

Planning Committee Dated: 4th October 2023

Summary List of Detailed Plans and Applications

	Recommendation: Approved with Conditions
Item:	1
Application No:	DM/0825/23/FUL
Application Type:	Full Application
Application Site:	Plot 176 Humberston Fitties Humberston North East Lincolnshire
Proposal:	Erect holiday chalet with associated parking and boundary treatments
Applicant:	Mr And Mrs D Stoker
Case Officer:	Emily Davidson

	Recommendation: Approved with Conditions
Item:	2
Application No:	DM/0447/23/FUL
Application Type:	Full Application
Application Site:	Ash Holt Waithe Lane Brigsley North East Lincolnshire
Proposal:	Change of use of land from agricultural to equestrian use, erect detached indoor riding school to include attenuation pond, tree screening and associated works (Amended Plan received 13th July 2023 to revise landscaping details and Proposed Drainage Layout provided)
Applicant:	Lara Edwards
Case Officer:	Bethany Loring

Recommendation: Refused

Item: 3

Application No: DM/0517/23/FUL

Application Type: Full Application

Application Site: 22 Victoria Street Grimsby North East Lincolnshire DN31 1DG

Proposal: Retrospective application to retain three security shutters with associated works (additional information received 7th July 2023).

Applicant: Mrs Daniella Draper

Case Officer: Owen Toop

Recommendation: Refused

Item: 4

Application No: DM/0542/23/FUL

Application Type: Full Application

Application Site: 130 Mill Road Cleethorpes North East Lincolnshire DN35 8JD

Proposal: Alterations to front boundary wall and installation of dropped kerb to accommodate new vehicle crossover

Applicant: Mr Pavone

Case Officer: Bethany Loring

Recommendation: Refused

Item: 5

Application No: DM/0623/23/LBC

Application Type: Listed Building Consent

Application Site: Manor House Cherry Cobb Lane Barnoldby Le Beck North East Lincolnshire

Proposal: Listed Building consent to demolish existing conservatory, erect new conservatory with slate roof and timber windows and associated works

Applicant: Mr Ron Cook

Case Officer: Bethany Loring

Recommendation: Refused

Item: 6

Application No: DM/0622/23/FUL

Application Type: Full Application

Application Site: Manor House Cherry Cobb Lane Barnoldby Le Beck North East Lincolnshire

Proposal: Demolish existing conservatory, erect new conservatory with slate roof and timber windows and associated works

Applicant: Mr Ron Cook

Case Officer: Bethany Loring

PLANNING COMMITTEE - 4th October 2023

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

APPLICATION No: DM/0825/23/FUL

APPLICATION TYPE: Full Application

**APPLICATION SITE: Plot 176 Humberston Fitties, Humberston, North East
Lincolnshire,**

PROPOSAL: Erect holiday chalet with associated parking and boundary treatments

APPLICANT:

Mr And Mrs D Stoker
2 Harvest Road
Wickersley
Rotherham
South Yorkshire
S66 2HX

AGENT:

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

DEPOSITED: 18th August 2023

ACCEPTED: 18th August 2023

TARGET DATE: 13th October 2023

PUBLICITY EXPIRY: 17th September 2023

AGREED EXTENSION OF TIME DATE:

**CONSULTATION EXPIRY: 14th September
2023**

CASE OFFICER: Emily Davidson

PROPOSAL

The proposal is to erect holiday chalet with associated parking and boundary treatments. The chalet would be finished with wooden shingles. It would have profiled sheeting as a roof finish and a brick chimney. The windows and doors would be timber. Decking and balustrades would also be timber. The fencing would be a one-metre-high wooden picket style.

The application is presented to Planning Committee due to the number of objections that have been received as well as an objection from Humberston Village Council.

SITE

Plot 176 Humberston Fitties is located within the Fitties holiday chalet park. The wider site hosts chalets and is located within an allocated resort area. It is located close to the coast which is a specially protected ecological area. Humberston Fitties is a Conservation Area due to its unique and special character and is further protected by an Article 4 direction. The Humberston Fitties also has an Asset of Community Value designation. Plot 176 itself is a vacant plot which is undeveloped. The plot is surrounded by other holiday chalets on all sides.

RELEVANT PLANNING HISTORY

08/92/0213 - Continue use of land for holiday purposes. Approved 25/06/1992.

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
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

Consultee Representations

Emergency Planning Officer - Subject to minor amendment Flood Warning and Evacuation Plan acceptable.

Highways Officer - Approval, no conditions.

Drainage Officer - A fully sustainable surface water drainage system is required for this development. No surface water discharge to the foul sewer is permitted. Condition recommended. There must be no raising of existing ground levels.

Heritage Officer - Notes the applications acceptability in terms of design and raises no objections.

Environmental Protection Officer - Hours of construction and air source heat pump details conditions recommended.

Trees and Woodlands Officer - Raises no objections.

Ecology Officer - Recommends works are carried out based on the recommendations in the ecology survey provided.

Natural England - Standard advice.

Environment Agency - The proposal would only be acceptable with the recommended occupancy condition and reference made to the need for a temporary permission.

Civic Society - Oppose the development.

Humberston Village Council - Objects to the proposal broadly on the grounds of:

- The proposed chalet being too large for the plot
- Air source heat pumps are not in keeping
- Sewage system needs to be upgraded
- The installation of close boarded fences are not in keeping
- There needs to be a new appraisal carried out of the site before any more development can be carried out

Neighbour Representations

Support Comments were received from the following addressed:

Within NEL Borough: 26 Humberston Fitties. 38 Humber Street. 9, Nelson Way. 88 Orion

Way.

Outside NEL Borough: 26 St Andrews Close, Rotherham. 3 Kenley Road, Worksop.

The comments in support are based broadly on the grounds of: The proposal would be in keeping with the Fitties, the vacant plots are an eye sore, the proposal would positively impact the area, a new chalet is preferable to a caravan which cannot be controlled by the design guide, supports wildlife.

Neutral comments were received from the following address:

Within NEL Borough: 56 Humberston Fitties.

The neutral comments were based broadly on the grounds of: No objections to a chalet being built but must be in keeping, the Fitties is not a holiday park.

Objection comments were received from the following addresses:

Within NEL Borough: 10, 30, 82, 85, 101, 103, 148, 202, 212, 222, 252, 259, 266, 303, 310a, 311a, 320, 320a, 321a Humberston Fitties. Main Road, Humberston, 46 Clee Crescent. 77 Elliston Street. 21 Elm Road. 33 Fairfax Road. 1 Fannystone Road. 52 Humber Street. 49 Robert Pearson Mews. 23 Robson Road. Wellgarth Main Road.

Outside NEL borough: 2 Low Road, Doncaster. 8 Wivelsfield, Brighton. Hope Avenue, Goldthorpe. 48 Kingsmead Park, Swinhope.

Objection comments are based broadly on the grounds of: Impacts on the conservation area, impacts on ecology, flood risk implications, incorrect information submitted, loss of community asset, the proposal is not a replacement, a precedent has been set for refusal of Plot 80, it is a small plot, there are open enforcement matters, spaces were at one time offered to neighbouring plots as garden spaces, inadequate infrastructure to support additional chalets, the building of new chalets is a breach of the lease agreement, the empty plots are used as fire breaks, the Fitties is not a holiday park, loss of green space, additional traffic, nothing should change with the plots, there are other chalets for sale that can be utilised, advised at one time by the Council that vacant plots could not be built on.

APPRAISAL

Planning Considerations

1. Principle of Development.
2. Application at Plot 80 Humberston Fitties. DM/0778/22/FUL.
3. Flood Risk.
4. Character, Design and Heritage.
5. Ecology and Landscape.
6. Local Amenity.

7. Highways and Drainage.
8. Community Asset Designation.

1. Principle of Development

The plot is located within a defined resort area in the North East Lincolnshire Local Plan (NELLP) 2018. Policy 12 therefore applies. The site is also within the Fitties conservation area. Policy 39 applies. Other specific policies also apply as detailed in the report below. In terms of principle, Policy 12 supports tourism related development including accommodation, though recognising the need to protect environmental resources. The site is a well-established holiday chalet park of long standing, and this site sits within an otherwise developed frontage.

The application is assessed as a new build. Whilst there may once have been a chalet on this plot, it is considered that any related planning chapter in that respect has closed, and this application should be judged as a new build. However, acknowledgement is given to application 08/92/0213 by Cleethorpes Borough Council which granted continued use of land at the Fitties for holiday purposes in a 1992 permission. This included this site. As detailed below it is also accepted that permission 08/92/0213 provides a fall-back position in planning terms that means the application site could be used for holiday purposes including the siting of a caravan. Indeed, the plot now enjoys a site licence for the siting of a caravan on it. It is considered that this supports the principle of the development of this plot.

It is therefore considered that the principle of development is acceptable subject to the considerations outlined below.

2. Application at Plot 80, DM/0778/22/FUL

It is noted that a similar application was submitted at Plot 80, Humberston Fitties (DM/0778/22/FUL). The application was refused at planning committee in March, 2023 for the following reason:

'The proposal by reason of the development of a chalet on an open area of land and by reason of its physical over intensification would be detrimental to the unique character and appearance of the Humberston Fitties Conservation Area contrary to Policy 39 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and advice in Section 16 of the National Planning Policy Framework.'

The planning consideration of the two sites is very similar given the nature of the respective proposals and their location. Therefore, information such as the Legal Counsel advice provided for the application at Plot 80 is referenced in this application. What the application at Plot 80 does not do however is set a precedent as to the outcome of this application. Every planning application is assessed on its own merits having regard to the planning considerations which apply.

3. Flood Risk

The site falls within an area of high flood risk as defined on the Environment Agency Maps and in the Councils Strategic Flood Risk Assessment. This is an important consideration and can be associated to the determination of the principle of development. This is particularly in relation to the Sequential test and the Exception test.

The Sequential and Exception tests are considered as per the National Planning Policy Framework (NPPF), the National Planning Policy Guidance (NPPG) and Policy 33 in the NELLP 2018. Starting with the Sequential test, it is important to note that the NELLP 2018 allocates this area as part of the defined resort area and as stated above this supports resort type development. It is also clear that holiday development will take place close to the beach and sea to benefit from such a location and easy access. As a result of this and importantly the allocation in the NELLP, the Sequential test is considered to be passed. Turning to the Exceptions test the NPPF and NPPG note that some elements of the test (such as wider sustainability benefits under part A) need not be repeated for allocated sites unless elements of the development that were key to satisfying the exceptions test at the plan-making stage have changed or are not included in the proposal or the understanding of the current or future flood risk has changed significantly. It is considered that there has been no significant change or omission in relation to either of these points.

