

Planning Committee Dated: 29th March 2023

Summary List of Detailed Plans and Applications

Recommendation: Approved Limited Period	
Item:	1
Application No:	DM/0778/22/FUL
Application Type:	Full Application
Application Site:	Plot 80 Humberston Fitties Humberston North East Lincolnshire
Proposal:	Erect chalet with associated boundary treatments, hard landscaping and associated works (amended FRA and plans)
Applicant:	Mr Gary Croft
Case Officer:	Emily Davidson
Recommendation: Approved with Conditions	
Item:	2
Application No:	DM/1086/22/FUL
Application Type:	Full Application
Application Site:	Cleethorpes Academy Grainsby Avenue Cleethorpes North East Lincolnshire
Proposal:	Erection of single storey extensions with internal and external alterations to Block 1. Demolition to part of ground floor and erection of single storey extension with internal and external alterations to Block 5 and associated works
Applicant:	Professional Services Team
Case Officer:	Owen Toop

Recommendation: Approved with Conditions	
Item:	3
Application No:	DM/0692/22/REM
Application Type:	Reserved Matters
Application Site:	Land Field Head Road Laceby North East Lincolnshire
Proposal:	Variation of Condition 1 (Approved Plans) following DM/0522/21/REM to amend house types on various plots
Applicant:	Mr P Bannister
Case Officer:	Richard Limmer
Recommendation: Approved with Conditions	
Item:	4
Application No:	DM/0719/22/FUL
Application Type:	Full Application
Application Site:	Land At Grimsby Road Waltham North East Lincolnshire
Proposal:	Erect 9 dwellings with associated highways, landscaping and boundary treatments (amended description and plans January 2023)
Applicant:	Mr Peter Strawson
Case Officer:	Richard Limmer
Recommendation: Refused	
Item:	5
Application No:	DM/1111/22/FUL
Application Type:	Full Application
Application Site:	East Mount Barton Street Laceby North East Lincolnshire
Proposal:	Change of use of garage and stable to detached bungalow with associated internal and external alterations
Applicant:	Mr Stanley James
Case Officer:	Jonathan Cadd

Recommendation: Approved with Conditions	
Item:	6
Application No:	DM/1014/22/FUL
Application Type:	Full Application
Application Site:	Ormiston Maritime Academy Westward Ho Grimsby North East Lincolnshire
Proposal:	Retrospective application to erect 2.4 metre high fence to southern boundary
Applicant:	Mrs Samantha Murdoch
Case Officer:	Emily Davidson

Recommendation: Approved with Conditions	
Item:	7
Application No:	DM/1099/22/FUL
Application Type:	Full Application
Application Site:	137 Humberston Avenue Humberston North East Lincolnshire DN36 4ST
Proposal:	Demolish existing garage. Erect single storey rear and side extension, with internal and external alterations including a first floor en-suite window to the side and alterations to existing front and rear dormers
Applicant:	Mr & Mrs Chauhan
Case Officer:	Owen Toop

Recommendation: Approved with Conditions	
Item:	8
Application No:	DM/0765/22/FUL
Application Type:	Full Application
Application Site:	Paddock, South West Of Goshen Post Office Lane Ashby Cum Fenby North East Lincolnshire
Proposal:	Erect timber horse shelter with associated works
Applicant:	Mrs Wendy Hawkins
Case Officer:	Cheryl Jarvis

Recommendation: Approved Conditions and signing of S106	
Item:	9
Application No:	DM/0334/22/FUL
Application Type:	Full Application
Application Site:	Grimsby Golf Club Little Coates Road Grimsby North East Lincolnshire
Proposal:	Erect 5 detached dwellings with garages to include new access point, landscaping and boundary treatments - amended plans and ball strike information November 2022
Applicant:	Mr Paul Bannister
Case Officer:	Richard Limmer

PLANNING COMMITTEE - 29th March 2023

ITEM: 1 **RECOMMENDATION: Approved Limited Period**

APPLICATION No: DM/0778/22/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Plot 80, Humberston Fitties, Humberston, North East Lincolnshire,

PROPOSAL: Erect chalet with associated boundary treatments, hard landscaping and associated works (amended FRA and plans)

APPLICANT:

Mr Gary Croft
C/O Ross Davy Associates
1 Grosvenor Street
Grimsby
North East Lincolnshire
DN32 0QH

AGENT:

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

DEPOSITED: 26th August 2022

ACCEPTED: 5th September 2022

TARGET DATE: 31st October 2022

PUBLICITY EXPIRY: 12th December 2022

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY:

CASE OFFICER: Emily Davidson

PROPOSAL

The proposal is to erect a new chalet with associated works. The chalet would have a timber shingle finish with timber windows and doors.

The application is presented to Planning Committee due to both a Parish objection and the number of objections received. It was deferred from the Planning Committee meeting on 1st March 2023 to consider issues raised in further representations made by objectors received on the afternoon of the 28th February 2023 before that Committee. In particular issues raised in relation to Asset of Community Value designation.

SITE

Plot 80 Humberston Fitties is located within the Fitties holiday chalet park. The wider site hosts chalets and is located within an allocated resort area. It is located close to the coast which is a specially protected ecological area. Humberston Fitties is a conservation area due to its unique and special character and is further protected by an Article 4 direction. The Humberston Fitties also has an Asset of Community Value designation. Plot 80 itself is a vacant plot which is undeveloped. It is adjoined by chalets to the sides as well as opposite. There is an area of open grassland to the rear. The boundaries of the plot are defined by hedges and trees.

RELEVANT PLANNING HISTORY

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

DC/606/02/HUM - Erect chalet for residential use. Refused 21.02.2003 on flood risk grounds. No flood risk assessment submitted.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2021)

NPPF12 - Achieving well designed places
NPPF14 - Climate, flooding & coastal change
NPPF15 - Conserv. & enhance the natural environ.
NPPF16 - Conserv. & enhance the historic environ.

