

APPLICATION NO	PA/2019/904
APPLICANT	Mr Paul Singh
DEVELOPMENT	Outline planning permission to erect five detached dwellings, including the demolition of 7 Mill Road and associated works, with appearance, landscaping and scale reserved for subsequent consideration
LOCATION	Land to the rear of 7 Mill Road, Crowle, DN17 4LW
PARISH	Crowle
WARD	Axholme North
CASE OFFICER	Mark Niland
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Crowle Town Council

POLICIES

National Planning Policy Framework: Paragraph 157 – All plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:

- (a) applying the sequential test and then, if necessary, the exception test as set out below;
- (b) safeguarding land from development that is required, or likely to be required, for current or future flood management;
- (c) using opportunities provided by new development to reduce the causes and impacts of flooding (where appropriate through the use of natural flood management techniques); and
- (d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.

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.

Paragraph 159 – If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance.

Paragraph 160 – 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. For the exception test to be passed it should be demonstrated that:

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

Paragraph 175 – When determining planning applications, local planning authorities should apply the following principles:

- (a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- (b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- (c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁵⁸ and a suitable compensation strategy exists; and
- (d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

North Lincolnshire Local Plan: DS1, DS7, DS11, T2, T19, H5, H7

North Lincolnshire Core Strategy: CS5, CS17, CS19

CONSULTATIONS

Highways: No objections to the proposal subject to the imposition of conditions.

Environment Agency: No objections to the proposal.

Drainage (Lead Local Flood Authority): The LLFA objects to the proposal as it does not provide an adequate flood risk assessment or principle drainage strategy. The application does not fully consider SuDS nor has the feasibility of infiltration been explored.

Shire IDB: No objections (outside of the drainage board's district).

Environmental Protection: No objections subject to the imposition of conditions relating to land contamination and the control of construction hours.

Historic Environment Record: No objections to the proposal.

Waste and Recycling: The officer has put forward some commentary surrounding dimensions required for a service vehicle to negotiate the site.

Conservation: No comments received.

Ecology: No objections subject to the imposition of conditions.

TOWN COUNCIL

The town council objects to the proposal on the grounds that access/egress is 'poor and dangerous'.

PUBLICITY

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

A number of objections have been received which can be summarised into the following points (though this is not exhaustive):

- flooding issues
- drainage
- residential amenity impacts
- character impacts
- loss of trees.

UPDATE

This application was deferred for site visit at the planning committee held on 11 March 2020 and on the applicant's request to consider the drainage strategy; however, no further information has been submitted in terms of drainage. Despite an objection from the council's Drainage team, in assessing the previous application, the planning officer considered that the issues raised could be sufficiently mitigated through planning conditions. Subsequently it is advised that refusal of this application on drainage grounds would represent incorrect planning practice. The applicant has requested that the application is now put before members again for consideration.

ASSESSMENT

Planning history

PA/2018/1059: Outline planning permission for the erection of six dwellings (including a replacement dwelling) and demolition of 7 Mill Road with scale, appearance and landscaping reserved for subsequent approval – refused 13/09/2018.

The reasons for the refusal were:

1. The proposed development is considered to be backland development which would be out of character with this part of Mill Road which comprises primarily of frontage development. The proposal would therefore result in demonstrable harm being caused to the visual amenity of the locality. The proposal is considered to be contrary to Section 12 of the National Planning Policy Guidance, policies CS1, CS2 and CS5 of the Core Strategy and policies H5, H7 and DS1 of the North Lincolnshire Local Plan.
2. The site has potential for protected species to be located on the site. Insufficient information has been submitted to demonstrate that the proposed development would not have an unacceptable impact on protected species. The proposal is therefore contrary to policies CS5 and CS17 of the Core Strategy.
3. The site has a number of mature trees located on the site. Insufficient information has been submitted to demonstrate that the proposed development would not have an unacceptable impact on these trees. The proposal is therefore contrary to Section 12 of the National Planning Policy Guidance and policies CS5 of the Core Strategy and policy LC12 of the North Lincolnshire Local Plan.
4. The access is located onto Mill Road where significant on-street parking occurs. The proposal does not demonstrate that adequate visibility at the access point has been achieved. The proposal would therefore have an adverse impact on highway and pedestrian safety and the proposal is therefore contrary to T2 and DS1 of the North Lincolnshire Local Plan.

