

## Planning Committee Dated: 14th June 2023

### Summary List of Detailed Plans and Applications

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|                          | <b>Recommendation: Approved with Conditions</b>                                                                                                                                                                                                                                                                                  |
| <b>Item:</b>             | <b>1</b>                                                                                                                                                                                                                                                                                                                         |
| <b>Application No:</b>   | DM/0369/23/FUL                                                                                                                                                                                                                                                                                                                   |
| <b>Application Type:</b> | Full Application                                                                                                                                                                                                                                                                                                                 |
| <b>Application Site:</b> | Thorpe Park Holiday Camp Anthonys Bank Road Humberston North East Lincolnshire                                                                                                                                                                                                                                                   |
| <b>Proposal:</b>         | Variation of Condition 2 (Approved plans) pursuant to DM/1038/21/FUL for revision to allow for alterations to footprint, external terraces and service yard, removal and relocation of roof lights, alterations to openings on south and west elevations, amendments to escape staircase to include replacement with escape ramp |
| <b>Applicant:</b>        | Mr Gary Hosie                                                                                                                                                                                                                                                                                                                    |
| <b>Case Officer:</b>     | Emily Davidson                                                                                                                                                                                                                                                                                                                   |

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|                          | <b>Recommendation: Approved with Conditions</b>                                                                                                                      |
| <b>Item:</b>             | <b>2</b>                                                                                                                                                             |
| <b>Application No:</b>   | DM/0355/23/FUL                                                                                                                                                       |
| <b>Application Type:</b> | Full Application                                                                                                                                                     |
| <b>Application Site:</b> | Kingsway Club 3 Kingsway Cleethorpes North East Lincolnshire                                                                                                         |
| <b>Proposal:</b>         | Variation of Condition 2 (Limited Period) and 6 (Hours of Operation) pursuant to DM/0554/21/FUL to extend limited period and increase hours of operation up to 12 am |
| <b>Applicant:</b>        | Mr David Oglesby                                                                                                                                                     |
| <b>Case Officer:</b>     | Bethany Loring                                                                                                                                                       |

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|                          | <b>Recommendation: Refused</b>                                                                                                                                                                                                 |
| <b>Item:</b>             | <b>3</b>                                                                                                                                                                                                                       |
| <b>Application No:</b>   | DM/1098/22/OUT                                                                                                                                                                                                                 |
| <b>Application Type:</b> | Outline Application                                                                                                                                                                                                            |
| <b>Application Site:</b> | Land South Of Millennium Park Humberston Avenue Humberston North East Lincolnshire                                                                                                                                             |
| <b>Proposal:</b>         | Outline application to erect upto 80 dwellings to include public open space with green infrastructure and SUD's features, local area for play, landscaping and biodiversity enhancements with means of access to be considered |
| <b>Applicant:</b>        | S And M Hewson                                                                                                                                                                                                                 |
| <b>Case Officer:</b>     | Jonathan Cadd                                                                                                                                                                                                                  |

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|                          | <b>Recommendation: Approved with Conditions</b>                                                                  |
| <b>Item:</b>             | <b>4</b>                                                                                                         |
| <b>Application No:</b>   | DM/0879/22/FUL                                                                                                   |
| <b>Application Type:</b> | Full Application                                                                                                 |
| <b>Application Site:</b> | Land Off Lambert Road And Ainslie Street Grimsby North East Lincolnshire                                         |
| <b>Proposal:</b>         | Erect six apartments, two dwellings with associated boundary treatments and parking areas, with associated works |
| <b>Applicant:</b>        | Mr Vikash Jayaswal                                                                                               |
| <b>Case Officer:</b>     | Jonathan Cadd                                                                                                    |

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|                          | <b>Recommendation: Approved with Conditions</b>                                                                                       |
| <b>Item:</b>             | <b>5</b>                                                                                                                              |
| <b>Application No:</b>   | DM/0060/23/FUL                                                                                                                        |
| <b>Application Type:</b> | Full Application                                                                                                                      |
| <b>Application Site:</b> | Valley Cottage Hatcliffe Road West Ravendale North East Lincolnshire                                                                  |
| <b>Proposal:</b>         | Demolish existing bungalow, erect two storey dwelling with double garage, roof lights and associated works (amended plans April 2023) |
| <b>Applicant:</b>        | Mr Aidan Jones                                                                                                                        |
| <b>Case Officer:</b>     | Richard Limmer                                                                                                                        |

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|                          | <b>Recommendation: Approved with Conditions</b>                                                                                |
| <b>Item:</b>             | <b>6</b>                                                                                                                       |
| <b>Application No:</b>   | DM/0180/23/REM                                                                                                                 |
| <b>Application Type:</b> | Reserved Matters                                                                                                               |
| <b>Application Site:</b> | Land North Of Main Road (Plot 5 Kings Chase) Barnoldby Le Beck                                                                 |
| <b>Proposal:</b>         | Variation of Condition 1 (Approved Plans) following DM/0843/22/REM to amend layout, position and design of dwelling and garage |
| <b>Applicant:</b>        | Mr D Smith                                                                                                                     |
| <b>Case Officer:</b>     | Richard Limmer                                                                                                                 |

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|                          | <b>Recommendation: Refused</b>                                                                                                                        |
| <b>Item:</b>             | <b>7</b>                                                                                                                                              |
| <b>Application No:</b>   | DM/0800/22/FUL                                                                                                                                        |
| <b>Application Type:</b> | Full Application                                                                                                                                      |
| <b>Application Site:</b> | The Grange Aylesby Road Great Coates North East Lincolnshire                                                                                          |
| <b>Proposal:</b>         | Erect seven dwellings with associated access, parking, landscaping and boundary treatments (amended plans and updated ecology information March 2023) |
| <b>Applicant:</b>        | Mr And Mrs G Cooper                                                                                                                                   |
| <b>Case Officer:</b>     | Richard Limmer                                                                                                                                        |

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|                          | <b>Recommendation: Approved with Conditions</b>                                        |
| <b>Item:</b>             | <b>8</b>                                                                               |
| <b>Application No:</b>   | DM/0987/22/FUL                                                                         |
| <b>Application Type:</b> | Full Application                                                                       |
| <b>Application Site:</b> | Land At Hall Farm Restaurant Ashby Lane Ashby Cum Fenby North East Lincolnshire        |
| <b>Proposal:</b>         | Erect 6 holiday huts to include landscaping and new access (amended layout March 2023) |
| <b>Applicant:</b>        | Mr & Mrs M Durrant                                                                     |
| <b>Case Officer:</b>     | Richard Limmer                                                                         |

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**Recommendation: Approved with Conditions**

**Item:** 9

**Application No:** DM/0320/23/OUT

**Application Type:** Outline Application

**Application Site:** Field House Waltham Road Brigsley North East Lincolnshire

**Proposal:** Outline application for erection of one dwelling and provision of new access with all matters reserved

**Applicant:** Mr And Mrs Barker

**Case Officer:** Bethany Loring

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**Recommendation: Approved with Conditions**

**Item:** 10

**Application No:** DM/0384/23/FUL

**Application Type:** Full Application

**Application Site:** Land Adjacent To The Coop Station Road New Waltham

**Proposal:** Erect detached unit for use as cafe and hair and beauty salon at ground floor and residential flat at first floor with associated works (Amended Site Address for clarity as Harvest Moon replaced by Co-Op store)

**Applicant:** Mr Meenaghan

**Case Officer:** Bethany Loring

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**Recommendation: Approved with Conditions**

**Item:** 11

**Application No:** DM/0824/22/FUL

**Application Type:** Full Application

**Application Site:** 40-42 High Street Cleethorpes North East Lincolnshire DN35 8JN

**Proposal:** Change of use of ground floor from bank to take-away and restaurant, installation of flues with associated internal alterations (Bin store details added to proposed plans)

**Applicant:** Mr Timothy Finbow

**Case Officer:** Emily Davidson

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**Recommendation: Approved with Conditions**

**Item:** 12

**Application No:** DM/0309/23/FUL

**Application Type:** Full Application

**Application Site:** Manor House Tetney Road Humberston North East Lincolnshire

**Proposal:** Variation of Condition 15 (Approved Plans) as granted on DM/1105/22/FUL for revision to install solar panels to rear roof slope and relocate flue (amended plans May 2023 to change roof material back to pantile)

**Applicant:** Mr Dave Hart

**Case Officer:** Cheryl Jarvis

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**Recommendation: Refused**

**Item:** 13

**Application No:** DM/0301/23/FUL

**Application Type:** Full Application

**Application Site:** 7 Great Coates Road Grimsby North East Lincolnshire DN34 4NA

**Proposal:** Partial change of use to mixed use from residential land to include commercial motorcycle garage with erection of detached coach house, drive with parking area and associated works

**Applicant:** Mr Chris Gunster

**Case Officer:** Owen Toop

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**PLANNING COMMITTEE - 14th June 2023**

**ITEM: 1**                      **RECOMMENDATION: Approved with Conditions**

**APPLICATION No: DM/0369/23/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: Thorpe Park Holiday Camp, Anthonys Bank Road,  
Humberston, North East Lincolnshire, DN36 4GG**

**PROPOSAL: Variation of Condition 2 (Approved plans) pursuant to DM/1038/21/FUL for revision to allow for alterations to footprint, external terraces and service yard, removal and relocation of roof lights, alterations to openings on south and west elevations, amendments to escape staircase to include replacement with escape ramp (omittance of canopies removed from description - no canopies on existing scheme to be removed. This was included in error)**

**APPLICANT:**

Mr Gary Hosie  
Bourne Leisure Group Ltd  
1 Park Lane  
Hemel Hempstead  
HP2 4YL

**AGENT:**

Mr Ryan Barrett  
Lichfields  
3rd Floor  
15 St Paul's Street  
Leeds  
LS1 2JG

**DEPOSITED: 19th April 2023**

**ACCEPTED: 19th April 2023**

**TARGET DATE: 14th June 2023**

**PUBLICITY EXPIRY: 8th June 2023**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 8th June 2023**

**CASE OFFICER: Emily Davidson**

**PROPOSAL**

Variation of Condition 2 (Approved plans) pursuant to DM/1038/21/FUL for revision to allow for alterations to footprint, external terraces and service yard, removal and relocation of roof lights, alterations to openings on south and west elevations, amendments to escape staircase to include replacement with escape ramp. Works have commenced on site.

The application is presented to Planning Committee due to an objection from Humberston Village Council and due to the number of objections received.

## **SITE**

Thorpe Park is an established holiday site located within the resort area of Cleethorpes. It is located close to the sea off Anthony's Bank Road.

## **RELEVANT PLANNING HISTORY**

DM/1038/21/FUL - Extension and refurbishment of the Marina Show Bar with associated infrastructure, landscaping and drainage works. - Approved.

DM/1037/21/FUL - Redevelopment of outdoor activities area with associated landscaping, drainage and underground infrastructure (to include jump tower and jump bag, low ropes, climbing wall, containers, high ropes, security hut, cycle hire, tots play, sand pit, MUGA refurbishment, crazy golf, container bar with seating area, big play area, stage and giant screen, ranger station, activities hub, terrace area and trampolines) - Approved.

DM/0527/22/FUL - Retrospective redevelopment of an outdoor activities area with associated landscaping, drainage and underground infrastructure - Refused

DM/0104/23/FUL - Installation of 2 no. air handling units to the exterior of the Marina Show Bar, external ducting to roof, creation of a service yard, alterations to the existing cellar access and associated works - Pending Consideration.

## **RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS**

### National Planning Policy Framework (2021)

NPPF12 - Achieving well designed places  
NPPF15 - Conserv. & enhance the natural environ.  
NPPF16 - Conserv. & enhance the historic environ.

### North East Lincolnshire Local Plan 2013-2032 (adopted 2018)

PO5 - Development boundaries  
PO12 - Tourism and visitor economy  
PO22 - Good design in new developments  
PO39 - Conserve and enhance historic environ  
PO41 - Biodiversity and Geodiversity

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under

the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the area is comprised of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

## **REPRESENTATIONS RECEIVED**

### Consultee Representations

Highways Officer - Approval, no conditions.

Drainage Officer - No comments.

Heritage Officer - No heritage input required.

Environment Agency - No objections. Recommends additional flood resistance and resilience measures.

Rights of Way Officer - Does not impact public right of way.

Humberston Fire and Rescue Officer - Requests access and water supplies for firefighting is considered.

Ecology Officer - No ecological issues raised.

East Lindsey District Council - No comments.

Environmental Protection Officer - No comments.

Humberston Village Council - Object to the removal of canopies as it could increase noise levels.

### Neighbour Representations

Objections received from:

30, 85, 255, 259 Humberston Fitties. 24 Cooks Lane. Flat 9 Victoria Gardens, Leicester.

Objecting broadly on the grounds:

Impact to residential amenity through noise, negotiations should take place with all parties, loss of canopies will cause noise disturbance, health and safety concerns may be missed due to applications coming in piecemeal, further inclusion of caravans, destruction of green belt.

## **APPRAISAL**

### Planning Considerations

1. Overview
2. Design and Heritage
3. Neighbouring Amenity



## Overview

The proposal includes minor changes to the building footprint which results in a minor decrease, the replacement of the southwestern terrace area with stepped egress and reduction in size of north west and omission of the northern terrace areas, amendments to service area for a food takeaway area, reduction in glazing on western elevation and further glazing omitted to the southern elevation. Also the removal and relocation of roof lights which equates to a reduction overall, alterations to openings on south and west elevations, amendment to escape stairs to a ramp to the north east and slight amendment to staircase near kitchen and the eastern fenced area replaced with staircase. Cumulatively, the changes are considered minor amendments to a scheme which was approved under application DM/1038/21/FUL on the 7th January. The works are overall lesser than that which was originally approved. In terms of the principle of the development this has been established by the extant permission which is being implemented. The considerations for this application are those in relation to the changes proposed.

It is noted that there is a pending application (DM/0104/23/FUL) which is for the installation of a air handling unit and associated works. This has been taken into consideration when considering this application. It is considered that this proposal has no impact on this decision and the pending application will be considered on its own merits.

## Design and Heritage

In terms of design, the changes would not have a negative impact on the area character and remain in keeping with the existing buildings and complex and resort setting. There are no adverse impacts as a result of the works in terms of the Humberston Fitties Conservation Area. The changes are considered in accordance with Policy 22 and 39 of the NELLP 2018 along with advice in the National Planning Policy Framework (NPPF) under section 16, Conserve and Enhance the Historic Environment. The requirements under Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area are also met.

## Neighbouring Amenity

Objections have been received as noted in the report and this includes Humberston Village Council. The site itself is an established holiday park and permission has already been granted for the principle of the development which is being implemented. The amendments to the scheme are not considered to add additional impact to neighbour's amenity. It is noted that objections refer to the removal of canopies over terrace areas which could cause additional noise disturbance. The removal of canopies was included in error and there were no canopies included in the original scheme. Construction noise is also noted; however, this is temporary and controlled by the existing conditions.

There would be a reduction in glazed areas, roof lights and the number and size of

external terraces. This is considered to be acceptable in terms of amenity in that the impacts have been marginally reduced and not increased. The resultant changes will not result in adverse local amenity impacts. There have been no objections from the Environmental Health officer.

All considered, the amendments would not negatively impact neighbouring amenity and the application is considered in accordance with Policy 22 of the NELLP 2018.

## **CONCLUSION**

The changes to the show bar would cause no adverse impact on the character of the area, heritage or neighbouring amenity. The application is considered in accordance with Policy 5, 12, 22, 39 and 41.

## **RECOMMENDATION**

### **Approved with Conditions**

#### (1) Condition

The development shall be carried out in accordance with the following plans:

Site Location Plan - 3132.5.10  
Existing Block Plan - 3132.5.02  
Proposed Block Plan - 3131.5.10  
Existing Floor Plans - 3132.5.03  
Existing Rood Plan - 3132.5.04  
Existing Elevations - 3132.5.05 A  
Existing Site Sections - 3132.5.06  
Proposed Floor Plans - 2124-TP-010  
Proposed Roof Plan - 2124-TP-011  
Proposed Elevations - 2124-TP-015  
Proposed Elevations - 2124-TP-016  
Proposed Section - 2124-TP-100

#### Reason

For the avoidance of doubt in the interests of proper planning and in accordance with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

#### (2) Condition

No demolition or construction work shall be carried out on or before 08:00 or after 18:00 Mondays to Fridays inclusive, before 08:00 or after 13:00 on Saturdays and at any time on Sundays or Bank Holidays.

## Reason

To protect the amenities of nearby residents and in accordance with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

## Informatives

### 1 Reason for Approval

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or neighbouring amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular Policies 5, 12, 22, 39 and 41.

### 2 Added Value Statement

Article 31(1)(cc) Statement - Positive and Proactive Approach

No problems have arisen during consideration of this application that have required working directly with the applicant to seek solutions.

### 3 Informative

The use of sustainable surface water drainage arrangements such as a soakaway are encouraged on a proposal of this nature.

Please refer to the drainage officers comments.

### 4 Informative

Please note that you may also require Building Regulations. You are advised to contact them in advance of work on site commencing (Tel: 01472 325959).

### 5 Informative

Adequate provision of access for fire services and water supplies for fire fighting should be provided.

Please see the Humberside Fire and Rescue Officers comments for more details.

6 Informative

The use of flood resistance and resilience measures should be used on the site.

Please see the Environment Agencies comments for further detail.

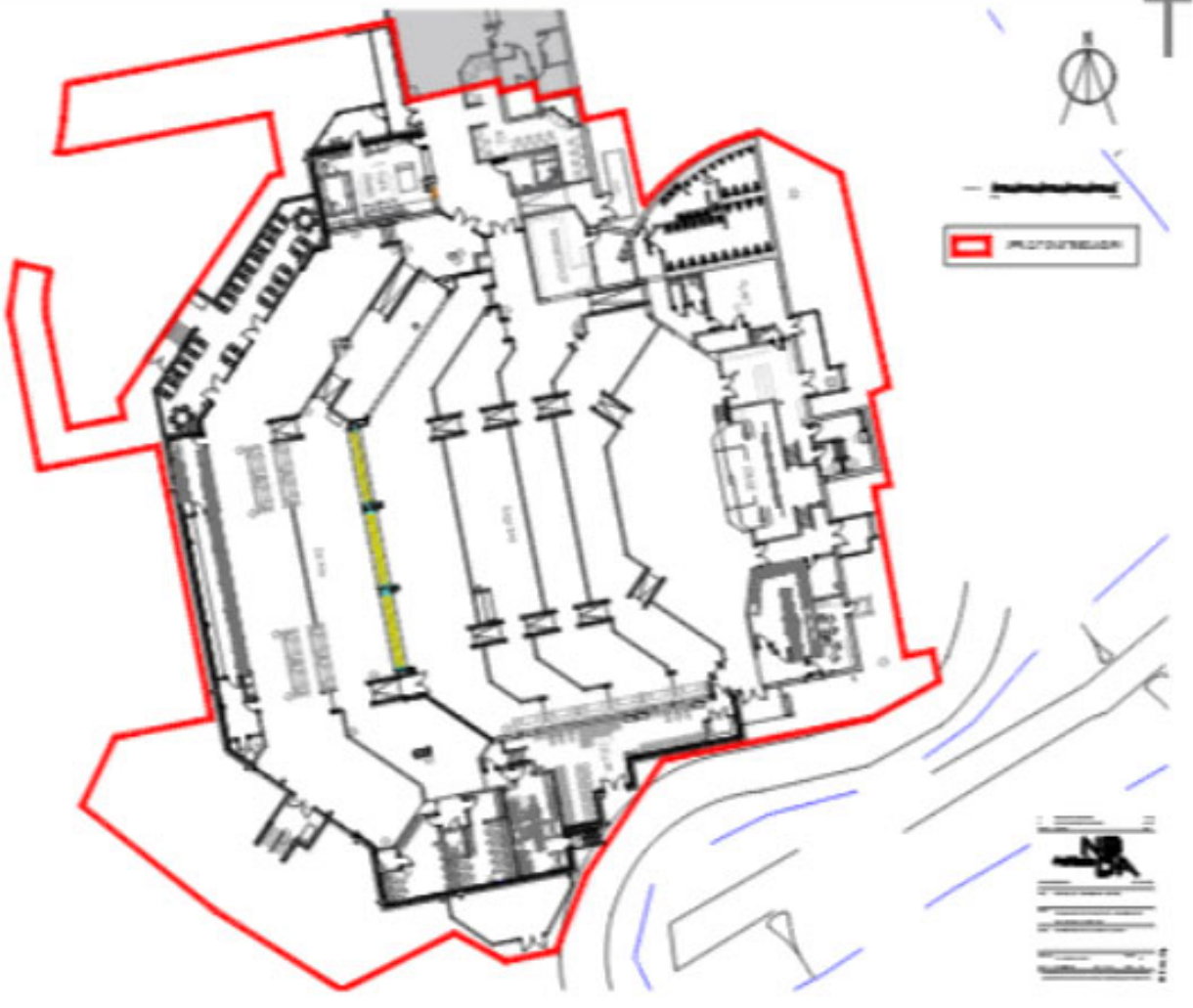
7 Informative

The survey of the structure/building for bat roosts must only be carried out by persons licensed to do so under the provisions of the Wildlife and Countryside Act 1981. You are advised to contact the Council Ecology Officer for further advice on this matter if required.

DM/0369/23/FUL – THORPE PARK HOLIDAY CAMP, ANTHONYS BANK ROAD, HUMBERSTON



DM/0369/23/FUL – THORPE PARK HOLIDAY CAMP, ANTHONYS BANK ROAD, HUMBERSTON



**PLANNING COMMITTEE - 14th June 2023**

**ITEM: 2**                      **RECOMMENDATION: Approved with Conditions**

**APPLICATION No: DM/0355/23/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: Kingsway Club, 3 Kingsway, Cleethorpes, North East  
Lincolnshire, DN35 8QU**

**PROPOSAL: Variation of Condition 2 (Limited Period) and 6 (Hours of Operation)  
pursuant to DM/0554/21/FUL to extend limited period and increase hours of  
operation up to 12 am**

**APPLICANT:**

Mr David Oglesby  
The Kingsway Club Ltd  
Kingsway Club  
3 Kingsway  
Cleethorpes  
North East Lincolnshire  
DN35 8QU

**AGENT:**

**DEPOSITED: 17th April 2023**

**ACCEPTED: 3rd May 2023**

**TARGET DATE: 28th June 2023**

**PUBLICITY EXPIRY: 11th June 2023**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 27th May 2023**

**CASE OFFICER: Bethany Loring**

**PROPOSAL**

The application seeks planning permission to vary condition 2 (Limited Period) and 6 (Hours of Operation) pursuant to DM/0554/21/FUL to extend limited period and increase hours of operation up to 12am.

The application is presented to Planning Committee due to the number of objections received.

## **SITE**

3 Kingsway, known as the Kingsway Club in Cleethorpes is a mid-terraced, two storey mixed use property. The ground floor of the property is an office and the implemented bar. The upper floor of the property is a members club but is part of the single premises licence. The property is located adjacent to the Cleethorpes Central Seafront Conservation Area. Adjacent properties are varied in use and include drinking establishments, retail shops and cafes. There are also some first floor residential flats.

## **RELEVANT PLANNING HISTORY**

DM/0037/19/FUL - Change of use from office at ground floor to create a deli/bar and members club at first floor to bar/restaurant with alterations to front elevation and associated works including outside seating to the front. Withdrawn.

DM/0554/21/FUL - Partial change of use at ground floor from office to bar, alterations to doors and windows and creation of outdoor seating area to front with associated works - Approved Limited Period

## **RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS**

National Planning Policy Framework (2021)

NPPF12 - Achieving well designed places  
NPPF16 - Conserv. & enhance the historic environ.

North East Lincolnshire Local Plan 2013-2032 (adopted 2018)

PO5 - Development boundaries  
PO22 - Good design in new developments  
PO39 - Conserve and enhance historic environ

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the area is comprised of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

## **REPRESENTATIONS RECEIVED**

Environment Team - No issues with frontage seating with condition relating to the removal of the seating by 11pm. Happy to accept extended hours given the use at first floor.



Drainage Team - No drainage comments.

Heritage Officer - No input required.

Highways Team - Approval no conditions.

Environment Agency - No objection.

Neighbour Representation

3 Brighton Street (x2) - Objects based on concerns relating to noise and disturbance, smoke nuisance, aggressive behaviour and use of rear beer garden.

Leaking Boot Restaurant, 2 Kingsway (x2) - Objects based on concerns relating to noise and anti-social behaviour.

4-5 Kingsway - Objects based on concerns relating to noise, smoke and anti-social behaviour.

First Floor, 4-5 Kingsway - Objects based on concerns relating to noise, smoke and parking.

Second Floor, 4-5 Kingsway - Objects based on concerns relating to noise, smoke and parking.

7 Kingsway - Objects based on concerns relating to noise and parking.

First Floor, 7 Kingsway - Objects based on concerns relating to noise, parking and privacy.

9 Kingsway Court - Supports application for increased hours.

## **APPRAISAL**

Principal of Development

The application site is within the development area of Cleethorpes (policy 5) and is currently a bar. The premises is located close to the resort area (policy 12) and Cleethorpes Town Centre (policy 23). It is not unusual to see outdoor seating associated with drinking establishments in this area as well as the wider resort.

The planning history is as noted and includes the previous permission for the use of the site as a bar subject to opening hours. It also included the use of the frontage for outside seating but subject to a temporary approval. The application seeks to renew the permission for the seating on a permanent basis removing the temporary nature of the

siting of the seating to the front and to extend the hours of opening for the premises to 12am, an increase of one hour.

### Visual Character and Heritage

The external seating area comprises of non-permanent furniture, which would be removed from the frontage each night. The impacts of it are therefore reversible and transient. The nature of the seating, tables and barriers are not an uncommon form of street furniture seen elsewhere in the resort and so, are not considered to be out of character.

The site is within Cleethorpes Central Conservation Area. The Heritage Officer has reviewed the details and raises no objections.

Therefore, it is considered that the proposal accords with policies 5, 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) in relation to design and heritage.

### Highways

The seating area does project from the front of the building but provides sufficient footpath to allow the free flow of pedestrian movement. The seating would not be on the adopted highway and on this basis the Highways Officer raises no objections.

It is noted that some neighbours have raised some concerns relating to parking and obstruction. However, this cannot be controlled by the planning process nor is this relevant to the application. It must be noted that the use of the premises as a bar has already been approved and been implemented.

Therefore, in highway terms it is considered that it accords with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

### Residential, holiday and business amenity

There have been numerous objections from neighbours surrounding the site along Kingsway and Brighton Street. These largely relate to noise and disturbance, smoke nuisance, anti-social behaviour, use of rear beer garden and frontage area, parking and privacy.

The extended hours of operation would see the premises open for an additional hour. It is important to note that the existing licensed premises above operates to 12 am already and that this is accessed via the ground floor for entry and exit. The premises operates under one premises license also and the bar is not separate in licensing terms. Moreover, there are other licensed premises in the locality which open to this time. Having regard to the close physical and operating relationship with the upstairs and the location of the premises it is not considered that there are grounds to object to the extended opening

hours. The Councils Environmental Health Officer raises no objection.

With regards to the external seating area to the front this is a common occurrence at licensed premises in the resort. Again, licence premises in close proximity have external seating areas. Having regard to the advice of the Environmental Health Officer no objections are raised to the retention of the frontage area though it is considered that this should have a 11.00pm limit after which chairs and tables shall be removed.

It is noted that the Environment Team have received some complaints relating to the rear beer garden and this has been investigated previously. As a result, some management and mitigation measures have been agreed and adopted for the site to include restricting the use of the rear beer garden after 9pm in order to reduce noise and disturbance to residents. It should be noted that whilst the ground floor premises can access this area it is an area which was already established and did not form part of the planning permission granted for the downstairs area. It is not therefore controlled by this permission.

Having regard to the above it is considered that subject to conditions that the proposal accords with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) in relation to amenity.

## **CONCLUSION**

The proposal would be in-keeping with the existing property, wider area and adjacent Conservation Area. The proposal would also not give rise to adverse impacts in terms of residential and business amenity. The application can therefore be approved in accordance with policies 5, 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018), and sections 12 and 16 of the NPPF 2021, subject to a number of safeguarding conditions.

## **RECOMMENDATION**

### **Approved with Conditions**

(1) Condition

The development shall be carried out in accordance with the following plan:

As approved under DM/0554/21/FUL;

Site Location Plan, Block Plan, Proposed Floor Plans and Elevations - 21022.010 REV B

Reason

For the avoidance of doubt in the interests of proper planning and in accordance with policies 5, 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted

2018).

(2) Condition

There shall be no loudspeakers or amplified entertainment used at anytime in any external location.

Reason

To protect the amenities of nearby residents in accordance with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(3) Condition

The premises shall not be open for trading outside the hours of 9am and 12am on any day.

Reason

Using the premises outside these hours would be detrimental to residential amenity by virtue of noise and disturbance and in the interests of character in accordance with policy 5, 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(4) Condition

The outside seating area, tables and associated screens and items hereby approved shall be removed from the frontage, and stored inside the premises, between 11pm and 9am the following day.

Reason

In the interests of protecting local amenity in terms of noise and disturbance and in the interests of crime prevention and safety and to accord to Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

## **Informatives**

### **1 Reason for Approval**

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or residential amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 5, 22 and 39.

2 Informative

Article 31(1)(cc) Statement - Positive and Proactive Approach

In accordance with paragraph 187 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner by determining the application in a timely manner.

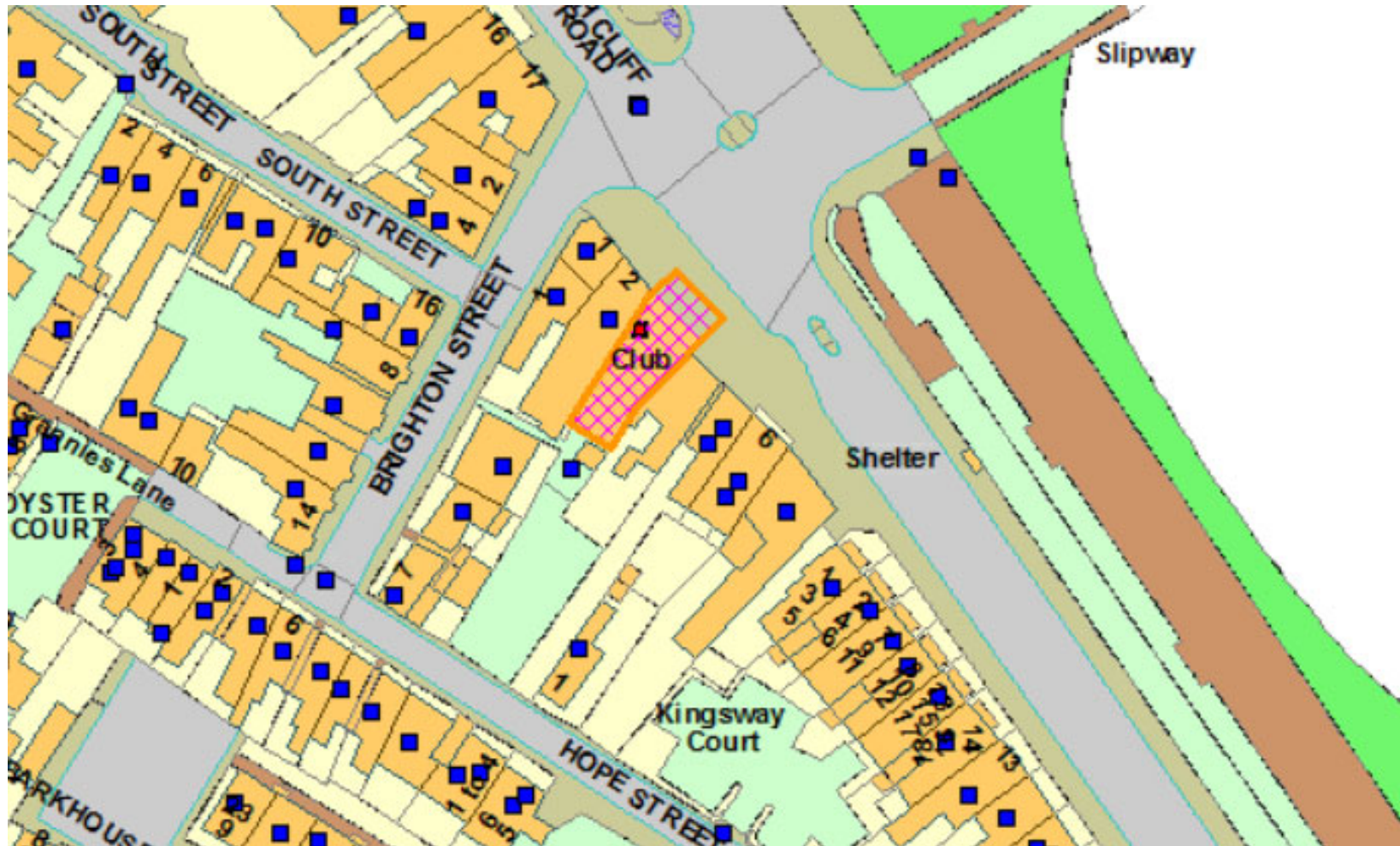
3 Informative

Please note that you may also require Building Regulations. You are advised to contact them in advance of work on site commencing (Tel: 01472 326289 - Option 2).

