

Planning Committee Dated: 13th July 2022

Summary List of Detailed Plans and Applications

Recommendation:		Approved Conditions and signing of S106
Item:	1	
Application No:	DM/0237/21/FUL	
Application Type:	Full Application	
Application Site:	Land Off Littlefield Lane Grimsby North East Lincolnshire	
Proposal:	Erection of 74 dwellings together with a sales suite, construction of garages, driveways, estate roads, associated infrastructure, raising of ground levels, laying out of natural green space and associated works. 'additional noise assessment' - Amended ball strike assessment December 21 - amended site layout and information dated 8th April 2022	
Applicant:	Mr Mark Snowden	
Case Officer:	Richard Limmer	

Recommendation:		Approved Conditions and signing of S106
Item:	2	
Application No:	DM/0210/21/FUL	
Application Type:	Full Application	
Application Site:	Former St John Fisher Rc Church Waltham Road Grimsby North East Lincolnshire	
Proposal:	Demolish former St John Catholic Church Hall and erect a single storey building comprising of 1no. convenience store (Use Class E (a)) and 1no. funeral services building (Use Class E (c)(iii) with service yards, hard and soft landscaping, alterations to existing access, creation of additional new access and associated works in accordance with amended layout plan J2041 00104 Rev D received by the Local Planning Authority on 13th April 2022 and retail advice statement to Local Planning Authority by Jackson Pelling Ltd dated April 2022	
Applicant:	Mr Matthew Wilkinson	
Case Officer:	Richard Limmer	

Recommendation: Approved Conditions and signing of S106	
Item:	3
Application No:	DM/1240/21/FUL
Application Type:	Full Application
Application Site:	Land At Louth Road New Waltham North East Lincolnshire
Proposal:	Erection of 227 dwellings, garaging, creation of new vehicular access on Louth Road, landscaping and associated works (Amended Plans and Description to include 3 additional units)
Applicant:	Liam Tate
Case Officer:	Bethany Loring

Recommendation: Approved with Conditions	
Item:	4
Application No:	DM/0144/22/FUL
Application Type:	Full Application
Application Site:	Woodlands Farm Church Lane Bradley North East Lincolnshire
Proposal:	Retrospective application for the demolition of water pump building, erect new water pump building and retrospective construction of access track for agricultural land and residential property approved under DM/0590/18/FUL
Applicant:	Mr Ron Cook
Case Officer:	Richard Limmer

PLANNING COMMITTEE - 13th July 2022

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

APPLICATION No: DM/0237/21/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Land Off, Littlefield Lane, Grimsby, North East Lincolnshire,

PROPOSAL: Erection of 74 dwellings together with a sales suite, construction of garages, driveways, estate roads, associated infrastructure, raising of ground levels, laying out of natural green space and associated works. 'additional noise assessment' - Amended ball strike assessment December 21 - amended site layout and information dated 8th April 2022

APPLICANT:

Mr Mark Snowden
Keigar Homes Ltd
Keigar Lodge
Barton Upon Humber
DN18 5GR

AGENT:

DEPOSITED: 3rd March 2021

ACCEPTED: 11th March 2021

TARGET DATE: 10th June 2021

PUBLICITY EXPIRY: 27th May 2022

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY:

CASE OFFICER: Richard Limmer

PROPOSAL

The application is for the erection of 74 dwellings together with a construction of garages, driveways, estate roads, associated infrastructure, raising of ground levels, laying out of natural green space and associated works. A sales suite is also proposed.

This application has been brought to Planning committee for consideration due to the number of objections received from neighbours and being called in by the late Cllr Woodward.

This application was deferred from the June Planning Committee for a Committee Member site visit. This is due to be undertaken on Monday 11th July.

SITE

The site is located off Littlefield Lane in Grimsby and measures some 2.6ha. The site was formerly used as sports pitches with a pavilion and changing facilities, the use as playing pitches finally ceased in the early 2000s. The pavilion was then used as a restaurant which later closed in 2015. Following its closure it was subject to various bouts of vandalism and was finally destroyed by fire in 2018. The site is now clear of buildings and is significantly overgrown.

The northern boundary of the site is adjacent to Littlefield Lane and has a high hedge running along the boundary up to the site access adjacent to 36 Carlton Road. The eastern boundary of the site is adjacent to residential properties in Carlton Road and Westminster Drive. It has a mixture of boundary fences, hedges, trees and other vegetation. There is also a public walkway within the site adjacent to the eastern boundary which connects Littlefield Lane and Westminster Drive. The southern site boundary is with the Grimsby Town Cricket Club, there is a palisade fence along the boundary along with overgrown hedging and various trees. The western boundary is adjacent to the allotment gardens with a sporadic overgrown hedge running along the boundary. Between the boundary and the allotments there is a public walkway which connects Littlefield Lane and Westward Ho.

The site itself has been left unmanaged for many years and so is very overgrown and shows various signs of littering, fly tipping and anti-social behaviour. There are signs of the site being used by dog walkers but on the whole has an appearance of wasteland.

RELEVANT PLANNING HISTORY

There are no relevant planning applications on this site. The overall planning use and history of the site is a material consideration that will be discussed in more detail within the report below.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (February 2021)

- 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)

- PO4 - Distribution of housing growth
- PO5 - Development boundaries
- PO22 - Good design in new developments
- PO33 - Flood risk

PO34 - Water management
PO40 - Developing green infrastructure network
PO41 - Biodiversity and Geodiversity
PO42 - Landscape
PO43 - Green space and recreation

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

REPRESENTATIONS RECEIVED

Sport England - no objections subject to conditions for the implementation of acoustic fencing and implementation of ball strike mitigation measures.

Environment Agency - no objections subject to conditions for the implementation of the flood risk mitigation measures set out in the submitted Flood Risk Assessment.

Highways - no objections subject to conditions for construction details and construction traffic management.

Environmental Health - no objections recommend conditions for acoustic fencing, working hours, contamination and construction management.

Anglian Water - no objections subject to a condition for the final details of the surface water drainage connection.

Drainage - no objections to the surface water drainage scheme submitted.

Heritage - no comments

Fire Officer - no objections

Trees and Woodlands Officer - no objections subject to conditions for landscaping details, implementation and biodiversity improvement.

Ecology Officer - in discussion no objections to the proposed scheme subject to a detailed biodiversity improvement scheme being submitted and approved by condition.

Civic Society - object on flood risk grounds

Neighbours

Nos. 9 and 37 Landeck Avenue - support the redevelopment of the site.

The following neighbours have objected to the application:

125A, 129 and 133 Littlefield Lane, Grimsby
16, 19, 32, 34, 35 and 36 Carlton Road, Grimsby
56, 58, 60 and 62 Westminster Avenue, Grimsby
71 Elm Avenue, Grimsby
6 Heathfield Court, Grimsby
24 Seaford Road, Cleethorpes

These neighbours have objected on the following grounds:

- Site access onto Littlefield Lane not being safe;
- Traffic generation from the site on to Littlefield Lane and surrounding highway network;
- General highway safety and amenity;
- Impact on amenities from raised ground levels and finished floor levels;
- The site being located within a flood zone;
- The raising of ground levels within the site which will cause overlooking and dominance;
- Surface water flooding;
- Increased noise and nuisance;
- Impact upon ecology within the site;
- Lack of public engagement and consultation from the applicant.
- Loss of a greenfield and contrary to Local Plan.

Grimsby Cricket Club - Initial concerns over adverse impact on the Cricket Club but following amendments and proposed mitigation objections withdrawn.

APPRAISAL

The material considerations in this case are:

1. Principle of Development
2. Flood Risk
3. Impacts on Neighbours
4. Highways and Traffic
5. Sport, Recreation and Green Space

6. Layout and design

7. Ecology and Bio-diversity

7. Drainage

8. S.106 Matters

1. Principle of Development

The site is located within the main urban area for Grimsby close to Grimsby Town Centre area. Most of the site is allocated as Green Space on the NELLP bar a thin strip of land on the eastern side of the site which is white land without any specific allocation. The site is also within flood zone 3 on the Environment Agency Flood Maps and at flood risk within the Councils Strategic Flood Risk Assessment (severe).

In regard to the location of the site within the main urban area of the town and close to the town centre, it is inherently in a sustainable location. The site has good access to public transport and local services on Littlefield Lane and Cromwell Road. It is also close distance to the main Grimsby town centre area.

Policy 4 (Housing distribution) of the NELLP seeks to deliver the majority of new housing within the Grimsby and Cleethorpes Urban Area, although this site is not allocated for housing it would deliver 74 new homes in the heart of the town and so follows the principle of Policy 4.

Policy 5 of the NELLP seeks to ensure proposals for new development are acceptable in regard to, amongst other things, their location and does not preclude development for new housing on unallocated sites within the defined settlement boundaries.

It is therefore considered that in principle the site is in a sustainable location and accords with the principles of Policies 4 and 5 of the NELLP. However, as the site is located within a flood zone it must first pass the Flood Risk Sequential and Exceptions Tests as set out in Policy 33 of the NELLP and section 14 of the NPPF. This will be discussed in section 2 of this report below.

It is also acknowledged that the Council cannot demonstrate a 5 year supply of housing at this time. The development would, if granted permission, assist in the delivery of housing in the borough.

2. Flood Risk

The site is located within a flood zone on both the Environment Agency Flood Maps and the SFRA and in accordance with Policy 33 of the NELLP and section 14 of the NPPF it must first pass the Sequential Test and then the Exceptions Test before it can be

considered acceptable. The Sequential Test seeks to ensure that the development is located in a location at the lowest risk of flooding possible and then the Exceptions Test seeks to firstly to ensure it delivers wider community benefits that outweighs the flood risk and secondly ensure that the design of the development would make it safe in a flood event.

The applicant has supplied a detailed Flood Risk Assessment, following extended consultation with the Environment Agency, and a detailed Sequential and Exceptions Tests. The Sequential Test has been updated following detailed discussions with Officers.

In regard to the Sequential Test the site is located within the main urban area of Grimsby and close to the defined town centre area in the NELLP. The site presents the opportunity to deliver quality family housing in an area that has been devoid of new development for many years. Opportunities for such development close to the town centre are limited.

The Council have a Memorandum of Understanding with the Environment Agency in regard to development in flood zones and applying the sequential test. This allows for the Council to consider, in exceptional circumstances, residential development in flood zones where it is regeneration scheme. Whilst this specifically favours brownfield sites in the 20% most deprived areas of the Borough it does not totally exclude the regeneration arguments on other sites if material planning considerations allow.

The site is in a poor state and attracts anti-social behaviour, this is evident on and around the site and historically clear in that the previous buildings were burnt down. There is also a history of criminal activity along the public walkways to the eastern and western boundaries of the site.

There are clear opportunities for the site to connect to the Town Centre and provide much needed footfall. There have been fundamental changes over the last few years, not least the impacts of Covid on the vitality of the town centre and the way people engage with retail operators. Grimsby Town Centre as a sub-regional centre has suffered like many such centres in the country and has seen the closure of larger key stores. Much has been made of the potential regeneration benefits the Town Deal will bring and a subsequent town centre master plan has been created to tie development opportunities together in a coherent manner. However, this stops on the edge of the town centre and there are opportunities, such as this site, for quality housing that will further aid the recovery of the town centre due to the linkages they have with it. Fundamentally such developments could not be located elsewhere in the Borough and still have the same impacts. This site is roughly 800m from the edge of the main town centre area which is a reasonable walking distance. On the basis of the positive benefits that developing this site could bring it is considered to be a regeneration site where the benefits delivered could not be achieved elsewhere. It is therefore recommended that the material planning considerations are such that the Sequential Test is passed, and it now moves on to consider the Exceptions Test.

The first part of the Exceptions Test is to determine whether the community benefit delivered outweighs the risk of flooding. The proposed development would deliver the standard requirements for residential development within the borough such as financial contributions towards education, financial contributions towards children's play equipment, a mix of housing and public open space within the site. In addition to this there is a commitment to improve the public footway along the western boundary to be 3m wide and the development would provide better natural surveillance. This should increase the confidence of the community to use the path without fear of crime. The eastern public footway would be encapsulated within the development and overlooked throughout its length within the site. There have also been extensive discussions with Grimsby Town Cricket Club in regard to gifting part of the site to them to include within their playing area and help to improve their facilities. When considering these factors, which would be secured through conditions, alongside the very fact that the site itself would be significantly improved and the opportunity for crime and anti-social behaviour reduced it is considered that the proposed development would result in wider community benefit that outweighs the risk of flooding. This is in addition to the wider benefits stated above in meeting the sequential test.

The second part of the Exceptions Test is to ensure that the development is safe throughout its lifetime and for its users, does not increase the risk of flooding elsewhere and where possible to reduce the overall risk of flooding. This is primarily where the applicants work with the Environment Agency comes in. The development platform, where the dwellings would be built upon, must be raised to 3.5m AOD and the finished floor levels must be 4.1m AOD. This means a significant increase in the levels on the site of up to 1.3m for the development platform with finished floor levels required to be up to circa 1.9m above existing ground levels. The consequences of this will be discussed in the report below but in flood risk terms would make the site safe. The Environment Agency have reviewed the proposal and concur that the proposed measures set out in the Flood Risk Assessment are acceptable and would make the development safe whilst not increasing the risk of flooding elsewhere. The proposal is therefore considered to pass the Exceptions Test, subject to a condition securing the measures set out in the Flood Risk Assessment as advised by the Environment Agency.

It is therefore considered that the proposed development does constitute a regeneration opportunity that would bring about benefits that could not be achieved by locating the development elsewhere in the Borough. The development has been designed to be safe in a flood event and would not increase the risk of flooding elsewhere and also delivers wider community benefits. It is therefore considered that both the Sequential and Exceptions Tests are passed, and the proposal accords with Policies 5 and 33 of the NELLP and section 14 of the NPPF.

