

**Objection to Planning Application PA/2020/984**  
**Moorgate Farm, 17 Low Cross Street, Crowle DN17 4NA:**  
**Erection of 2 pairs of semi-detached dwellings, following demolition of**  
**existing dwelling.**

**1.0 Grounds for Objection**

**1.1** Our client, a local resident, wishes to object to the aforementioned planning application on the following grounds:

1. Inadequate parking provision for the new dwellings, as measured against the LPA's parking standards;
2. Inadequate drainage – soakaways were deemed unsuitable for the neighbouring approved development (PA/2018/1259), due to the presence of shallow groundwater;
3. Part of the site was previously in agricultural use and the presence of asbestos is suspected;
4. The applicant assumes that accesses can be created for two of the proposed dwellings from the currently private and unadopted minor access road approved for application PA/2018/1259; which is still under construction. Some of the land required for the construction of the access driveways is beyond the proposed extent of the new access road and still in ownership of the developer. It is our understanding that no Certificate B Notice was served on them by the applicant.
5. No dropped kerbs were indicated on the minor access road in the approved application for the locations where the current applicant wishes to create them (PA/2018/1259's drawing 18818/33, Rev. C – Section 38 Proposed Kerb Arrangement).
6. The submitted Block Plan does not show the true *status quo* in respect of the surroundings to the application site, inasmuch as the large two-storey extension wing to No. 15 Low Cross Street is not shown.

**1.2** These points are amplified in the sections that follow. Our client is not opposed to the proposed development in principle, but considers that the application is premature, as all these matters need to be addressed and resolved before proceeding.

**2.0 Parking Provision**

**2.1** Our client considers that the off-road parking provision for the four proposed new dwellings is not adequate when measured against the Council's current adopted parking standards (*Parking Provision Guidelines for New and Change of Use Developments*). Whilst this document quotes the now obsolete PPS3 and PPG15 (replaced by the National Planning Policy Framework since 2012),

similar principles are enshrined in Section 9 of the February 2019 edition of the NPPF, with particular reference to paragraphs 102(c), 105, 106, 108 (a) and 110 (c). The following quotations are taken from the ‘Policy Context’ section of this document:

*“Planning Policy Statement 3 (PPS3) advises that: “Local Planning Authorities should, with stakeholders and communities, develop residential parking policies for their areas, taking account of expected levels of car ownership, the importance of promoting good design and the need to use land efficiently.” This is relevant to the assessment of a new development and it is important to consider a design-led approach to the provision of car parking space that is well integrated with a high-quality public realm.*

*“North Lincolnshire fully endorses the principles of Planning Policy Guidance 13: Transport (PPG 13) and has determined the land allocations within the North Lincolnshire Local Plan (and considered within the upcoming Local Development Framework) in accordance with it.*

*“The objectives of PPG 13 are to integrate planning and transport at the national, regional, strategic and local level to:*

- 1. promote more sustainable transport choices for both people and moving freight;*
- 2. promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and reduce the need to travel, especially by car.*

*“When drawing up proposals for parking areas, developers will, therefore, be expected to demonstrate that the hierarchy has been adhered to.*

*“In line with PPG13 the council will:*

- Recognise urban, sub-urban and rural areas differently and adopt reduced requirements for parking in locations, which have good access and alternative means of travel to the private car;*
- Ensure parking requirements are kept to the operational minimum;*
- Not require developers to provide more spaces than they themselves wish unless there are significant road safety or traffic management implications; ...*
- Take into account the availability of existing public car parking facilities in the vicinity of proposed developments when establishing the parking requirements.*

*“In addition, the council will also: ...*

- In the case of residential spaces provided within the dwelling curtilage, ensure that the spaces are independently accessible.”*

**2.2** The *North Lincolnshire Council Residential Road Design Guide* includes relevant guidance in the following sections: At paragraph 3.7.3, it states that the driveway to a private dwelling should be wide enough to allow access to both sides of the parked car and also, on one side, allow for a pathway to the house. This width shall be no less than 3.2 metres. A narrower driveway width of 3 metres may be acceptable where the driveway does not have to provide a pathway to the house. In this instance, with the pair of semi-detached houses to be accessed from the minor access road, the drive does need to incorporate a path to the house, and therefore the driveway needs to be 3.2 metres’

minimum width. On this pair of 3-bed semi-detached houses, the driveway has been drawn up as just 2.6 metres wide for both properties. This needs to be adjusted accordingly to 3.2 metres.

**2.3** Similarly, at paragraph 4.4.2 (concerning parking provision), the number of spaces provided within each curtilage will need to match the size of the dwelling, but an overall average of 1.5 spaces per dwelling unit should be the design goal. Paragraph 4.4.3 provides the maximum requirements for off-street parking facilities, (either within each curtilage or in grouped areas), for particular types of dwellings. These include:

- Dwellings (4 bed or greater) – 2 spaces
- Dwellings (2/3 bed) – 1 space

**2.4** In addition, 0.5 communal spaces per dwelling (those with ‘within curtilage’ parking) are to be provided throughout the development, in locations to be agreed with the Highway Authority. These may be in groups, small laybys or on the street, depending on the nature of the layout.

**2.5** Similar standards are set out on page 12 of the *Parking Guidelines* document.

**2.6** On this basis, the 4-bedroom semi-detached dwellings would need to provide 2.5 spaces. However, the current design will only allow for one space per dwelling, and those at an awkward angle. There is no provision for off-road visitor parking.

**2.7** North Lincolnshire Core Strategy Policy CS25 states that the Council should apply maximum car parking standards within the context of urban renaissance. Paragraph 7.11 refers to the need for new residential development to meet the standards set out in the *North Lincolnshire Residential Design Guide*.

