

**APPLICATION NO** PA/2019/1039

**APPLICANT** Mr & Mrs Thorpe

**DEVELOPMENT** Outline planning permission to erect a dwelling with all matters reserved for subsequent consideration

**LOCATION** Land adjacent to 56 Bigby High Road, Brigg, DN20 9HD

**PARISH** Brigg

**WARD** Brigg and Wolds

**CASE OFFICER** Tanya Coggon

**SUMMARY RECOMMENDATION** **Grant permission subject to conditions**

**REASONS FOR REFERENCE TO COMMITTEE** Contrary to policy

## **POLICIES**

### **National Planning Policy Framework:**

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 15 – Conserving and enhancing the natural environment

**North Lincolnshire Local Plan:** Policies RD2, H5, H8, T2, T19, DS1, DS7, DS14 and DS16 apply.

**North Lincolnshire Core Strategy:** CS1, CS2, CS3, CS5, CS7, CS8, CS17, CS18 and CS19 apply.

## **CONSULTATIONS**

**Highways:** No objection subject to conditions in relation to access and parking.

**Drainage (Lead Local Flood Authority):** No objection subject to conditions in relation to surface water drainage.

**Environmental Protection:** No objection subject to a condition in relation to contamination.

**Ecology:** No objection subject to biodiversity conditions.

## **TOWN COUNCIL**

Support the proposal. Councillors had concerns that the proposal was in an area designated as open countryside and did not wish to set a precedent for granting such applications. The Council also wish to reiterate the proposed protection of the hedges on site.

## **PUBLICITY**

Advertised by site notice. One letter of objection has been received raising the following issues:

- departure from the development plan
- outside the building line and development boundary
- alternative housing developments in Brigg have been approved
- no justification for the development
- other housing applications in Brigg have been submitted
- other housing allocations in Brigg.

## **ASSESSMENT**

This proposal is an outline application for one market dwelling. The access, layout, scale, appearance and landscaping are all reserved matters. The site is a paddock and is grassed with hedgerows along the boundaries. The site is surrounded by open fields to the north, south and west. To the east are dwellings forming a ribbon style of development along Bigby High Road. The site is located just outside the development boundary for Brigg. The site is located in flood zone 1 and is therefore at low risk of flooding.

**The main issues associated with the proposal are whether it is acceptable in principle, and if so, whether its impact on the highway, on the character of the area, and on the amenity of neighbours is also acceptable.**

### **The principle of the development**

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 Core Strategy sets out the overarching spatial strategy for North Lincolnshire, which, amongst other matters, provides that Brigg, as one of the six market towns, will provide an appropriate level and range of new housing development to support the market towns as sustainable communities. During the plan period, the market towns will provide over 2,171 new dwellings.

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. 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 Brigg.

Local plan 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 part of the development plan, 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 focusing housing within settlement limits as defined in the HELAP. The application site is entirely outside the defined development boundary for Brigg and is therefore in breach of policies CS2, CS3 and CS8 of the Core Strategy and RD2 of the North Lincolnshire Local Plan.

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 11(d) 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. A Supreme Court judgement (*Suffolk Coastal DC vs Hopkins Homes Ltd [2017] UKSC 37*) provides clarity on the policies which are considered 'relevant policies' for the supply of housing. These do not include general restrictive policies such as those restricting development in the open countryside. As such, policies RD2 and CS3 are considered up-to-date. However, the weight to be afforded to them needs to be balanced against the need to deliver new housing and the broader merits of the scheme when viewed in the context of sustainable development.

A recent review of the of the Five Year Housing Land Position Statement has identified that the council's housing land supply has reduced from five years and six dwellings, to four years. The council has prepared a Housing Delivery Action Plan in accordance with the NPPF and PPG. The Action Plan will assist in securing a five-year land supply; some of the actions include reviewing the windfall allowance calculation, and working with developers to bring forward outline planning applications.

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 paragraph 11 (footnote 7) 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 11 of NPPF triggers a tilted balance 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 (paragraph 11, b, ii). There are three dimensions to sustainable development as set out in paragraph 8 of the Framework. These are: economic, social and environmental.

The proposal would provide some of economic benefits. These include benefits to the local economy during the construction phase and, upon occupation, the dwelling would support the existing services and facilities in Brigg.

In terms of social sustainability, the site adjoins the development boundary of Brigg and would be viewed as an extension to the existing ribbon development along Bigby High Road. The site is located close to the bus routes serving Brigg and close to the train station. There is a footpath link from the site to the main service area of Brigg and the site is accessible by cycling. The proposal would increase the council's housing land supply.

Environmentally there would be some impact upon the trees and hedgerows on the site as well as upon the wider open countryside. The applicant has the opportunity to mitigate this somewhat at the design stage through biodiversity enhancements, and appropriate planting and landscaping. A further offset is that the scheme would also include SuDs techniques that would improve the environmental sustainability of the scheme.

In determining the sustainability of the proposed development, an assessment is required, not only on principle, but also on the technical elements of the proposal as to whether any adverse impacts exist that would significantly and demonstrably outweigh the benefits of the proposal.

