

APPLICATION NO	PA/2017/1338
APPLICANT	Mr Roger Cairns, Shirecare Property Co Ltd
DEVELOPMENT	Planning permission to erect 10 dwellings
LOCATION	Land to the west of Almond Grove, Brigg
PARISH	Brigg
WARD	Brigg and Wolds
CASE OFFICER	Leanne Pogson-Wray
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllrs Carl Sherwood and Rob Waltham – significant public interest) Objection by Brigg Town Council

POLICIES

National Planning Policy Framework: Paragraph 15 states that at the heart of the National Planning Policy Framework 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 that generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 55 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.

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 60 states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or style. It is, however, proper to seek to promote or reinforce local distinctiveness.

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 100 states that inappropriate development in areas at high risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Sequential and Exception Tests should be carried out to justify development, reduce the risk from flooding and steer development to those areas at lowest risk.

North Lincolnshire Local Plan:

Policy H5 (New Housing Development)

Policy H8 (Housing Design and Housing Mix)

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

Policy DS1 (General Requirements)

Policy DS3 (Planning Out Crime)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy DS16 (Flood Risk)

North Lincolnshire Core Strategy:

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Policy CS9 (Affordable Housing)

Policy CS19 (Flood Risk)

Policy CS25 (Promoting Sustainable Transport)

North Lincolnshire Housing and Employment Land Allocations DPD, March 2016

CONSULTATIONS

Highways: Access road would remain private; would therefore be necessary for development to be exempt. However, principle of development and level proposed is something that has been considered previously. As such, do not feel that the level of traffic generation would be unacceptable. Could potentially have concerns regarding refuse

collection (if local authority collection); may be worthwhile seeking comments from Waste Management. Advise conditions.

Environment Agency: Advise conditions regarding finished floor levels/FRA.

Anglian Water Developer Services: Advise conditions and an informative.

Drainage Team: Advise a condition regarding SuDS strategy and implementation.

Humberside Fire & Rescue: Comments regarding access for fire and water supplies.

Spatial Planning: No Section 106 contributions for 10 dwellings or less.

Education: Contributions are not required as falls below threshold of 15 dwellings.

Archaeology: Area where archaeological remains are anticipated. Heritage statement and archaeological mitigation strategy submitted with the application. Conditions advised regarding archaeological monitoring.

Environmental Health: Desk-top phase 1 study submitted with application. Identifies potential for contamination. Advise a condition.

TOWN COUNCIL

Object to the proposal. Support the development of the land for housing, however the increase in the number of dwellings to that previously approved raises concerns regarding the narrow vehicular access and lack of footpath access for pedestrians.

PUBLICITY

A site notice has been posted close to the site and a press notice posted. Two letters of objection have been received raising the following issues:

- concerns over boundaries to 1, 3, 5, 7, 9 and 11 Almond Grove
- recent flooding following groundworks to raise level of land
- concerns regarding narrow access which also has blind egress on both sides crossing footpath before exiting onto main road
- high volume of traffic would make this a serious hazard.

STATEMENT OF COMMUNITY INVOLVEMENT

No evidence has been provided to demonstrate that the applicant engaged in pre-application consultation with the local community prior to the submission of the application.

ASSESSMENT

The application site comprises an area of former brownfield land as it previously contained a building and garden land. The land is located in a relatively central position within Brigg and as such is within the defined development limit for the settlement; however, the site is located outside the conservation area covering part of the settlement. Access to the site is

from Almond Grove to the east via a short private drive which runs between 11 and 13 Almond Grove.

The site is bounded by industrial properties and allotments to the west, by residential properties to the north and east, and by industrial properties and a children's play area to the south. Residential properties in the area are a mix of single-storey and two-storey dwellings. The majority of these properties are semi-detached, with some detached dwellings to the north. The site itself was previously occupied by a detached bungalow which has now been demolished.

The application site is located in an area of high flood risk, designated as flood zone 2/3a in the Strategic Flood Risk Assessment for North Lincolnshire.

