APPLICATION NO	PA/2022/1040
APPLICANT	Mr C Lunn
DEVELOPMENT	Planning permission to erect three dwellings including access
LOCATION	Land east of 26 Meredyke Road, Luddington, DN17 4RD
PARISH	Luddington and Haldenby
WARD	Axholme North
CASE OFFICER	Alan Redmond
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Luddington and Haldenby Parish Council
POLICIES	
National Planning Policy Framework:	
Paragraph 2 – Achieving sustainable development	
Paragraph 4 – Decision-making	
Paragraph 5 – Delivering a sufficient supply of homes	
Paragraph 12 – Achieving well-designed places	
Paragraph 14 – Meeting the challenge of climate change, flooding and coastal change	
Paragraph 15 – Conserving and enhancing the natural environment	
North Lincolnshire Local Plan:	
Policy H5 (New Housing Development)	
Policy H8 (Housing Design and Housing Mix)	
Policy H10 (Public Open Space Provision in New Housing Development)	
Policy DS1 (General Requirements)	

- Policy DS3 (Planning Out Crime)
- Policy T19 Car Parking Provision

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 CS9 (Affordable Housing)

Policy CS25 (Promoting Sustainable Transport)

Housing and Employment Land Allocations Development Plan Document

CONSULTATIONS

Highways: No objections subject to conditions.

LLFA Drainage: No objections subject to conditions to mitigate surface water.

HER (Archaeology): No objections.

Isle of Axholme & North Nottinghamshire Water Level Management Board: No objections.

Environmental Protection: No objections subject to a condition relating to land contamination.

Ecology: No objections – recommends bird boxes.

Environment Agency: Following the submission of an appropriate flood risk assessment, no objections subject to conditions.

PARISH COUNCIL

Welcomes the attempt to move the house on plot 1 further from existing properties but feels that this is still not enough – the property proposed for plot 1 represents a substantial negative impact on residents in the existing properties at 30 and 32 Meredyke Road. There is nowhere on this plot that a house can be constructed without taking light and privacy from those existing properties. Also notes that changes to the layout of this plot mean that the house now is planned to have a double garage. For clarity in this suggestion: garage 1 is next to plot 3 and garage 2 is next to the house on plot 1. If this reverted to a single garage with the removal of garage 2 and the house further moved into that space, towards plot 3, this could go a long way to removing some objections.

The sycamore trees along the boundary which are to be retained offer a welcome screen, particularly for number 32 but even this is not without issue. The bases of these trees are within plot 1 but any further growth would rob the existing houses of light and autumnal leaf fall would create issues with blocked gutters and an increase in effort to clear the gardens each year. The trees have been hard pruned at the expense of the residents of numbers 30 and 32 despite being on land owned by another party who, we understand, simply abdicated any responsibility. We feel that the trees should be retained but that there should

be an obligation, a covenant, that these trees be maintained at their current height by future owners.

Given the size of plot 1 seeks assurances that no further development will be permitted behind 30 and 32 Meredyke Road.

In the event of planning being granted would also like to see the following at the expense of developers:

- a fenced path, 1.5 metres in width, alongside number 30 from Meredyke Road to the small garden extension at the rear for property maintenance and access to the heating oil tank for deliveries
- subject to approval by the residents of numbers 30 and 32, replacement of the fence at the rear of the properties with a higher fence to give greater privacy, perhaps 1.8 metres.

PUBLICITY

A site notice has been displayed and one response has been received expressing concerns in relation to impacts on residential amenity through overshadowing, overlooking and loss of views.

ASSESSMENT

Planning history

- PA/2003/0170: Outline planning permission to erect dwellings approved 18/06/2003
- PA/2010/0732: Application for approval of reserved matters pursuant to outline planning permission PA/2007/1455 dated 19/10/2007 to erect 3 dwellings approved 23/09/2010
- PA/2007/1455: Outline planning permission to erect 3 two-storey dwellings with access not reserved for subsequent approval approved 19/10/2007
- PA/2022/96: Planning permission to erect 3 dwellings including access refused 25/04/2022.

Site constraints

Flood Zone 2/3a Tidal

Site characteristics

This site is an infill plot of land that formerly hosted an agricultural barn. The plot is located between 26 and 30 Meredyke Road and at present is laid to grass.

Proposal

The applicant proposes to erect 3 detached dwellings. Plots 2 and 3 have detached garages and separate access with turning heads leading to the dwellings. Plot 1 is set back behind number 30 and is a large, detached dwelling with integrated side garage.

