

<b>APPLICATION NO</b>	<b>PA/2012/0674</b>
<b>APPLICANT</b>	Keigar Homes Ltd
<b>DEVELOPMENT</b>	Application to vary condition 5 and remove conditions 6 and 7 of outline planning permission PA/2008/0338 dated 23/08/2011 to amend the access arrangement for the development of 60 dwellings
<b>LOCATION</b>	Land off Island Carr Road, Brigg
<b>PARISH</b>	<b>BRIGG</b>
<b>WARD</b>	Brigg and Wolds
<b>CASE OFFICER</b>	David Wordsworth
<b>SUMMARY RECOMMENDATION</b>	<b>Subject to the completion of a unilateral undertaking, grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Councillors Waltham and C Sherwood – significant public interest)  Objection by Brigg Town Council

## **POLICIES**

**National Planning Policy Framework:** Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 56 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 64 goes on to say that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 100 states that inappropriate development in areas at high risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, it should be made safe without increasing flood risk elsewhere..

Paragraphs 101, 102 and 103 explain the application of the sequential and exceptions tests for sites in areas of flood risk.

**Regional Spatial Strategy for Yorkshire and the Humber:** No specific policies apply.

**North Lincolnshire Local Plan:** The site is allocated as a mixed use site with residential uses at upper floors only under policy H2 allocation MX1-12.

Policy H8 (Housing Design and Housing Mix) requires new residential development to respect and reflect the form, scale, massing, design and detailing of the local environment; have a high standard of design and layout; protect existing natural and built features that contribute to the amenity of the area; prioritise the needs of pedestrian movement taking into account safety, health and the security of residents; and provide residents with a sense of identity and an appropriate mix of dwelling size and types.

Policy T1 (Location of Development) – development proposals which generate a significant volume of traffic movement, will be permitted provided that they are located:

- (i) in the urban area of Scunthorpe and Bottesford, Barton-upon-Humber, Brigg, and the areas identified for development at the South Humber Bank and Humberside International Airport; and
- (ii) where there is good access to rail, water and air transport, or to the North Lincolnshire Strategic Road Network; and
- (iii) where there is good foot, cycle and public transport provision or where there are opportunities for foot, cycle and public transport to be provided.

Policy T2 (Access to Development) requires all development to be provided with a satisfactory access. Larger developments should be served adequately by:

- (i) being readily accessible by a choice of transport modes; and
- (ii) existing public transport services and infrastructure; or
- (iii) additions or extensions to such services linked directly to the development; and
- (iv) the existing highway network.

Policy DS1 (General Requirements) requires a high standard of design in all developments and poorly designed developments will be refused. The following criteria will be used to assess each proposal:

- (i) the design and external appearance should reflect or enhance the character, appearance, and setting of the immediate area;
- (ii) the design and layout should respect and, where possible, retain or enhance the existing landform;
- (iii) no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, including overlooking or overshadowing;
- (iv) amenity open space should be retained where possible;
- (v) no pollution of water, air or land should result.

**North Lincolnshire Core Strategy:** Policies CS1 (Spatial Strategy for North Lincolnshire) and CS2 (Delivering More Sustainable Development) apply.

## **CONSULTATIONS**

**Highways:** Advise conditions (6 to 22).

**Environment Agency:** No comments upon the planning application but advise an informative.

**Archaeology:** No comments.

**Fire Brigade:** Advise an informative.

**Environment Team:** No comments.

**Environmental Protection:** No comments.

**Strategic Housing:** No comments.

## **TOWN COUNCIL**

Object on the following grounds:

