

APPLICATION NO	PA/2020/1522
APPLICANT	Mr & Mrs M Johnson
DEVELOPMENT	Outline planning permission to erect a detached dormer bungalow with all matters reserved for subsequent consideration
LOCATION	Land at Levels Farm, 98 Outgate, Ealand, DN17 4JD
PARISH	Crowle
WARD	Axholme North
CASE OFFICER	Mark Niland
SUMMARY RECOMMENDATION	Grant permission subject to conditions

REASONS FOR REFERENCE TO COMMITTEE Departure from the development plan

POLICIES

Paragraph 11 – Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- (a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;
- (b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
 - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
 - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For decision-taking this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

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

Paragraph 38 – Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 158 – The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. 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.

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 CS17 (Biodiversity)

Policy CS19 (Flood Risk)

Policy CS25 (Promoting Sustainable Transport)

North Lincolnshire Local Plan:

Policy RD2 (Development in the Open Countryside)

Policy H5 (New Housing Development)

Policy T1 (Location of Development)

Policy T2 (Access to Development)

Policy T19 (Car Parking Provision and Standards)

Policy DS1 (General Requirements)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy DS16 (Flood Risk)

CONSULTATIONS

Highways: No objections subject to conditions.

Environment Agency: No objections.

Drainage (Lead Local Flood Authority): No objections subject to a condition stipulating that surface water shall not be discharged into the foul sewer system.

Severn Trent Water: Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available as an alternative, other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted before a discharge to the public sewerage system is considered. No surface water shall enter the foul system by any means.

Yorkshire Water: No comments received other than acknowledgment of consultation.

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

Isle of Axholme and North Nottinghamshire Water Level Management Board: No objection subject to a condition.

TOWN COUNCIL

No objection subject to adequate control of surface and foul water.

PUBLICITY

The proposal has been advertised by both site and press notice in accordance with Article 15 of the Development Management Procedure Order 2015.

One response has been received, which does not object to the principle of the development but has concerns for any future reserved matters application. In part it states:

'The only objection we would have is if, in the future, the existing owners or any new owners started using [the] access from the west side of the property as they have already installed two gates directly across from our farm entrance which have been covered with wood to make them look like part of the fence. As this lane is only for access to farms and their dwellings we would not want this to change in the future.'

ASSESSMENT

Planning history

PA/1998/0412: Erect a domestic extension – approved 08/05/1998

- 2/1990/1002: Erect a detached bungalow – refused 18/12/1990
- 2/1989/1433: Erect a detached bungalow and garage – approved 12/02/1990
- 2/1988/0453: Erect a detached dwelling (outline) – approved 18/07/1988

Site constraints

Open Countryside Housing and Employment Land Allocations DPD

Flood Zone 2/3a North and North Lincolnshire SFRA 2011

Site characteristics

The site is within existing garden land associated with Levels Farm. This dwelling and the proposed site are outside the settlement boundary, though do abut it. The garden contains large conifers which at present prevent views into the site. Opposite there is a working farm as well as a row of residential properties to the west, to the south of the site is a residential dwelling, whilst to the east is all open countryside.

Ealand is 14th in the overall settlement hierarchy, containing four of the seven identified key facilities (Sustainable Settlement Survey 2016, North Lincs).

Proposal

This is an application for outline permission only, with all matters reserved for subsequent consideration.

The key assessment is whether or not Ealand is sustainable enough to support an additional dwelling and whether there are unacceptable character impacts upon the open countryside.

Principle of development

Policy CS1 of the North Lincolnshire Core Strategy is concerned with the overarching spatial approach to development across the district. The proposal is outside of any recognised development boundary, in the open countryside. Of these areas the policy states:

In the countryside, support will be given to development that promotes rural economic diversification and small-scale employment opportunities, particularly on previously used land or in existing rural buildings. Tourism development will also be supported, in particular the development of green tourism making the most of the area's important natural and built environments.

