APPLICATION NO PA/2023/631

APPLICANT Komolafe, Bliss Homes Development

**DEVELOPMENT** Planning permission to erect 9 dwellings

**LOCATION** Land adjacent to Halkon Close, Luddington, DN17 4RD

PARISH LUDDINGTON AND HALDENBY

WARD Axholme North

CASE OFFICER Tanya Coggon

SUMMARY Approve with conditions RECOMMENDATION

REASONS FOR REFERENCE TO COMMITTEE

Objection by Luddington and Haldenby Parish Council

Member 'call in' (Cllr John Briggs – significant public interest)

# **POLICIES**

# **National Planning Policy Framework:**

- 2 Achieving sustainable development
- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 11 Making effective use of land
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment

# North Lincolnshire Local Plan:

H5 New housing development

H8 Housing design and housing mix

T1 Location of development

T2 Access to development

T6 Pedestrian routes and footpaths

T8 Cyclists and developments

T19 Car parking provision and standards

LC12 Protection of trees, woodland and hedgerows

**DS1** General requirements

**DS7** Contaminated land

DS14 Foul sewage and surface water drainage

DS16 Flood risk

# **North Lincolnshire Core Strategy:**

CS1 Spatial strategy for North Lincolnshire

CS2 Delivering more sustainable development

**CS3** Development limits

CS5 Delivering quality design in North Lincolnshire

CS7 Overall housing provision

CS8 Spatial distribution of housing sites

CS16 North Lincolnshire's landscape, greenspace and waterscape

**CS17** Biodiversity

CS18 Sustainable resource use and climate change

CS19 Flood risk

# **Housing and Employment Land Allocations DPD:**

PS1 Presumption in favour of sustainable development

The site is located within the development limit of Luddington – Inset 28

**New North Lincolnshire Local Plan Submission:** The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until later in 2023.

The submitted North Lincolnshire Local Plan can be given some weight as a material planning consideration in the determination of planning applications. The relevant policies concerning this application are as follows:

SS1 Presumption in favour of sustainable development

SS2 Spatial strategy for North Lincolnshire

SS3 Development principles

SS5 Overall housing provision

SS56 Spatial distribution of housing sites

SS11 Development limits

H2 Housing mix and density

TC2 Placemaking and good design

DQE1 Protection of landscape, townscape and views

DQE3 Biodiversity and geodiversity

DQE5 Managing flood risk

DQE6 Sustainable drainage systems

T1 Promoting sustainable transport

T3 New development and transport

T4 Parking

T5 Cycle and motorcycle parking

DM1 General requirements

DM3 Environmental protection

# Other relevant guidance

# **CONSULTATIONS**

**Highways:** Having reviewed the 'Proposed Access Preliminary Design' we are satisfied that this demonstrates that a suitable adoptable access can be formed with Halkon Close, without compromising vehicular access to Three Gables. Recommend conditions in relation to access, drainage, lighting, relocation of street furniture, turning, parking and submission of a construction management plan.

**Environment Agency:** The proposed development will only meet the National Planning Policy Framework's and policy CS19 of the North Lincolnshire Core Strategy 2011's requirements in relation to flood risk if the following planning condition is included which relates to the development proceeding in accordance with the submitted Flood Risk Assessment (FRA) and finished floor levels of all habitable areas to be set no lower than 4.4 metres above Ordnance Datum.

**Drainage (Lead Local Flood Authority):** No objections subject to conditions requiring the submission of a detailed surface water drainage scheme and conditions preventing surface water run-off onto and from the highway.

The revised details are acceptable in principle from a maintenance and adoption perspective which is also subject to water company adoption under an S104 agreement. I am not sure the water company currently adopts offline storage structures. Clarification is required on land raising and effect on neighbouring catchment.

Significant land raising is proposed on the site and boundaries. There is a watercourse on the northern boundary. Clarification is required as to mitigation required to prevent surface water run-off from the site onto third party land/property and how the residents will maintain the northern watercourse on completion of the development in accordance with their riparian responsibilities.

**Severn Trent Water:** Foul [water] is proposed to connect into the public foul sewer which will be subject to a formal section 106 sewer connection approval. Surface water is proposed to discharge into a watercourse on which we have no comment. Recommend an informative about sewers.

**Environmental Protection:** Recommends a full contamination condition as no Phase 1 site investigation has been submitted and a precautionary approach should be taken. Recommends conditions restricting hours of construction and site clearance, and the submission of a construction environmental management plan (CEMP).

**Historic Environment Record:** There are no known heritage assets of archaeological interest recorded within the site and the potential for the presence of as yet unrecorded archaeological remains is judged to be low. No further recommendations.

**Waste and Recycling:** Generic advice with regard to access for a refuse vehicle, bin storage and pulling distances.

**Tree Officer:** No response to the consultation.

**Ecology:** No habitat or species surveys will be required. The stated claim of 'an overall change in Habitat Units to +147.14%' cannot be accepted. Planning conditions are proposed to minimise harm to protected and priority species and habitats and to seek a measurable net gain in biodiversity in accordance with policy CS17, the National Planning Policy Framework and Biodiversity Metric 4.0. It is to be hoped that a measurable net gain of at least +1% could be achieved. We should secure this by planning condition, backed up by a revised and evidence-based biodiversity metric spreadsheet.

