

Planning Committee Dated: 6th April 2022

Summary List of Detailed Plans and Applications

Recommendation:		Approved Conditions and signing of S106
Item:	1	
Application No:	DM/1149/21/FUL	
Application Type:	Full Application	
Application Site:	Land Off Matthew Telford Way (Phase 2C1 And 2D) Scartho Top Grimsby DN33 3SW	
Proposal:	Erect 225 dwellings with associated infrastructure and landscaping (updated drainage information Jan 2022) - amended travel plan Feb 2022	
Applicant:	Mr Matthew Barker	
Case Officer:	Richard Limmer	

Recommendation:		Approved with Conditions
Item:	2	
Application No:	DM/0536/20/FUL	
Application Type:	Full Application	
Application Site:	Land Adjacent To 83 Brigsley Road Waltham Grimsby North East Lincolnshire	
Proposal:	Erect dwelling with integral garage and install vehicular access (Ecology Report - January 2022)	
Applicant:	Mr M Short	
Case Officer:	Richard Limmer	

Recommendation: Refused	
Item:	3
Application No:	DM/0090/22/FUL
Application Type:	Full Application
Application Site:	Anne Askew House South Marsh Road Stallingborough North East Lincolnshire
Proposal:	Erect one detached dwelling and garage with associated boundary treatments and landscaping
Applicant:	Mr Paul Silvester
Case Officer:	Bethany Loring

Recommendation: Approved with Conditions	
Item:	4
Application No:	DM/0028/22/FUL
Application Type:	Full Application
Application Site:	Land Adjacent To The Barns Walk Lane Irby Upon Humber North East Lincolnshire
Proposal:	Change of use and conversion of old apple and potato store to short term holiday let to include various internal and external alterations and installation of metal flue for wood burning stove
Applicant:	Mr And Mrs C Webb
Case Officer:	Jonathan Cadd

PLANNING COMMITTEE - 6th April 2022

ITEM: 1 **RECOMMENDATION: Approved Conditions and signing of S106**

APPLICATION No: DM/1149/21/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Land Off Matthew Telford Way (Phase 2C1 And 2D), Scartho Top, Grimsby, DN33 3SW

PROPOSAL: Erect 225 dwellings with associated infrastructure and landscaping (updated drainage information Jan 2022) - Amended Travel Plan Feb 2022

APPLICANT:

Mr Matthew Barker
Persimmon Homes South Yorkshire
Brickyard Way
Harworth
Doncaster
DN11 8FG

DEPOSITED: 15th November 2021

AGENT:

Mr Keith Webster
Ancer Spa Ltd
46 Ring Road
Leicester
LE2 3RR

ACCEPTED: 23rd December 2021

TARGET DATE: 24th March 2022

PUBLICITY EXPIRY: 15th March 2022

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 16th January 2022

CASE OFFICER: Richard Limmer

PROPOSAL

The proposal is to erect 225 dwellings with associated garages, roads, landscaping and other infrastructure. The proposal includes a mixture of 2, 3 and 4 bedroom houses. The site covers phases 2C1 and 2D of the wider Scartho Top Phasing Plan and benefits from an extant planning permission under DM/1049/16/REM for 205 dwellings. This proposal therefore seeks an additional 20 dwellings to that extant planning permission.

This application has been brought to Planning Committee for consideration due to the objections received from the local community.

SITE

The site is part of the wider Scartho Top development site. It is located towards the western edge of the site and would take access off Matthew Telford Park. To the north of the site is existing residential development on Scartho Top but separated by an area of open space. To the east of the site is further residential development off Caspian Crescent and then an extant permission for a care home off Matthew Telford Park. To the south of the site the undeveloped part of Scartho Top covered by phase 4. Then to the west of the site is the open countryside.

RELEVANT PLANNING HISTORY

Scartho Top has an extensive and complicated planning history dating back to its initial concept back in the 1980s. The list of applications below is a summary of the important relevant applications leading to this reserved matters application.

P44395 - outline planning application for 2100 dwellings - approved 1994
DC/364/04/SCA - vary planning application P44395 to extend the 13 years completion condition - approved
DC/1242/08/SCA - vary the phasing condition to allow phase 6B to be built out at the south of the site - approved
DM/1201/15/FUL - vary condition 3 of DC/1242/08/SCA to change the phasing plan and open space provision - Approved
DM/0329/16/CND - discharge of conditions relating to DM/1201/15/FUL, including timing of delivery for infrastructure - approved
DM/1049/16/REM - reserved matters application for the remaining 845 dwellings on the site across phases 2, 4 and 5 along with associated infrastructure - approved

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (February 2019)

NPPF5 - Delivering a sufficient supply of homes
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)

PO41 - Biodiversity and Geodiversity
PO42 - Landscape
PO43 - Green space and recreation
PO5 - Development boundaries
PO6 - Infrastructure
PO14 - Development of strategic housing sites
PO15 - Housing mix
PO17 - Housing density

PO18 - Affordable housing
PO22 - Good design in new developments
PO33 - Flood risk
PO34 - Water management
PO40 - Developing green infrastructure network

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

REPRESENTATIONS RECEIVED

Environment Agency - no comments

Heritage Officer - no further heritage work required

Trees Officer - no objections to the landscape scheme proposed

Anglian Water - no objections, condition required for foul water drainage details

Fire Brigade - no objections

Affordable Housing - no objections, s.106 required and final agreement on affordable housing type and tenure.

Police - comments on designing out crime

Environmental Health - no objections, conditions required for construction management, air quality and electric vehicle charging.

Highways - no objections, conditions for construction

Drainage - final details of drainage need to be agreed

Neighbours
37 Belgrave Road
5 and 6 Marylebone Walk
23 Welholme Road
6 Hobby Close

9 and 30A Pasture Lane
Ford Close
146 Edge Avenue
61A and 83 Springfield Road
7, 8 and 32 Caspian Crescent
98 Brookfield Road
4, 6 and 11 Harrow Lane
49, 96 and 114 Sheldon Road
125 Mendip Avenue
8, 13 Pelham Avenue
15 Wren Crescent
16 Horseshoe Close
20 Buckingham Crescent
20 Runway Lane
26 Grantham Avenue
3 Lancer Court
3 Timothy Close
4 Wallis Court
5 Hyde Park Close
5 Newmarch Court
66 and 81 Waltham Road
8 Chester Grange
Amberley Close
1 Tilling Lane
11 Edinburgh Way
42 Fenwick Road
74 Southwold Crescent
Shaw Drive
1 Pennistone Place
10 St Giles
13 Westkirke Avenue
27 Getting Lane
9 Rinovia Drive
7 Stockham Court
32A Asgard Way
16 Rosemallow Close
Lancer Court
Springfield Park

The above neighbours have objected to the proposed development. They have expressed concerns over the following matters:

- Impact on highway amenity and safety due to the additional traffic;
- Congestion on the highway network;
- No need for the proposed dwellings;

- Impact on the drainage network;
- Increased risk of flooding;
- Lack of a vehicle link to Bradley Road;
- Impact on existing services in the area;
- Impact on the character of the area;
- Ecology;
- General outlook and residential amenities.

APPRAISAL

Planning Considerations

1. The Principle of Development
2. Impact on Neighbours
3. Impact on the Character of the Area
4. Drainage
5. Highways
6. S.106 Matters

1. The Principle of Development

The principle of residential development on this site has been long established through previous planning permissions and there is an extant planning permission under DM/1049/16/REM for 205 dwellings. The site is also allocated for housing on the NELLP. It is therefore clear that the principle of residential development on this site is very well established and accords with Policies 5 and 14 of the NELLP. This proposed development would see the developed area unchanged but an increase in 20 dwellings bringing it to 225 dwellings on the site. In essence it is these additional 20 dwelling that are now under consideration. These additional dwellings have been achieved in the site layout by a change in the mix of housing by including more terrace, link and semi detached houses providing a good housing mix.

2. Impact on Neighbours

The site is located within the wider Scartho Top estate and benefits from the aforementioned extant planning permission. The proposal follows a similar layout as the approved scheme with two storey dwellings fronting the open space to the north and the neighbours beyond on Ford Close, Spall Close and Corn Walk. This is a similar situation to east and south where there are further dwellings approved but not yet built out. There is sufficient separation distances between the proposed dwellings and existing neighbours and the proposal does not differ in principle to the approved scheme. It is therefore considered that the proposed development would not harm the residential amenities of the neighbouring properties in accordance with Policy 5 of the NELLP.

3. Impact on the Character of the Area

The proposed development forms part of a much larger extant planning permission for 845 houses and part of the wider Scartho Top site. Due to this history the application site has a full expectation of being developed and is perceived as part of the urban area. The parts of Scartho Top that have been built out to date are separated by veins of open space and landscaping, this is a theme that continues in this proposal.

To help provide identity and a sense of place the proposed development seeks to implement character areas where different finishes and materials are used to the dwellings as well as a better variation of house types and mix. This is strongly encouraged by Section 12 (Achieving well designed places) of the NPPF. The applicant also acknowledges this as being an important part of the marketing regime to provide a better mix of properties in both size and appearance.

An updated Ecology Survey has also been provided which does not raise any issues in regards to ecology and protected species. Recommendations are made for good working practices. To promote biodiversity improvement across the site a condition for a Biodiversity Improvement Plan is recommended.

It is considered that this proposed development would not harm the character of the area but will assist in the original concept of the Scartho Top community being delivered. This accords with Policies 5, 15 and 17 and 22 of the NELLP.

4. Drainage

The site benefits from the extant permission for 205 dwellings under DM/1049/16/REM. This permission had conditions on it that covered surface and foul water drainage. The wording of the condition allowed it to be discharged on a phase by phase basis and the details for this phase have not yet been approved.

Details have been submitted with this application for surface and foul water drainage. Anglian Water have considered the information supplied and have no objections to the scheme in principle but comment that the final details of foul water drainage need to be secured via a condition, this can be included. The comment further that the surface water drainage scheme does not affect their assets, however, as the NELC Drainage Officer has highlighted, this is not the case as the surface water drain runs into the combined sewer which is controlled by Anglian Water. Whilst Anglian Water have been reconsulted they have not yet replied. However, they are well aware of Scartho Top and it is reiterated that this site has an extant planning permission to be developed. It is therefore considered that a condition for the final agreement of the surface water drainage can also be agreed by condition. This also ties in with the further comments of the NELC Drainage Officer which seek further details of the surface water drainage system. These are the final details and as such can be secured by a condition. Both the surface and foul water drainage systems will connect into the wider drainage infrastructure on Scartho Top which have been designed to accommodate the whole estate but the final discharge

points and rates are what now need to be agreed. It is therefore considered that, with the inclusion of the aforementioned conditions, the development will not increase the risk of flooding either on or off the site in accordance with Policy 33 of the NELLP.

5. Highways

It is acknowledged that there has been a significant number of comments received from the wider community expressing concerns over the impact of the development on the highway network and traffic generation. The application has been submitted with a full Transport Assessment which has been considered by the Highways Officer.

