

APPLICATION NO PA/2013/1369

APPLICANT Mr N Yates

DEVELOPMENT Outline planning permission with all matters reserved for the erection of a detached single-storey dwelling with associated access and parking facilities, including demolition of existing detached garage

LOCATION Land adjacent to 4 Glanford Court, Brigg

PARISH BRIGG

WARD Brigg and Wolds

CASE OFFICER Andrew Law

SUMMARY RECOMMENDATION **Grant permission subject to conditions**

REASONS FOR REFERENCE TO COMMITTEE Officer discretion

POLICIES

National Planning Policy Framework: Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

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 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.

North Lincolnshire Local Plan: Policy H8 (Housing Design and Housing Mix)

Policy DS1 (General Requirements)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy DS16 (Flood Risk)

North Lincolnshire Core Strategy: Spatial objective 3 (Delivering Better Homes) looks to provide a sufficient quality and range of homes located close to everyday services.

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)

CS19 (Flood Risk)

CONSULTATIONS

Highways: Do not object to the proposed development in principle. However, the Highways department has commented that they are only able to accept a maximum of five dwellings served wholly by a private driveway. The reason being that once the five dwelling figure is breached, the sixth unit will have to be served by an adopted highway (unless an exemption is granted, which is permitted under the Highway Act). Part of the process is the legal requirement to issue an Advanced Payments Code (APC) upon receipt of the Building Regulations Notice on the sixth dwelling. The APC has the net effect of making the sixth unit liable for the entire cost of making up the driveway to an adoptable standard. In this instance the driveway, by virtue of its geometry, cannot be upgraded to the requisite standard. It is highly likely that the threat of the APC will prevent the sixth unit being constructed.

Environment Agency: Originally raised an objection to the application as the site was deemed to lie within flood zone 3 (high probability of flooding) and there is no flood risk assessment submitted with the application.

Following a flood map challenge by the applicant, the Environment Agency has now confirmed that their flood maps are to be altered and that the site will now lie within flood zone 1 (low risk of flooding). On this basis the Environment Agency has removed its objection to the application and has raised no further concerns.

TOWN COUNCIL

The town council has raised concerns that the development would constitute over-development of garden land which could set a precedent in the area. It has also raised a concern relating to the suitability of the access and the ability for emergency vehicles to gain access to the site.

PUBLICITY

Neighbouring properties have been notified and three letters of objection have been received on the following grounds:

- The existing detached garage forms part of the site boundary, will the wall be rebuilt once the building is demolished?
- Vehicles are regularly parked outside 4 Glanford Court at present, restricting access for emergency vehicles along the private driveway. This will be exacerbated by the additional traffic that will be generated by an additional dwelling and the loss of available space for parking at number 4.

- The junction of Glanford Court and Grammar School Road is dangerous due to parked cars either side on Grammar School Road.
- Building on the land will prevent water from draining away.

ASSESSMENT

The application site comprises a parcel of land to the side and rear of 4 Glanford Court, Brigg. The site also sits to the rear of properties on Grammar School Road to the east. The majority of the application site was formerly part of the gardens of residential properties on Grammar School Road to the east. Access to the site is via Glanford Court, a single width private access off Grammar School Road, located between numbers 43 and 45. The surrounding area is predominantly residential in nature and the site is surrounded by residential properties.

This application seeks outline planning permission for the erection of a single detached dwelling, with all matters reserved for later determination by the local planning authority. Whilst the application reserves the access position to the proposed dwelling, the general access to the site, in common with surrounding current and proposed residential development, is via the existing access off Grammar School Road (Glanford Court). A small piece of open land to the south-east of the application site is subject to a current planning application for a similar proposal for a new dwelling, which appears elsewhere on this agenda (application reference PA/2013/1447).

It should be noted that the private access road currently serves four dwellings and this application, together with PA/2013/1447, could in effect permit six dwellings off a private driveway. This is one above the threshold adopted by the council.

The main issue in the determination of this application is whether the principle of the development accords with the relevant policies of the development plan and other material considerations.

The statutory development plan, in this instance, comprises the adopted local plan and core strategy, whereas materiality is set by the National Planning Policy Framework (NPPF).