# **PARISH COUNCIL**

Objects. There are no details on how raising the ground levels would be achieved and this does not address the obvious negative impact of large houses perched on a raised platform. This will have a negative impact on existing residents and the skyline of the village. The ground level of existing properties is +/- 2m AOD and most are modest housing stock or bungalows. The developer is proposing new houses that will have a ground level well over 2m higher than surrounding properties. This would be a blot on the surrounding landscape given the flat nature of that landscape. The development is unpopular in the village. It will cause parking issues, emergency service access issues through [the] narrow road of Halkon Close and general traffic issues as new residents will commute as employment opportunities are limited in Luddington and the surrounding area. The village infrastructure cannot support it, the village school is over-subscribed, there are no local shops in Luddington. Across the land are aerial electricity supply cables that will need to be re-routed; this will result in service disruption to adjoining dwellings. There is no similar type of development in Luddington.

There is a defining style in Luddington of traditional red brick construction with some properties rendered. There are some modern properties but these occupy their own space on the outskirts of the village, are well set back form the road and do not have a negative impact on the village or adjoining residents. The site was previously outside the development limit of Luddington. The outline planning permission has expired.

# **PUBLICITY**

A site notice has been displayed for both the original and additional plans. At the time of drafting this committee report the additional plans are currently out for consultation so a verbal update will be provided to committee should any further responses be received. Three letters of objection have been received raising the following concerns:

- · increase in parking on Halkon Close
- HGV deliveries during construction
- loss of green area
- · dwellings out of character with the area
- loss of light
- loss of privacy
- increased noise and disturbance
- drainage concerns
- no affordable housing
- land given to NLC for social housing
- inaccuracies in the planning application submission
- land used to house tanks and artillery regiments in 1944
- large trees adjacent to the site and overhanging the site
- no local need for development
- increase in the need to travel
- land raising will lead to towering houses and loss of amenity
- the site is not a swathe of well-mown modified grassland.

## **ASSESSMENT**

# **Planning history**

2/1980/0293: Outline planning permission for the erection of private dwelling houses – approved 10/09/1980

PA/2017/1208: Outline planning application for residential development with all matters reserved – approved 07/12/2017

PA/2021/645: Application for approval of reserved matters (access, appearance, landscaping, layout and scale) pursuant to outline planning permission PA/2017/1208 dated 07/12/2017, subsequently varied by planning permission PA/2021/1632 dated 13/05/2022, for a residential development – pending

PA/2021/1632: Planning permission to vary condition 8 of PA/2017/1208 dated 7/12/2017 in connection with the surface water drainage scheme – approved 13/05/2022

PA/2022/1948: Application to vary condition 5 of planning permission PA/2021/1632 dated 13/05/2022 as follows: The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment complied by George Shuttleworth Ltd dated 03 August 2017 as modified by the Update to the Flood Risk Assessment reference 00-765 by George Shuttleworth Ltd dated 30 September 2022, in particular finished floor levels of all dwellings shall be set no lower than 4.4m AOD – pending.

# The site

The application site comprises vacant land off Halkon Close in Luddington and is within the development limit. It is bounded to the north by agricultural fields, to the east by two-storey properties off Halkon Close, to the south by two-storey terraced properties on Meredyke Road and to the west by bungalows off Britton Close. The site is currently grassed open space without any particular use or designation. Overhead electricity lines bisect the site in a southeast to northwest direction. There is a footpath along the southern boundary of the site which connects to the garage block on Britton Close. The site is in flood zone 2/3a and is therefore at high risk of flooding.

# The proposal

The proposal is for 9 detached dwellings on the site. The dwellings are of a simple, contemporary design, set in a circular pattern around a central area of open space with access to the site leading from Halkon Close. Each dwelling has two car parking spaces and substantial rear garden areas. A below-ground attenuation storage tank is proposed in the northeast corner of the site which will also provide an area of open space. A landscaping scheme has been submitted with the application. Due to the flood risk of the site the finished floor levels of the dwellings will need to be raised approximately 2m higher than the existing ground levels.

# The main issues in the determination of this application are:

- principle of development
- flood risk and drainage
- impact on highways
- design and impact on the character and form of the area
- impact on residential amenity

- environmental matters
- ecology/biodiversity.

# Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the North Lincolnshire Local Plan (NLLP) which was adopted in May 2003, the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011 and the Housing and Employment Land Allocations (HELA) DPD which was adopted in March 2016. Material considerations exist in the form of national planning policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising the Planning Practice Guidance (PPG).

The site is within the development limit of Luddington, which is identified as a rural settlement in the CS, where residential development is generally acceptable in principle. The site is also close to a bus stop and therefore public transport is readily available. In the council's Settlement Survey (2019) Luddington has an overall hierarchy position of 43 and contains 3 key facilities.

The proposed scheme would result in the delivery of 9 dwellings on the site which would help to contribute to the mix of housing types within the locality and would make a modest contribution towards meeting local need and the council's five-year housing land supply.

Policy CS1 of the NLCS identifies Luddington as a rural settlement 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. All future growth, regardless of location, should contribute to sustainable development. All change will be managed in an environmentally sustainable way by avoiding/minimising or mitigating development pressure on the area's natural and built environment, its existing utilities and associated infrastructure and areas at risk of flooding. Where development unavoidably has an environmental impact, adequate mitigation measures should be used for the development to be acceptable.

Policy CS2 relates to delivering more sustainable development and seeks to ensure development is focused on:

- previously developed land and buildings within the Scunthorpe urban area, followed by other suitable infill opportunities within the town, then by appropriate greenfield urban extensions
- 2. previously developed land and buildings within the defined development limits of North Lincolnshire's market towns, followed by other suitable infill opportunities then appropriate small-scale greenfield extensions to meet identified local needs
- 3. small-scale developments within the defined development limits of rural settlements to meet identified local needs.