The following considerations are relevant to this proposal:

- principle of development
- flooding, sequential and exceptions test, and drainage
- character and appearance
- residential amenity
- highway safety
- land contamination.

Principle of development

Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. 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 Core Strategy sets out a spatial strategy for North Lincolnshire, which, amongst other matters, states that rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing existing local services to meet local needs. Development will be limited and should take into account levels of local service provision, infrastructure capacity and accessibility. Any development that takes place should be in keeping with the character and nature of the settlement.

Policy CS8 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.

Policy CS3 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 within the settlement limits for Luddington which is identified as a rural settlement by the Core Strategy.

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 entirely within the settlement limits of Luddington and is therefore considered to be in accordance with policies CS2, CS3 and CS8 of the Core Strategy and H5 and DS1 of the local plan, and is considered acceptable in principle.

Flood risk, sequential and exceptions test, and drainage

Policy CS19 (this policy sits alongside DS16 of the local plan) is concerned with flood risk and states that the council will support development proposals that avoid areas of current or

future flood risk, and which do not increase the risk of flooding elsewhere. This will involve a risk-based sequential approach to determine the suitability of land for development that uses the principle of locating development, where possible, on land that has a lower flood risk, and relates land use to its vulnerability to flood. Development in areas of high flood risk will only be permitted where it meets the following prerequisites:

It can be demonstrated that the development provides wider sustainability benefits to the community and the area that outweigh flood risk.

The development should be on previously used land. If not, there must be no reasonable alternative developable sites on previously developed land.

A flood risk assessment has demonstrated that the development will be safe, without increasing flood risk elsewhere, by integrating water management methods into the development.

The site is within Flood Zone 2/3a of the North Lincolnshire Strategic Flood Risk Assessment. The proposal is for 'more vulnerable' development and there is a requirement for the sequential and exceptions tests to be applied and passed for the proposed dwellings. A revised flood risk assessment (FRA) has been submitted with the application.

Sequential test

The applicant has submitted a flood risk assessment, sequential test and exceptions test. The entire settlement of Luddington is at the same level of flood risk: there are no sites available which could reasonably accommodate the development and are at a lower risk of flooding (i.e. Flood Zone 1). It is considered that the rural settlement, given its score in the sustainability table, is an agreeable area for geographical search. It is therefore considered that the sequential test is passed in this case.

Exceptions test and FRA

The exceptions test is in two parts: it requires the proposed development to show that it will provide wider sustainability benefits to the community that outweigh flood risk; and that it will be safe for its lifetime, without increasing flood risk elsewhere, and where possible reduce flood risk overall.

The applicant has provided additional information in support of the application that sets out how the development is considered to be sustainable in terms of proximity to local services and transport routes. In terms of community benefits, the supporting statement highlights the fact that the proposal will provide additional housing and will support local businesses and services. The use of building regulations compliant fabrics also underlines how the development attempts to mitigate itself from climate change.

The flood risk assessment states that site levels would be the same as Meredyke Road (3.5m AOD) and finished floor levels would need to be no more than 600mm above existing ground level.

The application has been assessed by the Environment Agency and no objections have been raised subject to conditions to ensure the properties are adequately protected from flood risk. Conditions are recommended accordingly. The LLFA has no objections subject to conditions. The proposal is therefore considered to provide wider sustainability benefits which outweigh flood risk. Subsequently, the exception test is passed in this case and the proposal is considered to comply with policies DS16 of the North Lincolnshire Local Plan and CS19 of the Core Strategy, and the National Planning Policy Framework in terms of flood risk.

Character and appearance

Policy CS5 of the North Lincolnshire Core Strategy is also relevant. It states '...All new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place' and 'Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.'

Policies H5 (new housing development) and LC7 (landscape protection) of the local plan, and paragraph 130 of the NPPF, are also considered relevant.

The applicant proposes 3 detached dwellings. Those on plots 2 and 3 mirror one another although they are handed differently. These dwellings would reinforce the active frontage of the street. The dwelling on plot 1 is set further back, behind an existing dwelling (30 Meredyke Road). It is orientated so that its principal elevations face east and west, is L-shaped and has a central gable feature with a central access and attached garage. There is a broad housing mix in the area with no discernible building line and therefore the proposal would not be out of character.

There are a number of semi-mature trees which are proposed to be retained as part of the development. These are sited along the south-western boundary where there is also a retained hedgerow. Along the shared boundary with number 30 there are further trees which are to be retained.

