

APPLICATION NO	PA/2009/1041
APPLICANT	The Trustees of GSA Ltd Retirement Benefit Scheme
DEVELOPMENT	Planning permission to retain a gate
LOCATION	6 Market Place, Brigg
PARISH	BRIGG
WARD	Brigg and Wolds
SUMMARY RECOMMENDATION	Grant permission
REASONS FOR REFERENCE TO COMMITTEE	Objection by Brigg Town Council
POLICIES	<p>Regional Spatial Strategy for Yorkshire and the Humber: No specific policies apply.</p> <p>North Lincolnshire Local Plan: Policy HE2 (Development in Conservation Areas) states that all development proposals in the conservation area should preserve or enhance the character and appearance of the area and its setting. Development should harmonise with adjoining buildings and walls; gates and fences should be of a type traditionally used in the locality.</p> <p>Policy DS1 (General Requirements) states that the design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area and should not result in loss of amenity to neighbouring land uses in terms of noise, smell, fumes, dust or other nuisance. The design and layout should respect and, where possible, retain the existing landform of the site.</p>
CONSULTATIONS	Highways: No objections or comments
TOWN COUNCIL	Object on the grounds that the gates restrict and prevent access to a public right of way between Springs Way and the Market Place. It is argued that this is a historical right of way through Brigg town centre and access should not be restricted at any time.
PUBLICITY	Neighbouring properties have been notified and a site notice posted. Three letters of objection have been received raising the same issue as Brigg Town Council.

ASSESSMENT

The application site is a lane running to the west of the former Smith Parkinson Ford garage now occupied by Grimley, Smith and Associates and used as offices. The lane runs between Springs Way to the north and Brigg Market Place. At its point with Market Place the lane narrows to 1.5 metres wide. Beyond the buildings that front Brigg Market Place the land is used as private car parking to serve the offices of Grimley, Smith and Associates. The gates are approximately 1.2 metres high and are constructed from wrought-iron.

The main issue in determining this planning application is whether the retention of the gates prevents and restricts access for the public between Springs Way and Brigg Market Place.

It should be noted that the gates are erected on private land to the side of Grimley, Smith and Associates. Planning permission is only required as the gates are above 1 metre and front a highway (Brigg Market Place). Market Lane is not shown as a public right of way on the Definitive Map and it has been confirmed that the land is not a highway. Therefore the principle of erecting a form of boundary treatment such as a gate on private land is considered to be acceptable. The gates do not open onto the highway so no issue has been raised by the council's highway department.

The applicant has stated that the gates are left open during weekdays to allow continued access between Market Place and Springs Way. However there is no planning requirement for these gates to remain open to the public at any time during the week and, as stated previously, Market Lane is not shown as a public right of way on the Definitive Map. Furthermore the public can still gain access to the Market Place from Springs Way via Cary Lane and Springs Parade. Therefore access to the Market Place is not restricted by the retention of these gates.

RECOMMENDATION

Grant permission.



Note:
All of the area shown in the frame is within the Brigg Conservation Area

Drawing Title: 2009/1041

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Highways and Planning Service
Service Director,
G Pople

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