The local plan looks to promote sustainable development by focussing new housing on those sites that are accessible by public transport to jobs, shopping, leisure, health and education facilities.

The adopted position of the local plan is reflected in Spatial Objective 3 of the core strategy together with policies CS1 and CS2. Core strategy policy CS3 seeks to restrict development within the defined settlement boundaries as set out in the local plan and regard in considering such proposals will be had to, in part, existing settlement patterns, character of the area and the capacity of existing physical and social infrastructure. Policy CS8 of the core strategy, aside from directing development into Scunthorpe, also looks to focus residential development into market towns such as Brigg.

At the national level the NPPF establishes the presumption in favour of sustainable development that seeks, under the core principles, to manage growth to make the fullest use of public transport, walking and cycling. The core principles also set out the requirement to make the most effective use of land. The NPPF goes on to note that housing applications should be considered in the context of the presumption in favour of sustainable development.

The application site is within a defined settlement boundary; is in a highly sustainable location with access to a full range of educational, cultural, shopping, social and employment opportunities, by means of walking, cycling and public transport; is in a residential area; and there is sufficient social and infrastructure capacity to cater for an additional dwelling in Brigg. It is therefore evident that the proposal accords with the principles of sustainable development as set out within the policies of the local plan, core strategy and the NPPF on delivering residential development in appropriate locations and planning permission is therefore merited.

The location of the proposed dwelling, and any effect upon neighbouring properties, will be addressed at the reserved matters stage as the location and design of the dwelling is reserved for consideration at that time. However the site is of sufficient size to allow for a single dwelling to be designed to avoid unacceptable impact on the amenity of neighbouring properties. The position and design of boundary treatments will also be dealt with at the reserved matters stage; this will include details of the boundary treatment along the western boundary where the existing garage sits at present. Furthermore, due to the location of the application site within an existing residential development alongside neighbouring properties, the proposed dwelling will read as part of the existing residential development and will not appear out of place in the street scene.

The Environment Agency has confirmed that the site is at a low risk of flooding and that it has no objection to the proposed dwelling. A condition has been recommended which will require the developer to agree a drainage scheme before work starts on site; this condition will prevent neighbours from being affected as a result of surface water run-off from the site.

On the matter of the use of the existing access off Grammar School Road, the Highways department is of the view that the use of this access is not inappropriate nor will it give rise to highway safety or parking issues along Grammar School Road. Highways have raised no objections to the application subject to conditions.

Whilst there is no objection from the Highways department to another dwelling being served off the existing access, the sixth unit will, in all probability, not be built. It is a principle of good governance that permission should not be granted when the action of allowing a development will be subsequently frustrated (ie by the APC). The granting of both permissions could be viewed as inequitable as the committee would have been aware in making the decision that only one dwelling would be likely to be constructed. In essence the successful build will be left to a race between applicants to submit and have approved the reserved matters application and thereafter lodge the Building Regulations application.

It is a tenant of planning law that in determining planning applications one Act cannot fetter with the controls exercised by another Act. In this instance there are no planning grounds on which planning permission should not be granted for this and application PA/2013/1447. However, by applying the legal requirements of the Highways Act, one of the approvals will be frustrated.

In this particular case, and allowing for the comments of the Highways department, it is considered prudent to grant planning permission and allow an exemption to be made as permitted under the Highways Act. Such action will permit both sites to be developed should permission be forthcoming.

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 3(1) of the Town & Country Planning (General Development Procedure) Order 1995.

2.

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

Reason

The application has been made under Article 3(1) of the Town & Country Planning (General Development Procedure) Order 1995.

3.

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

Reason

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

4.

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

Reason

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

5.