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

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

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

REPRESENTATIONS RECEIVED

Consultee Representations

Highways Officer - Approval, no conditions.

Drainage Officer - Details of the rain garden and paving should be provided.

Heritage Officer - As the site is thought to have had a chalet on it initially, it is considered the proposal would not harm the character of the area. Initial concerns raised in relation to the roof height allayed with an amended scheme, concerns raised to bi-folds allayed by amended plans removing these, approves of use of shingles, landscaping proposed is acceptable however, the use of pavers is not acceptable and should not be used. Fence is acceptable. Questions the grassed area for parking and what materials would be used. This concern was alleviated by the amended plans and the clarity on the materials used. Raises potential disturbance from the proposed air source heat pump.

Environmental Protection Officer - Hours of construction condition recommended. Construction method statement requested and received. Document considered acceptable.

Trees and Woodlands Officer - No objections as proposal does not directly impact planting on existing boundaries.

Civic Society - Considers the application out of character.

Humberston Village Council - Objects to the application supporting objectors comments, loss of green areas, not in keeping and the setting of a precedence.

Natural England - Raises no objections.

Environment Agency - Initial objections overcome with the receipt of an updated flood risk assessment and recommendation of a condition to restrict the chalets occupancy period and use of a 10 year temporary permission.

Ecology Officer - Raises no objection to the proposal and recommends a condition to ensure works are carried out in line with the ecology report.

Cadent Gas - Informative advice.

Neighbour Representations

In objection to the application:

1, 3, 10, 16, 18, 21, 24, 30, 32, 34, 42, 54, 56, 60, 66, 77, 78, 79, 81, 82, 85, 86, 87, 101,

103, 113, 124, 132, 139a, 147, 148, 150, 153, 164, 165, 168, 185, 195, 201, 212, 217, 222, 228a, 251, 252, 253, 255, 263, 277, 282, 284, 290, 311a, 315, 317a, 320, 321a Humberston Fitties. Solicitors on behalf of 85 Humberston Fitties.

Flat 5, 51 Bargate, 30 Bradford Avenue, Arden House, 99 Brian Avenue, 29 Campden Crescent, 71 Carr Lane, 9 Cherry Lane, The Haybarn 24 Cooks Lane, 77 Elliston Street, Evergreen, 4 Highgate, 17 Lambert Road, 8 Muirfield Croft, 49 Robert Pearson Mews, 6 Wells Road.

Outside of the Borough:

The Gatehouse, St Johns Road, Bath. 42 Beck Road, Carlisle. 2 Norton Close, Daventry. 42 Aivemore Road, 4 Clayfield Avenue, 2 Low Road, 14 Tickhill Road Doncaster. 31 Holly Grove, Goldthorpe. 45 Banks End Lane, Huddersfield. 289 Clayhall Avenue, Ilford. 92 Hesley Lane,, Hope Avenue, Rotherham. 61 Second Avenue, Huddersfield. St Leonards, Woodhall, 16 Wold View, Holton-le-Clay.

Summary of these objections as follows:

The principle of the planning application (ie, whether there was a previous chalet on the site or not), exceptions test, flood risk (reference to an application and appeal in 2014 which refused the removal of the occupancy condition), that occupancy conditions are not being enforced and are difficult to enforce, works carried out without permission, increased pressure and damage to existing services, discrepancies within the submission, design, ecological concerns, impacts to heritage, concerns related to the sale of the plots, vacant plots are used as fire breaks, loss of designated community asset land, loss of open space, legal disputes with land owner, over development, traffic implications, increase in anti-social behaviour and increased carbon footprint.

In support of the application:

88 Orion Way, 28 Kew Road, Rose Cottage, Main Road.

Summary of support as follows:

Enhances area, no additional impact to life regarding flood risk, in accordance with design guide, proposal on designated plot land, mix of chalets create the uniqueness, self-funding, design guide available to aid development, there is a flood risk plan in place, resort style developments should be encouraged, proposal is in a spare plot, like chalet design, plots are not open amenity space, development will improve area.

Neutral comments:

169 Humberston Fitties, 23 Lindsey Road

Summary of these comments as follows:

Impacts on infrastructure, loss of individuality, plots should be left empty to maintain character.

APPRAISAL

Planning Considerations

1. Principle of Development.
2. Flood Risk.
3. Character, Design and Heritage.
4. Ecology and Landscape.
5. Local Amenity.
6. Highways and Drainage.
7. Community Asset Designation.

1. Principle of Development

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

It is acknowledged that there are a number of objections to the proposal which mention the development of several plots throughout the Fitties site. This application only relates to Plot 80 and this needs to be determined on its merits. The application is also assessed as a new build. References to past chalets both in support and against the scheme are acknowledged. However, it is considered that any related planning chapter in that respect has closed, and this application should be judged as a new build. However, acknowledgement is given to application 08/92/0213 by Cleethorpes Borough Council which granted in 1993 permission to continue use of land at the Fitties for holiday purposes. This included this site.

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

2. Flood Risk

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

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

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

To this end the Environment Agency initially raised an objection to the scheme as the Flood Risk Assessment failed to demonstrate how the site could be made safe, detailing that their standing advice is that chalets should not be occupied in the months November through to March when tidal inundation is at an increased risk. In response to this an amended Flood Risk Assessment has been received offering a reduced occupancy period in line with the EA requirements. As a result, the Environment Agency have removed their objection.

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

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

In terms of the ability to impose more restrictive conditions than those which apply to the vast majority of existing chalets (other than recent replacement chalets) reference has been made in the original submission with this application to the 1993 permission noted above, reference 08/92/0213. As noted, this granted a wide permission across the Fitties to continue to use the site for holiday purposes subject to an occupancy condition. This was not for flood risk reasons but to prevent the permanent residential use of the site.