All future development has to contribute towards achieving sustainable development and comply with the overall spatial strategy together with various sustainable development

principles. All change will be managed in an environmentally sustainable way by avoiding/minimising or mitigating development pressure on the area's natural and built environment, its existing utilities and associated infrastructure and areas at risk of flooding. Environmental impacts to or from development that cannot be avoided should be adequately mitigated for it to be acceptable.

Policy CS7 of the Core Strategy sets out an aspirational minimum density of 30–35 dwellings per hectare on sites within rural settlements and the countryside. However, this policy also states that whilst housing developments should make efficient use of land, the density of new developments should be in keeping with the character of the area. The proposed development of 9 dwellings results in a density of approximately 15 dwellings per hectare, which falls well below the minimum density sought by policy CS7 (40–45 dwellings per hectare).

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.

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.' It should be noted that the council can demonstrate a Five-Year Housing Land Supply of Deliverable Sites of 6 years and 10 months (July 2023).

This proposal seeks to erect 9 detached dwellings on a greenfield site within the development limit of Luddington. The principle of the proposed development in this location is broadly acceptable. An assessment is required on the technical elements of the proposal is also required which will be discussed below.

# Flood risk and drainage

Policy CS19 is concerned with flood risk. It is relevant to this assessment given the site is washed over by flood zone 2/3a. The policy states:

'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:

- 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 by integrating water management methods into development.'

Paragraph 162 of the NPPF is concerned with sequential flood testing. It states, 'The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.'

Paragraph 164 of the NPPF is concerned with the exceptions test and states, '...the application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage.

To pass the exception test 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 applicant has submitted a sequential test which concludes that there is a 'valid' outline application for residential development on the site and the whole settlement of Luddington is in flood zone 2/3a. In terms of the sequential test, the whole of the settlement of Luddington and beyond is located within flood zone 2/3a (tidal) and therefore there are no other more preferable sites at lower flood risk within the settlement of Luddington; due to this fact this part of the test is passed. Furthermore, there are no housing allocations in Luddington in the HELA DPD. The council is also not aware of any reasonably developable sites on previously developed land of comparable size within the development limit of Luddington.

In terms of the exceptions test, there are wider sustainability benefits to the community by the provision of housing on this site in a sustainable location that will meet housing need in Luddington. The development will allow small-scale growth within the community of Luddington to allow it to thrive and support the community in social and economic terms by occupiers using the facilities and services within Luddington. This outweighs the flood risk of the site. The Environment Agency are not objecting to the proposal and are recommending conditions that the development proceeds in accordance with the submitted FRA update (September 2022) and in particular, finished floor levels of all habitable areas shall be set no lower than 4.4metres above Ordnance Datum. The LLFA are also not objecting to the proposals subject to surface water conditions. Therefore, the proposed development can meet the second part of the exceptions test as, subject to planning conditions, the development will be safe for its lifetime without increasing flood risk elsewhere and could reduce flood risk overall. The proposal therefore aligns with policies CS19 of the CS, DS16 of the NLLP and the NPPF with regard to flood risk.

In terms of drainage, the LLFA have some concerns over the land raising as the mitigation measures required to prevent surface water run-off from the site onto third party land/property

need to be established and how the residents will maintain the northern watercourse on completion of the development in accordance with their riparian responsibilities. In this case, these matters can be dealt with by a pre-commencement condition requiring the submission of a surface water strategy to the council for approval. The applicant has agreed to this condition and is confident they can comply with it. Subject to this and other proposed surface water drainage conditions, the proposal will comply with polices CS18 and CS19 of the CS and DS16 of the NLLP in terms of surface water.

In terms of foul water, Severn Trent have been consulted on the proposals and raise no objections. It is intended for the foul water from the development to connect to the public foul sewer which will be subject to a S106 sewer connection approval. A planning condition is recommended to obtain detailed plans of the foul drainage for the site, which Severn Trent will be consulted on. In terms of foul drainage the proposal will comply with policy DS16 of the NLLP.

# Impact on highways

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.

Access is gained from Halkon Way and the scheme proposes a cul-de-sac layout. A 'green space' forms an island around which vehicles can drive to enter and leave the estate in a forward gear. Each dwelling has parking provision for at least two cars off-street and this is acceptable. Concerns from neighbours about increased traffic, additional noise and disturbance from HGVs during construction, access for emergency vehicles and existing onstreet parking causing highway safety issues are noted. Highways have not objected to the proposal and a series of highway-related conditions are recommended to ensure highway safety and that parking is provided, all prior to occupation. The submission of a construction phased traffic management plan will also provide further safeguards for highway safety during construction. It is therefore considered, subject to the aforementioned mitigation, that the proposal would align with policies T2 and T19 of the North Lincolnshire Local Plan.

# Design and impact on the character and form of the area

Policy DS1 of the NLLP expects a high standard of design in all developments in both builtup areas and the countryside, and proposals for poorly designed development will be refused. Policy DS1 contains several criteria that development has to be considered against, including:

- (i) the design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area; and
- (ii) the design and layout should respect and where possible retain and/or enhance the existing landform of the site.

Policy CS5 of the Core Strategy is also relevant. It states that all new development in North Lincolnshire should be well designed and appropriate for its context, and should contribute to creating a sense of place. It goes on to say that 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, H8, LC7 and DS3 of the local plan, and paragraph 130 of the NPPF, are also relevant.

