

APPLICATION NO	PA/2009/0908
APPLICANT	Longhurst Group Ltd
DEVELOPMENT	Planning permission to erect twenty-four self-contained retirement apartments with communal facilities
LOCATION	Tennyson Close, Brigg
PARISH	BRIGG
WARD	Brigg and Wolds
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Brigg Town Council
POLICIES	<p>Regional Spatial Strategy for Yorkshire and the Humber: Policy H5 (Housing Mix) applies and states that investment decisions and programmes should ensure the provision of homes for a mix of households that reflects the needs of the area, including homes for families with children, single persons, and older persons to create sustainable communities.</p> <p>North Lincolnshire Local Plan: Policy ST2 (Settlement Hierarchy) identifies Brigg as a principal growth settlement.</p> <p>Policy ST3 (Development Limits) – the site lies within the development boundary of Brigg.</p> <p>Policy H1 (Housing Development Hierarchy) states at point (i), the primary focus for housing development will be the Scunthorpe and Bottesford urban area, and to a lesser extent the principal settlements of Barton-upon-Humber and Brigg.</p> <p>Policy H3 (Previously Used Land) applies which states that the development of previously used land and vacant buildings will be preferred in sequence to the take-up of greenfield sites in a locality. Planning permission for sites not identified within this local plan will only be permitted where:</p> <p>(i) the proposal is located on previously used land and is within existing settlement limits;</p>

- (ii) the proposal is limited to a maximum of three dwellings in a minimum growth settlement subject to the development being in keeping with the size, form and character of the settlement;
- (iii) the proposal is located within the development boundary of a settlement on greenfield, previously undeveloped, land provided there are no developable brownfield sites within the settlement.

Policy H5 (New Housing Development) sets a number of standards relating to design, location, character and access against which new housing development should be judged.

Policy H8 (Housing Design and Housing Mix) aims to ensure that an acceptable mix of housing design and types is developed throughout the borough.

Policy DS1 (General Requirements) ensures, through criteria relating to the quality of design, amenity, conservation and resources, that a high standard of design is achieved in all developments throughout the borough.

CONSULTATIONS

Highways: No objections subject to the imposition of conditions relating to access and parking.

Environment Agency: Advise conditions to protect the water environment.

Anglian Water Developer Services: Make comments in respect of the Water Industry Act to provide water and waste water infrastructure for new housing and request that these comments be passed onto the applicant.

Network Rail: Make reference to the provision of soundproofing in the buildings because of the proximity of the nearby railway line to the south.

Humberside Police: Make comments in relation to security in terms of Secure by Design initiatives.

TOWN COUNCIL

Whilst not opposed in principle to the erection of retirement apartments with communal facilities to replace the existing dwellings at Tennyson Close, it does not support the design and site layout proposed, the footprint of which is far greater than the existing building on the same site. They go on to say, 'Members fully support the concerns of the residents of neighbouring properties on Albert Street that the proposed design will have a severe

and detrimental impact on their current outlook; particularly with regard to the three-storey aspect of the proposed building which will be closer in proximity to their boundary than the existing buildings at Tennyson Close, and the number of windows that will overlook their property and garden.

In addition, it is noted that the properties are aimed at the 55+ age group, and yet there is very limited car parking space. Considering that people are expected to continue working for much longer, it is reasonable to expect that some of the residents may have 10 or more working years left before they retire and will probably need a car to get to work. As you are aware, on-street parking in Brigg is already causing problems, and one of the main residential areas that suffers from this problem is Albert Street. It is therefore suggested that the car parking space allocated within the new design is completely insufficient for the age group targeted.

Members also question the need for 3-bedroomed properties within such a development; surely it is not expected that families with grown-up children would move into such a facility; if this is the case then the car parking issue will surely be further compounded.

Concern is expressed with regard to the proposal that trees must be felled in order to accommodate the new design. Once again members feel that this is only necessary because the footprint of the new building has significantly increased, and the town council is, therefore, opposed to the loss of trees for this purpose.

And finally, considering that Tennyson Close is on the very edge of the conservation area, members feel that the design of the building is totally out of character with neighbouring Albert Street, and that the design ought to reflect the historic character of the town.