This application seeks planning permission to construct ten dwellings, with a mix of detached and semi-detached two-storey houses. These will be served from a private drive from the existing access off Almond Grove.

The site was granted planning permission for five dwellings in May 2017 under PA/2015/0917 and the site has previously been granted consent for residential developments, including outline planning permission for the erection of five dwellings in 2005 (PA/2005/1594) and full permission for a residential nursing home in 2007 (PA/2007/1339).

The main issues to consider in the determination of this application are:

- **whether the proposed development would have an unacceptable impact on the character or appearance of the area;**
- **whether it would be harmful to highway safety along Almond Grove;**
- **whether the development would have an unacceptable impact on the amenities of neighbouring properties; and**
- **the principle of residential development.**

The application site is a previously developed site in a residential area within the development boundary of the market town of Brigg. It is located in a sustainable location within easy walking and cycling distance of the local shops and community facilities. For these reasons it is considered that the proposal accords with the principles of sustainable development as set out within the policies of the local plan, Core Strategy and the National Planning Policy Framework on delivering residential development in appropriate locations, and planning permission is therefore merited.

Visual impact

The application site is surrounded by existing developments on all sides, including residential development to the north and east, and industrial development to the south and west. This existing development provides a good level of screening from the public domain, which is further enhanced by existing and proposed landscaping. Due to the siting and screening of the site, the proposed dwellings will have no significant impact on the character or appearance of the area.

It should also be noted that the site is currently a vacant piece of land which gets overgrown and attracts rubbish. The proposed development of the site would tidy the land up and secure its future maintenance. This would be of benefit to the visual amenity of the locality.

Amenity

With regard to potential overlooking, the layout of the development has been designed to avoid this. Plot 1, which is the nearest property to the boundary of the site, has no windows in its side-facing elevations and as such will not overlook neighbouring residential properties to the east. Plot 10 has a distance of more than 20 metres between its front elevation and the rear elevation of 17 Almond Grove. The dwellings between are further separated with all windows in excess of 20 metres of the properties on Almond Grove. It should also be noted that there is existing landscaping along the eastern boundary of the site and further landscaping is proposed along this boundary to prevent any loss of amenity.

The proposed development of 10 dwellings would not generate excessive levels of vehicular movements. Furthermore, the properties immediately adjacent to the access point have 1.8 metre high close-boarded timber fencing running along their side boundaries which provide screening of the private drive. No. 13 has no windows in its side elevation facing the access point and no. 14 has a door at ground floor and a non-habitable window at first floor; this property also has a driveway running along its northern side further separating the dwelling from the access road. Proposed landscaping along the eastern boundary of the site will provide screening between the internal access road and the neighbouring properties. It should also be noted that the site sits within an existing residential area where vehicular movements to and from dwellings occur. On this basis it is considered that the proposed development will not result in unacceptable noise and disturbance as a result of vehicle movements to and from the proposed dwellings.

For the reasons set out above it is considered that the proposed development would not result in any unacceptable loss of amenity to neighbouring residential properties.

Highway safety

Concerns have been received relating to the increase in vehicular traffic as a result of the development and the impact on highway safety. These concerns also relate to the narrow width and limited visibility of the access off Almond Grove. Whilst the proposed development is an increase in what was previously approved, it is not anticipated to generate significant additional vehicular traffic. Each of the proposed dwellings has been provided with a minimum of one off-street parking space along with some visitor parking spaces.

The access point into the site from Almond Grove is narrow. The council's Highways department has been consulted on the application and has confirmed that the development proposed is acceptable in principle as the traffic generation from such private driveways is light. The access is considered to be suitable to serve a private driveway. However, Highways have confirmed that there is insufficient width to serve an adopted highway and as such the maximum number of dwellings that can be served by a private drive is usually five; it would therefore be necessary for development to be exempt. On this basis the council's Highways team has raised no objection to the proposed development subject to conditions.

Therefore it is considered that the proposed development, due to its small scale and subject to the recommended highways conditions, will not have a harmful impact on highway safety in the area.

