

APPLICATION NO	PA/2011/0362
APPLICANT	Q K Honeycomb Products Ltd
DEVELOPMENT	Outline planning permission to erect 10 semi-detached dwellings
LOCATION	Land off Engine Street, Brigg
PARISH	BRIGG
WARD	Brigg and Wolds
SUMMARY RECOMMENDATION	Subject to the completion of a section 106 agreement, grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Brigg Town Council

POLICIES

Regional Spatial Strategy for Yorkshire and the Humber: Policy H1 (Provision and Distribution of Housing) states that the region's housing stock should be improved and increased to provide appropriate accommodation for all households wanting homes.

North Lincolnshire Local Plan: Policy H5 (New Housing Development) requires all new housing developments to be well related to existing infrastructure; be in keeping with the scale and character of the settlement; not result in the loss of important open space; development of more than three dwellings be reasonably expected to commence within the lifetime of the local plan; be appropriate in scale, layout, height, and materials of construction, which are compatible with the character and amenity of the immediate environment; have an appropriately designed access with adequate parking facilities; conserve and retain features of particular architectural, historic, archaeological, landscape or nature conservation importance; provide a sufficient amount of private amenity space unless the development is for flats; and not result in overlooking or loss of privacy of adjacent land uses.

Policy H8 (Housing Mix and Design) applies and states that new residential development will be permitted provided that it respects and reflects the form, scale, massing, design, detailing and materials of the local environment.

Policy H10 (Public Open Space Provision in New Housing Development) states that new housing development on allocated and windfall sites exceeding 0.5 hectares in size will be required to provide recreational open space on a scale and in form appropriate to serve the needs of residents, or alternatively, where appropriate, to provide commuted payments for this provision to be made off-site.

Policy DS1 (General Requirements) requires a high standard of design in all developments.

North Lincolnshire Core Strategy: Policy CS1 (Spatial Strategy for North Lincolnshire) states that the spatial vision and future development requirements will be delivered through the spatial strategy for North Lincolnshire as outlined below:

- (a) delivering an urban renaissance in Scunthorpe and supporting its role as a major sub-regional town
- (b) supporting the market towns of Barton, Brigg, Crowle, Epworth, Kirton and Winterton as thriving places to live, work and visit, and as important service centres serving the needs of local communities across North Lincolnshire
- (c) supporting thriving rural communities and a vibrant countryside through the protection and enhancement of local services, creating opportunities for rural economic diversification and the promotion of tourism
- (d) supporting development of key strategic employment sites at the South Humber Bank, Humberside Airport and Sandtoft Airfield
- (e) supporting the protection and enhancement of North Lincolnshire's world class natural and built environment to ensure the continued attractiveness of the area as a place to live, work and visit.

All future growth, regardless of location, should contribute to sustainable development, in particular in respect of those criteria set out in policy C2 as well as the other policies of the plan.

Policy CS2 (Delivering More Sustainable Development) states that in supporting the delivery of the spatial strategy set out in policy CS1, as well as determining how future development needs will be met in North Lincolnshire, a sequential approach will be adopted. Development should be focused on:

1. previously developed land and buildings within the Scunthorpe urban area, followed by other suitable infill opportunities within the town, then by appropriate greenfield urban extensions;
2. previously developed land and buildings within the defined development limits of North Lincolnshire's market towns, followed by other suitable infill opportunities, then appropriate small-scale greenfield extensions to meet identified local needs;
3. small-scale developments within the defined development limits of rural settlements to meet identified local needs.

Any development that takes place outside defined development limits will be restricted and only development essential to the functioning of the countryside will be allowed. A sequential approach will also be applied to ensure that development is, where possible, directed to areas that have the lowest possibility of flooding.

