

**APPLICATION NO** PA/2015/0053

**APPLICANT** Mr M Smith, Brocklesby Park Homes

**DEVELOPMENT** Planning permission to erect four two-storey flats

**LOCATION** Land at Llamedos, Bridge Street, Brigg

**PARISH** BRIGG

**WARD** Brigg and Wolds

**CASE OFFICER** Scott Jackson

**SUMMARY RECOMMENDATION** Refuse permission

**REASONS FOR REFERENCE TO COMMITTEE** Agent request to address the committee

## **POLICIES**

**National Planning Policy Framework:** Paragraph 14 states that at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Paragraph 35 of Core Planning Principle 4 states that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore developments should be located and designed, where practical, to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.

At paragraph 37 it states that planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

Paragraph 49 of Core Planning Principle 6 states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Paragraph 64 of Core Planning Principle 7 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.

Paragraphs 15, 47, 50, 55, 56, 60, 61 and 99 to 103 also apply.

Section 10 (Meeting the challenge of climate change, flooding and coastal change) states that inappropriate development in areas of flood risk of flooding should be avoided by directing development from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

**North Lincolnshire Local Plan:** Policies DS1, DS16, RD2, T2, T19, H5 and H8 apply.

**North Lincolnshire Core Strategy:** Policies CS1, CS2, CS5, CS7 and CS19 apply.

## **CONSULTATIONS**

**Highways:** Recommend a condition requiring vehicle parking facilities to be provided in accordance with the details submitted with the planning application.

**Environment Agency:** Has withdrawn its objection following receipt of a revised flood risk assessment (FRA) and plan showing a flood compensation area. Recommends a condition requiring the development to be carried out in accordance with the mitigation measures set out in the FRA (i.e. finished floor levels) and in accordance with the flood compensation plan.

**Strategic Housing:** The application is for four residential units; this is below the threshold of five dwellings in a market town (Brigg), therefore no affordable housing is required.

**Historic Environment Record:** This proposal does not adversely affect any heritage assets of archaeological interest or their settings.

**Highways Drainage Team:** The proposed development has the potential to suffer from a level of flooding due to surface water run-off or drainage overflow. Care should be taken with floor levels and openings.

**Environmental Health:** There are residential properties close to this site and therefore potential for noise nuisance during construction. Recommend a condition relating to construction hours and a dust management plan. Also recommend a condition relating to a contaminated land investigation.

## **TOWN COUNCIL**

Object on the following grounds:

- impact on the neighbouring property through loss of light and privacy
- flood risk assessment doesn't account for the impact on neighbouring properties.

## **PUBLICITY**

Neighbouring properties have been notified. Two letters of objection have been received raising the following issues:

- overlooking to garden of objector
- high density of development
- overlooking to conservatory of objector
- site is located on higher ground level.

## **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 an area of unused land to the entrance area of the Brocklesby Park Homes site. A garage is located along the western edge of the site, a bungalow to the north and a parking area to the east. The site is located to the rear of a block of flats on Bridge Street, within the settlement boundary for Brigg. The site is located within Flood Zone 2/3a owing to its proximity to the River Ancholme.

**The main issues in the determination of this planning application are the principle of development, impact on residential amenity and flood risk.**

### **Principle**

This proposal is to erect a two-storey detached building to accommodate four flats. The site is located within the settlement boundary for Brigg, it has an existing vehicular access serving it and the area is residential in nature, therefore there is a presumption in favour of development for the erection of dwellings/flats. The site is considered to be a sustainable location for residential development in terms of policies CS1, CS2 and CS7 of the Core Strategy, policy H5 of the North Lincolnshire Local Plan and paragraphs 14 and 49 of the National Planning Policy Framework.

In terms of highway impacts, the development will be served from the existing vehicular access that serves the Brocklesby Park Homes site and will have two parking spaces allocated per flat. The existing access is wide enough to accommodate vehicular traffic passing in both directions and the visibility splays onto Bridge Street are already set out. Highways have raised no objection to the proposal and it is therefore considered acceptable in highway terms and accords with policies T2 and DS1 of the North Lincolnshire Local Plan.

In terms of design the proposal consists of a two-storey detached block which is broken up by door and window openings to all elevations. Features such as protruding bay windows, dormer cheeks, false window openings and timber canopies above each entrance to the flat are considered to add visual interest to the scheme. The scale and height of development is consistent with existing residential properties along Bridge Street to the south-east and south-west of the site. It is worth noting that the block of flats located to the south of the site (known as Brocklesby Court) is three storeys in height. The scale of the building is proportionate to the size of the site and a large area of communal garden space is proposed to west and north of the flats.

