

APPLICATION NO	PA/2020/1114
APPLICANT	Mrs Karen Durham
DEVELOPMENT	Outline planning permission to erect a dormer bungalow with all matters reserved for subsequent consideration
LOCATION	Ash Lodge, Barrow Road, Goxhill, DN19 7LN
PARISH	Goxhill
WARD	Ferry
CASE OFFICER	Brian McParland
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Departure from the North Lincolnshire Local Plan

POLICIES

National Planning Policy Framework:

Paragraph 8 – Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- (i) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- (j) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
- (k) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Paragraph 11(d) – Plans and decisions should apply a presumption in favour of sustainable development:

- (l) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - (v) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - (vi) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

North Lincolnshire Local Plan: DS1, DS7, DS14, DS16, RD2, T2, T19.

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS5, CS6, CS7, CS8, CS18, CS19.

CONSULTATIONS

Highways: No objection subject to conditions relating to the location and layout of access; no discharge of loose material onto the highway; protecting visibility splays; and access, parking and turning.

Drainage: No objection subject to conditions relating to the submission of a flood risk statement and drainage strategy, and details showing an effective method of preventing surface water run-off onto and from the highway.

Trees: There is a need to ensure that the mature trees within the hedge line and adjacent to the site will not be compromised by development; this should be reflected within an arboricultural report. (This can be submitted along with the reserved matters application.)

Environmental Protection: No objection, but recommend a compliance condition in relation to contaminated land.

Ecology: No objection; no ecological surveys are required.

PARISH COUNCIL

No objection.

PUBLICITY

The application has been advertised by a site notice and in the press as a departure from the local plan. No comments have been received.

ASSESSMENT

The main issue to be considered is whether adequate justification can be demonstrated with regard to the principle of the development.

The site

The site is located on the south side of Barrow Road and on the west side of Thornton Road, forming a corner plot. It falls within the curtilage of Ash Lodge, a residential dwelling

situated to the immediate west. The site is in use as garden land, is flat, undeveloped and bounded by dense landscaping along the north and east boundaries. The site is not within the development limit and so is within the open countryside. It is within SFRA flood zone 1 (low risk), is not within a conservation area, does not affect any listed buildings and there are no tree preservation orders on the site or in the nearby vicinity.

Proposal

Outline planning permission is sought to erect a dormer bungalow with all matters reserved for subsequent consideration.

Principle

The application site is outside the adjacent settlement boundary and the proposal would represent a departure from the North Lincolnshire Local Plan. In determining whether the principle of residential development outside the settlement boundary is acceptable in this instance, it is necessary to consider whether the proposed development is sustainable in planning policy terms.

The development plan for North Lincolnshire comprises three parts: 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 CS3 of the CS 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 Goxhill.

Policy CS8 of the CS 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.

Local plan 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, 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 focusing housing within settlement limits as defined in the Housing and Employment Land Allocations DPD. The application site is outside the nearest settlement boundary for Goxhill and would not meet the criteria for

development within the open countryside as outlined in policy RD2 of the local plan. The proposal is thereby considered to be in conflict with policies CS2, CS3 and CS8 of the Core Strategy.

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 11 and Footnote 7 (page 6) of the NPPF states the presumption in favour of sustainable development applies for applications involving the provision of housing where the local planning authority cannot demonstrate a five-year supply of housing and that housing applications should be considered in the context of the presumption in favour 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.

It is acknowledged that the local planning authority cannot demonstrate a five-year housing land supply; therefore, the housing policies are considered out of date. As such the 'tilted balance' and paragraph 11(d) of the NPPF, which is a material consideration in determination planning applications, is relevant and states, 'where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- (v) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (vi) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'

There are three dimensions to sustainable development as set out in paragraph 8 of the NPPF: *economic*, *social* and *environmental*. Investment in construction and related employment would represent an economic benefit, as would the additional population within the local economy. Notably, the site would be situated along Thornton Road, which is a main road into the settlement. As such, the services available in Goxhill could be readily accessed by walking or cycling as they are within a 10–12-minute walk from the site. In terms of social benefits, the site is situated on the south-west edge of the settlement boundary, which is a defined rural settlement. Importantly, the site is served by an adjacent footpath, which is well connected to the surrounding locality and would encourage footfall connectivity. In terms of environmental benefits, the site is situated along a bus route with a bus stop available to the immediate north and adjacent to the site. As such, the location of the proposed dwelling would support and sustain the existing services in Goxhill. Moreover, it is considered the location of the proposed new dwelling would not be dependent on car travel given the availability of other forms of travel (i.e. walking, cycling or bus). The above matters weigh heavily in favour of the proposal in terms of the economic, social and environmental dimensions of sustainability. As a result, it is considered the proposed dwelling would be situated within a sustainable location.