3. Impact on Neighbours

Policy 5 of the NELLP seeks to protect neighbouring land uses from undue impact caused by new development. In this instance the proposed development would see a significant change to the site with the raising of the ground levels across the site and

building of houses with significantly higher finished floor levels than the site as it sits today. Neighbours have raised concerns over the potential impact this may have upon their residential amenities.

The site is positioned with the allotments to the west and the cricket club to the south. The residential neighbours are therefore focused to the north and east on Littlefield Lane, Carlton Road and Westminster Drive. The proposed scheme has been drawn up with these neighbours in mind and the proposed dwellings positioned so they are set away from the boundaries with these neighbours. Plots 1-7 front on to Littlefield Lane and are positioned approximately 22m from the far side of the road and 28m from the closest front elevation of the neighbour's opposite. Plot 1 sits at the entrance to the site and has a side elevation facing towards Carlton Road, there is 12m from the side elevation to the site boundary. The site access road runs between the proposed dwellings and the neighbours in Carlton Road and Westminster Drive. Typical separation distances of between 14m and 18m are achieved from the front elevations of the proposed dwellings and the rear boundaries with the neighbours. It is acknowledged that these neighbours would have a change to their outlook, especially with the raise in ground levels, at the rear due to the proposed development but with the separation distances achieved to the boundaries and then their own rear gardens creating distances, in excess of 25m, means that there would not be an undue impact upon their residential amenities in accordance with Policy 5 of the NELLP.

4. Highway and Traffic

Policy 5 of the NELLP seeks to ensure that new development proposals do not cause undue impact to highway safety and amenity due to their design or traffic generation. It is noted that many of the neighbour comments received raise concerns over the proposed development and the impact upon highway safety and amenity. The application has been submitted with a detailed Transport Assessment.

The site access is currently located in the north east corner of the site on to Littlefield Lane, the proposal sees that upgraded to accommodate the proposed dwellings. The Transport Assessment provided details that the proposed design of the junction achieves the necessary visibility splays for the area in both directions along Littlefield Lane. The proposed development would generate more traffic than the site did historically either as a restaurant or sports club. However, the overall traffic generation for 74 dwellings would not be significant and would not cause a severe impact on the highway network. This has been considered by the Highways Team and they concur with the findings of the Transport Assessment. No off-site improvement works are required as a result of the development.

It is also noted that the site is located in a sustainable location with good access to bus routes on Littlefield Lane and Cromwell Road. It is also within reasonable walking distances to services on Cromwell Road and the town centre. The reliance upon the motor car for everyday journeys is therefore less than more sub-urban locations.

It is therefore considered that the proposed development would not have a severe impact on either highway safety or amenity in accordance with Policy 5 of the NELLP.

5. Sport, Recreation and Green Space

The site is allocated on the NELLP as Green Space and was formerly used as playing pitches. In terms of functional Green Space this site has limited value. It is a private site with no formal public access, although it is used by dog walkers. The Ecology Survey for the site does not raise any part of the site as having significant ecological value. It is not considered that the loss of this site would therefore have any significant impacts. However, in response to the loss of the site as Green Space the applicant has amended to the design of the site by including an area of Public Open Space within the site which will have public access. So, in terms of Policy 43 it is considered to be acceptable.

The applicant has provided a detailed Planning statement which sets out robustly that the site is no longer playing pitches and has not been for some time. This is acknowledged in the NELLP allocation which does not include playing pitches and nor is it included in the NELC Playing Pitch Strategy. It is therefore considered to no longer be playing pitches and so the loss is not a ground for objection. Sport England have confirmed that they do not object to this position.

The site is located adjacent to the Grimsby Town Cricket Club and as such there is potential for ball strikes to happen from the adjacent ground. There has been extensive discussion and negotiations with Sport England, the ECB and the cricket club over the extent of the potential strikes. The development has been amended to respond to a detailed Ball Strike Assessment and a portion of land within the site to be gifted to the cricket club ensure that the development is safe from ball strikes. This is acknowledged and supported by all parties. The cricket club have confirmed that they wish to take the land subject to it being first prepared by the developer and suitable boundaries erected. These matters can be secured by conditions. Sport England have requested conditions be imposed to ensure that the ball strike mitigation measures are fully in place prior to the occupation of the dwellings along the southern edge of the site.

In recognition of the historical use of the site as playing pitches and to respond for the need to achieve wider community benefits the applicant has proposed that they would also contribute £10,000 (and/or to provide a gas connection to the clubhouse) to the cricket club to develop their facilities and sporting provision. This accords with the principles of Policies 6 and 43 of the NELLP.

It is therefore considered that with a number of safeguarding conditions and the contribution to the cricket club the proposed development would not represent an undue loss of green space, would be safe in regard to ball strikes and would offer wider community benefit through the development of sporting provision at the cricket club. The proposal therefore accords with Policies 5, 6 and 43 of the NELLP.

6. Layout and design

Policies 5 and 22 of the NELLP and the National Design Guide seeks to protect the visual character of the area and reinforce good design in new development. The site as it stands adds little to the character and quality of place in the immediate area. There are features which are beneficial such as trees around the site and the hedge fronting onto Littlefield Lane and that it is an open area. However, in general the landscaping around the site is not of any great quality and has not been maintained for many years.

The site is located within the main urban area of the Borough and to the north, east and further to the west is typically urban in character and appearance. There is a range of housing types, sizes and designs which include detached, semi-detached and some terraces. The proposed development responds to this with a similar housing mix of detached and semi-detached houses and includes features such as bay windows, projecting gables, large front gardens and detached garages. The scheme also includes landscaping around the site boundaries and along the main street with street trees. There is also an area of public open space created in the south east corner of the site.

In terms of layout the development is well arranged with outward looking dwellings over the open space and Cricket Club and the footpath that links Littlefield Lane to Westminster Drive. Boundary treatments and orientation are also acceptable onto the footpath that links Littlefield Lane to Westwood Ho. This route is further enhanced through the proposed widening of this footpath,

Whilst the proposed development will cause a change to the visual appearance of the area it is considered to be of a good design that will deliver quality family housing akin to the surrounding area. The site layout and house designs respond to the wider character and the appearance of the area. It is therefore considered that the proposed development accords with Policies 5 and 22 of the NELLP and the National Design Guide.

7. Ecology and Bio-diversity

Policy 41 of the NELLP seeks to protect and enhance biodiversity within the borough and for new developments it aims to achieve an improvement to the biodiversity value of the site. The site is a green space within the urban environment and as such the application has been submitted with a detailed Ecology Appraisal and a Biodiversity Improvement Plan. The site has been assessed is not considered to be of significant ecological value. It is made up of unimproved grassland and mixed hedging and trees. Its main function is supporting foraging hedgehogs, nesting birds and feeding bats but its overall value is not significant.

The submitted Biodiversity Improvement Plan sets out the principles of how the site could be developed to provide better quality areas for biodiversity and how mitigation measures can be built into the development. This includes the planting of various species of grassland and trees within the landscaping scheme. It also includes physical features

such as Bat Bricks, Swift Bricks and hedgehog friendly fences. The final details of where these features will be included can be secured by condition.

It is considered that the proposed development, with the conditions included for the final details of the biodiversity improvement features and a management plan, would accord with Policy 41 of the NELLP.

8. Drainage

Policy 33 of the NELLP and section 14 of the NPPF seek to ensure that new development does not increase the risk of flooding but also manages surface water in a sustainable manner. Given the requirements of the Flood Risk Assessment and the requirements of the development to respond to its location within flood zone 3 the surface water drainage scheme is equally important. The application has been submitted with a full surface water drainage scheme which includes sustainability features such as swales and permeable paving. The Drainage Team have considered the proposed system and have no objections to it. Anglian Water have commented requesting a condition for a final design that considers if there is a separate surface water sewer that the site can connect into rather than the combined sewer. It is considered that this condition should be included but the principles of the submitted scheme are acceptable and in accordance with Policy 33 of the NELLP.

9. S.106 Matters

The site is located in a low value area in the Housing Market Value Areas map in the NELLP and as such Policy 18 does not require any affordable housing to be provided on the site.

The site is in the main urban area for Grimsby and would attract additional families requiring schools. As such Policy 6 requires financial contributions towards both primary and secondary education. This requirement equates to:

Primary

£11,276.44 per 4 dwellings = £202,975.92

Secondary

£16,991.48 per 5 dwellings = £254,872.20

The scale of the proposed development means that Policy 43 requires that children's play equipment is provided either on site or off site. In this instance discussions have been held with the Council's Strategic Lead for Environment about whether an off-site provision would be more beneficial to the wider community. There is an existing open space and play area at Kingston Gardens, a short distance from the site, which is suitable for expansion. In order to deliver new equipment and general improvements to that area a financial contribution of £50,000 has been agreed.

As discussed above in section 6 the applicant recognises the historic loss of the playing pitches and the wider requirement to improve sporting provision in the area. As the site is directly adjacent to Grimsby Town Cricket Club there is a direct correlation between the development and that club. To mitigate the historic loss a contribution of £10,000 is proposed and in discussions with the cricket club this has been agreed as either the financial contribution or the provision of a gas connection to the club house and a financial contribution less the cost of the gas connection. This contribution will allow the cricket club to improve their overall facilities to the benefit of the sport provision on the site. This is in accordance with Policies 6 and 43 of the NELLP.

CONCLUSION

The proposed development has been assessed against the requirements of the NELLP and the NPPF with particular reference to flood risk and sustainability. The sequential and exceptions tests are considered to have been passed and there are no objections from key consultees such as the Environment Agency. The proposal also offers wider community benefits that can be secured through either conditions or a s.106 legal agreement. The development would not cause any undue impacts on residential amenity, highway safety and amenity, the character and appearance of the area or biodiversity. It is therefore considered that the proposal accords with Policies 5, 6, 22, 33, 40, 41, 42 and 43 of the NELLP and the NPPF and is recommended for approval subject to the signing of the Section 106 Legal Agreement.

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:

Site Layout Plan LL/142/03 P

Surface water drainage strategy suds features - II/142/04 e

Utility route - II/142/05 d

Road dimensions - II/142/06 d
Adopted highway road construction - II/142/07 d
Materials - II/142/08 e
Drainage layout - II/142/09 e
Site sections - II/142/10 d
Ecology - II/142/13 d
Landscaping II/142/14 f
Car parking provision - II/142/15 f
Levels - II/142/17 g
Boundary treatment - II/142/19 a
Acoustic fencing layout plan - II/142/20 c
Boundary fencing adjacent GTTC layout plan - II/142/21 b
Ancholme style 1 - plot 17-20, 23-26 - aa/as/19/101
Ancholme style 3 - plot 58-63 - aa/as/19/103
RH Haddon style 2 - plot 68, 73 - hd/as/16/103
RH Buckingham style 3 - plot 7, 9 and 32 - bu/as/18/103
RH Duchess style 3 - plot 6, 33 and 71 - du/as/18/103
LH Duchess style 3 - plot 1, 8 and 36 - du/op/18/103
LH Duchess style 2 - plot 10, 67 and 74 - du/op/19/102
Haywood style 2 - plot 49-50 - hh/as/18/102
Haywood style 3 - plot 64-65 - hh/as/18/103
RH Haywood style 3 - plot 48 - hy/as/18/103
LH Haywood style 3 - plot 31, 66 - hy/op/18/103
RH Kingston style 2 - plot 5, 11 and 21 - ki/as/18/102
LH Kingston style 2 - 4 and 69 - ki/op/18/102
LH Kingston style 3 - plot 2, 14 and 72 - ki/op/18/103
LH Wordsworth style 1 - plot 55 - w/as/18/101
LH Wordsworth style 2 - plot 12, 22, 35 and 70 - w/as/18/102
LH Wordsworth style 3 - plot 15 - w/as/18/103
RH Wordsworth style 2 - plot 3, 13 and 34 - w/op/18/102
RH Malvern and Cleveland style 1 - plot 41-42 - mc/as/19/101
RH Malvern and Cleveland style 2 - plot 45-46 - mc/as/19/102
LH Malvern and Canterbury style 1 - plot 27 and 28 - mc/op/19/101
RH Malvern and Canterbury style 1 - plot 29, 30, 39 and 40 - mca/as/18/101
LH Malvern and Canterbury style 1 - plot 37, 38, 53, 54, 56 and 57 - mca/op/18/101
Canterbury style 2 - plot 43-44 - ca/as/19/102
RH Canterbury style 2 - plot 52 - ca/as/19/102
LH Canterbury style 1 - plot 47 - ca/op/19/101
RH Stanford style 3 - plot 16 - st/op/19/103
Garages - plot 18-19 and 24-25 - ga/lf/p24-25
Garages - plot 31 and 66 - ga/lf/p31 and 66
Garages - plot 59 -64 - ga/lf/p59-65
Garages - plot 9 and 32 - ga/lf/p9 and 32
Plot 7 - annex - ga/lf/p7

Reason

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

(3) Condition

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

Reason

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

(4) Condition

No development shall commence until the final details of the scheme for the provision of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall be implemented 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, 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 (both during demolition and construction);
- Construction traffic management plan.

Reason

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

(6) Condition

No development shall commence until:

- (a) A scheme of landscaping showing the details of the number, species, sizes and planting positions of all trees and shrubs to be planted;
- (b) A plan including details of all trees to be retained, any to be felled, hedgerows to be retained, any sections of hedgerow or trees to be removed;
- (c) Measures for the protection of trees and hedges during construction work;
- (d) Details of the implementation of the approved Landscaping Scheme and delivery of the public open space area;
- (e) A detailed scheme for the management and maintenance of the landscaping scheme;
- (f) Details of all existing boundary planting to be retained

have been submitted to and approved in writing by the Local Planning Authority. All landscaping and public space shall be provided in accordance with the details and timings approved.