To aid consideration Counsel advice has been sought by the Council and whilst a matter of judgement this advice confirms that the starting point is to have due regard to the NELLP, and points out that Policy 33 makes it necessary to (1) have due regard to the sequential and where necessary the exception test and (2) that the development will be safe during its lifetime. It is then necessary to consider any material considerations that justify departing from the NELLP and then consider what weight to give those considerations. Flood risk is an important material planning consideration for the type of development proposed and the advice of consultees such as the Environment Agency need to be taken into account. The position is clear in that the proposed development would not be safe without the proposed conditions. Counsel advice accepts that in planning terms (though there may be lease restrictions) that the 1993 permission grants holiday use and this could mean non-operational holiday accommodation (for example a caravan) could be lawfully sited on the plot and only be subject to the 1993 restriction, and whilst this could be the case, it does not justify not imposing the necessary conditions to make the development applied for safe.

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

Representations objecting to the development make reference to an application DM/0025/14/FUL which was refused and dismissed on appeal which sought to remove the overall occupancy condition for the Fitties under the 93 permission, 08/92/0213. This was refused on flood risk and character grounds. This is not considered to weigh against this proposal as what is recommended is indeed a development which has seasonal occupancy (greater than the 93 permission) to respond to flood risk and to ensure holiday use.

3. Character, Design and Heritage

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

the National Planning Policy Framework (NPPF) under section 16, Conserve and Enhance the Historic Environment. The requirements under Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area also apply.

The Council also have a design guide to aid the consideration of development on the Fitties. The initial scheme submitted included a refuge area in the roof space which made the proposal higher than its neighbours. This was removed from the scheme, allowing for the height to be reduced in line with proportions considered acceptable in the area. Other amendments included changes to windows and doors to ensure the scale and design are acceptable. The original scheme also included timber cladding. Whilst this is an acceptable material when considering the design guide, lots of chalets have opted to finish their chalets in this way. In order to keep the one-off nature of chalets, the scheme was amended to have a shingle finish. This change in particular adds interest to the chalet and will allow it to stand out with its more individual finish. Areas of hard standing for parking have also been omitted with permeable areas of gravel taking their place. The landscaping as a whole has mostly been left with a grass finish which is desirable. The Council's Heritage Officer notes that the scheme as a whole is now acceptable but notes the use of an air source heat pump should be carefully considered. This is proposed to the rear of the chalet and is small in size and scale. Visually it is acceptable.

With an acceptable design it is not considered that the development of this vacant piece of land would be detrimental to the character of the wider street scene or the Conservation Area as the site is effectively a small vacant plot within a wider developed frontage. Due to its limited size and location it does not provide any meaningful open space role.

It is considered that the design of the chalet has been well thought out and is in keeping with the conservation area. The more individual finish will enhance the scheme further ensuring that the character of the conservation area is maintained (meeting the requirements of the Planning (Listed buildings and Conservation Areas) Act 1990). The application is considered to be in accordance with Policy 5, 22 and 39 of the NELLP 2018. With regard to the NPPF and Section 16 the development protects the heritage asset as it is consistent with the areas conservation that being a chalet park, adds in a small way to its economic vitality by providing additional resort accommodation in a designated area in the NELLP and as stated through its design makes a positive contribution to local character and distinctiveness.

4. Ecology and Landscape

It is noted that the site is currently undeveloped and is a grassed area with hedges and trees along its border. The Fitties as a whole is an established area with pockets of green space and a lot of the plots have large, grassed areas. The site also sits close to the ecologically protected Humber Estuary. An ecology statement has been submitted with the application. It is noted that this covers the whole site, however, only plot 80 is being

considered. For this site in particular, there is no ecological constraint to development and this is echoed by the Council's Ecologist who raises no objections to the proposal and recommends a condition that works are carried out in accordance with the ecology report relevant to this particular plot. The Council's Trees and Woodlands Officer raises no concerns with the proposals impact to the surrounding trees and hedges. With regard to the protected Humber Estuary, it is considered that likely significant effects can be ruled out due to the established nature of the overall area, the small scale of the development and that this small site is of low potential to host any species that are designated as part of the Humber Estuary sites. No objections are raised by Natural England. The application is considered in accordance with Policy 41 and 42 of the NELLP 2018.

5. Local Amenity

The application site borders No.'s 78 and 82 to the sides and No's 81 and 83 are opposite. There is an area of open space to the rear. Numerous objections have been received from people of North East Lincolnshire and beyond. The majority of these are made up of chalet owners from Humberston Fitties. A summary of these objections is provided in the report under the representations section.

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

The proposal includes an air source heat pump. This will be housed in a noise cancelling housing to minimise its impact to the surrounding chalets. The Council's Environmental Protection Officer has confirmed that this is acceptable.

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

Other issues raised in objections received include those in terms of the principle of the development, flood risk, pressure on the area, design and heritage, sale of the plots and community asset designation, ecology and highways. These are addressed in the report. There has been reference to when and whether a chalet has been on the plot previously. Reference is made to confusion in the background information provided. However as noted above this application is being determined as a new chalet and not a replacement. The planning chapter of any previous chalet having been closed some time ago.

All considered, the application would not harm the amenity of the neighbouring chalets and is in accordance with Policy 5 of the NELLP 2018.

6. Highways and Drainage

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

7. Community Assets and Sale of the Plots

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

In terms of the land use planning considerations, it is considered that these link to the conservation and heritage matters discussed above and the value of the site. The reason for the designation as a registered community asset was that land on the Fitties, including vacant plots, contribute to the unique character of the site, and whilst land overall is primarily enjoyed for holiday or recreational use, it is not limited to and is free and open to the wider public. By the very nature and location of the site, and that there has been no significant changes to the site, it has been allowed to remain undeveloped for many years, and as such benefits from its natural surroundings. This in the opinion of the Local Authority furthers the social wellbeing or interests of the public. It is therefore considered that the land use planning issue is whether this would be prejudiced by the development proposed. To this end for the same reasons as articulated in section 3 it is not considered that the unique character will be adversely impacted on therefore protecting the social well-being or interests of the public.