A key determination in the principle of development is balancing the impact of harm against the associated benefits, as per paragraph 11(d) of the NPPF. Although the proposal would be in conflict with development plans (that is, policies CS2, CS3 and CS8 of the Core Strategy and RD2 of the local plan), the proposal would provide the benefit of a dwelling

contribution within a locality which consists of existing housing to the immediate west and south. Additionally, it is determined the location of the new dwelling would be within a sustainable location, as per paragraph 8 of the NPPF. In light of this, there is little evidence to suggest that the proposal would result in adverse impacts which would significantly and demonstrably outweigh the benefits.

On balance, it is considered that although the development plans would preclude such type of development, in the absence of a five-year housing land supply and in the presumption in favour of sustainable development stipulated within the NPPF, the principle of development would be acceptable, subject to the considerations below.

Impact on the amenity of the locality

In terms of the appearance, layout and scale of the proposed dwelling, this would be dealt with under a subsequent reserved matters application. It is considered that one dwelling on the site could be designed to be in character with surrounding properties. The site is a substantial size and could accommodate a dwelling without creating a cramped appearance within the street scene. The proposal would therefore accord with the NPPF, policies CS1, CS2, CS5, CS7 and CS8 of the Core Strategy, and policy DS1 of the North Lincolnshire Local Plan.

Impact on residential amenity

In terms of impact on residential amenity, the council is satisfied that a dwelling could be located on this substantially sized plot without adversely affecting the amenity of adjoining residents. It is considered a dwelling could be sited on the plot without causing demonstrable harm to the amenity of nearby residents. This issue would be assessed in more detail through the submission of a subsequent reserved matters application when the appearance, scale and layout would be considered. The proposal would therefore accord with the NPPF, policies CS1, CS2, CS5, CS7 and CS8 of the Core Strategy, and policy DS1 of the North Lincolnshire Local Plan.

Highways

In terms of access, this could be from either Barrow Road or Thornton Road. Both roads serve several existing residential properties. Highways have raised no objections to the proposal subject to conditions which would be imposed on any planning permission granted. The proposal would therefore accord with policies T2 and T19 of the North Lincolnshire Local Plan.

Land quality

Policy DS7 of the local plan is concerned with contaminated land. It states that permission will only be granted on contaminated sites where a detailed site survey has been submitted, and a suitable scheme of remedial measures has been agreed to overcome any existing contamination.

The council's Environmental Protection team has recommended that, given the residential development is a sensitive end use and that the applicant has not submitted any information with regard to land quality, a condition relating to land contamination be attached to any planning approval.

Trees

The council's tree officer has been consulted and advises that the mature trees within the hedge line should not be compromised by development and sufficient root protection should be provided given the access to the site may compromise trees. An arboricultural report would need to be submitted which can be done via the submission of a reserved matters application.

Ecology

The site appears to be amenity grassland with small ornamental trees with limited potential to support protected or priority species. Provided that boundary hedgerows are to be retained, no ecological surveys are required. The council's ecologist has been consulted, has no objection and does not wish to impose any conditions.

Conclusion

Whilst the proposal is within the open countryside, which would potentially harm the existing site context, this does not outweigh the benefit of providing a dwellinghouse, subject to conditions. On balance, the proposal is a justified departure from the development plan and is considered to comply with the overarching paragraph 11(d) of the NPPF.

RECOMMENDATION Grant permission subject to the following conditions:

1.

Approval of the details of the layout, scale and appearance of the building, the means of access thereto and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the local planning authority in writing before any development is commenced.

Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

2.

Plans and particulars of the reserved matters referred to in condition 1 above, relating to the layout, scale and appearance of any buildings to be erected, the means of access thereto 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 development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan.

Reason

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

6.

No development shall take place until details of:

- the location and layout of the vehicular access; and
- the number, location and layout of vehicle parking and turning space(s) within the curtilage of the site;

have 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.

7.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken to the satisfaction of 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.

8.

Nothing shall at any time, whether permitted by the Town and Country Planning (General Permitted Development) Order or not, 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

To ensure the provision/retention of adequate parking commensurate with the nature of the proposed development and to comply with policy T3 of the North Lincolnshire Local Plan.

9.

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

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. The approved method statement shall be implemented in full prior to development commencing on the site.

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.

No development shall take place until a detailed flood risk statement and drainage strategy has been submitted to and approved in writing by the local planning authority. This should outline all sources of flood risk (including surface water, ground water and ordinary watercourse) and proposals to mitigate this and include preliminary drainage layout plans. SuDS should be considered. Full ground investigations must be carried out along with a feasibility assessment for infiltration. Infiltration tests should comprise full-scale tests to demonstrate long-term effectiveness and suitability. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document.

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 structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 155, 157, 163 and 165 of the National Planning Policy Framework.

12.

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 approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraph 163 of the National Planning Policy Framework.

13.

No development shall take place until details showing an effective method of preventing surface water run-off from the highway onto the developed site has 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 and thereafter so retained.

