

APPLICATION NO	PA/2015/1384
APPLICANT	Run Developments
DEVELOPMENT	Planning permission to erect eight town houses with associated access and landscaping works
LOCATION	Former Brigg Central Kitchen, Colton Street, Brigg, DN20 8AG
PARISH	Brigg
WARD	Brigg and Wolds
CASE OFFICER	Andrew Law
SUMMARY RECOMMENDATION	Subject to a Section 106 agreement, grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Councillor Waltham – significant public interest)

POLICIES

National Planning Policy Framework: Paragraph 15 states that at the heart of the National Planning Policy Framework 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 19 states that significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 34 states that plans and decisions should ensure developments that generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 55 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.

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 60 states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or style. It is, however, proper to seek to promote or reinforce local distinctiveness.

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. Sequential and Exception Tests should be carried out to justify development, reduce the risk from flooding and steer development to those areas at lowest risk.

North Lincolnshire Local Plan: Policy H5 (New Housing Development)

Policy H8 (Housing Design and Housing Mix)

Policy H10 (Public Open Space Provision in New Housing Development)

Policy DS1 (General Requirements)

Policy DS3 (Planning Out Crime)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy DS16 (Flood Risk)

North Lincolnshire Core Strategy: 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)

Policy CS9 (Affordable Housing)

Policy CS19 (Flood Risk)

Policy CS25 (Promoting Sustainable Transport)

CONSULTATIONS

Highways: No objection subject to conditions.

Historic Environment Record: No objection.

Environmental Health: No objection subject to conditions.

Strategic Housing: Need to secure one affordable unit on site to comply with policy CS9 of the Core Strategy.

Anglian Water Ltd: No comments.

Environment Agency: No objection subject to conditions.

TOWN COUNCIL

The town council has no objection and welcomes the application but makes comments with regard to existing parking problems in the area, particularly at school pick-up and drop-off times. The town council comments that civil parking enforcement may need to increase their patrols in this area if the development goes ahead.

PUBLICITY

Neighbouring properties have been notified by letter. Objections have been received on the following grounds:

- The proposed build is not in keeping with the character of the street which consists predominantly of family homes, not town houses.
- The development is too tall for such a narrow street and will make it 'feel' even smaller and 'closed in'.
- All the houses on that side of the road are of one level.
- Concerns are raised with regard to loss of privacy and overlooking from bedroom windows.
- Concerns are also raised with regard to loss of light to properties across the road.
- There are too many dwellings for this site.
- Access and parking along Colton Street has become progressively worse over the years, particularly since the development of the Sure Start Centre, and more houses will make this problem worse.
- The narrow width of the road already makes turning difficult and additional on-street parking as a result of the development will exacerbate this problem.
- Previous developments in the area have had a detrimental impact as a result of congestion and disturbance during construction. A detailed management and construction plan should be agreed for this development if approved.
- The development would result in noise to neighbouring residents both during and after construction.
- Drainage is already poor in this area and additional dwellings will make this situation worse.
- The development would result in devaluation of neighbouring properties.

ASSESSMENT

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

The application site is the former Brigg Central Kitchen site located on Colton Street, Brigg. This site lies within the development boundary for the settlement and outside the conservation area for Brigg. The site extends to approximately 1,100 square metres and is accessed from Colton Street to the north. Colton Street is a narrow residential road that runs between Grammar School Road to the east and Ash Grove to the west with traffic-calming measures in the form of speed bumps. The site is bounded by a children's nursery and youth centre to the east and by residential properties to other sides. There is a mix of different dwelling types in this area, including detached, semi-detached and terraced properties, and also two-storey and single-storey dwellings.

This application seeks planning permission to erect eight two-and-a-half storey town houses with associated access and landscaping works. The proposed dwellings will be set out in two separate blocks of four terraced dwellings. Each dwelling is provided with one off-street parking space to the front as well as secure garaging at ground floor.

An application was submitted in 2014 (PA/2014/0499) to erect a detached dwelling on part of the site. This application was withdrawn and never determined.

The key issues in the determination of this application are:

- **whether the proposed development would be harmful to highway safety along Colton Street;**
- **whether the proposed design and density of development are appropriate with regard to the character of the surrounding area; and**
- **whether the proposed development would have an unacceptable impact on the amenities of neighbouring properties.**

Principle of residential development

The application site is a previously developed site in a residential area within the development boundary of the market town of Brigg. It is located in a sustainable location within easy walking and cycling distance of the local shops and community facilities. For these reasons it is considered that the proposal accords with the principles of sustainable development as set out within the policies of the local plan, Core Strategy and the National Planning Policy Framework on delivering residential development in appropriate locations, and planning permission is therefore merited.