CONCLUSION

The proposed holiday chalet accords with the use of the area and would not cause harm to the amenity of the neighbouring chalets or wider character of the conservation area. The development would not be detrimental to the Asset of Community Value designation. Subject to conditions it is acceptable in flood risk terms. The application is considered in accordance with Policy 5, 12, 22, 33, 34, 39, 41, and 42 of the NELLP 2018 and is recommended for approval.

RECOMMENDATION

Approved Limited Period

(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 - RD5264 - 02

Existing Block Plan - RD5264 - 03

Proposed Block Plan - RD5264 - 04 Rev B

Proposed Plans and Elevations - RD5264 - 01 Rev E

Proposed Section - RD5264 - 05 A

Reason

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

(3) Condition

The chalet shall be removed in its entirety from the site and the land reinstated as a cleared site on or before 3rd March 2033.

Reason

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

(4) Condition

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

Reason

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

(5) Condition

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

Reason

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

(6) Condition

The development shall be carried out in accordance with the Construction Method Statement submitted 10/10/2022 unless otherwise approved in writing by the Local Planning Authority.

Reason

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

(7) Condition

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

Walls - Wooden shingles

Roof - Metal profile sheeting

Windows and Doors - Timber

Verandas and Decking Areas - Timber

Parking Area - Permeable stone or gravel

Boundary Treatments - Timber

Vehicular Cross Over Area - Grasscrete

Chimney - Brickwork

Reason

This condition is imposed in the interests of design considerations in the context of the existing buildings in order to comply with Policies 5, 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(8) Condition

The development shall be carried out in accordance with the flood risk assessment document received 21/10/2022 (Rev A) unless otherwise agreed in writing by the Local Planning Authority. All measures shall be installed prior to occupation of the chalet and shall be retained for the lifetime of the development.

Reason

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

(9) Condition

Prior to the commencement of the development, a detailed ecological enhancement plan shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the measures shall be installed prior to use of the chalet.

All construction work shall accord with the recommendations set out in the ecology report received 11/11/2022 relevant to Plot 80. Should any work be required to the existing ditch, then further survey work in line with the ecological report must be submitted and agreed in writing by the Local Planning Authority before this work is undertaken. Work shall only accord with the approved details thereafter.

Reason

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

(10) Condition

The proposed air source heat pump shall be carried out in accordance with the details supplied in the Low Sound Enclosure document received 15/02/2023 and in accordance with the details in plans RD5264-04 Rev B and RD5264-01 Rev E and it shall remain as such unless otherwise agreed in writing by the Local Planning Authority.

Reason

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

(11) Condition

The occupation of the chalet shall only occur in strict accordance with the approved flood risk evacuation plan received 14/02/2023 unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of safety and flood risk and in accordance with Policy 33 of the North East

Lincolnshire Local Plan 2013-2032 (adopted 2018).

Informatives

1 Reason for Approval

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

2 Added Value Statement

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

In accordance with paragraph 187 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to problems arising, by securing amended details to alleviate concerns and to address flood risk concerns.

3 Informative

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

4 Informative

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. Prior to carrying out works, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

DM/0778/22/FUL – PLOT 80 HUMBERSTON FITTIES, HUMBERSTON



[illegible]

PLANNING COMMITTEE - 29th March 2023

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

APPLICATION No: DM/1086/22/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Cleethorpes Academy , Grainsby Avenue, Cleethorpes, North East Lincolnshire, DN35 9NX

PROPOSAL: Erection of single storey extensions with internal and external alterations to Block 1. Demolition to part of ground floor and erection of single storey extension with internal and external alterations to Block 5 and associated works

APPLICANT:

Professional Services Team
EQUANS
New Oxford House
2 George Street
Grimsby
North East Lincolnshire
DN31 1HB

AGENT:

Sarah Perry - Professional Services Team
EQUANS Professional Services Team
(Architecture)
New Oxford House
2 George Street
Grimsby
DN31 1HB

DEPOSITED: 14th December 2022

ACCEPTED: 11th January 2023

TARGET DATE: 8th March 2023

PUBLICITY EXPIRY: 26th February 2023

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 4th February 2023

CASE OFFICER: Owen Toop

PROPOSAL

This proposal relates to a series of internal and external expansion works at the Cleethorpes Academy. This includes the erection of single storey extensions to Block 1 and Block 5 of the Academy, as well as internal works to Block 7. Only the external works require planning permission.

The expansion of the school in this manner would provide for:

- additional workspace for catering works
- additional dining space to accommodate additional students and staff
- additional changing facilities for PE (physical education)
- additional staff working area
- installation of a lift for disability access
- a new library and associated accessibility via a platform lift
- repurpose of an existing staff room into a music room
- additional area for SEN (special educational needs)
- the relocation of the existing reception to be integrated as a reception and student office

This application is brought to the attention of the planning committee due to the number of neighbour objections. A petition has also been received. Two councillors (Reynolds and Callison) have also requested that this application be brought to planning committee.

SITE

The site is the Cleethorpes Academy which is primarily accessed from the west entrance at Grainsby Avenue, a residential street in Cleethorpes. Grainsby Avenue itself connects to Brian Avenue and Sandringham Road to the north and Ashby Road to the south. Adjacent to the site and north is Halton Place, a residential cul-de-sac. The Cleethorpes Academy includes a gate onto Halton Place which is opened and closed during school opening and closing times. At other times of the day the gate is closed but is maintained as a possible route for emergency access in and out of the school. To the south and south east is Taylors Avenue, which is separated by the playing field at the Academy.