### **Residential amenity**

It is noted that two bedroom windows are proposed in the southern elevation of the apartment block, at first-floor level. These bedroom windows will face towards the parking area, garden and rear elevation of the flats belonging to Brocklesby Court. The separation distance from the southern elevation of the apartment block to the rear elevation of Brocklesby Court is 29.2 metres; this distance is considered sufficient to negate the potential for overlooking and loss of light towards the gardens and windows of Brocklesby Court. The bedroom windows in the northern elevation (first-floor level) will have an outlook onto the roof of the bungalow to the north. The bedroom windows in the western and

eastern elevations will overlook the car park area and the rearmost part of the gardens belonging to properties on Bridge Street.

There is sufficient space within the site for the provision of a large area of private amenity space to serve the four apartments. In addition there is space to accommodate a bin storage area.

### **Flood risk**

The site is located within Flood Zone 2/3a of the North Lincolnshire Strategic Flood Risk Assessment. The proposal is for 'more vulnerable' development, there is a requirement for the sequential and exceptions tests to be applied and passed for the proposed block of apartments. A revised flood risk assessment (FRA) has been submitted with the planning application, along with a plan showing an area of flood compensation within the site. Following receipt of this additional information the Environment Agency has considered the FRA and raised no objections. A condition is recommended by the Environment Agency that the development take place in accordance with the recommendations in the FRA, particularly in relation to finished floor levels, flood resilience and resistance measures.

The proposed development needs to be assessed against the sequential and the exceptions test. The agent has investigated sites within Brigg and has confirmed that there are no sites available which could reasonably accommodate the development and are at a lower risk of flooding (i.e. Flood Zone 1). It is considered that the sequential test is passed in this case. The exceptions test then needs to be applied. The applicant has provided additional information in support of the planning application. This supporting information sets out how the development is considered to be sustainable in terms of proximity to local services, transport routes and that it would tidy up an unkempt site. In order to pass the exceptions test a development must meet the following criteria.

Essentially, the two parts to the test require proposed development to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

It is considered that the revised FRA and accompanying drawing (flood compensation area) satisfactorily demonstrates that the development will be safe without increasing flood risk elsewhere. In addition it is considered that sufficient justification has been submitted with the application to demonstrate that the proposal will deliver sustainable development in this part of Brigg. However, the fact remains that the site will be developed for private market housing; this is not considered to provide wider sustainability benefits to the community which would outweigh the risk of flooding. Therefore the exception test is not passed in this case. Consequently the proposal does not comply with policies DS16 of the North Lincolnshire Local Plan, CS19 of the Core Strategy or the National Planning Policy Framework in terms of flood risk.

### **Other issues**

Discussions have taken place between the applicant's agent and the Council's Strategic Housing Officer in respect of the potential for all or some of these residential units being provided for affordable housing, thereby providing a community benefit. The applicant's