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

(7) Condition

Prior to any works commencing on site a detailed scheme for the import of all material in connection with the raising of ground levels shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- The amount of material;
- The type of material;
- Confirmation that it is safe to be used;
- A Traffic Management Scheme;

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

Reason

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

(8) 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).

(9) Condition

Prior to the commencement of development details of any necessary remediation of the site where the former building once stood prior to demolition shall be submitted to and approved in writing by the Local Planning Authority. Remediation shall be carried out in accordance with the details approved and prior to the commencement of any development, other than for site investigation works, (or as agreed through phasing) a verification report must be prepared and submitted for approval in writing by the Local Planning Authority. 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).

(10) Condition

Plots 27 to 36 and 48 to 52 (inclusive) shall not be occupied until the ball strike and acoustic mitigation measures as set out in the Labosport Boundary Risk Assessment, Report Number LSUK.21-0081, version 3.0 and the Noise Assessment Report dated 2 September 2021, have been constructed and installed in full. The ball strike and acoustic mitigation measures required by this planning condition shall include the security fence and acoustic fences, as detailed on the acoustic fencing layout plan, drawing number LL/142/20, and the glazing and ventilation recommendations as set out in the Noise Assessment Report.

Reason

To provide protection for the occupants of the development from ball strike and noise from the adjacent playing field and to accord with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(11) Condition

Plots 27 to 36 and 48 to 52 (inclusive) shall not be occupied until details of the management and maintenance of the ball strike and acoustic mitigation measures as set out in the Labosport Boundary Risk Assessment, Report Number LSUK.21-0081, Version 3.0 and the Noise Assessment Report dated 2 September 2021 have been submitted to

and approved in writing by the Local Planning Authority, following consultation with Sport England. The approved details shall include the security fence, open space and acoustic fences as detailed on the acoustic fencing layout plan, drawing number LL/142/20 and the glazing and ventilation recommendations as set out in the Noise Assessment Report.

Reason

In order to ensure that the ball strike and acoustic mitigation is managed and maintained and to provide protection for the occupants of the development from potential ball strike and noise from the adjacent playing field and to accord with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(12) Condition

Prior to development commencing a detailed Biodiversity Improvement Plan and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall also set out the timing for the delivery and installation of the approved Biodiversity Improvement Plan once the scheme has been completed it shall then be managed and maintained in accordance with the approved Management Plan.

Reason

In the interest of biodiversity improvement in accordance with Policy 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(13) 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;
- (i) the relocation of the bus stop on Littlefield Lane.

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).

(14) Condition

No development shall commence until details showing the upgrade of the foot way/cycleway link, connecting Littlefield Land and Westward Ho, to a minimum of 3m, for the full length of the link and the provision of a barrier on the footpath link through to Westminster Drive have been submitted to and approved in writing by the Local Planning Authority. The upgrade works should be completed prior to the occupation of any dwelling.

Reason

To ensure safe and suitable access links and for highway safety in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(15) Condition

Prior to development commencing full details of how and when the land hatched green on the plan ref:LL/142/03 Rev P will be transferred to Grimsby Town Cricket Club, shall be submitted to and approved in writing by the Local Planning Authority. This shall also include full details of what condition the land will be in at the point of transfer.

In the case that the land is not transferred to Grimsby Town Cricket Club it shall be fenced off with no public access and a scheme for its on-going management shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any of the plots 27-36 and 48-53 (inclusive).

Reason

In the interests of health and safety and sporting provision in accordance with Policies 5 and 43 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(16) Condition

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (February 2021/ Final RevC Ref 2020 2452/ prepared by EWE Associates Ltd) and the following mitigation measures detailed within the FRA:

- The proposed development platform to be set no higher than 3.5m above Ordnance Datum (AOD);
- Finished floor levels to be set no lower than 4.1m AOD;
- The dwellings to have at least two storeys.

The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.

Reason

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

(17) Condition

Prior to occupation of any 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).

(18) Condition

Prior to development commencing final level details for the site and full details of all boundary treatments and how the approved site levels will tie into the site boundaries including any required drainage shall be 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

In the interest of amenity and reducing flood risk in accordance with Policies 5 and 33 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(19) Condition

Each dwelling before its occupation shall be provided with an electrical vehicle charging point as detailed in the submitted electrical vehicle charging statement.

Reason

In the interests of air quality to accord to Policy 2 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

Informatives

1 Informative

The Building Regulations now require electric vehicle charging points to be installed on new dwellings.

2 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.

3 Informative

The Environment Agency recommend that the future occupants of the dwellings fully sign up to Floodline Warnings Direct. This can be done online at <https://www.gov.uk/sign-up-for-flood-warnings> or by phoning Floodline Warnings Direct on 0345 988 1188.

We recommend that consideration be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing electrical services into the building at a high level so that plugs are located above possible flood levels. Please refer to 'Improving the Flood Performance of New Buildings - Flood Resilient Construction' (DCLG 2007) for information on flood resilience and resistance techniques to be included. This is available online at <https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>.

4 Informatives:

As works are required within the existing highway, in accordance with Section 278, Highways Act 1980, in order to enable the development to take place, please contact the Highway Management Team at least 6 months in advance of the commencement of works (Tel: 01472 324505).

If the highways within the site are to be adopted by the Council, in accordance with Section 38 of the Highways Act 1980, please contact the Highway Management Team six months in advance of the commencement of works. (Tel: 01472 324505)

5 Reason for Approval

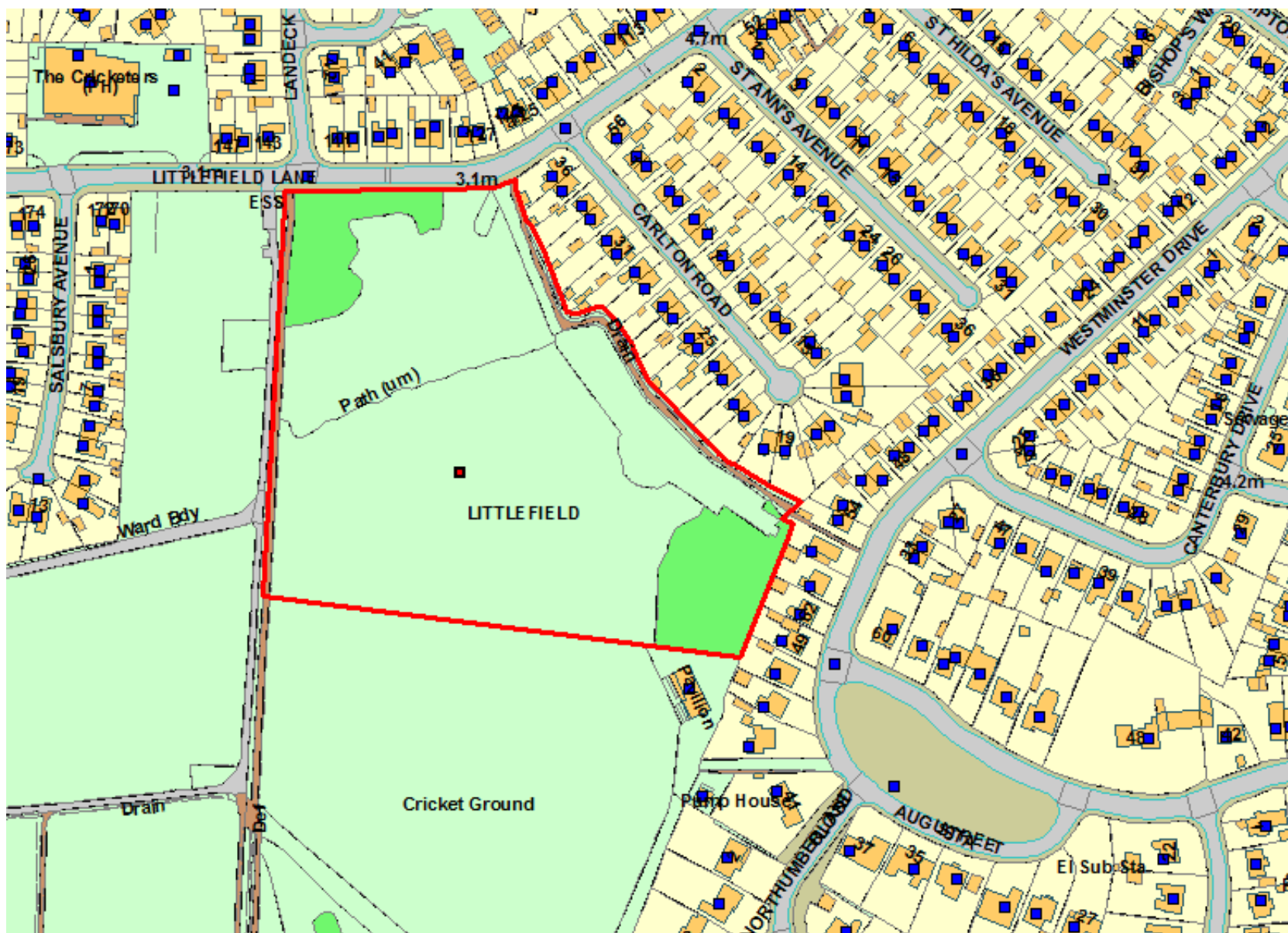
The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or residential amenity and is acceptable under all other planning considerations. This proposal is approved in accordance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

6 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 to overcome issues as they came up through the planning process.

DM/0237/21/FUL – LAND OFF LITTLEFIELD LANE, GRIMSBY



DM/0237/21/FUL – LAND OFF LITTLEFIELD LANE, GRIMSBY



PLANNING COMMITTEE - 13th July 2022

ITEM: 2 **RECOMMENDATION: Approved Conditions and signing of S106**

APPLICATION No: DM/0210/21/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Former St John Fisher Rc Church, Waltham Road, Grimsby, North East Lincolnshire, DN33 2NA

PROPOSAL: Demolish former St John Catholic Church Hall and erect a single storey building comprising of 1no. convenience store (Use Class E (a)) and 1no. funeral services building (Use Class E (c)(iii) with service yards, hard and soft landscaping, alterations to existing access, creation of additional new access and associated works in accordance with amended layout plan J2041 00104 Rev D received by the Local Planning Authority on 13th April 2022 and retail advice statement to Local Planning Authority by Jackson Pelling Ltd dated April 2022.

APPLICANT:

Mr Matthew Wilkinson
Lincolnshire Co-operative Limited
Stanley Bett House
15-23 Tentercroft Street
Lincoln
LN5 7DB

AGENT:

James Grogan
Framework
3 Marine Studios
Burton Waters
Lincoln
LN1 2WN

DEPOSITED: 25th February 2021

ACCEPTED: 10th March 2021

TARGET DATE: 5th May 2021

PUBLICITY EXPIRY: 21st May 2022

AGREED EXTENSION OF TIME DATE: 15th July 2022

CONSULTATION EXPIRY: 4th April 2021

CASE OFFICER: Richard Limmer

PROPOSAL

This application seeks permission to demolish former St John Catholic Church and Hall and erect a single storey building comprising of 1no. convenience store (Use Class E (a)) and 1no. funeral services building (Use Class E (c)(iii) with service yards, hard and soft landscaping, alterations to an existing access, creation of additional new access and associated works.

The neighbourhood store to be operated by Lincolnshire Co-operative Society. The proposed convenience store (Use Class E(a)) will have a with a net sales area of up to 280sqm and with the inclusion of non-trading floorspace comprising storage/back of house the overall gross floorspace of the proposed convenience store is advised to be 380sqm. The proposed development also includes a funeral service building (Use Class E(c)(iii)) with a floor area of 108sqm.

SITE

The site is located at the former St. John Fisher Church Hall, Waltham Road, Scartho, Grimsby. The nearest designated shopping facilities to the site are approximately 250m north at Scartho Road Local Centre.

To the north, south and west of the site are existing dwellings. The east is bounded by perimeter trees within the boundary of the site and Waltham Road, beyond which are existing dwellings facing Waltham Road. To the south and part west the site is bounded by a public footpath, which leads between the subject site and existing residential to Derry Way to the west.

RELEVANT PLANNING HISTORY

None

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (February 2021)

NPPF7 - Ensuring the vitality of town centres
NPPF11 - Making effective use of land
NPPF12 - Achieving well designed places
NPPF15 - Conserv. & enhance the natural environ.

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

PO5 - Development boundaries
PO22 - Good design in new developments
PO23 - Retail hierarchy and town centre develop
PO28 - Local centres
PO33 - Flood risk
PO34 - Water management
PO42 - Landscape
PO29 - Social and cultural places

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

REPRESENTATIONS RECEIVED

Highways Officer - Concerns from local residents that the increased traffic from the development will be detrimental to the highway network are noted. As main part of the site is to be that of a co-op store the majority of trips to the development will be those of "pass-by" trips. The other part of the site, a funeral services, has demonstrated that it will not see a significant amount of trips on a daily basis and will not therefore show a significant increase in trip generation to and from the site. The Highway Authority is content with the number of parking spaces shown on the site plans for those customers visiting the developments. In conclusion, the Highway Authority is content that the proposals put forward will not have a severe impact on the adjoining adopted highway network. Conditions in relation to construction management and access works recommended.

Environmental Health - Noise assessment reviewed and conditions recommended in relation to delivery hours and operation.

Drainage Officer -The drainage information and scheme supplied is acceptable.

Heritage Officer - Scheme of Archaeological Works recommended as a condition.

Crime Reduction Officer - Reference is made to advice and guidance in the secured by design commercial guidance document.

Trees and Woodlands Officer - Advice on the retention of trees and the species to be planted. Proposed trees acceptable.