Proposals should comply with the overall spatial strategy together with the following sustainable development principles:

- be located to minimise the need to travel and to encourage any journeys that remain necessary to be possible by walking, cycling and public transport
- be located where it can make the best use of existing transport infrastructure and capacity

- where large freight movements are involved, the use of rail and water transport should be maximised
- contribute towards to the creation of locally distinctive, sustainable, inclusive, healthy and vibrant communities
- contribute to achieving sustainable economic development to support a competitive business and industrial sector
- ensure that everyone has access to health, education, jobs, shops, leisure and other community and cultural facilities that they need for their daily lives
- ensure the appropriate provision of services, facilities and infrastructure to meet the needs of the development
- to be constructed and operated using a minimum amount of non-renewable resources including increasing the use of renewable energy in construction and operation
- take account of local environmental capacity and to improve air, water and soil quality and minimise the risk and hazards associated with flooding
- be designed to a high standard, consistent with policy CS5, and use sustainable construction and design techniques.

Policy CS3 (Development Limits) states that development outside defined development boundaries will be restricted to that which is essential to the functioning of the countryside. This will include uses related to agriculture, forestry or other uses which require a countryside location or which will contribute to the sustainable development of the tourist industry.

Policy CS7 (Overall Housing Provision) states that all proposals for housing should include a variety of housing types, sizes and tenures to meet the local housing needs. All new dwellings should be well designed and meet the Codes for Sustainable Homes. The exact housing mix on each site will be determined based on the Strategic Housing Market Assessment – Market Review (November 2008) and any updates to this document. The density of new development should be in keeping with the character of the area and should support the development of sustainable, balanced communities. Previously developed land will take priority over greenfield land where it is in a sustainable location.

Policy CS8 (Spatial Distribution of Housing sites) states that the principal focus for housing is previously developed land and buildings within the development limits of Scunthorpe, followed by a greenfield urban extension to the west of the town. The market towns of Barton, Brigg, Crowle, Epworth, Kirton and Winterton are also expected to accommodate 18% of new housing development. In rural settlements in the countryside and in the open countryside outside development limits, housing development will be strictly limited to development which relates to agriculture, forestry or to meet a special need associated with the countryside. The first priority is to re-use previously developed land and buildings within North Lincolnshire's built-up areas. Second priority will be given to other suitable infill opportunities in North Lincolnshire's built-up areas. Development on greenfield sites will only be allowed where it can be demonstrated that this will bring additional community benefits, contribute to building sustainable communities and is acceptable in terms of its impact on the quality of the urban space and adjoining countryside. Flood risk will also be

taken into account, as this will be a determining factor in the distribution and location of housing.

Policy CS9 (Affordable Housing) states that new residential housing development of 15 or more dwellings in the Scunthorpe urban area, 5 or more dwellings in market towns and 3 or more dwellings in rural settlements must make provision for an element of affordable housing which is accessible to those unable to compete in the general housing market. This policy seeks to achieve 20% affordable housing on sites in the Scunthorpe urban area and market towns and 10% affordable housing in rural settlements. Planning permission will be granted for the release of small rural exception sites within or adjacent to the development limits or within rural settlements for 100% affordable housing where a local need has been clearly identified. All proposals must be substantiated by evidence that the scale of development proposed meets the identified needs.

CONSULTATIONS

Highways: No objections subject to conditions (5 to 10).

Anglian Water Developer Services: No objection subject to a condition relating to surface water drainage.

Environment Agency: No objections subject to a condition requiring works to be carried out in accordance with the submitted flood risk assessment.

TOWN COUNCIL

Object to the proposed development on the following grounds:

- The application site is within flood zone 3a and no sequential test has been agreed that proves that there are no sites available with a lower risk of flooding.
- The proposal would be at risk of flooding and would increase this risk for neighbouring properties.
- Residents of the proposed dwellings would be unable to secure insurance.
- The existing sewerage/drainage system in the area is unable to cope with the additional dwellings.
- The highway network in the area is insufficient to cope with the additional traffic that would result from the proposed development, particularly the junction of Forrester Street and Bridge Street; this should really be a mini-roundabout.
- There is no provision for affordable housing as part of the scheme and as such it is contrary to policy CS9.