Having regard to the above on flood risk grounds it is considered that there are no grounds for objection under the Sequential test or part 'A' of the Exception test. However, it remains important under part 'B' of the Exception test and Policy 33 of the NELLP to consider the actual flood risk and whether the development can be made safe for its users. This assessment is supported by a Flood Risk Assessment. To understand and consider this, consultation with the Environment Agency has taken place. There has been close working with the Agency on flood risk matters.

To this end the Environment Agency note that the development is only acceptable with the use of a condition detailing that chalets should not be occupied in the months November through to March when tidal inundation is at an increased risk.

Another proviso recommended is the imposition of a 10-year temporary permission on the development. This is consistent with other more recent replacement chalet permissions granted on sites east of the Environment Agency's 'St Anthony Bank' defence which is a national defence. East of this and facing the sea the defence is locally maintained. The Environment Agency note that the current Shoreline Management Plan (SMP) requires a review of the policy covering the management of the defences at the Humberston Fitties by 2055 which puts some uncertainty on the long-term future of the defences. Whilst this is over 30 years away the SMP will be reviewed every 5 to 10 years where changes may be made depending on the evidence at the time. A 10-year permission would then be appropriate to deal with any changes which would impact on planning decisions and allow the planning system to react appropriately in the longer term. It would be open to apply to retain the chalet after these 10 years which then would

be judged against the up-to-date situation.

It is therefore recommended that flood risk can be mitigated using the occupancy period and the 10-year permission. This would be consistent with recent decisions and the advice of the Environment Agency.

Counsel advice on flood risk consideration was sought by the Council for the similar proposal at Plot 80, Humberston Fitties under application DM/0778/22/FUL which is relevant to refer to when considering this application. Whilst a matter of judgement, this advice confirms that the starting point is to have due regard to the NELLP, and points out that Policy 33 makes it necessary to (1) have due regard to the sequential and where necessary the exception test and (2) that the development will be safe during its lifetime. It is then necessary to consider any material considerations that justify departing from the NELLP and then consider what weight to give those considerations. Flood risk is an important material planning consideration for the type of development proposed and the advice of consultees such as the Environment Agency need to be taken into account. The position is clear in that the proposed development would not be safe without the proposed conditions. Counsel advice accepts that in planning terms (though there may be lease restrictions) that the 1992 permission grants holiday use and this could mean non-operational holiday accommodation (for example a caravan) could be lawfully sited on the plot and only be subject to the 1992 restriction. And indeed, since this advice was sought, a caravan licence has been successfully acquired based on the site permission for holiday purposes.

Therefore, it is considered that the development will only meet Part B of the Exceptions test if conditions are imposed as outlined to limit times of occupation and secure physical measures and to permit on a temporary basis. With conditions the proposal would accord with Policies 5 and 33 of the NELLP 2018 and the provisions of the NPPG and NPPF.

4. Character, Design and Heritage

The unique character of the area is key when considering the design of the proposal. This character is recognised in its designation as a Conservation Area which is further protected by an Article 4 Directive. Policy 39 of the NELLP applies 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 also apply.

Principally, the development of the plot with a chalet is acceptable and given the site is already populated by a large number of holiday chalets akin to the proposal, there would be no harm to the Conservation Area should the works be completed. The Council have a design guide to aid the consideration of development on the Fitties. The proposal would be in accordance with this guide utilising appropriate materials and finishes. The chalet would be finished in shingles which is no longer a common feature in the area and will

add interest and create a more unique design. This is encouraged to upkeep the eclectic nature which makes this Conservation Area special. The chalet would occupy an acceptable level of the plot and would maintain sufficient distances to boundaries to ensure the verdant quality of the area is maintained. The proposal includes a driveway and vehicle access. The driveway has minimised the area of gravel. This is the preferred approach as it ensures the majority of the plot is grassed. The fence proposed is acceptable and the use of an air source heat pump does not harm the area character.

Humberston Village Council have commented that a site appraisal should be carried out by Historic England prior to any additional works taking place. This does not constitute a reason to refuse or prevent development. They have also referred to a close boarded fence which is not included in the proposal. There is an existing close board fence near the site, however, this sits within the boundaries of the neighbouring plot and is outside of the applicant's control.

All considered, the application would not harm the conservation area and is in accordance with Policy 22 and 39 of the NELLP 2018.

5. Ecology and Landscaping

It is noted that the site is currently undeveloped and is a grassed area with hedges and trees along its border. The Fitties is an established area with pockets of green space and a lot of the plots have large, grassed areas. The site also sits close to the ecologically protected Humber Estuary. An ecology statement has been submitted with the application. It is noted that this covers the whole site, however, only plot 176 is being considered. For this site in particular, there is no ecological constraint to development, and this is echoed by the Council's Ecologist who raises no objections to the proposal and recommends that works are carried out in accordance with the ecology report relevant to this plot. The Council's Trees and Woodlands Officer raises no concerns with the proposals impact to the surrounding trees and hedges. With regard to the protected Humber Estuary, it is considered that likely significant effects can be ruled out due to the established nature of the overall area, the small scale of the development and that this small site is of low potential to host any species that are designated as part of the Humber Estuary sites. No objections are raised by Natural England. The application is considered in accordance with Policy 41 and 42 of the NELLP 2018.

6. Local Amenity

The application site is bordered by 174 and 178 to the sides, 212 and 213 to the rear and 167 sits opposite. Comments have been received from many addresses both in support and in objection to the application. A summary of these comments is provided in the report under the representations section. Comments have been addressed under the relevant sections of this report. Lease agreement issues and the availability of other existing chalets fall outside of the scope of planning consideration in this instance.

In terms of the built form, it is not considered that the proposed chalet would have an

adverse impact on the amenity of neighbouring chalets. It is single storey and of a small scale and conforms to the prevailing character of the area. There would be windows facing all three of the properties surrounding the host site. These would be at a ground floor level. The impact in terms of overlooking would not be over and above that which would be expected in an area for holiday chalets such as this. In terms of massing and overshadowing, there would be enough separation between the host site and the adjoining chalets to ensure there would be no undue affects. The use of the land for an additional holiday chalet would not increase the footfall to the plot to a level that would disturb neighbouring chalets.

The proposal includes an air source heat pump. This will be housed in a noise reducing cover to minimise its impact to the surrounding chalets. The Council's Environmental Protection Officer has confirmed that this is acceptable and has requested further detail of the unit itself. A condition is recommended for these details.

To ensure the protection of neighbouring amenity during construction a management plan has been submitted. This has been reviewed and accepted by the Environment Team.

The application would not harm the amenity of surrounding holiday chalets and is considered in accordance with Policy 5 of the NELLP 2018.

7. Highways and Drainage

Concerns have been raised in regard to the additional pressure that will be put on existing services such as roads and the drainage system. This proposal would only introduce one additional chalet which would be minimal in terms of the scale of the overall site. The Council's Highways Officer has raised no concerns with the application. The Council's Drainage Officer has no principal objections but has requested final details of the rain garden. This can be secured by condition. This would ensure additional surface water would be dealt with in a sustainable manner. The proposal is in accordance with Policy 5 and 34 of the NELLP 2018.

8. Community Assets and Sale of the Plots

Representations have made reference to the fact that the vacant plots within the Fitties along with other defined areas are registered as community assets under the wider Asset of Community Value designation. The latest registration is dated November 2019. This point is acknowledged, and the sale of the land and any restrictions thereon would be a matter for that process.

In terms of the land use planning considerations, it is considered that these link to the conservation and heritage matters discussed above and the value of the site. The reason for the designation as a registered community asset was that land on the Fitties, including vacant plots, contribute to the unique character of the site, and whilst land overall is primarily enjoyed for holiday or recreational use, it is not limited to and is free and open to the wider public. By the very nature and location of the site, and that there have been no

significant changes to the site, it has been allowed to remain undeveloped for many years, and as such benefits from its natural surroundings. This in the opinion of the Local Authority furthers the social wellbeing or interests of the public. It is therefore considered that the land use planning issue is whether this would be prejudiced by the development proposed. To this end for the same reasons as articulated above it is not considered that the unique character will be adversely impacted on therefore protecting the social well-being and interests of the public.

CONCLUSION

The proposed holiday chalet accords with the use of the area and would not cause harm to the amenity of the neighbouring chalets or wider character of the Conservation Area. The development would not be detrimental to the Asset of Community Value designation. Subject to conditions it is acceptable in flood risk terms. The application is considered in accordance with Policy 5, 12, 22, 33, 34, 39, 41, and 42 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 and Existing Block Plan - RD5279 - 02

Proposed Block Plan, Plans and Elevations - RD5279 - 01 B

Reason

For the avoidance of doubt in the interests of proper planning and in accordance with Policies 5, 12, 22, 33, 34, 39, 41, and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(3) Condition

The chalet shall be removed in its entirety from the site and the land reinstated as a cleared site on or before 4th October 2033.

Reason

To enable the Local Planning Authority to monitor the risk to human life and property from flooding in accordance with Policy 33 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(4) Condition

The chalet hereby permitted shall not be occupied between the 1st November in any year and the 14th March in the following year.

Reason

To ensure the holiday use of the chalet and ensure it is not occupied at a time when flood risk from the sea is at its highest so as to reduce the risk to life during a flood event to accord to Policy 12 and 33 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(5) Condition

The proposal shall be carried out in the following materials unless otherwise agreed in writing with the Local Planning Authority:

Walls - Wooden shingles
Roof - Metal profile sheeting
Windows and Doors - Timber
Verandas and Decking Areas - Timber
Parking Area - Permeable stone or gravel
Boundary Treatments - Timber
Vehicular Cross Over Area - Grasscrete
Chimney - Brickwork

Reason

In the interests of ensuring the amenity of the area which is a Conservation Area to accord with Policies 5, 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(6) Condition

Prior to the commencement of development, a final scheme of surface water drainage to include details of the rain water garden and permeable paving shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be implemented in full before the chalet is occupied.

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 and 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(7) Condition

The development shall be carried out in accordance with the Construction Method Statement RD5279 unless otherwise approved in writing by the Local Planning Authority.

Reason

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

(8) Condition

The development shall be carried out in accordance with the flood risk assessment document received by the Local Planning Authority on 18/09/2023 unless otherwise agreed in writing by the Local Planning Authority. All measures shall be installed prior to occupation of the chalet and shall be retained for the lifetime of the development.

