once approved the plan shall be implemented, reviewed and updated as necessary throughout the construction period.

Reason

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

13.

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

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, a 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 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.

14.

Construction and site clearance operations shall only take place between the following 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 house 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.

15.

No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development.

The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100 year critical storm (including an allowance for climate change) will not exceed the run-off from the existing site. It shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development so that flood risk, both on and off the site, is not increased. SuDS must be considered. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document, which is available to view on the council's website:

<http://www.northlincs.gov.uk/transport-and-streets/roads-highways-and-pavements/flooding-drains/sustainable-drainage-systems-suds/>

Should infiltration not be feasible at the site, alternative sustainable drainage should be used, focusing on above-ground solutions.

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 features in accordance with policy DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

16.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 15 above, completed prior to the occupation of any dwelling 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 maintenance of the sustainable drainage features in accordance with policy DS16 of the North Local Plan, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

17.

No above-ground works 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 dwelling(s) 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.

### **Informative 1**

Geological records indicate the site to be underlain by Glacial Till which is a relatively impermeable deposit. Investigation and testing work is required to ascertain the viability of any soakaways proposed for the site.

### **Informative 2**

Our records indicate that the proposed development site is adjacent to, or has running through it, a watercourse (surface water pipe/culvert or ditch). Following inspection, the watercourse may need to be cleared, replaced, protected or diverted by the landowner at their expense in accordance with their riparian responsibilities. An easement adjacent to the watercourse may need to be provided for future maintenance. Any other drainage feature found during excavations must be immediately reported to the LLFA Drainage Team on 01724 297522, prior to any further construction works being carried out. If a surface water connection into the watercourse is proposed then this must be consented by North Lincolnshire Council's LLFA Drainage Team, in their capacity as Lead Local Flood Authority, through an Ordinary Watercourse Consent, and appropriate discharge rates must be agreed. Please contact the LLFA Drainage team on 01724 297522 or via email for further details. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

### **Informative 3**

Our records indicate that the proposed development site has running through it, on the southern boundary, and in the south-east corner, an Anglian Water foul sewer. An easement adjacent to the sewer may be required, and the developer should contact Anglian Water for advice and information.

### **Informative 4**

The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

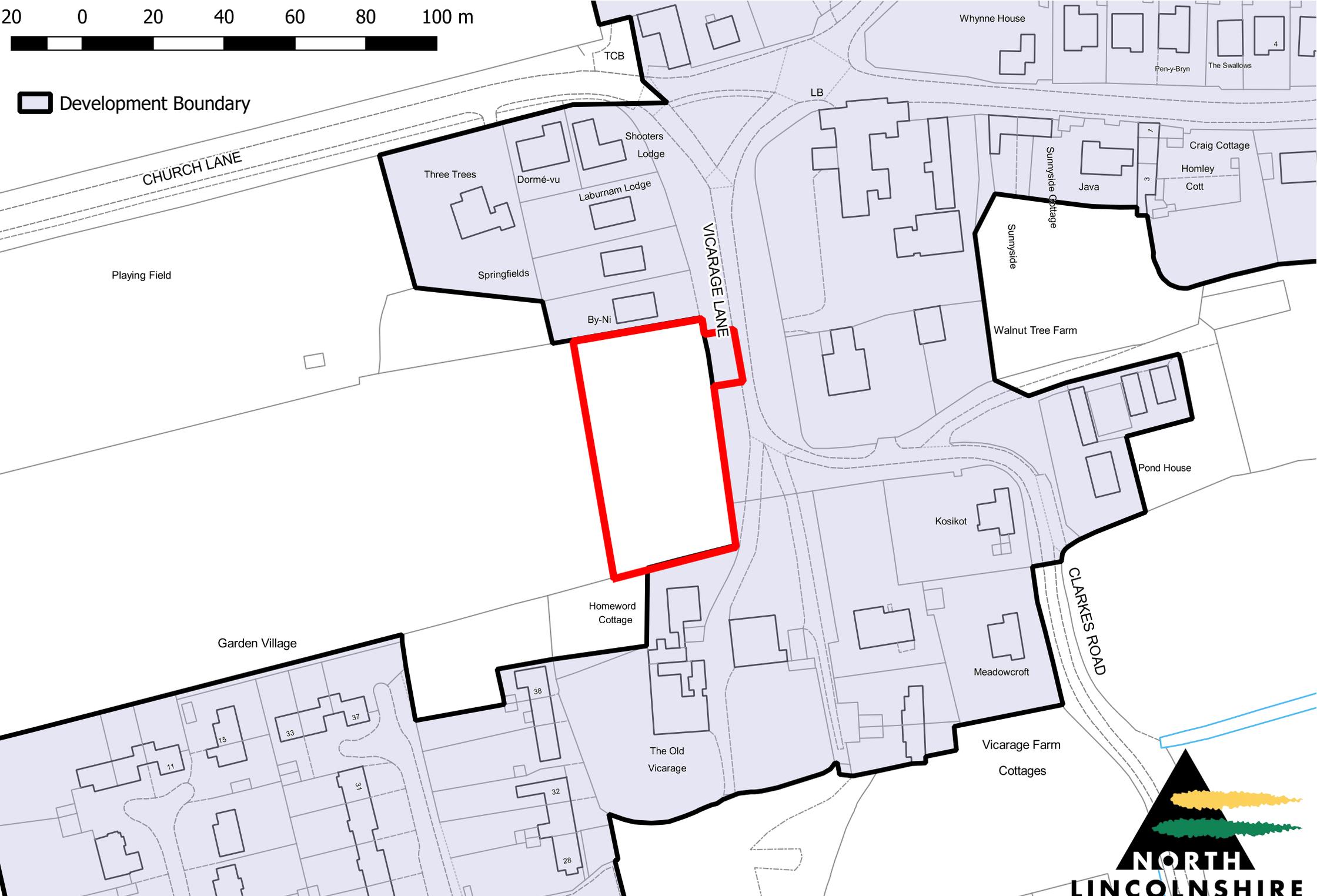
- before ANY construction works take place within the limits of the highway you **MUST** contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you **MUST** contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

### **Informative 5**

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.



 Development Boundary



**PA/2019/118**





## PROPOSED BLOCK PLAN

Scale - 1:200



### KEY:

- Ownership Boundary:
- Site Boundary:

# AMENDED

Drawing Title:	Proposed Block Plan		
Client:	Mr T. Strawson		
Project:	Residential Housing Scheme		
Location:	Vicarage Lane, North Killingholme		
Drawing Number:	Revision:	Scale / Size:	
<b>18/129/0003</b>	<b>B</b>	1:200 / A2	
Project Stage:	Drawn By:	Checked By:	Date:
Planning	DH	/	05.11.2018

[www: hydearchitecture.com](http://www.hydearchitecture.com)  
 tel: 01580555585  
 email: dan@hydearchitecture.com

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