Of paramount importance on this matter it must be remembered that this benefits from planning permission for 205 dwellings and this proposal would be for only a further 20. The wider Scartho Top site will have a total of 2100 dwellings on it and so this proposal represents an increase in 1%. The Highways Officer has considered the proposal and concluded that whilst this would be an increase in dwellings on the site it is not a significant number and it would not cause a severe impact on the highway network. It is therefore considered to accord with Policy 5 of the NELLP.

Reference has been made by the community about a new vehicle link between Scartho Top and Bradley Road. This is not part of the approved Scartho Top Master Plan and there is no provision for such a link in the approved site layout. It does not and has not ever been part of an approved scheme on Scartho Top.

6. S.106 Matters

The proposal is a new planning permission and as such requires a new s.106 legal agreement. This will need to cover affordable housing and education provision. As the site benefits from the extant permission and this would be an increase of 20 dwellings the s.106 should secure the contributions as per the previous approval for the 205 dwellings and then the additional 20 dwellings should be subject to up to date Policy requirements. This has been agreed with the Housing Officer and Education Officer and follows the approved approach on phase 3 by Linden Homes. Therefore the contributions would be based on the following:

- 205 dwellings would be subject to 10% affordable housing and no education provision (the education provision being secured on the main permission and consists of a 2ha site for a primary school).
- The additional 20 dwellings would then be subject to 20% affordable housing and the full policy compliant education contribution for both primary and secondary provision.

By securing these matters through the s.106 legal agreement the scheme would accord with Policies 6 and 18 of the NELLP.

CONCLUSION

In conclusion, it is considered that the proposed development would not unduly harm the neighbours amenities, highway safety or amenity, the character and appearance of the area or increase the risk of flooding. It will result in the provision of housing on a well established and allocated housing site aiding housing delivery in North East Lincolnshire. The proposal therefore accords with Policies 5, 6, 14, 15, 17, 18, 22, 33, 34, 41 and 43 of the NELLP. It is therefore recommended for approval.

RECOMMENDATION

Approved Conditions and signing of S106 with the decision delegated to the Director of Economy and Growth - Place

(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:

Al_MA_End_R21 - 903 - Alnmouth Traditional Elevation
Al_MA_End_R21 - OP 903 - Alnmouth Traditional Opposite Elevation
Al_MA_End_R21 - 901 - Alnmouth Floor Plan
Al_MA_End_R21 - OP 901 - Alnmouth Opposite Floor Plan
Da_MA_End_R21- 903 - Danbury Traditional Elevation
Da_MA_End_R21- OP 903 - Danbury Traditional Opposite Elevation
Da_MA_End_R21- 904 - Danbury Village Elevation
Da_MA_End_R21- OP 904 - Danbury Village Opposite Elevation
Da_MA_End_R21 - 901 - Danbury Floor Plan
Da_MA_End_R21 - OP 901 - Danbury Opposite Floor Plan
Ep_MA_End_R21- 903 - Epping Traditional Elevation
Ep_MA_End_R21- OP 903 - Epping Traditional Opposite Elevation
Ep_MA_End_R21 - 904 - Epping Village Elevation
Ep_MA_End_R21 - OP 904 - Epping Village Opposite Elevation
Ep_MA_End_R21 - 901 - Epping Floor Plan
Ep_MA_End_R21 - OP 901 - Epping Opposite Floor Plan
Ar_MA_End_R21- 903 - Arden Traditional Elevation
Ar_MA_End_R21- OP 903 - Arden Traditional Opposite Elevation
Ar_MA_End_R21- 903 - Arden Traditional Elevation

Ar_MA_End_R21- OP 904 - Arden Village Elevation
Ar_MA_End_R21- 901 - Arden Floor Plan
Ar_MA_End_R21- OP 901 - Arden Opposite Floor Plan
Gl_MA_End_R21- 903 - Glenmore Traditional Elevation
Gl_MA_End_R21- OP 903 - Glenmore Traditional Opposite Elevation
Gl_MA_End_R21 - 904 - Glenmore Village Elevation
Gl_MA_End_R21 - OP 904 - Glenmore Village Opposite Elevation
Gl_MA_End_R21 - 901 - Glenmore Floor Plan
Gl_MA_End_R21 - OP 901 - Glenmore Opposite Floor Plan
Sh_MA_End_R21- 903 - Sherwood Traditional Elevation
Sh_MA_End_R21- OP 903 - Sherwood Traditional Opposite Elevation
Sh_MA_End_R21 - 904 - Sherwood Village Elevation
Sh_MA_End_R21 - OP 904 - Sherwood Village Opposite Elevation
Sh_MA_End_R21 - 901 - Sherwood Floor Plan
Sh_MA_End_R21 - OP 901 - Sherwood Opposite Floor Plan
Sa_MA_End_R21 - 903 - Saunton Traditional Elevation
Sa_MA_End_R21 - OP 903 - Saunton Traditional Opposite Elevation
Sa_MA_End_R21 - 901 - Saunton Floor Plan
Sa_MA_End_R21 - OP 901 - Saunton Opposite Floor Plan
Br_MA_End_R21 - 903 - Braunton Traditional Elevation
Br_MA_End_R21 - OP 903 - Saunton Traditional Opposite Elevation
Br_MA_End_R21 - 901 - Saunton Floor Plan
Br_MA_End_R21 - OP 901 - Saunton Opposite Floor Plan
Ch_MA_End_R21 - 903 - Charnwood Traditional Elevation
Ch_MA_End_R21 - OP 903 - Charnwood Traditional Opposite Elevation
Ch_MA_End_R21 - 901 - Charnwood Floor Plan
Ch_MA_End_R21 - OP 901 - Charnwood Opposite Floor Plan
Bw_MA_End_R21- 903 - Barnwood Traditional Elevation
Bw_MA_End_R21- OP 903 - Barnwood Traditional Opposite Elevation
Bw_MA_End_R21 - 904 - Barnwood Village Elevation
Bw_MA_End_R21 - OP 904 - Barnwood Village Opposite Elevation
Bw_MA_End_R21 - 901 - Barnwood Floor Plan
Bw_MA_End_R21 - OP 901 - Barnwood Opposite Floor Plan
Ri_MA_End_R21- 903 - Rivington Traditional Elevation
Ri_MA_End_R21- OP 903 - Rivington Traditional Opposite Elevation
Ri_MA_End_R21 - 904 - Rivington Village Elevation
Ri_MA_End_R21 - OP 904 - Rivington Village Opposite Elevation
Ri_MA_End_R21 - 901 - Rivington Floor Plan
Ri_MA_End_R21 - OP 901 - Rivington Opposite Floor Plan
Gw_MA_End_R21 - 903 - Greenwood Traditional Elevation
Gw_MA_End_R21 - OP 903 - Greenwood Traditional Opposite Elevation
Gw_MA_End_R21 - 901 - Greenwood Floor Plan
Gw_MA_End_R21 - OP 901 - Greenwood Opposite Floor Plan
Se_MA_End_R21 - 903 - Selwood Traditional Elevation
Se_MA_End_R21 - OP 903 - Selwood Traditional Opposite Elevation
Se_MA_End_R21 - 901 - Selwood Floor Plan

Se_MA_End_R21 - OP 901 - Selwood Opposite Floor Plan
Bt_MA_End_R21- 903 - Brampton Traditional Elevation
Bt_MA_End_R21- OP 903 - Brampton Traditional Opposite Elevation
Bt_MA_End_R21 - 904 - Brampton Village Elevation
Bt_MA_End_R21 - OP 904 - Brampton Village Opposite Elevation
Bt_MA_End_R21 - 901 - Brampton Floor Plan
Bt_MA_End_R21 - OP 901 - Brampton Opposite Floor Plan
Hd_MA_End_R21- 903 - Haldon Traditional Elevation
Hd_MA_End_R21- OP 903 - Haldon Traditional Opposite Elevation
Hd_MA_End_R21 - 904 - Haldon Village Elevation
Hd_MA_End_R21 - OP 904 - Haldon Village Opposite Elevation
Hd_MA_End_R21 - 901 - Haldon Floor Plan
Hd_MA_End_R21 - OP 901 - Haldon Opposite Floor Plan
Re_MA_End_R21- 903 - Rendlesham Traditional Elevation
Re_MA_End_R21- OP 903 - Rendlesham Traditional Opposite Elevation
Re_MA_End_R21 - 904 - Rendlesham Village Elevation
Re_MA_End_R21 - OP 904 - Rendlesham Village Opposite Elevation
Re_MA_End_R21 - 901 - Rendlesham Floor Plan
Re_MA_End_R21 - OP 901 - Rendlesham Opposite Floor Plan
GA2.1 - 901 - Double Garage
GA2.2 - 901 - Double Twin Garage
GA1.1 - 901 Single Garage

SCT_A01_Scartho Top R21 - Rev S - Block Plan
SCT-A01_02 - Location Plan
SCT_01_03 - Rev A - Site Sections

SD.04 - Rev B - Boundary Fence and Wall Details
10009-FPCR-XX-XX-DR-L-0001 to 0005 - Planting Plan.

Reason

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

(3) Condition

The development shall be built out in accordance with the Materials detailed on plan ref:SCT_A01_06 - Rev E - Materials Plan. Unless otherwise agreed in writing by the Local Planning Authority.

Reason

To protect the visual amenity of the area in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(4) Condition

No development shall commence until a scheme for the provision of surface and foul

water drainage has been submitted to and approved in writing by the Local Planning Authority. The development shall then be built out in accordance with the approved details.

Reason

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

(5) Condition

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

- Working hours;
- Visitor and contractor parking areas;
- Materials storage area;
- Wheel cleaning facilities;
- Noise, vibration and dust mitigation measures;
- Construction traffic management plan.

Reason

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

(6) Condition

Prior to development commencing an air quality assessment shall be submitted to and approved in writing by the Local Planning Authority. The Assessment shall identify the level of exposure through the change in pollutant concentrations at relevant receptors, including cumulative impacts of committed developments, arising from the proposal, during both construction and operational phases.

Mitigation measures should be identified and modelled where practicable and a scheme for their implementation also agreed in writing by the Local Planning Authority and then fully carried out in accordance with the agreed details.

Reason

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

(7) Condition

If during development contamination not previously considered is identified, then the

Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. Remediation shall be undertaken in accordance with the details approved.

Reason

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

(8) Condition

Prior to the commencement of development, details of a scheme for the provision of vehicle electric recharge points at a minimum of one per dwelling shall be submitted to and approved in writing by the Local Planning Authority. The approved electric recharge point(s) shall be provided prior to the occupation of the dwelling to which they relate and shall be retained thereafter.