The design ethos of this scheme seeks to provide nine large detached dwellings set in a circular pattern around a central area of open space, with access to the site leading from Halkon Close. Each dwelling has two car parking space and substantial rear garden areas. A below-ground attenuation storage tank is proposed in the northeast corner of the site which will provide open space. The dwellings are a unique development and have been designed to improve design standards in this area of Luddington whilst marrying in with the countryside to the north. Surrounding housing comprises a mix of bungalows to the west, 1960's style terraced housing to the south and more modern housing development to the eastern boundary.

The proposed dwellings are a simple but contemporary design and are two-storey apart from plot 9 which has its first floor accommodation in the roofspace to reduce the impact of the property on neighbours to the south. The dwellings have been designed with gables and substantial glazing. Plots 4 and 7 have balconies. Materials are not specified and these will be conditioned. However, the use of timber panelling on elevations would be appropriate in this rural location adjacent to the open countryside.

The footpath runs along the southern boundary of the site. Plots 1 and 9 provide good natural surveillance over this footpath but it is imperative that the correct boundary treatment is agreed on this side of the site to allow this surveillance to be successful. A very low boundary will need to be provided from the southeast of the corner until the rear amenity of plot 9 is reached. The boundary treatment will need to provide natural surveillance to the footpath and also provide a secure rear garden area to plot 9. This can be controlled through a planning condition.

Due to the flood risk of the site, the floor levels of the dwellings will have to be raised significantly above existing ground levels. The applicant has provided details of the land raising on the site for each plot. Plots 1 to 6 will need to raised around 2m higher than existing ground levels with plots 6 to 9 raised by approximately 1.8 to 1.9m.

The extent of land raising is significant and there is no doubt that the dwellings would be significantly higher than most of the surrounding properties. This would be the case for any residential development on this site. The original outline planning permission had a condition that did not allow habitable accommodation on the ground floor due to flood risk. This would lead to three-storey dwellings on the site. In this case, by raising land levels, two-storey properties (excluding plot 9 which has rooms in the roofscape) have been achieved on the site whilst complying with flood risk requirements. Whilst the properties will be very visible from adjoining dwellings that surround the site, from the access point off Halkon Close and from the parking/turning area on Britton Close the position, siting and design of the dwellings will not cause demonstrable loss of visual amenity to the locality or to the open countryside.

The dwellings are of an appropriate scale, have a contemporary rural aesthetic appearance and would raise the design standards in Luddington. The proposal therefore aligns with policies CS5 of the Core Strategy; H5, H8, DS1 and DS3 of the North Lincolnshire Local Plan; and Chapter 12 of the NPPF.

# Impact on residential amenity

Policy DS1 is partly concerned with impacts upon residential amenity. It states that no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.

Policy CS5 of the Core Strategy states that new development should 'consider the relationship between any buildings and the spaces around them, and how they interact with each other as well as the surrounding area. The function of buildings should also be considered in terms of its appropriateness for the context in which it is located.

In this case nine detached dwellings are proposed on the site set out in a circular type pattern around a central area of open space. Land levels will be raised up to 2m for each plot to meet flood mitigation measures. The earlier section of this report has already assessed the impact of the proposed scheme of the surrounding area. In terms of impact purely on residential amenity it is clear that land raising will have an impact on the adjoining neighbours and it will now be discussed whether these impacts will result in demonstrable harm to the existing residential amenity of these neighbours.

In terms of plots 1 to 3, these are located along the eastern boundary with a large detached dwelling known as Three Gables. Three Gables is located within a large plot and is L-shaped with a 1.5-storey extension (rooms in the roof) adjacent to the boundary and the single-storey bungalow is attached to this extension. The proposed dwellings will be visible from Three Gables from the front garden/parking area and from the rear garden area, but are sited at an angle (offset) from the boundary. As a result there will be no direct overlooking into the private garden area of Three Gables from these properties. The dwellings are sited away from the eastern boundary with rear gardens adjacent to the boundary so there will be no significant overshadowing to Three Gables. The dwellings, due to land raising, will be significantly higher than Three Gables, but due to the positioning on the plots no demonstrable loss of residential amenity will be caused to this property.

Plots 4 to 6 are located along the northern boundary of the site adjacent to the open countryside. The rear windows of these dwellings overlook the open countryside. The front windows face into the site and will not result in overlooking to the terraces on the southern boundary as there is over 55m distance between these properties and the proposed dwellings. No windows are proposed in the side elevation of plot 6 so there will be no overlooking into the pair of bungalows and their rear gardens located to the western boundary. Due to land raising these plots will be visible from surrounding dwellings but again, due to their positioning on the site, no overlooking/overshadowing issues will be caused.

In terms of plot 7, this is located adjacent to Britton Close close to a pair of bungalows. Plot 7 is positioned close to the parking/turning area of Britton Close, near a mature tree which will provide some screening. Plot 7 will have a balcony that will face north over the rear garden of plot 7. At its closest point plot 7 is around 10m from 4 Britton Close which is a bungalow. Plot 7, due to its siting and the position of windows, will not directly overlook 2 and 4 Britton Close (semi-detached bungalows). From the front of these properties, the proposed dwellings will be highly visible, not only due to the land raising but also because these properties have a view of an open grassed site presently. On balance, whilst the proposed dwellings will be visible, they will not overlook or be overbearing on 2 and 4 Britton Close due to their design and positioning on the site.

