

APPLICATION NO	PA/2022/806
APPLICANT	Mr Stephen Oxborrow
DEVELOPMENT	Outline planning permission for a dwelling with all matters reserved except access
LOCATION	Land adjacent to 1 Derrythorpe Road, Althorpe, DN17 3JA
PARISH	Keadby with Althorpe
WARD	Axholme North
CASE OFFICER	Jess Hill
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Keadby with Althorpe Council Parish Council

POLICIES

National Planning Policy Framework:

Section 12 (Achieving well-designed places)

North Lincolnshire Local Plan: Policies DS1, H5, H7, T2, T19, LC14

North Lincolnshire Core Strategy: Policies CS1, CS2, CS3, CS5, CS8

Housing and Employment Land Allocations DPD 2016: The site is not subject to any designations within the DPD.

CONSULTATIONS

Highways: Advise conditions requiring access, parking and turning to be provided before occupation of the dwelling.

LLFA Drainage: No objection subject to conditions and an informative comment.

Severn Trent Water: No objections but suggest an informative.

Environmental Protection: Residential development is a sensitive end use. The applicant has submitted a screening assessment with photographic evidence which identifies the site as a domestic garden. The historical maps held by the department do not indicate a former land use that would give rise to contaminated land. Therefore recommend the inclusion of a condition that, should any unexpected contamination be found at the site during development, work shall cease until a method of dealing with the contamination has been agreed with the local planning authority.

Historic Environment Record: This proposal does not adversely affect any heritage assets of archaeological interest or their settings. The site is within the Area of Special

Historic Landscape Interest of the Isle of Axholme (local plan policy LC14). Does not consider this proposal would adversely affect the character of the landscape heritage asset or its setting at this location. No objection.

Environment Agency:

First response (21 June 2022)

In the absence of an acceptable flood risk assessment (FRA) and supporting documentation, object to this application and recommend planning permission is refused. To overcome the objection, the applicant should submit a revised FRA.

Second response (4 August 2022)

Having reviewed the FRA, consider it meets the requirements of the National Planning Policy Framework in relation to flood risk. Subject to a condition, withdraw the previous objection dated 21 June 2022.

Strategic Planning: No response received.

Yorkshire Water: No response received.

PARISH COUNCIL

Object as there is insufficient information on which to make a determination. The application details the plot but nothing on the proposed dwelling at all.

PUBLICITY

A site notice has been displayed. No responses have been received.

ASSESSMENT

Site location and context

The site comprises a parcel of land on the corner of Crowle Bank Road and Derrythorpe Road, which is currently used as garden for 1 Derrythorpe Road. The site is within the development limits of Althorpe as identified by the Housing and Employment Land Allocations DPD 2016.

Planning history

2/1984/0196: Erection of low density residential development – refused 31 July 1984

2/1988/0651: Erection of residential development – refused 17 October 1988

2/1990/1060: Erection of a detached dwelling and garage – refused 18 December 1990

2/1991/0233: Erection of a detached dwelling and garage – refused 28 May 1991

Designations/constraints

The site is not within a conservation area, and there no listed buildings on or next to the site.

The site is within SFRA Flood Zone 2/3 (a) Fluvial.

The site is within the Isle of Axholme Area of Special Historic Landscape Interest (policy LC14).

There are no tree protection orders on the site and no public rights of way.

Proposal

Outline planning permission is sought to erect a dwelling. The detailed design of the dwelling is to be secured through the submission of a separate reserved matters application.

The main considerations in assessing this application include:

- **principle of development**
- **appearance and landscape impact**
- **residential amenity**
- **flood risk and drainage**
- **access and highway safety.**

Principle of development

The site is within the development limits of Althorpe, as identified by the Housing and Employment Land Allocations DPD 2016.

Althorpe is defined as a 'rural settlement' in the spatial hierarchy in North Lincolnshire's Core Strategy.

Policy CS1 (Spatial Strategy for North Lincolnshire) supports limited development in rural settlements such as Althorpe provided it is in keeping with the character and nature of the settlement.

Policy CS2 (Delivering more Sustainable Development) allows for small-scale development within the defined development limits of rural settlements.