RELEVANT PLANNING HISTORY

None relevant.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2021)

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

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

- PO5 - Development boundaries
- PO6 - Infrastructure
- PO22 - Good design in new developments
- PO33 - Flood risk
- PO34 - Water management
- PO38 - Parking
- PO42 - Landscape

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

REPRESENTATIONS RECEIVED

Drainage - Recommends sustainable surface water drainage scheme condition.

Environmental Health - Recommends conditions for construction and demolition control and a standard informative relating to asbestos.

Highways - No objections to the proposal based on the additional numbers provided and following site visits monitoring the access and relationship of Halton Place to existing students with regards to drop-off concerns.

Heritage - No input required.

Police Crime Reduction Officer - No response.

Estates - No response.

Trees and Woodlands - No comments.

Neighbour Representations:

In some cases, more than one letter has been received from the same address. Letters of objection received from:

3 Halton Place
12 Halton Place
13 Halton Place
29 Halton Place
23 Brian Avenue
174 Sandringham Road
21 Ashby Road
4 Grainsby Avenue

Broadly on the grounds of:

- highway safety (including that of emergency vehicles)
- child safety
- increased capacity
- anti-social behaviour and littering
- impact on the character of the area
- impact of construction traffic
- parking and parent pick-up and drop-off concerns
- impact on trees from existing containers
- impact of noise and disturbance from construction with reference to existing issues
- suggestions to utilise Taylor's Avenue and the school playing field as a new drop-off area

A petition has been received with approximately 50 + signatures which is attached to this planning application. The petition is against the use of Halton Place as a thoroughfare and for cars dropping off and picking up children.

Two call-in requests have been received, one from Cllr Callison and the other from Cllr Reynolds. The grounds for call-in are broadly:

- concerns over no site visit
- suggest alternative access provision is made
- concerns over closure of Grainsby Avenue, for example if this is required during construction of the development
- health and safety, highway and child safety concerns
- questions the need for expansion and numbers within the applicant's statement
- anti-social behaviour issues with regard to pupils
- questions current system enforced by the Academy of Halton Place

APPRAISAL

The material considerations are:

- 1) Principle of Development
- 2) Design and Impact on the Character of the Area
- 3) Impact on Neighbours and Public Objection
- 4) Impact on Highways
- 5) Other Considerations

- 1) Principle of Development

The proposal is located at an existing educational site and within the development boundary of Cleethorpes as defined within Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) [NELLP] and relates to external alterations and extensions to Blocks 1, 5, and 7 of the Cleethorpes Academy. Policy 6 of the NELLP supports the creation or expansion of new facilities to existing educational sites. Development needs to be balanced with regards to material considerations of other

policies within the NELLP however and will only be supported provided that there are no detrimental impacts. In this case, the proposal may be supported in accordance with the NELLP provided that there are no detrimental impacts in relation to; the design and character of the area (policies 5 and 22); neighbouring amenity (policy 5); and highway safety and amenity (policy 5).

2) Design and Impact on the Character of the Area

All of the external works for this proposal are set within the school grounds. The largest part of the works would be to Block 1, positioned on the west side of the school. The site is already set back from Grainsby Avenue to the west. The works have been designed to be sympathetic to the existing school with the use of typical materials witnessed in school expansions, including brickwork and blockwork as well as pvc.

In terms of the design and impact on the character of the area, the proposal would not present any adverse issues given that the works are set well within the school grounds and of a design that is sympathetic to the existing buildings. Considering this, the proposal accords with policies 5 and 22 of the NELLP in this regard.

3) Impact on Neighbours and Public Objection

Policy 5 of the NELLP allows for an assessment of the impact of proposals on neighbouring land uses. In this manner the material planning considerations for this nature of application include impact of the external works in terms of massing, overshadowing and overlooking, and the impact in terms of noise and disturbance as a result of the works and end-use. In this manner the end-use is already an existing school and the proposal is not expected to create any additional impacts on neighbouring residential amenity in terms of noise and disturbance as a result of the extensions and alterations. The comments of the environmental health officer regarding construction and demolition are noted and the relevant conditions are recommended in order to protect residential amenity during construction this time.

With regards to impacts of massing and overlooking, all of the external works are located within the school grounds. The closest element of the works to neighbouring land would be the extension to Block 5 (kitchen and dining area extension). However, the works would remain single storey and essentially would be an in-fill extension. The works are separated from the neighbours at Ashby Road by at least 15 metres to their shared boundary. As such the works would not present any detrimental impacts in terms of massing, overshadowing or overlooking.

The other extension to Block 1 is also well separated from neighbours at Grainsby Avenue and Halton Place and so there are no detrimental impacts in terms of massing, overshadowing or overlooking from the extension onto these neighbours.

Having considered the above impacts on residential amenity, the proposal accords with policy 5 of the NELLP.

Many of the concerns raised by neighbours pertain to the impact on highway safety as a result of the extensions and the associated additional student and staff numbers. The comments also pertain to an existing situation. The next section of this report will seek to address the concerns raised with regard to the material planning considerations for this development.

4) Impact on Highways

The proposal seeks to expand the existing Academy and the applicant has provided a statement which refers to the numbers of additional staff and pupils associated with the development. . The number of pupils will increase by 150 taking the school from a 900 place school to a 1050 place school.

With regard to staff parking, the applicant proposes that the current site contains an adequate number of parking bays to accommodate for the increase in 5 staff members.

As part of this application, letters of objection have been received with regard to the extensions. Residents have noted existing concerns with regard to highway and child safety and amenity, particularly in relation to Halton Place, Grainsby Avenue and Sandringham Road. With particular regard to Halton Place, a petition has been received containing 50 + signatures. Representations from Halton Place also refer to impacts of highway safety, as well as anti-social behaviour issues.

