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| APPLICATION NO | PA/2013/1447 |
| APPLICANT | Mr M Watson |
| DEVELOPMENT | Outline planning permission to erect a single-storey dwelling (all matters reserved for subsequent approval) |
| LOCATION | Land at Glanford Court (rear of 43 and 45 Grammar School Road), Brigg |
| PARISH | BRIGG |
| WARD | Brigg and Wolds |
| CASE OFFICER | Nicholas Lawrence |
| SUMMARY RECOMMENDATION | Grant permission subject to conditions |
| REASONS FOR REFERENCE TO COMMITTEE | Head of Development Management discretion |

POLICIES

National Planning Policy Framework: Achieving sustainable development (paragraphs 6 to 10); Core Planning Principles; Section 6 – Delivering a wide choice of quality homes

North Lincolnshire Local Plan: Aims and Objectives

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) supports the market towns in terms of providing new housing development.

Policy CS2 (Delivering More Sustainable Development) notes that all development will be required to contribute towards achieving sustainable development and in part be located to minimise the need to travel.

Policy CS3 (Development Limits) looks to focus development within established settlement limits as set out in the local plan.

Policy CS8 (Spatial Distribution of Housing Sites) sets out the spatial distribution of housing for North Lincolnshire in the most sustainable locations.

CONSULTATIONS

Highways: Do not object to the principle of the development, however comment that they are only able to accept a maximum of five dwellings served off 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.

TOWN COUNCIL

No objection.

PUBLICITY

Neighbouring properties have been notified and two responses have been received raising the following concerns:

- lack of information on the design
- location of the dwelling and parking arrangements
- using Glanford Court as an entrance is misconceived
- effect on parking on Grammar School Road
- hours of construction should be limited.

ASSESSMENT

The application site comprises a parcel of land some 0.04 of a hectare in area located to the rear of 43 and 45 Grammar School Road, Brigg and was formerly part of the gardens to the surrounding dwellings. Access to the application site, as well as to surrounding residential development and open land, is via the single vehicle width access off Grammar School Road located between numbers 43 and 45.

The immediate character of the application site is of compact urban residential development. The open land to the north-west of the application site is subject to a similar proposal, which appears elsewhere on this agenda under application reference PA/2013/1369.

Outline planning permission is sought for the erection of a single dwelling, with all matters (design, access, scale, location and landscaping) 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 the surrounding current and proposed residential development, is via the existing access off Grammar School Road.

It should be noted that the access road currently serves four dwellings and this application, together with PA/2013/1369, could, in effect, allow six dwellings off a private driveway, which is one above the threshold adopted by the council.

The main issue in considering 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.

With regard to the comments of the respondents to the application, 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. 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.

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/2013/1369. 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.

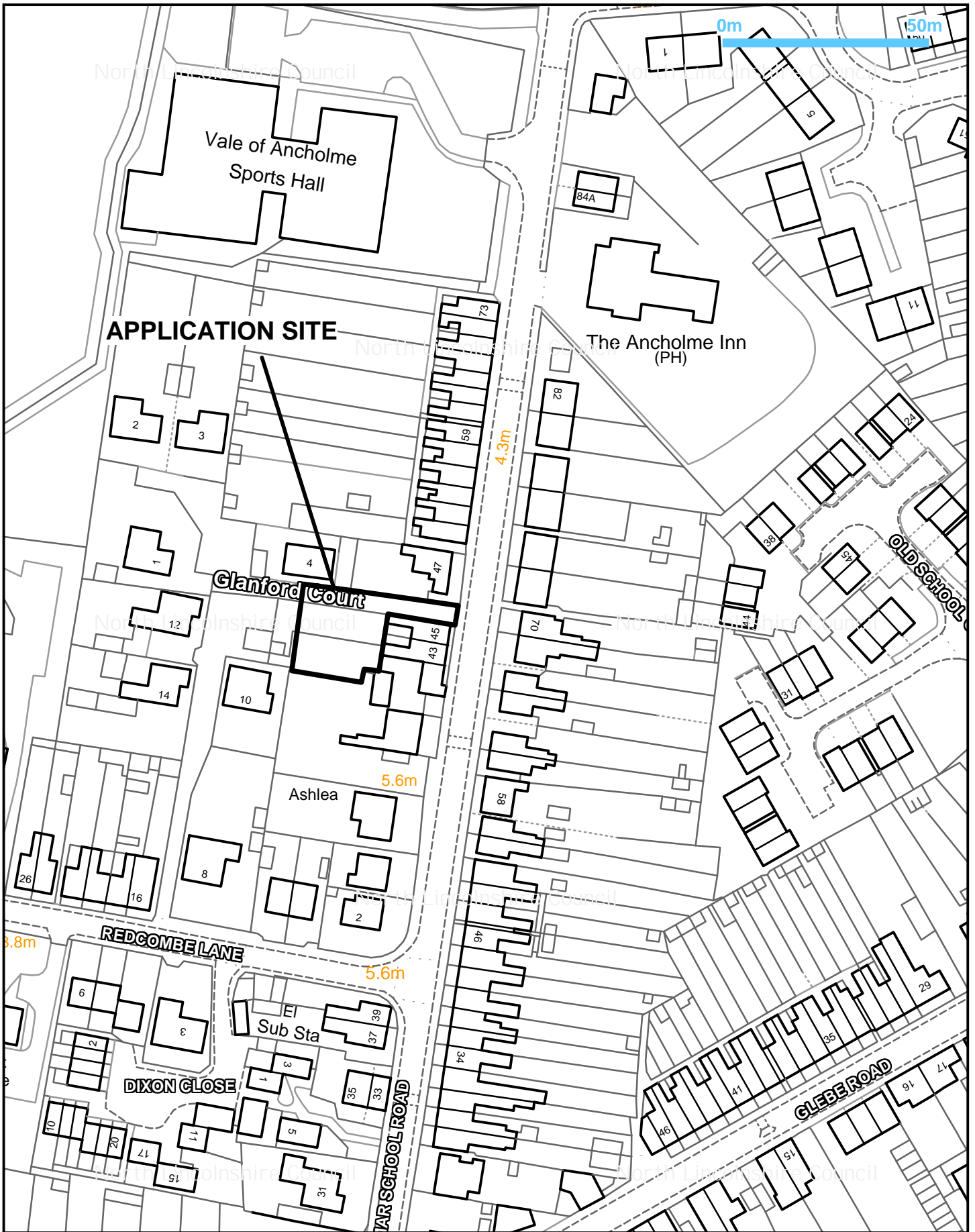
The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

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

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/2013/1447

Drawn by: Sue Barden

Date: 28/01/2014

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