Policy CS3 (Development Limits) allows for appropriate development within defined development limits, provided the proposed development responds to the context of the area and the settlement has capacity to accommodate the proposed development based on existing and proposed infrastructure.

Policy CS8 (Spatial Distribution of Housing Sites) allows for new housing within rural settlements, including small-scale infill development, that maintains the viability of the settlement and meets identified local needs without increasing the need to travel. The proposed dwelling is considered to comprise suitable infill development in principle. The site could accommodate a dwelling of a suitable scale that responds to the context of the surrounding area within Althorpe.

Policy H7 (Backland and Tandem Development) allows for development in gardens provided there would no adverse effect on the amenities of any neighbouring properties (part i), and the proposal would not affect the general quality and character of the area (part ii). Although the exact scale of the proposed dwelling is not yet known, given the application seeks to secure outline permission only, it is considered that a dwelling of a suitable scale could be accommodated.

The site is within the Isle of Axholme Area of Special Historic Landscape Interest, though it is on the very edge of the area affected by this designation. This area is protected by policy LC14 (Area of Special Historic Landscape Interest) which resists any development that would adversely affect this area. As confirmed by the Historic Environment Record team, it is considered that the proposal would not have a detrimental impact. The site is surrounded by residential development rather than affecting an open area of the protected landscape designation. It is considered that with a suitable detailed design, the proposed dwelling would not have an unacceptable impact on the area.

The proposal comprises limited development that is permitted and encouraged by policies CS1, CS2 and CS3 of the Core Strategy. As such, the principle of development is acceptable.

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 10 of the NPPF 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(d) of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, relevant policies which were most important to determining the application should not be considered up-to-date.

A recent appeal decision dated 20 July 2022 (planning reference PA/2020/554) has been issued where the Inspector has concluded that the council does not currently have a five-year housing land supply of deliverable sites. The council's Five Year Housing Land Supply Position Statement is awaiting an update and as such any decisions made by the planning authority will take account of the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF. The current local policies which are most important for determining the application will carry reduced weight during this period.

The site is within the development boundary of Althorpe where the principle of residential development is considered acceptable. The proposal generally accords with the relevant policies of the development plan. As such the statutory presumption in section 38(6) of the Planning and Compulsory Purchase Act 2004 is engaged, which states that planning permission should be granted unless other material considerations indicate otherwise. The proposal is considered to represent sustainable development and the presumption in favour set out in paragraph 11 of the Framework is triggered. In determining the principle and sustainability of the proposed development, an assessment is required of the technical elements of the proposal which will be discussed below.

Appearance and landscape impact

Policies DS1 (General Requirements) and CS5 (Delivering Quality Design in North Lincolnshire) are both concerned with visual amenity, the former stating that proposals should be sympathetic in design, scale and materials.

This application seeks outline permission for a dwelling and as such the detailed design, including the layout, scale, appearance and landscaping within the plot will be secured through a subsequent reserved matters application.

There are a mixture of property types within the area including single and two-storey dwellings, and the detailed design should respond to the context of the site. Materials used on properties within the street scene also vary, including white/cream render and buff brickwork. The detailed design should reflect the character of its surroundings, including materials used on other properties within the area. These matters would be considered through the determination of the reserved matters application.

The site is within the Isle of Axholme Area of Special Historic Landscape Interest. Policy LC14 does not allow development within the area that would destroy, damage or adversely affect the character appearance or setting of the historic landscape. The policy also requires a high standard of design and siting in new development within the area when such development is considered necessary or appropriate, which should reflect the traditional character of buildings in the area. Although the detailed design is not yet known, it is considered that the site has the capacity to support a suitable design and a dwelling could be accommodated without having a detrimental impact on the special historic landscape area.

Therefore, it is considered that the proposal would not have an unacceptable impact on the character of the area.

Residential amenity

Policy DS1 requires proposals to be designed so as to not have a detrimental impact on residential amenity. This includes resisting developments that would unreasonably reduce sunlight or daylight, or result in overshadowing, overbearing impact or loss of privacy to adjacent dwellings.