Neighbours and other representations

95, 96 , 97, 99, 101, 105, and 110 Waltham Road
6 Hawthorn Avenue
16 Olde Farm Court, South Kelsey
Newlands, Hawthorn Avenue
38 Gloucester Avenue
238 Grimsby Road
13 Taunton Way
Park Avenue

Flat 3, 6 Regent Gardens

All object on the grounds of;

- Adverse environmental impact, pollution and adverse impact on adjacent Conservation Area
- No need for the development and adverse retail impact on existing local centres. Fails the sequential test under retail analysis
- Councils retail assessment not acceptable
- Adverse impact on highway safety and amenity and will cause congestion
- Loss of trees and greenery and impact on wildlife
- Loss of a community facility and church
- Adverse impact on local heritage
- Noise and disturbance from construction and at operational stage, light pollution
- Out of character with surroundings and funeral home inappropriate
- Demolition releases carbon
- Site should be for housing if redeveloped
- Submitted details incorrect
- Poor consultation
- Set a bad precedent for poor development
- Adverts would be intrusive
- Drainage concerns

105 Waltham Road - Supports the proposal if sympathetic. However objects if trees are to be removed.

JMS Planning Consultants on behalf of Spar Group object on the grounds that;

- The sequential test assessment is not extensive enough and should have a wider catchment
- There is no justification for the retail use or funeral services use. The retail impact assessment is inadequate and there are concerns as to the trade diversion from the existing Spar and other convenience shops undermining the Scartho local centre vitality and viability.
- There is no consideration as to the impact on the Scatho Top local centre. Reference is made to the Forsythia Drive application DM/0400/19/FUL which the applicants consultants advised the local authority and raised concerns at. There is a lack of consistency in retail assessment.
- Concerns raised as to the impact on the Post Office at the Spar shop which as a community facility should be considered separately from retail impact. Case law is provided to support this case.
- Concerns raised at the loss of a community facility in the church hall being demolished.
- Concerns raised at loss of trees and biodiversity and adverse impact on residential amenity.

Further comments made following the Councils own retail advisors initial assessment.

Remain of the view that the application proposal involves an inappropriate development outside a designated centre. Concerns initially highlighted have not been addressed.

No further comments on notification of Councils final retail advice.

102 and 103 Waltham Road and Snowdrop Cottage- Support the proposal on the grounds that the development is a good use of a redundant site and the highway works are acceptable and safe. Number 102 notes they have engaged with the developers and consider that concerns have been taken into account including highway concerns. It is considered that it would be beneficial to keep the trees but acknowledge that they have to be removed. It is accepted that the site is open for development and to this end the community focused retail proposal is a better option. Tighter controls of delivery hours are however requested.

APPRAISAL

The material considerations are:

1. Principle of Development
2. Visual Amenity and Character
3. Impact to Neighbours
4. Highways
6. Flood Risk and Drainage

1. Principle of Development

The site is located within the urban area of Grimsby where development of key services and facilities are in principle supported, policy 3. The site is previously developed and is located close to high frequency bus routes with adequate pedestrian infrastructure within the area. However, the site is outside a designated town, district and local centre and Policy 23 states that for retail and leisure floorspace comprising 200 sq.m gross or more will only be acceptable if it is demonstrated that:

A. the development cannot be accommodated on a suitable site within first, the identified primary shopping frontages, then, within the defined town centre boundary, including identified opportunity sites, or finally close to, the town centre boundary (sequential test); and,

B. the proposed site is accessible and well-connected to the town centre; and,

C. development will not adversely impact upon the vitality and viability of any of the town centres, (impact test) having regard to: i. committed, planned or proposed public and private investment in the town centres; ii. evidence as to retail expenditure capacity which shows that the development would not adversely impact upon consumer choice and existing town centre trading levels.

The application is supported by an assessment of the proposal's retail impact on nearby local centres along with a sequential assessment of alternative sites. There has been further information provided as the application has been considered.

The applicant has indicated that the store seeks to serve a local top up shopping catchment although accepts that its location along a main urban route would capture some top up shopping from passers-by. The proposed development exceeds the 200 sq.m threshold and is located outside of defined retail areas in the Local Plan and could therefore have an impact on existing local centres in the area. As a result of this a sequential assessment of alternative sites within the area has been undertaken and a specialist retail consultant has been utilised by the Council to assess the detail provided.

Having considered the report submitted by the applicant and having visited the area the Council's retail consultant notes in his report that the applicant's sequential test analysis has focused upon the local area within which the site is located, and the proposed store is expected to predominantly serve. The search area is agreed though it is felt that the proposed store will also draw trade from beyond this local area by virtue of car-borne pass by trade. The applicant's review of Scartho Road and Coniston Avenue Local Centres does not identify any suitable or available alternative premises or sites which could accommodate the proposed development. This has been reviewed and it is agreed that neither the Scartho Road or Coniston Avenue Local Centres have suitable and available sites capable of accommodating the proposed development and the sequential test is passed. It is recommended that the applicant's sequential assessment be accepted with respect to the requirements of policy 23(4)A.

The site is located in a main built-up area of Grimsby in the suburb of Scartho. It is served by bus routes and is located on a well-lit footway and an area that can be easily accessed by cycle. The geographical area the store seeks to serve will be able to access it by means other than a car. The site is in a sustainable location therefore meeting criteria policy 23 (4)B.

The third assessment required under policy 23(4)C is the potential impact on the vitality and viability of existing centres. Here the applicant and the Council's adviser have differed in their approach.

The applicant's highlight the issues in relation to quantitative trading and turnover analysis based upon the use and reliability of household shopper surveys when considering local shopping patterns and on this basis have not provided the quantitative retail impact analysis that was requested of them, and which was considered necessary to fully

understand the impacts of the proposed store. Specifically, their response states:

"It is not however possible with any accuracy to determine the exact level of trade draw from individual retailers, notwithstanding there is considered to be surplus capacity within the locality which is not drawn to either local centre to provide sufficient comfort that the proposed store will not impact on the health of the existing defined local centres of Scartho Road or Coniston Avenue. Those retailers from which trade is clawed back from in further afield locations across zone 2 and beyond are many and varied, and the loss to each individual shop is anticipated to be de minimus."

The Council's advisor agrees that there are shortcomings and limitations to the use of shopper surveys and in their experience such surveys will tend to overstate use of larger main food stores whilst under recording the use of smaller convenience stores and local centres. Furthermore, since the 2013 household survey which underpins the Council's retail and town centres evidence base, there has been a shift in food shopping patterns which has seen greater uptake in on-line shopping and consumers shopping more regularly at smaller sized food shops.

Notwithstanding the above on accuracy the Council's advisor does consider that to provide a view on trading impacts, modelling should be undertaken to test potential for trade diversions on the basis of reasonable assumptions and professional judgements. As a result, such an analysis has been adopted but, on a benchmark, rather than market share-based turnover.

To this end the proposed store would be expected to draw trade on the basis of like competing with like and proximity. It is inevitable therefore that Scartho Road Local Centre and Coniston Avenue Local Centres will be subject to trade diversions. The proposed store will also provide additional provision within the local catchment area, and it should achieve a level of claw-back turnover from residents who will find the proposed store convenient and may be using larger stores or topping up at other stores or centres. Additionally, there will be an element of pass by trade and the store would be expected to draw some trade from outside the Grimsby/NE Lincolnshire area again from pass by trade of visitors to the area.

Trade diversion and turnover impact analysis has been prepared for Scartho Road and Coniston Avenue Local Centres and it is anticipated that impacts of 8.5% and 12.5% are predicted for SPAR, Scartho Road and Co-Op Conistone Avenue respectively. Overall, the trading impact on Scartho Road Local Centres convenience shops (SPAR and Others combined) is estimated to be 6.6%.

When assessing impact, there is no set threshold above which a percentage trading impact would be considered significantly adverse and trading impacts need to be considered in the context of the health of centres being impacted and how impact would affect the centres vitality and viability and planned investment.

In terms of health/vitality and viability, the applicant's submission provides some details

on the composition and vacancy levels within Coniston Avenue and Scartho Road Local Centres in the Retail Assessment (February 2021) submitted with the application. To check the analysis and form conclusions on vitality and viability to be able to advise the Councils advisor undertook a review based on centre visits in February 2022.

The vacancy rate in the Local Centre was noted as low and this comprises two units - a small former café unit which had become vacant and a larger (double unit) which was last in use as a chemist/pharmacy. Scartho Road Local Centre was busy. On street and off-street car parking was well used, indicating that custom is car-borne as well as walk-in catchment area trade. There was evidence of recent investment in premises.

The Councils advisors view is that the Scartho Road Local Centre is in good health and its vitality and viability is demonstrated by its low level of vacancy, car borne and walk in trade and its apparent resilience to the difficulties retailing and town centres have faced over the last two years.

In the context of Scartho Road Local Centre being a healthy centre, the predicted levels of turnover diversion and impact on the overall convenience shopping provision is not at a level that would be considered significantly adverse. The highest impact would be upon the SPAR store which based upon the visit does appear to be trading well and benefits from some linked shopping/spend with the PO Counter within the store. Whilst objections are made to the application on behalf of the SPAR owners AF Blackmore & Sons Ltd, these objections do not refer to any particular trading or viability issues with the store.

Coniston Avenue Local Centre is much smaller than Scartho Road and comprises only 4 units, one of which is convenience retail (Co-Op), and the others are all in service use. There are no vacant units. The centre is less busy than Scartho but that is a reflection of its smaller size and more limited attraction. The Co-Op store appeared to have a reasonable level of trade and there was a mix of car-borne and walk-in trade observed. Whilst it is considered that the centre is healthy, it is small scale and more akin to a neighbourhood shopping facility than a Local Centre.

The level of trade diversion and turnover impact upon the Co-Op store at Coniston Avenue is estimated to be 12.5%, this is a relatively high level of impact upon what is the only food shopping store within the defined Local Centre and if this impact was to lead to the closure of this store, then the impact would be considered to be significantly adverse to the Centre overall.

However, the applicant has advised that they do not intend to alter the retail offer they provide at Coniston Avenue and the existing Co-Op store will continue to trade if the food store at the application site is approved and developed. Given the potential significantly adverse impact that would arise if the Co-Op at Coniston Avenue was to close, it has been advised that if the Council are minded to approve the application, then the Applicant be asked to provide a legal undertaking that their existing Coniston Avenue store remains open/trading for a period of time (to be agreed but suggested not less than 5 year) after the application store has commenced trading. The applicant has agreed to such an

undertaking on the basis that the unit be used as a Co-Op for at least 3 years and then as a retail unit generally for at least another 2 years (5 years in total). This is considered acceptable.

In terms of planned investment none is known for Scartho or Coniston Local Centres and therefore there will not be any adverse impacts in this regard.

Having regard to the above and the detailed independent analysis of the Councils own retail advisor, whose advice is accepted, it is not considered that there are grounds to object to the proposal on the grounds of adverse impact on the viability and vitality of the existing Local Centres. This is subject to planning conditions defining the retail elements and the completion of a Section 106 Legal Agreement as noted. The proposal would not therefore conflict with policy 23(4) C.

The objections to the development have been fully considered in terms of the retail impact. This is one of the reasons why the Council has commissioned its own retail advice. The above addresses the sequential and potential trade impacts on the vitality of viability of local centres. In terms of local facilities reference is made to the potential impact on the Post Office at the existing Spar and that this is a separate consideration. In particular that if the Spar ceased to trade then the Post Office counter could be lost which would result in the loss of a community facility. This is acknowledged but the retail analysis undertaken concludes that the retail impact should not be detrimental to the Spar Shop and therefore by consequence the services it provides. Moreover, there is another Post Office at the Co Ops own existing retail unit at Coniston Avenue and it must also be acknowledged that Scartho is well integrated suburb in a large urban conurbation where there is good sustainable access links to other such facilities. Reference is also made to the fact that the submission does not consider the impact of the funeral services element. However it is not considered that this would in itself be detrimental to vitality and viability. This is a very specific use which is commonly seen in out of 'town centre' locations due to nature and operational needs. It would not draw from existing businesses in the local centres and sequentially the case has been made. Moreover the extent of actual retail floorspace can be controlled by a condition.

Objections are raised at the loss of a community hall with reference to the NPPF (paragraphs 92 and 93) and Local Plan policy 29. In the first instance it must be acknowledged that shops are also a community use in the NPPF. Notwithstanding this and acknowledging that the existing site does host a different form of community use it must also be acknowledged that the site has not operated for some years now and that Scartho is well provided for in terms of a whole mix of community venues including a more recently built Scartho Community Centre, Churches and halls, a public house, rugby club and numerous shops and facilities. The loss of this hall would not be considered to be detrimental in those terms to the wider community.

Finally it must be acknowledged in the consideration of the principle that the proposal would result in the re development of a vacant and closed site which will enhance the vitality of the area to the benefit of confidence in it. The planned investment in the area is

welcomed as is the creation of employment opportunities.

In principle therefore, despite its location outside of the retail hierarchy of centres the proposal would not be likely to harm the vitality or viability of existing local centres and no alternative sequentially preferable sites are available. It is considered therefore that the proposal is in accordance with Policy 23 and 29 of the Local Plan. It then falls to consider the site specifics of the development.

2. Visual Amenity and Character

Policy 5 of the North East Lincolnshire Local Plan requires an assessment on the impact to the character of the area and visual amenity by virtue of size, scale and density with Policy 22 setting out the requirements for 'good design'. The proximity to the Scartho Conservation Area is acknowledged.

The proposed building would be single storey in height and faces onto Waltham Road over the proposed car park. The building is of simple design but has a pleasing appearance matching local styles in terms of a brick finish, use of gables and pitched roof finished in replica slate. The design is enhanced through the use of a frontage canopy with glazed elements behind providing interest and definition to the frontage facing Waltham Road. In terms of scale, the building would be low level which would be comparable to residential properties in the area. The overall footprint of the development can be accommodated without resulting in an overdeveloped layout. The layout is enhanced through proposed landscaping which will include new hedging and tree planting. This will replace trees which will need to be removed.