Reason

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

(9) Condition

The occupation of the chalet shall only occur in strict accordance with the approved flood risk evacuation plan received by the Local Planning Authority on 18/09/2023 unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of safety and flood risk and in accordance with Policy 33 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(10) Condition

Prior to the commencement of the development, an ecological enhancement plan shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the measures shall be installed prior to use of the chalet. All construction work shall accord with the recommendations set out in the ecology report received 18/09/2023 relevant to Plot 176. Should any work be required to the existing ditch, then further survey work in line with the ecological report must be submitted and agreed in writing by the Local Planning Authority before this work is undertaken. Work shall only accord with the approved details thereafter.

Reason

In the interests of ecology and to accord with Policy 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(11) Condition

Prior to the installation of the air source heat pump, full manufacturers details shall be supplied and agreed in writing by the Local Planning Authority.

Reason

To protect the amenities of nearby chalets 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 Conservation Area character, neighbouring amenity and is acceptable in flood risk terms and 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 securing amended details to alleviate concerns and to address flood risk concerns.

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 details to alleviate concerns and to address flood risk concerns.

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).

DM/0825/23/FUL – PLOT 176 HUMBERSTON FITTIES, HUMBERSTON



DM/0825/23/FUL – PLOT 176 HUMBERSTON FITTIES, HUMBERSTON



PLANNING COMMITTEE - 4th October 2023

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

APPLICATION No: DM/0447/23/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Ash Holt , Waithe Lane, Brigsley, North East Lincolnshire, DN37 0RJ

PROPOSAL: Change of use of land from agricultural to equestrian use, erect detached indoor riding school to include attenuation pond, tree screening and associated works (Amended Plan received 13th July 2023 to revise landscaping details and Proposed Drainage Layout provided)

APPLICANT:

Lara Edwards
C/O Agent
KWA Architects
Chalk Farm
Cambridge
CB22 3AG

AGENT:

Mrs Meghan Bonner
KWA Architects (Cambridge) Ltd
Chalk Farm
High Street
Babraham
Cambridge
CB22 3AG

DEPOSITED: 9th May 2023

ACCEPTED: 31st May 2023

TARGET DATE: 30th August 2023

PUBLICITY EXPIRY: 15th September 2023

**AGREED EXTENSION OF TIME DATE: 6th
October 2023**

CONSULTATION EXPIRY: 11th July 2023

CASE OFFICER: Bethany Loring

PROPOSAL

The proposal seeks to change the use of the land from agricultural to equestrian use, erect a detached indoor riding school to include attenuation pond, tree screening and associated works.

Specifically, the proposal would create an indoor riding school which would be double height (62m x 22m in area), to allow for tractor access, and include a raised viewing area,

WC, kitchenette and store areas above the main riding area. This would be for private use only. An attenuation pond would be installed to the side of the riding school for stormwater management purposes as well as tree screening to surround the building.

The application is brought to planning committee following an objection from Brigsley Parish Council and objections from the Ward Councillor and neighbours.

SITE

The site relates to a parcel of land to the south of Waithe Lane. It forms part of the wider ownership of the 'Ash Holt' site which includes a large, detached dwelling with extensive grounds located on the edge of the main village of Brigsley. Some of the wider site is already used for equine purposes with stables and horse grazing. This site is generally well landscaped with a mixture of trees, hedging and grassland.

The site is located outside of the main village of Brigsley, this is reflected on the NELLP as the site is outside of the settlement boundary and within the open countryside. The closest residential properties are Maple Grove, Southlands and Wheatlands to the west of the site whilst to the north, east and south is agricultural land.

Some works are currently taking place at the wider site following previous approvals.

RELEVANT PLANNING HISTORY

08/89/0073 - Erect stable block - Approved with Conditions.

08/94/0212 - Erect stable block for private use - Approved with Conditions.

DM/1041/19/FUL - Erect private equine facility including the erection of single storey stable building, a covered horse walker, construct a horse arena, parking area, create a new access and change of use of land for equine purposes and associated works - Approved with Conditions.

DM/1108/22/CEA - Certificate of lawfulness for proposed oak-framed home gym/home office outbuilding - Approved.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2021)

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

Brigsley Parish Council - Objects based on the scale of the development within the farmland/countryside, over intensification of the site, construction traffic, drainage and impacts to trees.

Anglian Water - No comments.

HSE - Does not meet criteria for consultation.

Environment Team - Hours of construction/demolition condition.

Heritage Officer - No input required.

Natural England - No objection.

Humberside Fire and Rescue - Informative advice regarding access and water supplies.

Highways Officer - Approval with CTMP condition.

Lindsey Marsh Drainage Board - Drainage to be agreed with Lead Flood Authority.
Informatives relating to consents.

Drainage Officer - Surface water drainage arrangements are satisfactory.

Environment Agency - No objections. Informative relating to Environmental Permitting.

Trees and Woodlands - Concerns raised. Amended details received and concerns addressed. Nothing further to add.

Ecology Officer - Happy with ecology report and recommendations and landscaping details.

Ward Councillor - Councillor Jackson - Objects and considers the proposal to be an overdevelopment in a rural setting, concerns raised regarding the narrow access, traffic generation, position outside the development boundary, and impacts to wildlife.

Neighbour Representations

Objections have been received from the following addresses broadly on the grounds of commercial use, traffic, access, damage to trees and hedges, cafe use, beyond personal use, overdevelopment, industrial use and finish, similar facility nearby, drainage impacts, CTMP, impacts to wildlife and environment, construction underway, volume and weight of construction traffic, incongruous development, property devaluation, not in-keeping, impacts to daily life, noise and disturbance, scale of proposal and inappropriate location.

Kitma, Brigsley Road
Maple Grove, Waithe Lane
2C Queen Elizabeth Road
Hunters Gate, Waithe Lane
10 Town Road, Tetney (x2)
5 Nunnerley Place, Waltham
Walnut House, Waithe Lane (x3)
4 Eastwood Avenue
35 Dene View, Gosforth (x3)
86 Cheapside, Waltham
Wheatlands, Waithe Lane

Comments of support have been received from the following addresses broadly on the grounds of no traffic issues, diversification, remains of an acceptable use and not for housing, traffic management controls will assist, existing site is kept clean and tidy, personal use only, enhancement to area and proud of local talent.

1 Stallingborough Road
114 Middlethorpe Road
138 Apedale Road
2 Carnforth Crescent
30 Far Ings Road
3A Caistor Road
48 Horncastle Road
Brambles, Reading Road
Higher Eworthy Farm, Eworthy
Ivy Cottage, Main Road
Maidenwell Farm, Southfield Road
The Grange

The Stables, Halton Fen
5 Dugard Road
Danelaw, Townside
Stanbrook Farm, Staunton
1 The Birches
The Hollies, Main Road
Church Farm, Church Lane (x5)
Orchard House, Church Lane
High Melwood Farm, Epworth
Red Lion, Church Road
Hillside Farm, Cheapside
5 Barnoldby Road, Waltham
1 Kitchen Garden Cottage, Fermyn Wood
10 Green Lane, Humberston
13 Violet Close, Humberston
19 Quorn Park, Paudy Lane
26 Park Drive, Grimsby
27 Albatross Drive, Grimsby
31 School Lane, Appleby
39 Miller Avenue, Grimsby
4 Belmont, Holton Le Clay
8 Mallard Close, Lincoln
Church Farm, Strubby Road
Ebley, Townside, East Halton
Gorse Farm, Fulletby
Lodge Farmhouse, Colton
Teal Cottage, Belton
West Newton, Crediton
Church Lane, Brigsley
Laurel House, Waithe Lane
Manor House, Main Street
Brook Cottage, Brigsley Road
Litchfield, Waithe Lane

Neutral comments received from the following addresses broadly on the grounds of similar facility nearby within hacking distance and traffic.

Danesbury Cottage, Waithe Lane
Main Road, Ashby Cum Fenby

APPRAISAL

Material Considerations

Principle of Development;

The proposal is for the change the use of the land to equestrian use and to provide an indoor riding school. This would be for private use only in order for the applicant to continue training in all weathers on site to support them as a professional Dressage competitor.

The site is located outside of any defined settlement boundary on the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) (NELLP) and as such it is part 3 of Policy 5 that is a key consideration for this proposal. Part 3 details that development proposals that meet any of the following criteria will be supported:

- a) Supports a prosperous rural economy, particularly where it promotes the development and diversification of agriculture and other land based rural business;
- b) Promotes the retention and development of local services and community facilities;
- c) Supports rural leisure and tourism developments;

By its very nature an equine facility needs a large area of land and is considered compatible in this rural location in accordance with this part of Policy 5.

It is considered that the proposed development meets with Part 3 of Policy 5 of the NELLP. It is therefore considered to be acceptable in principle. However, the site-specific impacts of the development still need to be considered.

Impact on the Character of the Area and Visual Amenity;

The site is located on the edge of Brigsley, outside of the settlement boundary and therefore is considered to be within the open countryside. Policy 5 of the NELLP requires due consideration to the impact of any development proposals on the character and appearance of the area, with particular regard to the open countryside nature of the site with Policy 22 setting out the requirements for 'good design'.

The proposed development includes a substantial building and various other works that would be visible from Waithe Lane and from more distant views from public footpaths in the wider area. However, as discussed above the proposed development is acceptable in principle and it is the detail of the proposal that should be considered now. The proposed indoor riding school, whilst large, has a low ridge line at 7 metres and has been designed with an agricultural style similar to those buildings already present on the wider site. The external elevations would be finished with a mixture of timber cladding and brick with profiled sheeting to the roof. This is a similar style to many other agricultural buildings in the local area but on a much lesser scale. The trees and landscaping would provide some elements of screening within the wider area and would be made up of a mixed native hedge with varying tree species which would also lessen the impacts of the building proposed. The other elements of the proposed development would only offer views to the immediate area on Waithe Lane and so the wider impacts are considered to be low.

It is therefore considered that, whilst the proposed development would be visible in the

area, it is a use that requires an open countryside location and has been designed sympathetically. It therefore accords with Policies 5 and 22 of the NELLP.

Highways and Parking;

The site has an existing access point to this area and therefore no new access would be created. The number of objections from the Parish Council, Ward Councillor and neighbours in respect of access, traffic and safety are noted. The proposed development would not attract a significant increase in traffic movements given that this would be a facility for personal use only. The nature and scale of the proposal means that the overall number of traffic movements would be minimal and similar to that occurring currently. Parking on site would be sufficient to serve the proposal.