The material consideration for this application is to consider that impacts of the new development in relation to highway safety and amenity. In this manner, it is accepted that the increase in the number of staff can be accommodated by the existing parking facilities at the school and so the proposal accords with policy 38 of the NELLP in this regard. With regard to concerns raised in relation to the existing children using Halton Place to enter and exit the school, this is noted. However it must be acknowledged that this access is historic. Whilst it was temporarily closed and then re-opened during the covid period, there are no planning controls that would restrict this access because it is an inherent feature of the historic school, constructed in the 1970s.

At any rate, the highways officer and planning officer have conducted site visits to consider the impact of the new development on the local highway network. A site visit was undertaken to Halton Place to monitor the number of cars coming into Halton Place for pick-up and drop-offs. There were only a handful of cars seen dropping off and collecting pupils during these times. Teachers were present to assist pupils entering and exiting and were also seen clearing up any mess and alerting pupils to traffic. The Highway Authority notes that whilst there will be an increase in pupil numbers, it is expected that the majority of these will walk to school. The Highway Authority is content that the proposals will not cause a severe impact on the network and is therefore supportive of the proposals.

With regard to the impact of the proposal on Grainsby Avenue, Sandringham Road, Brian

Avenue and indeed the wider local highway network, the considerations are that of the increase of number of students and parents. It needs to be acknowledged that pupils are encouraged to walk and cycle to the school as opposed to be picked-up and dropped-off. With the increase of 150 overall, it is not considered to result in a detrimental impact to the highway network. There are speed limits in place around the school which are there to protect public safety, as well as traffic regulation orders at Brian Avenue and Sandringham Road.

There also needs to be due regard paid in terms of construction management for all of the surrounding streets. The comments are noted from councillors and residents in relation to concerns regarding construction traffic involved with the development. Indeed, some of the concerns raised are that the main entrance from Grainsby Avenue would be closed as part of the works. It has been confirmed by the applicant that this would not be the case and a construction traffic management plan is recommended to secure final details by condition in the interests of local and wider highway safety.

Having considered the above the proposal would not present any detrimental impacts in terms of highway safety and amenity and so accords with policy 5 of the NELLP.

5) Other Considerations

The council's drainage officer has recommended conditions for sustainable surface water drainage disposal. The applicant has agreed to these conditions and the proposal therefore is considered to accord with policies 5 and 34 of the NELLP.

The tree officer has raised no concerns in relation to this application. It is therefore considered to accord with policy 42 of the NELLP.

CONCLUSION

This proposal relates to a series of internal and external expansion works at the Cleethorpes Academy. This includes the erection of single storey extensions to Block 1 and Block 5 of the Academy, as well as internal works to Block 7. Only the external works require planning permission.

Having considered the scheme, the proposal would support the expansion of the school and the aspirations within the local plan and national policy aims of supporting educational infrastructure. This benefit has needed to be balanced in line with the other key material planning considerations to which it is considered there are no detrimental impacts. Therefore it is considered that the proposal accords with policies 5, 6, 22, 33, 34, 38 and 42 of the NELLP and so it is recommended for approval with conditions.

RECOMMENDATION

Approved with Conditions

(1) Condition

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

Reason

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

(2) Condition

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

Site Location Plan - A001

Proposed Block Plan - A003

Block 1 Existing, Demolition & Proposed Plans - A100 B

Block 1 Proposed Elevations - A103 B

Block 5 Proposed Elevations -A502 A

Block 5 SW Ground Floor Existing, Demolition & Proposed Plans - A500 A

Block 5 NE Ground Floor Existing, Demolition & Proposed Plans - A550

Block 5 First Floor Existing, Demolition & Proposed Plans - A551

Block 7 Existing, Demolition & Proposed Plans - A700

Reason

For the avoidance of doubt in the interests of proper planning and in accordance with policies 5, 6, 22, 33, 34, 38 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(3) Condition

The proposed development shall be constructed using materials specified within the submitted application form, unless otherwise first approved in writing by the Local Planning Authority.

Reason

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

(4) Condition

No development shall commence until a final scheme for the sustainable provision of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The development shall then be built out in accordance with the approved details and the drainage implemented prior to occupation of the extensions.

Reason

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

(5) Condition

No development shall take place until a Construction Management and Traffic Plan (CMTP) has been submitted to and approved in writing by the Local Planning Authority. The CMTP shall include:

- Details of the control measures that will be employed to control the impact of noise, vibration and dust during the construction phase;
- Working hours;
- Contact details of the person with responsibility for the implementation of the Plan;
- The expected number, types and size of vehicles during the entire construction period;
- Details of on-site parking provision for construction related vehicles;
- Details of on-site storage areas for materials;
- Details of expected delivery schedules (to avoid school pick up and drop off times); including routing and how this will be managed to eliminate waiting on the public highway (i.e. call ahead or pre-booking scheduling system); and
- Details of wheel washing facilities (locations, types etc.).

The approved Plan and control measures it contains shall be implemented throughout the construction phase.

Reason

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

Informatives

1 Reason for Approval

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or residential amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 5, 6, 22, 33, 34 and 38.

2 Added Value Statement

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

In accordance with 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 applying conditions in the interest of protecting residential amenity and the amenity of school users.