The application seeks outline permission only, with all matters reserved except for access. There are, however, suitable separation distances between the plot and surrounding properties and it is considered that the plot is of a sufficient size to accommodate a dwelling that would not have an overbearing or overshadowing impact.

For example, 1 Crowle Bank Road is approximately 11m north of the site's boundary and properties at 1–5 Vermuyden Court are approximately 15m north of the site's boundary. 1 Derrythorpe Road is approximately 8.5m to the south of the site.

There is capacity within the site to feature a dwelling that incorporates a design that will not have an unacceptable impact on the residential amenity of neighbouring properties. The reserved matters application will need to ensure that the proposal accords with the requirements of policy DS1.

Flood risk and drainage

Policies CS19 (Flood Risk) and DS16 (Flood Risk) require proposals to be assessed appropriately and ensure that suitable drainage strategies are secured for developments.

The site is within Flood Zone 2/3(a) (fluvial). Policy CS19 states that development in areas of high flood risk will only be permitted where it meets the following prerequisites:

1. it can be demonstrated that the development provides wider sustainability benefits to the community and the area that outweigh flood risk;
2. the development should be on previously used land; if not, there must be no reasonable alternative developable sites on previously developed land;
3. a flood risk assessment has demonstrated that the development will be safe, without increasing flood risk elsewhere.

The application is accompanied by a Flood Risk Assessment which includes a recommendation for the dwelling to feature finished floor levels at a minimum of 5.21 metres AOD. The Environment Agency has reviewed the proposal and confirms it is acceptable subject to a condition to ensure the floor level requirement is complied with. Similarly, the drainage officer has confirmed they have no objections to the proposed development subject to conditions.

Severn Trent also have no objections to the proposals, but recommend an informative be attached, should permission be granted, relating to the statutory protection of public sewers if found within the site.

Sequential test

Policies CS2 and CS19 require a sequential approach to assessing development proposals to ensure that development is, where possible, directed to those areas that have the lowest probability of flooding, taking into account the vulnerability of the type of development proposed, its contribution to creating sustainable communities and achieving the sustainable development objectives of the plan. Where development does take place in the flood plain, mitigation measures should be applied to ensure that the development is safe.

The sequential test requires alternative locations for the development to be considered before granting permission for development in the location under consideration. The alternative sites should represent a reduced risk of flooding. If none are available, then a site with a greater risk will be considered.

The application seeks outline permission for a dwelling within the development limits of Althorpe. The development limits are tightly drawn around Althorpe and the wider area is within Flood Zone 2/3 (a) (fluvial). It is considered there are limited, if any, opportunities for infill development within the area.

Suitable mitigation, in the form of setting the ground floor levels no lower than 5.21m AOD, has been agreed with the Environment Agency.

It can therefore be reasonably justified that no other sites would meet the requirements of this proposal, and the sequential test is passed.

Exceptions test

Paragraphs 161 and 163 of the NPPF set out that an exception test may need to be carried out if it is not possible for development to be located in areas with a lower risk of flooding.

Paragraph 167 of the NPPF requires an exception test to be carried out to ensure the most vulnerable development is located in areas of lowest flood risk. The Strategic Flood Risk

Assessment North and North East Lincolnshire November 2022 defines dwelling houses as a more vulnerable use.

NPPF paragraph 164 states that for the exception test to be passed it should be demonstrated that:

- (a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- (b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The proposal would provide some sustainability benefits in terms of delivering a dwelling in a rural settlement within the district.

There are three dimensions to sustainable development as set out in paragraph 8 of the NPPF: economic, social, and environmental.

In economic terms the development would provide much needed housing and employment during the construction phase, and the local economy could benefit from money spent in the future by residents.

An additional dwelling can bring social benefits by way of encouraging new social interactions, leading to growing local communities and supporting local services.

The North Lincolnshire Sustainable Settlement Survey 2019 ranks Althorpe as 39 out of 76 settlements in terms of its sustainability, with 3 out of 7 key facilities. There are, therefore, some local services within walking distance and a bus stop to the north-east of the site on Main Street (approximately 40m).