Flood risk/drainage

The application site is located within flood zone 2/3a of the North Lincolnshire Strategic Flood Risk Assessment and as such is at risk of flooding. Paragraph 100 of the National Planning Policy Framework states that inappropriate development in areas at high risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Sequential and exception tests should be carried out to justify development, reduce the risk from flooding and steer development to those areas at lowest risk.

The applicants have provided a robust Flood Risk Assessment (FRA) as part of their submission. The Environment Agency has been consulted on the application and the submitted Flood Risk Assessment and has raised no objection to the proposed development subject to a condition requiring works to be carried out in accordance with the submitted FRA. On this basis, subject to the recommended condition, it is considered that the proposed development is safe from flooding.

A search of available sites within Brigg has been carried out and no sites have been found which could accommodate the development, are reasonably available and are at a lower risk of flooding. With regard to wider sustainability benefits, the proposed development makes productive use of previously developed land and supports the viability of a market town. Therefore the proposal is considered to provide wider sustainability benefits that outweigh the risk of flooding and as such the development is considered to pass the sequential and exceptions tests with regard to flooding.

The council's drainage team has been consulted on the application and has raised concerns that the submitted FRA was not acceptable as it did not consider all sources of flooding; they also suggest that SUDS should be considered as part of a drainage scheme on site. Following this response an expanded FRA has been submitted which now covers the different sources of flood risk to the site. A condition has been recommended that will require an acceptable drainage scheme to be submitted and agreed prior to development commencing; this condition will address the concerns raised by the drainage team and secure an acceptable foul and surface water drainage scheme.

Other matters

Concerns have been received from neighbouring properties regarding the boundaries to properties on Almond Grove. It is not clear from the letter what the concerns are regarding the impact on these boundaries. It is proposed to have a 1.8 metre close-boarded fence along the eastern boundary (along the boundary with the dwellings on Almond Grove) together with the retention of existing landscaping and further proposed tree planting. This would ensure adequate screening of the proposed development. Conditions regarding drainage would ensure no increased risk of flooding and adequate on-site drainage.

Conclusion

It is considered that the proposed residential development of the site will not have an unacceptable impact on the character of the area, highway safety or the amenity of

neighbouring residential properties. Furthermore, the development will make effective use of a brownfield site and supports the vitality of a market town. On this basis it is considered that the proposed development is acceptable and that the benefits of the development will outweigh any adverse impacts.

RECOMMENDATION Grant permission subject to the following conditions:

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: SITE PLAN, 4119-1A, 4119-2, 4119-3, 4119-4 and 4119-5.

Reason

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

3.

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.

4.

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.

5.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking spaces serving it have been completed and, once provided, the vehicle parking spaces shall be retained.

Reason

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

6.

No development shall take place until details of the drainage, construction, services and lighting of the proposed access road, including the junction with the adjacent highway, 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 works shall be commenced on the penultimate dwelling on the site until the access road has been completed.

Reason

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

8.

Development shall be carried out in accordance with the Specification for a Scheme of Archaeological Monitoring and Recording, Land to the west of Almond Grove, Brigg, North Lincolnshire prepared by PCAS Archaeology, dated July 2017, subject to any variations agreed in writing by the local planning authority.

Reason

To comply with paragraph 141 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy and policy HE9 of the North Lincolnshire Local Plan because development may otherwise harm and destroy archaeologically significant remains.

9.

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

Reason

To comply with paragraph 141 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy and policy HE9 of the North Lincolnshire Local Plan because development may otherwise harm and destroy archaeologically significant remains.

10.

No development shall take place until a strategy for the management of surface water drainage, that includes the implementation of SuDS, and their adoption and maintenance arrangements, has been submitted to and agreed in writing by the local planning authority. This must be based on the submitted Flood Risk Assessment, Ref: E15/6517/FR01a, Revised July 2017.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation, and future adoption and maintenance, of

the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

11.

