

<b>APPLICATION NO</b>	<b>PA/2014/0827</b>
<b>APPLICANT</b>	Mr Julian Hair, JJ Hair Transport
<b>DEVELOPMENT</b>	Outline planning permission to redevelop part of a haulage yard for residential use (resubmission of PA/2014/0584)
<b>LOCATION</b>	Westgate, Bridge Road, Broughton
<b>PARISH</b>	<b>BROUGHTON</b>
<b>WARD</b>	Broughton and Appleby
<b>CASE OFFICER</b>	Nicholas Lawrence
<b>SUMMARY RECOMMENDATION</b>	<b>Refuse permission</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Agent request to address the Planning Committee

## **PLANNING POLICIES AND MATERIAL CONSIDERATIONS**

**North Lincolnshire Local Plan:** Policy RD2 (Development in the Open Countryside) strictly controls development within the open countryside to development that in essence promotes the positive benefits of rural diversification by ensuring that the long-term social and economic vitality of rural areas is maintained.

Policy RD5 (Alternative uses of Industrial and Commercial Sites in the open countryside) will only permit change of use of industrial/commercial sites where evidence demonstrates that property has been marketed for 12 months; or continued use would harm the character and appearance of the area or residential amenity.

Policy DS1 (General Requirements) sets out criteria against which all proposals in the development and use of land will be considered and includes reference to quality of design, amenity, conservation, resources and utilities.

**North Lincolnshire Core Strategy:** Policy CS1 (Spatial Strategy for North Lincolnshire) establishes a broad framework and provides clear priorities for the distribution and location of development.

Policy CS2 (Delivering More Sustainable Development) sets out how policy CS1 will be applied and notes that design should be of a high standard.

Policy CS3 (Development Limits) looks to restrict development within defined settlement limits and will restrict development outside these boundaries to development that is essential to the functioning of the countryside.

Policy CS8 (Spatial Distribution of Housing Sites) – development outside the development limits will be strictly controlled and new housing in the rural settlements can be achieved by way of small-scale infill development that maintains the viability of the settlement.

**National Planning Policy Framework:** Establishes a presumption in favour of sustainable development that should be seen as a golden thread running through both the plan-making and decision-taking process (paragraphs 6-10); Core Planning Principles; Section 3 – Supporting a prosperous rural economy; and Section 6 – Delivering a wide choice of quality homes.

**National Planning Practice Guidance:** Determining a Planning Application (ID21b); and Rural Housing (ID50).

## **CONSULTATIONS**

**Highways:** No response.

**Landscape:** No response.

**Affordable Housing:** No response.

**Education Department:** No response.

**Cultural Services:** No response.

**Public Open Space:** No response.

**Anglia Water:** No response.

**Crime prevention:** No response.

**Humberside Fire & Rescue:** No response.

**NHS Yorkshire:** No response.

**North Lincs and Goole NHS:** No response.

**JBA Consulting:** No response.

**Director of Public Health:** No objection.

**Environment Agency:** No objection subject to conditions.

**Environmental Health:** No objection subject to conditions.

**Project Officer (Ecology):** No objection subject to condition.

**Street Lighting Engineer:** No adverse comments to make.

**HER (Archaeology):** No objection.

## **TOWN COUNCIL**

Objects due to concerns about:

- inadequate road network – dangerous crossroads, narrow road, access problems, no pavement, no lighting;

- poor drainage;
- outside the development line;
- contamination of the watercourse.

## **PUBLICITY**

Neighbouring properties have been notified, and site and press notices posted. Two representations have been received from the occupiers of Radfield and the Four Ashes on Bridge Road objecting to the scheme for the following reasons:

- outside the development boundary
- lack of visibility
- drainage and sewerage problems
- hazard for users of the highway
- limited road width
- current use never caused problems.