The submitted Flood Risk Assessment and recommended mitigation measures of providing finished floor levels no lower than 5.21m AOD have been assessed as being acceptable by the Environment Agency and the LLFA Drainage Team. Compliance with the finished floor levels will be secured by condition. It is considered that this mitigation would make the scheme safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and, where possible, reducing flood risk overall. Parts a and b of the exceptions test are therefore considered to be passed, given the sustainability benefits outweigh the flood risk, which will be suitably managed by the identified mitigation measures.

The proposal is therefore considered to be acceptable in flood risk and drainage terms and complies with policies DS14, DS16, CS16 and CS19. The requirements of the NPPF have also been met (paragraphs 161–167).

Access and highway safety

Policies T2 (Access to Development) and T19 (Car Parking Provision and Standards) require proposals to be served by a satisfactory access and suitable parking arrangements.

The proposed dwelling will be accessed from a new access from Crowle Bank Road. There is adequate space for parking and for vehicles to turn to access the dwelling. There is a bus stop adjacent to the site along the site frontage with Crowle Bank Road. The proposed site

access is close to this bus stop; however, the council's highways officer has reviewed the proposal and has no objections subject to a condition. Furthermore, the access to The Engine House to the south-west of the site is a similar distance from the bus stop. The proposal is therefore acceptable in terms of its impact on highway safety.

The proposal is therefore acceptable in principle subject to receiving further details relating to highway safety through the submission of the reserved matters and discharge of the relevant conditions.

Other issues

The Environmental Protection officer has reviewed the proposal and has recommended a condition to ensure that if contamination is found during development, no further development shall take place until the method as to how it will be dealt with has been agreed and implemented. This condition is considered suitable and proportionate given the previous use of the site as a garden.

The proposed bungalow would not require the removal of any trees. The site is also not subject to any ecological designations and as such the proposal is considered to be acceptable in terms of ecological impact.

Conclusion

The proposed dwelling is acceptable in principle and the detailed design will be secured through a subsequent reserved matters application. The application is therefore recommended for approval subject to conditions.

Pre-commencement conditions

The applicant has confirmed that the pre-commencement conditions are acceptable.

RECOMMENDATION Grant permission subject to the following conditions:

1.

Approval of the details of the layout, scale and external 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 external 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.

Development shall proceed in accordance with the following approved drawing:

- Location Plan (50/22/01)

and only in so far as it relates to access:

- Proposed Block Plan (50/22/02A).

Reason

For the sake of clarity and in the interests of proper planning.

6.

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

7.

No development shall take place until details showing 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.

8.

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

9.

The development shall be carried out in accordance with the submitted Flood Risk Assessment dated July 2022, reference number 2022/2909, prepared by EWE Associates Ltd and the following mitigation measures it details:

- Ground floor levels shall be set no lower than 5.21 metres above Ordnance Datum (AOD) with no basement below
- Flood resilience measures are to be implemented as detailed within Section 5.0. These are to be incorporated into the design up to 300mm above ground floor level
- The plan area of the dwelling will not notably increase in size from that shown within proposed block plan reference SO/22/02A.

Reason

To reduce the risk of flooding to the proposed development and future occupants, and to prevent any increase in flooding elsewhere resulting from the development.

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

Reason

To protect human health.