Therefore, in conclusion, Brigg Town Council considers that the proposed design fails to comply with policies H5 (New Housing Development) and DS1 (General Requirements) of the North Lincolnshire Local Plan, because the development will significantly reduce the level of privacy currently enjoyed by the occupiers of Carlin, Carclew and Fanlin, Albert Street, Brigg, who will be severely overlooked.

The lack of sufficient parking provision within the site will have a detrimental impact on the neighbouring residential area of Albert Street, the majority of which are terraced

properties with no driveways, and the resultant increase in on-street parking could cause neighbour conflict.

Combined with the need to fell mature healthy trees and the apparent lack of access for emergency vehicles to some parts of the development, Brigg Town Council considers the design to be totally unsuitable for the location and therefore recommends that permission for this particular design and layout should be refused.'

PUBLICITY

Neighbouring properties have been notified, and site and press notices posted. Five letters have been received objecting to the development on one or more of the following grounds:

- Some of the windows in the proposed development would overlook adjacent properties, principally to the north of the site, and allow overlooking of those properties' private gardens and rear elevations, which is considered unacceptable.
- The car parking proposed is insufficient to cater for the number of units proposed by this development and its residents.
- The proposed tree removal would result in loss of habitat in the area.
- The position of the building, its design, and particularly its height would result in loss of daylight to neighbouring residential properties to the north.
- The design of the building is not in keeping with the locality.
- The proposed bin storage areas are inappropriately located and would impact on neighbours from the point of view of creating an odour nuisance.
- The proposed demolition of the existing buildings on the site would impact on the living conditions of nearby residents from noise and dust and a disturbance from general activity and working within the site.
- The access is not suitable for emergency vehicles.
- The stairwell windows in the northern elevation of the property that would be closest to the residential property which faces onto Albert Street on the site's

north should be obscure glazed and retained thereafter in such condition.

- The northern boundary of the site should be provided with a 2 metre high brick wall.
- If external lighting of the building and its grounds is proposed this would impact adversely upon the living conditions of the closest neighbours.

ASSESSMENT

In addition to the consultation responses above, the council's Environmental Protection team, following receipt of a noise report, confirm that vibration and vibration-induced noise from the nearby railway line would be of such a level as to not to cause complaint or nuisance. They also confirm that the windows of the development that would face the railway line (southwards), once closed, would provide sufficient attenuation to reduce the transmission of noise into the structure to below such a level where a nuisance would be created.

The council's public open space co-ordinator confirms that the communal landscape garden and landscape amenity areas, which are proposed to be provided with this development, would provide an area which the residents could enjoy privately to an appropriate level.

It is also suggested that a commuted sum be requested from the developer to put towards improvements to the Kings Avenue play area which is close to the development site.

This request is considered unreasonable as the development, because it is for occupation by the retired, will put no additional load or wear and tear on the play area.

The council's Environmental Protection Officer who deals with issues of contaminated land requests conditions following the submission of a remediation method statement.

The council's Environment team confirm that no signs of bats have been found in the areas searched and it seems unlikely that a bat maternity roost is present. However, they request that planning conditions be imposed requiring sensitive working conditions to avoid harm to any bats or birds, bird and bat boxes as proposed in the submitted documentation, landscaping being provided as proposed, and the provision of access bricks for swifts and roof voids where possible.

Additionally, the council's tree officer has objected to this development in respect of the removal of a number of trees within the site. A full tree survey has been submitted together with an arborist's report, however the officer is still of the opinion, despite the fact that the trees are not preserved in any way, shape or form, that there are no logical reasons to remove them from the site.

The determining issues in respect of this application relate to the adequacy of the proposed car parking, tree removal and impact on neighbouring properties from overlooking, overshadowing and resultant loss of light.

