

<b>APPLICATION NO</b>	<b>PA/2017/1452</b>
<b>APPLICANT</b>	Mr George Sargent
<b>DEVELOPMENT</b>	Outline planning permission to erect a detached dwelling with all matters reserved for subsequent approval
<b>LOCATION</b>	Former factory, rear of Wheelgates, Brigg Road, Hibaldstow, DN20 9PB
<b>PARISH</b>	Hibaldstow
<b>WARD</b>	Ridge
<b>CASE OFFICER</b>	Scott Jackson
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Departure from development plan

## **POLICIES**

**National Planning Policy Framework:** Paragraph 14 states that at the heart of the National Planning Policy Framework there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Paragraph 19 states that significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 34 states that plans and decisions should ensure developments which generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 35 of Core Planning Principle 4 states that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore developments should be located and designed, where practical, to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.

At paragraph 37 it states that planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

Paragraph 48 states that local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.

Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. Where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, relevant policies which guide housing supply should not be considered up-to-date.

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

Paragraph 118 states that local planning authorities should aim to conserve and enhance biodiversity by refusing planning permission if significant harm cannot be avoided or adequately mitigated. Opportunities to incorporate biodiversity in and around developments should be encouraged.

### **North Lincolnshire Local Plan:**

Policy RD2 (Development in the Open Countryside)

Policy H5 (New Housing Development)

Policy H8 (Housing Design and Housing Mix)

Policy H10 (Public Open Space Provision in New Housing Development)

Policy T2 (Access to Development)

Policy T19 (Car Parking Provision and Standards)

Policy DS1 (General Requirements)

### **North Lincolnshire Core Strategy:**

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering more Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Design)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Policy CS17 (Biodiversity)

## **CONSULTATIONS**

**Highways:** No objection, but recommend four conditions and an informative in relation to works within the highway.

**Environmental Health:** The application for residential development is a sensitive end use. It is the developer's responsibility to assess and address any potential contamination risks. There is also potential for the proposed development to be impacted upon by contamination unknown to this department. No supporting information has been provided by the applicant that demonstrates the land has not been impacted by contamination, and that any potential risks can be reduced to an acceptable level. In the absence of this information recommend a condition in respect of contaminated land investigation.

**Ecology:** No protected species surveys are required. Conditions are recommended in respect of the submission and implementation of a biodiversity management plan.

## **PARISH COUNCIL**

No objection.

## **PUBLICITY**

A site notice has been displayed; no comments have been received.

## **ASSESSMENT**

This application forms part of the range of agricultural buildings which formerly served the Sargent's ice cream parlour which is no longer located at the site. The site contains a single-storey open storage building which is attached to a brick-built agricultural building to the east. The site is located outside the defined settlement boundary for Hibaldstow on the northern edge of the village and is located in the open countryside. The site area extends to 1000 square metres with the area proposed for residential development to the west being 615 square metres in area. Outline planning permission is being sought to erect a dwelling with all matters reserved for subsequent approval.

**The main issue in the determination of this planning application is the principle of development.**

### **Principle**

Due to its location outside of any defined development boundary, the application site is considered to be in the open countryside for the purposes of planning. The design and access statement states that the site is on part of the former Sargent's ice cream premises and that the area is within the current defined area for Hibaldstow. For the purposes of clarification, this site constitutes a brownfield site on land which formed part of the agricultural buildings associated with Sargent's ice cream. It is noted that the site (and the building which stands upon it) is located immediately adjacent to the settlement boundary for Hibaldstow and in close proximity to the existing houses located along Brigg Road to the east and south east. In addition, the design and access statement states that Hibaldstow is a large village with a number of facilities and a regular bus service to both Scunthorpe and Brigg.

The development plan for North Lincolnshire comprises three parts: those policies of the North Lincolnshire Local Plan (2003) (LP) which were saved by a direction of the Secretary of State in September 2007, the North Lincolnshire Core Strategy DPD (2011) (CS), and the Housing and Employment Land Allocations DPD (2016) (HELAP).

Policy CS1 of the CS sets out a spatial strategy for North Lincolnshire, which, amongst other matters, provides that rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing local services to meet local needs and that any development that takes place should be in keeping with the character and nature of the settlement.