4 Informative

The outdoor seating must not be placed on the adopted highway at any time.

DM/0355/23/FUL – KINGSWAY CLUB, 3 KINGSWAY, CLEETHORPES



DM/0355/23/FUL – KINGSWAY CLUB, 3 KINGSWAY, CLEETHORPES



**PLANNING COMMITTEE - 14th June 2023**

**ITEM: 3**                      **RECOMMENDATION: Refused**

**APPLICATION No: DM/1098/22/OUT**

**APPLICATION TYPE: Outline Application**

**APPLICATION SITE: Land South Of Millennium Park, Humberston Avenue,  
Humberston, North East Lincolnshire,**

**PROPOSAL: Outline application to erect upto 80 dwellings to include public open space with green infrastructure and SUD's features, local area for play, landscaping and biodiversity enhancements with means of access to be considered**

**APPLICANT:**

S and M Hewson  
C/O Agent  
Floor 3 Calls Landing  
36-38 The Calls  
LS2 7EW

**AGENT:**

Mr Jay Everett  
Addison Planning Consultants Ltd  
Floor 3 Calls Landing  
36-38 The Calls  
Leeds  
LS2 7EW

**DEPOSITED: 19th December 2022**

**ACCEPTED: 6th January 2023**

**TARGET DATE: 7th April 2023**

**PUBLICITY EXPIRY: 12th May 2023**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 30th January 2023**    **CASE OFFICER: Jonathan Cadd**

**PROPOSAL**

Outline application to erect up to 80 dwellings, public open space, access, children's play equipment and drainage with all matters other than access reserved.

The application includes an indicative layout plan showing housing, access roads and open space within a layout that connects to the existing Millennium Park housing estate currently under construction. Indicative plans show housing positioned either side of a green wedge of land which connects to part of the amenity area approved as part of the earlier Millennium Park estate. Areas of swales and SUDs ponds are indicated along with



a pumping station.

A main access road would cross the site, east to west linking to Eagle Drive to the west of the site and Albatross Drive to the east. The development also shows a formal access to the Humberston Eco Conservation Centre to the south east. Also proposed is a formal public footpath across the open space to link with the existing route of the pathway.

As part of the proposal, a draft heads of terms for a section 106 is included for affordable housing, education and public open/space and play equipment.

The application is presented to planning committee at the request of ward Councillors Shreeve and Harness.

## **SITE**

The application site is positioned to the south of the existing Millennium Park housing development being built out by Persimmon Homes and Charles Church, accessed essentially off Humberston Avenue (via Parkland Avenue and Fairway Drive). The site has an approximate area of 3.5 ha and is of an irregular shape. The site is presently vacant and as such is grassed but appears as un-maintained scrub land. Ground levels are flat but appear approximately 0.5m below the built up ground levels of houses at Albatross Drive and to a lesser extent Eagle Drive which are both in the final phase of the original planning permission to be built out. A public footpath (no. 59) runs through the site centrally. To the west of the site is an informal footpath that will also extend across the site. To the south, the site is bound by hedging and tree planting which was installed as part of the original Millennium Park development and wider screening to the development area.

Directly to the north of the application site are houses which front onto the proposed development from Eagle and Albatross Drives. These are a mixture of detached and semi detached dwellings of a brick and tile (Eagle Drive) and Stone and tile (Albatross Drive) finish. Centrally between these two areas will be an extensive area of open space that extends almost the full depth of the original estate northwards toward Humberston Avenue. This area also doubles up in extreme rain fall events as drainage basins. Various road linkages between the two parts of the housing estate extend across this open space area.

To the west is the Par 3 housing estate. The Beeches is a development of mainly detached houses at this point. These properties either side or back onto the application site and are again positioned on slightly higher ground than the current application site.

To the south are varying areas of planted landscaping, some areas are more formalised than others but which appear as a single link/ landscaped screen to Enfield Avenue, Par 3 (inc The Beeches) and Millennium Park. This includes hedging, trees, a ditch system, pond and an informal footpath. As part of this area linear and diamond shaped planted areas have been formed along with a small wooded copse. Also to the south of the site is

the Humberston Eco Conservation Centre a site made up of a large fishing type lake, trees and a small number of portable buildings, parking and access drive. The current access to the site is via a stoned driveway to the east of the application site and the existing Millennium Park housing estate.

As noted to the east of the site is the current access to the eco centre whilst beyond this is open farmland.

The site is located outside the development area as defined by the North East Lincolnshire Local Plan 2013-2032 (adopted 2018). The site is within Flood Zone 1.

## **RELEVANT PLANNING HISTORY**

The planning history to the site is important and has some bearing on the development of the actual site and that of the main Millennium Park development. A large number of applications seeking discharge of conditions which relate to the adjoining site are noted but those most relevant to the proposal are as follows:

DC/268/13/HUM Hybrid application for the erection of 339 dwellings(C3), a primary school(D1), a community building(D1), allotments, play areas, landscaping, new access & associated on-site infrastructure (Outline). Also the erection of 46 dwellings (C3) with associated landscaping & access (Full). Allowed at appeal June 2014 ref. APP/B2002/A/13/2203957.

This approval at appeal is of relevance as it included the current application site as an area of housing and open space. This can be seen on attached plans. Of note is the designated land for a school and associated playing field which in the end the education authority deemed unnecessary.

DM/0850/15/FUL - Erection of 62 dwellings with associated access, open spaces, landscaping and infrastructure (Phase 1). Under consideration. This includes the other proportion of the site, previously identified as the 'full' element of the earlier scheme(DC/268/13/HUM), phase 1. Approved.

DM/0851/15/REM Reserved matters pursuant to planning application DC/268/13/HUM (Hybrid application for the erection of 339 dwellings(C3), a primary school(D1), a community building(D1), allotments, play areas, landscaping, new access & associated on-site infrastructure (Outline). Also the erection of 46 dwellings (C3) with associated landscaping & access (Full)) for 323 dwellings with associated open space and landscaping. Approved.

These two applications are relevant as they relate to the development now being completed at Millennium Park and importantly reduced the physical area of development at the site from that approved at outline to a smaller area now seen under construction leaving the present application site area undeveloped in what the current application terms 'reserve land'. Through the increase in density the full 385 dwellings approved at

outline were accommodated within the smaller area and as such it is accepted that the current application site has no extant permissions upon it.

## **RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS**

### National Planning Policy Framework (2021)

- NPPF2 - Achieving sustainable development
- NPPF5 - Delivering a sufficient supply of homes
- NPPF8 - Promoting healthy and safe communities
- NPPF9 - Promoting sustainable transport
- NPPF11 - Making effective use of land
- NPPF12 - Achieving well designed places
- NPPF14 - Climate, flooding & coastal change
- NPPF15 - Conserv. & enhance the natural environ.
- NPPF16 - Conserv. & enhance the historic environ.

### North East Lincolnshire Local Plan 2013-2032 (adopted 2018)

- PO2 - The housing requirement
- PO3 - Settlement hierarchy
- PO4 - Distribution of housing growth
- PO5 - Development boundaries
- PO6 - Infrastructure
- PO15 - Housing mix
- PO17 - Housing density
- PO18 - Affordable housing
- PO22 - Good design in new developments
- PO33 - Flood risk
- PO34 - Water management
- PO36 - Promoting sustainable transport
- PO38 - Parking
- PO39 - Conserve and enhance historic environ
- PO41 - Biodiversity and Geodiversity
- PO42 - Landscape
- PO43 - Green space and recreation

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the area is comprised of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

## **REPRESENTATIONS RECEIVED**

Humberston Village Council: Object - The Village Council supports the many objections shown on the planning portal and reiterate its statement that, as the fastest growing area in the NE Lincs borough, only slightly below Immingham in terms of size, but without comparable facilities and infrastructure. The Village Council wishes its voice to be heard with regard to planning comments and especially with regard to additional housing in the Village. The Village, in their view simply cannot sustain any further extra housing without upgrading of infrastructure. Despite changes it is considered that the number of houses proposed would be an over development of the site.

East Lindsey District Council: No objection.

Environment Team: Air quality assessment is required to model change in pollution levels at relevant receptors both during operational and construction phases. Mitigation measures should be supplied if required. Electric car charging points are required and construction management details, including hours of operation.

Anglian Water: (in summary) Confirm there is capacity within the foul treatment works at Tetney and the drainage network for the additional flows generated. Object to the proposal to connect the surface water drainage to the adjacent site sewers and further details are required to resolve this with Anglian Water and the Lead Local Flood Authority (LLFA). Also confirm AW infrastructure is located on or close to site.

Police Liaison Officer: (in summary) Provides detailed advice on the layout of the site including the vulnerability of garage courts and their attraction for those seeking to undertake anti social activities but also the need for all elevations facing public open space to have windows overlooking such areas. Advice also on boundary treatments and defensible space.

Civic Society: Object - Consider the area is a natural habitat for specific wildlife, which is an asset to the current site. Whilst welcoming the inclusion of greater public open space, landscaping and biodiversity, the extra vehicular traffic placed onto already insufficient infrastructure is not a viable option. They consider that the development without sufficient improvement to infrastructure should be opposed.

Natural England: Originally objected due to the lack of a Habitat Regulations Assessment (HRA). Concerns are raised due to the proximity of the site to the Humber Estuary SPA/RAMSAR, a SSSI. There are concerns that the site is functionally linked to the estuary and could be utilised by the protected birds during high tide times with its loss potentially affecting the sustainability of the designated feature. Following the submission of a HRA further assessment is required as it has evidence of protected species close to the site. An assessment of recreational impact from the development on Cleethorpes is required due to the increase in generated visitors numbers to Cleethorpes and Humberston and in combination assessments are required.

Highways: The Transport Assessment has been fully assessed and it is not considered that the level of trips generated would have a severe impact on highway safety and capacity. Additional information on the proposed access points to Albatross and Eagle Drives has been received and is now deemed acceptable.

Trees and Woodlands - (in summary) Originally raised concerns as to the levels of landscaping provided and whether this would effectively soften the transition from open space to urban area. Also outlined concerns over the loss over the views through the open space into the countryside beyond. Also the lack of detail reference the species proposed and dimensions make any detailed assessment difficult. Following submission of revised plans, the increased in landscaped areas to the edges of the site and opening of a small open wedge to connect to the main site are beneficial but remaining comments still stand.

Heritage Officer - No input required.

Humberside Fire and Rescue - Provides advice on access from high reach appliances and water supplies.

HSE - (In summary) Due to the nature of the development the proposal does not fall within the remit of the Health and Safety Executive.

Public Rights of Way - Originally raised concerns at the location of the footpath but the revised plans submitted eased concerns and results in a no objection response subject to details and finishes of the proposed footpath. Whilst construction is on-going the footpath will need to be closed and advice notes are recommended.

Environment Agency - Does not wish to make comment.

Drainage - Request conditions but would prefer greater sustainable attenuation.

Cllr Call in Request - Cllrs Shreeve and Harness

Objections from the following addresses:

8, 14 (x3), 24, 26, 31, 32 (x2), 35, 45(x2), 47 Clubhouse Way

5(x2), 9 (x3), 11 (x3), 15 (x2) , 17 (x2), 18, 19 (x2), 21 (x2), 22, 25 (x2), 27, 28 (x2), 30 (x2), 35, 36(x2), 37 (x2), 39, 41, 43, 44, 47, 48, 50 (x3), 51 (x2) 52 (x2), 56 (x2), 62 Albatross Drive

5 (x2), 17, 30 (x5), 31, 32, 34 (x2), 35, 47, 53, 62 Eagle Drive

7, 15, 25, 33, 51, 53, 59 Parklands Avenue

9, 17, 21 (x3), 24, 48, 56, 58 Fairway Drive

3 (x3), 23 Green Lane

31 (x2), 33 (x2), 35, 51, 59 (x2) Heathland Way

Plots 129, 343(x2), 344, 345, 348 (x3), 370 Millennium Park

Lindum Villa, Townside East Halton (x 6) (purchasing plot on existing estate)

Rose Cottage Couplands Court Ludford (purchasing plot on existing estate)

5, 8, 9, 16, 18, 20 (x4), 22 (x5) The Beeches

17 The Birches

9, 30, 44 The Rowans

4 (x2) The Cherries

3, 4, 5, 6, 9, 14 The Maples

119 Humberston Avenue

DSV Road Ltd, Eastfield

12 Rosedale Waltham (works on Millennium estate)

31 Priors Close

35 Links Drive

94 Grove Crescent (x2)

31 Marlborough Way

12 Pendeen Close

16 Newlyn Close

20 Charles Avenue

140 Legsby Avenue

Broadly on the grounds of:

- Loss of countryside and green space;
- Overdevelopment;
- Lack of housing need;
- Impact on wildlife;
- Continued disruption from building works, litter, noise and impacts on health;
- Impact on infrastructure (roads, dentists, schools, GP's);
- Impact on drainage and potential flooding (current site floods);
- Increased traffic, parking and safety concerns (plus footpath closure during works again);
- Increased pollution and loss of amenity;
- Impact on views and character of area;
- Loss of landscape/green space - and merging of settlements;
- Poor design and residential amenity;
- Devalue house prices;
- Environmental impacts;
- Increased health and safety issues;
- Outline nature of application and accuracy of plans questioned;
- Construction quality;
- Sales assurances over further development.

## **APPRAISAL**

### Main Issues

- 1) Planning policy considerations, character and sustainability.
- 2) Design and layout.
- 3) Access and parking.
- 4) Residential amenity.
- 5) Ecology.
- 6) Drainage.
- 7) Infrastructure.

### Appraisal

- 1) Planning policy considerations, character and sustainability

The North East Lincolnshire Local Plan 2013 - 2032 (adopted 22nd March 2018) NELLP - seeks to promote sustainable residential development and meet the housing needs of the Borough. The locations and scale of development is directed through policies 3 and 4 and

seeks to be commensurate to the scale, services, facilities within existing settlements (development area) and connections to the wider area. The settlement of Humberston (policy 3 - level 2 settlement) is a key local service centre offering a good range of basic services and amenities combined with accessibility to greater services within the wider area. Policy 3 notes development will principally be focused upon greenfield sites adjacent to but within the defined settlement boundary; with 30 - 35% of new homes expected to be constructed in and on the fringes of the settlement (policy 4).

The current application is located on an unallocated site outside of but adjoining the development area of Humberston (to the north is the allocated housing sites of Millennium Park and the Par 3 to the west). To the south, south west and east is open countryside. As such, the proposal would be located within open countryside where development is generally restricted. Policies 3 and 4 of the NELLP don't justify general housing in the open countryside.

The NPPF requires local planning authorities to provide a 5-year supply of housing land. The published position, April 2023 (North East Lincolnshire Five Year Housing Land Supply Assessment 2023 published in April 2023) is that NE Lincolnshire has 13.1 years' worth of deliverable housing sites and as such the tilted planning balance in favour of sustainable housing development is not activated. As such the 2023 five-year supply assessment demonstrates a supply far in excess of the five-year housing requirement and no additional houses are required to meet need and any development should therefore be determined in accordance with NELLP policies.

In terms of the designation in the North East Lincolnshire Local Plan (NELLP) the site is outside the defined development boundary and is therefore in open countryside. As stated Policies 3, 4 and 5 in the NELLP play a key role in defining the spatial strategy. Of these, Policy 5 says that development beyond a development boundary will only be supported where it recognises the distinctive open character, landscape quality and role these areas play in providing the individual settings for independent settlements, and where it falls under one of five criteria. These are rural diversification; development of local services and community facilities; leisure and tourism; affordable housing to meet specific local needs; or development specifically identified through a neighbourhood planning process.

The proposal for market dwellings would not meet any of the relevant criteria of Policy 5, and in this respect, there would be conflict with the spatial strategy of the development plan.

The proposal would extend into the rural landscape beyond Humberston resulting in a visual intrusion which would be detrimental to the character and value of this countryside location. Due to this extension into the rural landscape the housing created would be more prominent when compared to the existing. The loss of the field and its replacement with an extension to the housing estate would, fail to have regard to the intrinsic character of this countryside location. What will be diminished is the sense of open countryside both visually and in terms of how the site and its surroundings are experienced.



The applicant has provided an indicative site plan for the development, landscape master plan, design and access statement and Landscape Visual Impact Assessment to support the proposal. The plan has been amended since originally submitted and now seeks to present housing to the southern sections of the existing Millennium Park development with a 60m centralised gap of open space proposed to adjoin the wider open amenity areas currently under construction to the north. The applicant has sought to place the proposed development within the original larger red edge approved under the now expired outline permission granted through appeal in 2014 (DC/268/13/HUM). Whilst this is true it also exhibits significant differences in areas covered by development, with the original scheme including significant additional areas of open space. Whilst this permission has expired it is reasonable to take account of the fact that the Planning Inspector at that time considered that the proposal did not detrimentally impact on the character of the area. In doing so, it is worth reiterated that that permission has now expired, a reserved matters application for a smaller area, albeit with a greater density has been approved and built and the development area boundary with the current NELLP drawn to the current extent of the Millennium Park estate. As such no further development of this area is now anticipated. This and the differences between that expired scheme and that now proposed will be considered within the assessment below.

The main visual receptors at the site are from the existing formal and informal footpaths which extend to the south, west and east of the site and into the wider countryside beyond, the Eco Centre land, views from footpaths and future open space within the existing estate to the north and finally from existing houses both within Millennium Park and indeed the adjoining Par 3 development.

The impact of the development from longer distance receptors, across open agricultural fields to the south would include some change, through housing being brought further towards the landscaped boundary of the wider site, strengthening the urban feel/ edge to the development though this would be seen in the context of the existing development at Millennium Park and Par 3 to the west. Change therefore to this more sensitive but unprotected/ designated area would be apparent when viewed from footpaths in East Lindsey and from NELC Footpath FP58/59.

Closer to hand is the informal but actively used pedestrian routes and footpaths, created by the wider Millennium Park development through the landscaped buffer created. Here, the development would extend out towards the open space which despite the indicative proposed landscaped area would nevertheless urbanise this area detracting from its pleasant open character. In addition, unlike the previous, expired outline permission, the central section of the site would be developed projecting out into the countryside by approximately 40m to the west but perhaps more significantly enclosing the Eco Centre and open areas outside of the application site to the east. This would significantly detract from the open rural character of these areas which are used by the local and wider population for amenity, engagement, and support. Previously, the expired 2014 outline permission either had this area demarcated for a primary school and school field or open areas linked to the original iteration of the Eco Centre. Such areas would therefore have

effectively been mainly open or with substantial areas of open space for education. Such development would not have encroached or enclosed the remaining open areas as now suggested. Equally, the site in its current state and although not maintained currently forms a substantive buffer of open space between these footpaths/ open area/ eco centre from the existing houses to the north. The area softens views of Millennium Park which would be lost if this site was developed. The proposed open gap despite its proposed 60m width, would be substantially less than the approximate 117 - 158m open gap experienced now. This represents a substantive change and a deterioration of character for users of these areas.

The development, however, is also viewed from the existing Millennium Park estate and importantly from its open space (which has yet to be formally laid out). Here the users of the area and indeed footpath FP58 would view the site and indeed open space as a part of an integral green wedge that widens out to the south to meet the open countryside beyond. The undeveloped nature of the site, whilst not formalised aids the transition from open amenity space to countryside, drawing the countryside into the development. It is clear from 2015 reserved matters approval submission that the design of the Millennium Park estate envisaged this substantial opening out of the estate allowing and connecting views from and of the countryside beyond into the estate, the wedge and the current site being intrinsically connected areas. The finish and design of the existing development responds to this. The lack of a housing policy allocation in the NELLP supports this too. The proposed development with its limited 60m gap would substantively close this wedge to a narrow gap eroding the character and visual amenity of the open space, for users of this open area, the houses that face onto it and the users of the footpath through the site impacting on all of these receptors in a negative manner. It is noted that recreational users of such areas and home occupiers have a high degree of sensitivity to change increasing concerns further.

The fact that the outline permission has expired, and the application site was not included as part of the development areas of the Local Plan 2013 - 2032 (adopted 2018) is such that future occupiers of the remaining sections of Millennium Park have a reasonable expectation of no further development in this area, and an expectation that the prevailing character of the countryside will be protected. The development being implemented has clearly been designed and laid out to respond to this setting.

As noted above the NELLP policy 3 accepts that the settlement of Humberston, is a good sustainable settlement with a good range of basic services and amenities and good accessibility to the wider area however this site falls outside the development boundary and on the periphery of the existing development and some distance from local services, community facilities and bus stops. It is not considered that pedestrian distances to these facilities are reasonable and will encourage the over use of the private car. This further undermines the sustainability of the development. The planning history as stated in the report must be acknowledged and that part of the site was to be developed for housing, but this has lapsed. Also, the development of housing on this area was only a smaller part of a larger estate most of which is more central and accessible. Even ignoring the fact that it has lapsed it is not considered that the planning history makes the case for the

now larger amount of residential units in such a peripheral location.

## 2) Design

In terms of detailed design, the application is in outline form with design reserved for later consideration. Nevertheless, the creation of 80 units within the site area in part is likely to lead to one of a cramped appearance and character. This is evident through the proposed enclosure of the open space wedge and can also be seen in parts of the indicative layout with flat blocks and the rear gardens of houses being required to face onto the fronts of existing houses in a poor layout form. Whilst reserved, the limited width of the site in the south eastern corner will limit design options creating either an unacceptable outlook to existing built areas or indeed the Eco Centre to the south. Equally as noted above the proposed narrowing of the open space gap/ wedge to accommodate 80 houses is harmful.

The applicant has sought to meet some of a council's landscape character and concerns through removing a central section of the housing to create a 60m wedge between the housing areas. Whilst this has only been partially successful, as noted above, it has increased landscaped areas connected to the main Millennium Park development to the north. Similarly, additional areas have been formed to the south western edges of the development which has allowed more potential tree and hedge planting to be provided. This area is also important for drainage where a storage basin and swales are shown.

Overall, however it is considered that the proposal would have a detrimental impact on the character and design of the area, the visual amenity of occupiers (but also their residential amenity) and recreation uses of existing open spaces, footpaths and trails in the immediate area both to the north, south but also within the immediate adjoining areas contrary to policies: 5, 22 and 42 of the NELLP.

## 3) Access and parking

The site would be connected to the wider estate network at Eagle and Albatross Drives with a link road to the central area assisting to draw traffic from both sides of the site in equal levels. Although many objections have been received on the basis of traffic through the existing estate the proposed width of roads (5.5m) with pavements (2m wide) on each side and geometry of such the roads are such that this would not lead to severe impact on traffic levels nor highway safety issues. As such the highway authority have indicated that they cannot justify a reason for refusal on these grounds.

Similarly, once through the estate, traffic would enter Humberston Avenue by either two access points, Parklands Avenue or Fairway Drive with two further directional options possible, to the east or west. Again, it is anticipated to that traffic will be drawn in roughly equal levels reducing additional impacts on capacity and safety. The applicant has submitted a Transport Statement (TS) which has assessed, existing traffic flows and capacity at junctions to Humberston Avenue, highway safety but also includes committed development in the area. This shows with the improvements to the highway network

already made and that additional flows from this development 41 (two-way movements in a morning peak) and a similar no. (42) in an evening generated by this development could be safely accommodated onto the network and within the capacity of junctions.

Similarly, once past these points the levels of traffic generated in addition to existing traffic levels and those from committed development would not be at such levels to require additional assessment of junctions beyond this point. The Highways Officer has considered the Transport Assessment and the impacts of an additional development on the wider transport network and do not consider the proposal would have a detrimental impact on safety nor capacity of the network.

The detail of parking areas cannot be fully assessed at this point, but it is envisaged that as a minimum all houses would have at least two car parking spaces. Given the nature of the area, this would accord with those found in similar areas including Millennium Park.

A travel plan has been submitted however, and this seeks to promote sustainable transport through information packs to new home owners, (maps, timetables etc) but also transport initiatives such as car share schemes, ride/ walk to school initiatives.

#### 4) Residential amenity

As this is an outline application, with the detail of any scheme reserved and any assessment of the impact on amenities will be at a high level only. Nevertheless, the applicant has confirmed that houses and flats would be mainly two storeys in height, with a smaller number of three storey units which would be in keeping with the surrounding area and would assist to maintain the amenity of existing neighbours.

Concerns are raised with the impact of additional traffic on the amenity of neighbours due to the increases in traffic. Whilst accepting there will be impacts from additional traffic with some noise and nuisance to existing residential areas it is not considered that level generated by 80 houses in this instance would unacceptably impact on residential amenity, particularly as any additional traffic would be split between the two sides of the Millennium Park dissipating activity, noise and nuisance and indeed on the wider Humberston Avenue area too. Within adjoining roads houses are generally set back with front gardens/ driveways to the frontages and 2m wide pavements to the road further reducing impacts.

The indicative layout plan provided shows how a housing layout for up to 80 dwellings could be accommodated within the area designated. That is not to say the layout is acceptable, currently houses to Albatross Drive would be faced with rear and side elevations of new properties in relatively close proximity providing a poor outlook to these occupiers who clearly currently anticipate open views across to the Eco Centre and this is deemed unacceptable. Similarly, to Eagle Drive, to limit access connections, a dual driveway proposal is shown, rather dominating the outlook. Whilst it is accepted that some of these issues could be resolved at reserved matters stage the area particularly to the south east is tight and as noted above limits options and perhaps indicates the

proposal is an over development of the area contrary to achieving acceptable residential amenity under Policy 5 of the NELLP.

In relation to air quality the comments of the Environmental Protection Officer are noted. In discussion with that team, they indicate that an 80 dwelling development would only just meet the thresholds for requiring an air quality assessment and given the nature of the surrounding area it is highly unlikely that any air quality thresholds would be breached as a result of the proposal. Matters in this regard could be addressed through a condition requiring an Air Quality Improvement Plan. Measures could take the form of enhanced landscaping close to streets, a travel plan promoting sustainable transport and EV points at dwellings.

#### 5) Ecology

The applicant has undertaken a biodiversity net gain assessment, and this shows, subject to detailed plan an 20% increase in biodiversity. This is supported by the Council's ecologist. The applicant has also provided a number of ecology surveys indicating the site is of limited value in terms of ecology. The site at the time of a site visit was a mixture of rough grass land, brambles and boundary hedges. Although fenced off from the site, the adjoining housing development was encroaching into this area further eroding its quality.

Despite being some distance from the Humber Estuary (4km), Natural England has raised concerns over whether the site is used by protected species from the Humber, but further information has allowed this concern to be removed. Despite this concern remains on the basis that the scheme would potentially increase pressure on the estuary through increased visitor pressure to Cleethorpes and Humberston (due to surveys showing 50% visitors to these areas travelling from areas only 4.2km from the estuary). Whilst the focus of the resolution of this concern is on the potential of the Cleethorpes Habitat Management Plan and the provision of recreation and general open space for the site this has not yet been agreed and Natural England remains concerned that the proposal does not fully address potential adverse ecological impact on the protected Humber Estuary. As a result, the proposal fails to meet the requirements of Policy 41 of the NELLP.

#### 6) Drainage

The site is located within Flood Zone 1, but a flood risk assessment is required for development over 1 ha. The application is supported by a flood risk assessment to show it would not generate flooding elsewhere on adjoining sites. Similarly, the development has included a drainage assessment and draft scheme proposals. This shows that greenfield runoff rates are currently 12.8ls for the site. As the site has limited infiltration indicative proposals by the applicant show a scheme of swales and an attenuation basin which would then lead to a pumping station to pump water to the Millennium Park drainage system (which itself includes a large SUDS/ attenuation features) before existing into the Humberston Avenue network at 23 l/s as agreed through the previous approvals. To ensure the existing drainage system at Millennium Park can cope with the

water flows, the applicant indicates flows would be limited 12.8l/s. However, the scheme has not been designed to a level to provide sufficient comfort that the drainage scheme will be acceptable and additional information has been requested by the Anglian Water and additional attenuation is required by the Drainage Officer. Whilst it may be possible to overcome this concern currently the scheme fails to demonstrate that acceptable surface water drainage can be achieved contrary to Policy 33 of the Local Plan.

## 7) Infrastructure

Policy 18 of the NELLP requires developments to provide affordable housing to the levels required subject to an assessment of the development's location regarding Housing Market Value Areas. The development site falls within a high market value site and is a greenfield site. As such a 20% affordable housing contribution is required. The applicant has accepted this and proposes a draft s106 Head of Terms document with 16 houses (20% of 80 homes) within it. No trigger is proposed but this could be resolved through any s106 legal agreement.

Similarly, the applicant seeks to provide a contribution to mitigate the impact on educational facilities at both primary and secondary education provision in the area in accordance with policies 5 and 6 of the NELLP. The Council's education team have supported the provision of a contribution, and this can again form part of a s106 legal agreement.

The applicant has proposed open recreational space, a LAP and LEAP playground area to accord with policy 43 of the NELLP. This is acceptable under the Policy.

## **CONCLUSION**

The proposal is not required to meet housing need within NE Lincolnshire and is located outside the development boundary where it would have a detrimental impact on the character and design of the area, sustainability and amenity and is contrary to policies, 3, 5, 22 and 42 of the NELLP. In addition to this, until final confirmation from Anglian Water, the drainage team and Natural England is received, a technical reasons for refusal on surface water drainage and impact on the Humber Estuary are also recommended as the scheme would be contrary to policies 5, 33 and 41 of the NELLP.