## **Highways**

In terms of highways, the access is a reserved matter. Highways have no objection in principle to the proposal. The comments made by the parish council are noted, but an acceptable access and parking/turning area could be provided within the site. The actual layout and design of the access and parking would be addressed within a reserved matters application which the statutory consultees and neighbours would have an opportunity to comment on.

## **Drainage**

In terms of flood risk, the site is located within Flood Zone 1 and is therefore at low risk of flooding. Residential development is acceptable in flood zone 1. The proposal therefore accords with the NPPF, policy CS19 of the Core Strategy and policy DS16 of the North Lincolnshire Local Plan.

The LLFA does not object to the proposal subject to the imposition of pre-commencement conditions on any permission granted. As a result, subject to those conditions, the proposal is considered to be acceptable in drainage terms and accords with the NPPF, policy CS18 and CS19 of the Core Strategy and policy DS16 of the North Lincolnshire Local Plan.

## **Ecology**

The council's ecologist has raised no objections to the proposal subject to conditions which will be imposed if permission is granted to provide biodiversity enhancements on the site. The proposal therefore accords with policies CS17 and CS5 of the Core Strategy.

## **Impact on the countryside**

One dwelling is proposed on the site. The dwelling would be visible in the open countryside and would reduce the openness of the countryside in this location. However, the dwelling would be viewed in context with the existing ribbon development form adjoining the site to the west along Bigby High Road. Planning conditions can be used to ensure the hedgerows and trees are retained as far as possible to retain the rural character of the site. The council can ensure an acceptable planting scheme is obtained for the site through the reserved matters application. A well-designed dwelling that is in character with the existing dwellings along Bigby High Road will be sought through the reserved matters application. It is therefore considered that one dwelling on the site could be designed so that it would not adversely affect the character and appearance of the open countryside in this location. The proposal therefore accords with policies CS2, CS5, CS7 of the Core Strategy and policies RD2, H5, H8 and DS1 of the North Lincolnshire Local Plan.

## **Impact on neighbours**

The actual siting, appearance, layout and access would be considered within a reserved matters application (if the outline application were to be approved), which neighbours would have the opportunity to comment on. In this case, it is considered that there is potential for a scheme for one dwelling to be sensitively and well designed on the site that would preserve the existing residential amenity to the detached dwelling adjoining the site to the west. The proposal would accord with policies CS5 and CS7 of the Core Strategy and policies H5, H8 and DS1 of the North Lincolnshire Local Plan.

## **Contamination**

No contamination information has been submitted with the application. As the historic uses of the site are unknown, a contamination condition should be imposed if permission is granted in accordance with policy DS7 of the North Lincolnshire Local Plan.

## **Conclusion**

The proposal is assessed against the policies of the NPPF as a whole as well as local planning policy; it should be noted that local housing policy in this instance remains silent. It is the officer's recommendation that no adverse impacts exist that would significantly and demonstrably outweigh the benefits of the proposal. The impacts of the development would be suitably mitigated through the use of planning conditions.

## **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.

The development hereby permitted shall be carried out in accordance with the following approved plans: 379.01.

Reason

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

6.

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.

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.

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 approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

Reason

In the interests of highway safety and to comply with policies T19 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

9.

No development shall take place until details showing an effective method of preventing surface water run-off from the highway onto the developed site has 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 and thereafter so retained.

Reason

In the interests of highway safety and to comply with policies T19 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the Core Strategy.

10.

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.

11.

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.

12.

The dwelling shall not be occupied 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.

13.

No hedgerows shall be wilfully damaged or destroyed or uprooted, felled, lopped or topped nor any other works carried out which would cause damage to the root systems or otherwise threaten the lives of the hedgerows without the previous written consent of the local planning authority. Any hedgerow or section of hedgerow removed without such consent, or dying or being severely damaged, or becoming seriously diseased, shall be replaced with another hedgerow of such size and species as may be agreed with the local planning authority.

Reason

To protect the existing hedgerows on the site.

14.

No development shall take place until a species protection plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of measures to avoid harm to hedgehogs and nesting birds during vegetation clearance and construction works.

Reason

To conserve and enhance biodiversity in accordance with policy CS17 of the North Lincolnshire Core Strategy and saved policy LC5 of the North Lincolnshire Local Plan.

15.

Within three months of the commencement of development, the applicant or their successor in title shall submit a biodiversity management plan to the local planning authority for approval in writing. The plan shall include:

- (a) details of bat roosting features to be installed;
- (b) details of nesting sites to be installed to support house sparrows and other bird species;
- (c) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (d) prescriptions for the planting and aftercare of native trees and shrubs of high biodiversity value;
- (e) proposed timings for the above works in relation to the completion of the dwelling.

Reason

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

16.

The biodiversity management plan and species protection 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.

### **Informative 1**

The applicant is advised that, as part of the landscaping scheme to be submitted under the reserved matters application, the existing hedgerows on the site should be retained.

### **Informative 2**

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 3**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 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.

10 0 10 20 30 40 50 m



7.9m

BIGBY HIGH ROAD

8.0m

Drain

8.2m

Development Boundary

**PA/2019/1039**

Und **North  
Lincolnshire  
Council**