The drainage scheme shall be implemented in accordance with the approved submitted details required by the above condition (condition 10), shall be completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation, and future adoption and maintenance, of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

12.

Prior to the occupation of the dwelling on plot 1, the 1.8 metre high close-boarded fence, as indicated on drawing 4119-2 'Landscaping Details', shall be erected along the eastern boundary. The 1.8 metre high fences along the other boundaries shall be erected prior to the occupation of the penultimate dwelling. Once erected, the fences shall thereafter be retained. If at any time the fences become damaged or are otherwise removed, they shall be replaced with a like for like replacement.

Reason

In the interests of residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

13.

The scheme of landscaping and tree planting shown on drawing no. 4119-2 shall be carried out in its entirety within a period of twelve months beginning with the date on which development is commenced or within such extended time period as may be agreed in writing with the local planning authority. Any trees, shrubs or bushes removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees, shrubs or bushes of similar size and species to those originally required to be planted unless the local planning authority have given written consent to any variation.

Reason

To enhance the appearance of the development in the interests of amenity.

14.

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment by Haigh Huddleston Associates, October 2015. In particular:

- the finished floor levels of the proposed houses shall be a minimum of 300 millimetres above the existing ground level and above a level of 3.1 metres above Ordnance Datum;

- the proposed dwellings shall have a minimum of two storeys.

The mitigation measures shall be fully implemented prior to occupation and shall subsequently remain in place.

Reason

To reduce the risk of flooding to the development and future occupants.

15.

No development shall take place until details of the double-glazed units to be installed in the dwellings, including trickle ventilation, have been submitted to and approved in writing by the local planning authority. The approved windows shall be installed in each dwelling prior to its occupation.

Reason

To minimise the potential for noise nuisance on the occupiers of the dwellings in accordance with policy DS1 of the North Lincolnshire Local plan and to reduce any corresponding detrimental impact on nearby businesses.

16.

No development shall commence until a foul 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 foul water strategy so approved unless otherwise approved in writing by the local planning authority.

Reason

To prevent environmental and amenity problems arising from flooding.

17.

No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the local planning authority. No hard-standing areas shall be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the local planning authority.

Reason

To prevent environmental and amenity problems arising from flooding.

18.

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.

19.

Prior to the occupation of any of the dwellings on the site, a scheme for the method of the collection of waste shall be submitted to and approved in writing by the local planning authority and the approved scheme shall be implemented in its entirety unless otherwise agreed in writing. The scheme shall include details of the method of bin collection, the location of where bins shall be collected from and the frequency of collection.

Reason

To ensure an appropriate method of waste collection which will not have any adverse impact on the highway network or highway safety.

Informative 1

The applicant's attention is drawn to the comments from Anglian Water dated 14 September 2017 'Planning Applications - Suggested Informative Statements and Conditions Report'.