## **RECOMMENDATION**

### **Refused**

- (1) The proposed development is located outside of the development boundary as

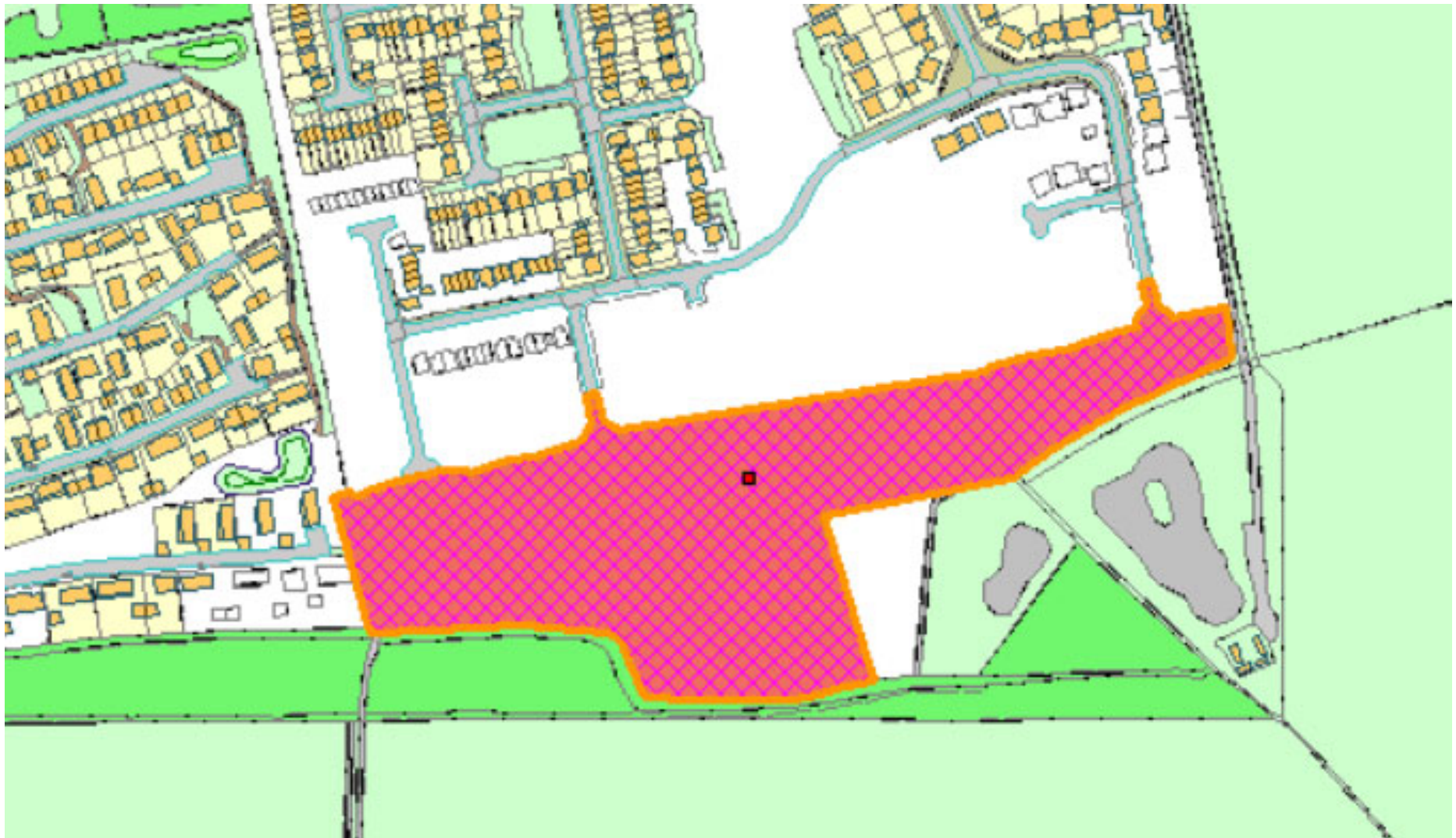
established through the North East Lincolnshire Local Plan 2013 -2032 (adopted 2018) and shown upon the proposals map and within open countryside. The development is not supported by exceptional reasons to allow the development within the open countryside. North East Lincolnshire has more than a 5 year supply of housing land. As such the proposal is not required to meet housing need and its location extending into the open countryside causing visual harm and resulting in an unsustainable residential environment would be contrary to policies 3 and 5 of the North East Lincolnshire Local Plan 2013 -2032 (adopted 2018) and advice in the National Planning Policy Framework.

(2) The proposed development would extend out into the open countryside and detract from the rural character of the area enjoyed by amenity users of the formal and informal designated footpath network, Eco Centre and amenity areas by urbanising and enclosing such areas. In addition views from within the existing development area, amenity open space wedge, footpaths and existing dwellings would be substantially eroded and enclosed by development representing an over development and in areas a poor design which would detract from the visual character of the area and residential amenity contrary to policies: 5, 22 and 42 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018) and advice in the National Planning Policy Framework.

(3) Sufficient detail has not been provided to demonstrate that the surface water drainage scheme would not led to surface water drainage issues within the wider area. Nor does the development demonstrate an acceptable form of sustainable urban drainage. This is contrary to policies 5 and 33 of the North East Lincolnshire Local Plan 2013 -2032 (adopted 2018) and advice in the National Planning Policy Framework.

(4) Sufficient information has not been provided to determine that the proposed development would not have a detrimental impact on the protected Humber Estuary SSSI, RAMSAR/SPA site by reason of additional activity and pressure from visitors numbers within areas of Cleethorpes and Humberston contrary to policies 5 and 41 of the North East Lincolnshire Local Plan 2013 -2032 (adopted 2018) and advice in the National Planning Policy Framework.

DM/1098/22/OUT – LAND SOUTH OF MILLENNIUM PARK, HUMBERSTON AVENUE, HUMBERSTON





DM/1098/22/OUT – LAND SOUTH OF MILLENNIUM PARK, HUMBERSTON AVENUE, HUMBERSTON



**PLANNING COMMITTEE - 14th June 2023**

**ITEM: 4**                      **RECOMMENDATION: Approved with Conditions**

**APPLICATION No: DM/0879/22/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: Land off Lambert Road and Ainslie Street, Grimsby, North East Lincolnshire,**

**PROPOSAL: Erect six apartments, two dwellings with associated boundary treatments and parking areas, with associated works**

**APPLICANT:**

Mr Vikash Jayaswal  
Galaxy Makeovers Ltd  
28 Tesla Court  
Innovation Way  
Peterborough  
PE2 6FL

**AGENT:**

Mr Matt Deakins  
Ross Davy Associates  
Pelham House  
1 Grosvenor Street  
Grimsby  
North East Lincolnshire  
DN32 0QH

**DEPOSITED: 27th September 2022**

**ACCEPTED: 30th September 2022**

**TARGET DATE: 25th November 2022**

**PUBLICITY EXPIRY: 10th March 2023**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 24th October 2022**      **CASE OFFICER: Jonathan Cadd**

**PROPOSAL**

The application seeks permission to erect 6 apartments (effectively 1 bedroom maisonettes) and 2 two bedroom dwellings with associated access and parking.

As a corner site, the development is essentially in two blocks. The front two storey block would accommodate 6 apartments and front Ainslie Street with a rear wing facing Lambert Road. The frontage building would effectively re build the previous terrace properties similar to the existing structures to the south, albeit in apartment form. A second detached block would be placed to the rear of the site in the form of a two storey block of semi-detached dwellings. These would face Lambert Road.

Due to flood risk, the structures would have a raised internal floor areas.

Access to a communal car park would be from Lambert Road with one space per unit with two front garden spaces being exclusively available for each of the semi-detached dwellings.

The application is brought to committee due to the number of objections received.

## **SITE**

The site is a vacant corner plot fronting Ainslie Street and Lambert Road. Historically an end terrace block of two dwellings, it has been a vacant site for at least 30 years following demolition of these structures. Ground levels are flat and the only features on site being two large mature trees which front Lambert Road. These trees are subject to tree preservation orders. Currently there is no access to the site for vehicles although again historically it is known there was an access to a garage at Lambert Road.

Immediately to the south is a row of terrace houses of which no. 86 adjoins the site. As a former terrace house the main flank wall is blank but the rear wing has a number of windows within it to a kitchen, dining room/ family room and at first floor a bedroom and bathroom. A 1.8m high fence screens the site from the rear garden of this dwelling. To the west across the rear access alley (to the houses fronting Ainslie Street) is a two storey end terrace property 48 Lambert Road. Positioned at 90 degrees to the application site this Victorian dwelling has been extended to the rear with a significant two storey extension. Whilst the original flank wall of this property is again blank, the rear wing has a multitude of windows positioned within the extension which face east. Opposite north, across Lambert Road are variety of residential dwellings to Lambert Road and Ainslie Street. Similarly, to the east across Ainslie Street are further terraced properties.

On street parking is available to Lambert Road but is in high demand, none is available on Ainslie Street.

The site is not formally designated within the Local Plan, other than being within the development area of Grimsby but is located within Flood Zone 3.

## **RELEVANT PLANNING HISTORY**

The site has been subject to a large number of informal proposals but the only application submitted included:

45039 Demolish 82 and 84 Ainslie Street and erect 4 flats, part demolish 86 Ainslie Street and convert to 4 flats and car park. Withdrawn at applicant's request.

## **RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS**

### National Planning Policy Framework (2021)

- NPPF2 - Achieving sustainable development
- NPPF5 - Delivering a sufficient supply of homes
- NPPF9 - Promoting sustainable transport
- NPPF12 - Achieving well designed places
- NPPF14 - Climate, flooding & coastal change
- NPPF15 - Conserv. & enhance the natural environ.
- NPPF16 - Conserv. & enhance the historic environ.

### North East Lincolnshire Local Plan 2013-2032 (adopted 2018)

- PO2 - The housing requirement
- PO4 - Distribution of housing growth
- PO5 - Development boundaries
- PO17 - Housing density
- PO22 - Good design in new developments
- PO33 - Flood risk
- PO36 - Promoting sustainable transport
- PO38 - Parking
- PO39 - Conserve and enhance historic environ
- PO41 - Biodiversity and Geodiversity
- PO42 - Landscape
- PO34 - Water management

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the area is comprised of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

## **REPRESENTATIONS RECEIVED**

Heritage Officer: (in summary) Ainslie Street frontage was originally built upon and the proposed development is sympathetic to the original designs so is welcome. Rear development within the grounds of the original houses could be seen as a light over development but on balance there is no objection.

Environmental Protection: Request hours and days of construction, construction method statement and EV charging points.

Environment Agency: Originally objected on flood risk grounds but following alterations and subject to a condition that works be completed with suitable mitigation (including raised floor areas) objection removed.

Drainage: Originally recommend surface water drainage conditions, no raising of ground levels and no surface water onto highway but further drainage details provided and are now deemed acceptable.

NE Lindsey IDB - Not in area so no comments.

Cadent Gas: No objections.

Trees and Woodlands: Trees on site subject to the TPO protection - there is a real concern that these trees could be damaged and so tree report and constraints plan required. This has now been received and although concerns remain, subject to conditions the site can be developed without harm to trees.

Public/ site notice/ neighbours:

2 Lampton Grove (x2)

Flat 2 rear of 94, 65, 98 (all three residents) Ainslie Street

26, 48 (x2) Lambert Road

Objections/Representations broadly on the grounds of:

- Lack of on street parking already and this will increase the heavy competition for spaces significantly and at the same time physically reduce space available through access points proposed. Some residents are disabled and designated space markings cannot be afforded.
- Unstable land - unsuited for development - lead to remedial works by Council over years. Old stream is under site, which caused the collapse of the original buildings on site. Building on this site will cause increased pressure on land and push water from stream elsewhere creating structural problems for adjoining dwellings.
- Most of the adjoining properties affected by damage from trees yet proposals are for houses close to trees.
- Overlooking and loss of light to adjoining properties (living areas, kitchens, bathrooms and bedrooms for example. Adjoining gardens are positioned at a limited distance from the proposed houses.
- Construction will damage existing houses - already heavy vehicles shake and vibrate houses with plaster coming off walls.
- Occupiers of apartments could lead to anti-social behaviour - should be family houses only - too many HMO's in area.
- Heavy flooding of area in 2007, 2014 and 2015.
- Drainage capacity concerns.
- Previous applications refused on the lack of drainage capacity for foul drains and yet flat developments allowed along Ainslie Street - situation is now worse - so no more should be allowed.

- The rear development would enclose the rear access alley to the flats beyond making it less safe. Previous application requirements (conditions) have not been undertaken nor enforced against. Lane has subsided due to drainage. Need to think about impact on future users and require enhancement.
- Raise concerns over fraud.
- Bin storage is an issue already on bin days limiting ability to leave the site via the alley. This is a safety concern if more bins are left in area of the rear access passage.
- Disruption and danger during construction.

## **APPRAISAL**

### Main issues

- 1) Planning policy issues
- 2) Design, character and trees
- 3) Residential amenity
- 4) Drainage, flood risk and subsidence
- 5) Highway safety and parking
- 6) Other

### Appraisal

#### 1) Planning policy issues

The site is located within an existing residential area of central Grimsby in relatively close proximity to the town centre and all its facilities, links, jobs and services and is therefore considered sustainable. In addition, it is located within the designated development area of Grimsby within the NELLP. A new windfall infill development for up to 8 residential units therefore assists to meet housing need for NE Lincolnshire in a sustainable location and as such accords, in principle with policies: 2, 3 and 4 of the NELLP.

#### 2) Design, character and trees

The site has been vacant for many years (approximately 25) but originally accommodated two large terrace dwellings fronting Ainslie Street. The applicant has taken the opportunity to visually reintroduce this feature removing what has long been an eyesore for the local residents and the area. The scale, layout and design of the units largely compliments the original terrace in a positive manner enhancing this part of Lambert Road and Ainslie Street.

The two dwellings to Lambert Road are new structures, being located on former garden land. Whilst therefore having no historic precedence for development nonetheless the design provides an attractive visual addition to the street scene in a manner not out of keeping with the Victorian structures in that area.

In addition to this, the raised floor levels required by the Environment Agency have successfully been accommodated within the design without harm to the character of the units.

Subject to conditions re materials the development is considered to accord with policies: 5 and 22 of the NELLP.

The site currently accommodates two high quality trees on site which are protected under preservation orders. These trees are in excellent health and add greatly to the character of the area. The trees will be impacted by the proposal but if the stated tree protection measures and construction methods are utilised, then it will be possible to construct the development without harm. The site is highly constrained, however, so additional detailing of construction methods for the access, parking areas and drainage will be required to be submitted and agreed in writing to provide the best chance of the development taking place without harm to the trees. This view is supported by the Tree Officer. Subject to conditions the proposal would accord with policy 42 of the NELLP.

### 3) Residential amenity

The erection of development on this plot has raised a number of concerns from nearby residents in relation to amenity. The site is constrained by the historic development of terraced properties in the immediate area with a large number of facing windows and rooms close to the site boundaries, particularly to 86 Ainslie Street and to a lesser extent 48 Lambert Road.

Traditionally 86 Ainslie Street was a mid-terrace property with a similar wing to its own facing it to the north at the now application site. The proposal would therefore theoretically simply reintroduce a similar wing albeit slightly longer at full height. The property, however, has not had this arrangement for many years and so the change to no. 86 would be substantial. Nevertheless, the nature of the site is such that it was always likely that redevelopment would take place at some point. The property has a kitchen dining room area facing the proposed wing along with a family type room and bedroom at first floor. Other rooms would face to the west and be less impacted upon. Located to the north of the site, the proposal would not impact upon levels of sunlight to this property. It is likely, however, that levels of daylight to ground floor rooms would be affected as would overall outlook. Again, given the historic nature of the street design this is not considered unreasonable as all of the other properties of the terrace include accommodation and an outlook such as this. Similarly, in an effort to maintain amenity, only small kitchen windows are proposed within the wing to face no.86 maintaining amenity. If necessary, due to the increase in floor levels proposed, such windows could be obscurely glazed.

The rear dwellings proposed would be two storeys in height and be positioned just over 4m from the garden boundary of the site. Being to the north of the garden at no. 86 they would again not impact on levels of light and sunlight in this area. Similarly, overlooking windows would be limited to one living/ dining window per dwelling. Being elevated due to flood risk there would be some overlooking of this part of no. 86's garden. These structures would be of a similar height to the houses in the area and as such would be a large physical addition next to the adjoining garden area. The applicant was requested to

remove these two units to limit the impact on no. 86 but this was wholly resisted due to the costs of redeveloping the site and in particular the piling required to stabilise any development. Taken as a whole whilst large, its northerly position, the limited number of facing windows and the 2m high boundary fencing to the adjoining garden would partially limit the impact on neighbours. Whilst accepting an impact on neighbours at no. 86 would occur, no response or objection has been received against the proposal despite having received several letters. Therefore, whilst accepting there will be quite a large impact to certain rooms and the garden of no. 86 this scheme, on balance, is not considered unreasonable for the reasons stated.

The impact on 48 Lambert Road would be different in that this property is at 90 degrees to the development site with its main flank wall closest to the application site being blank. Whilst it is accepted that a large number of windows would face east within the rear wing, they would be to the south west of the application site limiting any impacts on light and sunlight. The physical presence of a building located here would not be unreasonable in dominance terms and the limited number of rear facing windows proposed would limit views to that property to more oblique angles.

The final point with respect to amenity is the impact on the rear access alley serving existing properties and flats along Ainslie Street. For some of the rear flats to the south this is their main access point. Whilst enclosing this area to the rear of the site, the dwellings would be positioned 1m off the alley boundary and located close to the entrance limiting the feeling of being enclosed and reducing safety concerns which have already been felt for a number of years by the high fencing to the application site and adjoining properties. No additional access to this passage is proposed so there would not be issues with further bin storage or use.

It is noted that some issues have been raised with respect to the access to existing flats in the area to the south of the site and the nature of the alley to access them. These relate to historic determinations at other properties and whilst use is made of the access alley to the west of the application site these issues are not directly related to the current proposal and if required can be examined through enforcement action.

Subject to conditions and on balance the proposal in respect of amenity would accord with policy 5 of the NELLP.

#### 4) Drainage, flood risk and subsidence

The site is within a flood zone 3 area with flood levels up to 1m in height in the event of a catastrophic flood event. In general, any sequential assessment for less vulnerable sites should cover the full plan area for alternatives. The application, however, represents a significant regeneration of the area and meets with the Memorandum of Understanding with the Environment Agency and as such accords with policy 33 of the NELLP subject to being deemed safe for the lifetime of the development. With the rearrangement of accommodation and 1m high floor levels the Environment Agency has not objected to the scheme, and it is considered safe subject to the development being completed in accordance with the approved plans. Conditions are recommended for an evacuation



plan, however whilst safe and dry normal facilities would not be operational so that in the event of a flood prior evacuation would be the best option.

Surface water drainage would be a system of soakaways and connections to the main system which has not raised an issue with the Council's drainage team. Despite concerns that a sewer would be connected adjoining no. 48, the applicant has provided a design that connects to Ainslie Street in totality.

The area is known to be affected by the route of the Old Haven River, its route follows Lambert Road in this location. A number of properties have suffered from significant subsidence in the past with costly repairs necessary. Objectors raise this as an issue, as development on the site could lead to structural issues with their properties. The applicant is very aware of the issue and is already proposing augured piling to support the development. This would allow structures to be anchored into stable ground rather than floating on top reducing the impacts on adjoining properties. Details of this structure and piling are recommended to be conditioned to allow full consideration of the proposals.

Subject to conditions, the proposal would accord with policies: 5, 33 and 34 of the NELLP.

#### 5) Highway safety and parking

The majority of the objections to the scheme relate to the impact the proposal would have on car parking in the area. By the nature of terraced areas on street parking is at a premium. The proposal would bring a further 8 small housing units into the area with only one parking space per unit. Surrounding residents consider this is insufficient and would increase competition for space further. Not only that but the site would remove a length of on street parking to aid safe access and exit to the site along with any restrictions that would go with the scheme.

Whilst the proposal would bring additional residents to the area it is a vacant previously developed site which has generated significant regeneration interest over the years, as such development here has always been anticipated. Whatever development finally occurs on this site there will be some reduction in kerb side parking to allow access to the site. In addition to this, it must be noted that the site is for 6 x one-bedroom units and just 2 x two bedroomed dwellings. Such units are not family dwellings and are less likely to be utilised by families with multiple vehicles. As such the proposal for one space per unit is deemed sufficient to accommodate the needs of residents. It is also noted that the site is within easy reach of the town centre and jobs, facilities, and services. As such the development will be attractive to those not wanting a car or who are unable to afford one. Whilst some additional competition for spaces would occur conditions can also be imposed to require secure cycle storage at the site, to increase available options for non-motorised travel. No objections from Highway Officers are raised. As such it is considered that the proposal would accord with policies: 5, 36 and 38 of the NELLP.

#### 6) Other

A number of points have been raised with respect to the ownership, site issues and sale

of the property over the years. Such matters are not material planning issues which can be taken account of in the determination of this application.

## **CONCLUSION**

The application site is in a poor state and has detracted from the area for a number of decades. Whilst redevelopment proposals have been submitted in the past none have reached a stage to allow development to occur. There have been a number of reasons for this, not all planning related, but the constrained nature of the site and its surroundings and the stability of land has always placed additional levels of complexity to any proposal. The current proposal therefore provides an opportunity to redevelop this site in a positive manner. It would provide additional homes, in a sustainable location and enhance the character of the area. Subject to careful construction, utilising piling, it is not anticipated that it would lead to damage to adjoining properties, would maintain sewer capacity and would not detract from the health and vitality of the two trees on site nor increase flood risk. These are positive factors which should be given weight in any planning balance.

The development of the site, is not without its issues and the adjoining property 86 Ainslie Street would be impacted in a material manner, particularly in terms of outlook from its rear wing, light and the substantive presence and overlooking from the detached two storey houses proposed close to the rear garden boundary. The designs proposed and the conditions that can be imposed would assist to limit impacts but not fully overcome them. This must weigh against the proposal, although the traditional design of terraces in this area, particularly with respect to the rear wing would reduce concerns.

Similarly, the proposal would reduce parking within the street through the formation of three new access points and impact additional residents living on the site. This would increase pressure on existing residents seeking to park in the area. This must weigh against the proposal. This concern is tempered by the proximity of the site to local facilities but also the town centre, the nature of the houses (mainly one bedroomed units) and the proposed formation of 8 on site spaces which would meet most needs of the site. This together with conditions for cycle parking would reduce impacts to less than severe.

On balance, whilst the impacts of the scheme are documented and understood it is considered that the benefits of redeveloping this long vacant site, with all its attendant benefits outweigh the issues and subject to limiting conditions the proposal would accord with policies: 3, 4, 5, 22, 33, 34, 36, 38, 41 and 42 of the North East Lincolnshire Local Plan 2013 -2032 (adopted 2018).

## **RECOMMENDATION**

**Approved with Conditions**

(1) Condition

The development hereby permitted shall begin within three years of the date of this permission.

Reason

To comply with S.91 of the Town and Country Planning Act 1990.

(2) Condition

The development shall not be carried out except in complete accordance with the approved plans and specifications. The approved plans and documents have drawing nos.

RD:4756-01A Site Location Plan  
RD:4756-03 D Proposed Floor Plans  
RD:4756-04 D Proposed Elevations  
RD:4756-05 D Proposed site plan

1115-2214-CIV-10-P2 Drainage Layout  
1115-2214-CIV-30-P1 External Works Construction Details  
1115-2214-CIV-50-P1 Drainage Construction Details 1  
1115-2214-CIV-51-P1 Drainage Construction Details 2

Arboricultural Report - QU-820-22-EQUANS  
Arboricultural Impact Assessment - QU-820-22-EQUANS  
Arboricultural Method Statement and Protection Plan - QU-820-22-EQUANS

Reason

To ensure the development is in accordance with the approved details and results in a satisfactory form of development and in accordance with policies: 5, 22, 33, 34, 38, 41 and 42 of the North East Lincolnshire Local Plan 2013 -2032 (adopted 2018).

(3) Condition

The development shall be carried out in accordance with the submitted flood risk assessment (Ross Davy Associates, RD4756) and the following mitigation measures it details:

- finished floor levels to be set no lower than 1.0 metre above existing ground levels
- flood resistance measures to be included as described

In addition, flood resilient construction shall be incorporated to a height of at least 300mm above ground finished floor levels.

These mitigation measures shall be fully implemented prior to occupation of each unit of accommodation. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

To reduce the risk of flooding to the proposed development and future occupants, in accordance with policy 33 of the North East Lincolnshire Local Plan 2013 -2032 (adopted 2018).

(4) Condition

Prior to the commencement of construction works on site detailed specifications of the type of piling/ground improvement/foundations to be used to support the buildings/structures shall be submitted to the Local Planning Authority for approval. Included shall be a method statement, a scheme to mitigate the effects of the design with particular regard to noise and vibration to the surrounding premises, pollution to the underlying chalk aquifer (including depths of piling), impact on trees and duration of works. The foundations shall be carried out/constructed in accordance with the approved details unless variations are approved in writing by the Local Planning Authority.

No such piling shall take place at weekends nor between the hours of 17:30 hours and 09:00 hours the following day except by prior written agreement with the Local Planning Authority.

Reason

To protect the amenities of nearby residents, the health of trees and stability of adjoining properties and to ensure the integrity of the underlying aquifer is not compromised in accordance with policies: 5, 41 and 42 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

(5) Condition

A method statement including details of noise and dust reduction measures to be employed during the course of construction are to be submitted and agreed with the Local Planning Authority prior to commencement of development. No burning of construction waste material shall take place on site. The techniques shall be applied as agreed.

Reason

To ensure that noise levels and dust emissions arising from the development are within acceptable levels, and in the interests of amenity and in accordance with policy 5 of the North East Lincolnshire Local Plan 2013 -2032 (adopted 2018).

(6) Condition

No construction work shall be carried out on or before 08:00 or after 18:00 Mondays to Fridays inclusive, before 08:00 or after 13:00 on Saturdays and at any time on Sundays or Bank/ Public Holidays.

Reason

To protect the amenities of nearby residents and in accordance with policy 5 of the North East Lincolnshire Local Plan 2013 -2032 (adopted 2018).

(7) Condition

No unit of accommodation shall be occupied until the approved drainage scheme shown on drawing no. 1115-2214-CIV-10-P2 has been implemented in full unless otherwise approved in writing by the Local Planning Authority. The scheme shall thereafter be maintained as such unless otherwise approved in writing by the Local Planning Authority.

Reason

To prevent an increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and in accordance with policies: 5, 33 and 34 of the North East Lincolnshire Local Plan 2013 -2032 (adopted 2018).

(8) Condition

No unit of accommodation shall be occupied until the vehicular access to it and the vehicle parking space serving it have been constructed in accordance with the approved details. That vehicle parking area shall thereafter be so retained.

Reason

To ensure the existing highway is maintained in a safe manner in the interests of highway amenity and residential amenity and in accordance with policies: 5, 36 and 38 of the North East Lincolnshire Local Plan 2013 -2032 (adopted 2018).

(9) Condition

Before development commences, a scheme of secure cycle parking facilities and bin storage facilities shall be submitted to the Local Planning Authority for approval in writing. Such approved scheme shall be completed prior to occupation of any of the units of accommodation on site and thereafter be so retained.

Reason

To ensure appropriate facilities are provided for cyclists as part of the development and adequate and accessible bin storage facilities to maintain amenity are included and in accordance with policies: 5 and 36 of the North East Lincolnshire Local Plan 2013 -2032 (adopted 2018).

(10) Condition

In addition to details already provided, prior to any construction, a tree construction method statement shall be submitted to the Local Planning Authority for written approval. The statement shall provide, in detail, the specific methodology for the creation of the access, no dig surfacing, boundary walls and foul and surface water drainage systems within the Root Protection Areas of the two TPO trees. The method statement should specifically reference phasing of works, methods of construction to avoid damage/loss of/to roots whether by severance, damage or compaction (e.g. use moles) and a named person formally responsible for implementing the approved method statement. The approved scheme shall thereafter be adhered to unless otherwise agreed in writing with the Local Planning Authority.

Reason

To maintain the health and longevity of two high quality protected trees and in accordance with policies: 5, 22 and 42 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

(11) Condition

Prior to development above damp course level occurring a scheme of screening walls and fences shall be submitted to and agreed in writing (including to the existing alley to the west of the site). Prior to any accommodation being occupied the approved screen/boundary walls and those shown on drawing nos. RD: 4756-03D and RD: 4756-04D shall be installed and thereafter retained.

Reason

To maintain security and residential amenity and in accordance with policies: 5 and 22 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

(12) Condition

Development shall not begin until details of all external materials to be used in construction of the buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.

Reason

To ensure the development has an acceptable external appearance and is in keeping with the visual amenity and character of the area and in accordance with policies: 5 and 22 of the North East Lincolnshire Local Plan 2013 -2032 (adopted 2018).

(13) Condition

The windows shown cross-hatched on the approved plans shall be glazed in obscure glass before the development is occupied and shall be so retained thereafter.

Reason

To protect the residential amenity of surrounding residents and in accordance with policy 5 of the North East Lincolnshire Local Plan 2013 -2032 (adopted 2018).

(14) Condition

Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any statutory amendment thereto), no development under Schedule 2 Part 1, Class A, B, C, E and F shall be permitted within the curtilage of the dwellings.

Reason

To protect residential amenity, flood risk and the visual character of the area and in accordance with policies: 5, 22, and 33 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

(15) Condition

Prior to any unit of accommodation being occupied a flood warning and evacuation plan shall be submitted to and agreed in writing by the Local Planning Authority. The approved document shall thereafter be implemented and maintained for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.

Reason

To reduce the risk and impacts of flooding in accordance with policy 33 of the North East Lincolnshire Local Plan 2013 -2032 (adopted 2018).

(16) Condition

No unit of accommodation shall be occupied until a scheme for water re-use to achieve an efficiency standard of 110 litres per person per day has been submitted to and approved in writing by the Local Planning Authority. Once approved, all accommodation shall be occupied in strict accordance with the agreed details.

Reason

In the interests of efficient water management and to accord with policies: 5 and 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

## **Informatives**

1 Reason for Approval

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would, subject to

conditions enhance the area character, provide sustainable homes without impact on flood risk, drainage and highway safety. There would not be unreasonable impact on residential amenity nor car parking capacity in the area and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies: 3, 4, 5, 22, 33, 34, 36, 39, 41 and 42.

## 2 Added Value Statement

### Article 31(1)(cc) Statement - Positive and Proactive Approach

In accordance with paragraph 187 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to problems arising, by reducing the scale and impact of the development on residential amenity, tree health, drainage and by addressing flood risk concerns.

## 3 Informative

This application will require the creation of new postal addresses. You are advised to contact the Street Naming & Numbering Team on 01472 323579 or via email at [snn@nelincs.gov.uk](mailto:snn@nelincs.gov.uk) to discuss the creation of new addresses.

## 4 Informative

The applicant's attention is drawn to the fact that the requirements of the Party Wall Act may apply and you should seek advice from your agent or suitably qualified person.

## 5 Informative

Please note that you may also require Building Regulations. You are advised to contact them in advance of work on site commencing (Tel: 01472 326289 - Option 2).

## 6 Informative

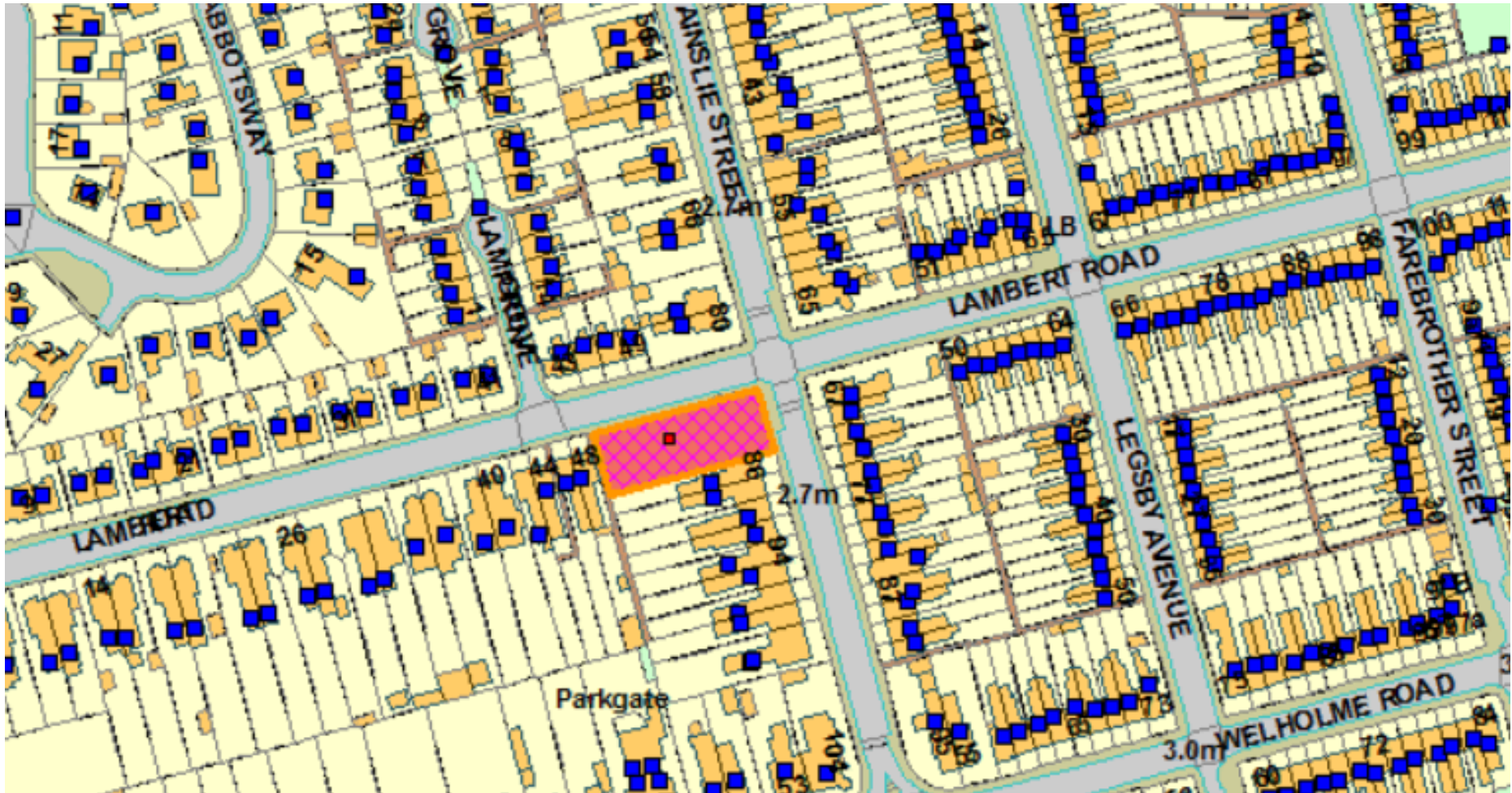
It is advised that the Environment Agency (EA) guidance on flood resistance and resilience is considered and utilised. The full details and web links are shown on the EA consultation response (06 March 2023) found on the planning application file on the North East Lincolnshire Council Planning website.