The scheme has been considered by the Highways Officers, in terms of highway safety and amenity, and no objections have been raised. A condition for a Construction Traffic Management Plan has been recommended and included to ensure impacts can be mitigation during the construction phase.

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

Drainage and Flood Risk;

The site and area of works is located in Flood Zones 1 and 2 as shown on the Environment Agency Maps. Therefore flood risk and surface water needs to be considered.

The proposed development has differing elements to it but the main part in terms of surface water is the indoor riding school itself however an extension to the existing attenuation pond has been included with a final discharge into a nearby water course at a restricted runoff rate of 5l per second. Foul drainage is detailed.

The Drainage team have reviewed the details and consider that this approach in principle is an acceptable method of dealing with the surface water. Furthermore, Lindsey Marsh Drainage Board has echoed this and agreed it should be the decision of the Lead Local Flood Authority. Anglian Water have no comments. The Environment Agency has also reviewed the details and stated that there are no objections however details the requirements relevant to Environmental Permitting. A sequential test is not required for a change of use. Given the extent of flood zone 2 and wider land ownership at this location, it is considered the sequential test for the building is passed. An exception test is not required.

An informative relating to relevant consents has been included along with an instructional condition for drainage to be implemented.

The proposal is acceptable in flood risk and drainage terms with the inclusion of

conditions and accords with Policies 5, 33 and 34 of the NELLP.

Ecology and Landscaping;

The site has a number of trees on it however these are situated away from the area of works. The application has been submitted with detailed plans to show all new tree and hedge planting.

The Trees and Woodlands Officer has reviewed the details and commented to state that the landscaping plan is acceptable following some amendments. The proposed development with the inclusion of the landscaping scheme is considered to be acceptable in accordance with Policy 42 of the NELLP.

The application has been submitted with an Ecology Report which establishes that the site does not have a high ecological value. The report acknowledges the aims of Policy 41 of the NELLP to improve biodiversity where possible. The Ecology Officer has commented to state that they are in agreement with the Ecological Report provided and the recommendations, as detailed in Section 8, which should be adhered to. In addition, the Proposed Landscaping Plan has been amended and now includes details of management which have been accepted. Conditions to secure these aspects have been included. Furthermore, Natural England have raised no objections. With the inclusion of the landscaping scheme and habitat improvements, in the form of appropriate planting, it is considered that the proposed development accords with Policy 41 of the NELLP.

Impact to Neighbours;

The proposed development would be positioned within the existing grounds of Ash Holt and well separated from the neighbouring residential properties. Maple Grove, Southlands and Wheatlands to the west of the site may have some limited views of the proposed development but given the separation distances and the limitations of the views, it is considered that there would not be an undue impact on their residential amenities. The immediate area is not adjacent to any neighbours with the closest property positioned over 170 metres to the west, Maple Grove.

There have been numerous objections however these are not all within the immediate locality of the site. These objections mostly relate to the commercial nature of the development, being beyond personal use, the finish and design and the traffic and access impacts. A number of these matters are dealt with above. The submission details that the purpose of the use is for the applicant's personal use only to allow for training in all weather conditions. There are no commercial elements to the proposal and the proposal would remain ancillary to the overall site and its use. It is noted that there would be an element of traffic in relation to construction however a CTMP has been requested in order to secure details to mitigate impacts relating to this. Development cannot commence until this has been provided and agreed with Highways Officers. The finish and design would be reflective of the existing buildings on the wider site and therefore is not considered to be out of character. The addition of the wider equestrian land would

allow for further horse grazing following the works and would not include any physical works that might impact negatively on neighbours.

The Environment Team have commented to suggest that a condition relating to hours of construction should be included to protect the amenities of the neighbours. This is recommended.

Therefore, whilst there would be some impact to neighbours arising from the physical presence of the development, these impacts would not be detrimental given the overall scale, position and design and the conditions recommended would also ensure any impacts from the construction and operation itself would not be detrimental.

With conditions, the proposal accords with Policy 5 of the NELLP in relation to residential amenity.

Other;

Substantial support has been received for this application. As with objectors, it is noted that these are not necessarily within the vicinity of the site. Such comments are noted.

CONCLUSION

In conclusion, it is considered that the proposed development would not offer any adverse impacts to the neighbouring properties amenities, the character of the area, drainage and flood risk, ecology or highway safety and amenity in accordance with policies of the NELLP 2018. The development would support the rural economy in the area. It is therefore recommended for approval 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 shall be carried out in accordance with the following plans:

Site Location Plan and Existing Block Plan - 1428-07
Proposed Block Plan - 1428-06D
Proposed Block Plan (with approved developments) - 1428-08
Proposed Plans and Elevations - 1428-05A

Reason

To ensure an acceptable form of development in order to comply with policies of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(3) Condition

The proposed development shall be constructed using materials specified within the application form received on the 9th May 2023 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 in order to comply with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(4) Condition

The development shall be carried out in accordance with the Proposed Drainage Layout on drawing 779-002 Rev B which shall be completed and available for use before the riding school is first brought into use 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 and foul water disposal in accordance with Policies 5, 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(5) 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 (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 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;
7. Details of wheel washing facilities (locations, types etc.); and
8. Means of suppressing dust and noise.

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 Policies 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(7) Condition

The development shall be carried out in accordance with the Proposed Site Plan drawing 1428-06D in relation to landscaping, management and maintenance unless otherwise approved in writing by the Local Planning Authority. The landscaping 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 with plants of the same standard and species.

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 Policies 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(8) Condition

The development shall be built out in accordance with the recommendations set out in Section 8 of the Ecology Appraisal (by ESL Ecological Services) dated September 2019. The development shall not come into use until the recommendations have been implemented, unless otherwise agreed in writing by the Local Planning Authority. In regards to the Ecology Appraisal dated May 2023, if development has not commenced by

the 1st June 2024, then before development commences, the site must be resurveyed as stated, which is subject to the approval in writing by the Local Planning Authority. Any recommendations shall be carried out as approved thereafter.

Reason

To protect and enhance the ecological and biodiversity value of the site in accordance with Policy 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(9) Condition

The hereby approved development shall be used as a private indoor riding school, to be used by the applicant only, and not for any means of commercial or business livery/operation.

Reason

In the interests of local and highway amenity and character 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 rural 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, 41 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).

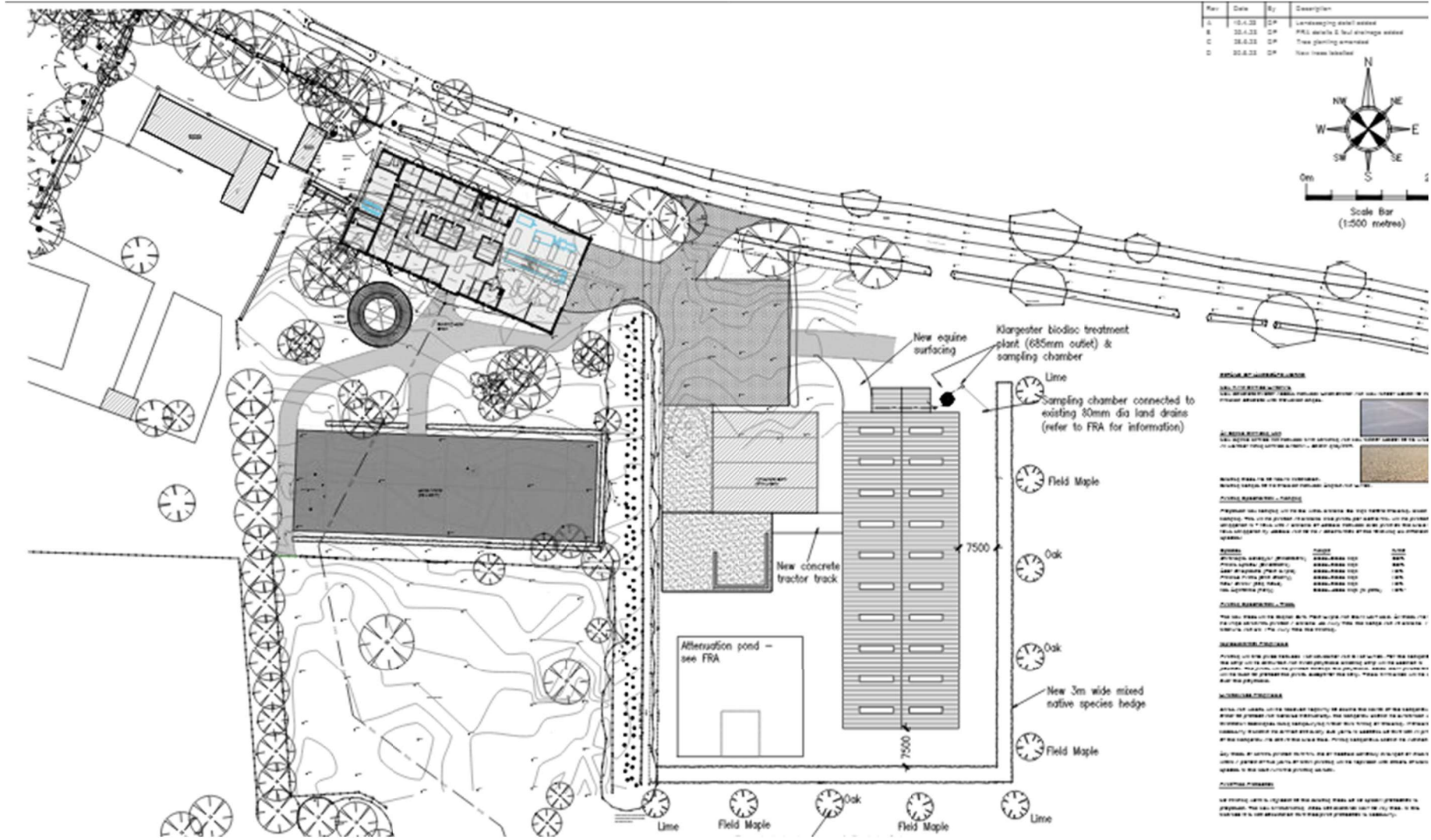
4 Informative

The applicant's attention is drawn to the comments made by Humberside Fire and Rescue, received 21st July 2023, Lindsey Marsh Drainage Board, received 18th July 2023 and the Environment Agency received 4th September 2023.