To the frontage of the development it is proposed to erect a post-and-rail fence with a hedgerow. It is considered that this will enhance the street scene and respect the semi-rural character of the area. It is considered that the retained and proposed landscaping features will help assimilate the proposed development within the street scene.

It is considered that the proposed scheme will not have any adverse impact upon the visual amenity of the street scene and that the proposal is in accordance with saved policies H5 and DS1 of the local plan, CS5 of the Core Strategy and part 12 of the National Planning Policy Framework which seek to secure high quality design in developments.

Residential amenity

Policy DS1 of the North Lincolnshire Local Plan is concerned in part with residential amenity. It states that planning applications for residential dwellings should not unreasonably reduce sunlight or daylight, or result in overshadowing, overbearing impact or loss of privacy to adjacent dwellings. Policy CS5 of the Core Strategy is also relevant.

The previous refusal, under planning reference PA/2022/96, was due principally to the positioning of plot 1 which was considered to have an adverse impact through overshadowing of existing properties and a poor outlook from the proposed dwelling. Plot 1 has been repositioned within the plot to address these previous concerns.

The dwellings on plots 2 and 3 have a sufficient separation distance from one another and from all existing properties so as not to give rise to unacceptable overshadowing or overbearing impacts.

Concern has been raised with regard to the dwelling on plot 1 and its possible impacts upon 30 Meredyke Road, which is positioned in the south-west corner of its plot with its principal elevations facing east and north. To the south it has a blank gable elevation.

The dwelling on plot 1 is orientated with its principal elevations facing east and west and therefore it is considered that the proposal will not result in any loss of privacy to existing occupiers.

Plot 1 is south of number 30 and there is therefore potential to cause some loss of direct sunlight, especially during winter months when the sun is lower. On balance, given the separation distances and orientation of the properties, it is considered that any loss of light would not be so significant as to cause a detriment to the overall amenity of number 30. It is considered reasonable to remove permitted development rights from plot 1 so that the relationship can be controlled in the future.

With regard to amenity space, all dwellings have a significant and acceptable amount of outdoor space allocated to them.

It is considered, on balance, that the proposal will not have an adverse impact upon residential amenity and it is therefore acceptable in this regard.

The proposal is therefore in accordance with policies DS1 of the local plan and CS5 of the Core Strategy.

Highway safety

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by a satisfactory access. Policy T19 is concerned with parking provision as well as general highway safety. Both policies are considered relevant.

The proposal would allow for individual access and egress for each plot with ample offstreet parking provision. The highways team have no objections to the proposal subject to conditions.

The proposal is therefore in accordance with policies T2 and T19 of the local plan.

Land contamination

Policy DS7 of the North Lincolnshire 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 Officer has recommended a phase 1 site investigation be submitted to and agreed with the local planning authority, including remediation and verification reports, the remediation strategy being prior to works commencing. Given the aforementioned mitigation, the proposed development is considered to accord with policy DS7 of the North Lincolnshire Local Plan.

Other matters

The parish council has requested a footpath be provided to enable 30 Meredyke Road to access its garden. There is no planning justification for such a request and to require this of the applicant would be outside of the remit of planning and ultimately ultra-vires.

The council's ecologist has no concerns with the proposal, but has recommended bird boxes be provided. An informative is recommended accordingly.

Conclusion

The decision has been considered against the relevant policies of the local plan and the Core Strategy, and guidance contained in the National Planning Policy Framework and National Planning Practice Guidance.

It is considered that the proposed residential development will not have an unacceptable impact on the character of the area, highway safety or the amenity of neighbouring residential properties. Furthermore, the development will support the vitality of the settlement. On this basis it is considered that the proposed development is acceptable and approval is therefore recommended subject to conditions.

Pre-commencement conditions

The recommended pre-commencement conditions have been agreed with the applicant.

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 documents and plans:

- Application Form
- Flood Risk Assessment reference 3659, dated October 2022, compiled by J Roberts Design Ltd
- Site Location plan
- Site Block Plan
- Proposed Elevations and Floor Plans Drawing Number 21055-001 Rev 'C'.

Reason

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

3.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revising, revoking and re-enacting that Order with or without modification), there shall be no enlargement or extension of the dwelling(s) hereby permitted, including any additions or alterations to the roof, without the prior written approval of the local planning authority.

Reason

In the interest of amenity in accordance with saved policy DS1 of the North Lincolnshire Local Plan.

4.