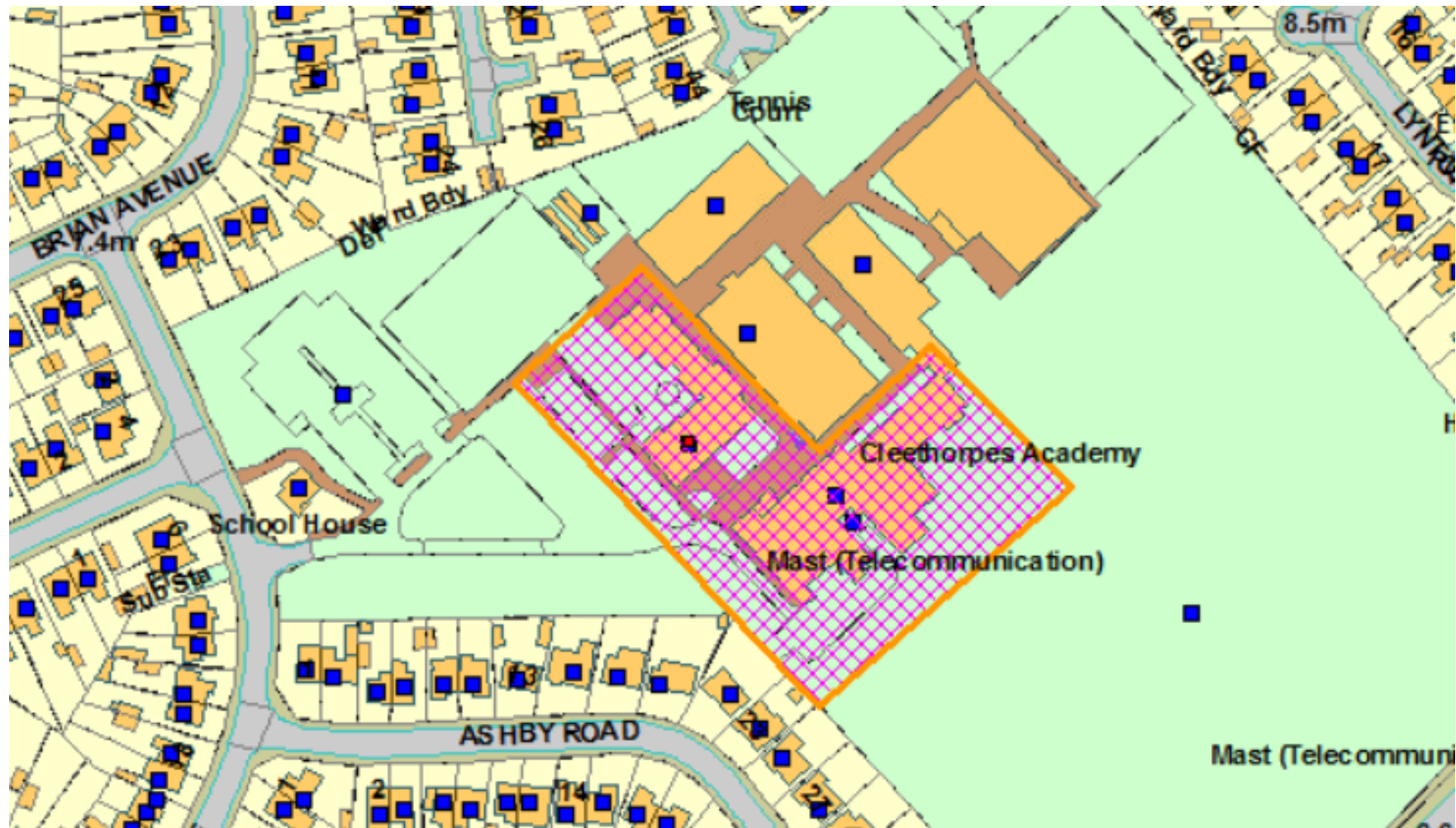
3 Informative

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

4 Informative

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/1086/22/FUL – CLEETHORPES ACADEMY, GRAINSBY AVENUE, CLEETHORPES



DM/1086/22/FUL – CLEETHORPES ACADEMY, GRAINSBY AVENUE, CLEETHORPES



PLANNING COMMITTEE - 29th March 2023

ITEM: 3 **RECOMMENDATION: Approved with Conditions**

APPLICATION No: DM/0692/22/REM

APPLICATION TYPE: Reserved Matters

APPLICATION SITE: Land , Field Head Road, Laceby, North East Lincolnshire, DN37 7SS

PROPOSAL: Variation of Condition 1 (Approved Plans) following DM/0522/21/REM to amend house types on various plots

APPLICANT:

Mr P Bannister
Land Developers Lincs Ltd
D B C House
Grimsby Road
Laceby
Grimsby
DN37 7DP

DEPOSITED: 3rd August 2022

AGENT:

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

ACCEPTED: 8th August 2022

TARGET DATE: 7th November 2022

PUBLICITY EXPIRY: 13th March 2023

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 3rd September 2022

CASE OFFICER: Richard Limmer

PROPOSAL

The proposal is a variation of the approved plans attached to reserved matters application DM/0522/21/REM. The variations include changes to house types across the southern part of the site between plots 82 to 152. The changes include the following elements:

- Adding detached garages;
- Adding rear sunrooms;
- Adding parking bays;
- Changing the design of bay windows.

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

SITE

The site is currently in agricultural production for arable crops. It is divided into two fields. The fields are divided by a shallow ditch. The site is relatively flat with ground levels for the northern field sloping gently from 25m AOD to 20m AOD from north west to south east and from 25m AOD to 20m AOD from south west to north east across the southern field. There are no significant features in the northern field apart from the hawthorn hedge and isolated mature trees. The south eastern boundary of the northern field comprises of post and rail panels to the rear gardens of properties located on Charles Avenue.

The southern field boundary comprises of hawthorn to the west with the southern and eastern boundaries comprising of conifer and hawthorn hedges and post and rail panel fencing to the properties on Field Head Road, Yews Lane and Willow Close.

A public footpath runs alongside the drainage ditch that separates the northern and southern fields with access to Charles Avenue to the east. A small footbridge in the west of the site offers pedestrians access over the channel to another public footpath which runs parallel to the western boundary of the northern field. Access to the site is from Field Head Road with a second pedestrian access from the public footpath to Charles Avenue.