Concerns have been raised in relation to the loss of existing trees at the site. In particular the existing trees along the frontage. The application is supported by an Arboriculture report. The potential to retain the existing trees at the front has been raised with the applicants but to achieve the required access they consider this not to be possible. None of the trees are protected either by a TPO or by virtue of being within a Conservation Area but their loss will have an impact on the amenity of the locality. To a degree this is regrettable and the comments made in local representations are appreciated. However, the issue to consider is whether this loss causes such harm so as to justify a refusal. To this end it is considered that the site redevelopment will have overall benefits to the character of the locality and following negotiations to include the Council's Tree and Landscape Officer more appropriate trees to be provided as part of the overall landscaping scheme have been agreed. This includes hedge planting and trees to the frontage. There are also two groups of trees at the rear which provide amenity value. The small group central to the rear boundary is to be retained and a condition is suggested with regard to further assessment as to the possible retention of some of the trees in the north west corner. Taking all matters into consideration it is considered that the proposal is acceptable in landscape terms under Policy 42 of the Local Plan.

In terms of the loss of the existing building the Heritage Officer acknowledges that it is of a more modern design though of some age and typical of its period. No objections are

raised but it is recommended that the building and site be historically recorded prior to its demolition. A condition is recommended to secure this.

The development would not harm the visual amenity or character of the area, including the nearby Scartho Conservation Area in accordance with policies 5, 22, 39 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

3. Impact to Neighbours

Policy 5 of the North East Lincolnshire Local Plan requires an assessment on the impact to neighbouring land users. It is noted that concerns have been raised in comments by neighbours.

The site is within a predominately residential area with residential dwellings located adjacent at the sides and rear of the site. Those on Waltham Road along the frontage, Derry Way at the rear, Taunton Way to the south and Southwold Crescent to the north. In terms of the physical works proposed the building is single storey and would sit well in its plot so as not to cause any adverse impacts from massing, loss of light or overlooking. It's scale and form relate well to its setting and orientates towards the frontage over the proposed car parking. Indeed, it replaces an existing single storey building.

In terms of noise and disturbance, the introduction of a convenience store could increase activity at the site though again it must be acknowledged that the site would have had activity as a Church and hall. Moreover, it's common for such small shops to be located within residential areas and have neighbours in proximity. The application has been supported by a noise assessment and there has been consultation with the Environmental Health Officer. To this end it is advised that delivery hours to the food store be restricted to 7am and 7pm Monday to Sunday and boundary fencing be installed. Subject to these measures and final confirmation on a Noise Delivery Plan no objections are raised by the Environmental health Officer. Customer car parking is proposed to the front and in part replicates the current situation. Finally, it must also be acknowledged that the sites redevelopment will put a vacant one back into use and occupation which will ensure the sites longer term vitality which will benefit the general character and amenity of the locality.

On this basis, the proposal is therefore considered to be in accordance with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

4. Highways

There has been consultation with the Highways Officer who has reviewed the documentation put forward with the application. In particular it is noted that there are concerns from local residents that the increased traffic from the development will be detrimental to the highway network. Waltham Road is a busy road used by all means of transport, but the site is located in a sustainable urban location which can be accessed by public transport, pedestrians and cycles. In terms of the Co-Op food store, it is accepted

that the majority of trips to the development will be those of "pass-by" trips or trips by the local catchment. The other part of the site, a funeral service, has demonstrated that it will not see a significant number of trips on a daily basis and will not therefore show a significant increase in trip generation to and from the site. The Highway Officer is content with the number of parking spaces shown on the site plans for those customers visiting the development. Details showing how vehicles will access and manoeuvre in the site have been provided demonstrating that the access and parking areas should be safe. It should also be acknowledged that the existing church hall site has a car park and would in itself attract vehicles to it. In terms of highway safety and amenity the proposal is considered acceptable under Policy 5, 36 and 38 of the Local Plan.

5. Drainage and Flood Risk

Policy 33 of the North East Lincolnshire Local Plan deals with flood risk areas with policy 34 seeking to ensure appropriate provisions are in place for water management. Whilst the site is in Flood Zone 1 of the Environment Agency mapping and outside of main flood risk areas as defined in the Councils Strategic Flood Risk Assessment the Drainage Officer does make reference to the site does sit within a drainage catchment of Grimsby that is extremely high flood risk with investment earmarked for the reduction of surface water flood risk over the next few years. Consequently, the surface water drainage strategy for this redevelopment site should be to reduce run off rates. An amended surface water drainage scheme has been submitted which has been reviewed by the Drainage Officer and considered to be acceptable.

CONCLUSION

The proposal for the demolition of an existing church hall and for the development of a retail unit with funeral services building. The proposal is acceptable in principle in retail terms and is not considered that it would be detrimental to existing local centres. It would not be out of character with the surrounding wider area and would not give rise to adverse impacts in terms of neighbouring amenity and highways amenity and safety. It would result in the redevelopment of a vacant site, investment in the area and create jobs. The application is therefore recommended for approval in accordance with policies 5, 22, 23, 28, 29 and 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) subject to a number of safeguarding conditions and the signing of a Section 106 Legal Agreement.

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

J2041 00101 - Site location
J2041 00103A - Block plan
J2041 00104D - Site layout
J2041 00105A - Existing and proposed sections
J2041 00106A - Proposed floor plan
J2041 00107A - Elevations
J2041 00108A - Coloured front elevation
J2041 00110A - Coloured street scene
J2041 00109A - Coloured side
J2041 00114 B - Proposed boundary treatments
J2041 00116B - Service yard elevations
J2041 00115 - Front boundary details

Reason

For the avoidance of doubt and to ensure the satisfactory development of the site.

(3) Condition

No demolition, construction work (including site deliveries in connection with construction) shall be carried out or undertaken 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 to accord to Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018)

(4) Condition

Prior to the development commencing, including demolition, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. It shall include:

- Contact details of the person with responsibility for the implementation of the CMP;

- The expected number, types and size of vehicles during the entire construction period;
- delivery hours, including their management;
- Visitor, construction and contractor parking areas;
- Materials storage area;
- Wheel cleaning facilities, including their location;
- Noise, vibration and dust mitigation measures;
- Construction traffic management plan.

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

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)

(5) Condition

Prior to the commencement of the development final details on the external materials to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the details approved.

Reason

To ensure the development has an acceptable external appearance and to accord with Policy 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(6) Condition

No development shall take place on any phase until the applicant has:

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

Occupation of the development shall not take place until the applicant has:

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

Reason

The site contains, or may contain, a Historic Environment Asset which requires recording prior to alteration or destruction to accord to Policy 39 of the North East Lincolnshire Local Plan 2013-2032.

(7) Condition

Deliveries to the convenience store shall only take place within the following times;

- 0700 hours to 1900 hours on any day.

Reason

This condition is imposed in the interests of residential amenity in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018)

(8) Condition

Prior to the commencement of development final details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. All lighting installed shall be in accordance with the details approved.

Reason

This condition is imposed in the interests of residential in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018)

(9) Condition

Development shall not begin until details showing the design and method of construction of the vehicular access works, parking and manoeuvring space have been submitted to and approved in writing by the Local Planning Authority, and before the development hereby permitted is brought into use the vehicular access, parking and manoeuvring space shall be constructed in accordance with those approved details and shall thereafter be so retained.

Reason

In the interests of highway safety and amenity to accord to Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018)

(10) Condition

The development hereby permitted shall be laid out and used in strict accordance with approved Floor Plan J2041 00106A and there shall be no subsequent increase in the retail floor space.

Reason

To ensure control over the level of retailing at the premises to accord to Policy 23 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(11) Condition

The development shall be built out in accordance with the Drainage Strategy ref:6616 revision A unless otherwise agreed in writing with the local planning authority.

Reason

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

(12) Condition

Prior to the commencement of any development a noise delivery mitigation plan and details of the acoustic fence to be erected along the sites southern boundary shall be submitted to and approved in writing by the Local Planning Authority. All deliveries shall be undertaken in accordance with the approved delivery plan and the acoustic fence shall be installed in accordance with the details approved prior to the occupation and use of the site and shall thereafter be retained.

Reason

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

(13) Condition

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

Reason

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

Informatives

1 Reason for Approval

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the Conservation Area character or the setting of heritage assets and is acceptable in local amenity and highway terms and under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted

2018), in particular policy 3, 5, 22, 23, 28 33, 34, 38 and 39.

2 Added Value Statement

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

In accordance with paragraph 187 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to problems arising, by negotiating on highway, design, amenity and drainage issues.

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:

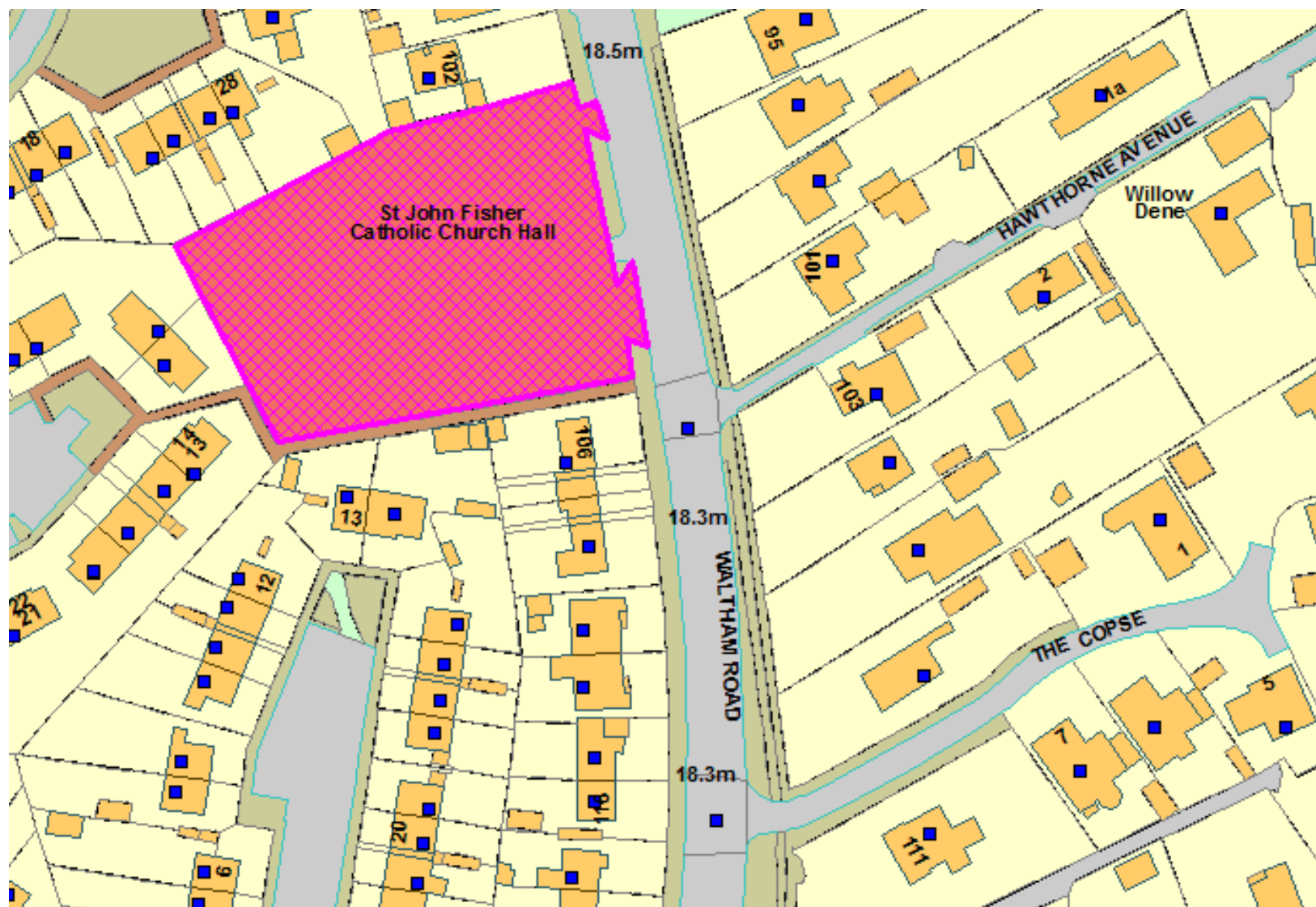
As works are required within the existing Highway, you are required to contact the Highways Management Team at least six months in advance of the commencement of works (Tel: 01472 324431).

Please also note that if the footway or carriageway is damaged as a consequence of any excavation or any other operations relating to the development, the Highway Authority may make good the damage and recover expenses reasonably incurred. You are required to contact the Highway Management Team at least 4 weeks prior to commencement of works to arrange for a highway pre-condition inspection (Tel: 01472 324431)

5 Informative

Where there may be the possibility of asbestos in the buildings the applicant, developer, and future occupier are reminded of the duties under Control of Asbestos Regulations 2012, or the more general duties under the Health and Safety at Work Act 1974 in relation to any presence of asbestos in the building(s). The Health and Safety Executive can be contacted for further advice and a copy of the Approved Code of Practice is available from their website at <http://www.hse.gov.uk/pubns/books/l143.htm>.

DM/0210/21/FUL – FORMER ST JOHN FISHER RC CHURCH, WALTHAM ROAD, GRIMSBY



[illegible]

PLANNING COMMITTEE - 13th July 2022

ITEM: 3 **RECOMMENDATION: Approved Conditions and signing of S106**

APPLICATION No: DM/1240/21/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Land At, Louth Road, New Waltham, North East Lincolnshire,

PROPOSAL: Erection of 227 dwellings, garaging, creation of new vehicular access on Louth Road, landscaping and associated works (Amended Plans and Description to include 3 additional units)

APPLICANT:

Liam Tate
Barratt David Wilson Homes and Spey
Properties
6 Alpha Court
Monks Cross Drive
York
YO42 9WN

AGENT:

DEPOSITED: 21st December 2021

ACCEPTED: 13th January 2022

TARGET DATE: 14th April 2022

PUBLICITY EXPIRY: 19th June 2022

**AGREED EXTENSION OF TIME DATE: 31st
July 2022**

**CONSULTATION EXPIRY: 21st February
2022**

CASE OFFICER: Bethany Loring

PROPOSAL

The application seeks to erect 227 dwelling and garages with the creation of a new signalised vehicular access onto Louth Road. It also includes landscaping including the provision of open space, drainage and other associated works. The application follows Phase 1 which is currently under construction and forms Phase 2 of the overall development area.