Site

The site is located within the development boundary for Crowle which is identified as a market town in the Core Strategy and HELAP. The site is surrounded by residential properties to the north, east and west. To the south is a residential care home known as Greenacres. Part of the Greenacres site will form the application site. The site runs parallel with the conservation area and lies within flood zone 2/3a in accordance with the North and North East Lincolnshire SFRA 2011.

Proposal

Outline planning permission is sought to erect five detached dwellings with appearance, landscaping and scale reserved for subsequent consideration, including the demolition of 7 Mill Road and associated works.

This is a resubmission that has removed a dwelling which was proposed at the access/egress point of the site. In doing so many of the objections from consultees on the first scheme have been overcome.

The proposal will therefore focus on the following issues:

- **flood risk and drainage**
- **character and amenity**
- **highways**
- **ecology**
- **trees and landscape**
- **environmental issues.**

Principle

The proposal is located within the development boundary for Crowle as identified by the Housing and Employment Land Allocations. This proposal for residential development therefore aligns with the overarching spatial strategy and is therefore acceptable in principle.

Flood risk and drainage

Policy CS19 of the North Lincolnshire Core Strategy is concerned with flood risk and is considered relevant. It 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:

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. This is reinforced by paragraphs 157 – 160 of the NPPF. Policies DS14 and DS16 of the North Lincolnshire Local Plan are also considered relevant. These policies deal with drainage and the disposal of foul and surface water.

The applicant has not carried out an appropriate sequential test stating that Crowle as a market town has been sequentially tested by the Core Strategy. The applicant has clearly failed to understand what a sequential test in relation to flooding should encompass which is: an agreed geographical area of search, methodology for searching sites and then reasons for discounting those sites. Furthermore, the LLFA has objected on the grounds outlined above in the consultations section. However, the sequential test for this site was considered as part of the previous application and was considered to be passed.

The applicant has submitted an exceptions test which does outline the wider sustainability elements of the site.

The previous application (see planning history) considered that there were no sequentially preferable sites in Crowle that could accommodate the proposal and that the objection from the LLFA can be mitigated by condition. This proposal then, if approved, would have attached mitigation in respect of surface water and foul drainage that would require an acceptable drainage scheme to be agreed prior to development and implemented prior to occupation. It should be noted that the Environment Agency has no objection, the finished floor levels are a sufficient height above critical level and the site is recognised as being within Flood Zone 1 by their mapping system.

Character and amenity

Policy H7 is concerned with tandem and backland development and states that development will be permitted provided that:

- (i) there is no adverse effect on the amenities of any residential premises or adjoining use through:
 - (a) overlooking and loss of privacy;
 - (b) loss of amenity area to the adjoining dwellings;
 - (c) the level of nuisance resulting from the movement of vehicles to and from the proposed development;
- (ii) it would not affect the general quality and character of the area in which it is located by:
 - (a) unacceptably increasing the density of development in that area;
 - (b) resulting in the loss of important natural and man-made features;
 - (c) leading to an unacceptable proliferation of vehicular accesses to the detriment of the street scene and/or road safety.

Policies H5 and DS1 of the local plan and CS5 of the Core Strategy are also relevant.

The proposed scheme would see a cul-de-sac emanate from Mill Road and the loss of the dwelling at number 7. The original scheme was refused on character impacts relating to its backland nature as well as concerns relating to unacceptable impacts upon residential amenity around the retention of 7 Mill Road. The removal of the dwelling reduces concerns in relation to nuisance caused by vehicular movements and the distance from all other dwellings would mean that there would be no unacceptable impacts in relation to overbearing impact/overshadowing. Also, the applicant is applying for outline planning permission and appearance, landscaping and scale are reserved for later consideration.

In terms of character impacts, it should be noted that the urban grain of Crowle is set largely to an irregular layout. There are examples of cul-de-sac development to the east emanating from Lindsey Drive as well as developments from North Street in the conservation area that are not dissimilar to this proposal. This layout is therefore considered appropriate to the wider residential form of Crowle.