Plot 8 is positioned adjacent to the 1960's garage block on Britton Close and plot 9 is located adjacent to a row of three terraces on Halkon Close. Plot 8 has no windows in the side elevation to overlook the rear of the terraces on the southern boundary. The rear of plot 8 looks onto the garage block and parking on Britton Close. Plot 9 has been designed as a dormer bungalow. No windows are located in the side elevation that will overlook the rear of the terraces on the southern boundary. The rear of plot 9 has habitable windows in the rear elevations which will look over some of the terraces but at an oblique angle. Boundary treatment and landscape will mitigate some overlooking. There is no doubt that the height of these plots with the land raising will be significantly higher than the terraces to the south. However, plot 9 has been designed as a dormer bungalow to reduce its height and plot 8 is offset to these terraces. These plots have been pulled away from the southern boundary with rear gardens of the proposed dwellings adjacent to the southern boundary.

Overall, the dwellings will not result in direct overlooking to surrounding dwellings and the proposed dwellings have been sited away from adjoining dwellings as far as possible. The closest dwelling (plot 9) is a dormer bungalow and not a clear two-storey dwelling to reduce its impact on the terraced dwellings to the south. Land raising will increase the height of the dwellings above the existing ground level so there will be a visual impact on adjoining neighbours which cannot be mitigated and will be discussed in the planning balance.

# **Environmental matters**

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.

Environmental Protection have no objections to the proposal but are recommending a full contamination condition. It is noted that an objector has stated in 1944 the site was used to house tanks and artillery regiments. The planning system did not commence until 1947. The site is currently grassed and there is no evidence on site it was previously developed land. There is no planning history to suggest any previous development on the site and the council has owned and maintained the site for a number of years. Therefore, in this case, it is appropriate to apply a contamination condition to ensure that if contamination is found on the site the developer will need to submit a remediation method statement for approval to the council. This approach was also agreed in the determination of outline planning permission PA/2017/1208 which was subsequently varied and approved under PA/2021/1632. Therefore, subject to the aforementioned condition, the proposal will align with policy DS7 of the NLLP.

Environmental Protection have recommended conditions restricting hours of construction and site clearance, and the submission of a CEMP in order to safeguard residential amenity during construction of the scheme. These conditions are proposed in the recommendation below in order to align with policies CS5 of the CS and DS1 of the NLLP.

# **Ecology/biodiversity**

Policy CS17 of the Core Strategy, as well as paragraphs 170 and 174 of the NPPF, relates to biodiversity. Paragraph 179 of the NPPF also states, in part, that planning should promote the conservation, restoration and enhancement of priority habitats, ecological networks for the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity. Paragraph 180 (d) of the NPPF states,

'development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate..;'

In this case the site is grassed with some trees and hedging on the site boundaries. A BNG (biodiversity net gain) matrix has been submitted with the application which states there will be a net gain on the site of 1.77 habitat units. It should be noted that the provision of a 10% BNG will not now apply to small sites until April 2024 under the Environment Act. Nevertheless, BNG of more than 1% as required by policy CS17 of the CS can be achieved on the site.

The council's ecologist has been consulted on the scheme and is recommending conditions in relation to the submission of a biodiversity management plan (BMP), These conditions are recommended to be imposed on any planning permission. Subject to the aforementioned conditions, the proposal will align with policies CS17 and CS5 of the CS, and paragraphs 170, 174 and 179 of the NPPF.

# Other matters

Comments about the lack of affordable housing are noted. In line with the NPPF (paragraph 64) the council does not seek the provision of affordable housing for residential developments that are not major developments (less than 10 dwellings). Comments that the land was given to NLC for social housing are noted. The local planning authority is not aware of any stipulations in any land sale restricting the site for social housing and no evidence has been provided in this regard by the objector. In any case, covenants are not planning matters.

There are trees adjacent to the site, some of which overhang the site including a tree on Britton Close as this is located close to plot 7. In order to safeguard this tree and others on and adjacent to the site during construction, planning conditions will be used to ensure tree protection measures are submitted before development commences on site. This will align with policy LC12 of the NLLP. This tree will also continue to provide some screening of the development from properties on Britton Close. It must be noted that the trees on/adjacent to the site are not protected as they are not covered by tree preservation orders and are not within a conservation area. Comments about the grassland are noted. At the case officer's site visit, it was noted the site is largely covered by grass with hedging, some trees and bushes to the site boundaries.

Comments from the parish council are noted. Full details of the site levels have been submitted and consulted upon. Issues of the sustainability of the site and highway matters have been addressed in this report. The relocation of electricity cables is noted and this is a matter for the developer to agree with the relevant electricity company. Comments on the design and layout have been addressed in this report. The site is within the development boundary of Luddington according to the HELA DPD which went through the required public consultation and examination process for adoption by the council. During the covid pandemic through The Business and Planning Act 2020, time limits for outline planning permission and reserved matters applications were extended until May 2021.

# Planning balance and conclusion

The principle of residential development on this site within the development limit of Luddington is acceptable and was also established through the earlier outline planning

permission for residential development on the site. In terms of flood risk, drainage, impact on highways, design and impact on the character and form of the area, environmental matters and ecology/biodiversity subject to the recommended conditions, the proposal is considered to be acceptable and will align with development plan policy.

The site is an open grassed area of land with no formal allocation in the local plan. The development of the site for houses will change how the site is perceived by adjoining residents as this open grassed area will be lost as a consequence of the development. The impact on existing residents is compounded by land raising for all nine dwellings. However, the outline planning permissions restricted the ground-floor level to non-habitable accommodation and therefore there was an acceptance that the dwellings would be three-storey. In this case the applicant has decided to raise land levels to mitigate flood risk, leading to two-storey dwellings on the site. The impacts have been carefully assessed on existing residents and it is considered that the scheme will not result in such demonstrable harm to residential amenity that a refusal of permission can be justified. The benefits of the proposal providing new, contemporary designed housing in the village of Luddington, which will support existing facilities such as the school, church and village hall, and allow the community to expand and thrive, outweigh the visual amenity impact of the development on adjoining residents.