The application follows outline approvals under DM/0118/15/OUT and DM/1144/19/OUT for 400 dwellings, however, this has since lapsed and therefore the current proposal comes forward as a full application.

The application is presented to Planning Committee due to an objection from New Waltham Parish Council. It is noted that an objection has also been received from Holton Le Clay Parish Council. Concerns have also been raised in local representations.

The application was deferred at the Planning Committee meeting on 15th June 2022 to resolve matters raised in relation to a pipeline which crosses the site. These matters have now been resolved.

SITE

The site is located at Toll Bar roundabout at the junction of Station Road (B1219) and Louth Road (A16). It extends along Louth Road and comprises flat open agricultural land. The site is currently used for arable farming with remnant hedgerow dividing the site with the northern area currently being developed.

There are two pipelines that cut diagonally across the site from southeast to north-west. The presence of the pipelines does not restrict development of the site in terms of them being hazardous installations requiring representation but the HSE but it influences the areas for building.

The site is located to the southwest of New Waltham. There is a well-defined residential area to its north east, and a car sales and petrol filling station to the east fronting Louth Road. There is a further garage and car wash facility that intersect the eastern boundary of the site. To the north of phase 1 is Toll Bar Academy.

RELEVANT PLANNING HISTORY

DM/0118/15/OUT - Outline application with access to be considered for residential development (of up to 400 dwellings) including the provision of a small corner shop, open space and associated infrastructure. Allowed on Appeal.

DM/1144/19/OUT - Variation application for Condition 3 (Accordance with Design and Access Statement), 4 (Tollbar Roundabout Works), 6 (Offsite Highway Works) and 13 (Approved Plans) and removal of Condition 5 (School Car Park) pursuant to DM/0118/15/OUT (Outline application with access to be considered for residential development (of up to 400 dwellings) including the provision of a small corner shop, open space and associated infrastructure). Approved with Conditions.

DM/0212/20/REM - Reserved matters application following DM/1144/19/OUT (Variation application for Condition 3 (Accordance with Design and Access Statement), 4 (Tollbar Roundabout Works), 6 (Offsite Highway Works) and 13 (Approved Plans) and removal of Condition 5 (School Car Park) pursuant to DM/0118/15/OUT (Outline application with access to be considered for residential development (of up to 400 dwellings) including the provision of a small corner shop, open space and associated infrastructure) in

accordance with highway works clarification plans received by the Local Planning Authority on 17th January 2020) to erect 239 dwellings with associated works - AMENDED PLANS. Approved with Conditions.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (February 2021)

NPPF5 - Delivering a sufficient supply of homes
NPPF12 - Achieving well designed places
NPPF15 - Conserv. & enhance the natural environ.
NPPF16 - Conserv. & enhance the historic environ.

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

NPPF14 - Climate, flooding & coastal change
PO2 - The housing requirement
PO4 - Distribution of housing growth
PO5 - Development boundaries
PO13 - Housing allocations
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
PO38 - Parking
PO41 - Biodiversity and Geodiversity
PO42 - Landscape
PO43 - Green space and recreation

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

REPRESENTATIONS RECEIVED

New Waltham Parish Council - Objection due to concerns relating to road safety and pollution.

Waltham Parish Council - Supports application.

Holton Le Clay Parish Council - Objects based on concerns relating to increase of traffic, pollution, safety of children, added pressure to services, impact to village and access.

East Lindsey District Council - As with previous applications on this site the only concern of this authority is about the impact of the development on the local road network including the functioning of Toll Bar roundabout and the A16 due to the importance of the connecting routes between the two authority areas. The intention to provide a signalised junction into this phase of the development from the A16 is noted, however, unable to find any assessment of the affects of this on the traffic-light controlled junction on the A16 at the village of Holton le Clay a short distance away to the south or notes of any discussions about impacts on this junction with Lincolnshire County Council as the Highway Authority of East Lindsey. I would ask therefore, on behalf of this authority, that you only approve the application if you are satisfied that the proposal would not lead to highway problems on the A16 in either of our authority areas.

NELDB - No further comments. Prior consent of the Board is required.

Highways Team - Approval with construction details, RSA and CTMP conditions. Informatives for S38, S278 and highways inspection.

Drainage Team - Revised drainage strategy is acceptable. Detailed designs and drainage calculations are required.

Phillips 66 - No concerns with proposed layout.

Harbour Energy - Prior to works agreement required between land developer and Harbour Energy relating to easements, construction traffic, excavation works and nominated representative. Safeguarding distance discussed and no issues. No further comments.

Cadent Gas - No objections informatives suggested.

Linesearch - Owners identified and consulted.

Environment Team - Hours of construction, CMP and EV charging points conditions.

Sport England - Not within remit however guidance provided.

Humberside Fire and Rescue - Access and water supplies for fire service.

Heritage Officer - No input required.

Housing Officer - Affordable housing requirement identified and agreed.

Air Quality Officer - AQA submitted and findings accepted.

Education Officer - Contributions identified and agreed.

Anglian Water - Does not relate to Anglian Water assets and should seek view of Lead Flood Authority and Internal Drainage Board.

Environment Agency - No comments.

Neighbour Representations

433 Louth Road - Objects based on concerns relating to pollution, site access, health issues, dust, noise, mud impacts, overdevelopment and lack of understanding of site layout for local residents.

439 Louth Road - Raises concerns with temporary site access for Phase 1 and associated debris, heavy traffic, suggests constructing roundabout at permanent access point and completing Phase 1 before starting Phase 2.

7 Roys Drive - Raises concerns relating to services specifically healthcare to accommodate for more residents.

2 Simpsons Fold Court - Objects based on concerns relating to lack of infrastructure, traffic impacts, pollution and lack of school places.

APPRAISAL

Principle of Development

The application site is located within the development area of New Waltham, and as such policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) applies. The principle of the sites residential development is established by outline planning permissions DM/0118/15/OUT and DM/1144/19/OUT. The site is within the development boundary for New Waltham and is allocated for housing under HOU105 (Policy 13 of the NELLP). This policy supports proposals for residential development within the urban area and on allocated sites, subject to an assessment on the site-specific impacts. This development would be constructed on a defined area for housing allocation.

The overall site is to be developed in phases and this application is for the second phase which includes 227 dwellings following Phase 1 which was for 239 dwellings. It follows the overall masterplan concepts for the site established through the outline permission. The numbers of units on the site (in addition to the care home approvals at the Louth Road/Station Road corner) will take it over the 400 approved at the outline stage but that in itself is not grounds to raise a planning objection. It's the assessment of that in layout and highway terms which is the important consideration.

It is therefore considered, given the location of the site within the main urban area of New Waltham, the allocation of the site on the NELLP for housing and the planning history that in principle the proposed development of the site for housing is acceptable subject to the site-specific impacts discussed below.

Impact on the Visual Character of the Area and Layout

Policy 5 of the North East Lincolnshire Local Plan requires an assessment on the impact to the character of the area and visual amenity with Policy 22 setting out the requirements for 'good design'. The National Planning Policy Framework 2021 (NPPF) states that a high standard of design should always be secured with a good level of amenity for existing and future occupiers of land and buildings. The National Design Guide is also applicable. The proposal is for development of the site for residential properties, access, landscaping and other associated infrastructure and is at a density to respond to the principles in the original masterplan and wider site context.

The development comprises the area of land off Louth Road and relates well to surrounding features. In particular, well designed active frontages onto access roads, open space areas and the pedestrian/cycle link. Within the site the setting would be well defined by the open space, attenuation features and landscaping. The result would be an outward looking development to the front on Louth Road and would also respond well to the existing and proposed adjacent phases and as result the countryside beyond. It is considered that the proposed development would not adversely increase the scale of the built environment but would constitute more of an extension to the current built form in a landscaped setting. It relates well to and follows the form of phase 1.

With regard to design, various house types are proposed ranging from detached to link properties. There would be a good mix of form and type based on traditional principles of gabled and hipped properties and pitched roofs with emphasis to openings. It is considered that this would result in an acceptable appearance to the development which will relate well to the surrounding and wider area. A condition regarding final details of materials and boundary treatments is recommended.

The scheme is supported by a landscaping masterplan. Frontage hedges will have to be removed along Louth Road for the highway junction works but the development includes the planting of trees, hedging, shrubbery and grassed open spaced areas with a play area. Trees and hedging will be provided along boundaries fronting onto Louth Road and also within the site along streets and open space, providing character and attractiveness to the area and development. Tree lined streets are proposed.

The Landscaping Plan has been amended through the planning process with a collaborative approach with the agent, landscape consultant and the Trees and Woodlands Officer. The area to the southwest has transformed and created as a positive space within the development site, and within the wider context, to provide large areas of informal kick about areas and allotments. The pedestrian route would be tarmacked and provide a linkage from Louth Road and Station Road. This walkway includes various

planting and landscaping features to create an avenue feel and provide intermittent shading. A native hawthorn hedge would be planted with trees to create a buffer to the southwest corner. It is considered that the scheme has the potential to create a well-defined 'parkland setting'

Public open space will be well provided for and has been well thought out including allotments and substantial areas of short grassed informal kick about areas for play and recreation. There are other woodland and longer grass areas.

The overall layout, landscaping, public open space and designs of the plots are considered to be acceptable in accordance with policies 5, 22, 42 and 43 of the North East Lincolnshire Local Plan and section 12 of the National Planning Policy Framework 2021. The broad mix of house types and styles would also represent reasonable choice homes in accordance with policy 15 of the North East Lincolnshire Local Plan.

Highways, Traffic Impact and Accessibility

With respect to highways the main issues were considered at the outline stage and subject to a contribution of £515,000. Highway improvements at the Toll Bar junction have been undertaken and other requirements will come from the already agreed contribution and existing permissions. The Highways Officer is satisfied that the numbers of dwellings, which does increase from the original outline permission, is acceptable in terms of the highway mitigation already agreed.

In terms of the vehicular access point, this would be proposed to be taken from Louth Road by way of a signalised junction. Additionally, there would be also an emergency access point proposed from Louth Road, as approved under Phase 1. Pedestrian access points would be taken from Station Road and Louth Road creating a linkage for walking/cycling. This is considered to be acceptable in design terms. The Council's Highways Officer raises no objection subject to conditions.

The comments raised in representations received are acknowledged but it is not considered that the proposal will lead to severe/ significant impact on the wider highway network. The scheme follows the principles established by the original outline and masterplan at that stage and the highway considerations at that time. This phase whilst technically a full application follows those principles as it has to do to link to the already commenced phase 1 of the development. The proposal is therefore in accordance with policy 5 of the North East Lincolnshire Local Plan.

Drainage and Flood Risk

The site is not within Flood Risk Zone as identified on the Environment Agency maps or in the Council's Strategic Flood Risk Assessment. It is therefore at the lowest risk of flooding. However, as a relatively large residential development, it is important that sustainable drainage systems are used for surface water drainage. This is to ensure restricted flows and water quality improvements into local watercourses.

Phase 1 had been designed with one online attenuation pond in an area of open space to the south and with swales throughout the site. These infrastructure elements appear primarily as landscape features as part of the open space areas. The general purpose for them is to allow for the storage of water in periods of high rainfall and for a prolonged period of soakaway without causing flood risk to the site or the surrounding area. Essentially, this means that the surface water run-off from the development site when completed would be no greater than the existing run-off from the undeveloped field.

There had been extensive negotiations on this issue under Phase 1 and was considered acceptable. It utilises the existing watercourse, Buck Beck, at a reduced rate of discharge and includes swales and features to enhance water quality. This Phase intends to utilise the attenuation pond however, confirmation has been sought to ensure that the pond has the capacity to incorporate the additional dwellings which has been confirmed. The Council's Drainage Officer considers the strategy for surface water drainage as acceptable. In relation to drainage the development is acceptable under Policy 33 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

Impact on Neighbouring Properties

Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) requires an assessment on the impact on neighbouring land properties and users. It is considered there would be a change in the character the area as open land will be developed. For a good proportion of the site there will be no direct impact on neighbours as dwellings to the west are well separated from the development and relate more to open land. However, there are a number of existing neighbours to the east on Louth Road and also to the north on Station Road is Toll Bar Academy. The presence of existing roads, phase 1 development and landscaping ensure residential amenity issues would be minimal.

Some objections have been raised by neighbours broadly on the grounds of the increase of traffic, pollution, construction impacts and pressure on services. It is important to note that highways infrastructure contributions have previously been secured. Other associated contributions, associated with this Phase will also be secured via a S106 Agreement. Other matters such as construction management can be dealt with by planning condition.

Therefore, in layout and amenity terms, the development is considered acceptable under policy 5 of the North East Lincolnshire Local Plan.

Ecology

The outline application was supported by ecological reports and no overall constraints were envisaged other than one protected species which will require an up-to-date survey prior to development commencing. An updated ecology survey has been submitted and a scheme for biodiversity enhancements has been detailed. The Council's Ecologist has raised no objections to the scheme.

Therefore, in ecology terms, the development is considered acceptable under policy 41 of the North East Lincolnshire Local Plan.

Developer S106 Contributions

A S106 has been agreed and this covers the provision for affordable housing provision. This has been agreed with the Lead Officer for Affordable Housing. The figure has been worked on the basis of 20% affordable housing on the site. The affordable housing is detailed through the submission and includes the provision of 45 units. This will include lower cost home ownership.