## 7 Informative

In accordance with Approved Document S of the Building Regulations you will be required to install electric vehicle charging points as part of the development.



DM/0879/22/FUL – LAND OFF LAMBERT ROAD AND AINSLIE STREET, GRIMSBY





**PLANNING COMMITTEE - 14th June 2023**

**ITEM: 5**                      **RECOMMENDATION: Approved with Conditions**

**APPLICATION No: DM/0060/23/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: Valley Cottage, Hatcliffe Road, West Ravendale, North East Lincolnshire, DN37 0RY**

**PROPOSAL: Demolish existing bungalow, erect two storey dwelling with double garage, roof lights and associated works (amended plans April 2023)**

**APPLICANT:**

Mr Aidan Jones  
c/o Lincs Design Consultancy Ltd  
12 Vickers Lane  
Louth  
Lincolnshire  
LN11 9PJ

**AGENT:**

Miss Erica Whatrup  
Lincs Design Consultancy Ltd  
12 Vickers Lane  
Louth  
Lincolnshire  
LN11 9PJ

**DEPOSITED: 30th January 2023**

**ACCEPTED: 1st February 2023**

**TARGET DATE: 29th March 2023**

**PUBLICITY EXPIRY: 14th May 2023**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 4th March 2023**

**CASE OFFICER: Richard Limmer**

**PROPOSAL**

The proposed development is to demolish the existing cottage on the site and erect a new large detached two storey house in its place along with integral garage and associated works.

This application is brought to Planning Committee due to the number of objections received from the local community.

**SITE**

The site is located between the villages of East Ravendale and Hatcliffe in the open

countryside and within the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB). The site currently plays host to a small detached single storey cottage with a modest curtilage. The applicant however owns the mature woodland to the north known as Browns Bottom Plantation and approximately 2ha of agricultural land to the east of the cottage.

Generally the site rises up from south to north away from the road. There is a residential neighbour directly to the west of the site known as Highfield. With regard to boundary treatments for the housing part of the site the northern boundary is formed by the woodland, the eastern boundary has a hedge along it, the southern boundary is open to the road and the western is a mixture of hedging and trees with Highfield. The agricultural land is open to the north, east and south and shares the western boundary with the site for the dwelling.

## **RELEVANT PLANNING HISTORY**

DC/819/12/WOL - Demolish existing cottage and erect new detached two storey house - Approved (now expired).

DM/0350/21/FUL - Demolish an existing dwelling, erect new dwelling with a detached garage, a detached barn / stables block with boundary treatments, access, landscaping and boundary ditches - Refused - Dismissed at Appeal.

## **RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS**

### National Planning Policy Framework (2021)

NPPF15 - Conserv. & enhance the natural environ.

NPPF5 - Delivering a sufficient supply of homes

NPPF12 - Achieving well designed places

NPPF14 - Climate, flooding & coastal change

### North East Lincolnshire Local Plan 2013-2032 (adopted 2018)

PO12 - Tourism and visitor economy

PO42 - Landscape

PO5 - Development boundaries

PO22 - Good design in new developments

PO33 - Flood risk

PO34 - Water management

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status

of the development plan as the starting point for decision making. The development plan for the area is comprised of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

## **REPRESENTATIONS RECEIVED**

Drainage - no objections, condition for surface water drainage information.

Highways - no objections, conditions recommended.

Heritage - no comments.

Trees - no objections, comments on trees and impact of the development.

Neighbours

The following neighbours have objected to the proposed development:

- Crossways
- 2 Bungalow, Priory Farm
- Highfield
- Ravendale Top Farm

With concerns over the following matters:

- The impact of the size and scale of the dwelling
- Location and sustainability
- Impact on trees
- Location within the AONB and impact on its character
- Matters raised in previous applications not addressed
- Disturbance by applicant's helicopter

## **APPRAISAL**

Material Considerations

- 1) Principle of Development
- 2) Impact on Neighbouring Land Uses
- 3) Impact on the Character of the Area
- 4) Drainage
- 5) Highways

- 1) Principle of Development

The proposal has been completely redesigned from the previous application, the stable element has been removed and it is now just an application for a replacement dwelling which is the subject of this application.

The site is located in the Open Countryside on the NELLP Inset Maps. Policy 5 of the NELLP does not preclude the replacement of existing dwellings in the open countryside but does require special consideration to be given to the impact of the proposed development on the character and appearance of the area. It is also noted that p.79 of the NPPF accepts replacement dwellings in the open countryside as being a sustainable form of development. It is therefore considered that the proposed replacement of the existing dwelling is acceptable in principle, the site-specific impacts of which will be considered in the report below.

The previous appeal decision attached to DM/0350/21/FUL has been noted but this did not question the principle of development. The matters raised within the appeal decision are noted and considered within the report below.

## 2) Impact on Neighbouring Land Uses

The site is located in the open countryside and benefits from having only one immediate residential neighbour. This is Highfield to the west of the site. The proposed dwelling is positioned somewhat centrally within the site at the closest point it is approximately 14m from the boundary and 29m from the side elevation of Highfield. There are 2 rooflights in the roof slope facing towards Highfield these are 20m from the boundary and 34m from the side elevation. It is also noted that there is a strong boundary hedge and trees that provide a level of screening.

It is considered that the proposed development is in a position and of a scale that would not result in an unduly detrimental impact on the neighbouring properties residential amenities and in particular those of Highfield to the west of the site. There are other residential properties in the location but these are significantly further away and would not be impacted upon.

It is therefore considered to accord with Policy 5 of the NELLP.

## 3) Impact on the Character of the Area

It is noted that there have been objections received that cite the impact on the Lincolnshire Wolds AONB as being significant and detrimental. It is noted that Policy 12 of the NELLP and the NPPF requires the same level of consideration to be given to the intrinsic quality of AONBs as National Parks. Furthermore Policy 42 of the NELLP has regard to the impact of development on the surrounding landscape.

It is of course acknowledged that the proposed dwelling will be visible in the immediate and somewhat wider area. Views to the site will be extensive from Hatcliffe Road but also the B1203 and the public bridleway to the south. It is noted that the public bridleway to the south and also Hatcliffe Road leading to Hatcliffe is part of the Wanderlust Way, NELCs only nationally designated walking route.

However, houses of similar scale to that proposed are commonplace in this area of the Wolds with several in and around East Ravendale and Hatcliffe, some of which hold equally as prominent positions as the proposed. Key detailing around the brickwork and openings has been provided to ensure that the finish of the dwelling is of the highest quality. To ensure this a condition is proposed to agree the final materials prior to works commencing, the nature of the proposed scheme means that high quality materials should be used. It is also noted that the design and scale of the dwelling has been reduced and changed to address the concerns raised in the appeal decision. The scale has been reduced down and split to different sections to reduce the mass of the dwelling.

The woodland to the north of the site is protected under a TPO. The scheme has been amended so as to bring the footprint of the dwelling outside of the adjacent trees root protection areas and there are no trees to be removed as part of the scheme. There are works to trees proposed but the Tree Officer has considered these works and has no objections to raise.

It is therefore considered that the proposed development as a whole would not offer significant harm to the immediate or wider area or the designation as an Area of Outstanding Natural Beauty. The proposal therefore accords with Policies 5, 12, 22 and 42 of the NELLP.

#### 4) Drainage

The proposed development has a larger footprint to that of the existing dwelling. A comprehensive sustainable surface water drainage scheme is required. A condition is therefore required to cover this and require the full detailed drainage scheme to be submitted. Equally foul water drainage is detailed to go to a package treatment plant, the full details of this are required prior to development commencing. It is considered with the inclusion of these conditions the proposed development would accord with Policies 33 and 34 of the NELLP.

#### 5) Highways

The proposal seeks to utilise the existing access into the site but includes formalising it and properly surfacing it. There is also an integral garage at the rear of the main dwelling and space within the site to turn vehicles around. The Highways team have considered the proposed development and are content that it would not cause undue harm in terms of highway safety and amenity. It is therefore considered to accord with Policy 5 of the NELLP.

### **CONCLUSION**

In conclusion, whilst it is noted that the application has attracted comments from

neighbours against the development it is considered to accord with Policies 5,12, 22, 33, 34, 41 and 42 of the NELLP and the core principles of the NPPF. This is in specific regard to the impact on neighbours, the character of the area and AONB, drainage and flood risk and highways. It is therefore recommended that the application is approved.

## **RECOMMENDATION**

### **Approved with Conditions**

(1) Condition

The development hereby permitted shall begin within three years of the date of this permission.

Reason

To comply with S.91 of the Town and Country Planning Act 1990.

(2) Condition

The development shall be carried out in accordance with the following plans:

LDC4031-PL-01A site location plan  
LDC4031-PL-02C proposed floor plans  
LDC4031-PL-03E proposed elevations  
LDC4031-PL-04C proposed block plan

Reason

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

(3) Condition

Development shall not begin until details of all external materials to be used in construction of the buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority. The material pallet shall include natural clay pantiles for the roof covering, timber windows and details of the brick tumbling. The development shall then be built out in accordance with the approved details.

Reason

To ensure the development has an acceptable external appearance and is in keeping with the visual amenity and character of the area in accordance with Policy 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).



(4) Condition

No development shall commence until a scheme for the sustainable provision of surface water and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out and only occupied in accordance with the approved details.

Reason

To prevent an increased risk of flooding by ensuring the provision of a satisfactory means of surface and foul water disposal in accordance with Policies 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(5) Condition

Prior to the development commencing, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in accordance with the approved details. The plan shall contain:

- Demolition method statement;
- Working hours;
- Visitor and contractor parking areas;
- Materials storage area;
- Wheel cleaning facilities;
- Noise, vibration and dust mitigation measures (both during demolition and construction);
- Construction traffic management plan.

Reason

In the interests of highway safety and to protect the residential amenities of the neighbouring properties in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(6) Condition

No development shall commence until:

- (a) A scheme of landscaping showing the details of the number, species, sizes and planting positions of all trees and shrubs to be planted;
- (b) A plan including details of all trees to be retained, any to be felled, hedgerows to be retained, any sections of hedgerow or trees to be removed;
- (c) Measures for the protection of trees and hedges during demolition and construction work;
- (d) A maintenance and management plan for the landscaping scheme to cover at least 5 years.

have been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall then be fully planted out within 12 months of the dwelling being first occupied and thereafter maintained in accordance with the Maintenance and Management Plan. The approved Tree Protection Measures shall be

fully installed prior to any demolition or construction commencing and thereafter maintained and retained in situ throughout the demolition and construction of the dwelling.

**Reason**

To ensure a satisfactory appearance and setting for the development and continued maintenance of the approved landscaping in the interests of local amenity in accordance with Policy 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

**(7) Condition**

Development shall not begin until details showing the location, layout, design and method of construction of any new or altered vehicular access, parking and manoeuvring space, including any necessary piping or culverting of any ditch or watercourse, have been submitted to and approved in writing by the Local Planning Authority, and before the development hereby permitted is brought into use the vehicular access, parking and manoeuvring space shall be constructed in accordance with those approved details and shall thereafter be so retained.

**Reason**

In the interest of highway amenity in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

**(8) Condition**

The dwelling shall not be occupied until a scheme for water re-use to achieve an efficiency standard of 110 litres per person per day has been submitted to and approved in writing by the Local Planning Authority. Once approved, the dwelling shall be occupied in strict accordance with the agreed details.

**Reason**

In the interests of efficient water management and to accord with Policies 5 and 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

**Informatives**

**1 Informative**

This application will require the creation of new postal addresses. You are advised to contact the Street Naming & Numbering Team on 01472 323579 or via email at [snn@nelincs.gov.uk](mailto:snn@nelincs.gov.uk) to discuss the creation of new addresses.

## 2 Informative

Please note that you may also require Building Regulations. You are advised to contact them in advance of work on site commencing (Tel: 01472 326289 - Option 2).

## 3 Added Value Statement

Article 31(1)(cc) Statement - Positive and Proactive Approach

In accordance with paragraph 187 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to problems arising, by discussing areas of concern and seeking amendments.

## 4 Reason for Approval

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or residential amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 5, 22, 33, 34, 42.

## 5 Informative

Please note that at least six months in advance of work commencing on site you are required to contact the Highway Management Team with respect to the formation of a vehicular access within the existing highway. This will enable a S184 licence to be granted within appropriate timescales. No works should commence within the highway boundary until such licence is obtained. (Tel: 01472 325734).

DM/0060/23/FUL – VALLEY COTTAGE, HATCLIFFE ROAD, WEST RAVENDALE



DM/0060/23/FUL – VALLEY COTTAGE, HATCLIFFE ROAD, WEST RAVENDALE



**PLANNING COMMITTEE - 14th June 2023**

**ITEM: 6**                      **RECOMMENDATION: Approved with Conditions**

**APPLICATION No: DM/0180/23/REM**

**APPLICATION TYPE: Reserved Matters**

**APPLICATION SITE: Land North Of, Main Road, (Plot 5 Kings Chase), Barnoldby Le Beck, North East Lincolnshire,**

**PROPOSAL: Variation of Condition 1 (Approved Plans) following DM/0843/22/REM to amend layout, position and design of dwelling and garage**

**APPLICANT:**

Mr D Smith  
45 Wisteria Drive  
Healing  
Grimsby  
DN41 7JS

**AGENT:**

Mr Daniel Snowden  
Ross Davy Associates  
Pelham House  
1 Grosvenor Street  
Grimsby  
DN32 0QH

**DEPOSITED: 1st March 2023**

**ACCEPTED: 1st March 2023**

**TARGET DATE: 26th April 2023**

**PUBLICITY EXPIRY: 2nd April 2023**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 26th March 2023**

**CASE OFFICER: Richard Limmer**

**PROPOSAL**

The application seeks to vary condition 1 (approved plans) pursuant to DM/0843/22/REM, which sought amendments to plot 5. This proposed amendment relates to changes to the house design and position of Plot 5, Kings Chase, Barnoldby Le Beck. The garage is located to the side of the dwelling and the dwelling is moved forwards in the plot level with the frontage of plot 4 adjacent.

This application has been brought to Planning Committee due to an objection from Barnoldby le Beck Parish Council.

## **SITE**

The site lies on the northern side of Barnoldby le Beck with Beck Farm Mews to the east and the previously approved dwellings to the north and south and the open countryside to the west. All the approved dwellings are accessed off the same road as this site. Some of the properties have begun construction.

## **RELEVANT PLANNING HISTORY**

On this site;

DM/0951/14/OUT - Outline for the erection of 3 dwellings - Approved

DM/1103/17/REM - Reserved matters application for 3 dwellings following outline approval under DM/0951/14/OUT - approved

DM/0971/21/REM - Variation of Condition 1 (Approved Plans) pursuant to

DM/1103/17/REM to amend internal layout and include single storey rear extension to plot 6 - approved

DM/0878/21/REM - Variation of Condition 1 (Approved Plans) pursuant to DM/1103/17/REM to amend the house type of plot 5 - approved

DM/0843/22/REM - variation of Condition 1 (Approved Plans) pursuant to DM/0878/21/REM to amend the design and layout of plot 5 - approved

Site to the north;

DM/0398/15/OUT - outline application with access, layout, scale, landscaping considered for the erection of two dwellings - refused - allowed at appeal.

DM/1039/18/REM - Reserved Matters application for the erection of two detached dwellings and detached double garages with access, appearance, landscaping, layout and scale to be considered and Details in Discharge of Conditions 4 (Archaeology), 5 (Construction Management Plan), 6 (Surface Water Drainage), 7 (Ecology), 8 (Knotweed), 9 (Bin Store) and 10 (Access) pursuant to DM/0398/15/OUT - Approved

DM/0294/20/CND - Details in discharge of condition 3 (Surface Water Drainage), 6 (Foundation Details), 8 (Water Reuse) and 9 (Remediation) pursuant to

DM/1039/18/REM - Conditions Complied With

DM/0353/21/FUL - Variation of Conditions 1 (Approved Plans) and 2 (Materials) as granted on DM/1039/18/REM for amended layout/design of dwelling and garage (Amended Plans received 24th May 2021) - Approved with Conditions

Site to the south;

DM/0279/14/OUT - Outline for the erection of 3 dwellings - Approved

DM/0230/17/REM - Reserved matters application for 3 dwellings further to

DM/0279/14/OUT - Approved

DM/0311/20/FUL - Erect three dwellings with garages to include new access, parking and landscaping - approved

DM/1020/20/FUL - Variation of Condition 2 (Approved Plans) as granted on application

DM/0311/20/FUL - amendments to layout and design, including balcony to rear and proposed entrance gates - Plot 3 - Approved with Conditions

DM/0431/21/FUL - Variation of Condition 2 (Plans) as granted on DM/0311/20/FUL to amend layout and design - Approved with Conditions

## **RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS**

### National Planning Policy Framework (2021)

NPPF5 - Delivering a sufficient supply of homes

NPPF12 - Achieving well designed places

NPPF14 - Climate, flooding & coastal change

### North East Lincolnshire Local Plan 2013-2032 (adopted 2018)

PO5 - Development boundaries

PO22 - Good design in new developments

PO33 - Flood risk

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the area is comprised of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

## **REPRESENTATIONS RECEIVED**

Barnoldby le Beck Parish Council - object due to the impact on neighbours

Trees Officer- no objections

Drainage Officer- no objections

Environmental Health - no objections

Highways Officer - no objections

PROW - no objections, comments on adjacent bridleway

Natural England - no objections

Heritage - no comment

Neighbours

1, 6 and 8 Kings Chase - support the proposed changes

1 and 2 Beck Farm Mews - object to the proposed application due to the size, design and parking provision

## **APPRAISAL**

Principle of Development



The application seeks to vary condition 1 (approved plans) of the earlier approval to allow for amendments to the layout and design of Plot 5, Kings Chase, Barnoldby Le Beck.

The principle of the development has already been established under the original permission and the considerations of this application are merely those relating to the impacts arising from the proposed amendments.

#### Impact to Neighbours

It is not considered that these will present a significant impact to neighbours given the presence of significant landscaping features along the boundaries. The neighbouring properties in Beck Farm Mews are situated some distance away from this plot and are partially screened by the boundary treatments and neighbouring plots. The objections from residents on Beck Farm Mews are acknowledged but they are well separated from the development and will not be adversely impacted on. Equally the comments of support from neighbours on Kings Chase are acknowledged.

The main impact of the amendment will be to the adjacent plots on Kings Chase. The dwelling design stays as per the recent approval but is moved within the plot and the garage is relocated to the side of the dwelling.

Given the orientation, screening and similar design of the neighbour, the amended scheme is not considered to present additional impact in relation to residential amenity of the neighbours. The scheme was originally approved and deemed acceptable. The amendment is considered to be typical of a residential development. The overall works are not considered to present any additional impact to the area or neighbours.

Having regard to the above, the amendment is acceptable under policies 5 and 22 of the NELLP.

#### Drainage

The overall impermeable area on the plot is not increased and as such the drainage scheme does not need to change. The Drainage Officer has confirmed they have no comments to make. It therefore accords with Policy 33 of the NELLP.

#### Highways

The proposed amendments do not alter the access to the property and the proposed site layout retains onsite parking and turning space with a double garage. It is therefore considered to be acceptable in highways terms.

## **CONCLUSION**

This application seeks to modify an earlier approval. The modifications proposed in this application are considered to be of an acceptable scale and nature and do not fundamentally alter the original design concept or create any significant additional impacts to the character of the area or to neighbours. It is therefore considered to accord with Policies 5, 22 and 33 of the NELLP and is recommended for approval.

## **RECOMMENDATION**

### **Approved with Conditions**

#### (1) Condition

The development shall be carried out in accordance with the following plans:

Site Location Plan - RD4052-01

Proposed Block Plan - RD5232-01 Rev C

Proposed Plans and Elevations (Plot 5) - RD5232-02 Rev C

As approved under DM/1103/17/REM:

Proposed Plans and Elevations (Plot 4) - RD4052-04

Proposed Plans and Elevations (Plot 6) - RD4052-06A

Proposed Management Plan - RD4052-07

Proposed Landscaping Plan - RD4052-08A

Drainage Layout - 1115-1107-CIV-10C

Drainage Layout - 1115-1107-CIV-11A

External Works - Construction Details - 1115-1107-CIV-30A

1115-1107-10YR Soakaway

1115-1107-100YR Soakaway

#### Reason

For the avoidance of doubt and in the interests of proper planning and in accordance with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

#### (2) Condition

The development shall be built out in accordance with the Construction Management Statement ref: RD4052 and plan referenced RD4502-07 (approved under DM/1103/17/REM) unless otherwise approved in writing by the Local Planning Authority.

#### Reason

To protect the residential amenities of the neighbouring properties in accordance with

Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(3) Condition

The development shall be built out in accordance with the materials as detailed on plan ref: RD5232-02 Rev C unless otherwise approved in writing by the Local Planning Authority.

Reason

To protect the residential amenities of the neighbouring properties in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(4) Condition

The scheme of landscaping and tree planting shown on drawing no. RD4052-08A (approved under DM/1103/17/REM) shall be completed within a period of 12 months, beginning with the date on which development began or within such longer period as may be first agreed in writing by the Local Planning Authority. All planting shall be adequately maintained for 5 years, beginning with the date of completion of the scheme and during that period all losses shall be replaced during the next planting season.

Reason

To ensure a satisfactory appearance and setting for the development and continued maintenance of the approved landscaping in the interests of local amenity in accordance with Policy 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

## **Informatives**

1 Reason for Approval

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or residential amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

2 Added Value Statement

Article 31(1)(cc) Statement - Positive and Proactive Approach

No problems have arisen during consideration of this application that have required working directly with the applicant to seek solutions.

3 Informative

Please note that you may also require Building Regulations. You are advised to contact them in advance of work on site commencing (Tel: 01472 326289 - Option 2).

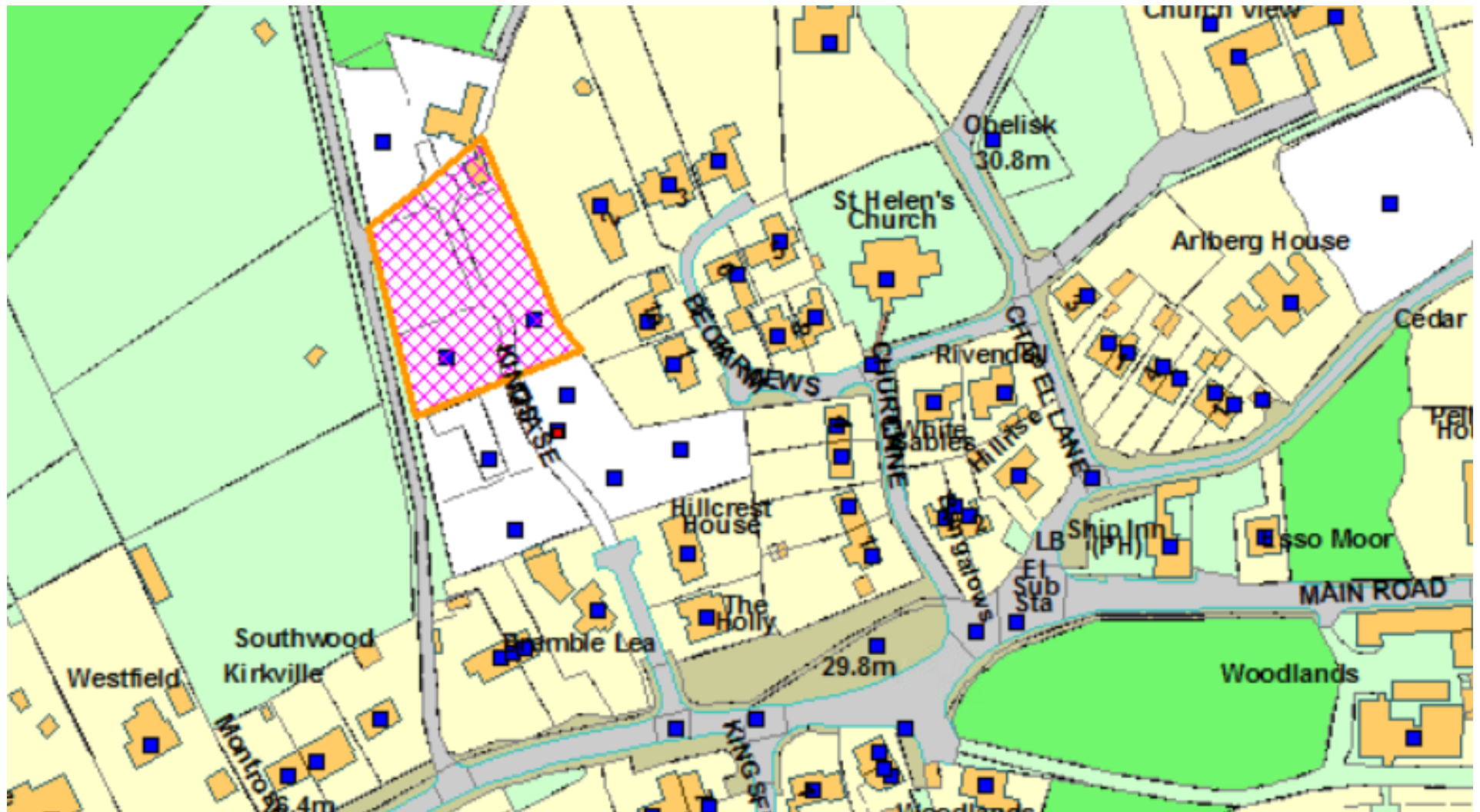
4 Informative

This application will require the creation of new postal addresses. You are advised to contact the Street Naming & Numbering Team on 01472 323579 or via email at [snn@nelincs.gov.uk](mailto:snn@nelincs.gov.uk) to discuss the creation of new addresses.

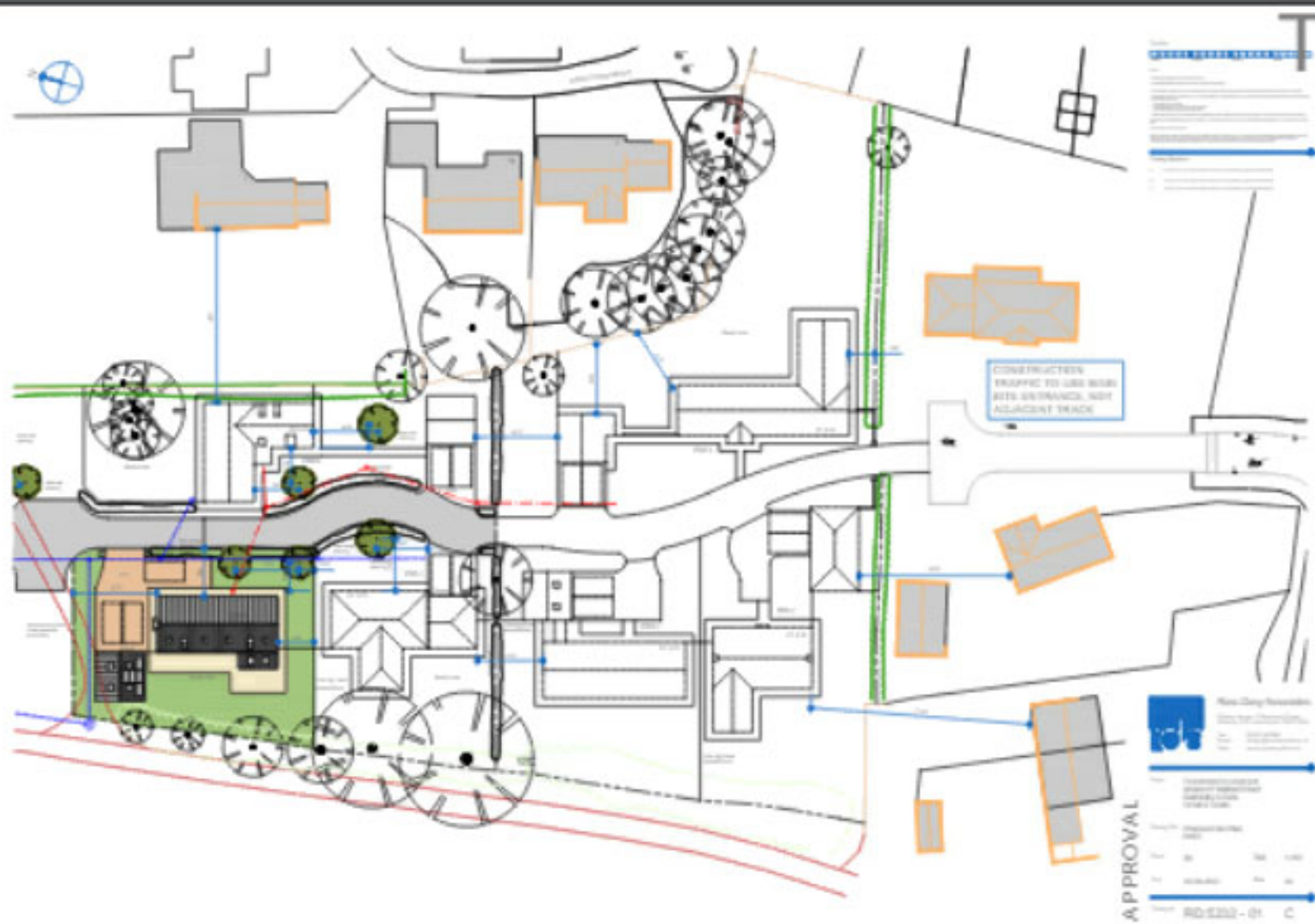
5 Informative

With regard to Japanese Knotweed the applicant is reminded of the need to accord with the requirements of Schedule 9 of the Wildlife and Countryside Act 1981.

DM/0180/23/REM – LAND NORTH OF MAIN ROAD (PLOT 5 KINGS CHASE), BARNOLDBY LE BECK



DM/0180/23/REM – LAND NORTH OF MAIN ROAD (PLOT 5 KINGS CHASE), BARNOLDBY LE BECK



**PLANNING COMMITTEE - 14th June 2023**

**ITEM: 7**                      **RECOMMENDATION: Refused**

**APPLICATION No: DM/0800/22/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: The Grange , Aylesby Road, Great Coates, North East Lincolnshire, DN37 9NT**

**PROPOSAL: Erect seven dwellings with associated access, parking, landscaping and boundary treatments (amended plans and updated ecology information March 2023)**

**APPLICANT:**

Mr And Mrs G Cooper  
The Grange  
Aylesby Road  
Great Coates  
North East Lincolnshire  
DN37 9NT

**AGENT:**

Mr Matt Deakins  
Ross Davy Associates  
Pelham House  
1 Grosvenor Street  
Grimsby  
DN32 0QH

**DEPOSITED: 5th September 2022**

**ACCEPTED: 13th September 2022**

**TARGET DATE: 8th November 2022**

**PUBLICITY EXPIRY: 23rd April 2023**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 10th October 2022**      **CASE OFFICER: Richard Limmer**

**PROPOSAL**

The proposal is to erect 7 dwellings in the grounds of the Grange with access off Aylesby Road with associated parking, landscaping and drainage infrastructure.

The application has been called into Planning Committee by Councillor Holland.

**SITE**

The site forms part of the grounds of The Grange. The site area measures approximately 1.44ha and is relatively flat with no significant change in levels across the site. It contains

a large pond and there is a historic moat around the north and western boundaries, this forms part of a larger moat that extends to the east of the Grange. Within the site and along the site boundaries is a mixture of landscaping and a large pond.

The Grange itself is a Grade 2 listed building and the site sits within the Great Coates Conservation Area, the adjacent Church of St Nicholas is a Grade 1 listed building.

## **RELEVANT PLANNING HISTORY**

No relevant planning history on this site.