Within three months of the completion of the new access, any redundant access to the site shall be removed and the area reinstated to footway/verge (including the provision of full height kerbs) in accordance with details to be submitted to 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.

5.

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.

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 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 which should be based on current national guidance) 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. 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 structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

8.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 7 above, completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, 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 structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

9.

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 paragraphs 159 to 169 of the National Planning Policy Framework.

10.

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 159 to 169 of the National Planning Policy Framework.

11.

The development shall be carried out in accordance with the submitted Flood Risk Assessment (reference 3659, dated October 2022, compiled by J Roberts Design Ltd) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 3.5 metres above Ordnance Datum (AOD)
- Finished floor levels shall be set at least 600 millimetres above existing ground levels
- Resilience and resistance measures (such as those set out in section 6 of the FRA) shall be used to ensure the building is flood resilient to at least 4.1 metres AOD.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

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

12.

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.

- (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.

13.

No development shall take place above DPC level 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.

Informative 1

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit https://www.gov.uk/sign-up-for-flood-warnings. This is a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood, visit https://www.gov.uk/prepare-for-flooding. To get help during a flood, visit https://www.gov.uk/help-during-flood. For advice on what do after a flood, visit https://www.gov.uk/after-flood.

Informative 2

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.

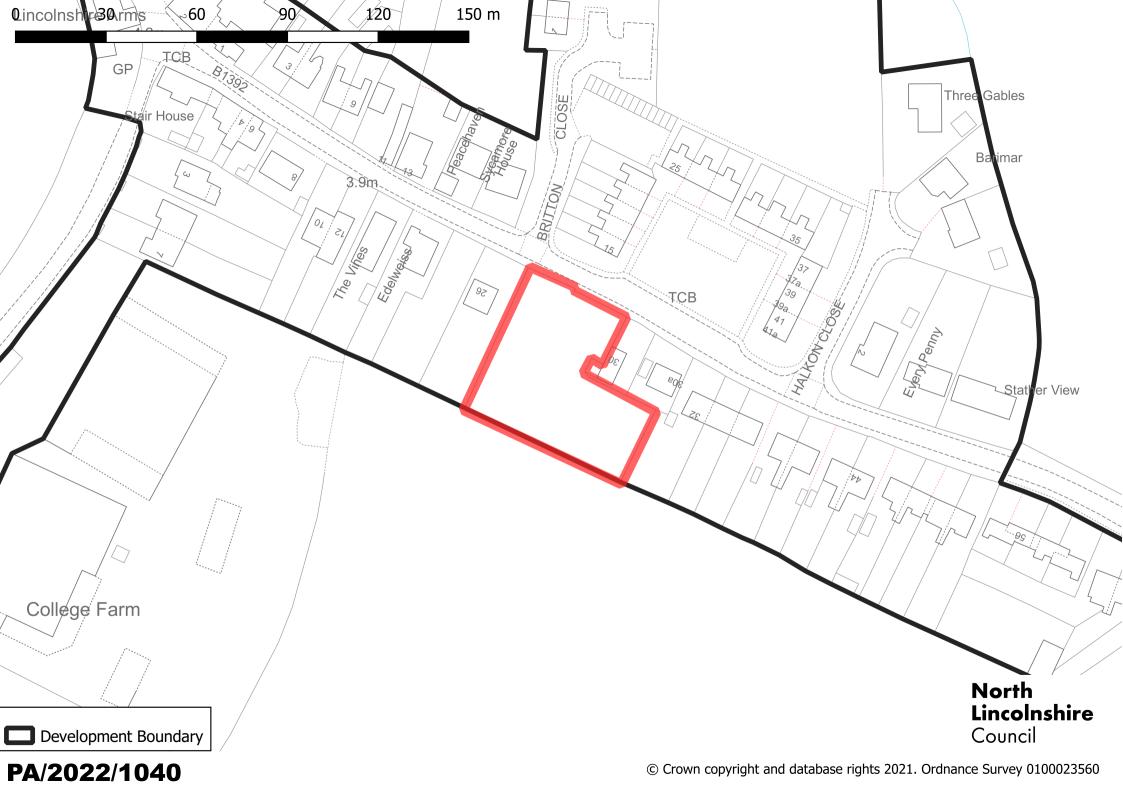
Informative 3

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

The applicant is encouraged to install bird and bat boxes within the development. Advice should be sought from a suitably qualified ecologist to understand the most appropriate installation.





PA/2022/1040 Proposed layout, plans & elevations (not to scale)