Education contributions are also required for both primary and secondary provision. This has been reviewed and confirmed by the Education Officer and developer. This is on the standard requirement of Primary £11,276.44 per 4 liable dwellings and Secondary £16,991.48 per 5 liable dwellings.

Pipelines

The site has two pipelines which cross the site and over which public open space is proposed. These are operated by Phillips 66 (crude oil) and by Harbour Energy (gas condensate). They are not hazardous in terms of consultation through the HSE but the operators have requirements through easements. There has been consultation of those operators through the application processing. With respect to Harbour Energy it was necessary to undertake some further discussions over their requirements and these have been met. No objections are raised by Harbour Energy in relation to the development.

CONCLUSION

The considerations effectively relate to the detail of the scheme and not the principle of housing as this has been established by the planning history, Local Plan allocation and that phase 1 has been implemented. The development will result in the further delivery of housing at the site, including affordable housing to the overall benefit of the Borough. The proposal demonstrates an acceptable residential development which respects the character of the area and the residential amenities of existing property. Contributions to affordable housing and education can be secured through a Section 106 Legal Agreement.

It is therefore recommended that the application be approved subject to the signing of the relevant S106 Legal Agreement.

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:

Site Location Plan - 21-5479-02

Proposed Site Layout - 21-5479-01 Rev N

Landscape Masterplan - 21-5479-100 Rev J

Proposed Boundary Treatments - 21-5479-06

Proposed Schematic Engineering Plan - ENG-LR-01 Rev C

Proposed Street Scenes - 21-5479-05 Rev B

Proposed Public Greenspace Plan - 21-5479-03

Wider Context Plan - 21-5479-11

Visibility Splays - 21135/IN/01

Proposed Plans and Elevations for Dwellings and Garages;

Single Garage - BDW-STD-GAR-1000

Double Garage - BDW-STD-GAR-1001

Twin Garage - BDW-STD-GAR-1002

Double Garage - BDW-STD-GAR-1007

Proposed Plans and Elevations - Kingsley - BDW-STD-HT-3190

Proposed Plans and Elevations - Windermere - BDW-STD-HT-3191

Proposed Plans and Elevations - Windermere - BDW-STD-HT-3192

Proposed Plans and Elevations - Ripon - BDW-STD-HT-3193

Proposed Plans and Elevations - Ripon - BDW-STD-HT-3194

Proposed Plans and Elevations - H349 (AS) - BDW-STD-HT-5009

Proposed Plans and Elevations - H349 (OP) - BDW-STD-HT-5010

Proposed Plans and Elevations - H411 (MIL) - BDW-STD-HT-5031

Proposed Plans and Elevations - H411 (OP) - BDW-STD-HT-5032

Proposed Plans and Elevations - H442 (AS) - BDW-STD-HT-5096

Proposed Plans and Elevations - H442 (OP) - BDW-STD-HT-5097

Proposed Plans and Elevations - H470 (AS) - BDW-STD-HT-5113

Proposed Plans and Elevations - H470 (OP) - BDW-STD-HT-5114

Proposed Plans and Elevations - P204 (AS-OP) - BDW-STD-HT-5000

Proposed Plans and Elevations - P204 (AS-AS-OP) - BDW-STD-HT-5001

Proposed Plans and Elevations - P382 (AS-OP) - BDW-STD-HT-5003

Proposed Plans and Elevations - P382 (AS-AS-OP) - BDW-STD-HT-5004
 Proposed Plans and Elevations - P382 (AS-AS-OP-OP) - BDW-STD-HT-5006
 Proposed Plans and Elevations - P341 (AS) - BDW-STD-HT-5007
 Proposed Plans and Elevations - P341 (OP) - BDW-STD-HT-5008
 Proposed Plans and Elevations - P341/P382 (AS-OP) - BDW-STD-HT-5035
 Proposed Plans and Elevations - P341/P382 (OP-AS) - BDW-STD-HT-5036
 Proposed Plans and Elevations - P341W (AS) - BDW-STD-HT-5057
 Proposed Plans and Elevations - P341W (OP) - BDW-STD-HT-5058
 Proposed Plans and Elevations - SH50 (AS-OP) - BDW-STD-HT-5115
 Proposed Plans and Elevations - SH50 (AS-AS-OP) - BDW-STD-HT-5116
 Proposed Plans and Elevations - SH50 (AS-OP-OP) - BDW-STD-HT-5117
 Proposed Plans and Elevations - Amber (AS-AS-OP-OP) - BDW-STD-HT-5118
 Proposed Plans and Elevations - Amber SH50 (AS-AS-OP-OP) - BDW-STD-HT-5119
 Proposed Plans and Elevations - Amber SH50 (AS-OP) - BDW-STD-HT-5120
 Proposed Plans and Elevations - Amber SH50 (AS-OP) - BDW-STD-HT-5121
 Proposed Plans and Elevations - Amber SH50 (AS-OP-OP) - BDW-STD-HT-5122
 Proposed Plans and Elevations - Amber SH50 (AS-AS-OP-OP) - BDW-STD-HT-5123
 Proposed Plans and Elevations - SH52 (AS-OP) - BDW-STD-HT-5124
 Proposed Plans and Elevations - Amber SH52 (AS-AS-OP) - BDW-STD-HT-5125
 Proposed Plans and Elevations - T310 (AS-OP) - BDW-STD-HT-5126
 Proposed Plans and Elevations - T310 (AS-OP-OP) - BDW-STD-HT-5127
 Proposed Plans and Elevations - H403 (AS) - BDW-STD-HT-5128
 Proposed Plans and Elevations - H403 (OP) - BDW-STD-HT-5129

Reason

For the avoidance of doubt in the interests of proper planning and in accordance with policy 5, 13, 15, 22, 33, 34, 41, 42 and 43 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(3) Condition

Prior to commencement of development, full details and timings of the proposed play space and equipment to be installed shall be submitted to and approved in writing by the Local Planning Authority. The play equipment shall be installed in accordance with the details and timings approved and shall thereafter be retained and managed in accordance with the details approved.

Reason

To ensure suitable play space and equipment is delivered in a timely manner in accordance with Policy 43 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(4) Condition

Prior to the commencement of development a final protected species checking survey, in accordance with the Smeedon Foreman ecological report dated October 2021, and

recommendations of any required mitigation and final details and timings on the implementation of the ecological and biodiversity enhancements to follow the ecological reports by Smeeden Foreman shall be submitted to and agreed in writing by the Local Planning Authority. The mitigation and enhancements shall be carried out in accordance with the details and timings agreed.

Reason

In the interest of local amenity in accordance with Policy 41 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(5) Condition

Prior to the commencement of development, final details of the scheme of landscaping and tree planting, including all public open space areas, to follow the Landscaping Masterplan (drawing ref: 21-5479-100 Rev L) shall be submitted to and agreed in writing with the Local Planning Authority. Such details shall include the timings and phasing of the landscaping as it relates to each phase of the development and details of trees and hedges to be retained and measures for their protection during the construction period. It shall also include details on the protection of open space areas from compaction during the construction phase. Hedgerows shall thereafter be retained in accordance with the details approved. All planting shall be implemented in accordance with the details and timings approved and shall be adequately maintained for 5 years, beginning with the date of completion of the planting of each phase and during that period all losses shall be replaced during the next planting season. All tree and hedge protection measures shall be implemented as approved during the construction period.

Reason

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

(6) Condition

Prior to the commencement of the development details of all external materials to be used in construction of the buildings shall be 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).

(7) 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 (both during demolition and construction);
- Construction traffic management plan.
- The expected number, types and size of vehicles during the entire construction period;
- Contact details of the person with responsibility for the implementation of the CMP

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).

(8) Condition

Prior to the commencement of development final details of the surface water drainage scheme to be implemented, which shall be in accordance with the design, layout and strategy shown on Proposed Schematic Engineering Plan (drawing no. ENG-LR-01 Rev C), shall be submitted to and approved in writing by the Local Planning Authority. Also submitted shall be the final details for foul drainage. All surface and foul water shall be discharged in accordance with the details approved.

Reason

To ensure the satisfactory drainage of the site to accord to Policy 33 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(9) Condition

Prior to the commencement of development final phasing details of the provision of infrastructure shall be submitted to and approved in writing by the Local Planning Authority. Such detail shall include the foul and surface water drainage provision and the phasing of the open space provision. Development shall take place in accordance with the phasing approved.

Reason

To ensure the satisfactory phasing of the required infrastructure in the interests of highway safety and amenity and residential amenity in accordance with Policy 5, 22, 33 and 42 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.

Detailed plans to a scale of at least 1/500 showing;

- the proposed layout of the carriageways and footways on the development;
 - the wearing course materials proposed for the carriageways and footways;
 - cross sections;
 - the highway drainage system;
 - the proposed locations of street lighting columns, all services and ducts for services, within the carriageways and footways;
 - the number, location and layout of the vehicle garaging and/or parking facilities within the site to serve the proposed development;
 - management arrangements for any carriageways, footways and/or landscaped areas not to be adopted by the local authority;
 - swept path analysis demonstrating turning manoeuvres for emergency vehicles on all carriageways (adopted and private), and refuse vehicles on all adopted carriageways;
 - technical details of the new signalised access onto Louth Road, provision of new lanes and all footway works.
- A Stage 1 and 2 Road Safety Audit (RSA) must be provided. The RSA should take into consideration the new access point. The Road Safety Audit must be undertaken by a fully qualified independent Road Safety Auditor.

Reason

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

(11) Condition

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

Reason

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

(12) Condition

Prior to commencement, details of a scheme for the provision of vehicle electric recharge points shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be provided prior to the occupation of the dwelling to which they relate and shall be retained at all times thereafter.

Reason

In the interest of air quality to accord to Policy 2 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(13) Condition

Prior to occupation of any 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).

(14) Condition

Prior to commencement of development, full details of the open space management plan including long term design objectives, timing of the works, management responsibilities and maintenance schedules for all the open space and allotments, shall be submitted to and approved in writing by the Local Planning Authority. The public open space and allotments shall then be fully installed and subsequently managed and maintained in accordance with the details as approved through the lifetime of the development.

Reason

To ensure suitable open space is delivered in a timely manner in accordance with policy 43 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(15) Condition

Prior to the commencement of the development, other than site investigation works, (or as agreed through phasing) details of the remediation of the contamination at the existing agricultural building to be demolished as identified in the report by Lithos dated October 2017 shall be submitted to the Local Planning Authority for approval. Remediation shall be carried out in accordance with the details approved and prior to the commencement of any development, other than site investigation works, (or as agreed through phasing) a verification report must be prepared and submitted for approval in writing by the Local Planning Authority.

Reason

To ensure that the site is suitably remediated in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032.

(16) Condition

If during redevelopment 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. All remediation shall be carried out in accordance with the details approved.

Reason:

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

(17) Condition

Prior to the commencement of the development hereby permitted details on the pipeline notification signage to be installed to include the timing of installation shall be submitted to and approved in writing by the Local Planning Authority. The signage shall be installed in accordance with the details and timings agreed.

Reason

In the interests of visual amenity to accord to Policy 5 and 22 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 result in the delivery of housing on an allocated housing site and would not harm the area character or residential amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 2, 4, 5, 13, 14, 15, 17, 18, 22, 33, 34, 38, 41, 42 and 43.

2 Informative

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

In accordance with paragraph 187 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner by negotiating with the applicants on the details of the scheme in relation to layout, landscaping, open space provision and drainage.

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

The applicants' attention is drawn to the comments made by NELDB, Humberside Fire and Rescue and Harbour Energy. Please go to <https://www.nelincs.gov.uk/planning-and-building-control/> to view the comments. You are advised to contact Harbour Energy prior to the commencement of development.

5 Informative

As the highways within the site are to be adopted by the Council, in accordance with Section 38 of the Highways Act 1980, please contact the Highway Management Team six months in advance of the commencement of works. Technical Approval must be applied for and granted prior to the discharge of Conditions to ensure all roads are to an adoptable standard prior to construction commencing (Tel: 01472 324505). Moreover as works are required within the existing highway, in accordance with Section 278, Highways Act 1980, in order to enable the development to take place, please contact the Highway Management Team.

6 Informative

As works are required within the existing highway, in accordance with Section 278, Highways Act 1980, in order to enable the development to take place, please contact the Highway Management Team at least 6 months in advance of the commencement of works (Tel: 01472 324505).

7 Informative

If the footway or carriageway is damaged as a consequence of any excavation or any other operations relating to the development, the Highway Authority may make good the damage and recover expenses reasonably incurred. You are required to contact the Highway Management Team at least 4 weeks prior to commencement of works to arrange for a highway pre-condition inspection (Tel: 01472 324431).