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

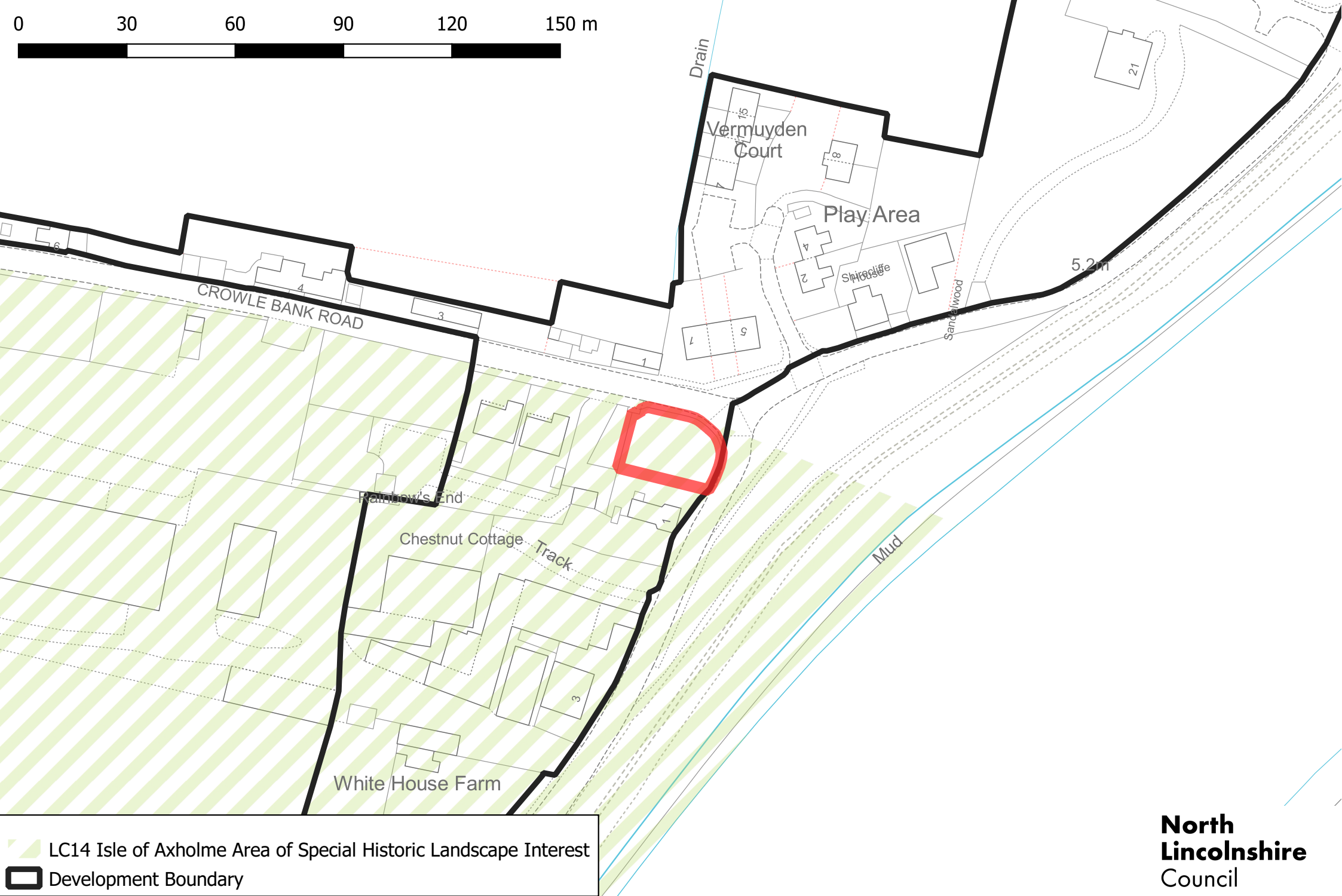
It is suggested you consider upsizing the pipe network increasing storage around your development to cater for more intense storm conditions. Although this is not a requirement in terms of surface water flood risk compliance it would be good practice on your behalf to ensure an increased level of resilience for the development and its future occupiers.



Informative 3

Severn Trent Water advise that although their statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you in obtaining a solution which protects both the public sewer and the building.

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.