- This development will have a significant impact on the flow of traffic along Bridge Street, Ancholme Way and Barnard Avenue.
- There would be an increasing risk of a serious accident due to more drivers needing to turn right against the flow of traffic at peak times in the day.
- Brigg Town Council has repeatedly drawn attention to the problems associated with this development in that there are multiple junctions in a relatively short stretch of highway.
- Combining the multiple junctions with the exit/entrance to a residential caravan park/petrol station and two agricultural merchants, it is impossible to execute a safe right turn against the flow of traffic.
- Brigg Town Council registered its objection to the use of Kiln Lane as a preferred access to this new development without a definitive traffic assessment for the whole highway route through the town. This application is equally flawed.
- The traffic impact assessment referred to the existing use bringing heavy farm machinery in and out of the site but this type of traffic movement does not occur at peak times and is therefore irrelevant.
- Any suggestion that drivers could be directed to turn left only as they exit the development must be discounted as this would be ineffective.
- This development will create a further pedestrian hazard for families and children walking to and from school.
- A definitive transport assessment should be undertaken along the full highway route through Brigg that encompasses Bridge Street, Ancholme Way, Barnard Avenue, Wrawby Road, and Brigg Road to enable development of an effective traffic management plan.
- Consideration should be given to the creation of a roundabout at the junction of Bridge Street and Ancholme Way.

- A site visit would be useful between the hours of 8.30 to 9am, 3.15 to 4pm and 5 to 6pm before any decision is taken.

## **PUBLICITY**

Neighbouring properties have been notified, and site and press notices posted. No comments have been received.

## **ASSESSMENT**

Outline planning permission was granted on 23 August 2011 for the erection of 60 dwellings on land to the west of Ancholme Way in Brigg (PA/2008/0338). The site was used for agricultural engineering as part of Peacock & Binnington's business and was also used for auctions of agricultural machinery. All matters, including means of access, were reserved for subsequent approval, however the application details indicated that vehicular access was to be gained from Kiln Lane to the south. Consequently conditions were attached to the planning permission seeking the closure of the existing access onto Ancholme Way and the upgrade and improvement of the access to Kiln Lane, which gives access from the site onto Bridge Street and provides access to several dwellings and businesses. This application seeks permission to vary condition 5 and remove conditions 6 and 7 from the outline planning permission which together control access to the site. Should planning permission be granted for this application the existing Section 106 agreement will still be relevant and will be linked directly to the new permission.

**The key issues in the determination of this application are whether the proposed change of access from Kiln Lane to Ancholme Way would adversely affect highway safety for pedestrians, cyclists and drivers entering or leaving the planning application site, whether the use of the Ancholme Way access would adversely impact upon levels of congestion and the free flow of traffic over and above that which would occur if the site was accessed from Kiln Lane, and whether the variation and removal of conditions complies with the relevant planning policies for transportation.**

Condition 5 of the existing outline planning permission states:

*The existing access road from the site onto Ancholme Way shall be permanently closed and the footway and parking reinstated before any other works are commenced on site. These works shall include the removal of the right-hand turn holding lane road markings.*

It is proposed to vary condition 5 to read:

*The existing access road from the site towards Kiln Lane shall be permanently closed at the site boundary.*

Conditions 6 and 7 state:

6.

*Prior to any works commencing on site, all details, including a survey, level details, existing construction specification and drainage of Kiln Lane, which is currently an unadopted road, shall be submitted. Also a fully worked up engineering proposal to improve and upgrade Kiln Lane to an adoptable standard shall be submitted and include pedestrian crossing facilities in Bridge Street, street lighting proposals, provision and protection of the visibility*

*splay at the junction of Bridge Street and suitable access arrangements to serve all existing users of Kiln Lane.*

7.

*All works identified in condition 6, once approved, shall be carried out and completed prior to the occupation of any dwellings on the development site.*

It is proposed to remove both these conditions from the planning permission.

Essentially these conditions ensure that Kiln Lane access is improved to an adoptable standard.

A traffic impact assessment was submitted with the application which was thoroughly assessed by the Highways department. The traffic impact assessment included junction capacity assessments, committed and proposed developments such as the Tesco and Lidl approved retail schemes and accident analysis.

Highways have advised conditions which require the following:

- (i) details of the reconfigured access onto Ancholme Way to be submitted
- (ii) no construction works on site to be commenced until the new access is constructed
- (iii) a construction phase management plan to be approved.