Policy CS2 sets out a sequential approach to land type where development is focussed. Unsurprisingly agricultural land within the open countryside is not prioritised. Instead, it states of these areas:

Any development that takes place outside the defined development limits of settlements or in rural settlements in the countryside will be restricted. Only development which is essential to the functioning of the countryside will be allowed to take place. This might include uses such as those related to agriculture, forestry or other uses which require a

countryside location, or which will contribute to the sustainable development of the tourist industry.

Policy RD2 of the North Lincolnshire Local Plan is concerned with development within the open countryside. The policy is in two parts: the first sets out what is acceptable in principle, where only residential uses that are essential to the open countryside would be supported; the second caveats those development types that are acceptable.

The proposal, whilst abutting the settlement boundary of Ealand, is wholly located within the open countryside. It is therefore considered unacceptable in principle and contrary to policies CS1, CS2 and CS3 of the North Lincolnshire Core Strategy, and RD2 of the North Lincolnshire Local Plan.

Flooding and drainage

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 dwelling.

A flood risk assessment (FRA) has been submitted with the application, along with a separate sequential test. It is worth noting that the Environment Agency has considered the content of the Flood Risk Assessment and recommends a condition in respect of finished floor levels, and flood resistant design and construction techniques.

The proposed development needs to be assessed against the sequential and exceptions tests. The applicant has provided a sequential test that explores the nearby settlement of Crowle as well as Ealand, which has areas within flood zone 1 for available sites.

The sequential test shows a search of online estate agents and reasons why those sites have a geographical area of search around both Ealand and Crowle, and this is considered acceptable. The sequential test unearths some sites: the larger sites in Ealand are dismissed as this proposal is for a single dwelling, and good reasons are given for discounting those identified in Crowle. The sequential test is therefore considered to be passed.

For completeness of the flood risk assessment, the exceptions test will be applied. Essentially, the two parts to the test require 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.

It is considered that the FRA satisfactorily demonstrates that the development will be safe without increasing flood risk elsewhere and this is reinforced through comments from the Environment Agency and the council's drainage team, though the latter insist on a condition that no surface water will be directed to the foul network (Severn Trent also request this). The IDB has also recommended a condition but given that the proposal relates to a single dwelling, it is considered that sufficient mitigation exists as part of the building regulations process, whilst there are legislative requirements should the applicant seek to direct surface water towards a watercourse. The FRA considers mitigation measures in respect of floor levels, emergency access and egress, flood warning and evacuation, and flood resilience. It is considered that sufficient justification has been submitted with the application to demonstrate that the proposal will deliver sustainable development in Crowle and Ealand that would outweigh flood risk (this relates to an assessment weighed against flood risk

only). The proposal is therefore considered to provide wider sustainability benefits which outweigh flood risk, which is partly the purpose of the test; 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, CS19 of the Core Strategy and the National Planning Policy Framework in terms of flood risk.

Highways

Policy T2 of the North Lincolnshire Local Plan is concerned with access to development and 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 council's highways team have assessed the application and have no objections to the proposal from a highway safety perspective subject to the imposition of conditions. However, some of the conditions proposed would duplicate those already controlled by the reserved matters and will not be attached. The application is for outline permission only and layout, as well as access, would mean the mitigation would extend to the reserved matters process.

It is therefore considered that the proposal would align with policies T2 and T19 of the North Lincolnshire Local Plan.

Character and appearance

Policy RD2 of the North Lincolnshire Local Plan is concerned with development within the open countryside. The policy is in two parts: firstly, it sets out, in principle, those development types that are acceptable; and secondly, it sets out a criteria-based approach to assessing those developments. The second part is of interest here in that it seeks to ensure that the visual amenity of the countryside is not compromised by poor development.

Paragraph 'c' of the policy states:

'...the development would not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials;'

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.'

Policy H5 of the local plan, which is concerned with new housing development, policy LC7 of the local plan, which is concerned with landscape protection, and paragraph 127 of the NPPF are also considered relevant, though the criteria-based nature of policy H5 lends itself better to the assessment of any subsequent reserved matters.