Policy CS8 deals with the distribution of housing sites and prioritises development in Scunthorpe and the market towns, with brownfield sites and sites within development boundaries being the primary focus. With regard to rural settlements, the policy states that new housing will create opportunities for small-scale infill development that maintains the viability of the settlement and meets identified local needs without increasing the need to travel.

Policy CS8, whilst restricting housing outside development limits, contemplates some greenfield development as it refers to allowing development on such sites where it can be demonstrated that this would bring additional community benefits, contribute to building sustainable communities and be acceptable in terms of its impact on the high quality environment and adjoining countryside. This overall approach is supported by policy CS2 which sets out a sequential approach for development.

Policy CS3 provides that development limits will be defined in future development plan documents. Outside these boundaries, development will be restricted to that which is essential to the functioning of the countryside. The development limits were subsequently defined in the HELAP, and the application site is located outside the designated development limit for Hibaldstow. There are no allocated housing sites within Hibaldstow.

LP saved policy RD2 restricts development in the open countryside other than in exceptional circumstances. This policy only supports residential development outside defined development limits where it is to meet an essential proven need and the open countryside is the only appropriate location for the development. Whilst this policy remains, it has largely been overtaken by policies in subsequent plans addressing the same issue (such as policies CS2 and CS3 referenced above).

The aforementioned policies are aimed at focussing housing within settlement limits as defined in the Housing and Employment Land Allocations DPD. The application site is entirely outside the defined development boundary for Hibaldstow and is therefore considered to be in breach of policies CS2, CS3 and CS8 of the Core Strategy and RD2 of the local plan.

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, relevant policies which guide the supply of housing should not be considered up-to-date.

The five-year housing land supply statement sets out North Lincolnshire Council's assessment of its supply of housing land from 1 April 2016 to 31 March 2021, having regard to Government guidance on how this is calculated. This report states that North Lincolnshire has a 3.9 year housing land supply of deliverable sites during the period April 2016 to March 2021

This statement confirms that North Lincolnshire Council does not currently have a five-year supply of deliverable housing sites. The consequence of this shortfall is to demonstrate that current policies are failing to deliver a five-year supply of housing in accordance with policy 47 of the NPPF and they are, therefore, failing to meet short-term housing needs. As such it is considered that there is a clear and demonstrable need for housing development in the area. Accordingly the operation of paragraph 49 of NPPF triggers the 'tilted balance' in paragraph 14 of the Framework whereby there is a presumption in favour of sustainable development and development proposals should be approved unless the adverse impacts significantly and demonstrably outweigh the benefits.

There are three dimensions to sustainable development as set out in paragraph 7 of the Framework: economic, social and environmental.

The proposed development would have the social and economic benefits of addressing the current under-supply of housing land by the provision of a new market house. Investment in construction and related employment would represent a benefit, as would the support which the additional population would produce for the local economy. The North Lincolnshire Sustainable Survey ranks the settlement of Hibaldstow as 13<sup>th</sup> out of the 79 settlements scored within the survey and is classified as a Larger Rural Settlement having five of the seven key facilities. Local facilities include a public house, doctor's surgery, two convenience stores, a primary school, church, church hall and village hall within easy reach of the site on foot, and a wide range of further services accessible by bicycle and public transport readily available to access Brigg and Scunthorpe. Therefore the proposal accords with the need to site development in locations with accessible local services. These matters weigh heavily in favour of the proposal in terms of the economic and social dimensions of sustainability.

In terms of the environmental dimension, the development will clearly result in the redevelopment of a brownfield site, which is an environmental benefit. Whilst the site is not subject to any formal landscape designation, the impact of development on non-designated landscapes is still a consideration. As mentioned above, one side of the site is bounded by a substantial brick-built agricultural building with fields to the north and west, and by a residential property to the east. Therefore the site is comparatively well contained and any proposed built development (i.e. a dwelling) would be viewed against the built context of existing residential development in Hibaldstow.

The proposed development would alter the character and appearance of the countryside. However, that would apply to any development site on the edge of a settlement, including those allocated for development in the HELAP, and would be an inevitable consequence of the authority striving to meet housing need. Given the fact that the site is comparatively enclosed and lies directly adjacent to the defined development boundary and existing residential development, it is considered that the landscape impact would be limited in this instance.