PUBLICITY

Neighbouring properties have been notified, and site and press notices posted. Letters of objection have been received on the grounds that the roads around the site are inadequate (too narrow) to serve the additional dwellings, the proposal would impact on highway safety and that the proposed development is too big for the area.

ASSESSMENT

Outline planning permission is being sought for the erection of 10 semi-detached dwellings on a former industrial site within the development boundary of Brigg. The site is on the corner of Engine Street and James Street with access being proposed off James Street. Surrounding properties are a mix of commercial and residential, with a number of industrial units being located close to the site on the eastern side of James Street. The site is a brownfield site currently occupied by a large industrial building that would be demolished as part of the proposed development scheme. It is located close to, but outside, the conservation area for Brigg, to the south-west of the town centre. The site is close to the development boundary to the south and is bounded by open fields on this side.

This application is a resubmission of PA/2008/0500 which was withdrawn due to concerns raised by the Environment Agency. Whilst they had no objection in principle to the development of this land, further negotiations were required to ensure that sufficient information was submitted to meet the requirements of national planning policy regarding flooding and to demonstrate that the proposed development would be safe from flooding. The application was resubmitted following further discussions with the Environment Agency and with an amended flood risk assessment.

The main issues to consider in the determination of this application are whether the proposed development would be safe from flooding and whether it would have an adverse impact on the adjacent highway network.

The Environment Agency originally objected to the application on the grounds that they were not satisfied that the submitted sequential test adequately justified that there are no other, reasonably available sites at a lower risk of flooding in the settlement that could accommodate the proposed development. Subsequently additional work was done on the sequential test to answer several questions raised by the Environment Agency who have now removed their objection. The Environment Agency are now satisfied that the proposed residential development of the site would be safe from flooding, would not increase the risk of flooding for neighbouring properties and that there is no sequentially preferable site that is reasonably available and capable of accommodating the proposal. A condition has been recommended to ensure that the development is carried out fully in accordance with the measures detailed in the flood risk assessment that has been agreed by the Environment Agency.

Whether or not residents of the proposed dwellings will be able to secure insurance for the properties, due to them being located within an area at risk of flooding, is not a material planning consideration and does not constitute a reason for refusal of planning permission.

Anglian Water have been consulted on the application and have raised no objection to the proposed development providing that a condition is imposed requiring the developers to agree a scheme of surface water drainage before development is commenced. This will allow the issue of surface water drainage to be assessed fully and solutions to be agreed before the dwellings are built. As the site is a brownfield site which is currently occupied by a large industrial building, and as such is impermeable, the amount of surface water discharged from the site should not increase dramatically. No objections or concerns have been raised regarding the ability of the current sewerage system to cope with an additional 10 dwellings.

The council's highways department has been consulted on the planning application and have raised no objections to the proposed development subject to a number of conditions being imposed on any approval to ensure that it complies with highways regulations and will not cause harm to highway safety in the area. Highways have made reference to the proposed visitor parking area shown to the front of the dwellings facing onto James Street and have questioned whether it will work in its current form. However they go on to assert that the site is capable of achieving the proposed parking provision with an amended parking layout. As the application is for outline planning permission and the current plans are indicative only, this amendment to the layout of the parking area is possible and will be dealt with at the reserved matters application stage. Therefore the proposed development will not have an adverse impact on highway safety in the area and with an amended parking area will not result in additional on-street parking.

With regard to affordable housing, the applicants have agreed to a condition being imposed on any approval which requires the agreement of a scheme for the provision of affordable housing on the site in accordance with policy CS9 of the adopted Core Strategy. This will require 20% of the dwellings to be affordable, the scheme for the provision of the affordable housing will have to be agreed before work commences.