## **ASSESSMENT**

### **Application site, surrounding environs and its current status**

#### *Application site and surrounding environs*

In terms of composition, the application site comprises part of that area of the land within the ownership of the applicant constituting a haulage yard and operational areas (ie hardstanding, above-ground diesel tanks and two arced buildings previously used for vehicle maintenance). With regard to alignment and coverage, the application site, save the access route, is a somewhat foreshortened L shape on a northeast-southwest axis and totals some 0.69 hectares in area to the rear of those properties (ie The Four Acres, Westgate, Radfield and Elstead) fronting Bridge Road, Wressle.

Aside from the aforementioned residential development, the application site is bounded to the south, east and west by open countryside, whilst the rural settlement of Wressle is to the west of the application site. The application site is within the open countryside and is outside any defined settlement boundary within the adopted local plan and is not covered by any national or local land use designations.

#### *Current status*

The application site as noted by the applicant currently has limited use as a haulage site and from a site inspection the subject land is also presently used for the storage of caravans. By virtue of the nature and condition of the constituent elements of the application site it constitutes previously developed land (ie a brownfield site) as defined within the glossary to the National Planning Policy Framework.

## **Application proposal**

Outline planning permission is sought for the residential development of the application site reserving all matters (ie scale, access, design, landscaping and layout) for later agreement with the local planning authority should permission be forthcoming.

The applicant, via the agent, has submitted an example site layout plan. However, as the application reserves all matters for subsequent consideration this plan carries no weight in the decision-taking process. Therefore, the application is taken to be for an indeterminate number of dwellings on the application site.

## **Main issue**

**The main issue to be considered in this matter is whether the proposed development would be acceptable in principle having regard to the provisions of the development plan and other material considerations.**

## **Planning policy framework and materiality**

Under the provisions of section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA) and section 70(2) of the Town and Country Planning Act 1990, as amended, the development plan for the purposes of this application comprise those 'saved policies' of the North Lincolnshire Local Plan adopted in 2003 and the North Lincolnshire Local Development Framework Core Strategy dating from 2011.

Materiality in this instance is set by the National Planning Policy Framework (NPPF) that was issued on 27 March 2012 and the National Planning Policy Guidance (PPG) that went 'live' on 6 March 2014, extant departmental statements, together with Ministerial pronouncements.

## **Assessment of main issue**

*Whether the proposed development is acceptable in principle*

Core Strategy policy CS3 looks to restrict development within defined settlement limits and will restrict development outside these boundaries to development that is essential to the functioning of the countryside. The extent of development limits is set out in the local plan and the revised submission draft of the Housing and Employment Land Allocations Development Plan Document. Whereas, core strategy policy CS2 seeks to focus development within certain bands (previously developed land in preference to greenfield sites).

Policy CS8 of the core strategy reaffirms the position of core strategy policy CS1 by noting that development outside the development limits will be strictly controlled and new housing in the rural settlements can be achieved by way of small-scale infill development that maintains the viability of the settlement. However, the core strategy neither defines what constitutes small-scale or infill development.

At the national level the NPPF is a material consideration in determining planning applications (paragraph 13) and paragraph 2 restates the position of section 38(6) of the PCPA.

The NPPF establishes a presumption in favour of sustainable development that is viewed as a golden thread running through its text and this thread has three strands (economic, social and environmental), each of which should not be considered in isolation (paragraph 8) and no one strand carries greater weight in the decision-taking process than any other.

The Core Planning Principles within the NPPF that underpin the decision-taking process include, in part: support sustainable economic development; make the fullest possible use of public transport, walking and cycling; take account of different roles and character of different areas; support transition to a low carbon future; and the effective use of land.

In relation to housing, the NPPF looks to boost significantly a series of specific developable sites to meet the housing supply requirement, where developable sites are those that are available now, in a sustainable location for housing and deliverable at the point envisaged. Paragraph 55 of the NPPF, in seeking to promote sustainable development in rural areas, notes that 'housing should be located where it will enhance or maintain the vitality of rural communities'.