With regard to the town council's objections:

- Congestion and traffic flows in the vicinity have been assessed by the Highways Transportation team as part of the traffic assessment.
- Highways agree with the need for a 'no right turn' from the site and conditions attached ensure that the design of the junction will be engineered so right-turns are not allowed. Details will need to be submitted to Highways for approval.
- Highway safety issues have been assessed. Visibility from the proposed access point complies with the required standards.
- With regard to suggested roundabout solutions the comments are noted, however Highways can only assess proposals that are made to them.

In conclusion, all relevant highway considerations have been assessed and it is felt that none of the objections submitted justify withholding permission.

## **RECOMMENDATION**

**Subject to the completion of a unilateral undertaking providing for all necessary works (including fees) to ensure that the left-turn only is covered by a relevant Traffic Regulation Order, the committee resolves:**

- (i) it is mindful to grant permission for the variation/removal of conditions;**
- (ii) the decision be delegated to the Head of Development Management upon completion of the unilateral undertaking;**

**(iii) if the unilateral undertaking is not completed by 21 November 2012 the Head of Development Management be authorised to refuse the application on grounds of impact upon highway safety; and**

**(iv) the permission so granted be 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 3(1) of the Town & Country Planning (General Development Procedure) Order 1995.

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 3(1) of the Town & Country Planning (General Development Procedure) Order 1995.

3.

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

Reason

To comply with the timescale of the previously approved outline planning permission (PA/2008/0338).

4.

The development hereby permitted shall be begun either before the expiration of four 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 timescale of the previously approved outline planning permission (PA/2008/0338).

5.

The existing access road from the site towards Kiln Lane shall be permanently closed at the site boundary.

Reason

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

6.

No development shall take place until details showing the method of reconfiguring the existing access point onto Ancholme Way have been 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.

7.

The proposed reconfigured access shall not be brought into use (including by construction traffic) until all works required under condition 6 above have been completed in accordance with the approved details.

Reason

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

8.

No development shall take place until a construction phase traffic management plan showing details of all associated traffic movements, including delivery vehicles and staff/construction movements, any abnormal load movements, contractor parking and welfare facilities, storage of materials and traffic management requirements on the adjacent highway, 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 throughout the construction period.

Reason

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

9.

There shall be no direct vehicular connection between the site and the Island Carr Industrial Estate. However, footway and cycle links shall be provided 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 policies T2 and T19 of the North Lincolnshire Local Plan.

10.

All surface level parking facilities incorporated into the buildings shall be kept as open carports and at no time shall these facilities be enclosed by the use of garage doors.

Reason

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

11.

Any residential travel planning measures identified within the transport assessment shall be implemented in accordance with the approved details and timescales.

Reason

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

12.

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.

13.

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.

14.

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.

15.

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.

16.

No development shall begin until details of:

- (i) the layout, drainage, construction, services and lighting of the proposed access road, including the junction with the adjacent highway; and



(ii) the number and location of vehicle parking space(s) on 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.

17.

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.

18.

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.

19.

No works shall be commenced on the penultimate dwelling on the site until the access road has been completed.

Reason

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

20.

No development, whether permitted by the Town and Country Planning (Development Management Procedure) (England) Order 2010 or not, 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.

21.

No ground raising shall take place on the site until the flood plain compensatory storage scheme has been fully completed.

Reason

To ensure the risk of flooding to third parties is not increased during the construction phase of the development.

22.

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason

To prevent the increased risk of flooding, improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

23.

No development 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 policy DS14 of the North Lincolnshire Local Plan.

24.

No dwelling on the site shall be occupied until details of the arrangements for the provision of 12 affordable houses within the approved layout have been agreed in writing by the local planning authority. Such details shall include:

- (i) arrangements to ensure that the dwellings remain available as affordable units both for initial and subsequent occupiers; and
- (ii) the occupancy criteria to be used for determining the identity of prospective and successive occupiers of the housing and the means by which such criteria will be enforced.

Reason

To ensure compliance with North Lincolnshire Council's Interim Policy relating to the Delivery of Affordable Housing (August 2010).

25.

No development shall commence until such time as details have been submitted to and approved in writing by the local planning authority of the means by which the proposed dwellings (excluding those defined as affordable housing) will comply with the provisions of Code Level 3 in the Code for Sustainable Homes.