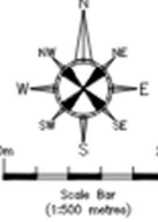
DM/0447/23/FUL – ASH HOLT, WAITHE LANE, BRIGSLEY



DM/0447/23/FUL – ASH HOLT, WAITHE LANE, BRIGSLEY



Rev	Date	By	Description
A	10.4.23	DP	Landscape site access
B	20.4.23	DP	FRA details & fuel storage access
C	28.6.23	DP	Tree planting amended
D	20.8.23	DP	Tree trees located



GENERAL NOTES

1. SITE INFORMATION

1.1. THE SITE IS A RESIDENTIAL PROPERTY WITH AN ATTACHED GARAGE AND FUEL STORAGE AREA. THE SITE IS SURROUNDED BY A MIXED WOODLAND OF TREES AND SHRUBS.

2. MATERIALS

2.1. ALL MATERIALS TO BE USED ON THE SITE MUST BE OF A QUALITY SUITABLE FOR THE INTENDED USE AND MUST BE OBTAINED FROM A REPUTABLE SUPPLIER.

3. CONSTRUCTION METHODS

3.1. ALL CONSTRUCTION WORK MUST BE IN ACCORDANCE WITH THE RELEVANT BUILDING REGULATIONS AND STANDARDS.

4. PROTECTION OF EXISTING FEATURES

4.1. ALL EXISTING TREES AND SHRUBS TO BE PROTECTED AND NOT REMOVED UNLESS SPECIFICALLY AUTHORIZED BY THE LOCAL AUTHORITY.

5. ENVIRONMENTAL CONSIDERATIONS

5.1. THE SITE IS ADJACENT TO A WOODLAND AND IT IS IMPORTANT THAT THE WOODLAND IS PROTECTED AND NOT DISTURBED.

6. PLANTING

6.1. ALL PLANTING MUST BE IN ACCORDANCE WITH THE RELEVANT STANDARDS AND SPECIFICATIONS.

7. FURTHER INFORMATION

7.1. FOR FURTHER INFORMATION, PLEASE CONTACT THE DESIGNER OR THE LOCAL AUTHORITY.

PLANNING COMMITTEE - 4th October 2023

ITEM: 3 RECOMMENDATION: Refused

APPLICATION No: DM/0517/23/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: 22 Victoria Street, Grimsby, North East Lincolnshire, DN31 1DG

PROPOSAL: Retrospective application to retain three security shutters with associated works (additional information received 7th July 2023).

APPLICANT:

Mrs Daniella Draper
Daniella Draper Ltd
Unit 17
Prince Albert Gardens
Grimsby
North East Lincolnshire
DN31 3AT

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: 31st May 2023

ACCEPTED: 5th June 2023

TARGET DATE: 31st July 2023

PUBLICITY EXPIRY: 4th August 2023

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 4th August 2023

CASE OFFICER: Owen Toop

PROPOSAL

This proposal is retrospective in nature and relates to 3 roller shutters at 22 Victoria Street in Grimsby. The shutters are in relation to two retail units, Daniella Draper (jewellery store) and what was previously Riverhead Coffee (a cafe and restaurant) but is now vacant. There is also a shutter in relation to another door which provides access into the building and upper floors. The application is a resubmission of DM/0661/22/FUL (Retrospective application to retain three roller shutters).

The application is brought to the attention of planning committee due to a call-in request

by Councillor Wilson.

SITE

The site is 22 Victoria Street, which is comprised of two ground floor shop units; an existing retail store specialising in the retail of jewellery and a cafe and restaurant. On the first floor there is mixed-use space which has been approved and constructed as part of the planning application: DM/0602/20/FUL. The site is within Grimsby Town Centre; Victoria Street is a busy commercial street in the heart of the town. The site is also located within the Grimsby Central Conservation Area.

RELEVANT PLANNING HISTORY

DM/0661/22/FUL - Retrospective application to retain three roller shutters. Refused on 3rd March 2023.

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
PO23 - Retail hierarchy and town centre develop
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

Heritage Officer - Objections and so recommends refusal as the scheme causes detrimental harm to the Conservation Area.

Police - If the argument presented by the applicant is for increased security the applicant should be considering a robust product, such as those displayed on the SBD website

see: Accredited Product Search (securedbydesign.com). Or alternatively a product such as Hammer Glass that creates an invisible shutter. Effective burglar protection for installation on existing windows (hammerglass.com)

Highways - No objections.

Environmental Health - No comments.

Councillor Wilson - Call in request, wishes the committee to consider antisocial behaviour and the resultant impact on the town centre.

Neighbour Representations

Letters of support received from:

1 Northway, 2 Coastguard Cottages, 10 Victoria Street, 20 Victoria Street and 77 Queens Parade.

Broadly on the basis that the town centre needs investment and needs to retain its shops and services and the proposal provides increased security with limited impacts.

APPRAISAL

The material considerations are:

- 1) Principle of Development
- 2) Design and Impact on Heritage
- 3) Impact to Local Amenity

- 1) Principle of Development

The proposal is located within the development boundary of Grimsby as defined within Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) [NELLP] and relates to the retention of 3 shutters at 22 Victoria Street. The proposal is also located within the Central Grimsby Conservation Area as defined within Policy 39 of the NELLP and as it is also within Grimsby Town Centre; Policy 23 is also relevant. The principle of development is acceptable subject to the site specific impacts, which in this case are design and impact on heritage (Policies 5, 22 and 39) and impact on local amenity (Policy 5). Provided that there are no detrimental impacts under these considerations, then the proposal may be supported in accordance with the NELLP.

Notwithstanding the above, the proposal is a resubmission of DM/0661/22/FUL which was refused. The proposal is identical in terms of the design, but includes additional information in this submission regarding their security concerns. This should be noted.

2) Design and Impact on Heritage

The main issue in this application is the balance between the requirement for security against the impact of the proposal on the character of the conservation area. The applicant within their Heritage Assessment has acknowledged designing out crime as a consideration, and has made note of existing security issues within the wider area. Furthermore as part of the application process, the applicant has provided a suite of information regarding security issues at the site and the wider area, including comments from the Police and insurance details.

Policy 23 indicates within all retail centres development will be expected to:

- A. enhance the centre's attractiveness, as a place to visit, work and socialise, in line with policies relating to primary shopping frontages;
- C. maintain and sustain the quality of historic environment;
- D. have particular regard to the desirability of retaining and improving traditional shop fronts;
- E. ensure the installation of security grilles and shutters does not detract from the visual amenities of the street scene.

In addition, policy 39(3.) states: Development will be supported, and planning permission granted, where proposals:

- A. protect the significance of heritage assets, including their setting; through consideration of scale, design, materials, siting, mass, use and views and;
- B. conserve and, where appropriate, enhance other historic landscape and townscape features, including historic shop fronts.

The Heritage Assessment has been considered by the Planning Officer and Heritage Officer. The applicant notes the use of shutters at other locations at Victoria Street and makes note of the visual impact of the shutters, describing it as neutral when seen in context of the conservation area as a whole.

Shutters are a very undesirable solution to security in a Conservation Area as it is important to create an attractive and welcoming street scene. The shutters erected are positioned in front of the two shop windows of the jewellery store and cafe and the previous restaurant respectively and there is also a third shutter positioned in front of the door that leads to the first floor of 22 Victoria Street. The Heritage Officer has objected to the scheme. It is considered that the roller shutters are not well related to the features of the shopfront as a whole. The shutter boxes are not concealed and they project forward of both shopfront windows making them a dominant feature regardless of whether the shutters are open or closed. When closed, given the size of the shopfront with its two shopfront windows and the aforementioned door, this impact is exacerbated.

Design solutions have been investigated as part of this application and a site meeting was held. However the applicant has stressed that they cannot amend their design such

as by using internal security shutters, due to security concerns and because of insurance policies. Whilst this is acknowledged, this does not change the position that the proposal would cause detrimental harm to the Conservation Area if allowed which would conflict with the policies of the Local Plan.

Having considered the above, the proposal is not considered to accord with policies 5, 22, 23 and 39 of the NELLP, as it is not good design within the conservation area, it does not protect or enhance the character of the conservation area and diminishes its importance and historic value.

3) Impact to Local Amenity

Given the nature of the works relating to the ground floor, there are no detrimental impacts to neighbouring properties or residential amenity. The proposal accords with policy 5 of the NELLP in this manner.

CONCLUSION

Despite the issues of concern outlined by the applicant in terms of security, which must be given weight in the planning balance, the roller shutters erected have a detrimental impact on the appearance and character of this building /shopfront but also the character of the conservation area. The scale and design of the shutters, and their housing, create harsh solid features to the building and streetscene. The cumulative impact of the proposal and the small number of other shutters on Victoria Street, only emphasise the harsh alien designs of such features contrary to the character of the area. In overall terms, it is considered the proposal has a detrimental impact on the character and appearance of the conservation area. The proposal is contrary to Policies 5, 22, 23 and 39 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

RECOMMENDATION

Refused

(1) The roller shutters erected have a detrimental impact on the appearance and character of this building /shopfront but also the character of the conservation area. The scale and design of the shutters, and their housing, create harsh solid features on the building and within the streetscene. The cumulative impact of the proposal and the small number of other shutters on Victoria Street, only emphasise the harsh alien design of such features. In overall terms, it is considered the proposal has a detrimental impact on the character and appearance of the building, Victoria Street and the Grimsby Central Conservation Area, contrary to Policies 5, 22, 23 and 39 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