# **Pre-commencement conditions**

These 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 plan and documents:

Cut and fill 45989/002 Rev B
Levels Comparison 2979/009
Location Plan 2979-Location Plan
Landscape Master Plan HCL 01 Rev A
Proposed House Type 01 2979-002
Proposed House Type 03 2979-004 Rev D
Proposed House Type 04 2979-008 Rev A
Proposed House Type 02 2979-003 Rev D
Proposed Site Plan 2979-001 Rev H

UPDATE TO FLOOD RISK ASSESSMENT FOR THE PROPOSED DEVELOPMENT OFF HALKON CLOSE, LUDDINGTON, NORTH LINCOLNSHIRE DATED 30.09.2022 ref 00-765.

# Reason

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

3. No works above slab level 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.

4.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

#### Reason

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

5.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking spaces serving it have been completed and, once provided, the vehicle parking spaces shall be retained.

## Reason

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

6.

No dwelling served by the private driveway shall be occupied until it has been constructed in accordance with details including:

- (i) the proposed method of forming access from the highway, including the required visibility splays;
- (ii) the method of constructing/paving the drive;
- (iii) the provision of adequate drainage features;
- (iv) the provision of suitable bin collection facilities adjacent to the highway;
- (v) the provision of suitable lighting arrangements; and
- (vi) the provision of street name plates that shall include the words 'Private Drive';

which have been agreed in writing by the local planning authority. Once constructed the private driveway 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.

Works shall not commence on site until wheel cleaning facilities, in accordance with details to be submitted to and approved in writing by the local planning authority, have been provided within the curtilage of the site, and this facility shall be retained for the duration of the works.

#### Reason

To prevent material being deposited on the highway and creating unsafe road conditions.

8.

No dwelling on the site shall be occupied until the footway has been constructed up to base course level from the junction with the adjacent highway to the access to the dwelling.

#### Reason

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

9. No development shall take place until a construction phase traffic management plan showing details of:

- a pre/post construction condition survey of the carriageway to identify any defects and how they will be rectified;
- (ii) all associated traffic movements, including delivery vehicles and staff/construction movements;
- (iii) any abnormal load movements;
- (iv) contractor parking and welfare facilities;
- (v) storage of materials; and
- (vi) traffic management requirements, including the means of controlling the deposition of mud onto the adjacent highway, along with appropriate methods of cleaning the highway, as may be required;

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.

# Reason

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

10.

No dwelling on the site shall be occupied until the access road has been completed to at least base course level and adequately lit from the junction with the adjacent highway up to the access to the dwelling.

## Reason

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

#### 11.

The penultimate dwelling on site shall not be occupied until the access roads have been completed.

#### Reason

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

# 12.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order revoking and reenacting that order with or without modification), no development shall take place within any service strip adjacent to any shared surface road, and any planting or landscaping within this service strip shall be of species which shall be agreed in writing with the local planning authority prior to planting.

#### Reason

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

## 13.

No development shall begin until details of:

- (i) the layout, drainage, construction, services and lighting of the proposed access road, including the junction with Halkon Close;
- (ii) any amendments to the existing vehicular access adjacent to/joining the proposed new access road;
- (iii) the relocation of street furniture on Halkon Close; and
- (iv) the number and location of vehicle parking spaces on the site;

have been submitted to and approved in writing by the local planning authority. Only the approved scheme shall be installed on the site and retained.

# Reason

In the interests of highway safety.

#### 14.

No dwelling shall be occupied until on the site until the access road junction with the adjacent highway, including the required alterations to Halkon Close and existing access points, has been set out and established.

#### Reason

In the interests of highway safety.

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 Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

### 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 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 Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

# 17.

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 Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

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 in accordance with the approved details at all times.

# 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 Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

# 19.

The development shall be carried out in accordance with the submitted flood risk assessment update (ref: 00-765, compiled by George Shuttleworth Ltd, dated 30 September 2022) and the mitigation measure it details. In particular, finished floor levels of all habitable areas shall be set no lower than 4.4 metres above Ordnance Datum.

## Reason

To reduce the risk of flooding to the proposed development and future occupants in alignment with the North and North East Lincolnshire Strategic Flood Risk Assessment 2022 and policy CS19 of the North Lincolnshire Core Strategy.

### 20.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority.

#### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

# 21.

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

- 8am to 6pm Monday to Friday
- 8am to 1pm on Saturdays.

No construction or site clearance operations shall take place on Sundays or public holidays. HGV movements shall not be permitted outside these hours during the construction phase without prior written approval from the local planning authority.

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

#### Reason

To safeguard residential amenity during construction.

No stage of the development hereby permitted shall commence until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:

Noise and vibration - The CEMP shall set out the particulars of:

- (a) the works, and the method by which they are to be carried out;
- (b) the noise and vibration attenuation measures to be taken to minimise noise and vibration resulting from the works, including any noise limits; and
- (c) a scheme for monitoring the noise and vibration during the works to ensure compliance with the noise limits and the effectiveness of the attenuation measures.

Light - The CEMP shall set out the particulars of:

- (a) specified locations for contractors' compounds and materials storage areas;
- (b) areas where lighting will be required for health and safety purposes;
- (c) the location of potential temporary floodlights;
- (d) the identification of sensitive receptors likely to be impacted upon by light nuisance;
- (e) proposed methods of mitigation against potential light nuisance, including potential glare and light spill, on sensitive receptors.