**2.8** Saved policies DS2, H5 and T19 from the Local Plan 2003 address the issues of access to new development and the provision of adequate parking, requiring these to be independently accessible, adequate and appropriately designed. Given the lack of visitor parking spaces, the awkward angle of approach for the Low Cross Street plots, and the absence of existing permission to access the other two plots from the privately owned and unadopted minor access road, or create new dropped kerbs on to it, the application does not currently satisfy the requirements of these policies.

### **3.0 Surface Water Drainage**

**3.1** The current proposal shows two soakaways and the application form states that surface water drainage will be managed in this way; however, there are known to be existing flooding issues within this area. Although the Flood Map for Planning places the site in Flood Zone 1, in the North Lincolnshire Strategic Flood Risk Assessment this locality falls within Zones 2 and 3a.

**3.2** A percolation test carried out for the adjacent PA/2018/1259 development proved that, due to the water table height (especially during the winter months), soakaways would not be deemed

acceptable; and therefore the applicant for that development had to provide a full drainage system (including brake attenuation), to feed into a nearby culvert in the field to the north.

**3.3** The GeoMatters Phase II Geo-Environmental Investigation report prepared for the 2018 planning application addressed the question of surface water drainage on page III and at paragraphs 4.5 and 7.7. This concluded that the site was not considered suitable for the use of *in situ* soakaways, due to the presence of shallow groundwater.

**3.4** Unfortunately, the applicant for the present application would not be able to connect into this system, as it would mean connecting at the end of the run. That would be at the highest point (with the smallest invert level) and therefore would not provide the required fall on the new pipes, to the point where this applicant's drains would be below the level of the current system.

**3.5** The North Lincolnshire Core Strategy's Policies CS18 & 19 require the Council to support the necessary improvement of flood defences and surface water infrastructure for new developments that is required against the actions of climate change; and, in addition, development will be required, wherever practicable, to incorporate Sustainable Urban Drainage Systems (SUDS) to manage surface water drainage. Paragraph 11.33 adds that the Council should respond to the threat of flooding by planning development in the light of guidance provided in Surface Water Management Plans.

**3.6** Saved Policies DS14 and DS16 of the Local Plan 2003 deal with surface water drainage and flood risk. Policy DS14 requires "*satisfactory provision to be made for the disposal of foul and surface water from new development, either by agreeing details before planning permission is granted, or by imposing conditions on a planning permission or completing planning agreements to achieve the same outcome.*" Policy DS16 is concerned with ensuring that new development is designed so as to avoid the risk of flooding. The existing planning application submission does not adequately address these issues.

## **4.0 Ground Contamination**

**4.1** A portion of the land within Plot 1 of the current application (essentially its driveway) was previously agricultural land which is known to have contained asbestos. However, the applicant's Planning Statement declares that the entire site was previously a domestic garden and so does not allude to the fact that a section of it was agricultural land. This matter will need to be addressed by the production of a contamination report, similar to that submitted for the PA/2018/1259 application, with suitable mitigatory measures put in place.

**4.2** The GeoMatters report previously cited states that investigations had indicated that feasible pollutant linkages had been identified at the site. This related to localised exceedances of lead, benzo(a)pyrene and asbestos, within shallow made ground at WS04 in the central portion of the site. The exceedances were found to be close to the former historic hopper tray, which was understood to have formerly been located within the previous barn in this part of the site. Given the proximity of nearby boreholes and the isolated nature of these exceedances, it was considered likely that this was a localised hotspot. Remedial works in those areas would therefore be necessary to break the identified pollutant linkages.

**4.3** Saved policy DS7 in the Local Plan 2003 is concerned with contaminated land. This policy states:

*“In the case of proposals for development on land known or strongly suspected as being contaminated, applicants will be required to demonstrate that the level of contamination can be overcome by remedial measures or improvements. 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.”*

**4.4** In addition, Core Strategy Spatial Objective 10, paragraph 4.36, requires the design of new development to contribute to the future image and perception change of North Lincolnshire. Among other things, it should seek to minimise pollution. This issue has not been addressed in respect of the possible presence of asbestos on a portion of the development site.

## **5.0 Minor Access Road Not Yet Adopted**

**5.1** It is difficult to see how the applicant can be granted planning permission to build off the newly constructed road approved for the PA/2018/1259 application, as this is still under construction (with only the sub-base course laid at the time of writing) and has yet to be adopted by the Highways Department. We understand that adoption is expected after completion of the development, in line with the Section 38 details submitted with the planning application, however there is no guarantee that this will be done swiftly, even after completion of the road works. The stretch of road for which adoption has been sought extends for some 89.5 metres.

**5.2** There is no automatic right of way to pass and repass over an unadopted or private road, although this can be granted, either within the legal title or by way of extra agreement between the property owner and road owner. Similarly, there is no general right to park in a private or unadopted road. Therefore, the applicant would need to seek the developers permission to create new vehicular accesses off the private road, at least until such time as the Highways Authority agrees to adopt it. This we understand has not been granted.

## **6.0 Errors on Submitted Plans**

**6.1** The existing block plan contains several inaccuracies.

**6.2** The annotation to that drawing (Linc Design D88-A2-04) suggests that **dropped kerbs** are already in place to allow access across the pavement to the proposed house plots 1 and 2, which is incorrect. Moreover, the drawings prepared for PA/2018/1259 planning application, 18818-33, Rev. C (Section 38 Proposed Kerb Arrangement) and 18818-30, Rev. E (Section 38 Proposed Drainage Layout) both indicate a strip of land in their ownership between the minor access road and the proposed pair of semi-detached dwellings to be accessed from it.

It is therefore our understanding that the applicant has not served Notice 1 under Certificate B on the neighboring developer to seek permission for this; and equally that this developer has not been notified by the local planning authority of this planning application or invited to comment upon it.