Reason

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

(9) Condition

The scheme of landscaping and tree planting shown on drawing no. 10009-FPCR-XX-XX-DR-L-0001 to 0005 (Planting Plan) shall be completed within a period of 12 months, beginning with the date on which development began or within such longer period as may be first agreed in writing by the Local Planning Authority. All planting shall be adequately maintained for 5 years, beginning with the date of completion of the scheme and during that period all losses shall be replaced during the next planting season.

Reason

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

(10) Condition

Development shall not begin until the following details have been submitted to and approved in writing by the Local Planning Authority.

(i) Detailed plans to a scale of at least 1/500 showing:-

- (a) the proposed layout of the carriageways and footways on the development;
- (b) the wearing course materials proposed for the carriageways and footways;
- (c) cross sections;
- (d) the highway drainage system;

- (e) the proposed locations of street lighting columns, all services and ducts for services, within the carriageways and footways;
- (f) the number, location and layout of the vehicle garaging and/or parking facilities within the site to serve the proposed development;
- (g) management arrangements for any carriageways, footways and/or landscaped areas not to be adopted by the local authority;
- (h) swept path analysis demonstrating turning manoeuvres for emergency vehicles on all carriageways (adopted and private), and refuse vehicles on all adopted carriageways;
- (ii) A Stage 1 and 2 Road Safety Audit (RSA) must be provided. The RSA should take into consideration and ... The Road Safety Audit must be undertaken by a fully qualified independent Road Safety Auditor.

The development shall then be built out in accordance with the approved details.

Reason

To ensure that the proposed access roads are made up as soon as possible and in the interests of public safety in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(11) Condition

The development shall be built out in accordance with the Ecology Survey dated February 2020 and the recommendations set out within that document.

Reason

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

(12) Condition

The Biodiversity and Habitat Improvement Plan dated June 2021 shall be fully implemented and completed within 12 months of the 180th dwelling being occupied on the site and thereafter maintained in accordance with the recommendations set out within the Plan.

Reason

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

Informatives

1 Reason for Approval

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area

character or residential amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

2 Added Value Statement

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

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 providing pre-application advice and negotiating on issues through the planning process.

3 Informative

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

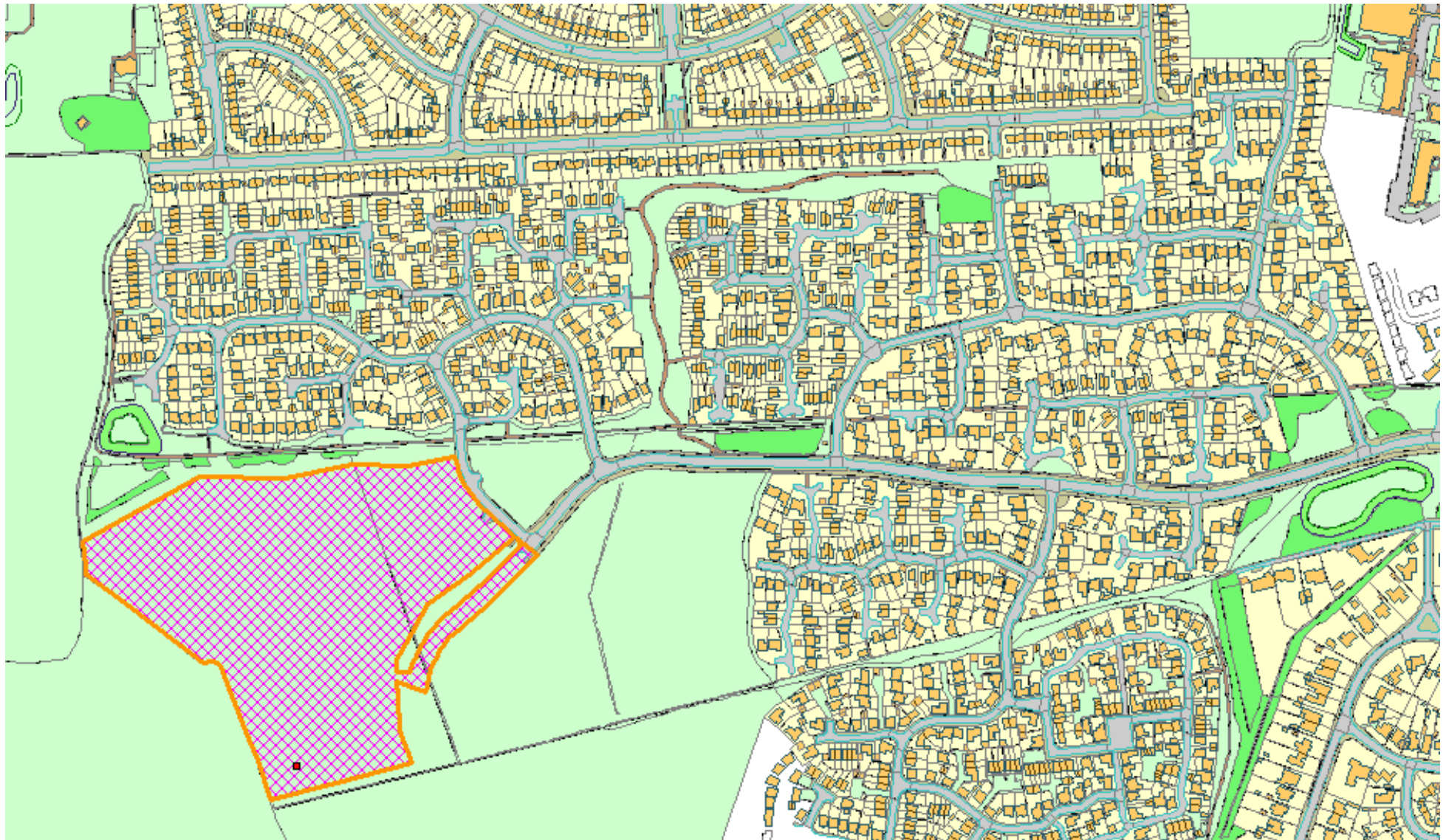
4 Informative

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

5 Informative

As works are required within the existing highway to enable the development to take place, please contact Highways Management Team on 01472-324431 well before works begin.

DM/1149/21/FUL – LAND OFF MATTHEW TELFORD WAY
(PHASE 2C1 AND 2D), SCARTHOP



(PHASE 2C1 AND 2D), SCARTHOTOP



PLANNING COMMITTEE - 6th April 2022

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

APPLICATION No: DM/0536/20/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Land Adjacent To 83 Brigsley Road, Waltham, Grimsby, North East Lincolnshire, DN37 0LB

PROPOSAL: Erect dwelling with integral garage and install vehicular access (Ecology Report - January 2022)

APPLICANT:

Mr M Short
2 Cheltenham Way
Cleethorpes
DN35 0UG

AGENT:

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

DEPOSITED: 8th July 2020

ACCEPTED: 13th July 2020

TARGET DATE: 7th September 2020

PUBLICITY EXPIRY: 1st March 2022

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 7th August 2020

CASE OFFICER: Richard Limmer

PROPOSAL

The proposal is to erect a detached two storey dwelling in what was part of the garden of 83 Brigsley Road, Waltham. It is now a separate piece of land. The dwelling would take access off Brigsley Road.

The application has been brought to Planning Committee due to the number of objections received from neighbouring properties.

SITE

The site is located between no.83 and no.85 Brigsley Road in Waltham. To the north is

83 Brigsley Road which is dual aspect with windows on both ground and first floor facing the site. The boundary is split between a 1.8m high close board fence and a 2.5m high conifer hedge running along it. The eastern boundary has a line of high conifer trees and a hedge along it, beyond the boundary is the open countryside. The southern boundary is to no.85 Brigsley Road and has a close board fence along the boundary with various trees and large bushes adjacent to the boundary. No.85 Brigsley Road is a detached dormer style bungalow with rooms in the roof.

RELEVANT PLANNING HISTORY

DC/164/08/WAB - erect detached dwelling - refused - appeal dismissed. Appeal decision attached.

DC/1463/03/WAB - erect detached dwelling - refused

DC/147/97/WAB - erect detached dwelling - refused - appeal dismissed

08/96/0057 - renewal of 08/92/0001 to erect dwelling and removal of condition 6 - refused

08/92/0001 - outline to erect dwelling renewal of 08/89/0033 - approved

08/89/0033 - outline to erect a dwelling - approved

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (February 2019)

NPPF5 - Delivering a sufficient supply of homes

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

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

Waltham Parish Council - No objections

Environmental Health - No objections, conditions for construction

Highways Officer- No objections

Heritage Officer- No objections

Drainage Officer- No objections

Crime Reduction Officer- No comments

Tree Officer - No objections

Ecology - No objections, concurs with the submitted ecology report and recommendations set out in section 5.

Neighbours

The following neighbours have objected to the proposed development:

85 Brigsley Road
83 Brigsley Road
97 Brigsley Road
6 Brigsley Road
16 Fairfield Avenue
24 Muirfield Croft
24 Kirkgate
53 Westfield
Langdale, Main Rd

With concerns over the following matters:

- Impact on residential amenity including loss of privacy, overlooking and dominance;
- Impact on trees and loss of trees;
- Conflict regarding the authors of the Tree Report and the assessors of the application i.e Equans (formerly Engie);
- Impact on the character and appearance of the area;
- Planning history on the site and previous decisions and appeal decisions;
- Ecology and impact on bats in particular;
- Highway safety;
- Drainage.

APPRAISAL

Planning Considerations

1. Planning History
2. Principle of Development
3. Impact on Neighbours
4. Impact on Character of the Area
5. Highways
6. Drainage
7. Ecology

1. Planning History

In regard to the principle of development on this site it should be first noted that there is an extensive planning history which includes the refusal of planning permission and subsequent dismissed appeal decisions. The most recent of which is from 2008, DC/164/08/WAB. This planning history has been referenced in detail by the neighbour at no.85 Brigsley Road. However, these decisions were made some years before the adoption of the current North East Lincolnshire Local Plan the release of the latest version of the National Planning Policy Framework.

The decision for this planning application must therefore be made against current and up to date Planning Policy in the form of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) (NELLP) and the National Planning Policy Framework 2021 (NPPF).

2. Principle of Development

The site is located within the settlement boundary for Waltham in the NELLP Inset Maps. Policy 5 of the NELLP allows for new residential development within the defined settlement boundaries subject to the site specific impacts of the development. Furthermore, the NPPF sets out a presumption in favour of sustainable development and in regard to location the site is located within the main part of the village of Waltham which is considered to be a sustainable settlement. It is therefore considered that in principle the proposed development for one dwelling on this site is acceptable. It is the site specifics which then need to be considered.

3. Impact on Neighbours

The application was submitted in a form that raised concerns with both neighbours and

Officers over the potential impact on the residential amenities of the neighbouring properties no.83 and no.85 Brigsley Road. Indeed, detailed objections have been received from both neighbours on this matter.