Design/density

Objections have been received in relation to the number of dwellings proposed, resulting in an unacceptable density which would be out of keeping with the surrounding area. Policy CS7 of the Core Strategy calls for a minimum density of 40 to 45 dwellings per hectare for residential developments within market towns such as Brigg. The proposed development of 8 dwellings results in a density of between 72 and 73 dwellings per hectare and as such meets the minimum required density. Policy CS7 also states that, whilst housing developments will be expected to make an efficient use of land, the density of new development should be in keeping with the character of the area. The surrounding area is characterised by a reasonably dense form of residential development comprising of a mix of detached, semi-detached and terraced properties. The proposed development provides two separate blocks of residential development with each block containing 4 terraced town

houses; each property has an off-road parking space to the front and a reasonable area of private amenity space to the rear. The density of the proposal is not uncommon for a modern residential development within a market town. The density of the development would not be such that it would have an unacceptable impact on the character of the area. Therefore it is considered that the proposed density is acceptable in this instance, complies with policy CS7 and will not be harmful to the character of the area.

The proposed dwellings are two-and-a-half storeys in height, whilst neighbouring properties are either two-storey or single-storey in height. The reason for this height is because the Environment Agency does not wish to see any habitable accommodation at ground-floor level in this location as the site is located within a flood risk area. The ground floor of the properties has been given over to private garaging, with all habitable rooms at first and second floor. The dwellings have been designed so that their eaves height is kept to less than 7 metres and the ridge height is 10 metres. Therefore the dwellings are not excessively higher than a traditional two-storey dwelling and their two-and-a-half-storey nature will not have an unacceptable impact on the character of the street.

It is proposed that the new dwellings will be finished with a mixture of facing brickwork and white render and with grey roof tiles. Neighbouring properties are predominantly constructed of brick, with a variety of shades in evidence; however there are also examples of white rendered dwellings along Colton Street. It is considered that the proposed materials are acceptable in this location and will not detract from the character of the area.

Highway safety

Concerns have been received relating to the increase in vehicular traffic as a result of the development and the impact on highway safety. The majority of these concerns relate to ongoing issues of on-street parking along Colton Street as a result of the adjacent nursery. The council's Highways department has been consulted on the application and has raised no objection on highway safety grounds subject to numerous planning conditions. The proposed development is of a relatively small scale, being for eight dwellings and benefits from an access directly onto Colton Street. Each dwelling is provided with an off-street parking space to the front and garaging at ground-floor level within the footprint of the dwellings. For these reasons it is considered that the proposed residential development of the site will not have an unacceptable impact on the local highway network.

Concerns have also been raised with regard to the potential impact of vehicles associated with construction activities on the local highway network. It is acknowledged that Colton Street is a narrow residential road and that construction traffic will have to be managed to avoid impacting on highway safety. Following concerns raised by local residents, the applicants have submitted a construction phase traffic management plan as part of the application. The council's highways department has been consulted on this traffic management plan and has confirmed that it is acceptable. A condition has been recommended that requires development to be carried out in accordance with the submitted traffic management plan.

Residential amenity

The layout of the development has been designed with the amenity of neighbouring residential properties in mind. Dormer windows are restricted to the front elevation only, with rooflights within the rear roof slopes. There is a minimum distance of approximately 19 metres between the front elevations of the proposed dwellings and neighbouring

properties to the north. To the rear there is a minimum distance of approximately 17 metres to the nearest dwelling. A distance of 20 metres (window to window) between properties is normally sought to prevent overlooking as a result of new developments. However there is no specific guidance or policy which sets out a minimum distance and often smaller distances are considered appropriate. Lesser separation distances are often considered acceptable in more built-up areas with higher housing densities where large separation distances are not always achievable. The side elevations of the proposed dwellings that sit closer to the site boundary contain only obscure glazed en suite windows and as such will not overlook neighbouring properties. In this instance the proposed separation distances between existing and proposed dwellings is considered to be adequate to prevent unacceptable loss of privacy to neighbouring properties.