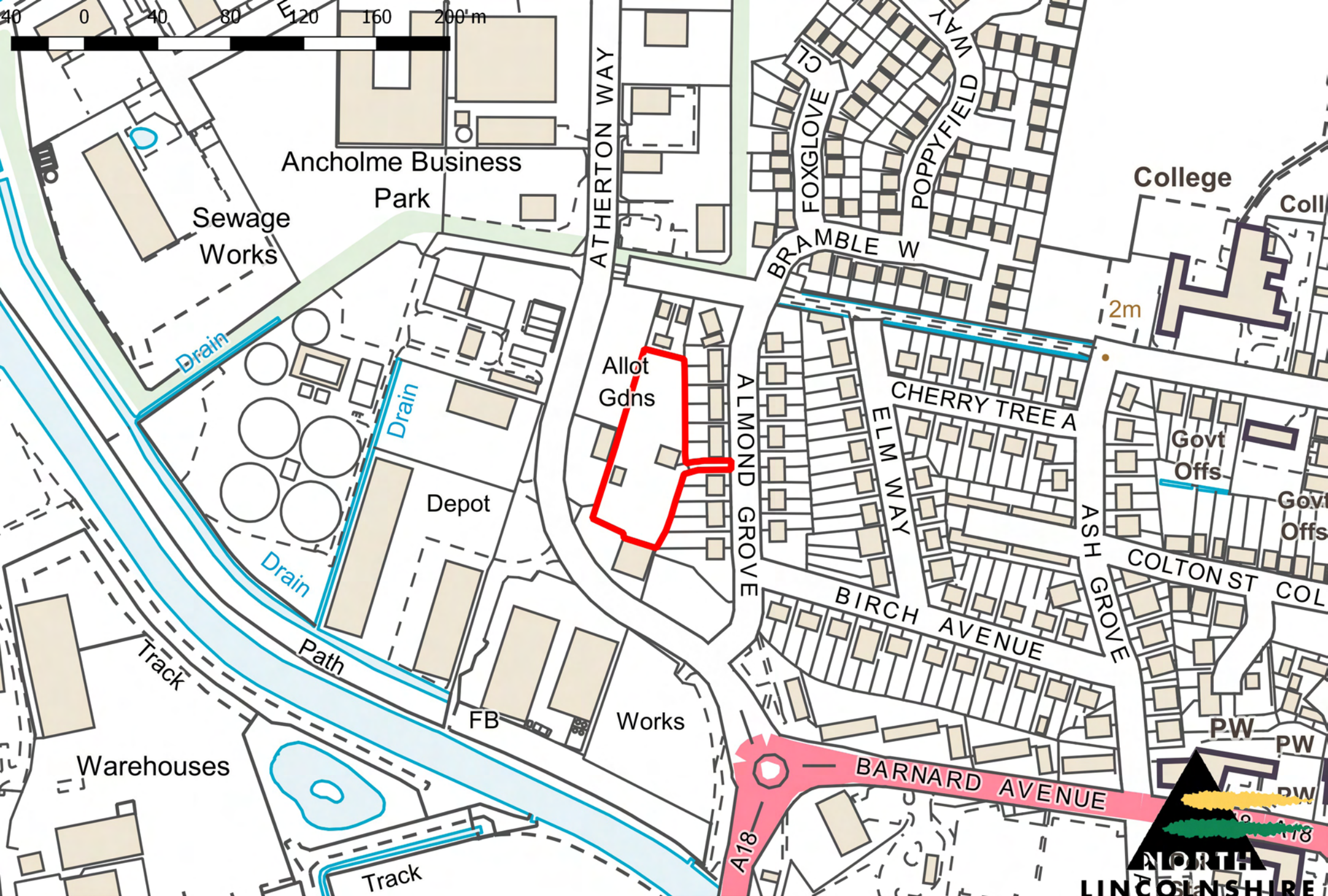
Informative 2

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 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.