## **RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS**

### National Planning Policy Framework (2021)

- NPPF5 - Delivering a sufficient supply of homes
- NPPF12 - Achieving well designed places
- NPPF14 - Climate, flooding & coastal change
- NPPF15 - Conserv. & enhance the natural environ.
- NPPF16 - Conserv. & enhance the historic environ.

### North East Lincolnshire Local Plan 2013-2032 (adopted 2018)

- PO5 - Development boundaries
- PO22 - Good design in new developments
- PO33 - Flood risk
- PO34 - Water management
- PO39 - Conserve and enhance historic environ
- PO41 - Biodiversity and Geodiversity
- PO42 - Landscape
- PO43 - Green space and recreation

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the area is comprised of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

## **REPRESENTATIONS RECEIVED**

Drainage - no objections but comments on drainage requirements.

Trees - no objections but comments on the impact on trees and the requirement for landscaping within the development.



Drainage Board - no objections but comments on drainage requirements.  
Anglian Water - no comments.  
Env. Agency - no comments.  
PROW - no objections.  
Heritage Officer - objects due to the impact on heritage assets.  
Historic England - raise concerns due to the impact of the development on heritage assets.  
Historic Buildings and Places - raise concerns due to the impact of the development on heritage assets.  
Great Coates Village Council - no objections.  
Highways - no objections, recommends conditions.  
Environmental Health - no objections, recommends conditions.

#### Neighbours

25, 74, 76 and 84 Cormorant Drive have objected to the proposed development with concerns over the following matters:

- Impact on residential amenity with the loss of privacy;
- Impact on ecology;
- Impact on highway safety due to the access and traffic generation;
- Impact on heritage;
- No need for such new houses;
- Loss of green space.

### **APPRAISAL**

#### Main Issues

1. Principle of Development
2. Impact on Neighbours
3. Impact on Heritage and the Character of the Area
4. Drainage
5. Highways

#### 1. Principle of Development

The site is located within the Development Area Boundary for Grimsby on the NELLP inset maps but the site is allocated as Open Space. Policies 5 and 43 are therefore key considerations for this proposal.

Policy 5 does not preclude residential development within the defined Development Area Boundaries but seeks to ensure that proposals are suitable in regard to the considerations identified in section 1; these key considerations are set out in the report below.

Policy 43 seeks to safeguard the loss of public and private green spaces in recognition of

their importance to biodiversity, health and wellbeing. Part 2 of the Policy identifies where the Council will accept the loss of such identified spaces. This criteria includes evidence that the space is surplus to requirements and has been assessed in regard to biodiversity or alternative provision can be provided of equal or better quality.

In regard to need, the application has not been submitted with any evidence to support that the site is surplus to requirements. The application has been submitted with Ecology Surveys but not a specific holistic assessment of biodiversity value and no alternative provision has been proposed. It is therefore considered that the proposal does not meet the requirements of Policy 43 and is therefore contrary to it.

It is therefore considered that whilst the site is located within the Development Area Boundary for Grimsby it is allocated as Open Space and no case has been made to support its loss. It is therefore considered to be unacceptable in principle.

## 2. Impact to Neighbours

It is noted that neighbours on Cormorant Drive have objected to the proposal on the basis of the loss of privacy. However, in regard to proximity to those neighbours the proposed dwellings are well separated and the site itself is already part of a domestic property and could be used as such. It is therefore considered that whilst there may be some views to the development from those neighbours it would not cause undue harm to their residential amenities in accordance with Policy 5 of the NELLP.

## 3. Impact on Heritage and the Character of the Area

The site is located within the grounds of The Grange which is a Grade 2 listed building, within the Great Coates Conservation Area and within the wider setting of the Grade 1 listed church of St Nicholas.

Concerns have been raised by both Historic England and Historic Buildings and Places and there is an objection from the Heritage Officer.

The concerns raised surround the impact of the proposed development on the setting of both The Grange and St Nicholas Church as well as the character of the Conservation Area. The site plays a vital role in providing space around The Grange which has been eroded by other developments within the grounds, these have caused this site to be even more valuable than previous to those developments. Visually the site provides a green break between the historic core of Great Coates and the new development of the Aylesby Park Estate.

The proposed development of 7 large dwellings is considered to be a significant over development of the site. It would remove what is now a green view to an urban view dominated by bricks and mortar. The green and open nature of the site is the significant contributor to the setting of The Grange. The scale, design and mass of the buildings exacerbates this very issue and in the context of the area it is not considered to be good

design.

The proposal would also see much of the greenery and trees on the site removed to make way for the development, in particular around the site boundaries. Visually this would be a significant change to the existing situation and contributes to the overall detrimental impact of the development.

Policy 39 of the NELLP and Section 16 of the NPPF are clear in their aim to protect and enhance heritage assets. The comments from Historic England, Historic Buildings and Places and the Heritage Officer make it clear that this proposed development would cause significant harm to the setting of The Grange, St Nicholas Church and the Great Coates Conservation Area conflicting with Policies 5 and 39 of the NELLP and section 16 of the NPPF.

#### 4. Drainage

The site is in Flood Zone 1 on both the Environment Agency Flood Maps and the Strategic Flood Risk Assessment. The Drainage Team and Drainage Board have not objected to the proposed development but have commented on the requirements of the surface water drainage system. No details of the surface water drainage system have been submitted but it is considered that this detail could be dealt with a suitable condition which is normal practice. It is therefore considered that the proposed development would accord with Policies 33 and 34 of the NELLP.

#### 5. Highways

The proposal is for 7 dwellings to be accessed off Aylesby Road, at this point the road is a 30mph limit. The proposal would utilise an existing secondary access to The Grange, although this access has not been used in recent times and there is no drop curb serving it. However, it has been demonstrated that the necessary visibility sight lines of 43m, 2.4m back from the edge of the carriageway can be provided. Within the site it is proposed that the access road would be private but 5.5m wide near the access point reducing down to 5.2m but with passing places.

Given the level of traffic generation from 7 dwellings it is considered that the proposed development would not unduly harm highway safety and amenity in accordance with Policy 5 of the NELLP. The Highways team have recommended conditions for construction details, provision for bin storage and a construction traffic management plan. These conditions are normal for such developments and are considered reasonable.

### **CONCLUSION**

In conclusion, the proposed development has not been justified in regard to the loss of green space and it would cause significant harm to identified heritage assets. The proposal is therefore considered to be in direct conflict with Policies 5, 39 and 43 of the NELLP and sections 15 and 16 of the NPPF. It is therefore recommended for refusal.

## **RECOMMENDATION**

### **Refused**

(1) The proposed development would result in the unjustified loss of designated Green Space to the detriment of biodiversity, health and wellbeing contrary to Policies 5 and 43 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and the National Planning Policy Framework 2021.

(2) The proposed development, by means of its location, size, scale, mass, design and layout, would cause significant harm to the character and setting of The Grange (Grade 2 listed), St Nicholas Church (Grade 1 listed) and the character of the Great Coates Conservation Area this is in direct conflict with Policies 5 and 39 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and the National Planning Policy Framework 2021.

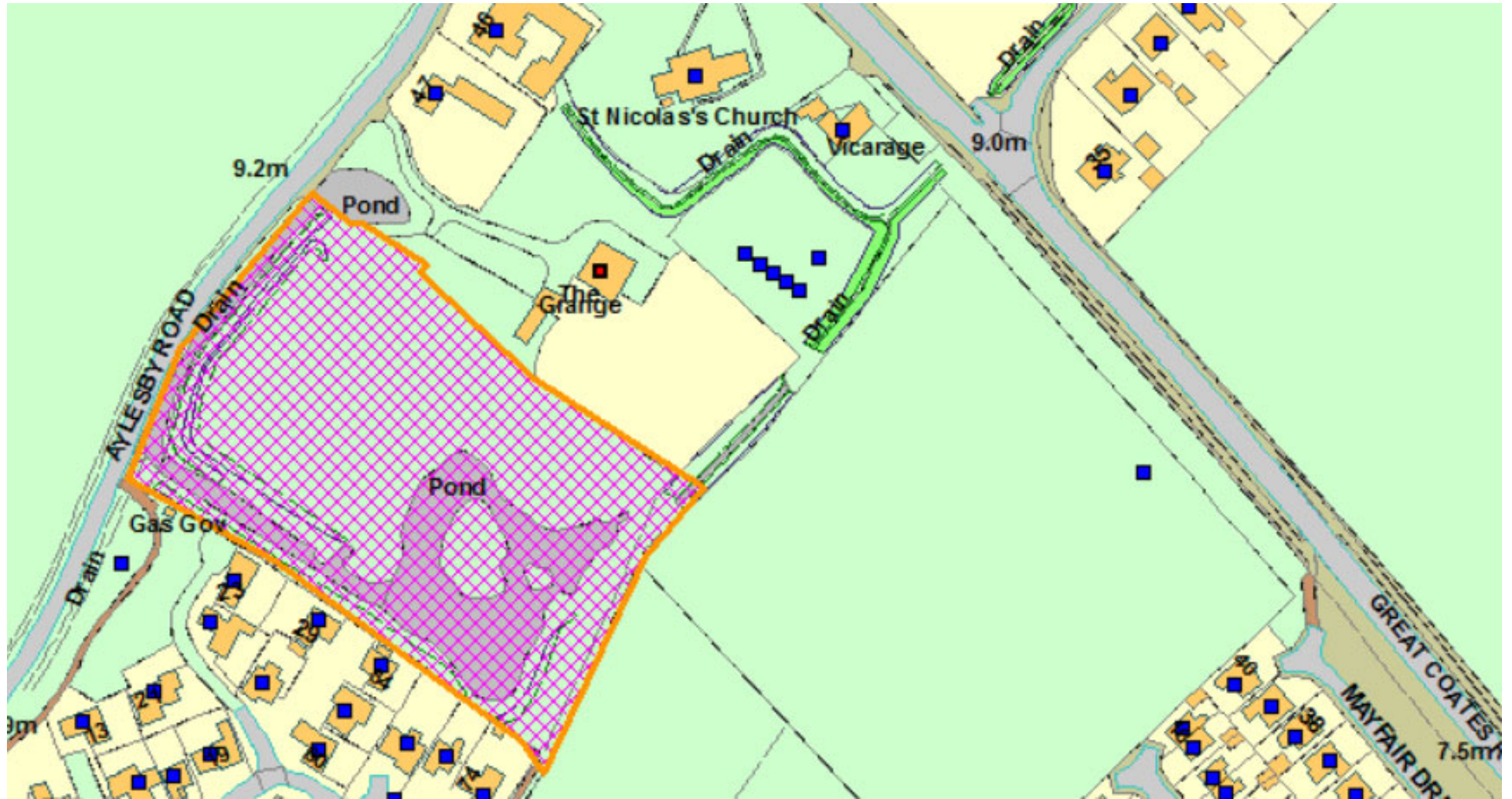
### **Informatives**

#### **1 Informative**

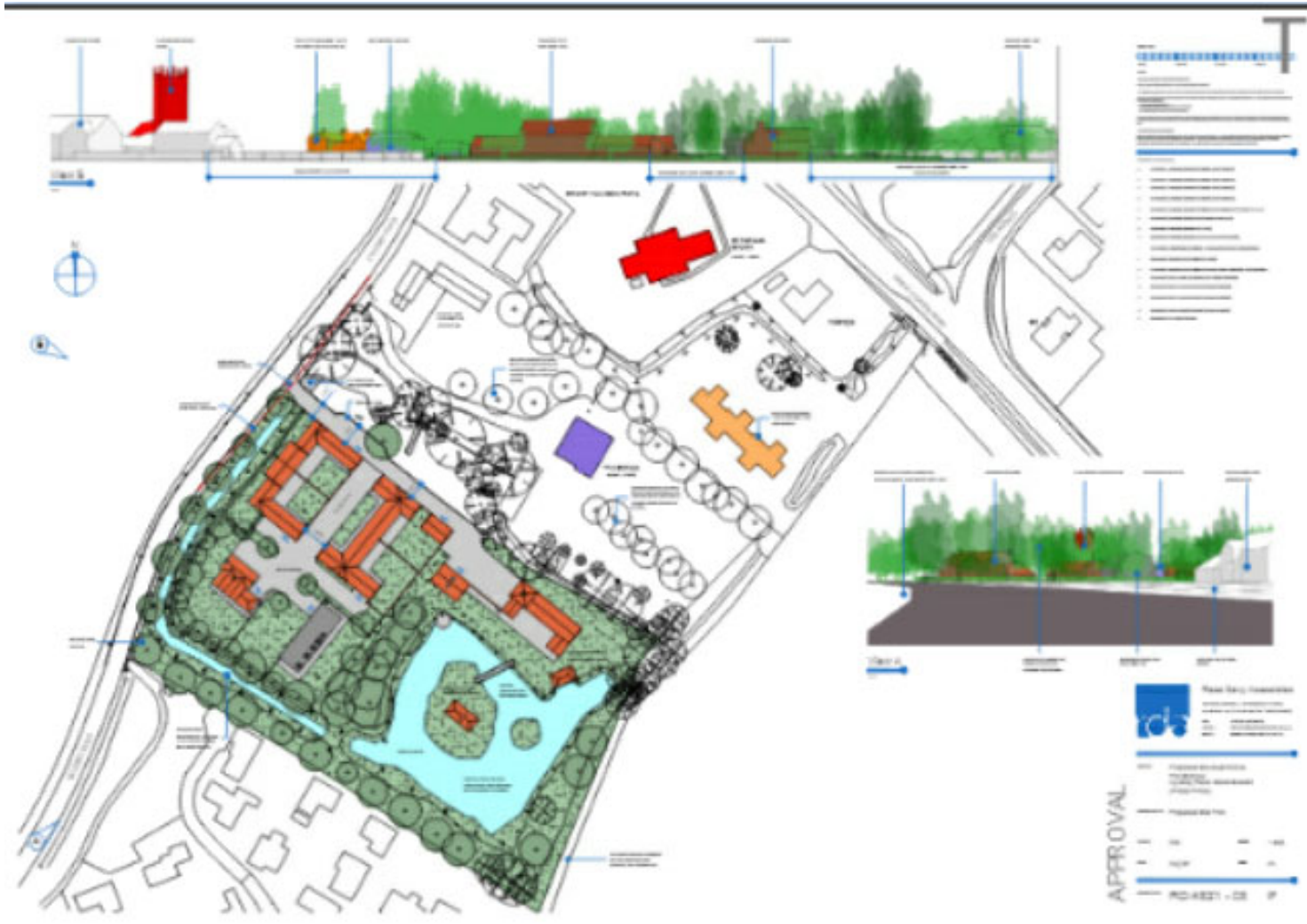
This decision relates to the following plans:

RD4521 - 03-REV-B  
RD4521 - 04-REV-B  
RD4521 - 05 REV P  
RD4521 - 06-REV-C  
RD4521 - 07-REV-A  
RD4521 - 08-REV-C  
RD4521 - 09 REV-G  
RD4521 - 10 REV-E  
RD4521 - 12 REV-H  
RD4521 - 14 REV-C  
RD4521 - 15 REV-B  
RD4521 - 16 REV-A  
RD4521 - 17 -REV-A  
RD4521 - 18 REV-A  
RD4521 - 19 REV-A

DM/0800/22/FUL – THE GRANGE, AYLESBY ROAD, GREAT COATES



DM/0800/22/FUL – THE GRANGE, AYLESBY ROAD, GREAT COATES



**PLANNING COMMITTEE - 14th June 2023**

**ITEM: 8**                      **RECOMMENDATION: Approved with Conditions**

**APPLICATION No: DM/0987/22/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: Land At Hall Farm Restaurant , Ashby Lane, Ashby Cum Fenby, North East Lincolnshire, DN37 0RT**

**PROPOSAL: Erect 6 holiday huts to include landscaping and new access (amended layout March 2023)**

**APPLICANT:**

Mr & Mrs M Durrant  
Hall Farm Hotel and Restaurant  
Ashby Lane  
Ashby Cum Fenby  
North East Lincolnshire  
DN37 0RT

**AGENT:**

Mr A Allison  
Ryland Design Services Ltd  
Hamilton Place  
20 King Street  
Market Rasen  
LN8 3BB

**DEPOSITED: 2nd November 2022**

**ACCEPTED: 15th November 2022**

**TARGET DATE: 10th January 2023**

**PUBLICITY EXPIRY: 16th April 2023**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 11th December 2022**

**CASE OFFICER: Richard Limmer**

**PROPOSAL**

Erect 6 holiday huts to include landscaping and new access.

The application has been brought to Planning Committee due to the number of objections received from neighbours and an objection from the Parish Council.

**SITE**

The site is located to the north of the existing Hall Farm complex which consists of a hotel and restaurant, residential dwelling and various agricultural buildings. The site itself is a small paddock area with a small pond positioned centrally. The boundaries of the site to

the north, east and west are hedgerows and to the south are the agricultural buildings and residential property. Further to the south, separated by the dwelling and its garden space is The Hall, a neighbouring residential property.

The Hall is a Grade 2 listed building and the host buildings mentioned above are listed by virtue of curtilage. The proposed holiday huts would therefore be within the curtilage of the listed buildings.

## **RELEVANT PLANNING HISTORY**

DM/1035/21/FUL - erect 9 holiday lodges - withdrawn.

Whilst there is other planning history on the site it is not relevant to this proposal.

## **RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS**

### National Planning Policy Framework (2021)

- NPPF4 - Decision-making
- NPPF6 - Building a strong, competitive economy
- NPPF12 - Achieving well designed places
- NPPF14 - Climate, flooding & coastal change
- NPPF15 - Conserv. & enhance the natural environ.
- NPPF16 - Conserv. & enhance the historic environ.

### North East Lincolnshire Local Plan 2013-2032 (adopted 2018)

- PO5 - Development boundaries
- PO12 - Tourism and visitor economy
- PO22 - Good design in new developments
- PO33 - Flood risk
- PO34 - Water management
- PO39 - Conserve and enhance historic environ
- PO41 - Biodiversity and Geodiversity
- PO42 - Landscape

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the area is comprised of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).



## **REPRESENTATIONS RECEIVED**

Drainage Board - no objections.

Highways - no objections.

Civic Society - does not oppose application, but concerns on wildlife and traffic are outlined.

Environment Agency - no comments.

Natural England - no objections.

Historic England - refer to Heritage Officer.

Drainage - condition for surface and foul water drainage.

Trees - no principal objections, condition for landscaping details.

Environmental Health - no objections, conditions for construction and site management.

Heritage - no objections in regard to archaeology but recommends refusal due to the impact of the development on the setting of the listed buildings.

Ashby Parish Council - object to the proposal with concerns over noise, light, traffic, size of the bases, neighbours' amenities and a CCL Touring site.

Ecology - no objections.

### **Neighbours**

The following neighbours have objected to the proposed development:

- The Hall
- Ashwood
- The Hollies
- Meadowlands
- 8 Cendl Crescent, Rassau

With concerns over the following matters:

- The visual impact of the development on the character of the area.
- The impact of the traffic generation from the development on the village.
- Noise generation.
- Light pollution.
- Drainage and flooding.
- Impact on wildlife.

## **APPRAISAL**

### **Main Issues**

- 1) Principle of Development
- 2) Tourism and Economic Benefits
- 3) Impact on Neighbouring Land Uses
- 4) Impact on Heritage and the Character of the Area
- 5) Drainage
- 6) Highways

## 7) Ecology

### 1) Principle of Development

The site is located within the open countryside and has no specific allocation on the NELLP 2018. Part 3 of Policy 5 of the NELLP 2018 requires development proposals in the open countryside to respond to the character and quality of the area and will only be supported where, amongst other things, the development supports a prosperous rural economy. The proposed huts would be connected to the Hall Farm Restaurant and Hotel. This is a business model that is now common across the country and plays a significant role in the rural economy.

The NPPF makes it clear that local planning authorities need to favourably consider development that seeks to positively improve the quality of the built, natural and historic environment as well as the quality of people's lives. This includes the development for leisure. Decisions also need to take account of local circumstances and to respond to different opportunities for achieving sustainable development. This is supported by the detailed Policies in the NELLP 2018 in particular Policies 5 and 12.

Furthermore, a core planning principle in the NPPF is to pro-actively drive and support sustainable development needs as well as recognising the intrinsic character and beauty of the countryside. In doing so it is recommended that mixed use developments that encourage multiple benefits from the use of land should be promoted, recognising that land can perform many functions in both rural as well as urban areas. Policy 12 of the NELLP actively supports the development and improvement of visitor attractions in the borough including those countryside based attractions.

Turning to the rural economy, the NPPF urges local planning authorities to support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. This should take the form of supporting sustainable growth and expansion of all types of business and enterprise in rural areas through converting existing buildings and well designed new buildings. Part E of Policy 12 promotes rural green tourism facilities and rural diversification. The proposed development is part of a well established facility and its general improvement and expansion should be supported.

It is considered that, in principle, the proposed development would not only significantly contribute to the rural economy in its own right but also help maintain and sustain the existing Hotel and Restaurant facility. The development would also add to the range of attractions and accommodation available to visitors and help promote the wider area. This is in accordance with Policies 5 and 12 of the NELLP 2018.

### 2. Tourism and Economic Benefits

This proposal would result in a significant financial investment at the site and create additional jobs. The investment in the site is welcomed and sustains the overriding need

to support such services. In terms of health and well-being for users of the site as well as the local community it broadly meets the economic dimension of the NELLP 2018. The proposal also broadens the offer of visitor attractions in the borough which is of significant benefit to the leisure and tourism aims of the NELLP 2018.

The site is also located on the edge of the Lincolnshire Wolds AONB with good linkages through the village to the designated area. The AONB is an important visitor attraction and providing this accommodation with such easy access into it is of benefit to the wider tourism economy.

Policy 12 of the NELLP seeks to support development for tourism and the visitor economy by safeguarding existing attractions and new attractions where appropriate. This proposal would help sustain the existing hotel and restaurant and the nearby AONB.

### 3) Impact on Neighbouring Land Uses

The proposed huts are located in the north east area of the site and the closest residential property (not including the applicants dwelling) is The Hall. The closest hut is some 80m from the northern boundary of The Hall and approximately 105m from the dwelling itself. There is the garden space of The Grange (the applicants house) in between the proposed huts and The Hall along with various boundary treatments. It is therefore considered that the physical presence of the huts would not harm the residential amenities of The Hall.

The use of the huts would be for holiday accommodation and is linked to the Hotel and Restaurant which has function facilities for weddings and alike. Whilst there would be an increase in comings and goings to the site due to the additional accommodation this would not be significant given the level of accommodation proposed. People using the huts would undoubtedly enjoy the outdoor space around the site which does not happen now but given the separation between the site and The Hall it is unlikely that this would cause an undue impact on their amenities. However, there is the potential for noise to travel and for other disruptions, this is acknowledged by the Environmental Health Officer and they recommend a Site Management Plan to be conditioned, this is considered to be a reasonable approach to ensure there is appropriate management of the site to protect the neighbours.

Other neighbouring properties are further away than The Hall and as such the potential impacts are further reduced. It is therefore considered that, with the inclusion of the site management condition, the proposal would accord with Policy 5 of the NELLP.

### 4) Impact on Heritage and the Character of the Area

It is noted that the Heritage Officer has commented on the scheme and expressed concerns that the development would harm the setting of the adjacent listed buildings. This is from the physical presence of the huts and infrastructure around them including the paths and track to access them.

However, in terms of how the aforementioned harm would be viewed this would be very limited. The site is located to the rear of the main site with no public access. There is a public footpath to the north east of the site but this is approximately 200m away and views would be interrupted by hedges and trees. The harm therefore would not be readily appreciated by the public. There would be views from The Hall to the huts and visa versa. There is also extensive landscaping proposed that will help soften the limited views of the development.

It is also noted that the proposed development is for holiday huts and by their nature have minimal infrastructure associated with them and there is a reasonable reversibility of the development. The overall development would also be softened by an extensive landscaping scheme which includes an orchard area which in itself is a nod back to the historic nature of the site. The Trees and Woodlands Officer raises no in principle objections, subject to a detailed scheme being conditioned.

It is considered that the harm caused to the adjacent heritage assets would be reduced by the landscaping scheme and overall the harm would be minimal. This then must be balanced against the benefits delivered by the development in sustaining and improving the visitor offer provided at the host facility. It is therefore considered that, on balance, the proposed development is acceptable and does accord with Policy 39 of the NELLP., along with Policies 5, 12, 22 and 42.

#### 5) Drainage

The proposed development has a low amount of impermeable ground cover but this still needs to be drained in a manner so as to not increase the risk of flooding elsewhere. A detailed surface and foul water drainage system is therefore required. This approach is supported by the Drainage Officer. The development would then accord with Policies 33 and 34 of the NELLP.

#### 6) Highways

It is noted that neighbours and the Parish Council have raised concerns about the increase in traffic from the site. The proposed development would see 6 holiday huts positioned on the site which already has a hotel and restaurant on it. The site has function facilities and regularly hosts weddings and alike. The increase in traffic entering and leaving the site would not be significant and would not pose an undue impact on highway safety or amenity on the area, as confirmed by the Highways Officer. The proposal therefore accords with Policy 5 of the NELLP.

#### 7) Ecology

The site is a greenfield site with a pond and hedges around the boundaries. It therefore has the potential to host important biodiversity. The application has been supported by an Ecology Report. The report raises no points of concern in regard to the proposed

development but set out a series of recommendations for biodiversity improvements, protection measures and precautionary approaches during construction in case unexpected species are found. The Ecologist has reviewed the Report and agrees with its conclusions and recommendations. The recommendations should be secured by condition. It is therefore considered that the proposed development accords with Policy 41 of the NELLP.

## **CONCLUSION**

The proposal, if approved, would provide further investment in the site to provide ancillary facilities to enhance the existing hotel and restaurant facility. It is considered that the development would meet the objectives set out in the NELLP 2018 and National Planning Policy Framework to support a prosperous rural economy and growth by creating additional jobs and supporting a sustainable rural development. The proposal is considered to accord with specific Policies 5, 12, 22, 39, 41 and 42 of the NELLP 2018 and is therefore recommended for approval.

## **RECOMMENDATION**

### **Approved with Conditions**

#### **(1) Condition**

The development hereby permitted shall begin within three years of the date of this permission.

#### **Reason**

To comply with S.91 of the Town and Country Planning Act 1990.

#### **(2) Condition**

The development shall be carried out in accordance with the following plans:

RDS11626-02 Existing Site Plan

RDS11626-03 Rev C Site Location Plan

RDS11626-04 Rev H Proposed Layout Plan

RDS11626-08 Proposed Hut Plans and Elevations

#### **Reason**

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

(3) Condition

The hereby approved holiday huts shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence.

Reason

The holiday huts are in a location where the Local Planning Authority would not wish to encourage permanent residential occupation and in order to comply with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(4) Condition

The owners/occupiers of the site shall maintain a central up to date register of the names of all occupiers of the hereby approved holiday huts and of their main home address and shall make this information available on request of the Local Planning Authority.

Reason

The holiday huts are in a location where the Local Planning Authority would not wish to encourage permanent residential occupation and in order to comply with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(5) Condition

Development shall not begin until details of all external materials to be used in construction of the huts and hard surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall then be built out in accordance with the approved details.

Reason

To ensure the development has an acceptable external appearance and is in keeping with the visual amenity and character of the area in accordance with Policies 5, 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(6) Condition

No development shall commence until a scheme for the provision of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The development shall then be built out in accordance with the approved details with all drainage installed as approved before the huts are brought into use.

Reason

To prevent an increased risk of flooding by ensuring the provision of a satisfactory means of surface and foul water disposal in accordance with Policies 5, 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(7) Condition

No development shall commence until:

- (a) A scheme of landscaping showing the details of the number, species, sizes and planting positions of all trees and shrubs to be planted;
- (b) A plan including details of all trees to be retained, any to be felled, hedgerows to be retained, any sections of hedgerow or trees to be removed;
- (c) A detailed landscape management plan.

have been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall then be fully planted out within 12 months of the first hut being brought into use and thereafter maintained in accordance with the approved Landscape Management Plan.

Reason

To ensure a satisfactory appearance and setting for the development in the interests of local amenity in accordance with Policies 5, 41 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(8) Condition

The development shall not be brought into use until a detailed Site Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Management Plan shall contain the following matters:

- Noise controls;
- Light controls;
- Site rules for occupiers;
- Contact details for the person responsible for managing the site;

The development shall then operate in perpetuity in accordance with the approved Management Plan.

Reason

In the interests of protecting amenity in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(9) Condition

The development shall not commence until a detailed scheme of all external lighting on the site has been submitted to and approved in writing by the Local Planning Authority. The development shall then be built out in accordance with the approved details and no further external lighting shall be installed on the site without being first agreed in writing with the Local Planning Authority.

Reason

In the interests of amenity and biodiversity protection in accordance with Policies 5 and

41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(10) Condition

The development shall be carried out in strict accordance with the recommendations, method statement and working practices set out in the Preliminary Ecology Appraisal dated February 2023. Before development commences, an ecological enhancement plan shall be submitted to and approved in writing by the Local Planning Authority, it shall include timescales for implementation. Once approved, the plan shall be implemented as agreed and in line with the approved timescales.

Reason

In the interests of ecological protection and enhancement in accordance with Policy 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(11) Condition

No development shall take place until the applicant has:-

- (i) submitted a Written Scheme of Investigation or Specification for Works, for a programme of archaeological work, to the Local Planning Authority;
- (ii) received written approval of the Written Scheme of Investigation for a programme of archaeological work from the Local Planning Authority;
- (iii) implemented, or secured implementation of the Written Scheme of Investigation for a programme of archaeological work.

Use of the development shall not take place until the applicant has:-

- (iv) published, or secured the publishing of the findings resulting from the programme of archaeological work within a suitable media;
- (v) deposited, or secured the deposition of the resulting archive from the programme of archaeological work with an appropriate organisation.

Reason

In the interests of heritage protection and understanding in accordance with Policy 39 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(12) Condition

No works related to the development hereby approved shall begin until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP should include, but not be limited to the following:

1. Contact details of the person with responsibility for the implementation of the CTMP;
2. The expected number, types and size of vehicles during the entire construction period;
3. The proposed daily hours of operation during the construction period;



4. Details of on-site parking provision for construction related vehicles;
5. Details of on-site storage areas for materials, if required;
6. Details of expected delivery schedules and how this will be managed to eliminate waiting on the public highway (i.e. call ahead or pre-booking scheduling system), if required; and
7. Details of wheel washing facilities (locations, types etc.).

Once approved, the CTMP shall be adhered to at all times during construction.