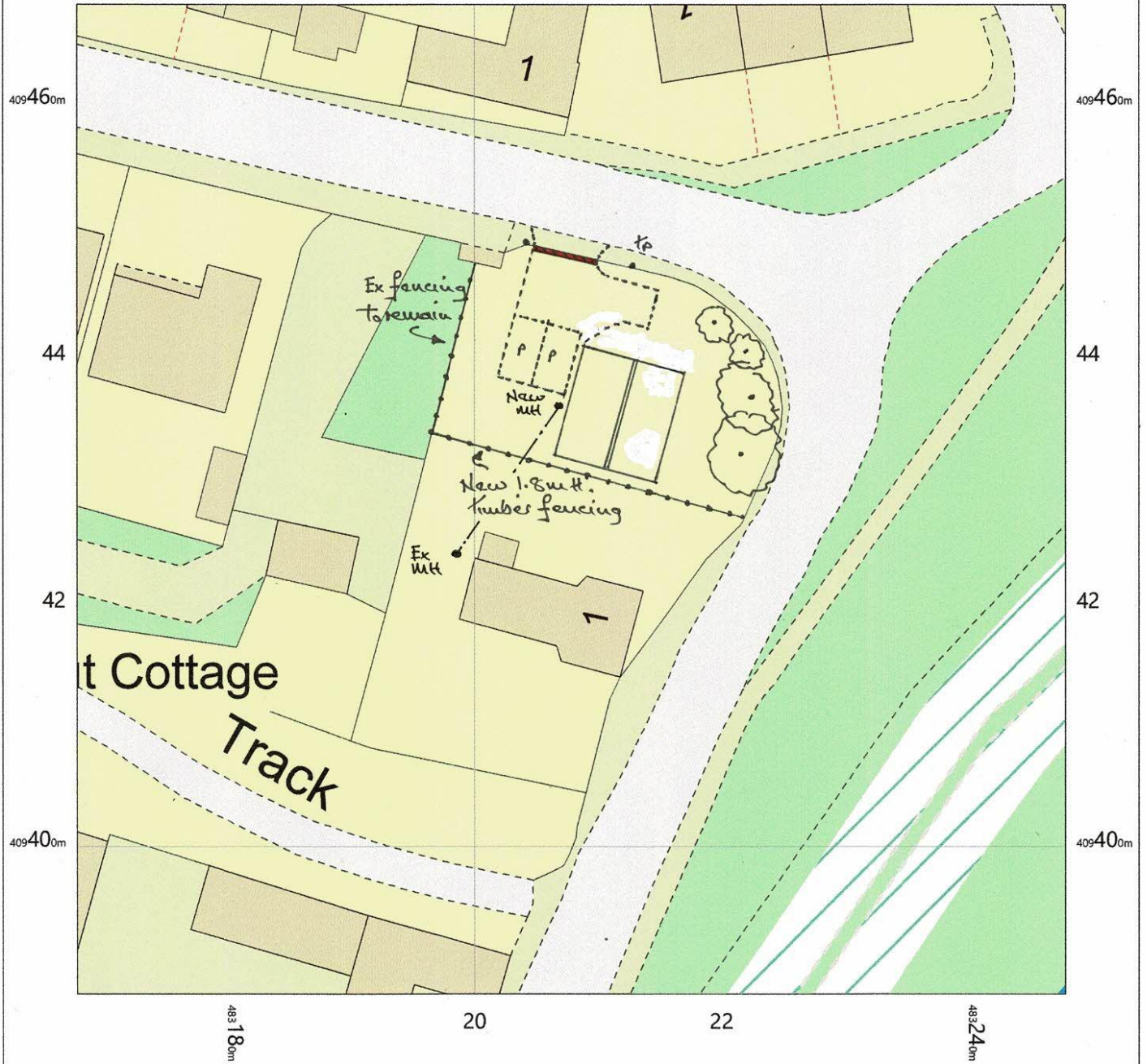


 LC14 Isle of Axholme Area of Special Historic Landscape Interest
 Development Boundary

**North
Lincolnshire
Council**

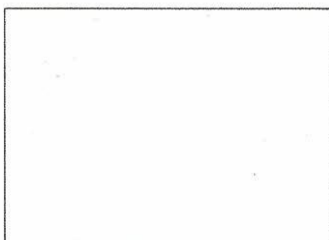
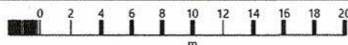
PA/2022/806

MR. S. OXBORROW
LAND ADD. to
1 DERRYTHORPE
AULHORPE
SCUNTHORPE 20 DN17 3JA



"PROPOSED BLOCK PLAN"

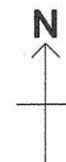
DRG. NO. 50/22/02A



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