Therefore, given the degree of control still in place at reserved matters stage, the proposal is considered to accord with policies H5, H7 and DS1 of the local plan, as well as policy CS5 of the Core Strategy.

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 of the local plan is concerned with parking provision as well as general safety and is also considered relevant.

The applicant proposes to demolish 7 Mill Road in order provide a satisfactory access/egress as concerns were raised on the original application by Highways in relation to the arrangement that retained the said property. The new scheme would see a road emanate from Mill Road forming a private cul-de-sac that would serve five dwellings. The changes made by this scheme are sufficient to overcome the issues raised by Highways on the original submission that led to reasons for refusal. The Highways officer has put forward no objections subject to the imposition of conditions which will be attached to any permission granted.

Therefore, subject to the aforementioned mitigation, the proposal has the potential to accord with policies T2 and T19 of the North Lincolnshire Local Plan.

Ecology

Policy CS17 of the Core Strategy and paragraph 175 of the NPPF relate to biodiversity and both put forward biodiversity management principles. Both are relevant.

The original application was partly refused on insufficient information in relation to ecology, however this submission is accompanied by an ecological appraisal. The council's ecologist has reviewed this information and has no objections to the proposal subject to the imposition of a condition which seeks a net gain for biodiversity, in line with the aforementioned local and national planning policy.

Given the aforementioned mitigation, the proposal is considered to align with policy CS17 of the North Lincolnshire Core Strategy as well as paragraph 175 of the NPPF.

Trees and landscaping

Policy LC12 of the local plan states that proposals for all new development will, wherever possible, ensure the retention of trees, woodland and hedgerows.

The applicant has submitted an arboricultural report, which states that the trees in the garden of 7 Mill Road are small and of low landscape value, and are likely to be lost; one of the apple trees in G1 could be retained. Those trees on the northern and western boundaries to be retained will need their rooting areas protected during the development process as will the hedge on the southern boundary; the protection measures are communicated within the plan.

The groups in the centre of the site (G4 and G5) are fast-growing and multiple stemmed, are incompatible with the development proposals and are proposed to be removed. The council's tree officer has been consulted but has not responded. Given the level of detail provided by the tree report and the protection and retention of most of the trees, it is

considered that, subject to a condition linking any development to that document, the proposal accords with policy LC12 of the local plan, overcoming initial concerns expressed by the tree officer. It should be noted that there are no protected trees within the site.

Environmental issues

Policy DS11 of the North Lincolnshire Local Plan is concerned with polluting activities. It states that planning permission for development, including extensions to existing premises and changes of use, will only be permitted where it can be demonstrated that levels of potentially polluting emissions, including effluent, leachates, smoke, fumes, gases, dust, steam, smell or noise, do not pose a danger by way of toxic release. Policy DS1 of the local plan is also concerned with the protection of amenity.

The proposal is located a sufficient distance from all other dwellings and the council's Environmental Protection officer considers that conditions relating to a dust management plan and hours of construction works are sufficient to mitigate the development in terms of the environmental impacts it would create.

Given the above mitigation, it is considered that the proposal would accord with policy DS11 of the North Lincolnshire Local Plan.

Conclusion

The proposal is considered acceptable in principle and has overcome all reasons for refusal set out by the previous application. The objection from Drainage is valid; however, given that this was considered to be able to be dealt with via conditions on the previous application and did not form a reason for refusal, it is considered that it would be unreasonable to now introduce this as a reason for refusal and that this issue can still be adequately dealt with via conditions. The application is for outline planning permission with layout reserved for subsequent approval and there is sufficient space within the site to allow for the design and implementation of a SuDS compliant drainage scheme.

Subject to the mitigation outlined in this report, the proposal is therefore considered acceptable and is recommended for approval.

Pre-commencement conditions

The pre-commencement conditions contained in the recommendation have been agreed with the applicant.

RECOMMENDATION Grant permission subject to the following conditions:

1.

Approval of the details of the landscape, scale, and appearance of the building(s), 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.