In addition to the above, the stated separation distances are more than sufficient to ensure that the proposed development will not result in loss of light to neighbouring residential properties.

The easternmost dwelling as proposed sits adjacent to a recreational area used by the neighbouring nursery. This is not an area of residential amenity space and would not be expected to enjoy the same level of amenity as a private garden. There are no habitable windows overlooking this recreational area and any overshadowing would only occur during the afternoon and would only affect part of the recreational area at any one time. Therefore it is considered that the proposed development will not have an unacceptable impact on the amenity of neighbouring properties.

Flood risk/drainage

The application site is located within flood zone 3a of the North Lincolnshire Strategic Flood Risk Assessment and as such is at risk of flooding. Paragraph 100 of the NPPF 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. Sequential and exception tests should be carried out to justify development, reduce the risk from flooding and steer development to those areas at lowest risk.

The applicants have provided a robust flood risk assessment (FRA) as part of their submission as well as sequential and exceptions tests. The Environment Agency has been consulted on the application and has raised no objection to the proposed development subject to a condition requiring works to be carried out in accordance with the submitted FRA. On this basis, subject to the recommended condition, it is considered that the proposed development is safe from flooding.

The submitted sequential test shows that there are no available sites within Brigg that are appropriate for the proposed development and that are at a lower risk of flooding. The exceptions test sets out the wider sustainability benefits of the development including making productive use of previously developed land and supporting the vitality of a market town. The council's Spatial Planning team has been consulted on the sequential and exceptions tests and has confirmed that the submitted tests comply with the council's guidance in this regard. Therefore the proposed development is considered to have passed the sequential and exceptions tests with regard to flooding.

With regard to drainage, Anglian Water has been consulted on the application and has confirmed that it has no objections to the proposed development, which is to be connected

to mains drainage. A suitable scheme for the disposal of surface water will be secured under Building Regulations.

Conclusion

It is considered that the proposed residential development of the site will not have an unacceptable impact on the character of the area, highway safety or the amenity of neighbouring residential properties. Furthermore, the development will make effective use of a brownfield site and supports the vitality of a market town. On this basis it is considered that the proposed development is acceptable and that the benefits of the development will outweigh any adverse impacts.

RECOMMENDATION

Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 providing for a single affordable unit on site and an off-site contribution of £4,357.15 to be given towards the upgrade and improvement of existing recreational facilities at Almond Grove Park, the committee resolves:

- (i) it is mindful to grant permission for the development;**
- (ii) the decision be delegated to the Head of Development Management upon completion of the obligation;**
- (iii) if the obligation is not completed by 13 July 2016 the Head of Development Management be authorised to refuse the application on grounds of failure to provide required affordable housing and public open space contributions contrary to policies H10 of the North Lincolnshire Local Plan and CS9 of the Core Strategy; and**

(iv) the permission so granted be 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: JK/BR/MF/01, JK/BR/MF/02, JK/BR/MF/03, JK/BR/MF/04, JK/BR/MF/05, JK/BR/MF/06 and JK/BR/MF/07 rev A.

Reason

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

3.

The facing materials used in the construction of the dwellings shall be in accordance with the details set out in the submitted Design and Access Statement dated September 2015.

Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

4.

Within 3 months of the completion of the new access, any redundant access to the site shall be removed and the area reinstated to footway/verge (including the provision of full height kerbs) in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

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

5.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

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

6.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking spaces serving it have been completed and, once provided, the vehicle parking spaces shall be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

7.

Prior to the final dwelling being occupied the footway fronting the entire development shall be constructed in accordance with the agreed details set out on plan no. JK/BR/MF/07 rev A dated 02/12/2015.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

8.

Construction operations shall be limited to the following hours:

7am to 7pm Monday to Friday

7am to 1pm on Saturdays.

No construction operations shall take place on Sundays or public/bank holidays.

HGV movements shall not be permitted outside these hours during the construction phase without prior written approval from the local planning authority.

Installation of equipment on site shall not be permitted outside these hours without prior written approval from the local planning authority.

Reason

To protect the amenity of neighbouring residential properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

9.

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

Part 1: Site Characteristics

A Phase 1 desk study shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the local planning authority for approval prior to proceeding to further site investigation. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
 - adjoining land
 - groundwaters and surface waters
 - ecological systems
 - archaeological sites and ancient monuments;

- (iii) an appraisal of remedial options, and a proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the management of Land Contamination, CLR 11'.