#### Reason

In the interests of highway safety and amenity in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

## **Informatives**

### 1 Reason for Approval

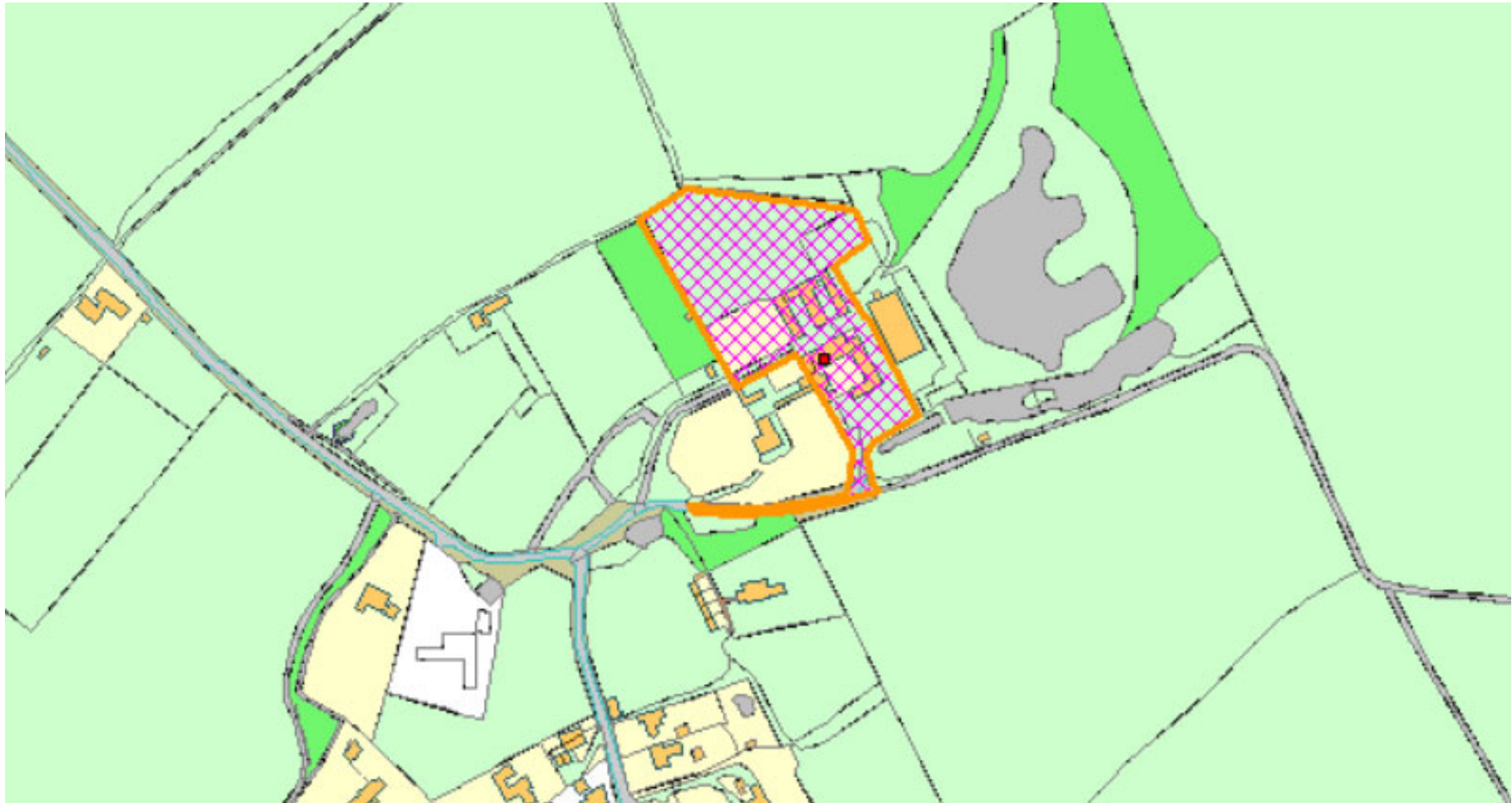
The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or residential amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 5, 12, 22, 33, 34, 39, 41 and 42.

### 2 Added Value Statement

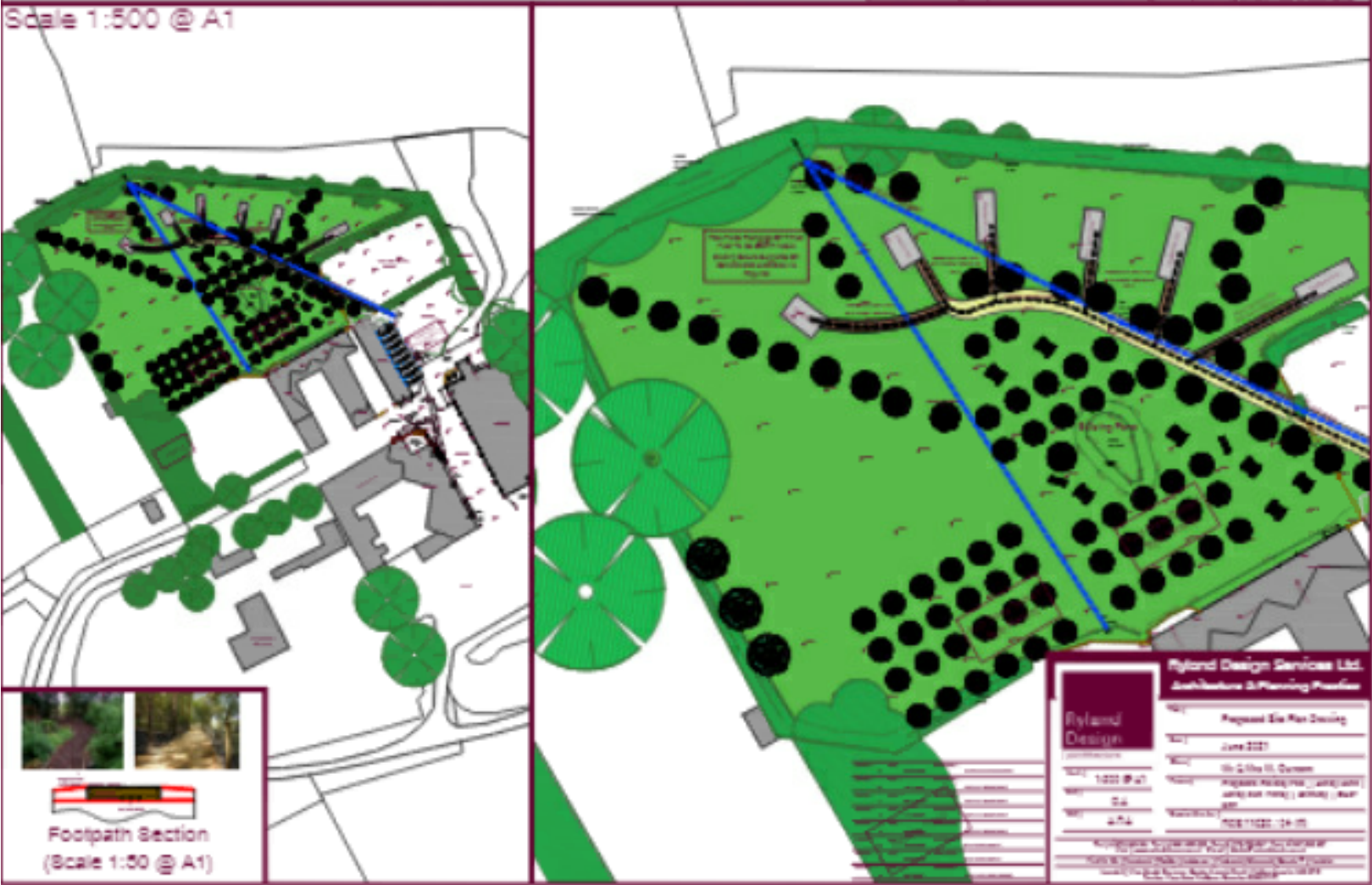
Article 31(1)(cc) Statement - Positive and Proactive Approach

In accordance with paragraph 187 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to problems arising, by negotiating with the applicant through the planning process.

DM/0987/22/FUL – LAND AT HALL FARM RESTAURANT, ASHBY LANE, ASHBY CUM FENBY



DM/0987/22/FUL – LAND AT HALL FARM RESTAURANT, ASHBY LANE, ASHBY CUM FENBY



**PLANNING COMMITTEE - 14th June 2023**

**ITEM: 9**                      **RECOMMENDATION: Approved with Conditions**

**APPLICATION No: DM/0320/23/OUT**

**APPLICATION TYPE: Outline Application**

**APPLICATION SITE: Field House , Waltham Road, Brigsley, North East  
Lincolnshire, DN37 0RQ**

**PROPOSAL: Outline application for erection of one dwelling and provision of new  
access with all matters reserved**

**APPLICANT:**

Mr And Mrs Barker  
C/O Agent Unit 2  
Cleethorpes Business Centre  
Jackson Place  
Grimsby  
DN36 4AS

**AGENT:**

Mr Dieter Nelson  
Dieter Nelson Planning Consultancy  
Unit 2 Cleethorpes Business Centre  
Jackson Place  
Wilton Road  
Humberston  
Grimsby  
DN36 4AS

**DEPOSITED: 6th April 2023**

**ACCEPTED: 6th April 2023**

**TARGET DATE: 1st June 2023**

**PUBLICITY EXPIRY: 7th May 2023**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 30th April 2023**

**CASE OFFICER: Bethany Loring**

**PROPOSAL**

The application seeks outline planning permission, with all matters reserved, to erect one dwelling and the provision of a new access, to the rear of Field House, Waltham Road, Brigsley.

The application is brought to committee following objections from neighbours.

## **SITE**

The property is a semi-detached bungalow located to the east side of Waltham Road in Brigsley. The site benefits from a concrete driveway to the front and side. The boundaries are established by fencing and landscaping. The property has a modest rear garden.

## **RELEVANT PLANNING HISTORY**

DM/0840/22/OUT - Outline application for erection of one dwelling and provision of new access with all matters reserved (Amended Description for clarity purposes highlighting access, layout, scale and landscaping for indicative details only) - Approved with Conditions

## **RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS**

### National Planning Policy Framework (2021)

- NPPF12 - Achieving well designed places
- NPPF14 - Climate, flooding & coastal change
- NPPF15 - Conserv. & enhance the natural environ.
- NPPF5 - Delivering a sufficient supply of homes

### North East Lincolnshire Local Plan 2013-2032 (adopted 2018)

- PO5 - Development boundaries
- PO22 - Good design in new developments
- PO33 - Flood risk
- PO34 - Water management
- PO42 - Landscape

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the area is comprised of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

## **REPRESENTATIONS RECEIVED**

Highways Team - Approval with access, bin storage, access and egress in a forward-facing gear and CTMP conditions.

Environment Team - Hours of construction/demolition condition.

Heritage Officer - No input required.

Drainage Team - Soakaway already approved and acceptable. No raising of ground levels or surface water run off onto the highway. New access to be constructed of a permeable material.

Trees and Woodlands - Details provided relating to the RPA's and no principal objections to the proposal. Tree protection measures to be conditioned.

Neighbour Representations

6 Mushroom Lane - Objects based on concerns relating to drive ownership and recommends conditions relating to boundary treatment.

The Hedgerow, Waltham Road - Objects based on concerns relating to the access and turning provisions within the site.

Cottonwood, Waltham Road - Objects based on concerns relating to access and turning provision and refers to comments made on previous application.

Brigsley, Grimsby - Objects based on concerns relating to overdevelopment, threat to trees, road and pedestrian safety and visibility.

## **APPRAISAL**

Principle of Development

The application site is located in a residential area in Brigsley, and as such policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) applies. The site is currently a residential garden, attached to Field House, Waltham Road. Policy 5 does not prohibit residential development within existing gardens where the site is within the development boundary. Furthermore, the site is not within a flood risk area and is therefore sequentially preferable for this type of use.

This application is made in outline form with all matters of access, appearance, landscaping, layout and scale being held for a further reserved matters submission however some indicative details have been provided for reference. As such, the consideration for this submission is in relation to the principle of residential development at the site. The indicative details show how a property could be accommodated within the site.

Having regard to these policies and location, the principle of development is therefore acceptable and is subject to the site-specific assessment below.

It is also important to note that permission has been previously granted for the proposal under DM/0840/22/OUT. This is extant and supports the principle of the what is now

proposed as this application is effectively an amendment. The application comes forward following discussions with the land owner of the previously proposed access now restricting the use of the existing access lane along the southern boundary. The only changes are that relating to the access which would now solely be within the curtilage of the host property serving only that of the proposed dwelling.

#### Visual Character of the Area and Layout

The proposal is for one dwelling on a 0.11-hectare site. The applicant has shown, on an indicative basis, that a bungalow would be erected on the site with a footprint of 120sqm. The principle of one detached bungalow on this plot would not be seen as out of character in this context as Waltham Road is considerably diverse in density, design and appearance, with a wide range of materials used within the vicinity of the application site.

In view of the predominant character, the proposal would represent a similar density and size to other plots in the locality. The principle of one detached property on this plot would not be seen as out of character in the context of the immediate area.

Therefore, it is considered a dwelling can be achieved on site without detriment to the visual character of the area in accordance with policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and section 12 and of the NPPF.

#### Highways

Access to the site would be taken from Waltham Road utilising the existing access point however the access point would need to be widened. It is important to note that the access would serve the proposed property only with the host property having a separate access. The plans indicate that boundary treatments and some other features would need to partially be removed to facilitate adequate vehicular access. The plans indicate that a 4.1 metre width.

The Highways Officer has accepted the details and confirms no objections. Details relating to a bin storage area and ensuring access and egress in a forward-facing gear have been requested and in the event of an approval could be dealt with at Reserved Matters.

It is therefore in accordance with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

#### Drainage

The proposal site is in the lowest risk of flooding according to the North East Lincolnshire Strategic Flood Risk Assessment and Environment Agency maps.

Drainage is proposed to be via soakaways which the Drainage Officer is supportive of. Final details can be achieved through condition.

It is therefore in accordance with policy 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and section 14 and of the NPPF.

### Trees and Landscaping

The site includes a Tree Preservation Order to the rear of the site. An Arboricultural Report has been provided which includes a Tree Constraints Plan and Root Protection Details. The details have identified that the trees are not Category A trees and are all Category B and below.

The details provided confirms that the footprint of the dwelling would be outside of these areas and therefore results in no principal objections from the Trees and Woodlands Officer. Information will however be required at the reserved matters stage in relation to tree protection and the RPA's in relation to the terrace area. It is considered that adequate amenity for the proposed dwelling is achievable.

It is therefore in accordance with policy 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and section 15 and of the NPPF.

### Impact on Neighbouring Properties

It is noted that objections have been received from neighbours. The proposed site plan shows that the dwelling and proposed vehicular access would be close to certain neighbours, specifically Springfield and The Hedgerow. It is important to note that there is an existing access which runs along the boundary with the Hedgerow and the proposed access would be adjacent to this however contained within the site and the dwelling would be adjacent to the rear garden of Springfield. The neighbours in this area have modest plots and rear gardens. It is considered that there would be existing boundary treatments separating the access and property from neighbours, and the property would be single storey in height positioned sufficiently within the site. A condition is recommended that it be single storey.

The scheme whilst indicative, demonstrates that the dwelling would be centrally positioned within the site, adjacent to rear gardens, preventing massing issues to the neighbours and providing sufficient amenity space for future occupiers. Whilst the application is in outline form with all matters reserved, floor plans and elevations have been provided to demonstrate that the plot would be sufficiently separated from neighbours with landscaping features present to provide additional screening.

It is noted that comments have been received from the adjacent neighbours, The Hedgerow, Cottonwood and 6 Mushroom Lane, situated to the north and south of the site, with concerns regarding the potential impacts following the development specifically relating to vehicle access. The application is in outline form and all matters of detailed design will form part of any future reserved matters considerations.



However, it is considered that the new dwelling has been shown to be a sufficient distance from the adjoining properties to ensure levels of privacy, light and sunlight would be maintained. Therefore, it is considered a dwelling can be achieved on site without detriment to the host property or to neighbours.

It is therefore in accordance with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and section 12 and of the NPPF.

## **CONCLUSION**

The proposal for one dwelling on this development site is acceptable in this residential area. It is considered it can be achieved without harm to the character of the area and street scene, and it would not give rise to significant impacts in terms of residential amenity, highway safety or drainage. Subject to conditions, it is therefore recommended for approval in accordance with policies 5, 22, 33, 34 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018), and sections 5, 12, 14 and 15 of the NPPF.

## **RECOMMENDATION**

### **Approved with Conditions**

#### **(1) Condition**

Applications for approval of the matters referred to in Condition 2 (known as reserved matters) shall be made within three years of the date of this permission and the development to which it relates shall begin no later than whichever is the later of the following dates:

- (a) three years from the date of the grant of outline planning permission
- (b) two years from the final approval of the reserved matters, or in the case of approval on different dates, final approval of the last such matter to be approved.

#### **Reason**

This permission is in outline only and the information is necessary for consideration of the detailed proposal as required by S.92 of the Town and Country Planning Act 1990.

#### **(2) Condition**

This permission hereby granted is in outline form only and no development shall begin until full details of the following reserved matters have been submitted to and approved by the Local Planning Authority:

- (a) the layout, scale and appearance of the development;

- (b) means of access to the site to include details of passing places and bin storage; and
- (c) a landscaping scheme for the site including details of existing trees, hedges and planting to be retained and any to be removed as well as an up-to-date tree protection plan

Reason

This permission is in outline only and the information is necessary for consideration of the detailed proposal as required by S.92 of the Town and Country Planning Act 1990.

(3) Condition

The development is approved in accordance with the following plans:

Site Location Plan - 1423/001A

Existing and Proposed Block Plans - 1423/002A

Proposed Site Plan - 1423/003C

Reason

For the avoidance of doubt and in the interests of proper planning and to accord with policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(4) Condition

The dwelling hereby approved shall be of bungalow construction only with no rooms in the roof space.

Reason

In the interests of residential amenity and to accord with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(5) Condition

No demolition or construction work shall be carried out on or before 08:00 or after 18:00 Mondays to Fridays inclusive, before 08:00 or after 13:00 on Saturdays and at any time on Sundays or Bank Holidays.

Reason

To protect the amenities of nearby residents in accordance with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(6) Condition

No works related to the development hereby approved shall begin until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP should include, but not be limited to the following:

1. Contact details of the person with responsibility for the implementation of the CTMP;
2. The expected number, types and size of vehicles during the entire construction period;
3. The proposed daily hours of operation during the construction period;
4. Details of on-site parking provision for construction related vehicles;
5. Details of on-site storage areas for materials, if required;
6. Details of expected delivery schedules and how this will be managed to eliminate waiting on the public highway (i.e. call ahead or pre-booking scheduling system), if required; and
7. Details of wheel washing facilities (locations, types).

Once approved, the CTMP shall be adhered to at all times during construction.

#### Reason

To ensure adequate access facilities are provided during construction, and for highway safety reasons and to accord with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

#### (7) Condition

Development shall not begin until details showing the location, layout, design and method of construction of the new vehicular access, parking and manoeuvring space, turning and access/egress in a forward facing gear, including any necessary piping or culverting of any ditch or watercourse, have been submitted to and approved in writing by the Local Planning Authority, and before the development hereby permitted is brought into use the vehicular access, parking and manoeuvring space shall be constructed in accordance with those approved details and shall thereafter be so retained.

#### Reason

To ensure adequate access, parking and turning facilities are provided within the site for highway safety reasons in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

#### (8) Condition

Prior to occupation of the dwelling, final details of how water will be reused and recycled on site shall be submitted to and agreed in writing by the Local Planning Authority. Once approved, the details shall be adhered to at all times following occupation.

#### Reason

To ensure the efficient use of water and to accord with policy 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

#### (9) Condition

Prior to the commencement of the development final details of the soakaway drainage shown on plan 1423-003C, designed to the BRE365 standard, shall be submitted to and

approved in writing by the Local Planning Authority. The drainage shall be installed and be fully connected before the dwelling is occupied. It shall be retained thereafter.

#### Reason

In the interests of flood risk and drainage in order to comply with policy 5 and 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

### **Informatives**

#### 1 Reason for Approval

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or residential amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 5, 22, 33, 34 and 42.

#### 2 Informative

Article 31(1)(cc) Statement - Positive and Proactive Approach

In accordance with paragraph 187 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner by determining the application in a timely manner.

#### 3 Informative

Please note that you may also require Building Regulations. You are advised to contact them in advance of work on site commencing (Tel: 01472 326289 - Option 2).

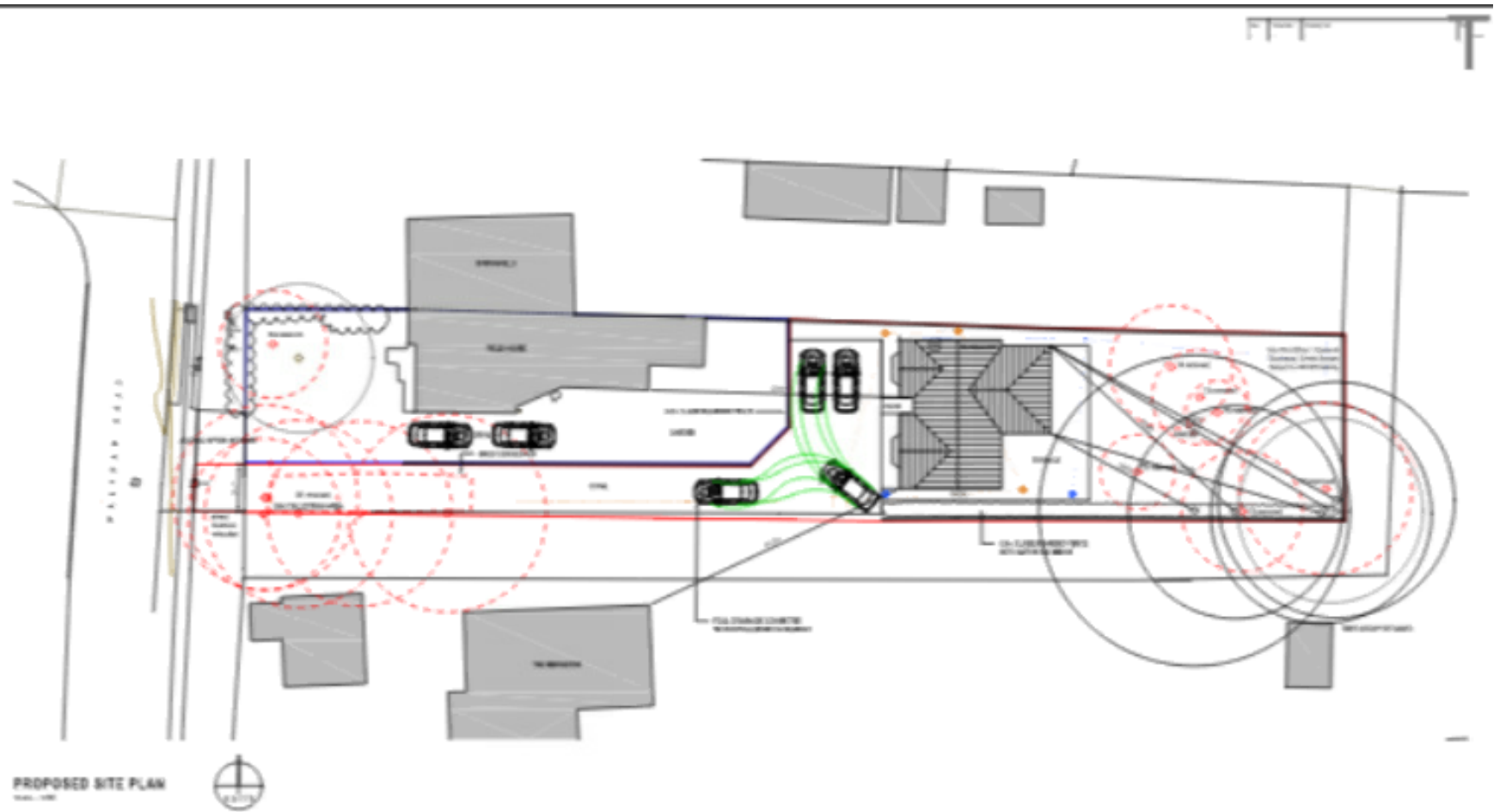
#### 4 Informative

This application will require the creation of new postal addresses. You are advised to contact the Street Naming & Numbering Team on 01472 323579 or via email at [snn@nelincs.gov.uk](mailto:snn@nelincs.gov.uk) to discuss the creation of new addresses.

DM/0320/23/OUT – FIELD HOUSE, WALTHAM ROAD, BRIGSLEY



DM/0320/23/OUT – FIELD HOUSE, WALTHAM ROAD, BRIGSLEY



**PLANNING COMMITTEE - 14th June 2023**

**ITEM: 10**                      **RECOMMENDATION: Approved with Conditions**

**APPLICATION No: DM/0384/23/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: Land Adjacent To , The Coop, Station Road, New Waltham, North East Lincolnshire**

**PROPOSAL: Erect detached unit for use as cafe and hair and beauty salon at ground floor and residential flat at first floor with associated works (Amended Site Address for clarity as Harvest Moon replaced by Co-Op store)**

**APPLICANT:**

Mr Meenaghan  
7532 Trading  
C/o AGS Accountants  
Laceby Business Park  
Laceby  
North East Lincolnshire  
DN37 7DP

**AGENT:**

Mr Dieter Nelson  
Dieter Nelson Planning Consultancy  
Unit 2 Cleethorpes Business Centre  
Jackson Place  
Wilton Road  
Humberston  
Grimsby  
DN36 4AS

**DEPOSITED: 24th April 2023**

**ACCEPTED: 26th April 2023**

**TARGET DATE: 21st June 2023**

**PUBLICITY EXPIRY: 7th June 2023**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY:**

**CASE OFFICER: Bethany Loring**

**PROPOSAL**

The proposal seeks to erect a detached unit for use as cafe and hair and beauty salon at ground floor and residential flat at first floor with associated works. An existing building on site would be demolished. The works would see the inclusion of a car park to the front and a terrace with garden to the rear.

The application is brought to planning committee following a call in request from a local ward councillor and due to the objections received.

## **SITE**

The application site comprises a vacant piece of land positioned to the south of Station Road in New Waltham. The site was formerly used as a beer garden associated with the former Harvest Moon public house which has since been converted to a Co-Op convenience store located to the west. This area has been fenced off for some time and left disused. There are residential neighbours surrounding the site, specifically to the east and south.

## **RELEVANT PLANNING HISTORY**

DM/0307/22/FUL - Erect detached unit for use as hair and beauty salon and cafe with associated works - Approved with Conditions

## **RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS**

### National Planning Policy Framework (2021)

- NPPF7 - Ensuring the vitality of town centres
- NPPF11 - Making effective use of land
- NPPF12 - Achieving well designed places
- NPPF14 - Climate, flooding & coastal change

### North East Lincolnshire Local Plan 2013-2032 (adopted 2018)

- PO5 - Development boundaries
- PO22 - Good design in new developments
- PO23 - Retail hierarchy and town centre develop
- PO28 - Local centres
- PO33 - Flood risk
- PO34 - Water management
- PO38 - Parking

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the area is comprised of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

## **REPRESENTATIONS RECEIVED**

Environment Team - Hours of construction, construction management plan, external



extraction/ventilation and hours of operation conditions.

Drainage Team - Surface water details acceptable.

Heritage Officer - No input required.

Highways Team - Approval with CTMP condition.

Cadent Gas - No objections, informative note.

ESP Utilities - No apparatus within site address, informative note.

Linesearch - Lines found and owners consulted.

New Waltham Parish Council - Content with proposal however recommendations made regarding the access arrangements into the site.

Cllr Harness - Request to be heard at planning committee.

Neighbour Representation

2 Margaret Place - Objects based on concerns relating to trees, wildlife, use of terrace, hours of operation, noise and disturbance and car parking.

286 and 288 Station Road - Objects based on concerns relating to over intensification, overlooking, loss of privacy and loss of light.

292 Station Road - Objects based on concerns relating to original approval, loss of light and privacy, access arrangement and noise impacts.

## **APPRAISAL**

Material Planning Considerations

- 1) Principal.
- 2) Character and visual amenity.
- 3) Residential amenity.
- 4) Highways and Parking.
- 5) Drainage.

- 1) Principal of Development

The application site is located in the development area of New Waltham, and as such policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) applies. The site is currently vacant land which adjoins the new Co-Op convenience store and has been separated from the main area occupied by the store. It was once land associated with the Harvest Moon Public House prior to it being converted into the retail unit.

The site also lies within the Local Centre and as such Policy 28 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) applies. In this case the proposal would add commercial uses to this Local Centre which would add to its vitality and viability and the offer it provides to the local community. The justification to Policy 28 also says that changes will be permitted where the scale of the change is appropriate to the local centre which this development is.

It is also important to note that permission has been previously granted for the proposal under DM/0307/22/FUL. This is extant and supports the principle of what is now proposed. The amended scheme includes a residential flat above in place of a seating area for the cafe. This is provided by means of a larger first floor than originally proposed. Residential use at first floor is considered acceptable in principle within this sustainable location within the centre of New Waltham.

It is considered that the proposed use would align with Local Plan policy and that the proposal offers opportunities to enhance the range of facilities within the local centre. It is not unusual to find residential accommodation above commercial uses within a local centre. Coupled with the permission already granted, the development is acceptable under Policies 5 and 23 of the NELLP, and the proposal falls to be judged on its site-specific impacts.

## 2) Character and Visual Amenity.

Policy 5 of the NELLP requires an assessment on the impact to the character of the area and visual amenity by virtue of size, scale and density with Policy 22 setting out the requirements for 'good design'.

The building would be positioned centrally within the plot to follow the line of the neighbours either side, reflecting the building form within this part of the street, to the frontage. The car park area would be to the front which has been fenced off for some time. The building would adopt a mostly two-storey arrangement however a small section to the front would be of single storey. The café would be positioned towards the front of the building with the salon positioned to the rear contained at ground floor only. To the first floor there would be a two-bed residential flat.

The front element would be single storey and would include a flat roof constructed of light brickwork with large glazing and a central single access door to the frontage. This glazing would also partially span the east elevation. The two-storey element would be set back by around 3.1 metres behind the flat roof. This would include a dual pitched roof, with

extended gables to create an overhang, with full glazing to the frontage. To the rear a single pitch roof would be installed to fall away from the residential neighbour to the east.

Other openings would mostly be installed to the ground floor however first floor openings would be installed to all elevations. To the eastern side, there would be roof lights only to the first floor which is adjacent to the residential neighbour to the east with one window to the rear to serve the bedroom. The materials would utilise light brickwork to the frontage, natural timber cladding to the upper areas and dark aluminium cladding towards the rear. The openings would utilise black framing.

It is considered that the unit would be functional, and the scale, position and overall design is contemporary and would add to the character of the street scene and would not conflict with the general character of the area and neighbouring properties as they are varied in this location. The overall footprint can be accommodated for within the site and would not appear over developed. The use of materials would add interest and the substantial glazing to the frontage would add vitality to the street scene. The use of the double gables to the front reflects a more traditional form and makes reference to the development at 'Green Gables' on the opposite side of Station Road.

In relation to character and visual amenity, the proposal is considered to be acceptable in accordance with policy 5, 22 and 28 of the NELLP.

### 3) Residential Amenity

The area where the premises would be located is made up of a mix of commercial and residential uses. The site is next to the Co-Op retail store and in terms of residential properties these are to the north (opposite) to the immediate east and to the immediate south. Some objections have been received which raise concerns relating to the size of the development and its relationship to residential neighbours, overshadowing, loss of light and privacy, access arrangements, noise and over intensification.

There would be no main openings to the first floor which would be adjacent to the neighbours to the east as these would only be in the form of roof lights which would sit flush in the roof slope. There would be ground floor openings including the entrance to the salon to this elevation. An existing garage would also be removed which separates the site currently and the boundary line. It is noted that the existing 1.8-metre-high fence would be retained along the boundary. The closest neighbour, to the east, is 286 Station Road and would be separated by around 4.4 metres.

There would also be a terrace to the rear which would allow for outdoor seating. Margaret Place sits to the rear of the site. The hours of use are proposed as 07:00hrs to 23:00hrs which would be consistent with the operating hours of the adjacent Co-Op store and to enable the facility to cater for special events, i.e., weddings and proms.

As a number of years have passed the former public house and outside beer garden ceased there will be a noticeable impact as a result of the physical levels of activity and

the physical presence of a building on the site. Boundaries and landscaping have been confirmed to be retained or where necessary, replaced (new fence to rear boundary) and these will continue to offer a degree of privacy.

The Environment Team have commented to state that they are content with the hours of operation stated. They have requested that conditions relating to hours of construction, construction management plan, external extraction/ventilation and hours of operation conditions which are included. Furthermore, conditions restricting amplified music externally and restricted hours of the rear terrace area have been included. These will help to protect neighbouring amenity in terms of the use proposed. It must also be acknowledged that the use has already been approved under extant permission DM/0307/22/FUL and the new proposal does not significantly change the situation with regard to usage.

However, what does change is the inclusion of a residential unit above the commercial business and the increase in the first-floor area at the rear of the build. The inclusion of one residential unit is not considered to be detrimental to residential amenity. The comings and goings to it would be minimal in comparison to the area in which the site sits and would not be detrimental to neighbouring amenity. It is common to have residential accommodation above commercial units. In terms of the additional mass at the rear of the development the objections raised have been taken into account but due to the slope of the roof proposed and separation from neighbours it not considered that the physical build would cause any adverse massing, loss of light or overlooking. Therefore, whilst there would be some impact to neighbours arising from the physical presence of the development, these impacts would not be detrimental.

With conditions, the proposal is considered to accord with policy 5 of the NELLP in relation to residential amenity.

#### 4) Highways and Parking.

The site has an existing access and exit point within the application site and therefore no new access would be created. This is onto Station Road and is utilised by the Co-Op as existing. There would be nothing to prevent the use of the other point of access to the Co-Op from Pretymens Crescent. The proposal also includes an area of car parking which is an extension to the existing car park associated with the Co-Op. It is intended that the existing car park and the new one would be adjoined and would be used by both uses.