The applicant has shown a modest size dwelling located on the plot with sufficient private amenity. The plot already is residential curtilage associated with number 98 and it is considered in this location there would be limited wider impact upon the open countryside. All other design issues are controlled by the reserved matters stage. Policies CS5 of the

Core Strategy and H5 of the local plan should be used to form a design solution at a detailed design stage.

Land quality

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

The council's environmental health officer has stated that there is requirement for a phase 1 desk top study, remediation report and verification report, given the existing use of the land. However, given that the proposal relates to existing residential curtilage, it is considered that a monitoring condition, requiring the developer to return should contamination be found during construction, would form appropriate mitigation should permission be granted. It is therefore considered that the proposal is in accordance with policy DS7.

Planning balance

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 11(d) of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Where the local planning authority cannot demonstrate a five year supply of deliverable housing sites, relevant policies which were most important to determining the application should not be considered up-to-date.

A recent review of the Five Year Housing Land Position Statement has identified that the council's housing land supply has reduced from five years and six dwellings to four years. The council is preparing a Housing Delivery Action Plan in accordance with the NPPF and PPG. The Action Plan will assist in securing a five-year land supply; some of the actions include reviewing the windfall allowance calculation and working with developers to bring forward outline planning applications.

The revised Five Year Housing Land Supply Position Statement is still awaiting update; as such, any current decisions made by the planning authority should take account of the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF.

The current local policies relating to housing will carry reduced weight during this period. This statement confirms that North Lincolnshire Council does not currently have a five-year supply of deliverable housing sites. The consequence of this shortfall is to demonstrate that current policies are failing to deliver a five-year supply of housing in accordance with paragraph 11 (footnote 7) of the NPPF and they are, therefore, failing to meet short-term housing needs. As such it is considered that there is a clear and demonstrable need for housing development in the area. Accordingly, the operation of paragraph 11 of NPPF triggers a tilted balance whereby there is a presumption in favour of sustainable development and development proposals should be approved unless the adverse impacts significantly and demonstrably outweigh the benefits (paragraph 11, b, ii).

It is considered that there are limited adverse impacts in relation to the proposal and, notwithstanding its countryside location, it is considered that the benefits of this scheme would not be outweighed 'significantly nor demonstrably' by any adverse impacts.

RECOMMENDATION Grant permission subject to the following conditions:

1.

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

Reason

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

2.

Plans and particulars of the reserved matters referred to in condition 1 above, relating to the layout, scale and appearance of any buildings to be erected, the means of access to the site, and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

Reason

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

3.

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

4.

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

5.

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.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), nothing shall at any time be erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway for a distance of 2 metres from the highway boundary across the site frontage.

Reason

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

7.

Surface water shall not be disposed of through the foul sewer network unless otherwise agreed in writing with the local planning authority.

Reason

In the interests of flooding and to accord with policy CS19 of the North Lincolnshire Core Strategy.

8.

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.