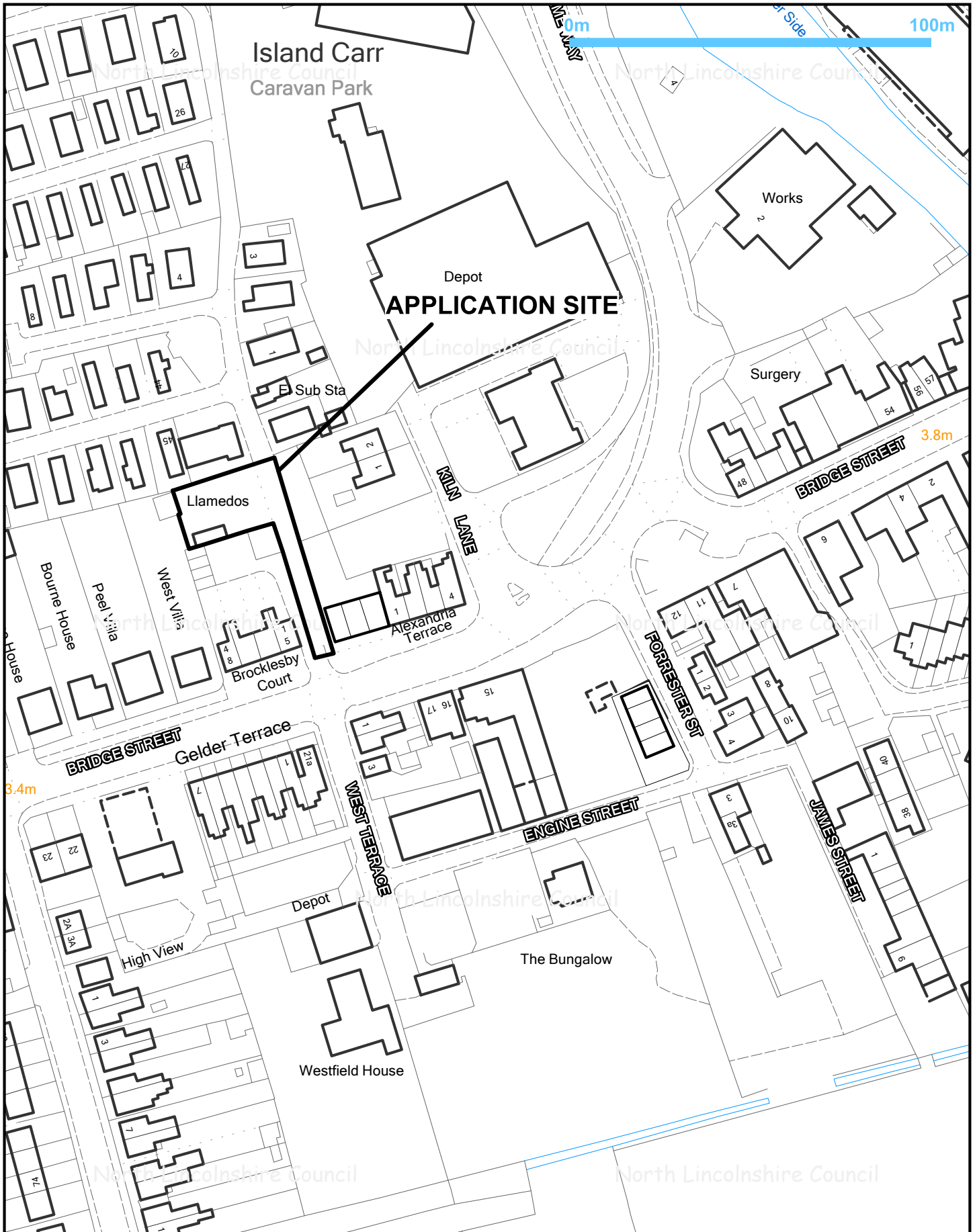
agent has confirmed that this wouldn't be an option in this case on grounds of economic viability.

**RECOMMENDATION      Refuse permission for the following reasons:**

The proposed development is classified as 'more vulnerable' in terms of flood risk vulnerability and part of the site is located in flood zones 2/3a as defined in the North Lincolnshire Strategic Flood Risk Assessment. The Planning Practice Guidance states that development should only be allowed where it passes the sequential and exceptions tests. The proposal is considered to pass the sequential test. However the proposal fails the exceptions test as it has not been satisfactorily demonstrated that it would provide wider community benefits that outweighs the risk of flooding. The proposal is therefore contrary to policies DS16 of the North Lincolnshire Local Plan, CS19 of the adopted Core Strategy and paragraphs 100, 101 and 102 of the National Planning Policy Framework.