Dealing first with the town council's comments, the applicants have been contacted in respect of the substantial objection to this scheme by Brigg Town Council. In providing a response, the applicants' architects have provided a plan showing distances from the neighbouring properties to various elements of the development and this plan is appended to this committee report for members' information. Nevertheless, although the new build is a considerable distance away from the rear elevations of existing property, private gardens are somewhat closer and therefore the situation must be taken into account before determining the application. The building itself has a northern elevation with one element of that elevation further away from the properties fronting Albert Street than a hipped gable end which is closest. In the hipped gable end portion which is closest, at first and ground floors, there are windows serving kitchens and a stairwell. In order to overcome the objections of potential overlooking from this element of the scheme it is considered necessary to impose a condition requiring that these windows serving the stairwell and kitchens at first floor level be obscure glazed and retained in such a condition. The remaining elements of the northern elevation are further away from garden areas and it is felt unjustified to ask for similar controls in windows in that elevation.

The three-storey element of the development is furthest away from the aforementioned dwellings facing Albert Street as can be achieved in design terms. Members may wish to view a model of the development which will be made available at the Planning Committee which clearly shows the design and scale of the development.

In respect of car parking, the council's highway officers are happy with the provision of car parking being in line

with adopted council policy in this regard and no changes are suggested.

By way of confirmation there are '**NO three-bedroomed properties**' in this development. The flats that are to be created are three person properties, that is to say one double room and one single room.

In respect of design and appearance, the site lies outside the limits of the Brigg conservation area and therefore conservation policies cannot be applied to the development of this site nor to the design of its building. The building is considered to be appropriate for this location in design terms.

Finally, in respect of the town council's concerns, and the issue of trees, the applicants, in their submission, have appointed an arboricultural consultant to deal with the matter of trees and, in line with normal practice, a full arboricultural survey has been provided to the council. A number of trees would be removed from the site for various reasons. A plan is attached showing the position of those trees superimposed on the proposed layout. In the arborist's report the following reasons are given for each of the trees:

T1 is to be removed as the arborist's consultant's report states that the weeping willow is considered to be unsuitable, due to its size, species and position, to be retained.

T9 is proposed to be removed, but it is proposed to plant two additional trees in the location indicated to supplement the proposals and add further to the amenity of the existing street trees. The arborist believes this would provide an appropriate foreground to the scheme when viewed from Albert Street.

T13, although in decline, is proposed to be retained, subject to safety issues, to maintain the amenity currently enjoyed whilst the proposed new trees become established. Removal of T13 would occur at a later date. The location of the proposed new trees is to be adjusted as shown on the submitted plan.

T14 and T15 are proposed to be removed. One proposed new tree is allocated to take account of the revised scheme and one additional new tree has been included to enhance the amenity of those already proposed.

T16 is proposed to be retained. In addition, three new additional trees are indicated to provide a greater degree of long-term privacy and amenity along the northern boundary. In response to that information from the applicants' arborist, the council's tree officer has been given sight and has disagreed with those statements made and maintains the objection to the proposal.

It has been confirmed earlier in this report that none of the trees are preserved anyway, and whilst that opportunity exists for the council, such action has not been taken by the council's Environment team nor tree officer specifically.

Any approval will be subject to the trees proposed being planted and agreed formally with the council as a condition discharge requirement for a landscaping scheme for the whole site. Accordingly, the objections of the council's tree officer are not acceded to and it is suggested to members that the recommendations of the applicants' arborist's report be agreed.

This is because the reasoning given by the arborist for the removal and replanting of trees, where appropriate, is reasonable under the circumstances.

Many of the objections raised by residents have been dealt with in addressing the concerns of the town council. However, not all. The bin storage area is considered to be in a location remote enough from existing or proposed residential property and adequately screened by fencing, not to impact adversely on neighbours either visually or from odour.

With regard to the impact of demolition on nearby properties, again such demolition would be over a short period of time and would be carried out by an appropriately licensed contractor. whilst being close to residential properties, appropriate health and safety measures would have to be taken to prevent issues with neighbouring properties and boundaries. Accordingly, the council does not propose to control demolition in any way other than to ensure that the materials resulting from the demolition are removed from site within a reasonable period.

The fact that the access is not suitable for emergency vehicles in the opinion of some objectors is not shared by the council's highways officer and therefore cannot be substantiated. The issue of overlooking has been mentioned elsewhere in this report and will be

appropriately dealt with by the imposition of a condition requiring obscure glazing.

A request has been made that the northern boundary of the site be provided with a brick boundary wall. The proposal is to provide a boundary fence and, in line with the existing provision, it is considered that this is reasonable. Additional planting is also proposed on this boundary.