The applicant has acknowledged the concerns raised and the scheme has been amended accordingly. This has involved the reduction in overall scale of the dwelling and a reduction in the proposed first floor accommodation. It is now proposed that the dwelling has two first floor bedrooms, one ensuite, and bathroom. There would be one bedroom window in the front gable end and a second in the rear gable end. There would also be two roof lights in the northern roof slope, serving a corridor and two roof lights in the southern roof slope one serving the ensuite and the other the bathroom. The proposed bedroom windows would provide an element of overlooking to the neighbours properties in particular the front bedroom window. However, this would not be significant and is not an unusual situation even in semi rural locations such as this. The proposed roof lights in the side roof slopes are not to habitable rooms and as such can be obscurely glazed in order to reduce any potential impacts of over looking, this can be secured by a condition.

The proposed dwelling would present a change in the outlook from the rear elevations of both immediate neighbours and their gardens especially due to the set back nature of the dwelling. However following amendments the scale and mass of the proposed dwelling is not considered to be excessive and would not present any undue impacts in regard to outlook or dominance.

The proposal includes the access to the dwelling running approximately 1.2m from the boundary with no.83 Brigsley Road and approximately 3m from its side elevation. This is not an unusual relationship and given the 1.8m high boundary fence it would not unduly harm the amenity of no.83 in regard to privacy. In regard to noise from moving cars due to the limited scale of the development this would not be adverse as the layout now provides for separation and a reasonable positioning of the drive and parking elements.

It is therefore considered that whilst the proposed dwelling would be visible from the neighbours properties and a degree of overlooking would be provided from the first floor front bedroom window, it would not present an undue impact on the residential amenities of the neighbours in accordance with Policy 5 of the NELLP.

4. Impact on Character of the Area

The comments from the previous Inspectors decision have been considered and are noted. However, in the interceding 14 years since that decision was made there has been a change in the visual character of the area. This is due to various planning approvals having been built out. This includes land at 79 Brigsley Road only, only a short distance to the north of the site, where a dwelling has been approved and built out in very similar circumstances to this site. Slightly further afield is the large scale residential development by Cyden Homes, a dwelling approved at Norman Corner, residential development at the former Mushroom Farm (now Brigsley Grange Close) and others. Given the extent of the

development that has happened in the area the application site now appears more of a natural infill site. As noted above the dwelling is relatively small in scale and is set back in its plot. It is not considered that it will appear cramped or out of keeping when viewed. It is therefore considered that the proposed development would not unduly harm the character and appearance of the area in accordance with Policies 5 and 22 of the NELLP.

The previous planning decisions and appeal decision refer to the loss of trees required to facilitate the proposed development. The site is covered by an area Tree Preservation Order (TPO). This application has been submitted with a detailed Arboriculture Report which assesses the quality and condition of all the trees within the site and adjacent within influencing distance. The initial survey records information about trees in accordance with the BS5837:2012 and independently of any development proposal. The results of the survey identify any significant constraints and those trees that merit retention, trees of high to moderate quality (category "A" & "B"), will be carefully considered during the design stage. Trees that are considered to have a low quality and value, category "C", would not usually be retained where they would impose a significant constraint on the development of the site. If there is space to retain a category "C" tree, and it does not compromise the proposed layout, then it may be appropriate to retain in the short term. No trees within the site have been identified as category "A" and only one tree within the site, T21, has been identified as category "B"; this tree is being retained. The remaining trees within the site were assessed and considered to have low quality and low value. Category "C" trees (T2, T3, T4, T10, G3 & G4) within the site 'red edge' that do not compromise the layout are proposed to be retained. The root protection area (RPA) of retained trees T2 and T3 and trees off-site, T6 and T7, encroach into the new access arrangement. These matters have been considered and the introduction of a no-dig three-dimensional cellular confinement system (CCS) is deemed the most appropriate solution to ensure there is no adverse impact on retained trees. To mitigate the loss of sub-standard low quality, low value trees, a detailed landscape plan proposes new structural tree planting to include 3 Scots pine.

With regard to landscaping the scheme is considered to be acceptable under Policy 42 of the NELLP.

5. Highways

The proposed development would introduce a new access onto Brigsley Road. Within the site the layout allows for cars to enter, turn around and then leave in a forward gear. Visibility in both directions along Brigsley Road is in excess of the minimum 43m required in a 30mph zone. The Highways team have reviewed the application and have no objections to it in terms of highway safety or amenity. The proposal therefore accords with Policy 5 of the NELLP.

6. Drainage

The application was submitted with a detailed surface water drainage design which the Drainage Officer had confirmed as being acceptable. However, the proposed scheme has

been amended, as detailed above, and the drainage design has not. This does not present a concern as a matter of principle as it is common place for surface water drainage designs to be conditioned and the overall scheme in drainage terms is unlikely to have changed significantly. It is therefore considered that the surface water drainage scheme can be robustly dealt with by a condition and as such the proposal therefore accords with Policy 33 of the NELLP.

7. Ecology

The site was previously part of the garden area of no.83 Brigsley Road but has been separated off for many years. It appears through that time it has only been maintained sporadically. Neighbours and the Parish Council raised concerns that the site may be important in terms of ecology with particular regard to bats. As such an Ecology Survey has been undertaken and report provided. This has been assessed by the Council Ecologist and no objections have been raised. The report provides recommendations for good working practices around protected species and particular with regard to bats and lighting. A condition is proposed to require a lighting scheme be submitted. It is therefore considered that the proposed development, with the inclusion of the conditions mentioned, would accord with Policy 41 of the NELLP.

CONCLUSION

In conclusion, it is considered that the proposed development would not offer any undue harm to the character and appearance of the area, neighbouring properties residential amenities, highway safety and amenity, drainage, trees or ecology. The planning history and previous reasons for refusal and appeal dismissal have been fully taken into account but this proposal needs to be determined on its own merits and to this end it is considered to accord with Policies 5, 22, 33, 34, 41 and 42 of the NELLP 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:

RD4568-01 Rev O - site location plan
RD4568-02 Rev O - existing site plan
RD4568-03 Rev D - proposed block plan
RD4568-04 Rev C - proposed plans and elevations
1115-2004-CIV-30-P1 - access construction details

Reason

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

(3) Condition

No development shall commence until a scheme for the provision of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The development shall then be built out in accordance with the approved details with the means of drainage so retained 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 Policy 33 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(4) Condition

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

Reason

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

(5) Condition

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

- Visitor and contractor parking areas;
- Materials storage area;

- Wheel cleaning facilities;
- Noise, vibration and dust mitigation measures;
- Construction traffic management plan.

Reason

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

(6) Condition

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

Reason

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

(7) Condition

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any statutory amendment thereto), no development under Schedule 2 Part 1, Class A, B and C shall be permitted within the curtilage of the dwelling.

Reason

To protect residential amenity and the visual character of the area 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 Preliminary Ecology Appraisal (dated January 2022) and the specific recommendations set out within section 5 of the report.

Reason

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

(9) Condition

No development shall commence until details of all external lighting to be used on the site, once development is complete, are submitted to and approved in writing by the Local Planning Authority. The development shall then be built out in accordance with the approved details. No further external lighting shall be installed without the written permission of the Local Planning Authority.

Reason

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

(10) Condition

The roof lights on the northern and southern roof slopes of the hereby approved dwelling shall be obscurely glazed to a level of obscurity of 3 or above as measured on the Pilkington scale prior to the dwelling being first occupied and shall thereafter be retained as such.

Reason

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

(11) Condition

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

Reason

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

(12) Condition

No development shall commence until:

- (a) a plan including details of all trees to be retained, any to be felled, hedgerows to be retained, any sections of hedgerow or trees to be removed;
- (b) Arboricultural Method Statement; and
- (c) measures for the protection of trees and hedges during construction work.

have been submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in accordance with the approved details only.

Reason

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

(13) Condition

The scheme of landscaping and tree planting shown on drawing no. RD4568-06 Rev A

shall be completed within a period of 12 months, beginning with the date on which development began or within such longer period as may be first agreed in writing by the Local Planning Authority. All planting shall be adequately maintained for 5 years, beginning with the date of completion of the scheme and during that period all losses shall be replaced during the next planting season.

Reason

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

Informatives

1 Reason for Approval

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

2 Added Value Statement

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

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 seeking amendments to the scheme to address concerns.