Informative

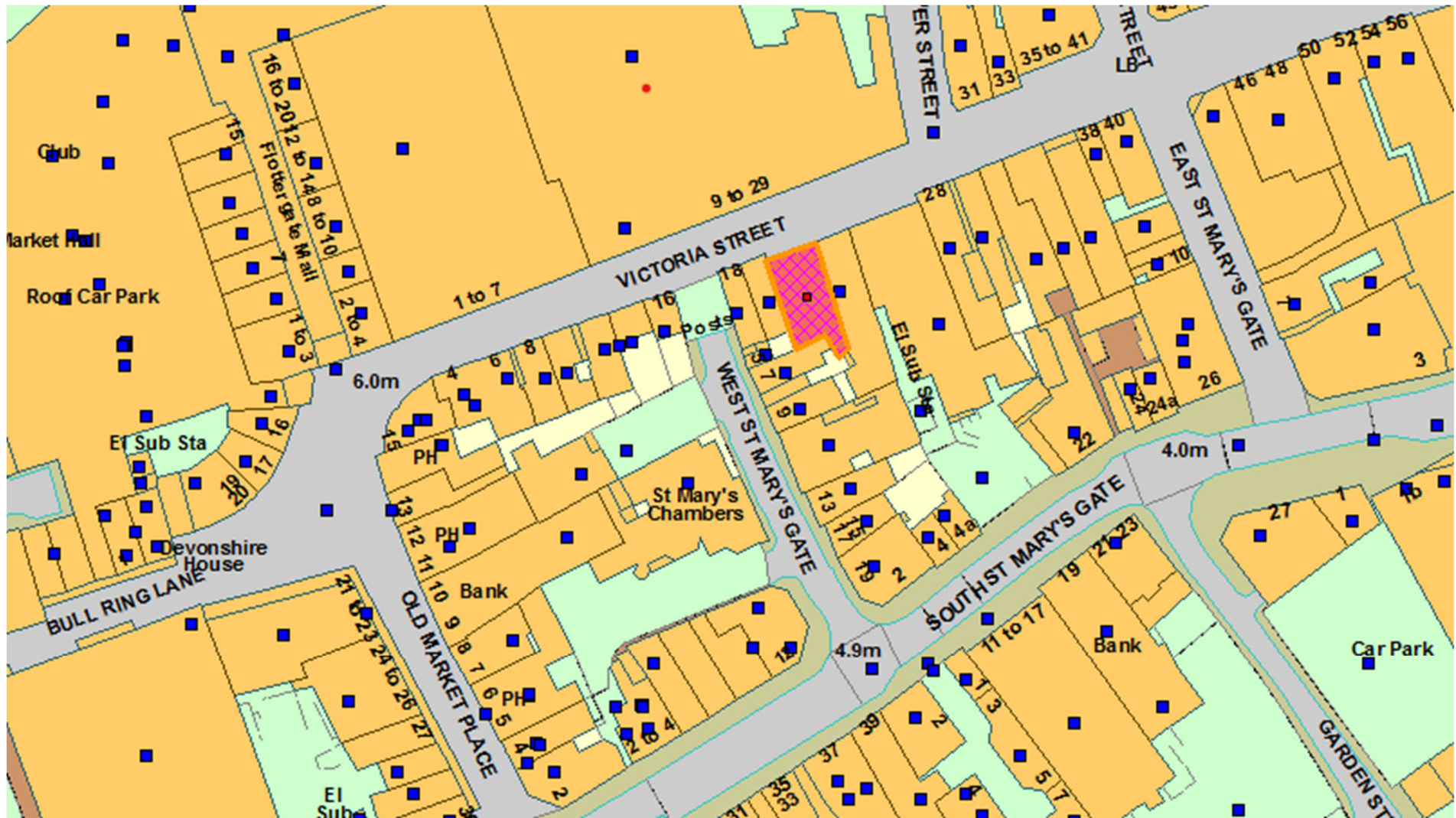
1 Informative

This decision relates to the following plans:

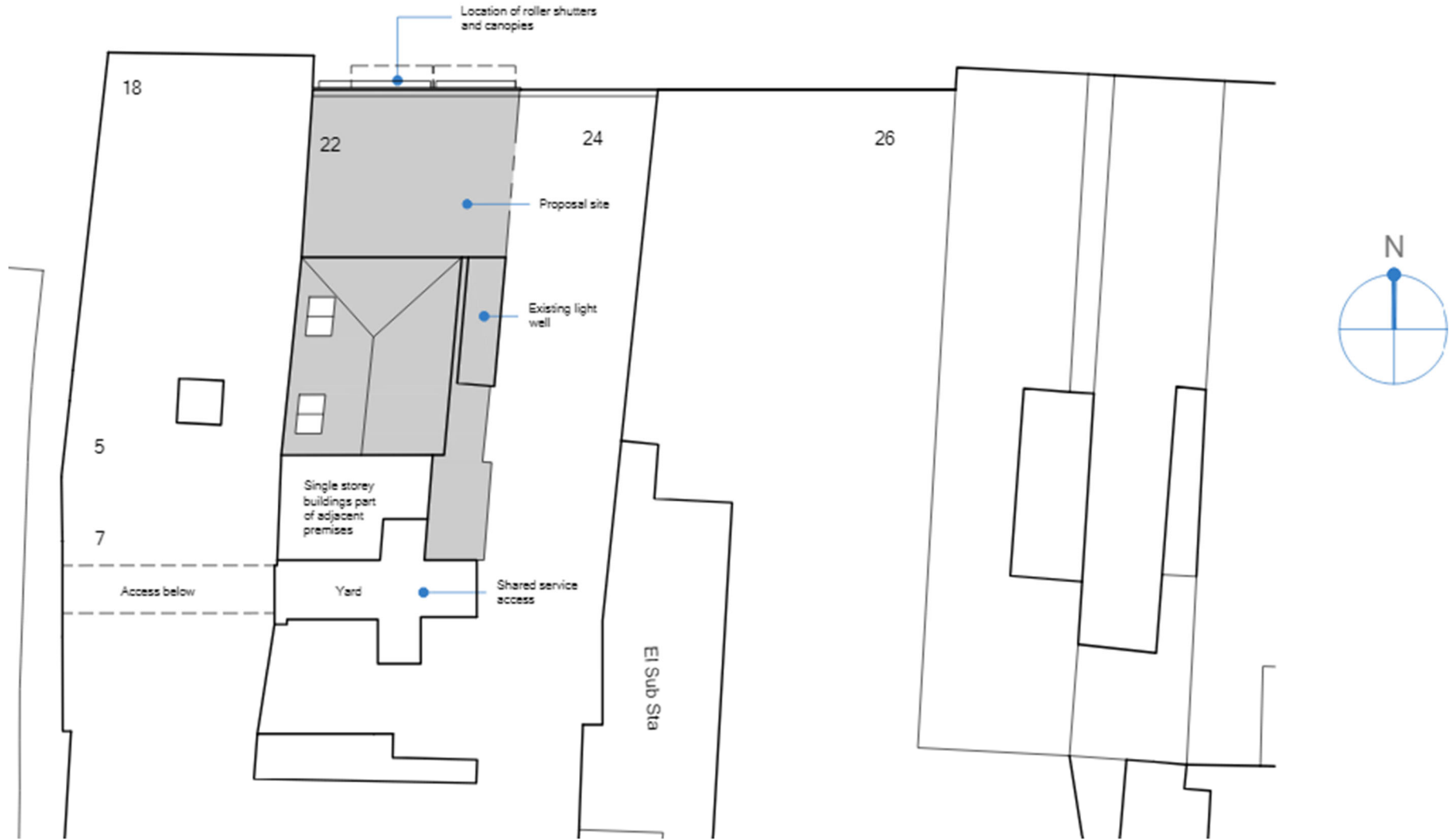
RD:4645 - 03C

RD4645 - 02J

DM/0517/23/FUL – 22 VICTORIA STREET, GRIMSBY



DM/0517/23/FUL – 22 VICTORIA STREET, GRIMSBY



PLANNING COMMITTEE - 4th October 2023

ITEM: 4 **RECOMMENDATION: Refused**

APPLICATION No: DM/0542/23/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: 130 Mill Road, Cleethorpes, North East Lincolnshire, DN35 8JD

PROPOSAL: Alterations to front boundary wall and installation of dropped kerb to accommodate new vehicle crossover

APPLICANT:
Mr Pavone
130 Mill Road
North East Lincolnshire
Cleethorpes
DN35 8JD

AGENT:
Mr David Ettridge
Ettridge Architecture
52-54 Prestongate
Hessle
HU13 0RE

DEPOSITED: 7th June 2023

ACCEPTED: 7th June 2023

TARGET DATE: 2nd August 2023

PUBLICITY EXPIRY: 9th July 2023

AGREED EXTENSION OF TIME DATE: 6th October 2023

CONSULTATION EXPIRY: 3rd July 2023

CASE OFFICER: Bethany Loring

PROPOSAL

The application seeks to alter the front boundary wall to include new vehicle entrance with associated works.

The application has been called in by Councillor Parkinson.

SITE

The proposal site is a large, detached dwelling located on the northwest side of Mill Road in Cleethorpes. It is predominantly residential in this area and host to varied dwelling types and designs. The site lies within Mill Road Conservation Area and is covered by an Article 4 Direction. To the rear of the site, construction works are mostly completed

following an approval under DM/0322/21/FUL for the change of use and conversion of the existing outbuilding to a dwelling including proposed vehicular access gates to a maximum height of 1.8 metres.

RELEVANT PLANNING HISTORY

DM/0322/21/FUL - Proposed change of use and conversion of existing outbuilding to a dwelling including proposed vehicular access gates to a maximum height of 1.8 metres (AMENDED PLANS 04-06-21 & ECOLOGY REPORT) - Approved with Conditions

DM/0943/22/FUL - Alterations to front boundary wall to include new vehicle entrance with associated works - Refused

DM/0963/22/CND - Details in Discharge of Condition 6 (Written Scheme of Investigation) pursuant to DM/0322/21/FUL - Conditions Part Complied With

DM/1100/22/FUL - Retrospective application to erect extension to rear and side including new entrance, roof lights, fencing and gates to a maximum height of 2.2m with associated internal and external works (Amended Plan and Description received 4th April 2023 to include new fencing). Approved.

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

Cllr Parkinson - Call in request for further scrutiny and discussion.

Drainage Team - There must be no surface water discharge onto the public highway.

Highways Team - No objection. Condition recommended

Heritage Officer - Removal of the wall and creation of driveway is deemed harmful to the conservation area and street scene. Recommends refusal.

Neighbour Representations

137 Mill Road (x2) - Objects based on retrospective nature, Article 4, Conservation Area, resubmission, impacts to existing on street parking arrangement and impacts to the character of the area.

APPRAISAL

Principle of Development

The application site is within the development area of Cleethorpes (Policy 5), and relates to alterations to the front boundary wall to include new vehicle entrance with associated works at an existing detached dwelling. The principle of development is acceptable provided that the proposal does not give rise to adverse impact on the Conservation Area in which the site is located or adverse impact on residential significant amenity 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.

Design, Conservation and Heritage

The proposal site is within Mill Road Conservation Area and covered by an Article 4 Direction, specifically relating to the boundary treatments.

The proposal seeks to remove a small section of wall, covering approximately 2.5 metres, to allow for a vehicle access into the property curtilage with an associated dropped kerb. This would see the removed pier rebuilt to the frontage with the railings adjusted. It is important to note that a section of wall, adjacent to the existing driveway, has already been removed however this is not subject to consideration in this application.