A remaining objection is that the design of the building is not in keeping with the area. This has been discussed earlier in this report. The impact of proposed external lighting on the building onto neighbouring property can be addressed by an appropriate condition so intensities, positions and direction can be appropriately controlled in perpetuity.

In conclusion, there are no overriding reasons to refuse this development and providing appropriate conditions are imposed, all matters raised by the town council and individual objectors, together with statutory and non-statutory consultees, can be dealt with by conditions.

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 approved plans listed in schedule Drawing Issue Register J0921.

Reason

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

3.

Within three 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.

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 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.

6.

The proposed new unit shall not be brought into use until the vehicle access to it and the vehicle parking, turning and servicing areas serving it have been completed in accordance with the approved details. Once complete the vehicle parking, turning and servicing areas shall be retained.

Reason

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

7.

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.

8.

No floodlighting shall be installed before details of its location, height and design have been submitted to and agreed in writing by the local planning authority. The floodlighting shall be installed in accordance with the agreed details.

Reason

To minimise light pollution in accordance with policy DS12 of the North Lincolnshire Local Plan.

9.

None of the floodlights shall be installed until details of the means of shielding them to prevent unnecessary glare have been submitted to and agreed in writing by the local planning authority. The agreed method of shielding shall be in place before the floodlights are brought into use and shall be retained.

Reason

To minimise light pollution in accordance with policy DS12 of the North Lincolnshire Local Plan.

10.

No development shall take place until proposals for landscaping have been submitted to and approved by the local planning authority. The proposals shall include indications of all existing trees and hedgerows on the site, and details of any to be retained, together with measures for their protection during the course of development.

Reason

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

11.

All the approved landscaping shall be carried out within twelve months of development being commenced (unless a longer period is agreed in writing by the local planning authority). Any trees or plants which die, are removed or become seriously damaged or diseased within five years from the date of planting shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority agrees in writing to any variation.

Reason

To ensure the implementation and maintenance of the submitted scheme of landscaping for the proposed development.

12.

Before development is commenced, details of the method of protecting the existing trees on the site throughout the construction period shall be submitted to and approved in writing by the local planning authority, and such works as may be so approved shall be carried out before development is commenced, and maintained until completion of the development. None of the trees so protected shall be wilfully damaged or destroyed, 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 trees during the period of construction without the previous written consent of the local planning authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased during that period shall be replaced with trees of such size and species as may be agreed with the local planning authority.

Reason

In order to protect the existing trees on the site.

13.

No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include (proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (for example, furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (for example, drainage, power, communications cables, pipelines etc indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration, where relevant.)

Reason

To enhance the appearance of the site.

14.

Before the building is first occupied the lounge/kitchenette windows in its northern wall (hipped gable end portion) shall be obscure glazed and shall be retained in that condition thereafter.

Reason

In order to protect the living conditions presently enjoyed by the occupants of adjoining properties in accordance with policy DS5 of the North Lincolnshire Local Plan.

15.

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the local planning authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the local planning authority:

- (i) a preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
- (ii) a site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site
- (iii) the site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken
- (iv) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason

To ensure protection of human health, the environment and controlled waters.

16.

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason

To ensure that any contamination encountered during redevelopment works is appropriately addressed.

17.

The development permitted by this planning permission shall only be carried out in accordance with the approved non-mains drainage assessment, including the following specific mitigation measures detailed therein:

- soakaways to be constructed to BS6297:2007
- no connection to watercourse or land drainage system and no part of the soakaway system is within 10 metres of any ditch or watercourse.

Reason

To ensure protection of human health, the environment and controlled waters.

18.

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:

- details of measures to be taken to avoid harm to bats and nesting birds during demolition and construction;
- details of nesting and roosting features to be installed in buildings to support swift (*Apus apus*) and pipistrelle bat (*Pipistrellus* spp.);
- proposed timings for the installation of the above features in relation to the completion of each building;

- details of bird and bat boxes to be installed;
- details of landscaping, including native seed and berry-bearing trees to be planted and maintained.

The 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.

Reason

to protect features of recognised nature conservation importance in accordance with policies LC5, DS1 and DS2 of the local plan.