The Highways Officer has reviewed the details and concluded that the proposals would not cause a severe highway impact on the adjacent network and that the levels of parking are satisfactory. Moreover, there would be no highway danger. A Construction Traffic Management Plan has been recommended.

On the basis of highways, parking and safety, the proposal accords with policy 5 and 38 of the NELLP.

## 5) Drainage.

The proposal site is located in the lowest risk Flood Zone on the Environment Agency Flood Maps and in the Councils Strategic Flood Risk Assessment.

A Drainage Layout and Calculations have been provided. The Drainage Officer has reviewed these details and have confirmed that they are acceptable. A condition to secure these details has been recommended.

The proposal is acceptable in flood risk terms with the inclusion of conditions and accords with policy 33 and 34 of the NELLP.

## **CONCLUSION**

The proposal is acceptable in principle and would not be out of character with the surrounding, wider area or local centre, and would also not give rise to significant impacts in terms of neighbouring amenity and highways. The application can therefore be approved in accordance with policies 5, 22, 28, 33, 34 and 38 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and section 7, 11, 12 and 14 of the NPPF, subject to a number of safeguarding conditions.

## **RECOMMENDATION**

### **Approved with Conditions**

#### (1) Condition

The development hereby permitted shall begin within three years of the date of this permission.

#### Reason

To comply with S.91 of the Town and Country Planning Act 1990.

#### (2) Condition

The development will be carried out in accordance with the following plans:

Site Location Plan - 1358-0001

Existing and Proposed Block Plans - 1358-0002A

Proposed Site Plan - 1358-0003A

Proposed Floor Plans - 1358-0004B

Proposed Elevations - 1358-0005A

Reason

To ensure the satisfactory completion of the development to accord to Policy 5, 22 and 33 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(3) Condition

The salon and café shall not operate outside of the hours specified below:

Monday to Sunday - 07:00hrs to 23:00hrs.

And the external terrace and garden area shall not be used outside the hours of

Monday to Sunday - 08:00hrs to 21:00hrs.

Reason

To protect the amenities of nearby residents and in accordance with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(4) Condition

Notwithstanding the materials shown on drawing no. 1358-0005, full and final details of all materials to be used in the construction of the development (including hard surfaces) shall be submitted to and approved in writing by the Local Planning Authority before they are installed. Once approved, the proposal shall be carried out in accordance with the agreed details unless otherwise first approved in writing by the Local Planning Authority.

Reason

This condition is imposed in the interests of design considerations in the context of the existing buildings and in the interests of drainage in order to comply with policies 5, 22 and 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(5) Condition

The development shall be carried out in accordance with the Drainage Layout (22.114:0001 REV 1) which shall be implemented before any part of the development is occupied. The scheme shall thereafter be retained unless otherwise approved by the Local Planning Authority.

Reason

To prevent an increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal in accordance with policies 5, 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(6) Condition

No construction work shall be carried out on or before 08:00 or after 18:00 Mondays to

Fridays inclusive, before 08:00 or after 13:00 on Saturdays and at any time on Sundays or Bank Holidays.

Reason

To protect the amenities of nearby residents in accordance with policy 5 of the North East Lincolnshire Local Plan 2013-2032.

(7) Condition

Prior to the use hereby permitted commencing details shall be submitted to and approved in writing by the Local Planning Authority of all external ventilation and extraction equipment including their finish, acoustic performance and, where applicable, the method of odour control. Such a scheme as approved shall be implemented in its entirety prior to the use commencing and shall thereafter be so retained.

Reason

To ensure satisfactory ventilation/extraction systems are provided to protect amenity and surrounding residents from the adverse effects from cooking smells, noise and vibration in accordance with policy 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(8) Condition

If during development contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and approved in writing with the Local Planning Authority. All remediation shall be undertaken in accordance with the details approved.

Reason

To ensure that any previously unconsidered contamination is dealt with appropriately in accordance with policy 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(9) Condition

There shall be no external amplified music at any time.

Reason

To protect the amenities of nearby residents and in accordance with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(10) Condition

The new 1.8m high fence to the rear boundary must be installed in accordance with the approved details before the rear garden and terrace are brought unto use. The fence

shall thereafter be retained.

**Reason**

To protect the amenities of nearby residents and in accordance with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

**(11) Condition**

No works related to the development hereby approved shall begin until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP should include, but not be limited to the following:

1. Contact details of the person with responsibility for the implementation of the CMP;
2. The expected number, types and size of vehicles during the entire construction period;
3. The proposed daily hours of operation during the construction period;
4. Details of on-site parking provision for construction related vehicles;
5. Details of on-site storage areas for materials and any construction compound, also relating to trees;
6. Details of expected delivery schedules and how this will be managed to eliminate waiting on the public highway (i.e. call ahead or pre-booking scheduling system), if required; and
7. Details of wheel washing facilities (location and types).
8. Means of suppressing vibration, dust and noise. Noise assessment to comply with BS5228.
9. There shall be no burning of waste on site.

Once approved, the CMP shall be adhered to at all times during construction.

**Reason**

To ensure adequate access facilities are provided during construction, and for highway safety reasons. in protect residential amenity and in the interests of tree protection and to accord with Policy 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

**Informatives**

**1 Reason for Approval**

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or residential amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire



Local Plan 2013-2032 (adopted 2018), in particular policies 5, 22, 28, 33, 34 and 38.

2 Informative

Article 31(1)(cc) Statement - Positive and Proactive Approach

In accordance with paragraph 187 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner by determining the application in a timely manner.

3 Informative

Please note that you may also require Building Regulations. You are advised to contact them in advance of work on site commencing (Tel: 01472 326289 - Option 2).

4 Informative

This application will require the creation of new postal addresses. You are advised to contact the Street Naming & Numbering Team on 01472 323579 or via email at [snn@nelincs.gov.uk](mailto:snn@nelincs.gov.uk) to discuss the creation of new addresses.

5 Informative

The applicant's attention is drawn to the comments made by Cadent Gas received 3rd May 2023.

6 Informative

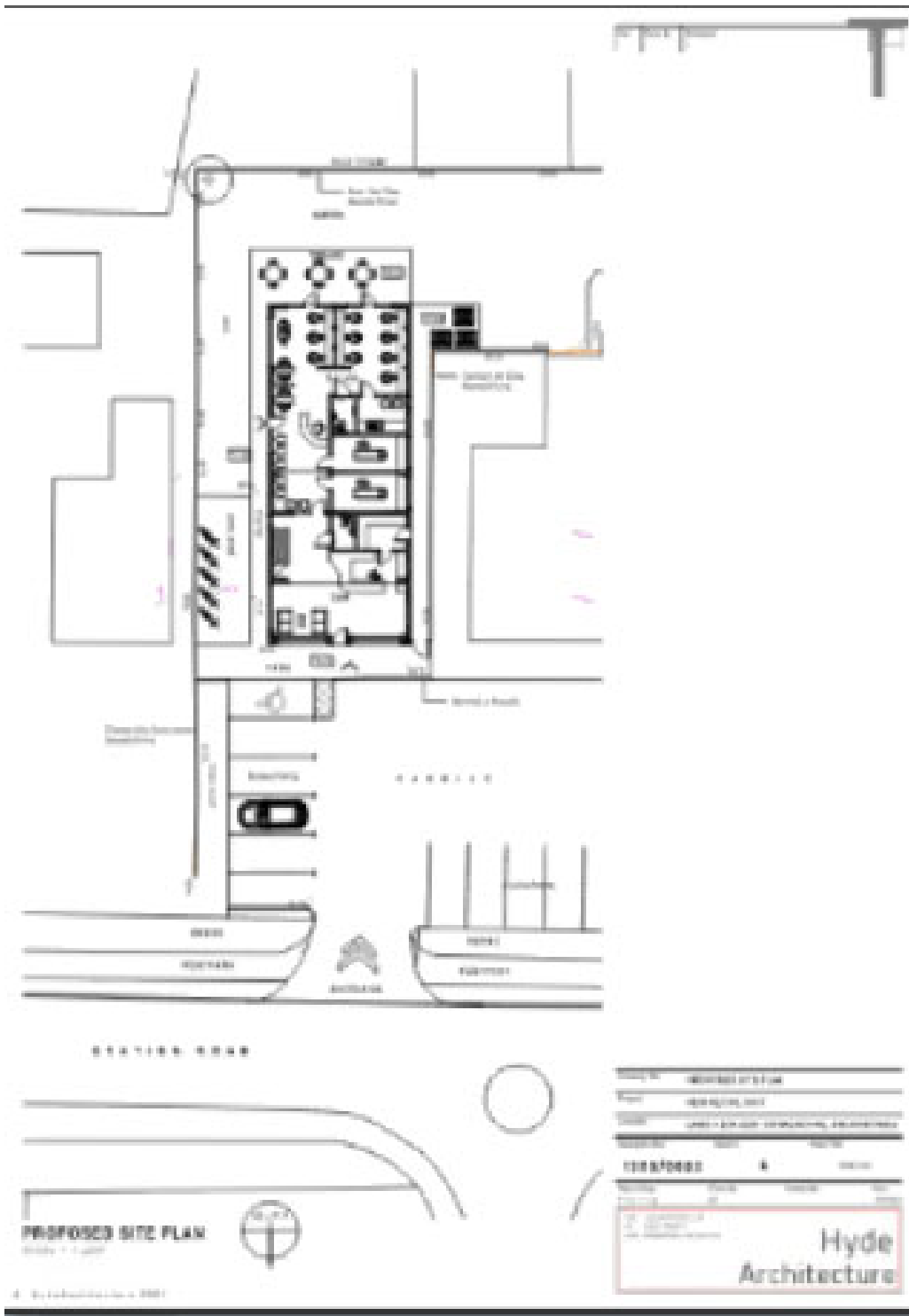
The applicant's attention is drawn to the comments made by ESP Utilities received 9th May 2023.

7 Informative

The applicant's attention is drawn to the fact that the requirements of the Party Wall Act may apply and you should seek advice from your agent or suitably qualified person.



DM/0384/23/FUL – LAND ADJ TO THE COOP, STATION ROAD, NEW WALTHAM



STATION ROAD

PROPOSED SITE PLAN  
 1:1000



|             |                                                |
|-------------|------------------------------------------------|
| PROJECT NO. | DM/0384/23/FUL                                 |
| DATE        | 10/01/2023                                     |
| CLIENT      | LAND TO THE SOUTH OF STATION ROAD, NEW WALTHAM |
| SCALE       | 1:1000                                         |

FOR APPROVAL 4

|                      |  |
|----------------------|--|
|                      |  |
| Hyde<br>Architecture |  |

**PLANNING COMMITTEE - 14th June 2023**

**ITEM: 11**                      **RECOMMENDATION: Approved with Conditions**

**APPLICATION No: DM/0824/22/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: 40-42 High Street, Cleethorpes, North East Lincolnshire, DN35 8JN**

**PROPOSAL: Change of use of ground floor from bank to take-away and restaurant, installation of flues with associated internal alterations (Bin store details added to proposed plans)**

**APPLICANT:**

Mr Timothy Finbow  
C/O Agent  
Unit 2 Cleethorpes Business Centre  
Jackson Place  
Humberston  
Grimsby  
North East Lincolnshire  
DN36 4AS

**AGENT:**

Mr Dieter Nelson  
Dieter Nelson Planning Consultancy  
Unit 2  
Cleethorpes Business Centre  
Jackson Place  
Wilton Road  
Humberston  
Grimsby  
North East Lincolnshire  
DN36 4AS

**DEPOSITED: 9th September 2022**

**ACCEPTED: 1st November 2022**

**TARGET DATE: 27th December 2022**

**PUBLICITY EXPIRY: 5th May 2023**

**AGREED EXTENSION OF TIME DATE: 19th June 2023**

**CONSULTATION EXPIRY: 2nd December 2022**

**CASE OFFICER: Emily Davidson**

**PROPOSAL**

The proposal is to change the use of ground floor from bank to a restaurant and takeaway, installation of flues with associated internal alterations. There would be no other external alterations considered with the application.

The application is presented to Planning Committee due to the application being called in

by a Councillor.

The application was deferred on 1st February, 2023 at planning committee to await further details of the sound proofing. This has now been received and a reconsultation has been undertaken.

## **SITE**

40-42 High Street is a two-storey building with commercial use at the ground floor and flats above. The building was formally used as a bank. It is located within a prominent location in the entrance to the resort of Cleethorpes and it is within the town centre.

## **RELEVANT PLANNING HISTORY**

DM/1154/21/FUL - Change of use of ground floor from bank to take-away and restaurant, installation of flues to rear elevation and internal alterations - Withdrawn

## **RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS**

National Planning Policy Framework (2021)

NPPF16 - Conserv. & enhance the historic environ.

NPPF12 - Achieving well designed places

North East Lincolnshire Local Plan 2013-2032 (adopted 2018)

PO5 - Development boundaries

PO22 - Good design in new developments

PO23 - Retail hierarchy and town centre develop

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the area is comprised of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

## **REPRESENTATIONS RECEIVED**

Consultee Representations

Highways Officer - Approval, no conditions.

Drainage Officer - No drainage comments.

Heritage Officer - No heritage input required.

Environmental Protection - Information is considered acceptable. Conditions recommended to ensure the works are carried out in accordance with the details supplied in relation to ventilation/extraction, sound proofing, hours of operation, and waste storage.

Cllr Sophia Farren - with comments regarding sound proofing, mitigation measures are not enforceable and other authorities have specific requirements for hot food takeaways.

### Neighbour Representations

38 High Street - have raised objections on the grounds that there are no opening hours proposed and possible disturbance including noise implications, anti-social behaviour from the takeaway element and odour concerns.

42 High Street - Planning consultants on behalf of 42 High Street have raised objections on the grounds that the Council has a duty to ensure that the amenity of existing residents is not impaired in any way by this development. It is noted that the applicant is opening a takeaway with unlimited opening hours in an area of residences with a long established pattern of daytime only use of the ground floor. It is considered that the application should be refused on the grounds of noise, disturbance and odour. It is considered that the odour report is inconclusive failing to cross reference EMAQ guidance versus the specified equipment and Government guidance. Moreover the impact of potential noise has not been addressed. Lack of information on sound proofing and waste management is also highlighted. The speculative nature of the proposal is also raised as a concern.

Following the receipt of further information in relation to the sound proofing, No.42 High Street is content with the conditions recommended.

2 The Spinney - Neutral on the proposal but raises concerns that the Conservation Area boundary is not correctly defined in the Heritage Statement. This needs to be amended before a formal view can be offered.

## **APPRAISAL**

### Material Considerations

1. Principle of Development
2. Sound Proofing Details
3. Design
4. Neighbouring and Local Amenity
5. Other Considerations

## Principle of Development

The application is for the change of use of the building from a bank to a take-away and restaurant. It is noted that the change from a bank to a restaurant is within the same use class and that element would not require planning permission. Both uses proposed are considered as acceptable when located within a town centre within Policy 23 of the North East Lincolnshire Local Plan (NELLP) 2018. This Policy also requires applications for takeaways to consider the impact to neighbouring amenity, highways safety, the relationship with schools within 400m and whether the proposal would not result in an unacceptable concentration of hot food takeaways in the area. Given the proposals location there is ample parking available. The Council's Highways Officer also raises no concerns. There are no schools located within 400m. There are a number of other takeaways within the area which are expected given the location. There are however other types of business in the area and the takeaway would also include a restaurant. It is not considered that the application would result in an undue concentration of hot food takeaways. The acceptability in terms of impacts to residential amenity will be discussed. The application is considered acceptable in principle subject to the site-specific details discussed below.

## Sound Proofing Details

The application was deferred from the 1st February, 2023 planning committee to secure additional sound proofing details. This has been received. The Council's Environmental Protection Officer has confirmed that the information provided is satisfactory. The Council's Building Control team have also confirmed that the specifications received meet the required standard.

## Design

The area in which the proposal would be located is mostly commercial in nature. The building is currently vacant and has been for some time. It is located in a prominent location in the town centre of Cleethorpes. The reuse of a vacant building is positive to an area. This would be no exception. The use would provide an additional amenity to the town centre. The application includes the installation of a flue which would be located within a courtyard area of the property. This ensures it is less visible from the street scene which is preferable. There are no external alterations proposed to the front elevations. The alteration being the provision of the flue to the rear. Overall the appearance of this attractive building will be retained and there will be no adverse impact under Policy 22 of the Local Plan. The Heritage Officer notes that there will be no impact on the setting of the nearby Central Cleethorpes Conservation Area under Policy 39.

## Neighbouring and Local Amenity.

The host property and some of the neighbouring properties have residential flats at the first floor. The majority of the properties in the area are commercial in nature. Objections have been received from 42 High Street above the premises and the neighbouring bar at

38 High Street. Their objections included odour control, potential anti-social behaviour, no opening hours provided, impact on the character of the area, the proposal is considered a waste of the site and impact on the character of the area. The sound proofing details and ventilation details have been acknowledged by the objector from 42 High Street in further representations made.

Concerns have been raised by a resident in the flats above the property in relation to the potential impacts on their amenity from both noise and odour. There are two flats. Further detail has been secured in relation to the odour control and the Council's Environmental Protection Officer considers that the method proposed would not have an undue impact in this regard. This is due to the location and of the flue and the nature of the equipment to be installed. When considering noise, the Environmental Protection Officer acknowledges that the property will be sound proofed as noted above. The location of the proposal also has to be considered. The area has established businesses in the area which include a vibrant nightlife of pubs and clubs and other night-time economy. Indeed, the neighbouring property is a bar. There is already an established footfall in the area at all hours. The proposal would not dramatically increase this existing footfall over and above what would be considered acceptable.

The proposal does not include any other external works other than the flue which is discussed above. Thus, there would be no additional physical impact on amenity for example from massing or overlooking. Given the nature of the commercial properties, there would be no concerns in regard to their amenity. All other elements have been assessed above and found to be of an acceptable level with conditions to ensure this such as a waste management plan and the control of opening hours. A bin storage area is shown on the plans to the rear of the site but it is considered that a management plan is required. It is considered that there would not be an adverse impact on neighbouring amenity.

Having regard to the above the application is considered in accordance with Policy 5 of the NELLP 2018.

## **CONCLUSION**

The application would make use of a prominent vacant building within the town centre of Cleethorpes. This is considered to be of benefit to the town centre and character of the area. With mitigation and conditions in place, this would ensure there would not be undue impacts on the amenity of neighbours. The application is considered in accordance with Policy 5, 22 and 23 of the NELLP 2018 and is recommended for approval.

## **RECOMMENDATION**

**Approved with Conditions**



(1) Condition

The development hereby permitted shall begin within three years of the date of this permission.

Reason

To comply with S.91 of the Town and Country Planning Act 1990.

(2) Condition

The development shall be carried out in accordance with the following plans:

Site Location Plan - 1432-001

Block Plan - 1432-002

Existing Plans and Elevations - 1432-003

Proposed Plans and Elevations - 1432-004 Received 16/11/2022

Reason

For the avoidance of doubt in the interests of proper planning and in accordance with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(3) Condition

No conversion or alteration work shall be carried out on or before 08:00 or after 18:00 Mondays to Fridays inclusive, before 08:00 or after 13:00 on Saturdays and at any time on Sundays or Bank Holidays.

Reason

To protect the amenities of nearby residents and in accordance with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(4) Condition

No business activities must take place at the premises outside of the hours specified below:

Monday - Sunday (including bank holidays) - 08:00 - 23:00

Reason

To protect the amenities of nearby residents and in accordance with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(5) Condition

The odour control, extraction and ventilation of the restaurant shall be carried out in accordance with the details provided on the following documents:

- Specification and EMAQ Report (received 09/09/2022)
- Odour Control Advice (received 09/09/2022)
- V4.1 Floor Plan (received 09/09/2022)
- Tech Motor Data Sheet (received 16/11/2022)
- Blauberg SD Silencer (received 16/11/2022)
- Extraction Systems Specifications (received 16/11/2022)
- HNU Cowl Data Sheet (received 16/11/2022)
- Spiral Duct Data Sheet (received 16/11/2022)

All extraction and ventilation shall be installed in accordance with these approved details prior to the use commencing and they shall be retained as such unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure satisfactory ventilation/extraction systems are provided to protect surrounding residents from the adverse effects from cooking smells, noise and vibration in accordance with policy 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(6) Condition

Prior to the commencement of the use, a waste management plan detailing frequency of collections, hours of operation and storage shall be submitted to and agreed in writing by the Local Planning Authority and shall thereafter be adhered to unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure the amenity of neighbouring properties and resort character and to accord with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(7) Condition

Prior to the commencement of the use, one of the two sound proofing options detailed in the sound proofing document received 21/04/2023 shall be implemented to the specifications provided and to all walls and ceilings within the property relating to the approved use and therefore retained unless otherwise agreed in writing by the Local Planning Authority.

Reason

To protect residential amenity in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

## **Informatives**

### **1 Reason for Approval**

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or neighbouring amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 5, 22, 23 and 39.

### **2 Added Value Statement**

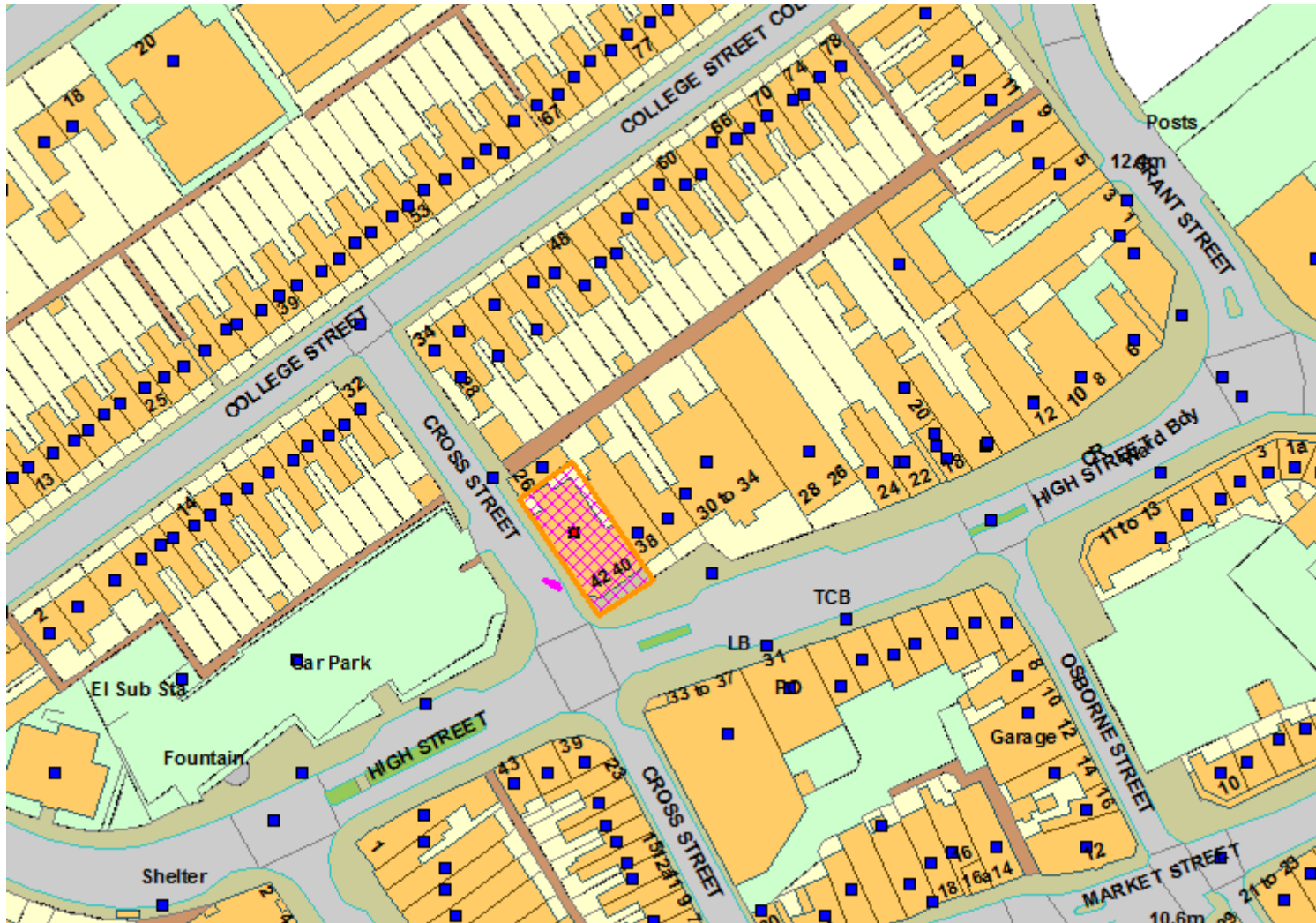
#### **Article 31(1)(cc) Statement - Positive and Proactive Approach**

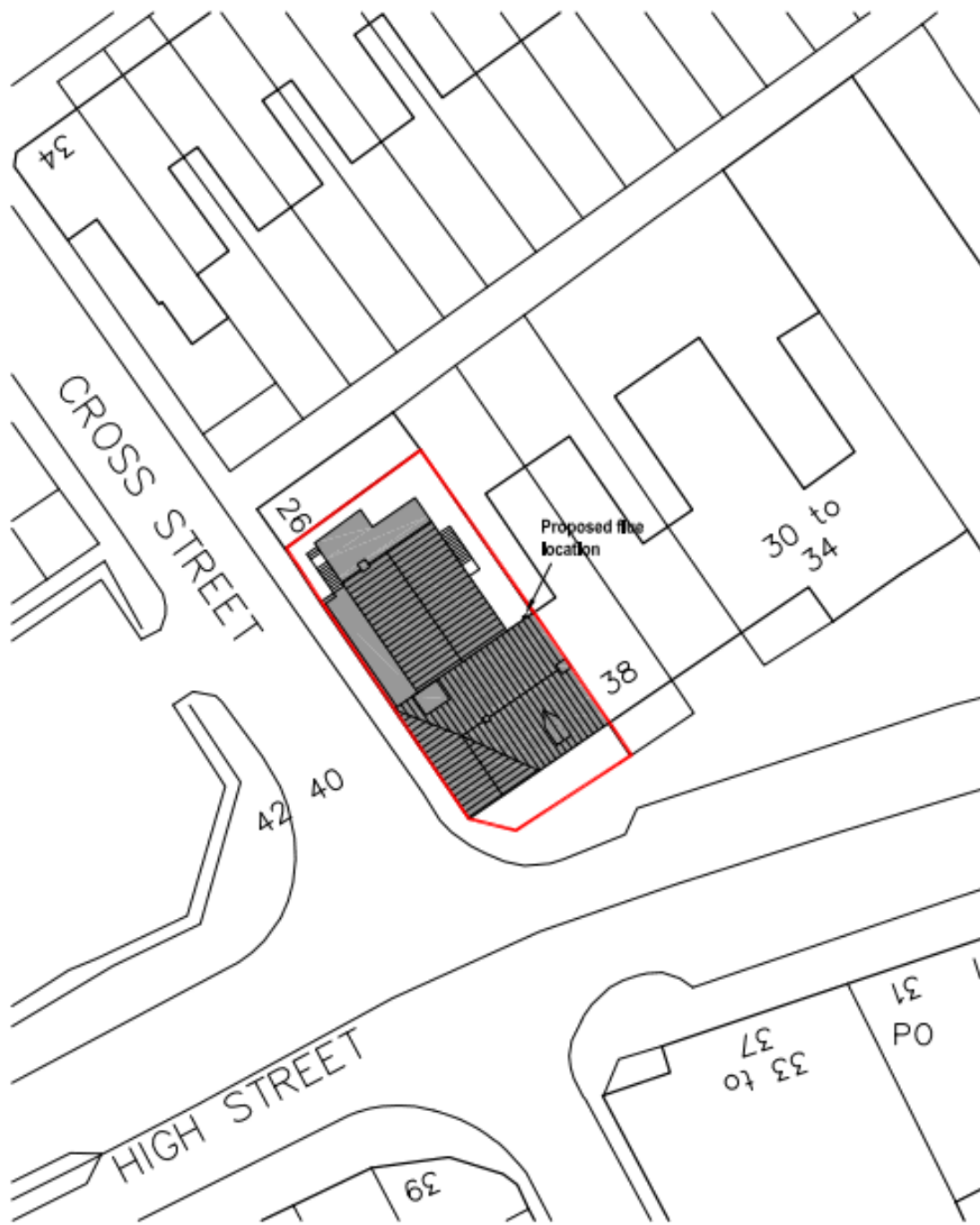
In accordance with paragraph 187 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to problems arising, by securing additional information to satisfy concerns raised.

### **3 Informative**

Please note that you may also require Building Regulations. You are advised to contact them in advance of work on site commencing (Tel: 01472 325959).

DM/0824/22/FUL – 40-42 HIGH STREET, CLEETHORPES





**PROPOSED BLOCK PLAN**

Scale - 1:500

**PLANNING COMMITTEE - 14th June 2023**

**ITEM: 12**                      **RECOMMENDATION: Approved with Conditions**

**APPLICATION No: DM/0309/23/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: Manor House , Tetney Road, Humberston, North East  
Lincolnshire, DN36 4JE**

**PROPOSAL: Variation of Condition 15 (Approved Plans) as granted on  
DM/1105/22/FUL for revision to install solar panels to rear roof slope and relocate  
flue (amended plans May 2023 to change roof material back to pantile)**

**APPLICANT:**  
Mr Dave Hart  
36 St Andrews Drive  
Grimsby  
DN32 8PS

**AGENT:**  
Mr Daniel Snowden  
Ross Davy Associates  
Pelham House  
1 Grosvenor Street  
Grimsby  
DN32 0QH

**DEPOSITED: 4th April 2023**

**ACCEPTED: 4th April 2023**

**TARGET DATE: 30th May 2023**

**PUBLICITY EXPIRY: 2nd June 2023**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 29th April 2023**

**CASE OFFICER: Cheryl Jarvis**

**PROPOSAL**

This application seeks full planning permission to vary condition 15 (Approved Plans) as granted on DM/1105/22/FUL to relocate the flue and to add solar panels to a pantile roof on what was originally plots 5 and 6 (now merged into one).

The application is brought to committee due to an objection from Humberston Village Council.

## **SITE**

The site comprises the grade 2 listed barns and cart sheds; originally associated with the adjacent grade 2 listed Manor Farmhouse. The Farmhouse adjacent is two storeys in height and includes rooms within the attic space. Amenity space serving the dwelling is predominantly to the east and south. A paddock sits to the front and opposite this site, where there is also a pond. Access is from the west off Tetney Road. Trees, which are subject to a tree preservation order, line the access. To the south-west of the Farmhouse is the barns and associated cart sheds.

The site is now the subject of considerable building works with many former agricultural buildings previously on the site having been demolished to make way for new dwellings. Different parcels of the land have now been sold off and the site is in multiple ownership. Works on site both to the original barns and on the new dwellings has commenced. This amendment application relates to a new building positioned within this former farm yard attached to Manor Farm House.

Agricultural fields sit beyond the southern boundary of the barns. Residential dwellings on Tetney Road adjoin the site's western boundary. To the far north beyond the Farmhouse is St Peters Church - a grade 2\* Listed Building.

The site is within Humberston conservation area and is also adjacent Humberston Abbey's Scheduled Monument.

## **RELEVANT PLANNING HISTORY**

DM/1105/22/FUL - Variation of Condition 15 (Approved Plans) pursuant to DM/0969/21/FUL for garage alterations. Approved.

DM/0969/21/FUL - Variation of Condition 21 (Approved Plans) pursuant to DM/0199/16/FUL to amend plots 5 and 6 to one dwelling instead of two dwellings and external alterations. Approved.

DM/1106/19/LBC - Proposed conversion of existing barns into two dwellings and 6 holiday lets including alterations, demolition of modern farm building, new parking, boundaries and landscaping. Approved.

DM/1105/19/FUL - Proposed conversion of existing barns into two dwellings and 6 holiday lets including alterations, demolition of modern farm building, new parking, boundaries and landscaping. Approved.

DM/0199/16/FUL - Proposed conversion of existing barns into 5 dwellings and erection of 4 new dwellings, including demolition of the modern farm building, parking & landscaping. Approved.

DM/0200/16/LBC - Proposed conversion of existing barns into 5 dwellings and erection of

4 new dwellings, including demolition of the modern farm building, parking & landscaping.  
Approved.

Along with applications for conditions discharge.