Overall, the site is considered to be of low environmental sensitivity and the magnitude of change to the character of the landscape and public views will be minor. Although there would be some limited harm to the character and appearance of the area and a conflict with the development plan in this respect, the extent of harm does not weigh heavily in the balance and the environmental dimension of sustainable development would therefore be achieved.

Whilst the restrictive policies of the development plan (CS2, CS3 and CS8) do still apply, the lack of a five-year supply of housing land, and the scale of the shortfall, limit the weight which can be attributed to these policies. Restricting development to land within development limits, if strictly applied, would severely affect the ability of the authority to address the need for housing. Overall it is considered that the proposal represents sustainable development in the context of the Framework and HELAP policy PS1, which sets a presumption in favour of sustainable development. The limited adverse impact of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework taken as a whole. For these reasons the principle of development is considered to be acceptable.

### **Other issues**

The proposal seeks outline planning permission with all matters reserved for subsequent consideration (through the submission of a reserved matters planning application). Matters relating to the position and heights of windows, orientation of the dwelling, external appearance of the dwelling and scale, together with the means of vehicular access and the landscaping of the site, would be considered at reserved matters stage. The potential loss of residential amenity arising from this subsequent planning application would be assessed at that stage of the planning process. Notwithstanding this, a site plan has been submitted with the planning application which shows that there will be sufficient land to serve as private amenity space for the proposed house and there is sufficient land within the site to provide a number of off-street parking spaces. Whilst the means of access to the site would be considered at reserved matters stage, Highways have nonetheless raised no objection to the proposal on highway and pedestrian safety grounds, and that a safe access and egress can be achieved from Brigg Road to the east.

### **Conclusion**

The proposed development conflicts with some of the restrictive policies of the development plan due to the site being located outside of defined development limits where residential development is not normally supported. However, the proposal is considered to constitute sustainable development which would make an important contribution towards meeting a proven shortfall in the provision of housing land within North Lincolnshire. Given the lack of a demonstrable five-year supply of deliverable housing sites, it is considered that the benefits of the proposed development with regard to the delivery of housing must be given significant weight in the planning balance. The adverse impacts of the development are considered to be limited and do not significantly and demonstrably outweigh the benefits and as such, in line with the 'tilted balance' set out in paragraph 14 of the NPPF, the development must be considered acceptable and should be approved.

### **RECOMMENDATION      Grant permission 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 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

2.

Plans and particulars of the reserved matters referred to in condition 1 above, relating to the layout, scale, and appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

3.

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

Reason

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

4.

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

Reason

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

5.

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.

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.

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.

The dwelling shall not be occupied until the vehicular access to it and the vehicle parking and turning space(s) serving it have been completed and, once provided, the vehicle parking and turning space(s) shall be retained.

Reason

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

9.

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

- (a) details of measures to avoid harm to hedgehogs and nesting birds during demolition, vegetation clearance and construction works;
- (b) details of nesting sites to be installed;
- (c) restrictions on lighting to avoid impacts on bat roosts, bat foraging, bird nesting sites and sensitive habitats;
- (d) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (e) prescriptions for the planting and aftercare of native trees and shrubs of high biodiversity value;
- (f) proposed timings for the above works in relation to the completion of the building.

Reason

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

10.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. The applicant or their successor in title shall submit photographs of the installed bat roosting and bird nesting features, within two weeks of installation, as evidence of compliance with this condition.

## Reason

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

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

A Phase 1 desk study shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the local planning authority for approval prior to proceeding to further site investigation.

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, 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 details have been submitted to and approved in writing by the local planning authority of the make, type and colour of all external facing materials for the development and only the approved materials shall be used.

### Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

13.

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.

14.

No development shall take place until details of the positions, design, materials and type of boundary treatment to be built/planted have been agreed in writing by the local planning authority. The agreed boundary treatment shall be built/planted before the dwelling is occupied, and once built/planted it shall be retained.

Reason

To provide an appropriate level of screening in accordance with policies H8 and DS1 of the North Lincolnshire Local Plan.

15.