19.

Within three months of demolition work commencing, all resultant materials shall be removed from the site.

Reason

In the interests of the amenity of the locality.



--- NLLP development boundary

Drawing Title: 2009/0908

OS Grid Ref: TA00470698

Drawn by: KC

Scale: 1:1250

Date: 15/12/2009

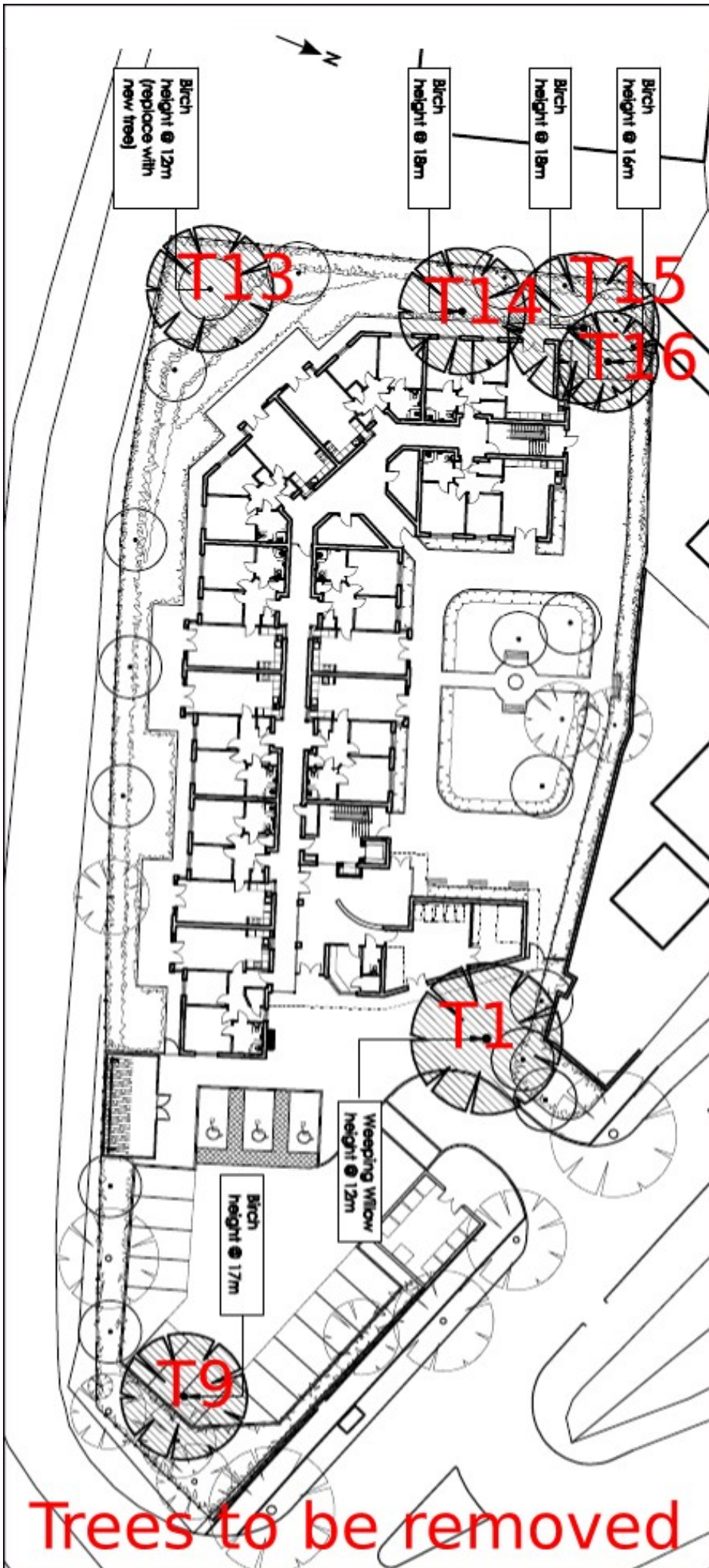


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Highways and Planning Service
 Service Director,
 G Popple

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DEVELOPMENT CONTROL SECTION

17 SEP 2009

DATE RECEIVED

Referred To

Application no: 2009/0908