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 apply. Policy 39 of the North East Lincolnshire Local Plan 2013 to 2032 states that proposals will be permitted where they would sustain the cultural distinctiveness and significance of the North East Lincolnshire's historic, urban, rural and coastal environment by preserving and, where appropriate, enhancing the character, appearance, significance and historic value of designated and non-designated heritage assets and their settings.

The NPPF calls for consideration of the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, for example. Any harm to, or loss to, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

The Heritage Officer has commented to state that there are concerns relating to the proposal in relation to the removal of part of the historic wall within the Conservation Area and this is considered as harmful. Boundary walls along the frontage are important to this Conservation Area and indiscriminate removal undermines that enclosed character and is detrimental to its appearance. In addition, the use of the front garden as a driveway and hardstanding is also considered harmful as this alters the way that the building is seen and experienced, which would result in this no longer being the pleasant building with a formal boundary and small front garden but as an area of open driveway.

It is therefore considered that the proposed works would directly conflict with Policy 39 and would be detrimental to the visual amenity of the Conservation Area. The Article 4 has been included as a mechanism for protecting the boundary treatments given the valuable and important features these present within the Conservation Area. As a result, the proposal would fail to preserve or enhance the Conservation Area and it is recommended that planning permission be refused.

Highways and Parking

The works would provide an off-street parking provision for this property by means of creating a new vehicle access to the frontage through the removal of the wall. In highway terms the works are considered acceptable. There is on street parking along Mill Road but drives between parked cars is not unusual along the road. The Highways Officer raises no objection.

Impact on Neighbouring Properties

There has been one neighbour objection received from 137 Mill Road. The comment questions whether the application is retrospective however none of the works proposed have taken place. A query has been raised about the site constraints being within the Conservation Area and covered by an Article 4 as well as reference to the previous permission and question relating to the resubmission. The constraints of the site have been confirmed above and the ability to resubmit is available to the applicant. The comments relating to the impacts to the existing on-street parking arrangement are noted.

In terms of the physical works proposed it is not considered that there would be any detrimental impacts due to the works primarily involving the removal of walling. A further access point would be created opposite 137 Mill Road but this in itself is not considered detrimental to residential amenity.

The proposal accords with policy 5 of the North East Lincolnshire Local Plan 2013-2032

(adopted 2018) in this regard.

CONCLUSION

The proposal would have a detrimental impact to the visual amenity of Mill Road Conservation Area and would create an unsympathetic appearance to this part of street scene with the loss of the wall detracting from its significance. This would result in harm.

The proposal would therefore be contrary to policies 5, 22 and 39 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018) and section 16 of the NPPF.

RECOMMENDATION

Refused

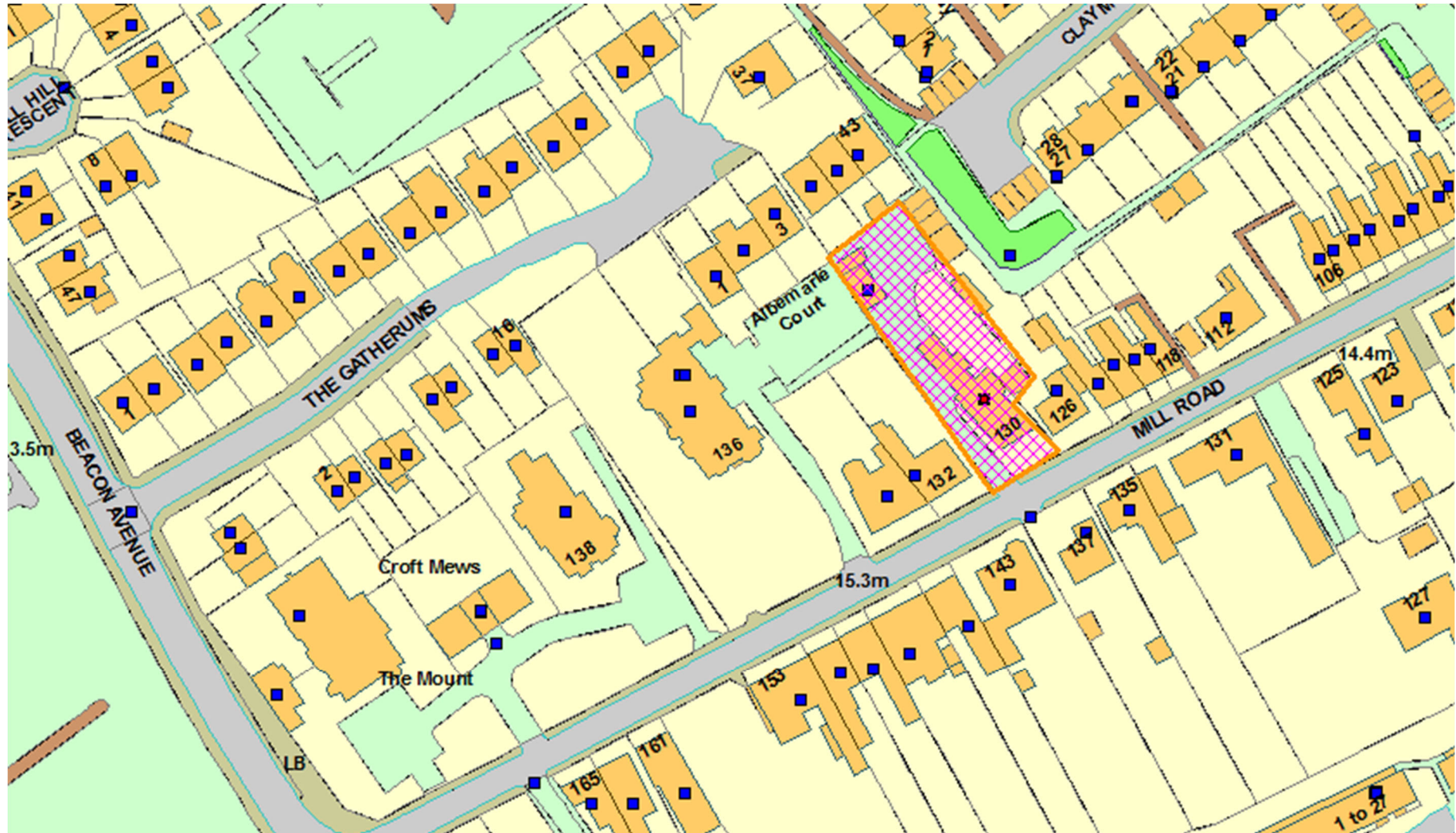
(1) The proposed development is contrary to policy 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and section 16 of the NPPF, as the removal of the wall and creation of the driveway would have a detrimental impact on the appearance and character of Mill Road Conservation Area.

Informative

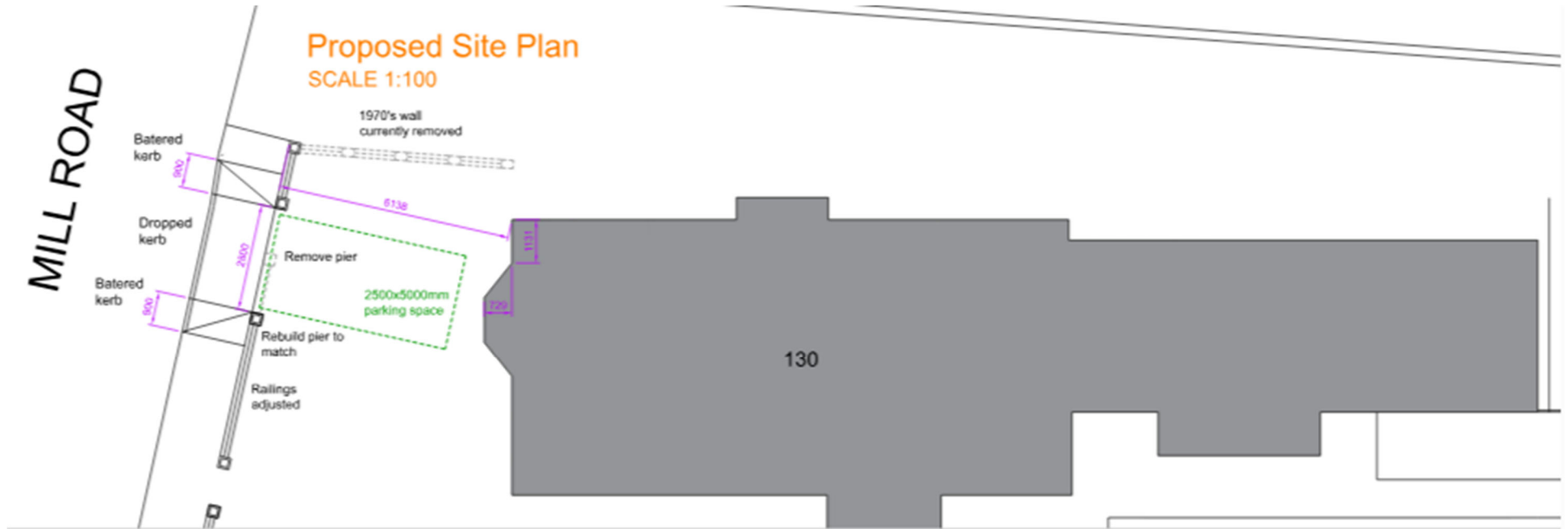
1 Informative

This application has been considered using the plans referenced 22-21-001F and 22-21-3001.

DM/0542/23/FUL – 130 MILL ROAD, CLEETHORPES



DM/0542/23/FUL – 130 MILL ROAD, CLEETHORPES



PLANNING COMMITTEE - 4th October 2023

ITEM: 5 **RECOMMENDATION: Refused**

APPLICATION No: DM/0623/23/LBC

APPLICATION TYPE: Listed Building Consent

APPLICATION SITE: Manor House , Cherry Cobb Lane, Barnoldby Le Beck, North East Lincolnshire, DN37 0AX

PROPOSAL: Listed Building consent to demolish existing conservatory, erect new conservatory with slate roof and timber windows and associated works

APPLICANT:

Mr Ron Cook
Manor House
Cherry Cobb Lane
Barnoldby Le Beck
North East Lincolnshire
DN37 0AX

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: 28th June 2023

ACCEPTED: 30th June 2023

TARGET DATE: 25th August 2023

PUBLICITY EXPIRY: 30th July 2023

**AGREED EXTENSION OF TIME DATE: 6th
October 2023**

CONSULTATION EXPIRY: 27th July 2023

CASE OFFICER: Bethany Loring

PROPOSAL

The Listed Building Consent seeks to demolish an existing conservatory, erect a conservatory with slate roof and timber windows with associated works.