The development hereby permitted shall be carried out in accordance with the following approved plans: Block Plan Ref No. 933 19; Arboricultural report dated April 2019.

Reason

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

6.

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

- the proposed method of forming access from the highway, including the required visibility splays;
- the method of constructing/paving the drive;
- the provision of adequate drainage features;
- the provision of suitable bin collection facilities adjacent to the highway;
- the provision of suitable lighting arrangements; and
- 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.

No development shall take place until details of:

- (i) the location and layout of the vehicular access; and
- (ii) the number, location and layout of vehicle parking and turning spaces within the curtilage of the site;

have been submitted to and approved in writing by the local planning authority.

Reason

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

8.

Within three months of 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.

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 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.

Reason

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

10.

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.

11.

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.

12.

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.

13.

No above-ground works shall take place until a scheme for the disposal of foul and surface water has been agreed in writing by the local planning authority and none of the dwellings shall be occupied until it is connected to the approved drainage system.

Reason

To ensure satisfactory drainage is provided in accordance with policies DS14 of the North Lincolnshire Local Plan and CS19 of the North Lincolnshire Core Strategy.

14.

Construction, demolition 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, demolition or site clearance operations shall take place on Sundays or public/bank 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 protect residential amenity in accordance policy DS1 of the North Lincolnshire Local Plan.

15.

Prior to any demolition, site clearance or construction activities taking place, the applicant shall submit to the local planning authority a dust management plan for approval. The approved dust management plan shall be adhered to until the construction phase has been completed.

Reason

To protect residential amenity in accordance policy DS1 of the North Lincolnshire Local Plan.

16.

Works shall be carried out strictly in accordance with section 7 of the submitted Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey Report, reference number WRO.22.11.2018.

Reason

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

17.

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

- (a) details of bat roosting features to be installed;
- (b) details of nesting sites to be installed to support a variety of bird species;
- (c) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (d) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (e) prescriptions for the planting and aftercare of native trees and shrubs of high biodiversity value;
- (f) 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.

18.

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. The applicant or their successor in title shall submit photographs of the installed bat roosting and bird nesting features, within two weeks of installation, as evidence of compliance with this condition.

Reason

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

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.

A161 to
Eastoft

Cemetery

Garage

8.8m

El Sub Sta

13.0m

Greenacres
(Nursing Home)