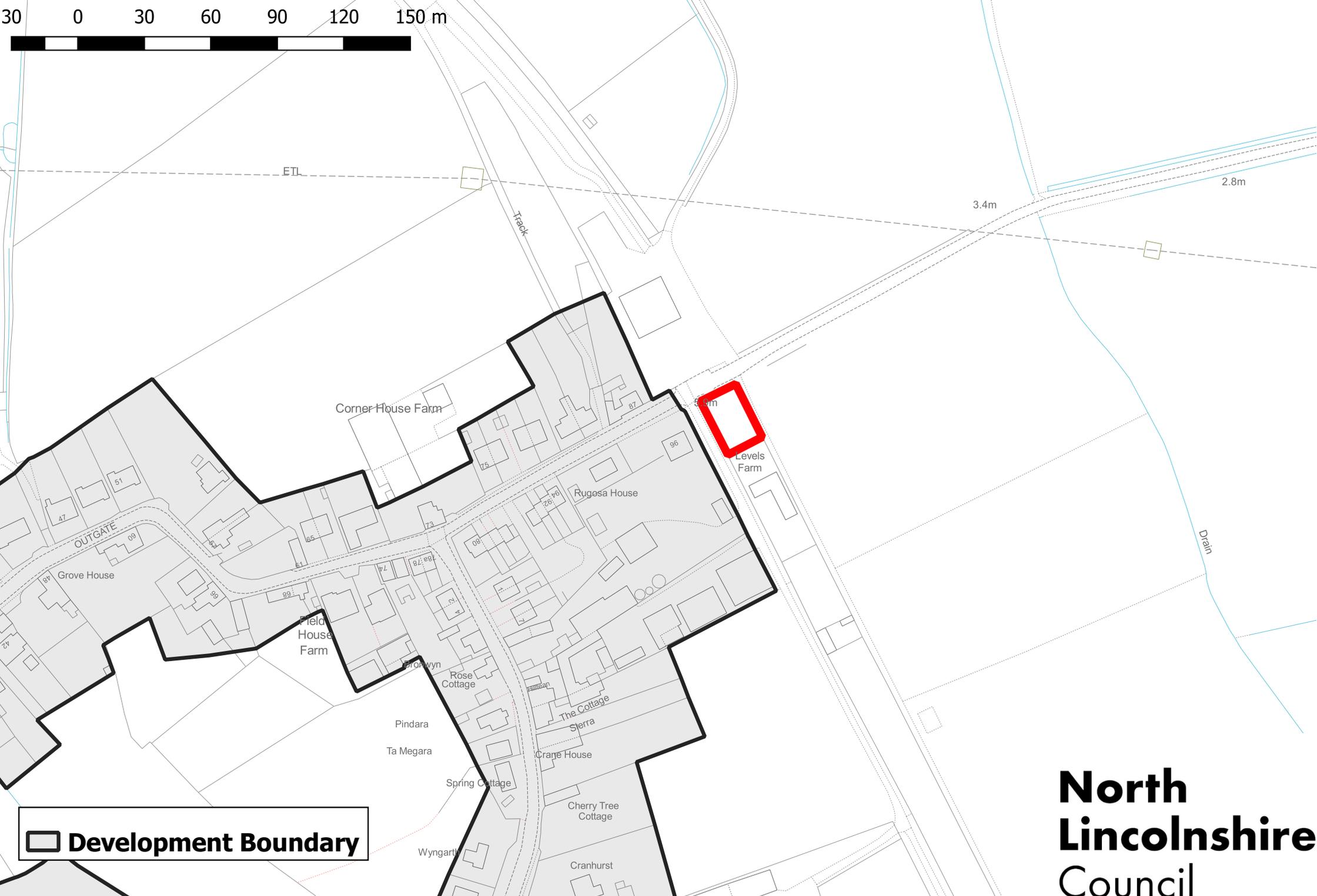
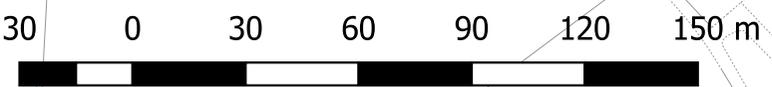
Informative 1