3 Informative

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

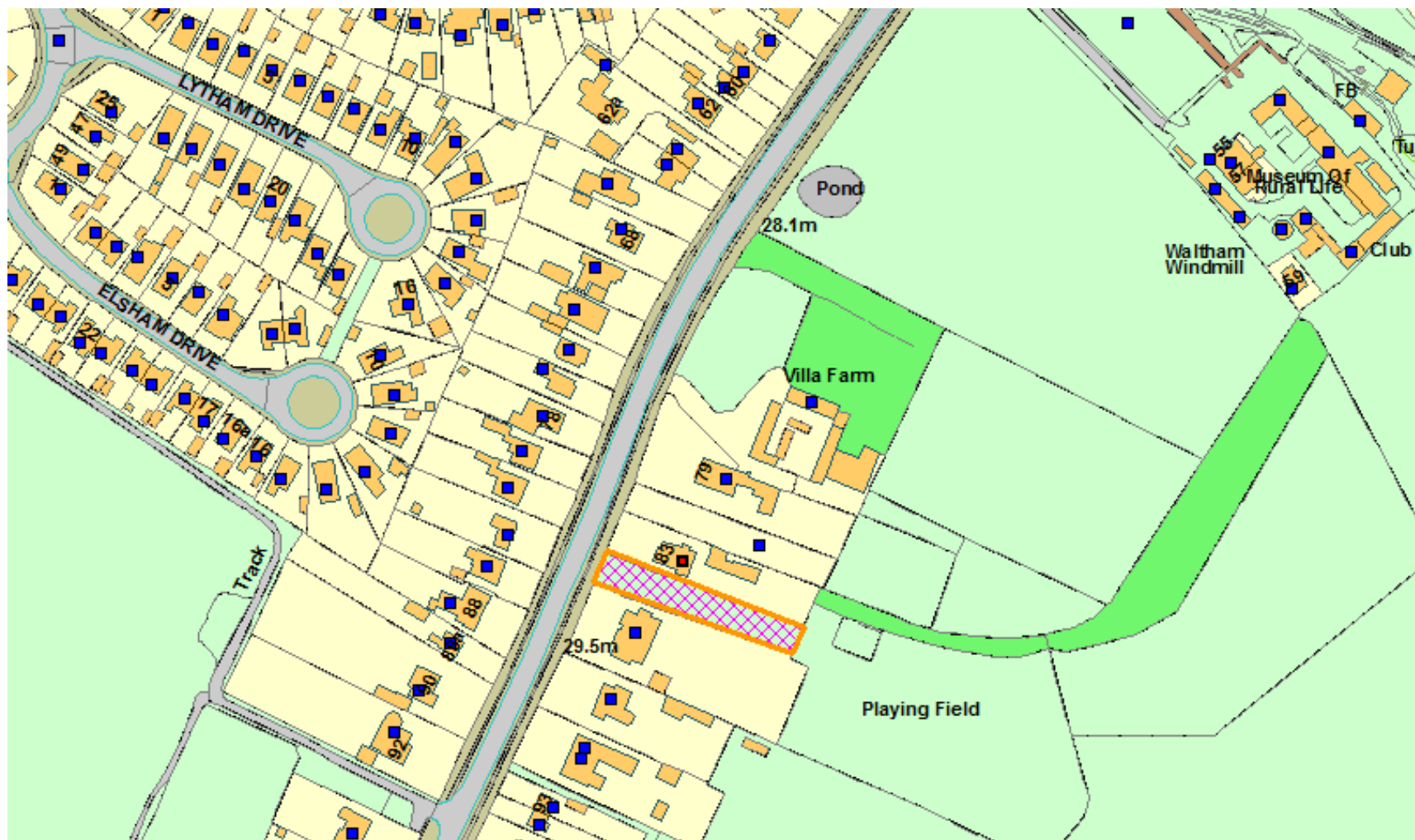
4 Informative

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

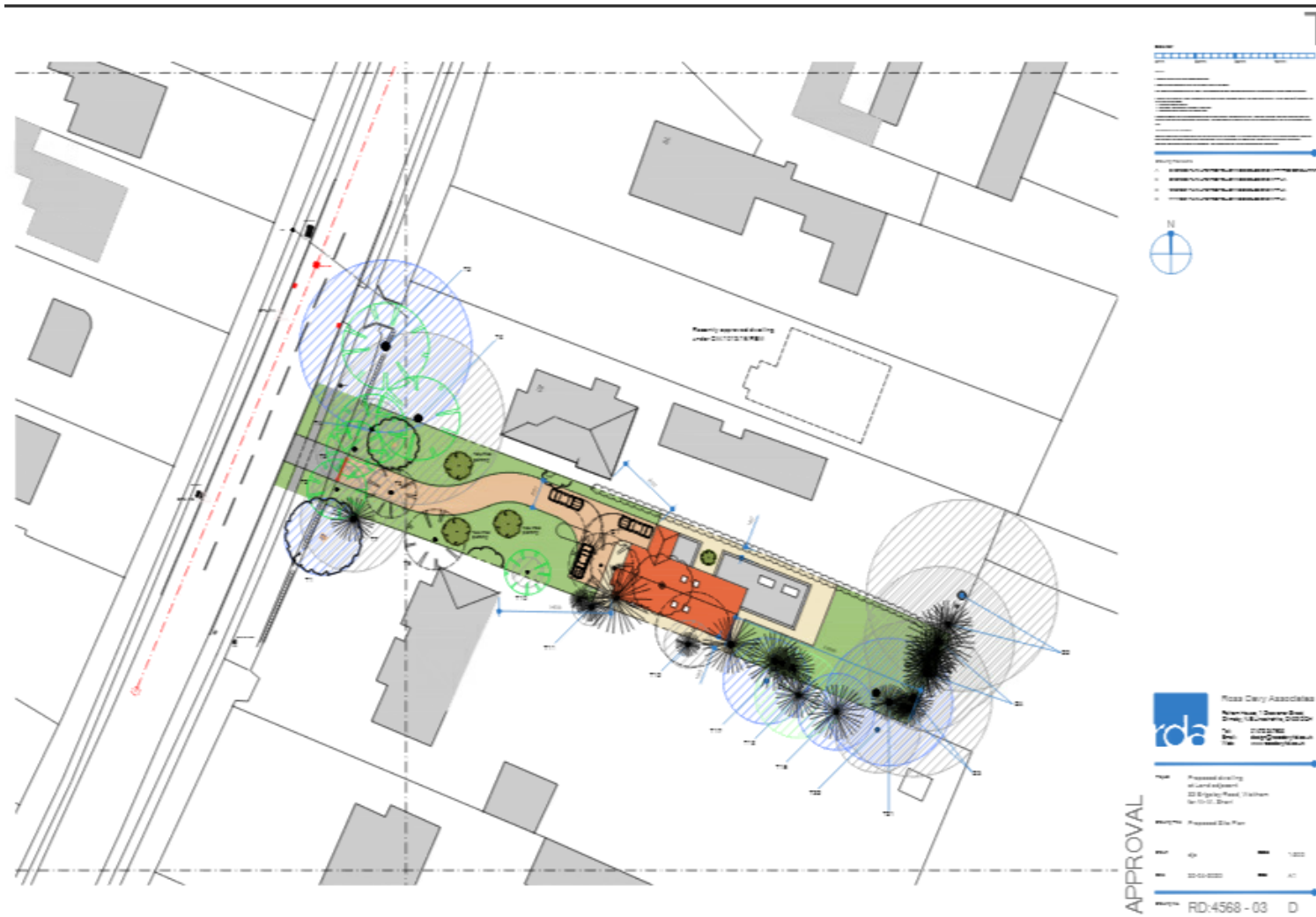
5 Informative

As works are required within the existing highway to enable the development to take place, please contact Highways Management Team on 01472-324431 6 months before works begin.

DM/0536/20/FUL – LAND ADJACENT TO 83 BRIGSLEY ROAD, WALTHAM



DM/0536/20/FUL – LAND ADJACENT TO 83 BRIGSLEY ROAD, WALTHAM





Appeal Decision

Site visit made on 10 February 2009

by **Keith Hill BSc MA MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
12 March 2009

Appeal Ref: APP/B2002/A/08/2090954

Land adjacent to 83 Brigsley Road, Waltham, Grimsby DN37 0LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr David Short against the decision of North East Lincolnshire Council.
- The application Ref DC/164/08/WAB, dated 19 February 2008, was refused by notice dated 28 July 2008.
- The development proposed is the erection of a single storey two bedroom bungalow and formation of new access.

Decision

1. I dismiss the appeal.

Main issues

2. The main issues are the effect of the proposed bungalow on the character and appearance of the area, on the living conditions of the occupiers of 83 and 85 Brigsley Road, with particular regard to noise and disturbance, and on the trees within and adjacent the appeal site.

Reasons

Character and appearance

3. The appeal site, formerly part of the garden of No.83, lies to the east of Brigsley Road within a ribbon of mainly residential development. Although there is considerable variety in the size and style of the properties along this part of Brigsley Road, the dwellings to the west of the road are set on a consistent building line, within similar-sized plots. A similar pattern of development is repeated on the eastern side of the road, within the vicinity of the appeal site, although development to the north is more spaciouly arranged. Previous Inspectors have commented on the subtle but discernible difference in character of the development to the east of the road compared to that to the west. I share that view.
4. The proposed bungalow would be located to the rear of both adjacent properties and would occupy a substantial proportion of what I consider to be a comparatively narrow plot. I have considered the evidence presented to demonstrate that the distance between the proposed bungalow and the boundaries of the appeal site compares favourably with similar relationships of dwellings to the south of the appeal site. However, despite the distance that would be maintained to the boundaries on each side of the dwelling, the narrow

width of the plot together with the restricted dimensions of the dwelling and its position far back on the site would result in an uncomfortable appearance alongside its neighbours.

5. I concur with the view, expressed by the Inspector on a previous appeal decision for this site for a similar building on the same siting (APP/B2002/A/06/2015082), that the proposed bungalow would present the impression of a building squeezed into the space as an afterthought and have a detrimental impact on the spacious character of the locality.
6. I conclude, therefore, that the proposal would unacceptably harm the character and appearance of the area contrary to Policies GEN1 and H10 of the North East Lincolnshire Local Plan (NELLP), adopted November 2003.

Living conditions

7. The proposed parking and turning area would be located to the front of the new bungalow. It would extend across the full width of the site, in between the flank walls of the adjacent dwellings. The turning area would only be a short distance from the ground floor windows of No.83. I observed, on my visit, that these windows serve some of the main habitable rooms of the property. It was also apparent that the floor level of the house is higher than the ground level as the french windows, that serve one of these rooms, are accessed by 2 steps. The timber boundary fence would be insufficient to preclude views, from these rooms, of vehicular and visitor movements to the proposed bungalow.
8. The 2 parking areas would be adjacent the flank wall and rear conservatory of No.85. A screen hedge is proposed to augment the existing garden planting within the grounds of No.85. I do not consider that either the timber fence or the hedge and planting, nor any other form of screening which might reasonably be required, would be sufficient to prevent the occupiers of No.83 and No.85 from being aware of the noise and other disturbance arising from the parking and manoeuvring of vehicles in such close proximity to their properties. I am of the opinion, therefore, that the proposed development would have an unacceptably harmful impact on the living conditions of the adjacent properties and conflict with Policies GEN1 and H10 of the NELLP, which seek to prevent an unacceptable level of disturbance to existing dwellings from the movement of vehicles and visitors.

Trees

9. An area Tree Preservation Order covers the whole of the appeal site. Although many of the trees are recognised by the Council as substandard they do have a group amenity value. There are other mature trees in the grounds of the adjacent properties, close to the boundaries of the appeal site, which contribute to the verdant appearance and character of the area. Although I was not provided with details of the arboricultural survey and report dated May 2008, I ascertained, at my visit, that the trees identified as of greatest concern from the effects of the proposed development, T11 and G2, were in the garden of No.85.
10. I am of the view that the future health of these trees, which are of particular amenity value, would be compromised by the proposed siting of the bungalow because of the potential disturbance to their root protection areas. The

recommendation by the arboricultural report that the proposed bungalow should be re-sited 5 metres forward is consistent with my assessment. I am also of the opinion that the proposed works to the site access would affect the root protection areas of a number of trees towards the front of the site and would be likely to necessitate work to reduce the canopies of these trees. Any effect on these trees would further add to my concern that this proposal would harm the character and appearance of the area.

11. I conclude that the harm that the proposal would have on the trees, within and adjacent the appeal site, would conflict with Policy GEN3 of the NELLP which seeks to retain trees that contribute to the character of an area in association with development proposals.
12. For the reasons given above and having regard to the relevant advice in national planning policy statements and guidance and all other matters raised, I conclude that the appeal should be dismissed.

Keith Hill
INSPECTOR

PLANNING COMMITTEE - 6th April 2022

ITEM: 3 **RECOMMENDATION: Refused**

APPLICATION No: DM/0090/22/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Anne Askew House , South Marsh Road, Stallingborough, North East Lincolnshire, DN41 8BE

PROPOSAL: Erect one detached dwelling and garage with associated boundary treatments and landscaping

APPLICANT:

Mr Paul Silvester
Foresight (North East Lincolnshire)
60 Newmarket Street
Grimsby
DN32 7SF

DEPOSITED: 4th February 2022

AGENT:

Mr Martyn Shepherd
16 Connaught Avenue
Grimsby
DN32 0BS

ACCEPTED: 16th February 2022

TARGET DATE: 13th April 2022

PUBLICITY EXPIRY: 27th March 2022

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 13th March 2022

CASE OFFICER: Bethany Loring

PROPOSAL

The application seeks to erect one dwelling with associated boundary treatments and landscaping.