Whereas, the PPG under the heading of Rural Housing at Paragraph: 001 Reference ID: 50-001-20140306 notes that:

*'A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities.'*

The application site is outside the development limits of any settlement as defined in the local plan and referenced within the core strategy. Policies CS2, CS3 and CS8 of the core strategy, as noted above, seek to prevent residential development beyond these defined boundaries other than in specific circumstances. However, although paragraph 55 of the NPPF precludes isolated new homes in the countryside (with some specific exceptions), it promotes sustainable development in rural areas by seeking to locate housing where it will enhance or maintain the viability of rural communities. An example provided is where development in one village may help to support services in a nearby village.

Therefore, paragraph 55 makes provision for housing outside settlements in sites that are not isolated, feasibly outside an established development boundary, whereas policies CS2, CS3 and CS8 of the core strategy do not, nor does policy RD2 of the local plan. It is therefore considered that limited weight should be attached to these policies and they are not determinate in relation to this application.

However, policies CS1, CS2 and CS8 of the core strategy seek, amongst other things, to ensure that new development in rural areas contributes to retaining and enhancing local services and takes account of accessibility. This is broadly consistent with the aims of paragraph 55 of the NPPF and within the NPPF's objective (paragraph 17) to make the fullest use of public transport, walking and cycling.

The application site is outside any defined settlement boundary and the cluster of houses that form Wressle does not have any local services or facilities. Some businesses operate in the area although these are not large consequently it is reasonable to consider that future residents would need to travel to other, larger settlements for the majority of their day-to-day needs.

In terms of public transport Wressle is serviced by the No. 4 route of Hornsby Travel operating between Scunthorpe – Broughton – Brigg and whilst the daytime hours are reasonably well catered for, this cannot be said for the early and later evening periods. The distance to other settlements with key services and facilities would make walking to them unlikely.

Whilst it may be possible to cycle, it is reasonable to consider that, in reality, the future occupants of the proposed development would be largely reliant upon the private motor car to access services and facilities. Indeed, the information supplied by the applicant quotes cycle times to the doctor's, hospital and infant schools, which are fallacious as it is most improbable that anyone wishing to attend these services would cycle. This aspect of the proposed development would therefore be detrimental to the environmental dimension of sustainable development identified in the NPPF.

It is not suggested by the applicant that the vitality of a rural community is under threat, nor can it be considered, given the lack of facilities and services in Wressle, that development of the application site would contribute towards maintaining or enhancing the vitality of the rural community. In addition, the applicant has not advocated that Wressle is one of a group of settlements that are mutually supportive in relation to a strategy for new development and service provision.

The applicant, within the submission documents, refers to local plan policy RD5 in that the use of the application site for residential development would meet the second limb of the policy requirement (ie cause highway or other traffic problems or be detrimental to residential development). The applicant also notes that the scheme should be considered against national guidance on the re-use and adaptation of disused buildings.

With regard to the latter point, it is clear that the scheme does not seek to re-use or adapt the existing buildings that are clearly inappropriate for residential conversion. On the matter of improvements to amenity, whilst there may be a potential improvement to residential amenity it should be noted that the neighbouring residents to the application site, save the applicant, do not perceive the existing operation as affecting their amenity.

The agent has alluded to the application site remaining a haulage site or if it were to change its use to an industrial use then this would have a significant effect upon the residents of Wressle. The fact that this application has been submitted indicates that this site is not viable as a haulage site and it is considered that such operators require sites in the immediate area of the major highway network. Turning to an industrial use, this would require the benefit of planning permission and each application is treated on its merits and the comment of the agent could be viewed as a ruse to implant notion of a proposed use, which is not before the decision-taker.

### **Other issues**

The submission papers cover the matter of density. As noted above, this is an application with all matters reserved for later determination by the local planning authority and density is a product of layout, which is not before the committee for determination.