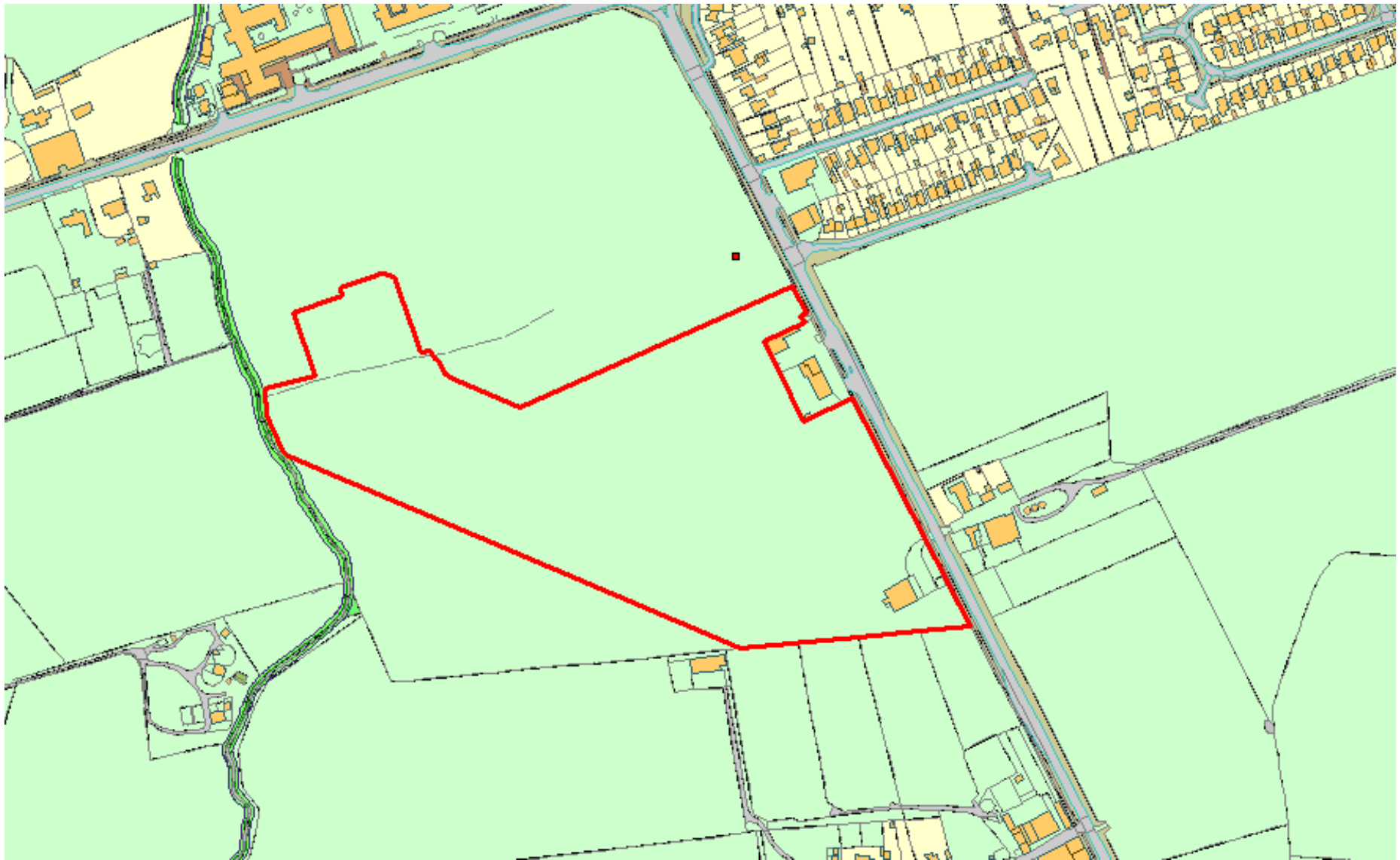
8 Informative

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.

9 Informative

The applicants are reminded of the need to comply with all necessary easements and requirements in relation to the pipelines which cross the site. Operated by Phillips 66 and Harbour Energy.

DM/1240/21/FUL – LAND AT LOUTH ROAD, NEW WALTHAM



PLANNING COMMITTEE - 13th July 2022

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

APPLICATION No: DM/0144/22/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Woodlands Farm , Church Lane, Bradley, North East Lincolnshire, DN37 0AE

PROPOSAL: Retrospective application for the demolition of water pump building, erect new water pump building and retrospective construction of access track for agricultural land and residential property approved under DM/0590/18/FUL

APPLICANT:

Mr Ron Cook
Woodlands Farm
Church Lane
Bradley
North East Lincolnshire
DN37 0AE

AGENT:

Mr Richie Tutill
Jonathan Hendry Architects
10 Nickerson Way
Peacefields Business Park
Holton-le-Clay
DN36 5HS

DEPOSITED: 21st February 2022

ACCEPTED: 14th March 2022

TARGET DATE: 9th May 2022

PUBLICITY EXPIRY: 5th June 2022

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 8th April 2022

CASE OFFICER: Richard Limmer

PROPOSAL

The proposal is a retrospective application to create a new vehicle access off Bradley Road to serve Woodlands Farm and the extant planning permission for a dwelling. The access track runs for some 380m. The proposal also includes a new structure around an existing timber pump house.

This application has been brought to Committee due to an objection from Bradley Parish Council and objections from neighbouring properties.

SITE

The site is located off Bradley Road with the access track connecting Bradley Road and Woodlands Farm. The access track runs alongside a field boundary and utilises a former field access. Woodlands Farm is a former poultry farm, most of the buildings have been removed save 2 buildings which appear to be used for stables and housing farm machinery. There is an extant planning permission for a new dwelling under DM/0590/18/FUL.

RELEVANT PLANNING HISTORY

DM/0590/18/FUL - Demolish existing poultry sheds, conversion of existing shed and erect one dwelling connected to existing barn - approved

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (February 2021)

NPPF12 - Achieving well designed places

NPPF15 - Conserv. & enhance the natural environ.

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

PO5 - Development boundaries

PO22 - Good design in new developments

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 - no objections, request conditions for visibility splays and construction details of the access.

Drainage - no comments

Environmental Health - no comments

Trees and Landscape Officer - no comments

Environment Agency - no comments

Crime Reduction Officer - no comments

Heritage Officer - no comments

Bradley Parish Council - Submitted detailed objections to the proposed development relating to the need for such an access, highway safety, conflict with the hospital, ownership issues, that no permission was sought before works started and inaccurate details.

Neighbours

The following neighbours have objected to the proposed development:

- Woodlands
- Old Chapel
- Garden Cottage
- 34 Bradley Road

The neighbours have raised detailed concerns over the following matters:

- Need for the access;
- Impact on Highway Safety and Amenity;
- Size and appearance of the pump housing.

APPRAISAL

The material considerations in this case are:

1. Principle of Development
2. Impact on Neighbours Amenities
3. Impact on the Character of the Area
4. Highway Safety and Amenity
5. Other Matters

1. Principle of Development

The site is located outside of the defined settlement boundary for Bradley on the NELLP and so is considered to be in the open countryside. Part 3 of Policy 5 of the NELLP deals with development proposals in the open countryside. The proposed access would help serve the host site and the future dwelling and the new pump house structure. The site is currently served off a private road (also a bridleway) from Church Lane. Part 3 of Policy 5 of the NELLP does not preclude such development where it recognises the distinctive open character and landscape quality of the area. It is therefore considered, that in

principle the proposed development is acceptable subject to the considerations in the report below.

2. Impact on Neighbours

The proposed development is in two parts; the access track and the pump house. The access track is located between the existing buildings and Bradley Road, this is some 380m. The closest neighbours are Fieldhouse and Wold View which are located to the west of the existing buildings. The physical presence of the proposed track would not impact on the neighbours' amenities. The use of the track would not increase traffic in the general area as that already exists or is approved under the extant permission for a dwelling.

The proposed pump house is located further to the west. Neighbours to the north east are Fieldhouse and Wold View and to the north west are Woodlands and the Old Chapel. These neighbours are over 45m away and the proposed pump house measures approximately 2m by 2m with a sloped roof 2.5m high. Given the separation distances and the scale of the proposed pump house means, although it would be visible to them, it does not unduly affect the neighbours' amenities. This is in accordance with Policy 5 of the NELLP.

3. Impact on the Character of the Area

Both parts of the proposed development are visible from the public domain. The access track is visible from Bradley Road and the pump house is visible from the public bridleway, although this is a more distant view. However, in regard to their visual impact it is considered that the proposed development would not unduly harm the visual character of the area. The access track is constructed with tarmac plainings and which is of an agricultural nature, the existing boundary hedge to the north also partially screens the track. The pump house sits over an older timber structure and formed part of the agricultural complex that has been demolished, although slightly larger and of different materials (block work walls and felt roof) it has little additional impact. It is therefore considered that the proposed development does not harm the visual character and appearance of the area in accordance with Policy 5 of the NELLP.

4. Highway Safety and Amenity

The proposed pump house does not present any highway safety or amenity issues therefore this consideration lays with the access track. The proposed access track would serve the existing farm and the extant dwelling. The overall traffic usage of the track would be low level given the scale of the farm complex and only a single dwelling. The point of access onto Bradley Road has been examined by the Highways Team and the required visibility splays can be achieved. The track meets Bradley Road where it is 40mph and so the visibility splays required are 120m. The Highways Officer has requested a condition that requires these visibility splays to be maintained. It is considered that the proposed development does not pose an undue risk to highway

safety or amenity in accordance with Policy 5 of the NELLP.

5. Other Matters

The comments from neighbours and Bradley Parish Council regarding the need for the proposed access track have been noted. The access track reduces the use of the access off Church Lane which is a public bridleway. This reduces the potential conflict between users of the bridleway and so is a wider benefit to the area.

The Parish Council have also raised concerns over land ownership, this is not directly a material planning consideration. However, the applicant has signed Certificate B and served it on the land owner thus covering the matter in planning terms.

CONCLUSION

In conclusion, the proposed development does not cause any undue impact on highway safety or amenity, the visual character and appearance of the area or neighbours' residential amenities. The development is in accordance with Policies 5, 22 and 42 of the NELLP it is therefore recommended for approval.

RECOMMENDATION

Approved with Conditions

(1) Condition

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

EX_001-02 Existing plans

GA_001-01 Proposed plans

Reason

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

(2) Condition

The visibility splays detailed on drawing no. EX_001 R02 shall be maintained at all times and nothing allowed to grow over 1.05 metres in height above the carriageway level of the adjoining highway within the approved visibility splay.

Reason

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

(3) Condition

The highway connection construction details shown on plan ref: GA_001-01 shall be fully completed within 6 months of the date of this permission.

Reason

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

(4) Condition

The scheme of landscaping shown on drawing no. GA-001-01 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).

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

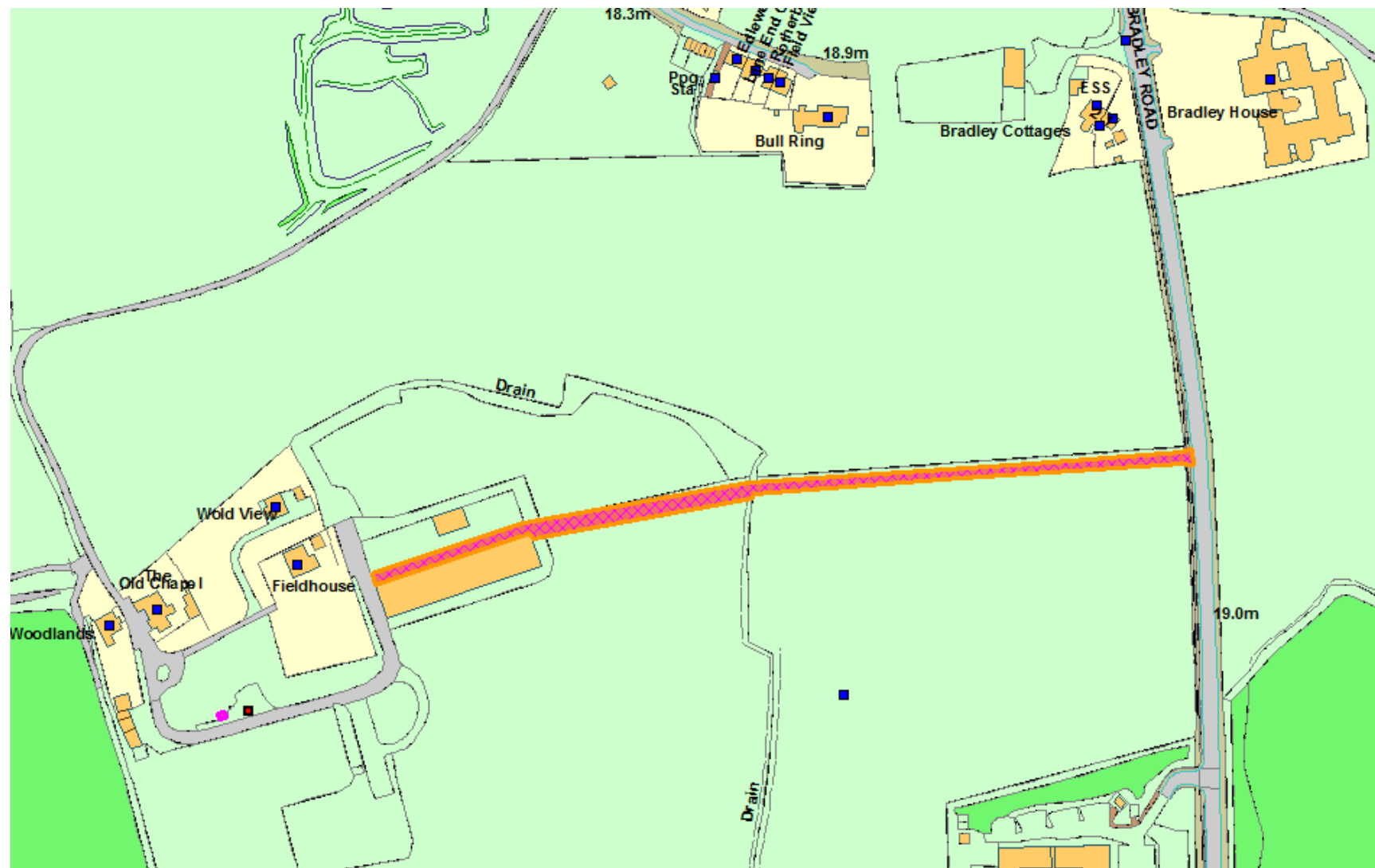
Article 31(1)(cc) Statement - Positive and Proactive Approach

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 imposing conditions to protect amenity.

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/0144/22/FUL – WOODLANDS FARM, CHURCH LANE, BRADLEY



DM/0144/22/FUL – WOODLANDS FARM, CHURCH LANE, BRADLEY