With regard to the provision of public open space within the development, in line with the provisions of policy H10 of the North Lincolnshire Local Plan and due to the fact that the site is less than 0.5 hectares, no on-site provision is required. However, a commuted sum of £5,318.65 has been requested by the council's Public Open Space Coordinator to put towards the upgrade and improvement of facilities/equipment at Almond Grove children's playground to the north of the application site, off the A18.

The council's Sites and Monuments Record Officer has identified the site as being of archaeological importance and has requested conditions to be imposed to ensure that adequate monitoring and mitigation is put in place before development commences.

The council's Environmental Protection team have identified the site as having the potential to be contaminated and have requested conditions be imposed to ensure that adequate investigation and mitigation is put in place before development commences.

RECOMMENDATION **Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 providing for a commuted sum of £5,318.65 to put towards upgrading existing and placing additional provisions at the Almond Grove children's playground and public open space area in accordance with SPG10, the committee resolves:**

- (i) it is mindful to grant permission for the development;**
- (ii) the decision be delegated to the Acting Head of Planning upon completion of the obligation;**
- (iii) if the obligation is not completed by 27 October 2011 the Acting Head of Planning be authorised to refuse the application on grounds of the development being contrary to policy H10 of the North Lincolnshire Local Plan because of the inadequate provision of open space in the vicinity of the site; 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 three years from the date of this permission.

Reason

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

4.

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

Reason

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

5.

No 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.

6.

Within 3 months of the 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.

7.

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.

8.

Nothing shall at any time, whether permitted by the Town and Country Planning (Development Management Procedure) (England) Order 2010 or not, 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.

9.

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.

10.

No development shall commence until a surface water strategy has been submitted to and approved in writing by the local planning authority. No dwellings shall be occupied until the works have been carried out in accordance with the surface water strategy so approved unless otherwise approved in writing by the local planning authority.

Reason

To prevent environmental and amenity problems arising from flooding.

11.

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not

commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

Part 1: Site Characteristics

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. 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 a 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'.

Part 2: Submission of Remediation Scheme

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 is 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, a timetable of works and site management procedures. The scheme must 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.

Part 3: Implementation of Approved Remediation Scheme

The approved remediation scheme must 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 is subject to the approval in writing of the local planning authority.

Part 4: Reporting of Unexpected Contamination

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 in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

12.

No development shall take place until an archaeological mitigation strategy, as defined in a brief prepared by North Lincolnshire's Historic Environment Record, has been submitted to and approved in writing by the local planning authority. The strategy shall include details of the following:

- (i) measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance
- (ii) methodologies for the recording and recovery of archaeological remains, including artefacts and ecofacts
- (iii) post-fieldwork methodologies for assessment and analyses
- (iv) report content and arrangements for dissemination, and publication proposals
- (v) archive preparation and deposition with recognised repositories
- (vi) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy
- (vii) monitoring arrangements, including the notification in writing to North Lincolnshire's Historic Environment Record of the commencement of archaeological works and the opportunity to monitor such works

- (viii) a list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site lies in an area of archaeological interest.

13.

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 lies in an area of archaeological interest.

14.

A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at North Lincolnshire's 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 lies in an area of archaeological interest.

15.

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 the Code for Sustainable Homes as follows:

- (a) 20% of properties shall meet Code Level 3; and
- (b) 40% of properties shall meet Code Level 4.

Reason

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

16.

No dwelling on the site shall be occupied until details of the arrangements for the provision of 20% affordable housing 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