Reason

To ensure the development complies with the requirements of PPS1 (Planning and Climate Change).

26.

All site works shall be undertaken in accordance with the Environment Agency's Pollution Prevention Guidelines.

Reason

To avoid contamination of protected species' habitats in accordance with policy LC5 of the North Lincolnshire Local Plan.

27.

The ivy covered tree described in the submitted protected species assessment dated June 2007 shall be retained and shall not be wilfully damaged or destroyed or uprooted, felled, lopped or topped nor any other works carried out which would cause damage to the root system or otherwise threaten the life of the tree without the previous written consent of the local planning authority.

Reason

To conserve protected species in accordance with policy LC5 of the North Lincolnshire Local Plan.

28.

No development approved by this permission shall be commenced until a biodiversity management plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

- (a) a timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed;
- (b) confirmation that the spoil heap described in the submitted protected species assessment shall not be cleared except between the months of May and October in any calendar year;
- (c) details of measures to avoid harm to nesting birds, their nests and eggs during construction;
- (d) details of design features and physical protection measures in the construction and later phases of development, to minimise the risk of harm to water voles, including measures to reduce the risk of predation by domestic cats;
- (e) details of measures to control and avoid the spread of Japanese Knotweed;
- (f) details of proposed landscaping/open space provision, including use of locally native wildflowers, trees, shrubs and hedgerows and details of whether existing trees, hedgerows and drains will be retained;
- (g) details of biodiversity enhancements to be carried out, including provision of habitat for reed bunting and roosting features for swifts, pipistrelle and Daubenton's bats to be installed in at least 10% of dwellings;
- (h) details of persons responsible for:
  - (i) compliance with legal consents relating to nature conservation;
  - (ii) compliance with planning conditions relating to nature conservation;
  - (iii) installation of physical protection measures during construction;

- (iv) implementation of sensitive working practices during construction;
- (v) regular inspection and maintenance of physical protection measures and monitoring of working practices during construction.

All construction activities shall be implemented in accordance with the approved details and timing of the plan unless otherwise approved in writing by the local planning authority. Agreed biodiversity features shall be retained.

Reason

To protect features of recognised nature conservation importance.

29.

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of the programme of archaeological work in accordance with the documents 'Archaeological Impact Report: Land at Island Carr Brigg' and the 'Archaeological Project Specification' prepared by Allen Archaeology Ltd dated 17 November 2010, which have been submitted by the applicant and shall be approved in writing by the local planning authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site is of archaeological interest.

30.

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings, subject to any variations agreed in writing by the local planning authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site is of archaeological interest.

31.

A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the North Lincolnshire Historic Environment Record within six months of the date of completion of the development hereby approved by this permission or such other period as may be agreed in writing by the local planning authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site is of archaeological interest.

32.

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment must be prepared, and shall be subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as

contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation and shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason

To ensure the proposed remediation plan is appropriate.

33.

The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks' written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and shall be subject to the approval in writing of the local planning authority.

Reason

To ensure site remediation is carried out to the agreed protocol and to provide verification that the required remediation has been carried out to the authority's satisfaction.

34.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health;
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
  - adjoining land;
  - groundwaters and surface waters;
  - ecological systems;
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason

To ensure all contamination within the site is dealt with.

35.

No doors or other means of enclosure shall be fixed to the garage space opening without the written prior approval of the local planning authority.

Reason

To prevent a means of enclosure that would work to the detriment of the flood mitigation measures.

36.