The application is brought to Planning as the applicant is a Ward Councillor.

SITE

The site is located on the southeast side of South Marsh Road on the edge of Stallingborough. The site forms part of an existing residential site known as Anne Askew House. Large amounts of landscaping exist within the site, with some having Tree Preservation Orders. Surrounding the site are residential properties on South Marsh Road and open space to the southeast. The site has no specific allocation in the North

East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and lies approximately 1km away from the Stallingborough Local Centre.

RELEVANT PLANNING HISTORY

DC/1190/06/IMM - Outline application for proposed housing development to include layout and access demolish existing dwelling - Refused

DC/915/07/IMM - Proposal extension to existing home and provision of new bungalows - Refused

DM/0243/18/FUL - Erect four detached bungalows with integral garages with associated access, parking, boundary treatments and landscaping and alterations to site entrance and car parking to Anne Askew House - Refused

DM/0745/19/FUL - Erection of 2 dwellings with associated access, parking, boundary treatments and landscaping and alterations to site entrance (AMENDED PLANS) - Approved with Conditions

DM/0923/21/CND - Details in Discharge of Conditions 3 (Surface Water Drainage), 5 (Construction Traffic Management Plan), 7 (Construction Method Statement), 8 (Water Resource) and 10 (External Materials) pursuant to DM/0745/19/FUL - Pending Consideration

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (February 2019)

NPPF5 - Delivering a sufficient supply of homes
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
PO17 - Housing density
PO22 - Good design in new developments
PO33 - Flood risk
PO34 - Water management
PO42 - Landscape

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

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

REPRESENTATIONS RECEIVED

Highways Officer - CTMP condition.

Environment Team - No response

Drainage Team - Drainage strategy approved.

Heritage Officer - No input required.

NELDB - Sustainable drainage to be managed by Lead Flood Risk Authority and consent required from the Board for infilling or diversion.

Trees and Woodlands - Concerns raised due to impact on trees.

Environment Agency - Flood Risk mitigation condition required.

Neighbour Representations

138 Station Road - Concerns relating to number of dwellings, type of dwellings, overshadowing and out of proportion to nearby residential properties.

APPRAISAL

The material considerations are:

(1) Principle of Development including Flood Risk

(2) Character and Design

(3) Highways

(4) Drainage

(5) Impact to Neighbouring Properties

(6) Landscaping

(1) Principle of Development including Flood Risk

The site is within the development area boundary of Stallingborough, so policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) applies. This helps to support the principle of development subject to the suitability of the proposal in relation to its size, scale, impact on the character of the area and impact on neighbouring land uses and subject to other material considerations such as flood risk, drainage and highways. Whilst these policies encourage the effective re-use of Brownfield sites, they do not prohibit the principle of development on greenfield sites.

It is considered that the site is in an accessible location, set within an established residential area, close to convenience stores and local transport links. By virtue of the position of the proposal site within the boundary of Stallingborough, it has been deemed 'sustainable' through the current North East Lincolnshire Local Plan.

However, with regard to principle, an important consideration through the Local Plan and the NPPF is that local planning authorities take a sequential approach to the location of new development, to seek to direct development to available locations within the lowest risk of flooding. Where development is deemed to be necessary, it should be made safe without increasing the risk of flooding elsewhere. The sequential approach should be applied in areas known to be at risk from any form of flooding.

The proposal site is located in Flood Zone 3 of the Environment Agency Flood Maps and at high flood risk. The proposed development site is also located in an area which has been assessed to have a severe degree of flood risk from a breach hazard event in the Council's Strategic Flood Risk Assessment (SFRA).

It is clear that there are readily available alternative sites for market housing which are at lower risk of flooding than this site and, as a result, this development proposal does not pass the Flood Risk Sequential Test. This is a key material consideration and substantial weight is attached to the failure to pass the Sequential Test. On this basis, there are grounds for planning objection. The Environment Agency provide advice on the specific Flood Risk Assessment, but it is the Local Planning Authority that assesses the Sequential Test. Therefore, it is recommended that this is a ground for objection.

On this basis, the proposal would be contrary to policy 5 and 33 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and advice contained in the NPPF.

(2) Character, design and landscaping

The proposal is for one detached dwelling within the site of an existing premise known as Anne Askew House. The site is within an established residential setting, with residential properties adjoining to some boundaries. An application for two dwellings has been approved and the works are currently being undertaken. This would result in the site hosting three dwellings in total. In view of the immediate area, it is considered that the development would represent a low density which would be of a similar density to those existing within the area and currently under construction.

The proposed layout highlights that the site would not become unduly over developed or overcrowded. The dwelling has been designed in a way to address the Environment Agency concerns in terms of flood risk by ensuring residential accommodation is to an acceptable safe level. This includes the siting of all bedroom accommodation at first floor level and a detached garage at the ground floor level. Properties adjoining the site are between one and two storey's in height, typically representing a similar scale and therefore would be in-keeping in this context.

Glimpses of the back land proposed property, within the site, would be apparent within the surrounding area but limited given its set back position behind existing residential dwellings. Due to the back land location of the proposed dwelling, the design is considered appropriate given the diverse range of dwellings in the area.

The dwelling would have sufficient amenity space with sufficient separation to the existing host premises, Anne Askew House.

However there are Tree Preservation Orders on the site. The comments received from the Tree Officer should be noted and taken into account. These relate to the Arboricultural Impact Assessment and Method Statements not being relevant to the proposal and therefore no sufficient assessments have been provided. In summary, it is considered that the scheme will result in future pressure on the trees. There are Tree Preservation Order trees to the front of the proposed dwelling. The introduction of another dwelling would be considered to place another structure within the target area of the tree which would have a negative impact and likely result in the future loss of those trees to the detriment of the character and amenity of the area. It is therefore considered that the proposal fails to address tree concerns.

On this basis, the proposal does not accord with policy 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) in terms of landscaping, and it is recommended that this is a ground for objection.

(3) Highways

The proposal includes alterations to adjoin the existing access to install a private drive to serve the dwelling. There would be no loss of car parking for Anne Askew House and adequate spaces would be located outside of the proposed property including a detached garage. One new dwelling would not significantly increase the amount of traffic on the network.

The Highways Officer has reviewed the details and requested a Construction Traffic Management Plan if the scheme was to be approved.

On this basis, the proposal accords with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) in terms of highways.

(4) Drainage

The Council's Drainage Team have commented to state that the drainage strategy is acceptable and the North East Lindsey Drainage Board have confirmed that, subject to an acceptable drainage scheme being agreed by the Local Flood Authority, there are no objections to the proposal. An informative could be included to detail the requirement of written consent from the Board.

On this basis, the proposal accords with policies 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) in terms of drainage.

(5) Impact on Neighbouring Properties

Representation has been received from a neighbouring property, broadly on the grounds of the number of dwellings, type of dwellings, overshadowing and out of proportion to nearby residential properties. These are noted.

The proposed dwelling however is more set back in the site and due to the orientation of the dwelling, the location of the windows and existing features of the site, issues in terms of overlooking, overshadowing and dominance would be minimal. The scale of the overall ridge height is considered to be greater as the property seeks to respond to flood risk mitigation issues but it is not considered that this in itself should form the basis of a planning objection even as it relates to the existing residential home at Anne Askew House which is in the control of the applicants. On this basis, the proposal accords with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) in terms of residential amenity.

CONCLUSION

To conclude, the provision of additional housing is acknowledged, however it is considered that there are justifiable planning grounds against the development on the grounds of flood risk and impact on trees. It is therefore recommended that the planning permission be refused as it does not accord with policies 5, 22, 33, 34 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and sections 12, 14 and 15 of the NPPF.

RECOMMENDATION

Refused

(1) The proposal is contrary to policies 5 and 33 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) in that the proposed development is located within a high risk flood zone as identified in the Environment Agency Flood Risk Maps and in the Strategic Flood Risk Assessment and the scheme fails to pass the sequential test for development. Without the sequential test being passed, it is not considered to be sustainable development and the development cannot be justified on flood risk grounds.

(2) The proposal is contrary to policy 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) in that the development would result in the loss of trees which are important to the landscape of the area. The consequent adverse impact on the character and visual amenity of the locality is not justified.

Informatives

1 Informative

The application has been determined on the basis of the following drawings:

Site Location Plan - Drawing No. 4 Rev A

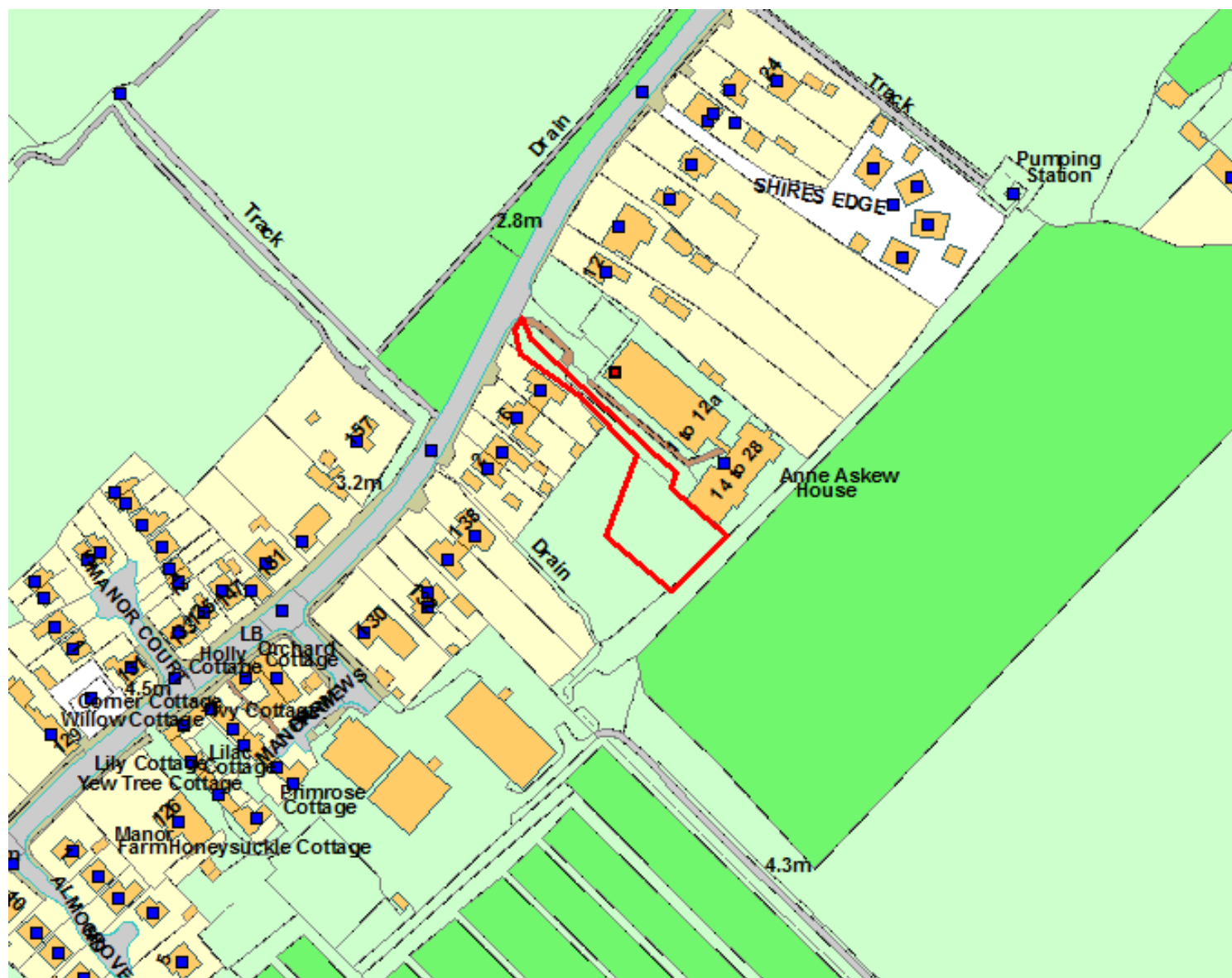
Block Plan - Drawing No. 3

Proposed Elevations and Section - Drawing No. 2

Proposed Floor Plans and Garage Elevations - Drawing No. 1

Proposed Site Elevation - received 15th March 2022

DM/0090/22/FUL – ANNE ASKEW HOUSE, SOUTH MARSH ROAD, STALLINGBOROUGH



T



PLANNING COMMITTEE - 6th April 2022

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

APPLICATION No: DM/0028/22/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Land Adjacent To The Barns, Walk Lane, Irby Upon Humber, North East Lincolnshire, DN37 7LA

PROPOSAL: Change of use and conversion of old apple and potato store to short term holiday let to include various internal and external alterations and installation of metal flue for wood burning stove

APPLICANT:

Mr And Mrs C Webb
The Barns
Walk Lane
Irby On Humber
Grimsby
North East Lincolnshire
DN37 7LA

DEPOSITED: 11th January 2022

AGENT:

John Derbyshire Design Limited
6A St Mary's Lane
Louth
Lincolnshire
LN11 0DT

ACCEPTED: 20th January 2022

TARGET DATE: 17th March 2022

PUBLICITY EXPIRY: 20th February 2022

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 18th February 2022

CASE OFFICER: Jonathan Cadd

PROPOSAL

This application seeks to convert a current single storey wooden pitched roofed garden/potato store building into a single bedroom short term holiday let. The accommodation would include a shower room and a kitchen dining room. The building retains its current dimensions: 3.8m width x 11.1m in depth, 2.5m to eaves rising to 3.15m to ridge. Due to the fall in ground levels on site (west to east), actual heights would alter to the front when the existing built up base is taken account of 3.16 to eaves rising to 3.8m at ridge.

The building is sat back into the site and positioned to the northern side closest to the

host property. This allows the retention of a side garden area (8.8m in width) with smaller rear and front garden areas. A driveway access from Walk Lane exists from the front which includes a turning area within the site. A patio area would be formed to the rear of the building.

The design and access statement has confirmed that the structure would be over clad with black corrugated insulated steel wall and roof sheets with additional double glazed aluminium window and door units added to the front, sides and rear. A small wood burning stove would be provided to the northern side, whilst the existing shed to the rear would be removed. Foul sewerage is proposed to be connected to the existing foul package treatment system on site. Finally, two cycle stands are proposed.

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

SITE

The site is part of a larger barn conversion known as the Barns Walk Lane which was granted permission in the 1990s and built out to a high quality. The site is somewhat remote from the village of Irby (approximately 1.4km by road) and the site, including The Barns, exists along with Hilltop House, a modern detached replacement dwelling immediately to the south, to form an isolated group of two dwellings within otherwise open countryside. This perhaps relates to the isolated farmsteads found in this part of the Lincolnshire Wolds.

Walk Lane is an adopted metalled road to just past the Hilltop House. A public bridleway runs along the road to the village but also extends southwards linking to a network of footpaths which also leave the lane to the east. The site falls within the Lincolnshire Wolds AONB.

The Barns are of a regular courtyard design with single and two storey designs build round a courtyard/ crew yard area. Constructed of brick with clay pantile roofs the complex has various modern brick alterations and additions. The part of the site closest to the proposal is demarcated by a 1.8m brick wall enclosing the courtyard garden area which is bounded on three sides by the existing barn complex.

The application site is positioned to the southern side of the Barns and forms part of a wider area of garden that wraps around the barns to the west and north. The site in many ways appears enclosed by the main brick barn structure but also the substantial laurel hedging to the south east which bounds Hilltop House. Set to the northern side of the plot is a single storey wooden garage/storage building with wooden lath walls and a pitched felt roof. This structure is ancillary in scale to the barns but is nonetheless a reasonably large structure in depth. Ground levels rise slightly from Walk Lane and the structure is sat on a brick/ concrete base with a ramped access to the double doors.

The site is adjoined to the west by wooded area, part of the wider Barns site, beyond

which are agricultural fields. To the east, across Walk Lane are further open fields. To the south east is Hilltop House a modern detached dwelling with a detached garage to the front. Also accessed from Walk Lane this site has a turning area within the front garden. The dwelling is a brick built, two storey high structure and has what appears to be a bathroom window facing the application site at first floor. To the northern side of the dwelling closest to the application site is what appears to be a hard surfaced raised bed garden area. Also adjoining the application boundary is the detached garage to the front of the site.

RELEVANT PLANNING HISTORY

DM/1045/13/FUL - Erection of a single storey eco dwelling with associated detached garage/bin store & landscaping- refused and dismissed at appeal

DC/536/13/WOL - Outline to erect a dwelling with detached garage - Refused

DC/1104/05/WOL - Removal of condition 9 of 08/93/0217 (removal of permitted development rights) - Refused - Allowed at appeal with a varied condition relaxing class A & D, but not C within the courtyard area. Class B is removed in any case by the AONB.

DC/1316/03/WOL - Erect house with integral garage - refused and dismissed at appeal

DC/780/00/WOL - Erect timber building to form garden store - Approved

08/93/0217 - Conversion of existing barns into a dwelling - approved subject to a s.106 agreement

Of importance to this application is the original approval for the erection of a garden store in 2000 and to a lesser extent the refusals in 2003 and 2013 for the erection of a new dwelling on the current application site, which were also dismissed at appeal.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (February 2019)

NPPF5 - Delivering a sufficient supply of homes
NPPF11 - Making effective use of land
NPPF12 - Achieving well designed places
NPPF14 - Climate, flooding & coastal change
NPPF16 - Conserv. & enhance the historic environ.

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

PO3 - Settlement hierarchy
PO5 - Development boundaries
PO6 - Infrastructure
PO12 - Tourism and visitor economy

PO22 - Good design in new developments
PO34 - Water management
PO38 - Parking
PO39 - Conserve and enhance historic environ
PO41 - Biodiversity and Geodiversity
PO42 - Landscape

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

REPRESENTATIONS RECEIVED

Heritage Officer: (in summary): No objection in principle. Appears more as a rebuild than a conversion. Whilst metal sheet buildings are common place for large agricultural buildings these are usually located away from the farm house. The use of black corrugated steel so close to the where the original farmhouse would have been is not sympathetic to the remaining traditional farm and will create an overly industrial look. It is suggested that a more natural range of materials is considered, including the use of the existing walls.

Highways (in summary): The proposal will be served via its own existing vehicular access with off-street parking provided for future occupants as well as the provision for access/egress in a forward facing gear. Approval no conditions

Drainage: Use of permeable paving for hard standing is acceptable

Trees and Woodlands: No objection

Uniper Energy: (in summary) None of our apparatus would be affected by the scheme

Environmental Protection: request condition - wood burning stove to the satisfaction of building control.

Health and Safety: Do not advise against

Neighbours and Public:

Hilltop House, Blacksmith Cottage, Sackville Cottage and Welbeck Cottage, Walk Lane -

Objections raised on the following grounds;

Site is located in open countryside not infill within village - development should be resisted in AONB areas outside villages.

Design would have appearance of new build and black corrugated finish would be out of keeping with the AONB and that of The Barns and Hilltop House.

Over intensive use of the plots which are currently spaciouly laid out

Is there a demand for a holiday let or will the proposed building end up being lived in by the family there is a caravan on site is this lived in? Carbon copy pf previous refusals just re-badged as holiday homes

There are 40-50 horses in the village all of which use this single track road, as do cyclists, walkers extra traffic will increase the chance of accidents due to high hedges and blind bends.

Entrance is within metres of the adjoining houses patio. Will invade the privacy of the neighbours and increase noise in quite garden areas. Chose to live in an quiet isolated area not next to holiday lets. Other holiday lets in the area are located away from adjoining properties. holiday makers are noisy by their nature.

Reduce value of property

APPRAISAL

Main Issues

- 1) Principle of holiday accommodation in this location
- 2) Character and appearance (including impact on the AONB and heritage)
- 3) Residential amenity
- 4) Highway safety
- 5) Drainage
- 6) Landscaping

Appraisal

- 1) Principle of holiday accommodation in this location

The site falls within the residential curtilage of The Barns and presently appears to be used for domestic purposes including for parking and storage. The site is well maintained and includes the large storage shed as outlined above.

The site is located within the open countryside where (para 9.11 of the Local Plan) states:

'The special character and distinctiveness of the rural area will be protected'. Similarly, policy 42 of the NELLP states 1.A Priority will be given to the protection and enhancement of the landscape character and natural beauty and setting of the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB). Policy 3 of the Local Plan, a spatial policy, seeks to focus new development within existing settlements commensurate to the scale of that settlement. This limits the impact on the character of the countryside limiting physical development but also allows future occupiers and users to utilise existing facilities without having the need to resort to motor vehicles. In line with this approach, development outside of the defined development areas is limited. This is borne out by the previous refusals for residential dwellings on the application site. The applicant is clear, however, that the development is for short term holiday lets. Policy 5, also, provides guidance as to the limited development types which could be acceptable within the open countryside and notes: 3. Development will be supported where it recognises the distinctive open character, landscape quality and role these areas play in providing the individual settings for independent settlements, but also 3C. supports rural leisure and tourism developments;

In this instance, the existing building would be converted and used as a short-term holiday let. The Lincolnshire Wolds AONB is by its designation an outstandingly beautiful area and is therefore an attractive place to stay for visitors. The visitor economy within NE Lincolnshire is an important sector of the economy and this is not just limited to coastal areas. The proposal would therefore support the tourist economy albeit in a small way. Within a short distance of the site there are also several new build and property conversions which have been granted planning permission in the open countryside specifically for holiday use. This includes DM/0947/19/FUL- Erect detached two storey outbuilding with garage at ground floor and holiday let at first floor which was approved in 2020 at Beelsby, but also larger scale development such as the holiday lodges at Laceby Manor Golf Course.