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

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

Informative 2

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



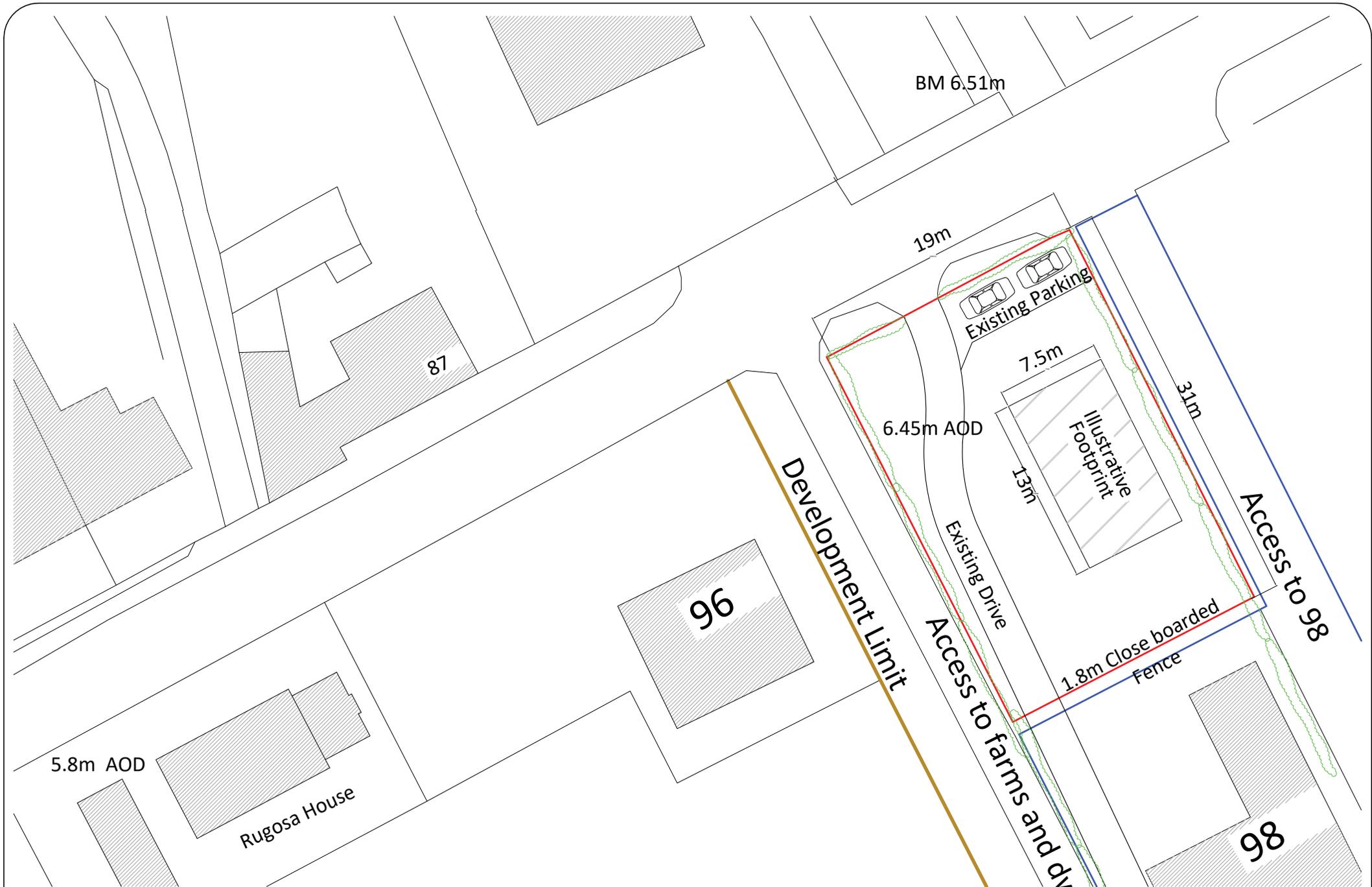
Development Boundary

PA/2020/1522

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North Lincolnshire Council

PA/2020/1522 Indicative layout (not to scale)



Howard J Wroot BSc MRICS Chartered Surveyor 240 Wharf Road, Ealand Scunthorpe DN17 4JN	Tel 01724 711068 Fax 01724 710174 Mob 07947 226577	Client	Mr & Mrs M Johnson			Proposal	Detached Dormer Bungalow to front of 98 Outgate, Ealand, Scunthorpe.	
		Date	1/10/20	Dwg No	1 of 2			
		Scale	1:250	Ref No	1102	Drawing	Block Plan	