Part 2: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part 3: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks' written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

Part 4: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

10.

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated November 2015.

Reason

To reduce the risk of flooding to the proposed development and future occupants.

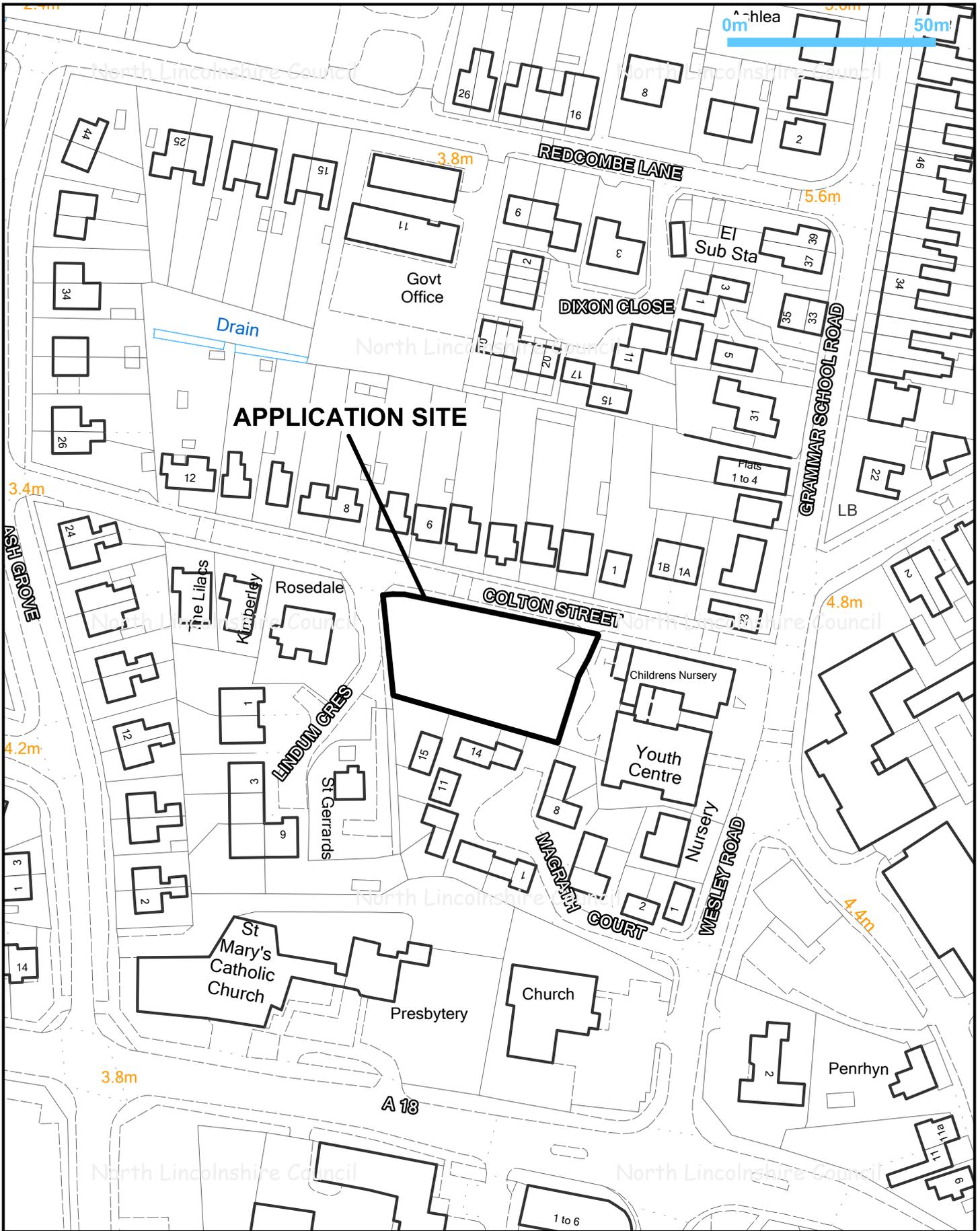
Informatives

1.

This application must be read in conjunction with the relevant Section 106 Agreement.

2.

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/2015/1384		
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Director of Places
Peter Williams
BSc,DMS,CEng,MEI,MCMI,AMIMechE

PA/2015/1384 Proposed Elevations - Not to scale



PA/2015/1384 Proposed Layout - Not to scale