LINSEY DRIVE

HOLLAND AVENUE

LINCOUSE

Club

Fire
Station

Catholic Church
of St Norbert

St Norbert's
Catholic Primary
School

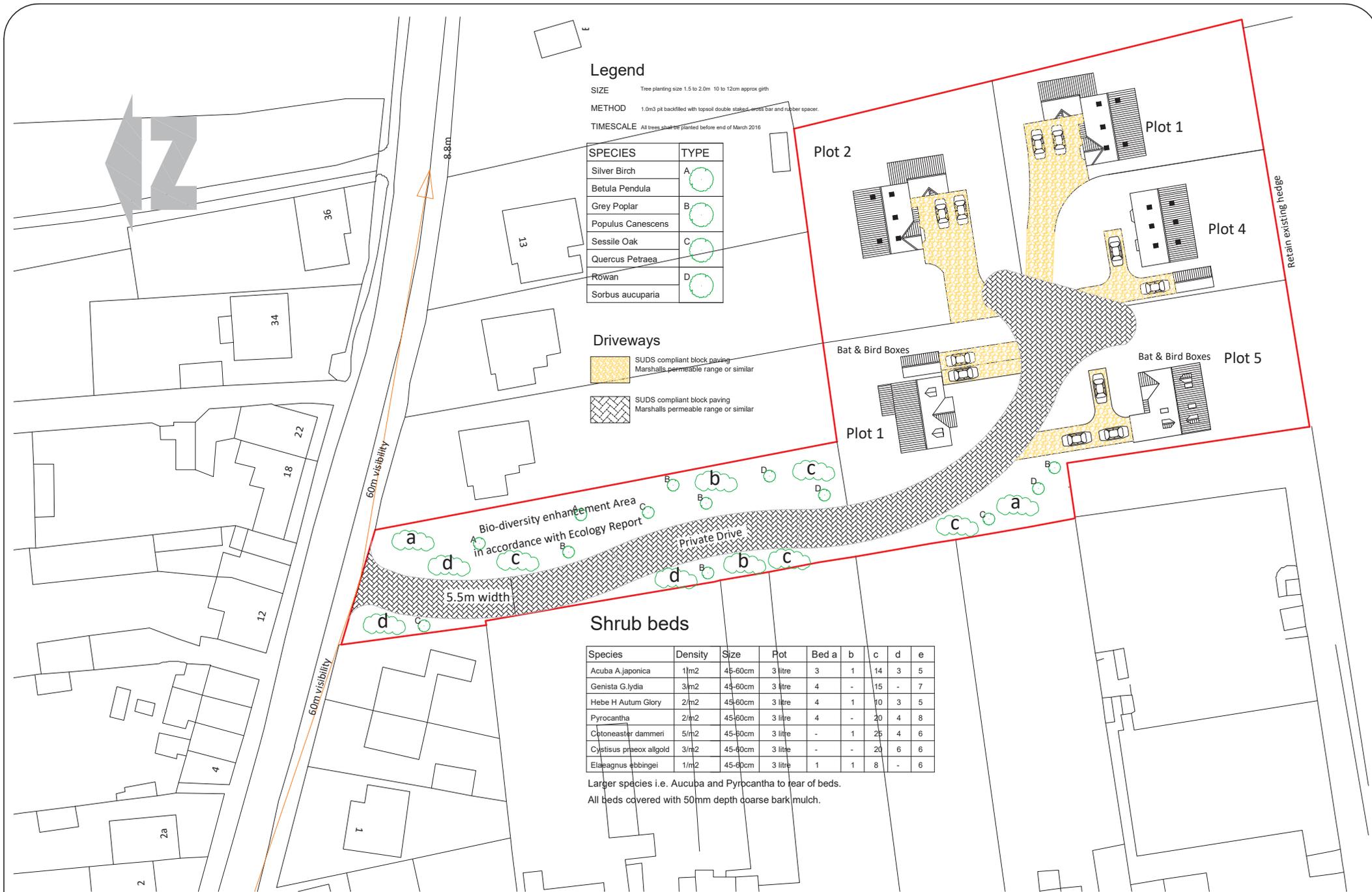
Crowle Methodist
Church

A161 to Belton

Tank

Drain

PA/2019/904 Proposed layout (not to scale)



Legend

SIZE Tree planting size 1.5 to 2.0m 10 to 12cm approx girth
 METHOD 1.0m3 pit backfilled with topsoil double staked across bar and number spacer.
 TIMESCALE All trees shall be planted before end of March 2016

SPECIES	TYPE
Silver Birch	A
Betula Pendula	B
Grey Poplar	B
Populus Canescens	B
Sessile Oak	C
Quercus Petraea	C
Rowan	D
Sorbus aucuparia	D

Driveways

- SUDS compliant block paving Marshalls permeable range or similar
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Shrub beds

Species	Density	Size	Pot	Bed a	b	c	d	e
Acuba A.japonica	1/m2	45-60cm	3 litre	3	1	14	3	5
Genista G.lydia	3/m2	45-60cm	3 litre	4	-	15	-	7
Hebe H Autum Glory	2/m2	45-60cm	3 litre	4	1	10	3	5
Pyrocantha	2/m2	45-60cm	3 litre	4	-	20	4	8
Cotoneaster dammeri	5/m2	45-60cm	3 litre	-	1	25	4	6
Cystisus praecox allgold	3/m2	45-60cm	3 litre	-	-	20	6	6
Eleagnus ebbingei	1/m2	45-60cm	3 litre	1	1	8	-	6

Larger species i.e. Acuba and Pyrocantha to rear of beds.
 All beds covered with 50mm depth coarse bark mulch.

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Client	Mr Paul Singh
Date	16/5/19
Scale	1:500
Dwg No	1 of 2
Ref No	933-19

Proposal
 Drawing

Residential Development R/O 7 Mill Road
 Crowle, Scunthorpe
 Site Plan for 5 dwellings off Private Drive