## **RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS**

### National Planning Policy Framework (2021)

- NPPF5 - Delivering a sufficient supply of homes
- NPPF6 - Building a strong, competitive economy
- NPPF11 - Making effective use of land
- NPPF12 - Achieving well designed places
- NPPF14 - Climate, flooding & coastal change
- NPPF15 - Conserv. & enhance the natural environ.
- NPPF16 - Conserv. & enhance the historic environ.

### North East Lincolnshire Local Plan 2013-2032 (adopted 2018)

- PO5 - Development boundaries
- PO19 - Rural exceptions
- PO22 - Good design in new developments
- PO32 - Energy and low carbon living
- PO33 - Flood risk
- PO34 - Water management
- PO38 - Parking
- PO39 - Conserve and enhance historic environ
- PO41 - Biodiversity and Geodiversity
- PO42 - Landscape

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the area is comprised of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

## **REPRESENTATIONS RECEIVED**

Humberston Village Council - Objects to the proposal. Whilst originally not objecting to the solar panels but did over the use of slate for the roof. They are now content with the change to the application which reverts the roof back to pantile but now object to the use of solar on the basis that they support the views of the Heritage Officer.



Heritage Officer - Objects to the application. Advises that the use of solar panels will be harmful, the expanse that they will take up on the roof is significant, essentially obscuring an entire roof elevation of this building, no matter how they are fitted they will be reflective and highly visible and they compromise the significant work undertaken on this site to develop this site sensitively. Recommends refusal on the basis of the significant harm caused to the setting of the heritage assets.

Highways - Advises approval with no conditions.

Environmental Health - No comments to make.

Trees and Woodlands Officer - No comments to make.

Historic England - Advises that the opinion of the Heritage Officer be sought on this application.

Neighbours

Manor Side Tetney Road - Objects to the change from pantile to slate. (This has now been reverted back to pantile and no further comments from the neighbour have been received following a re-consultation).

## **APPRAISAL**

Material Planning Considerations

1. Principle of Development
2. Character and Heritage
3. Impact on Neighbours

1. Principle of Development

The principle of development is well established on this site and the considerations of this application merely relate to the impacts arising from the changes sought through this application. This includes a modified flue position which changes its position from the rear to the front and the addition of solar panels to the rear roof slope of what was originally plots 5 and 6 (now just a single plot). Thus, there are no principle issues.

2. Character and Heritage

This site is significant in heritage terms due to the adjacent scheduled ancient monument, the Grade 2 Listed Manor House and associated cart sheds and its position in the Humberston Conservation Area. When permission was granted originally, great care and attention was given to the redevelopment of this site which included the need to convert and bring back into use the at risk cart sheds along with sympathetic enabling development in the form of new dwellings - designed as historic cart sheds and barns.

This application proposes to utilise the rear south facing roof slope of one of the new dwellings for solar panels. The applicant has a desire to make their home as sustainable as possible. Policy 39 of the NELLP focuses on the preservation of heritage and their settings. It is acknowledged that the proposal would see almost the entire rear roof slope encapsulated by solar panels. This will undoubtedly form a clear contrast against the red pantile roof that is proposed as the roof covering. Set within the backdrop of listed buildings, such a proposal requires clear and convincing justification. The Heritage Officer is not convinced that the proposal is appropriate given its position on the site and its relationship with key listed buildings. Concerns are raised in regards to the original design concept being eroded.

Policy 32 of the NELLP however, supports energy efficient and low carbon development. Renewable forms of energy are listed as possible suggestions to meet this ambition. With the climate change agenda, it is an important consideration and one which must be given appropriate weight in the planning balance against the heritage considerations.

In response, it is important to note the position of this new dwelling is set well within the site, the roof slope would not be prominent from public vantage points, at worst at distance reducing its impact. The main visual impacts are therefore likely to be experienced within the site or within private neighbouring land. It is one roof slope and one which would not be seen from the front when glimpsed in context with the historic cart sheds or Manor House. Whilst this site did form part of a sensitive redevelopment scheme, the panels are not to one of the historic buildings but to one of the new builds; albeit a sensitively and well designed one. The panels also do allow the form of the roof to be visible - i.e. the ridge and eaves, an important part of the roof design. Moreover, it is acknowledged that solar has a limited life span and indeed, such a change could be reversed in the future at such a time as technology moves on.

There needs to be a balance between creating sustainable homes for the future whilst maintaining our heritage and whilst there will be an element of harm to the setting of these heritage assets, it is accepted on balance that such an impact can be accommodated given the nature of it and the benefits. Final details of the panels will be required to confirm exact specifications and a condition for this is recommended.

With regards to the minor change to the external flue and its position, this is accepted given its limited nature and associated impacts.

### 3. Impact on Neighbours

The roof slope essentially faces out onto open fields, but would be visible to some of the proposed dwellings and potentially some existing neighbours on Tetney Road. That being said, the panels would be restricted to the roof slope and the footprint of the building remains as approved. Whilst the visual change would be noticeable for neighbours, their impacts alone would not be detrimental. Equally, the change in position in the flue does not increase impacts for neighbours.

## **CONCLUSION**

On balance, whilst accepting a degree of harm locally to the setting of existing heritage buildings, the proposal is considered to be acceptable and is recommended for approval.

## **RECOMMENDATION**

### **Approved with Conditions**

#### **(1) Condition**

The foul and surface water drainage shall be discharged of as submitted and approved under DM/0765/20/CND and be implemented before any dwelling hereby approved is occupied. Unless otherwise submitted and agreed in writing by the Local Planning Authority.

#### **Reason**

To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface and foul water disposal and to accord with Policies 5 and 34 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

#### **(2) Condition**

The access, parking and manoeuvring spaces shall be laid out and completed as submitted and approved under DM/0765/20/CND. Unless otherwise submitted and agreed in writing by the Local Planning Authority.

#### **Reason**

To ensure adequate parking and turning facilities are provided within the site for highway safety reasons and to accord with Policies 5 and 38 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

#### **(3) Condition**

The Construction Management Plan (CMP) approved under DM/0765/20/CND shall be implemented at all times throughout construction works.

#### **Reason**

In the interests of amenity and safety and to accord with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(4) Occupation or use of the development shall not take place until the applicant has:

- Published, or secured the publishing of the findings resulting from the programme of archaeological work within a suitable media.
- Deposited, or secured the deposition of the resulting archive from the programme of archaeological work with an appropriate organisation.

**Reason**

The site contains, or may contain, a Historic Environment Asset which requires recording prior to alteration or destruction according to the policies set out in the NPPF (National Planning Policy Framework) and Policies 5 and 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(5) Condition

Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any statutory amendment thereto), no development under Schedule 2 Part 1, Class A, B, C, D, E, F shall be permitted within the curtilage of any dwelling.

**Reason**

To protect residential amenity and the visual character of the area to accord with Policies 5, 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(6) Condition

The scheme of landscaping and tree planting approved under DM/0765/20/CND shall be completed within a period of 12 months, beginning with the date on which development began or within such longer period as may be first agreed in writing by the Local Planning Authority. All planting shall be adequately maintained for 5 years, beginning with the date of completion of the scheme and during that period all losses shall be replaced during the next planting season.

No trees/hedges on the site shall be wilfully damaged, cut-down, up-rooted, pruned felled or destroyed without the prior written consent of the Local Planning Authority and any trees/hedges on the site at the date of application (and which are shown for retention as part of any scheme approved in writing by the Local Planning Authority) shall, if they are removed or die, be replaced within 12 months by the planting of more live specimens in such numbers as may be approved in writing by the Local Planning Authority.

The tree protection approved under DM/0765/20/CND shall remain on site as approved throughout all construction works.

Unless otherwise submitted and agreed in writing by the Local Planning Authority.

#### Reason

To ensure a satisfactory appearance and setting for the development and protection of existing features in the interests of local amenity and to accord with Policies 5, 22 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

#### (7) Condition

The development other than for plot 5 shall be carried out in accordance with the external materials approved under DM/0765/20/CND, this also includes all rainwater goods, soil and vent pipes and external ventilation. Unless otherwise agreed in writing by the Local Planning Authority.

Plot 5 shall be carried out in accordance with the details shown on the submitted plans with the external flue to be finished in black before it is installed. The bricks shall be retro cottage or heritage blend as per the samples provided with a standard mortar used in line with the manufacturer's recommendations or those bricks and mortar approved under DM/0765/20/CND.

Where the pantile is listed as being Lincoln Clay interlocking Pantiles in Natural red or weathered Rustic red for a particular dwelling then Santoft New County interlocking Pantile can be used as a substitute if required.

#### Reason

To ensure the development has an acceptable external appearance and is in keeping with the visual amenity and character of the area and to accord with Policies 5, 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

#### (8) Condition

The remediation scheme approved under DM/0765/20/CND must be carried out in accordance with its terms prior to the commencement of any foundations or new build works whatsoever, 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 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.

#### Reason

To ensure that contamination is dealt with appropriately and to accord with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

#### (9) Condition

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 and where remediation is necessary a remediation scheme must be prepared 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.

**Reason**

To ensure an unsuspect contamination is dealt with appropriately and to accord with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

**(10) Condition**

All carriageways, footways and landscaped areas shall be managed as approved under DM/0765/20/CND. Unless otherwise submitted and agreed in writing by the Local Planning Authority.

**Reason**

In the interests of public safety and to accord with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

**(11) Condition**

The windows and doors for plots 1, 2, 3, 4, 7, 8 and 9 shall only be installed as submitted and approved under DM/0765/20/CND and shall be so retained. The specification for the windows, shutters and doors for plot 5 shall be submitted to and approved in writing by the Local Planning Authority before they are installed. Once approved, they shall be installed as agreed and retained thereafter. Unless otherwise submitted and agreed in writing by the Local Planning Authority.

**Reason**

In the interests of the architectural and visual integrity of the overall development and the character and visual amenity of this part of the Conservation Area in which it is set and to accord with Policies 5, 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

**(12) Condition**

All Ecology mitigation and enhancement shall be carried out in strict accordance with the details submitted and approved under DM/0765/20/CND. Unless otherwise submitted and agreed in writing by the Local Planning Authority.

**Reason**

In the interests of ecology and to accord with Policies 5 and 41 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(13) Condition

The side window proposed to Unit 9 shall be glazed in obscure glass (to a minimum of Level 5 on the Pilkington scale), prior to the dwelling being occupied. It shall be retained as such thereafter.

Reason

In the interests of amenity and to accord with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(14) Condition

All repair works shall be undertaken in strict accordance with the details approved under DM/0765/20/CND unless otherwise agreed in writing by the Local Planning Authority. Windows shall be retained, as approved, thereafter.

Reason

To protect the character and integrity of existing building and in the interests of visual amenity to accord with Policies 5, 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(15) Condition

Before the solar panels subject to this approval are installed, their exact specification and finish shall be submitted to and approved in writing by the Local Planning Authority. Once approved, development shall proceed in strict accordance with the agreed details.

Reason

In the interests of character and visual amenity to accord with Policies 5, 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(16) Condition

The development shall be carried out in accordance with the following plans:

Approved under DM/0199/16/FUL:

RD3409-101  
RD3409-102  
RD3409-01  
RD3409-02  
RD3409-04  
RD3409-05B  
RD3409-06  
RD3409-07C

RD:3409-09E  
RD:3409-10F  
RD3409-11A  
RD3409-13B  
RD3409-14C  
RD3409-15  
RD:3409-16B  
RD:3409-17A  
RD:3409-19  
NW90796 - 002

Approved under DM/1105/22/FUL:

RD:4992-10 REV D

Approved under this application:

RD4992-01 REV I  
RD4992-02 REV B

Reason

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

## **Informatives**

### **1 Reason for Approval**

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal as amended would not harm the area historic character or residential amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 5, 19, 22, 33, 34, 38, 39, 41 and 42.

### **2 Added Value Statement**

Article 31(1)(cc) Statement - Positive and Proactive Approach

In accordance with paragraph 187 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to problems arising, by securing amended plans and reverting the roof back from slate to pantile.



3 Informative

This application will require the creation of new postal addresses. You are advised to contact the Street Naming & Numbering Team on 01472 323579 or via email at [snn@nelincs.gov.uk](mailto:snn@nelincs.gov.uk) to discuss the creation of new addresses.

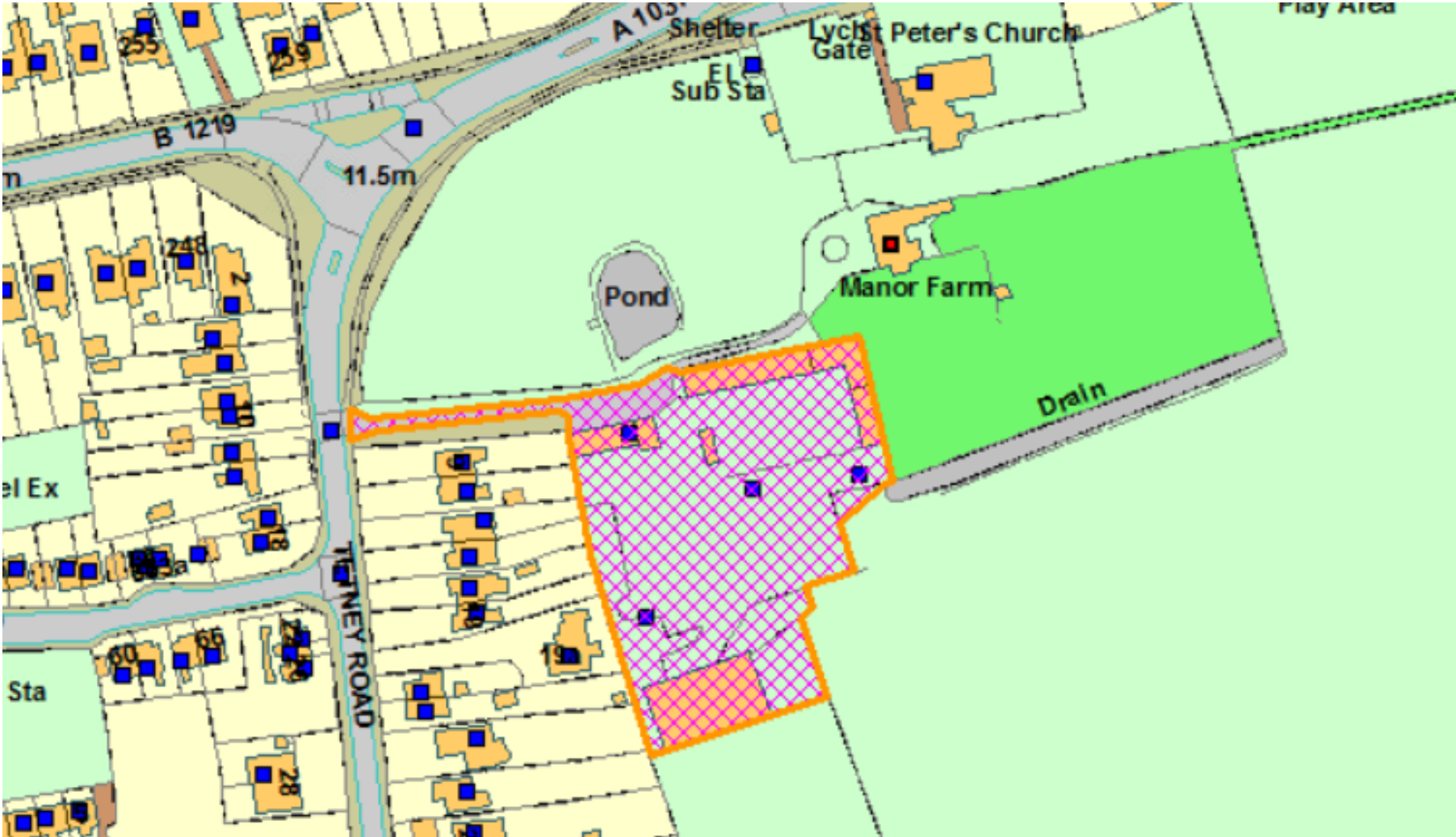
4 Informative

Please note that you may also require Building Regulations. You are advised to contact them in advance of work on site commencing (Tel: 01472 326289 - Option 2).

5 Informative

As advised under DM/1105/22/FUL, ironmongery is recommended for the new timber doors to the garage.

DM/0309/23/FUL – MANOR HOUSE, TETNEY ROAD, HUMBERSTON





**PLANNING COMMITTEE - 14th June 2023**

**ITEM: 13**                      **RECOMMENDATION: Refused**

**APPLICATION No: DM/0301/23/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: 7 Great Coates Road, Grimsby, North East Lincolnshire, DN34 4NA**

**PROPOSAL: Partial change of use to mixed use from residential land to include commercial motorcycle garage with erection of detached coach house, drive with parking area and associated works**

**APPLICANT:**

Mr Chris Gunster  
7 Great Coates Road  
Grimsby  
North East Lincolnshire  
DN34 4NA

**AGENT:**

Mr George French  
Building Planning Services Limited  
Tanglin  
Town Road  
Tetney  
Grimsby  
DN36 5JE

**DEPOSITED: 3rd April 2023**

**ACCEPTED: 4th April 2023**

**TARGET DATE: 30th May 2023**

**PUBLICITY EXPIRY: 7th May 2023**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 28th April 2023**

**CASE OFFICER: Owen Toop**

**PROPOSAL**

The proposal is for the partial change of use to allow a mixed use of residential and commercial on the site through erecting a detached coach house style building for the repair, maintenance and MOT testing of motorcycles complete with parking area and associated works.

The application is brought to Planning Committee at the request of Councillors Sandford, Cairns and Henderson.

## **SITE**

7 Great Coates Road is a large, detached property located on the south side of the road. The host dwelling is locally listed and the boundaries of the property are secured with a brick wall with landscaping set behind. The main dwelling is set back from the road. Neighbours include residential properties but also some commercial operators including the Humber Royal grounds to the rear. Within the site area there is a Tree Preservation Order.

Historically the area adjacent to the dwellinghouse where the coach house is proposed was originally garden land to 7 Great Coates Road. Following on from this the site has had differing uses which is referred to within the planning history section of this report. Relatively recently this land was overgrown with shrubs and weeds but the applicant has since undertaken site clearance works prior to this application being submitted. The proposal if supported would see this land incorporated into what will be the residential curtilage.

## **RELEVANT PLANNING HISTORY**

DM/0593/16/FUL - Siting of 2 treatment containers, 2 tanks, 6 carbon vessels and associated works. Approved with conditions.

DC/840/07/YAR - Remediation works to remediate soil and groundwater and erection of temporary buildings. Approved limited period.

Various other history in relation to land adjacent 7 Great Coates Road which is not considered relevant to the consideration of this proposal.

## **RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS**

### National Planning Policy Framework (2021)

- NPPF6 - Building a strong, competitive economy
- NPPF11 - Making effective use of land
- NPPF12 - Achieving well designed places
- NPPF14 - Climate, flooding & coastal change
- NPPF15 - Conserv. & enhance the natural environ.
- NPPF16 - Conserv. & enhance the historic environ.

### North East Lincolnshire Local Plan 2013-2032 (adopted 2018)

- PO5 - Development boundaries
- PO22 - Good design in new developments
- PO33 - Flood risk
- PO34 - Water management
- PO38 - Parking
- PO39 - Conserve and enhance historic environ

## PO42 - Landscape

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the area is comprised of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

### **REPRESENTATIONS RECEIVED**

Highways Officer - Concerns over the potential intensity of the use. Further information is required to determine impacts.

Drainage Officer - The proposed use of permeable surfaces and a soakaway are acceptable.

Heritage Officer - Notes that the building is locally listed. Concerns raised over the design of the building including its size and materials and how this may impact on the character of the street scene.

Environmental Protection Officer - Recommends conditions for hours of construction, no external manufacturing, hours of operation and use of the premises. Requests further tests be carried out as per the land contamination report.

Trees and Woodlands Officer - Concerns raised in relation to access and impact on the street scene which have been alleviated with amended plans. A tree protection plan condition is recommended.

### Neighbour Representations

Support received from the following addresses:

3, 7a, 9, 14, 16, 36 Great Coates Road  
Councillor Sandford of 52 Coventry Avenue  
93 Pershore Avenue  
Councillor Abel of 118 North Sea Lane  
Unknown Number at Littlecoates Road  
17 Westward Ho

Broadly on the grounds of:

- being content with the potential impact;

- the development being in keeping with the area;
- pleased to see activity at the site and investment;
- given the nearby businesses it would be unfair to not allow the application to go ahead;
- improved security;
- consultation and reassurance given to neighbours.

## **APPRAISAL**

The material planning considerations are:

1. Principle of Development
2. Character and Heritage
3. Impact on Neighbours
4. Trees
5. Highways
6. Flood Risk and Drainage
7. Other

1. Principle of Development

The site is within the development area for Grimsby as identified in the NELLP. Policy 5 is the overarching policy for development in such areas. It seeks to assess proposals amongst a number of criteria in order to determine their suitability and sustainability.

This proposal seeks to erect a detached building within what will be the curtilage of 7 Great Coates Road to be used for the repair, maintenance and MOT of motor cycles, as well as providing necessary space for family vehicles and gardening equipment. In terms of the area character, the property is bounded by residential dwellings to the east and west. To the south beyond open land is the Humber Royal Hotel and north and opposite the site is a mixture of residential dwellings and the derelict former Toothill filling station site. It is therefore accepted that there is an element of mixed use in the area, although the inherent character is still considered to be largely residential.

The proposal would introduce a commercial operation adjacent to the applicant's own home. The applicant currently operates from a commercial premises in the town but is looking to downsize. The applicant would therefore be the only employee operating from this facility. Aside from the detailed considerations of this proposal and the associated physical impacts which will be addressed below, there is a question on the suitability in principle of a commercial operation adjacent to this residential dwelling. It is recognised that in the last few years during and following the COVID pandemic there has been a great demand for small scale home working and businesses from home. In a number of cases, such proposals have been supported given their low key and overall ancillary nature to the house. In this case however, the proposal would be encouraging motorcycles to the site for repair, maintenance and general testing. The nature of the use is such that it is not considered compatible on what essentially will be part of a residential plot. The fact that MOT testing centres are classified typically as B2 general industry

uses, further suggests their incompatibility in a residential garden. Lastly, there are vacant sites (even one directly across the road), which has the potential to cater for a small business such as this. It is therefore not considered to be justified in principle in this instance. The proposal would therefore be contrary to Policy 5 of the NELLP in principle.

## 2. Character and Heritage

The proposed building would be situated to the north east of the plot, forward of the existing dwelling. It would have a relatively large footprint of 12.2m x 7.3m. That being said, the property benefits from a substantial plot and in this respect, the proposal would not result in an overdevelopment of the site. It is proposed with a pitched roof measuring 2.4m to eaves and 4.6m to the ridge, which is a relatively high single storey structure. The front boundary to the site comprises a substantial boundary wall and the agent has provided a drawing which shows the proposed building from the street in this context. This is somewhat deceiving in that the proposal would actually also be seen in the content of the existing landscaping and so, in effect, the building would sit more comfortably on site visually than it might first appear. In terms of height, the building would be approximately 1.7m higher than the existing boundary wall. Whilst it would have a degree of prominence being so far forward in the plot, this is reduced by the existing boundary treatments and landscaping and the resultant height of the building. The Heritage Officer raised some concerns over the potential impacts of the building given the host property is a locally listed building and the building would be set forward, though no objections are raised. The impacts are considered reasonable for the reasons set out above. Notwithstanding that, matters regarding materials are a key and fundamental part of the building's acceptability in design terms and it is noted that it is now proposed for the external walls to be horizontal timber panels and for the roof to match the existing house and wall. This fits with the 'coach house style' and would not seek to compete with the existing dwelling on the site in either scale or appearance. On balance, it is considered the visual impacts on this basis are acceptable, subject to securing final material details. The proposal accords with Policies 5, 22 and 39 of the NELLP in this regard.

## 3. Impact on Neighbours

No objections to this proposal have been received from neighbours. A number of letters of support have been received. In terms of the proposed building itself, this would be toward the front boundary of the site. It would be closest to the eastern boundary with 3 Great Coates Road. There is landscaping along this boundary. Being single storey, being set in from the boundary and being north west of the neighbour, it is not considered the proposal would result in adverse massing or overshadowing impacts. There are also no windows proposed facing in this direction which would prevent any loss of privacy. All other neighbours are considered to be sufficiently separated as to ensure no massing, overshadowing or loss of privacy issues from the proposed building. Any views of the building from Great Coates Road in particular would be noticeable, but not adverse. Moving to the operation of the business and its potential impacts, the detail is set out in the Design and Access Statement. The applicant has confirmed their willingness to install acoustic panelling and confirms their intent to comply with building regulation standards.



It is confirmed in the submission that it would be class 1 and 2 MOT testing that would be undertaken at the site. Equipment is identified as being in the main hand tools and a compressor. The information states that the class 1 and 2 motorcycle MOT test relies on visual inspection only, thus resulting in minimum levels of noise. There is no emission testing, but a rolling brake tester is utilised which does generate sound, a noise level of 62 decibels is given. A test inspection sheet has been provided within the submission. An appointment system has been suggested to reduce general footfall.

The Environmental Health Officer has reviewed the proposal and considers that with strict measures of control for no external working and working hours, there are no objections. Given the detailed information in the submission and the lack of objection from the EHO Officer, it is considered that with strict conditions to control the use, the proposal can be made acceptable in amenity terms. Subject to conditions, the proposal would accord with Policy 5 of the NELLP in terms of neighbouring residential amenity.

#### 4. Trees

There are TPO's on the site and the proposal has been amended to take into account initial concerns raised by the Tree Officer. This has included a change in the layout of the access. Following amendments the tree officer is content that the proposal can be achieved without detriment to existing trees. A tree protection plan would need to be secured. Subject to a condition securing tree protection detail the proposal would accord with Policy 42 of the NELLP.

#### 5. Highways

Access is proposed from Great Coates Road to serve the proposed building via the existing access, where there would be a customer parking and a turning area. The existing access has not been used in a number of years and the Highways Officer has raised concerns over the intensification of the access as a result of the proposal. There seems to be a lack of information on the intended numbers of customers who might use the facility, although it is noted that an appointment system would be used. Without a full understanding on the nature of the use and its intensity, suitability of the access to accommodate the development cannot be established and highway safety and amenity impacts cannot be ruled out. Thus, the proposal would be contrary to Policy 5 of the NELLP with regards to the highways considerations.

#### 6. Flood Risk and Drainage

The site is in flood zone 1 and is therefore sequentially preferable for development. The proposal details proposed drainage arrangements for the building which would be via a soakaway to the south of the building. The Drainage Officer has reviewed the detail and considers that a soakaway is suitable to serve the proposed development. Subject to a condition securing implementation, the proposal accords with Policies 33 and 34 of the NELLP.

## 7. Other

There have been historic issues of contamination from the former Toothill petrol filling station and part of the site was used as the base for wider remediation proposals. This application is accompanied by an AECOM report. Following original comments from the Environmental Health Officer the applicant has provided a Phase 1 Desk Study. This states that no remediation works are required to which the Environmental Health Officer agrees. The Environmental Protection Officer considers however that the recommendations incorporated within section 5.2 of the report be applied. The standard contamination condition of any unforeseen contamination is also recommended. Conditions could be imposed if required.

## CONCLUSION

The proposal is for a detached building in a coach house style in what will be curtilage of a residential dwelling to be used for a commercial MOT motorcycle repair, maintenance and testing facility. There are in principle concerns with the proposal being within what will be a mixed use commercial and domestic garden and that this would be detrimental to the area character.

Whilst detailed matters of the proposal would be made acceptable via conditions, this does not override the overarching in principle issues highlighted and as such the proposal is contrary to Policy 5 of the NELLP. Furthermore, the lack of detail around the actual use of the building means that highway safety and amenity impacts cannot be ruled out, again contrary to Policy 5 of the NELLP.

The application is recommended for refusal.

## RECOMMENDATION

### Refused

(1) The proposal would constitute a general industry use within residential garden which is considered to be out of keeping and detrimental to the character of the area, contrary to Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(2) There is insufficient information on the operation and nature of the proposal which means that the suitability of the access cannot be determined and severe highway safety and amenity impacts cannot be ruled out. Thus the proposal would be contrary to Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

## **Informatives**

### 1 Informative

This decision relates to the following plans:

Site Location and Block Plan - COU-22-007-01-A

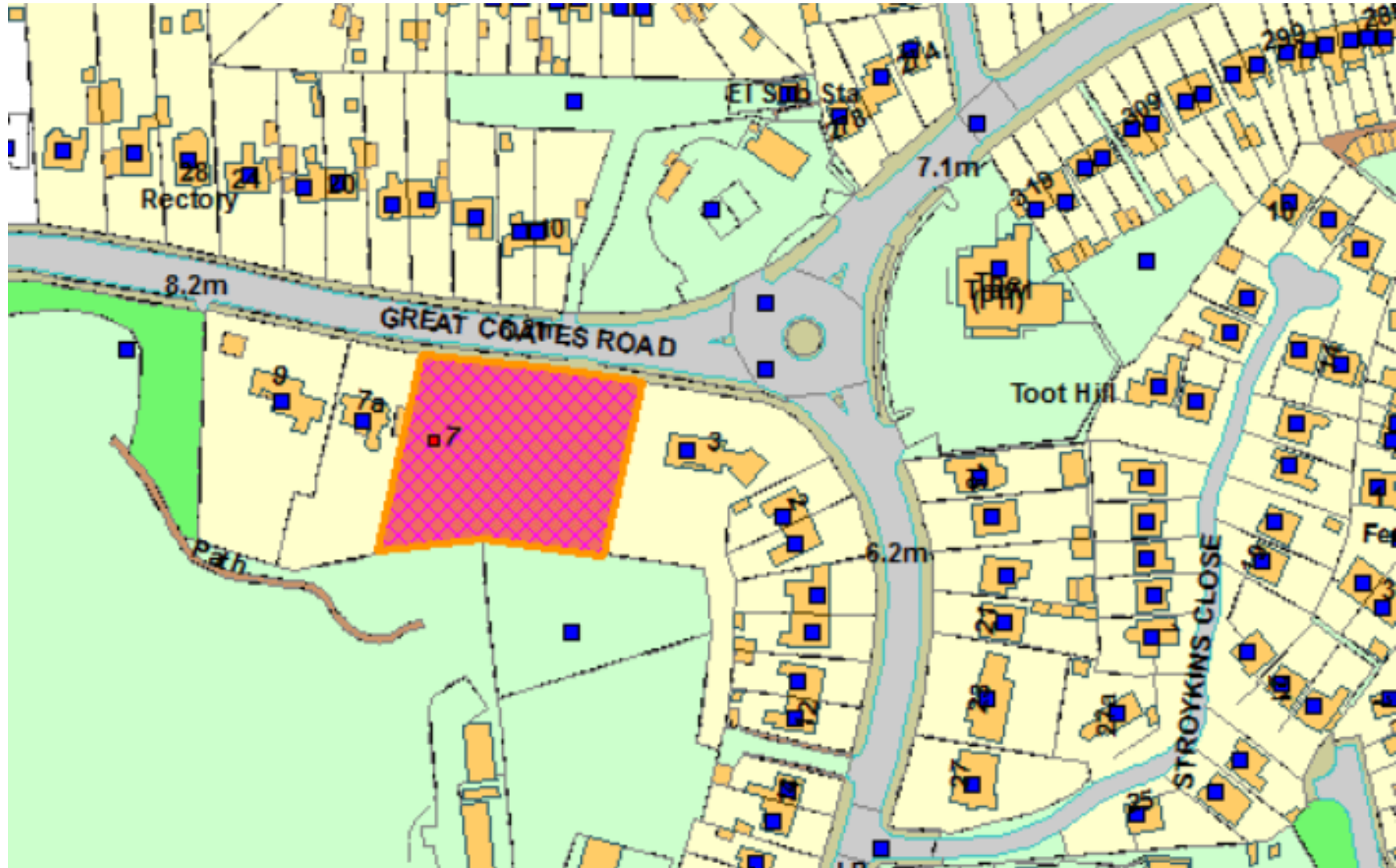
Proposed Floor Plans - COU-22-007-02-A

Proposed Elevations - COU-22-007-03-A

Proposed Street Scene Elevation - COU-22-007-04-A

Proposed Drainage Details - COU-22-007-05-A

DM/0301/23/FUL – 7 GREAT COATES ROAD, GRIMSBY



DM/0301/23/FUL – 7 GREAT COATES ROAD, GRIMSBY