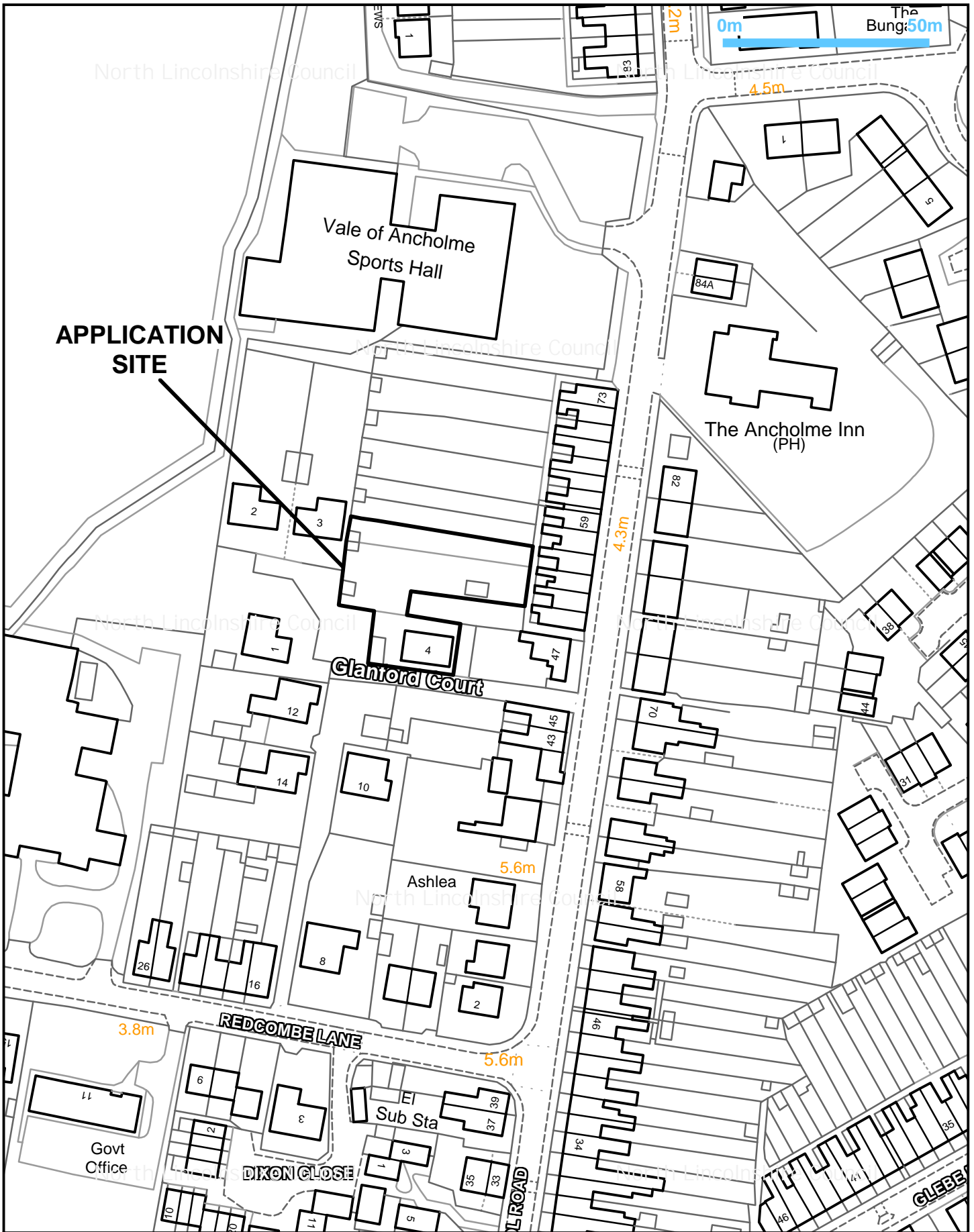
No development shall take place until a scheme for the disposal of foul and surface water has been agreed in writing by the local planning authority and none of the dwellings shall be occupied until it is connected to the approved drainage system.

Reason

To ensure satisfactory drainage is provided in accordance with policy DS14 of the North Lincolnshire Local Plan.

Informative

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.



Title: PA/2013/1369

Drawn by: Sue Barden

Date: 28/01/2014

Scale 1:1250



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Director of Places
Peter Williams
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NORTH.



INDICATING PLAN
for information purposes only

APPLICATION
SITE

DEVELOPMENT CONTROL SECTION
22 OCT 2013
DATE RECEIVED
Referred To

Glanford Court

GRAMMAR SCHOOL ROAD 4.3m