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

SITE

The site is set back from the main road, situated along Cherry Cobb Lane which hosts a

small number of properties of a modest size. The property is Grade II Listed occupying significant grounds. The neighbouring properties to the east and southeast are also Grade II Listed. The proposal site is a detached, two-storey dwelling located on the southwest side of Cherry Cobb Lane in Barnoldby Le Beck. The property benefits from large grounds with well-established landscaping surrounding the site.

RELEVANT PLANNING HISTORY

DC/807/98/WOL - Erect extension to form conservatory - Approved with Conditions

DC/808/98/WOL - Listed Building Consent to erect extension to form conservatory, breakfast room, utility room and detached double garage - Approved with Conditions

DM/0725/22/FULA - Demolish existing conservatory, replacement conservatory with slate roof and timber windows and associated works - Refused

DM/0726/22/LBC - Listed building consent to demolish existing conservatory, replacement conservatory with slate roof and timber windows and associated works - Refused

DM/0622/23/FUL - Demolish existing conservatory, erect new conservatory with slate roof and timber windows and associated works - Pending Consideration

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)

PO39 - Conserve and enhance historic environ

PO5 - Development boundaries

PO22 - Good design in new developments

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 Team - No comments.

Highways Team - Approval no conditions.

Heritage Officer - Further details on brick, roof slates and roof lights required and should be secured by condition. No details provided in relation to the glazing which should be provided. The conservatory should utilise glazing bars to match that of the existing.

Historic England - No advice offered. Seek view of Heritage Officer.

Trees and Woodlands - No comment.

Barnoldby Le Beck Parish Council - Recommends approval.

Cllr Hudson - Call in request to debate complexities of heritage and design issues.

Neighbour Representations

No neighbour representations received.

APPRAISAL

Principle of Development

The application site is outside of the development area boundary (Policy 5), and relates to the demolition of an existing conservatory, erection of a conservatory with slate roof and timber windows with associated works at an existing residential dwelling. The matter for consideration for this Listed Building application is the impact on heritage under the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy 39 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and sections 16 of the NPPF.

Design and Heritage

The proposal site a Grade II Listed Building and therefore subject to a Listed Building Consent.

Policy 39 of the North East Lincolnshire Local Plan 2013 to 2032 states that proposals will be permitted where they would sustain the cultural distinctiveness and significance of the North East Lincolnshire's historic, urban, rural and coastal environment by preserving and, where appropriate, enhancing the character, appearance, significance and historic value of designated and non-designated heritage assets and their settings.

The NPPF calls for consideration of the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's

conservation. Any harm to, or loss to, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

The Heritage Officer has commented to state that the scheme is an enhancement on the previously refused one under DM/0725/22/FULA and DM/0726/22/LBC. However there are concerns relating to the substantive glazing used to the elevations and lack of glazing bars which are present within the property. In particular the proposed glazing creates a solid block of glazing which detracts from the south-west elevation and would be harmful to the listed building. It is considered that the extension would be more sympathetic if the same glazing pattern from the host dwelling was continued in the extension. The supporting detail from the applicants agents (which includes a statement by their Heritage consultant) are acknowledged and that such an approach could be read as a pastiche. This has been taken into account but it is considered that the proposal particularly with the proposed roof lights would easily be read as a modern construction and so the inclusion of appropriate glazing would not create a pastiche, but it would result in a more sympathetic design.

The lack of glazing bars, combined with the expanse of glazing proposed, would be harmful to the character of this listed property. It is accepted that this is less than substantial harm but is nonetheless is still harmful. There are no public benefits to the works to override this harm.

It is therefore considered that the proposed conflicts with Policy 39 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and section 16 of the NPPF.

CONCLUSION

The proposal would have a detrimental impact to the property itself as a heritage asset and would create an uncharacteristic appearance to this part of the listed building detracting from its significance. This would result in harm to the listed building with no public benefit to override it.

The proposal would therefore be contrary to policies 5, 22 and 39 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018) and section 16 of the NPPF.

RECOMMENDATION

Refused

(1) The proposed works are contrary to policy 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and section 16 of the NPPF, as the design of the glazing on the proposed extension would have a detrimental impact on the character and appearance of the listed building.

Informative

1 Informative

This application has been considered using the plans referenced 1424-001, 1424-002 and 1424/004.

DM/0623/23/LBC – MANOR HOUSE, CHERRY COBB LANE, BARNOLDBY LE BECK



DM/0623/23/LBC – MANOR HOUSE, CHERRY COBB LANE, BARNOLDBY LE BECK



PLANNING COMMITTEE - 4th October 2023

ITEM: 6 **RECOMMENDATION: Refused**

APPLICATION No: DM/0622/23/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Manor House , Cherry Cobb Lane, Barnoldby Le Beck, North East Lincolnshire, DN37 0AX

PROPOSAL: Demolish existing conservatory, erect new conservatory with slate roof and timber windows and associated works

APPLICANT:

Mr Ron Cook
Manor House
Cherry Cobb Lane
Barnoldby Le Beck
North East Lincolnshire
DN37 0AX

AGENT:

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

DEPOSITED: 28th June 2023

ACCEPTED: 30th June 2023

TARGET DATE: 25th August 2023

PUBLICITY EXPIRY: 30th July 2023

**AGREED EXTENSION OF TIME DATE: 6th
October 2023**

CONSULTATION EXPIRY: 27th July 2023

CASE OFFICER: Bethany Loring

PROPOSAL

The application seeks to demolish the existing conservatory, erect new conservatory with slate roof and timber windows and associated works.

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

SITE

The site is set back from the main road situated along Cherry Cobb Lane which hosts a small number of properties of a modest size. The property is Grade II Listed occupying

significant grounds. The neighbouring properties to the east and southeast are also Grade II Listed. The proposal site is a detached, two-storey dwelling located on the southwest side of Cherry Cobb Lane in Barnoldby Le Beck. The property benefits from large grounds with well-established landscaping surrounding the site.

RELEVANT PLANNING HISTORY

DC/807/98/WOL - Erect extension to form conservatory - Approved with Conditions

DC/808/98/WOL - Listed Building Consent to erect extension to form conservatory, breakfast room, utility room and detached double garage - Approved with Conditions

DM/0725/22/FULA - Demolish existing conservatory, erect conservatory with slate roof and timber windows and associated works - Refused

DM/0726/22/LBC - Listed building consent to demolish existing conservatory, replacement conservatory with slate roof and timber windows and associated works - Refused

DM/0623/23/LBC - Listed Building consent to demolish existing conservatory, erect new conservatory with slate roof and timber windows and associated works - Pending Consideration

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

Drainage Team - No comments.

Highways Team - Approval no conditions.

Heritage Officer - Supports in principle. Further details on brick, roof slates and roof lights required and should be secured by condition. No details provided in relation to the glazing which should be provided. The conservatory should utilise glazing bars to match that of the existing.

Historic England - No advice offered. Seek view of Heritage Officer.

Civic Society - Supports application on the proviso materials to match the existing.

Trees and Woodlands - No comment.

Barnoldby Le Beck Parish Council - Recommends approval.

Cllr Hudson - Call in request to debate complexities of heritage and design issues.

Neighbour Representations

No neighbour representations received.

APPRAISAL

Principle of Development

The application site is outside of the development area boundary (Policy 5), and relates to the demolition of an existing conservatory, erection of a conservatory with slate roof and timber windows with associated works at an existing residential dwelling. The principle of development at an existing domestic property is acceptable provided that the proposal does not give rise to significant issues in terms of residential amenity and that the design is acceptable having regard to the properties listed status. These considerations are to accord with policy 5, 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and sections 12 and 16 of the NPPF and requirements under the Planning (Listed Buildings and Conservation Areas) Act 1990.

Design and Heritage

The proposal site a Grade II Listed Building and therefore subject to a Listed Building Consent.

Policy 39 of the North East Lincolnshire Local Plan 2013 to 2032 states that proposals will be permitted where they would sustain the cultural distinctiveness and significance of

the North East Lincolnshire's historic, urban, rural and coastal environment by preserving and, where appropriate, enhancing the character, appearance, significance and historic value of designated and non-designated heritage assets and their settings.

The NPPF calls for consideration of the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Any harm to, or loss to, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

The Heritage Officer has commented to state that the scheme is an enhancement on the previously refused one under DM/0725/22/FULA and DM/0726/22/LBC. However there are concerns relating to the substantive glazing used to the elevations and lack of glazing bars which are present within the property. In particular the proposed glazing creates a solid block of glazing which detracts from the south-west elevation and would be harmful to the listed building. It is considered that the extension would be more sympathetic if the same glazing pattern from the host dwelling was continued in the extension. The supporting detail from the applicants agents (which includes a statement by their Heritage consultant) are acknowledged and that this approach could be read as a pastiche. This has been taken into account but it is considered that the proposal particularly with the proposed roof lights would easily be read as a modern construction and so the inclusion of appropriate glazing would not create a pastiche, but it would result in a more sympathetic design.

The lack of glazing bars, combined with the expanse of glazing proposed, would be harmful to the character of this listed property. It is accepted that this is less than substantial harm but is nonetheless is still harmful. There is no public benefit to override this harm.

It is therefore considered that the proposed conflicts with Policy 39 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and section 16 of the NPPF.

Impact on Neighbouring Properties

There would be no neighbour implications as a result of this proposal, given the significant separation and screening present. There have been no neighbour representations received.

The proposal accords with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) in this regard.

CONCLUSION

The proposal would have a detrimental impact to the property itself as a heritage asset creating an uncharacteristic appearance to this part of the listed building detracting from its significance. This would result in harm to the listed building and there is no public

benefit to override that harm.

The proposal would therefore be contrary to policies 5, 22 and 39 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018) and section 16 of the NPPF.

RECOMMENDATION

Refused

(1) The proposed works are contrary to policy 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and section 16 of the NPPF, as the design of the glazing on the proposed extension would have a detrimental impact on the character and appearance of the listed building.

Informatives

1 Informative

This application has been considered using the plans referenced 1424-001, 1424-002 and 1424/004.

DM/0622/23/FUL – MANOR HOUSE, CHERRY COBB LANE, BARNOLDBY LE BECK



DM/0622/23/FUL – MANOR HOUSE, CHERRY COBB LANE, BARNOLDBY LE BECK