Dust - The CEMP shall set out the particulars of:

- (a) site dust monitoring, recording and complaint investigation procedures;
- (b) the identification of receptors and the related risk of dust impact at all phases of the development, including when buildings and properties start to be occupied;
- (c) the provision of water to the site;
- (d) dust mitigation techniques at all stages of development;
- (e) the prevention of dust trackout;
- (f) communication with residents and other receptors;
- (g) a commitment to cease the relevant operation if dust emissions are identified either by regular site monitoring or by the local authority;
- (h) a 'no burning of waste' policy.

#### Reason

To safeguard residential amenity during construction.

All the approved landscaping shall be carried out within 12 months of development being commenced (unless a longer period is agreed in writing by the local planning authority). Any trees or plants which die, are removed or become seriously damaged or diseased within five years from the date of planting shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority agrees in writing to any variation.

#### Reason

In the interests of the amenity of the locality.

#### 24.

Before development is commenced, details of the method of protecting the existing trees on the site throughout the construction period shall be submitted to and approved in writing by the local planning authority, and such works as may be so approved shall be carried out before development is commenced, and maintained until completion of the development. None of the trees so protected shall be wilfully damaged or destroyed, uprooted, felled, lopped or topped, nor any other works carried out which would cause damage to the root systems or otherwise threaten the lives of the trees during the period of construction without the previous written consent of the local planning authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased during that period shall be replaced with trees of such size and species as may be agreed with the local planning authority.

## Reason

To safeguard existing trees in accordance with policy LC12 of the North Lincolnshire Local Plan.

#### 25.

Within three months of the commencement of development, the applicant or their successor in title shall submit a biodiversity metric assessment 4.0 spreadsheet and biodiversity management plan to the local planning authority for approval in writing. The document shall include:

- (a) an assessment of biodiversity loss based on the submitted Biodiversity Impact Assessment dated February 2023;
- (b) details of measures required to provide at least 1% biodiversity net gain in accordance with Biodiversity Metric 4.0;
- (c) details of swift bricks and starling boxes to be installed in at least 3 dwellings;
- (d) restrictions on lighting to avoid impacts on bird nesting sites and sensitive habitats;
- (e) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (f) prescriptions for the planting and aftercare of trees and shrubs of high biodiversity value:

(g) proposed timings for the above works in relation to the completion of the dwellings.

## Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy.

#### 26.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. Prior to the occupation of the 8th dwelling, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the biodiversity management plan.

#### Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy.

## 27.

No dwelling on the site shall 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 any dwelling is occupied and once built/planted it shall be retained.

#### Reason

To provide an appropriate level of screening in accordance with policies H5, H8, DS1 and DS3 of the North Lincolnshire Local Plan and CS5 of the Core Strategy.

# 28.

Notwithstanding the provisions of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order (2015), or any order revoking or reenacting that Order with or without modification, no extensions, additions and alterations shall be erected/installed to any residential dwelling on the site and no outbuildings/ancillary buildings shall be installed within the residential curtilage of any dwelling without the prior approval in writing of the local planning authority.

#### Reason

To reduce the risk and impact of flooding in accordance with policies CS19 of the North Lincolnshire Core Strategy and DS16 of the North Lincolnshire Local Plan, and to safeguard adjoining residential amenity and the amenity of the locality in accordance with policies DS1, DS5, H5 and H8 of the North Lincolnshire Local Plan and CS5 of the Core Strategy.