### **Concluding comments**

Taking the above matters into consideration, it is concluded that in the planning balance the application site is not a suitable location for residential development and is therefore in

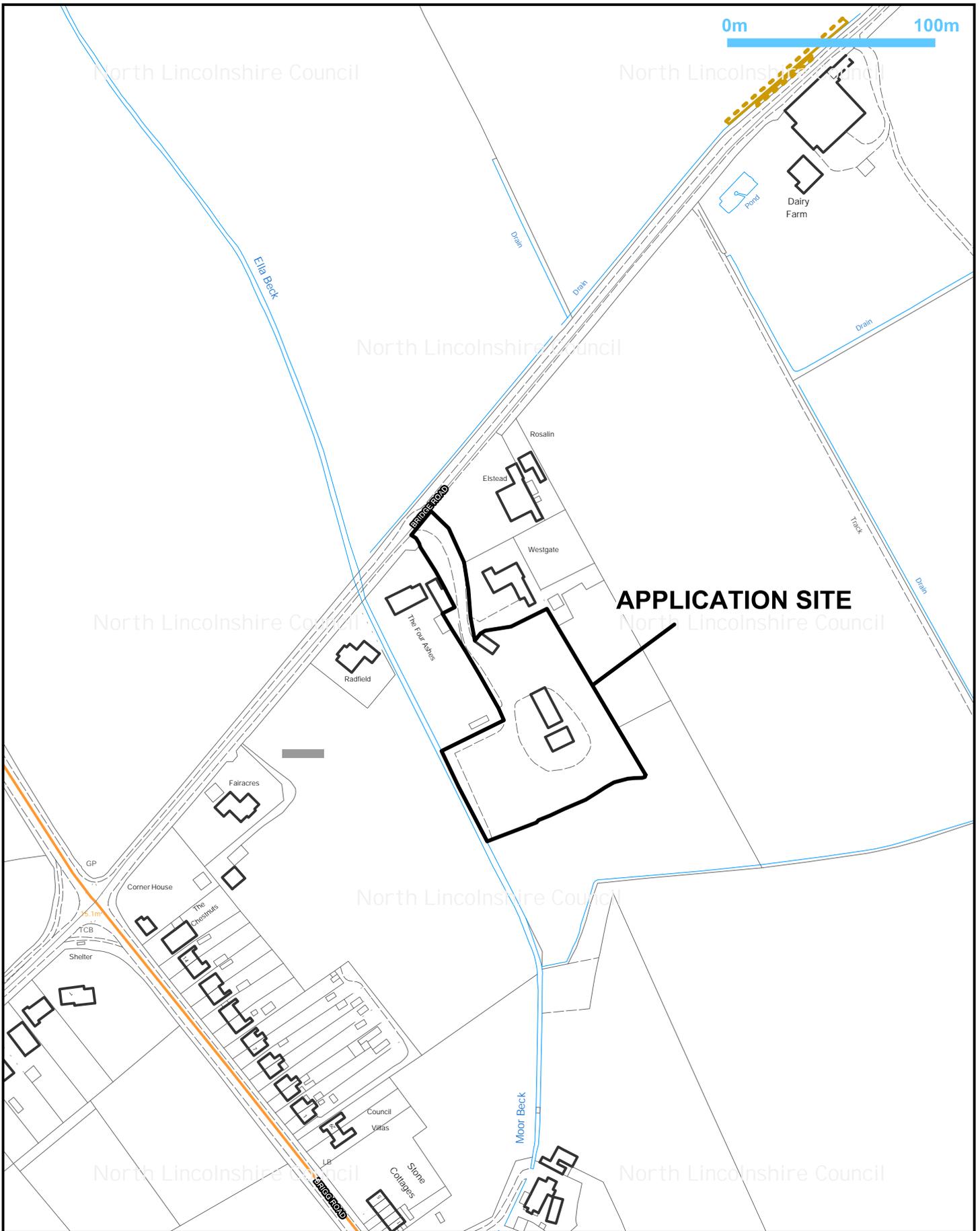
conflict with policies CS1, CS2 and CS8 of the core strategy, paragraphs 17 and 55 of the NPPF and guidance set within the PPG.

**RECOMMENDATION      Refuse permission for the following reason:**

The proposed development does not represent a sustainable form of development and is therefore in conflict with policies CS1, CS2 and CS8 of the North Lincolnshire Core Strategy, paragraphs 17 and 55 of the National Planning Policy Framework and guidance set within the National Planning Practice Guidance.

**Informative**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 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.



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Drawn by: Sue Barden

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