The application site is already development within a residential curtilage and is located within the Lincolnshire Wolds AONB and enjoys an attractive view down onto the coastal plane. It is located directly upon several bridleways and footpaths allowing walkers and cyclist to access these attractive areas, along with the formal highway network to the north. As such as a tourist use the proposal is deemed to conform with the requirements of policy 5. 3C. of the NELLP as the applicant has clearly confirmed the intention to utilise the building for holiday let. It is important that the accommodation is controlled as such so that it does not become a new dwelling in the open countryside. It is therefore considered that a condition is required that limits the use of the accommodation to holiday purposes only.

Objections received, note the similarity of the scheme to previous proposals for residential development on this site, both of which were refused and dismissed at appeal. It is not considered that these applications are directly comparable with that currently under consideration. Firstly, the previous applications were for full residential development not holiday accommodation. Secondly, they sought much larger brick buildings that took up a large proportion of the site. These are significant differences and

allow the present scheme to be considered differently to those which have gone before.

Having regard to the above it is considered that the scheme is acceptable in principle under established planning policy and it then falls to judge the application against the details of what is proposed.

2) Character and appearance (including heritage)

Policy 5 of the NELLP notes that development will be supported where it recognises the distinctive open character, landscape quality and role these areas play in providing the individual settings for independent settlements. Policy 22 and 42 also require design and character analysis. As part of the AONB and the open countryside previous proposals for new dwellings, as noted above lead to refusal of planning permission and the dismissal at appeal partially on character grounds. In the most recent appeal from 2013 the Inspector states: para.5: 'This part of the AONB is characterised by expansive views over a gently undulating, predominantly arable landscape featuring modest woodland cover and scattered farmsteads and villages. The National Planning Policy Framework ('the Framework') states that great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty'. In 2022 this statement remains true, and it is important to note that, para 176 of the current NPPF states that: 'The scale and extent of development within all these designated areas should be limited...'. The current proposal is to convert the current store building into a holiday unit. It is of small stature, is set back from the road, positioned as if to finish off the rectangular barn arrangement and is hidden from most medium and longer distance views by existing development at Hilltop House and The Barns itself. It would when viewed from Walk Lane and indeed the adjoining footpath and longer distance viewpoints maintain the spacious setting of The Barns and Hilltop House. It would not appear cramped as per previous refusals due to its scale small scale and by the fact that the building already exists. Similarly, the holiday nature of the use is also less likely to lead to pressure for domestic type features such as garages, walls, fences, washing lines sheds etc which in such a confined position which would have detracted from the setting of The Barns and Hilltop House.

The current proposal has a strong modern architectural styling whilst seeking to maintain the utilitarian characteristics of an agricultural storage building. At pre application stage the applicant was requested to consider retaining the existing wood exterior of the shed building to reduce the appearance of change in the surrounding area. The applicant considers the existing horizontal wood cladding to be more domestic out of character with the area and has shown that over time, agricultural profiled steel buildings have existed in the wider area. This provides some justification for the proposal albeit not necessarily in such close proximity to the main barns. The small scale of the structure proposed, and its enclosed setting would also be of benefit as it would be less obvious even at short distance maintaining the character of the area. Therefore, whilst a wood clad scheme would be preferable, the current proposals are not objectionable. In design terms the development is acceptable under Policy 5 and 22 of the NE Lincolnshire Local Plan 2013 - 2032.

3) Residential amenity

The proposed holiday let would only really impact on two properties: The Barns and Hilltop House. The greatest impact would be to the applicant's property, The Barns, being in such close proximity to the courtyard area (divided by a 1.8m wall) which provides the main formal amenity area of that property. Such an impact would be a self-imposed and subject to a condition tying the use to the hosts property would allow most amenity issues to be controlled.

To the south is Hilltop House, a detached dwelling with a garage close to the application boundary. To the northern flank elevation of the dwelling are two windows, at first floor there appears to be what is a bathroom window whilst at ground floor is a kitchen window facing the application site. To the rear of the garage is a patio/ raised bed garden area adjoining the application site boundary. The application site, as noted above, is landscaped with trees, and hedging to the boundary with Hilltop House and these are shown to be retained on the proposed plans. The hedge is thick and would be sufficient to protect the privacy of neighbours, even through the winter months. It is noted that people on holiday can be noisier and stay up late with perhaps some revelry compared to more general residential uses. Whilst this is possibly true, it is equally important to recognise the small scale of the unit proposed with only one bedroom which is unlikely to attract families or indeed party groups reducing the likelihood of noise and nuisance. Also, significant nuisance is unlikely to be tolerated by the host property, which has some control over occupancy. As such the scheme is deemed to accord with policy 5 of the NE Lincolnshire Local Plan 2013 - 2032.

4) Highway safety

The site is accessed by a single-track road which is adopted to just beyond Hilltop House to the south. An access and driveway are already present on site with a tarmac junction to the road. A turning area has also been shown within the front garden limiting the potential for cars reversing into Walk Lane. No objections have been received from the Highway Authority. Whilst noting the objectors' concerns, one unit is unlikely to generate significant additional traffic. Also, visitors are, perhaps, more likely to drive cautiously along Walk Lane due to being uncertain of the route further limiting the impact on walkers, cyclists and horses and riders. It should also be noted that the much larger proposals for the dwelling's sought previously did not generate highway objection, either from the Council or the Planning Inspectorate. As such the impact on highway safety and capacity would be limited and subject to conditions would accord with policies 5 and 36 of the NE Lincolnshire Local Plan 2013 - 2032.

Consideration should perhaps be given to parking and deliveries during construction to ensure that vehicles would not have a detrimental impact on the road. This should include locations for the drop off and storage of materials and parking for any builders. This can be conditioned.

5) Drainage

The physical nature of the site will not alter greatly but details have been provided to show surface water being dealt with by way of water butts and soakaway. Equally, the additional hard surfaced area is shown to be constructed from porous materials. Such an approach is acceptable.

With respect to foul sewerage an existing package treatment unit would be connected to the building. It is known that there are no main foul sewers close to this site. It has also been clarified that this unit was originally built to serve both The Barns and Hilltop House. The adjoining property established its own foul drainage treatment unit and as such the current facility would have ample capacity for a single bedroomed unit.

6) Landscaping

The site is visible from the surrounding area and is even glimpsed from the A18 Barton Street albeit from a distance. The landscaping on site will be retained and this is positive from amenity, character and biodiversity viewpoints. It is recommended that conditions be imposed to ensure that construction deliveries, materials and general building activity does not harm these features. This should include designating areas of activity and fencing to protect the existing hedge and trees during the conversion.

CONCLUSION

The proposed holiday unit, would assist the tourist economy of NE Lincolnshire, albeit in a small way, by providing additional accommodation within a rural area attractive to walkers and countryside enthusiasts. The small scale of the development and its screened location would ensure that the proposal would neither detract from the wider character and appearance of the AONB nor appear cramped between the existing building upon the site. The nature of the development and the mature boundary hedges would ensure that residential amenity would be maintained whilst traffic levels generated would be unlikely to impact on safety nor amenity. Finally, capacity within the existing foul drainage system is available. Therefore, subject to conditions limiting the use to holiday accommodation and in relation to details of the works the application is deemed to accord with policies 5, 22, 36, 38, 39 and 42 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

RECOMMENDATION

Approved with Conditions

(1) Condition

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

Reason

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

(2) Condition

The accommodation hereby approved shall not be occupied until connection of foul drainage works to the existing package treatment plant has been completed and it is ready for use. This connection and facility shall thereafter be maintained.

Reason

To prevent increased pollution of the water environment in accordance with policies: 5 and 33 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018);

(3) Condition

Prior to the unit hereby approved being first brought into use the turning area for vehicles within the curtilage of the plot shall be completed in accordance with details shown on drawing no 4991-1 and be available for use. That provision shall be thereafter retained.

Reason

In the interests of road safety and in accordance with policies 5, 36 and 38 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

(4) Condition

The development shall be occupied for holiday purposes only and shall not be occupied as someone's sole or main place of residence and the owners/operators shall maintain an up-to-date register of the names of all occupiers of the holiday let (and of their main home addresses) and shall make this information promptly available at all reasonable times to the Local Planning Authority.

Reason

To ensure the unit is only used for holiday purposes given the sites location in the open countryside and in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(5) Condition

No one shall occupy the accommodation unit for more than three calendar months in any year provided that and without prejudice to the foregoing, once the unit has been occupied by a person or persons for a total of three calendar months in any year, that person or persons shall not occupy again the unit until an interval of at least two months has elapsed from the date of expiry of the said three month period.

Reason

To ensure the site is occupied for holiday purposes given the sites location in the open countryside and in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018)

(6) Condition

The development shall be used only for holiday accommodation, in conjunction with the adjoining property, known as 'The Barns', and shall not be subdivided from that dwelling.

Reason

To ensure the use is suitable for and in character with the existing area and to maintain residential amenity in accordance with policy 5 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

(7) Condition

The hedge to the full length of the boundary with Hilltop Farm shall be retained at a height of no less than 3m.

In addition, prior to development commencing the tree protection fencing shown on approved plans shall be implemented in full and retained as such until the development has been completed.

Reason

To protect the amenities of neighbouring properties and the health of the hedge for appearance, character and biodiversity reasons and in accordance with policies 5, 22, and 41 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018)

(8) Condition

The development hereby approved shall only be a change of use and conversion of the existing building and does not permit its demolition and replacement/ rebuilding.

Reason

The permission hereby approved is predicated by the conversion of the existing apple storage building rather than a new build in accordance with policies: 5, 22 and 39 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

(9) Condition

No machinery shall be operated, no process shall be carried out and no deliveries to be taken in or dispatched from the site in connection with the conversion works development hereby approved outside the hours of 8.00 am to 6.00 pm Monday to Friday, 8.00 am to 1pm Saturday and not on Sundays or Bank/ Public Holidays or any other time unless agreed in writing with the Local Planning Authority.

Reason

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

(10) Condition

The development shall not be carried out except in complete accordance with the approved plans and specifications. The approved plans have drawing nos.: 4996-1 and 4996-2.

Reason

To ensure the development is in accordance with the approved details and results in a satisfactory form of development and in accordance with policies 5, 22, 33, 36, 38 and 42 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

Informatives

1 Reason for Approval

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

2 Added Value Statement

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

In accordance with paragraph 187 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to problems arising, by negotiating on the details of the scheme and sorting conditions.

3 Informative

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

DM/0028/22/FUL – LAND ADJACENT TO THE BARNs, WALK LANE, IRBY UPON HUMBER



DM/0028/22/FUL – LAND ADJACENT TO THE BARN, WALK LANE, IRBY UPON HUMBER