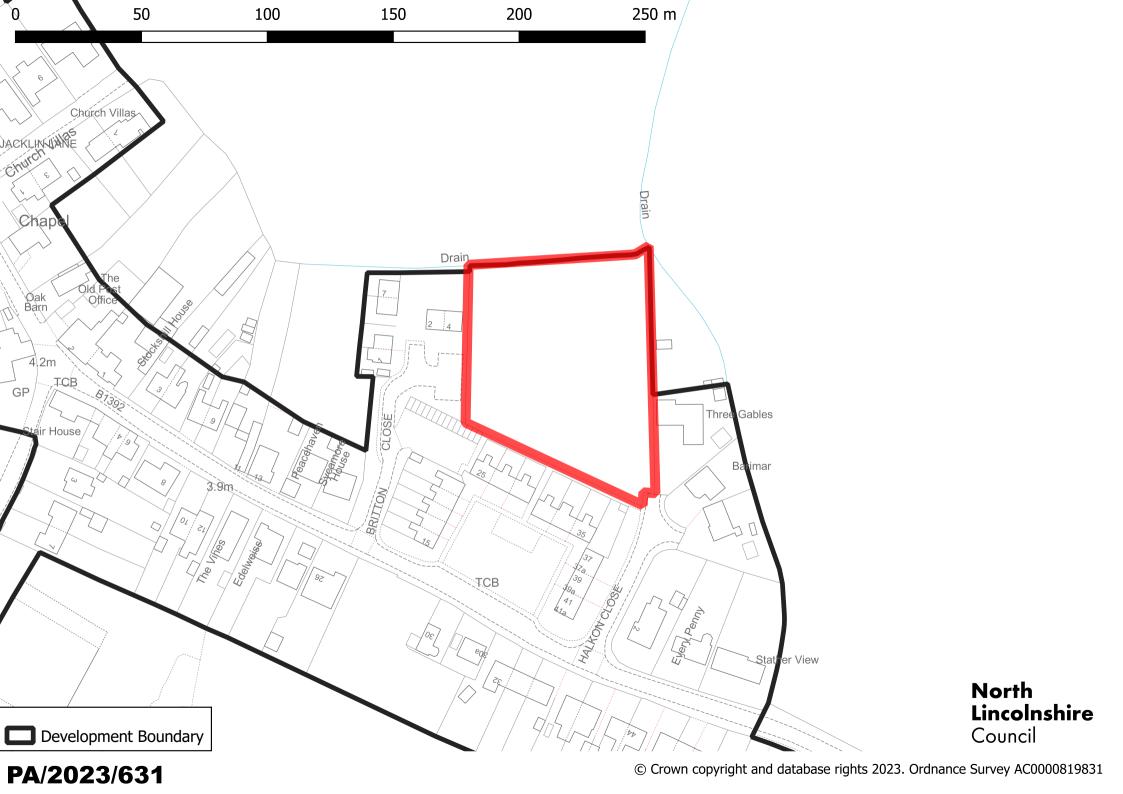
# **Informatives**

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.
- 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.
- 3. The applicant's attention is drawn to the comments made by Severn Trent Water.

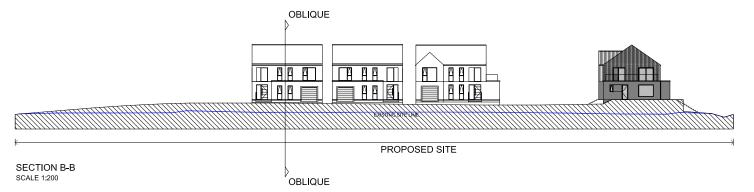




# PA/2023/631 Site sections (not to scale)



SECTION A-A SCALE 1:200





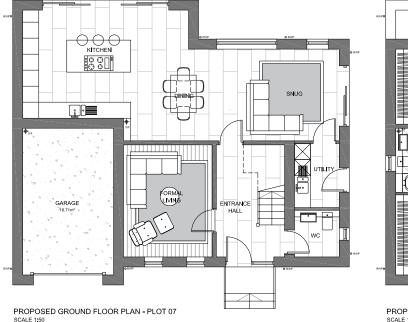
- FIRST ISSUE

SCALE 1:500

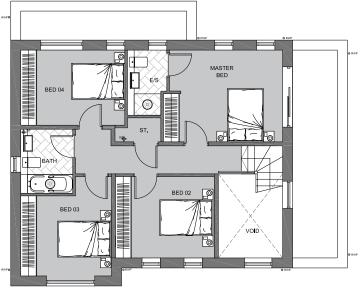


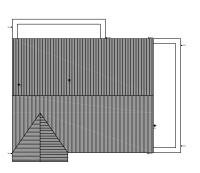
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# PA/2023/631 Proposed house type 01 (plot 7) (not to scale)



AREA 83.57m<sup>2</sup>





- FIRST ISSUE

PROPOSED ROOF PLAN SCALE 1:100 TOTAL AREA 153.08m² (Inc. Garage 171.79m²)

PROPOSED FIRST FLOOR PLAN SCALE 1:50 AREA 69.51m<sup>2</sup>

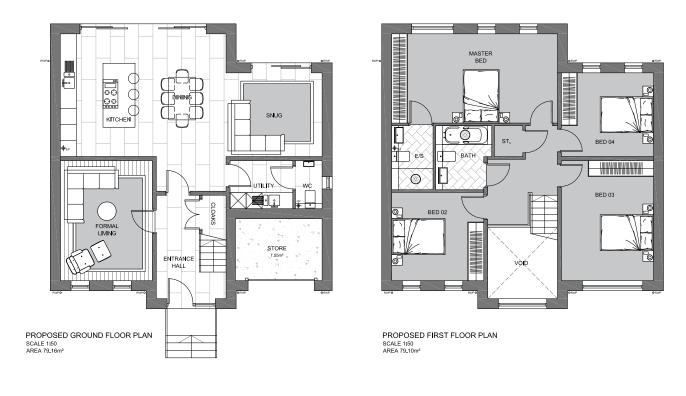


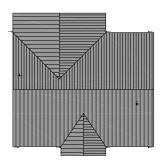
<u>KEY</u>

OUTLINE OF ORIGINAL APPLICATION

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Client	Bliss Homes Development				
Job	Luddington				
Title	Proposed House Type 01 - Plot 07				
Dwg. No.	2979-002				
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PROPOSED ROOF PLAN SCALE 1:100 TOTAL AREA 158.26m² (Inc. Store 165.81m²)

<u>KEY</u>

OUTLINE OF ORIGINAL APPLICATION



Sheffield - Manchester
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0114 279430ios.co.uk
Cifent Bilss Homes Development
Job Luddington
Title Proposed House Type 02
Dwg. No. 2979-003
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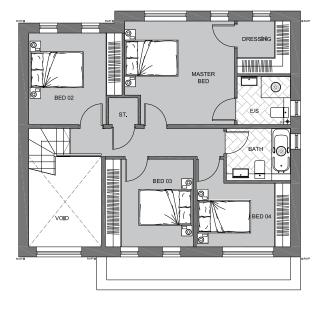
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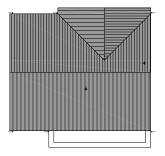
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# PA/2023/631 Proposed house type 03 (not to scale)









PROPOSED ROOF PLAN SCALE 1:100 TOTAL AREA 141.36m² (Inc. Garage 159.20m²)

PROPOSED GROUND FLOOR PLAN SCALE 1:50 AREA 70.71m<sup>2</sup>

PROPOSED FIRST FLOOR PLAN SCALE 1:50

AREA 70.65m<sup>2</sup>



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Client	Bliss Homes Development					
Job	LuddIngton					
Title	Proposed House Type 03					
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SCALE 1:100

SCALE 1:100



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dimensions immediately.