**Informative**

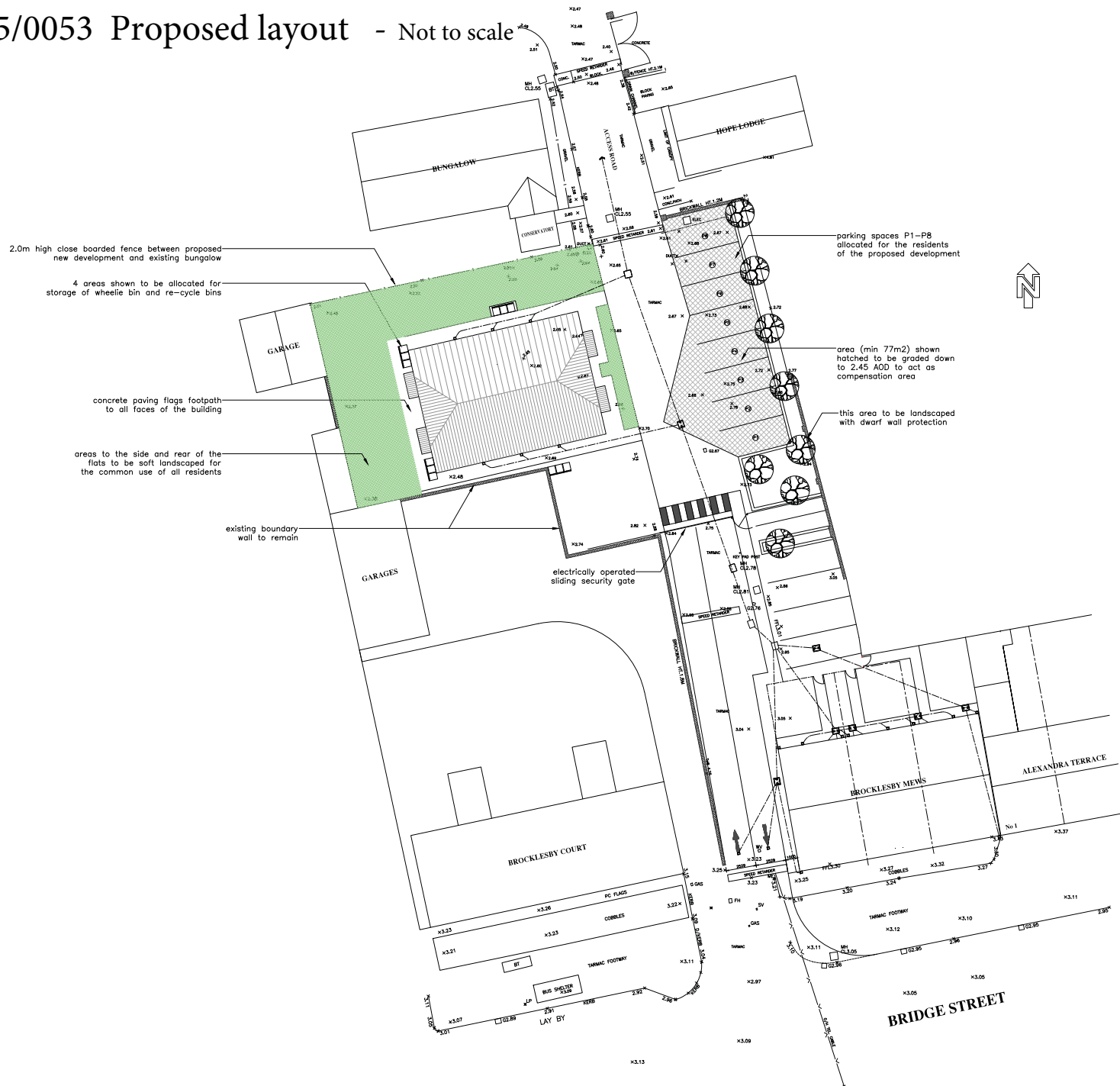
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



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# PA/2015/0053 Proposed layout - Not to scale



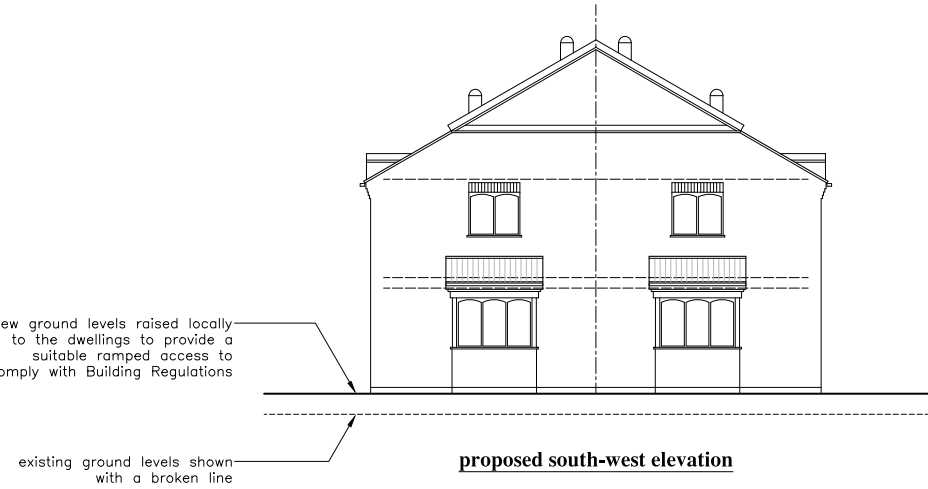
# PA/2015/0053 Proposed Elevations - Not to scale



**proposed north-east elevation**



**proposed north-west elevation**



**proposed south-west elevation**



**proposed south-east elevation**