The development hereby permitted shall be carried out in accordance with the following approved plans: PA/2017/1452/01 and PA/2017/1452/02.

Reason

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

**Informative 1**

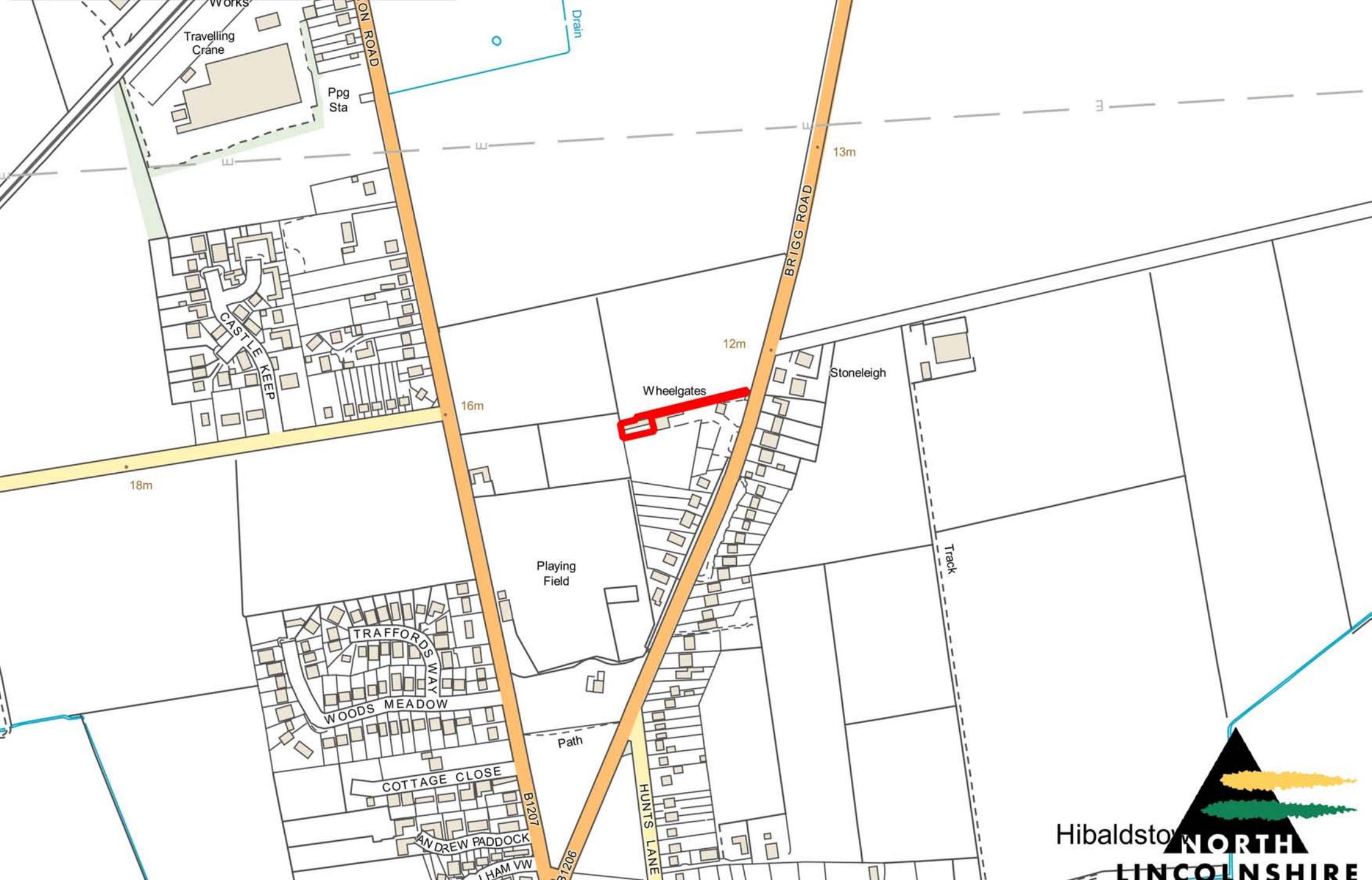
The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

**Informative 2**

In determining this application, the council, as local planning authority, has taken account of the guidance in 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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**PA/2017/1452**

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