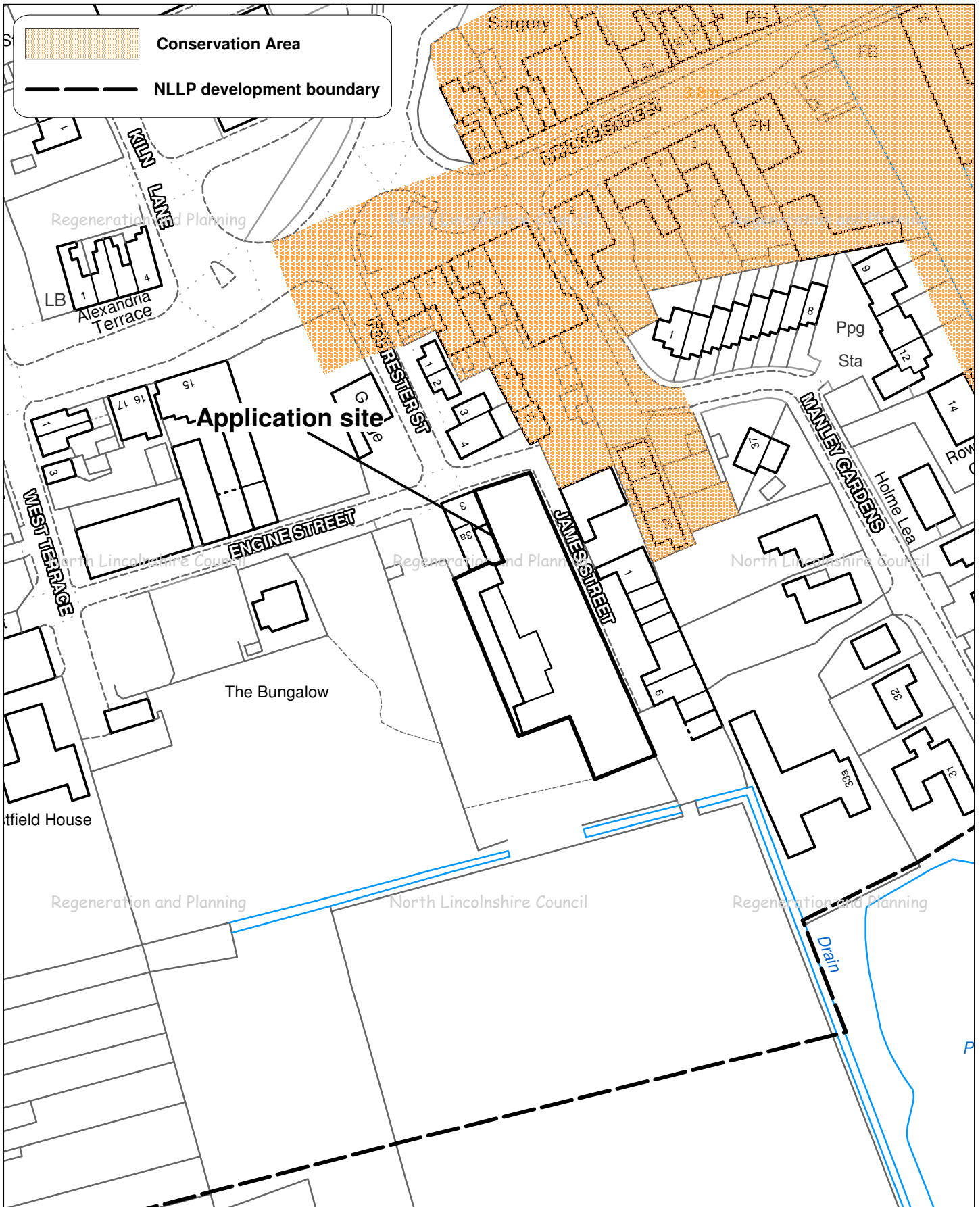
To ensure the provision of an appropriate level of affordable housing as part of the development in accordance with policy H11/H12 of the North Lincolnshire Local Plan.

17.

Development shall proceed fully in accordance with the mitigation measures set out in the approved flood risk assessment (undertaken by EWE Associates, Rev B August 2010), and the applicant shall confirm in writing to the local planning authority, within one month of completion, that this has taken place.

Reason

To reduce the risk and impact of flooding.



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NORTH LINCOLNSHIRE COUNCIL 0100023560 2011



Regeneration and Planning

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