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 structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 155, 157, 163 and 165 of the National Planning Policy Framework.

14.

No above-ground works 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.

15.

The dwelling shall not be occupied 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 is occupied and once built/planted it shall be retained.

Reason

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

Informative 1

Records indicate that the proposed development site is bounded by, 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.

Please refer to the Environment Agency's 'Living on the edge - Riverside ownership rights and responsibilities' document which can be found online for further information. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

Informative 2

Records indicate that the proposed development site is bounded by an ordinary/riparian watercourse/highway drain along the eastern boundary. The proposals show a new access to be provided over and/or connection into the watercourse. This must be consented by

North Lincolnshire Council's LLFA Drainage Team, in their capacity as Lead Local Flood Authority, and/or the local Internal Drainage Board through an Ordinary Watercourse Consent and appropriate discharge rates must be agreed. Please contact the LLFA Drainage Team on 01724 297522 or by email to llfadrainageteam@northlincs.gov.uk for further details. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

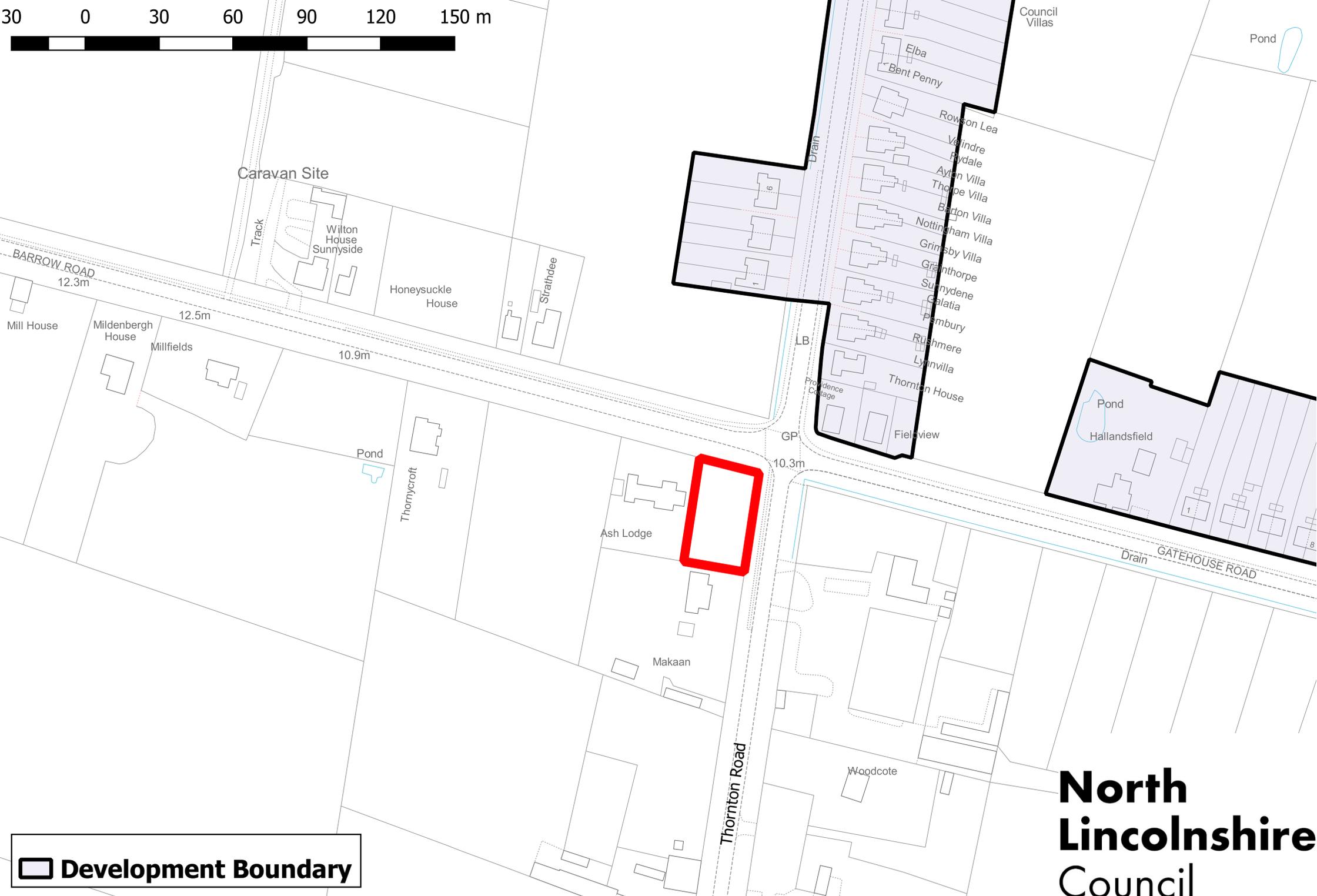
Informative 3

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 4

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/2020/1114

**North
Lincolnshire
Council**