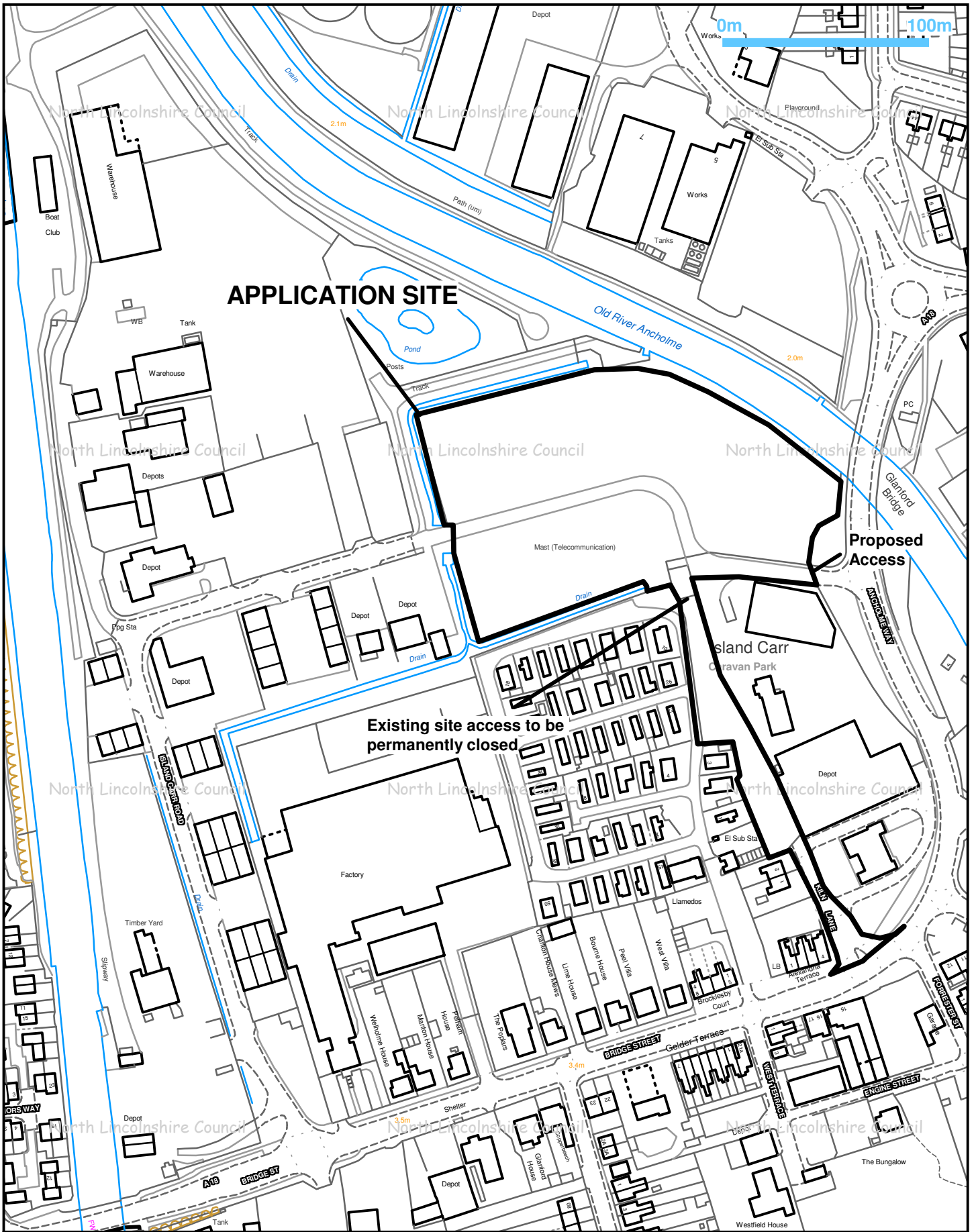
The development shall be designed/constructed using those mitigation measures as described in the Noise Impact Assessment dated 31 August 2010, reference 07478 Rev B, sections 5.6 and 5.7, and retained in their entirety thereafter.

Reason

To ensure that appropriate mitigation measures are provided to minimise the impact of traffic noise.

**Reasons for approval**

The council, as local planning authority, has had regard to the relevant policies of the development plan as set out below and considers that, subject to compliance with the conditions attached to the permission, the proposed development would be in accordance with the development plan, would not materially harm the character of the area, the living conditions of neighbouring occupiers, or highway safety and would be acceptable in all other planning considerations. The council has taken into account all other matters, none of which outweigh the considerations that have led to its decision. The policies taken into consideration in the determination of this application are T1, T2 and DS1 of the North Lincolnshire Local Plan and C1 and C2 of the North Lincolnshire Core Strategy.



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