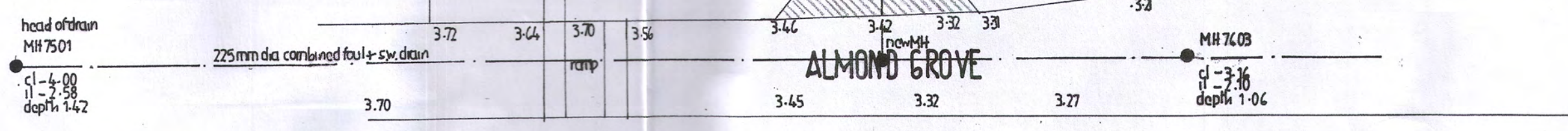
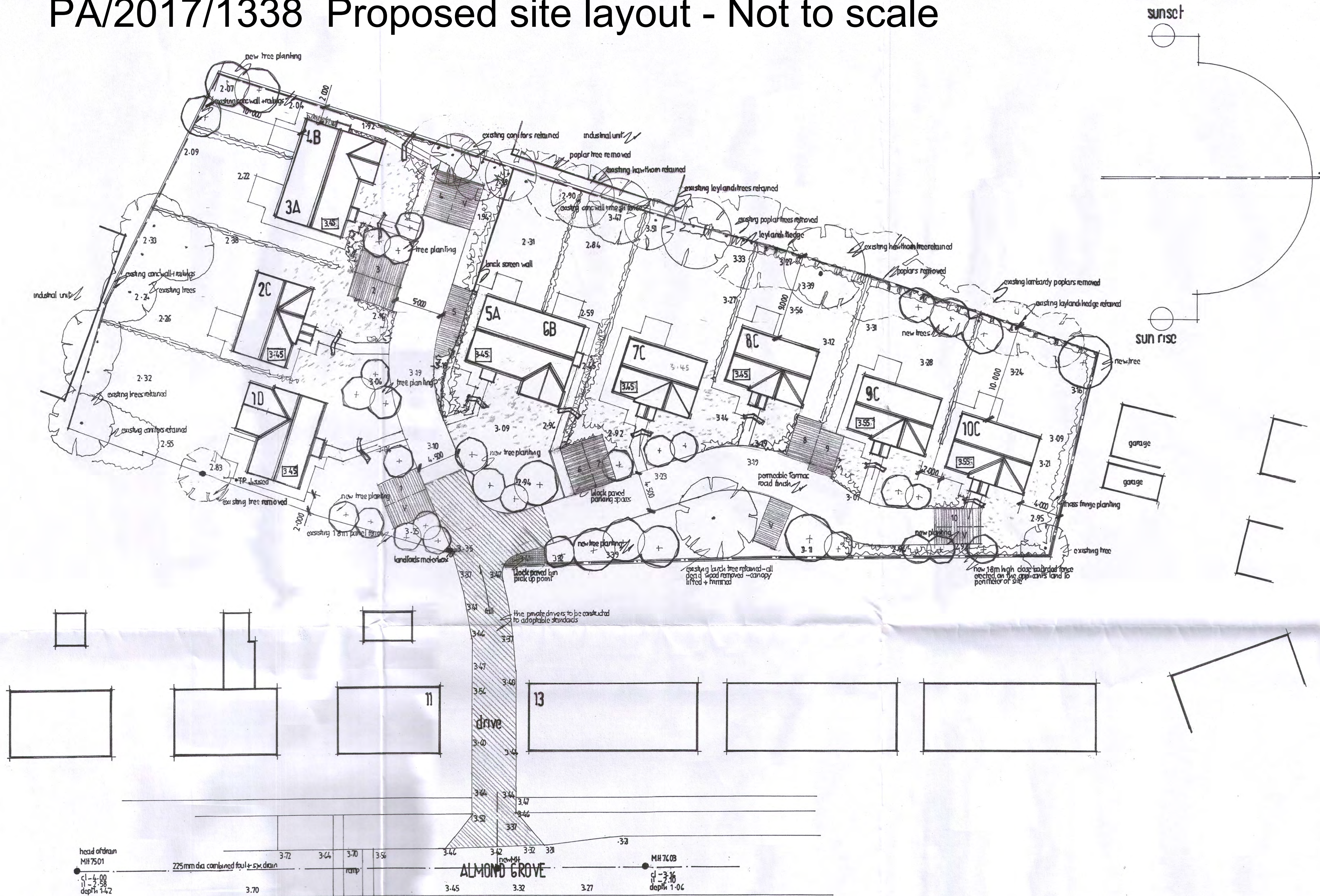


PA/2017/1338

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PA/2017/1338 Proposed site layout - Not to scale



SITE PLAN
 please note that the levels shown are existing and remain unchanged - also note that the slab levels are in excess of the agreed level indicated in the FRA

DEVELOPMENT CONTROL SECTION
 14 AUG 2017
 DATE RECEIVED

scale 1:250
 date JUNE 017
 drg no 4.119-1
SITE LAYOUT
 PROPOSED RESIDENTIAL DEVELOPMENT
 ALMOND GROVE, BRIGG
 for SHIRE CARE PROPERTY CO LTD
 prepared by the JDDP LTD
 6A ST MARYS LANE
 LOUTH
 Lincs
 01507-607501
 6-16 used - 7th JULY 017