

APPLICATION NO	PA/2014/0786
APPLICANT	Mr W Hartley
DEVELOPMENT	Planning permission to construct a vehicular access to serve 4 Hall Meadow
LOCATION	Land at Church Lane, Bonby
PARISH	BONBY
WARD	Brigg and Wolds
CASE OFFICER	Leanne Pogson
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Bonby Parish Council

POLICIES

National Planning Policy Framework: Establishes a presumption in favour of sustainable development that should be seen as a golden thread running both through plan-making and decision-taking. Core Planning Principles – underpin decision-taking and include, in part, the securing of high quality design and standards of amenity, different roles and the character of different areas, and encourage the effective use of land.

National Planning Policy Guidance: No specific sections apply.

North Lincolnshire Local Plan: Policies DS1 (General Requirements) and T2 (Access to Development) apply.

North Lincolnshire Core Strategy: Policy CS2 (Delivering more sustainable development) applies.

CONSULTATIONS

Highways: Advise conditions (conditions 3-5).

PROW: Initial holding objection to the proposal. A public footpath was created over the land in 2000. The initial holding objection was lodged pending further investigation into the nature of the footpath and the ownership of the land. Further investigation and research of the 1910 Finance Act Map revealed the whole land to be within the highway verge.

Historic Environment Record: No objections.

PARISH COUNCIL

Objects to the proposal on the following grounds:

believes the land forms part of the parish council-owned Gilman Trail and questions whether the land is an extension of the applicant's garden, the legality of having a gate onto the land and concerns over dumping rubbish

the parish council owns the land by right of use for over 50 years – it is a part of the Gilman Trail and provides safe access for walkers

questions the need for another driveway and is unhappy that it constitutes a 'land grab'

five cars or more parked on the drive would be an obstruction to those walking through the land, and it would spoil the look of the natural woodlands provided for use by all – not for one individual trying to take the land for excessive car parking

hazard to road users as it is on a bend

query regarding the 'trees and hedges' section on the application form.

PUBLICITY

Neighbouring properties have been notified by letter. Five letters of objection have been received raising the following material issues:

highway safety – close to a sharp bend on a steep hill

adverse impact on the safety of walkers

existing right of way (Gilman Trail) on the land

area of high landscape value

loss of trees and habitat.

ASSESSMENT

This application was deferred at the last meeting of the Planning Committee to enable members to visit the site prior to making a decision.

The application site is a detached dwelling accessed off Hall Meadow. The existing access to the dwelling is relatively steep which can cause difficulty for the applicant to safely access the property in icy conditions. It is proposed to create an additional access to the dwelling from Church Lane.

The main issues in determining this application are whether the proposed access would create a highway safety hazard or would obstruct a public right of way.

The site of the proposed access has the appearance of a wide highway verge where there are a variety of mature trees. There is an existing hard-paved driveway serving the property to the south across this land. It is believed that the access was created when the property it served was erected.

Objections have been received to this application on the basis that the land is not owned by the applicant and forms part of the 'Gilman Trail'. At the stage of submitting the application, the applicant did not know who owned the land and therefore served certificate C by placing an advert in the local press. The parish council believes it owns the land by right of use and

objects to the proposal. Investigations by the estates team and the environment team have led to the conclusion that the land is in fact highway verge.

Concerns have been raised regarding highway safety as the access would be close to a bend and the trail is regularly used by walkers. However Highways have been consulted and raise no objections to the proposal subject to conditions.

The parish council has concerns regarding parking on the access if the application is approved. A condition is proposed to prevent any obstruction of the access which would prevent any buildings or means of enclosure being erected over it, and would prevent permanent parking on the area.

The proposal is not considered to lead to a loss of trees or habitat or have an adverse impact on the character and appearance of the area, particularly as there is a similar access located in close proximity to the south. The proposed access therefore complies with policies DS1 and T2 of the North Lincolnshire Local Plan and the provisions of the National Planning Policy Framework.

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: PA/2014/0786/1 and PA/2014/0786/2.

Reason

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

3.

The proposed new vehicle parking facility shall not be brought into use until the vehicular access serving it has been completed within highway limits.

Reason

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

4.

The proposed new vehicle access, parking and turning facilities serving it shall be completed in accordance with details to be submitted to and approved in writing beforehand by the local planning authority and once provided the vehicle parking and turning facilities shall be retained.

Reason

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

5.

At no time shall the public right of way be obstructed and, for the avoidance of doubt, at no time shall any buildings, structures, or means of enclosure be erected on the hereby approved access.

Reason

To define the terms of the permission and to allow safe pedestrian access over the existing public right of way.

Informative 1

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 2

The hereby approved access will need to cater for the existing footway and, as it has been identified as highway, the area cannot in any way be enclosed within the boundary of the application site.

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.