East of the site is residential properties located on Charles Avenue and St Peter's Grove. To the south the residential properties of Field Head Road, Yews Lane and Willow Close. West is agricultural land and to the north a farm.

RELEVANT PLANNING HISTORY

DM/0868/22/CND - discharge of conditions attached to DM/0522/21/REM - approved.

DM/0522/21/REM - reserved matters for 152 houses and infrastructure - approved.

DM/1133/17/OUT - outline application for 152 dwellings - approved.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2021)

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

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

PO5 - Development boundaries

PO13 - Housing allocations
PO15 - Housing mix
PO16 - Provision-elderly person's housing needs
PO17 - Housing density
PO18 - Affordable housing
PO22 - Good design in new developments
PO33 - Flood risk
PO34 - Water management
PO41 - Biodiversity and Geodiversity
PO42 - Landscape
PO43 - Green space and recreation

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

REPRESENTATIONS RECEIVED

Drainage Board - no comments.

Environmental Health - no comments.

Highways Officer- no comments.

Environment Agency - no comments.

National Highways - no objections.

Sport England - no objections.

Trees Officer- no comments.

Heritage Officer- no comments.

Northern Power - no objections, maps provided.

PROW - no comments.

Drainage - need to capture any additional demand for surface water in the drainage plans.

Laceby Parish Council - no objections

Neighbours

The following neighbours have objected to the proposed development:

Hazeldene
Nos.34, 36, 43 Charles Avenue
40 Cemetery Road
Nos .1 and 6 Yews Lane

Neighbours have raised concerns broadly over the following matters:

- Impact on the development of the adjacent piggery at Hazeldene from odour, flies etc.
- Lack of maintenance of POS;
- The emergency access onto Charles Avenue and problems with traffic and parking.
- Site layout and on street parking,
- Flooding and drainage.
- Impact on services such as doctors and schools.
- Impact on ecology.

APPRAISAL

Material Considerations

1) Principle of Development

The principle of development on this site has been established by the allocation for housing on the NELLP under HOU075A, it has also been granted outline planning permission under DM/1133/17/OUT and a subsequent reserved matters permission under DM/0522/21/REM to which this application relates. The principle of development is therefore very well established on this site. The site is split into two informal phases led by different developers, this application relates to phase 1 led by Land Developers Lincs. This application seeks to change various house types across phase 1. It is considered that these changes do not affect the principle of development on the site.

2) Impact on Neighbours

The neighbours of this site are focused around the eastern and southern boundaries. The proposed changes do not affect the plots along the eastern boundary. Plots 82 and 83 are a pair of semi detached houses, the proposed changes to these include a change to the front elevation detail, detached garages and rear sunrooms. Whilst this is additional development it does not cause any significant additional impact to the neighbours to the rear. Plots 84, 85, 86, 87, 88, 90 and 91 also change but their positions and footprint but

stay very similar to the approved plans, the changes relate to elevational detail but would not present any material change in the impacts to the adjacent neighbours. The other plot changes are within the site and would not affect the neighbouring properties amenities. The proposal is therefore in accordance with Policy 5 of the NELLP.

3) Impact on the Character of the Area

The proposed changes maintain the same design theme as the approved plans and in the context of the development would not cause any further impact on the character and appearance of the area in accordance with Policies 5 and 22 of the NELLP.

4) Other Matters

It is noted that neighbours have raised various concerns over the proposed development but those concerns relate to the principle of development, which is well established, rather than the proposed changes to the scheme being considered under this application.

Consultees have reviewed the proposed changes and no objections have been raised. The proposed changes do not affect the previously agreed positions and requirements for conditions.

CONCLUSION

In conclusion, it is considered that the proposed amendments do not affect the principle of the development and do not present any significant additional impacts to neighbours amenities or the character and appearance of the area. The proposal is considered to be in accordance with Policies 5 and 22 of the NELLP and is recommended for approval.

RECOMMENDATION

Approved with Conditions

(1) Condition

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

Site Plans

RD4598-01 site location plan

RD4598-02 existing site plan

RD4598-03I proposed site plan

RD4598-03F proposed openspace plan

RD4598-22C external works plan

RD4598-25B proposed emergency access plan

RD4598-26 proposed open space plan

Levels Plans

1115-2104-CIV-01-P1 proposed site levels 1/8
1115-2104-CIV-02-P1 proposed site levels 2/8
1115-2104-CIV-03-P1 proposed site levels 3/8
1115-2104-CIV-04-P1 proposed site levels 4/8
1115-2104-CIV-05-P1 proposed site levels 5/8
1115-2104-CIV-06-P1 proposed site levels 6/8
1115-2104-CIV-07-P1 proposed site levels 7/8
1115-2104-CIV-08-P1 proposed site levels 8/8

Land Developers

RD4598-07A house type C
RD4598-23 house type M
RD4598-24 house type m handed
RD4598-21A garage details
RD4598-20 garage details
RD4598-04 house type A
RD4598-05 house type A handed
RD4598-06 house type B
RD4598-08 house type D
RD4598-09 house type D handed
RD4598-10 house type E
RD4598-11 house type E handed
RD4598-12 house type F
RD4598-13 house type F handed
RD4598-14 house type G
RD4598-15 house type G handed
RD4598-16 house type H
RD4598-17 house type J
RD4598-18 house type K
RD4598-19 house type L

Keigars

BU/AS/106 - Buckingham
TE.BA/AS/103 - Teal 3
TE.SR/OP/103 - Teal 3 opp
GA/FH/36 - garages
GA/FH/P6 - garages
KI/OP/19/106 - Kingston opp
AA/AS/18/103 - Ancholme 3
BU/OP/18/103 - Buckingham 3
BU/OP/18/106 - Buckingham 6
CA/AS/19/102 - Canterbury 2
CA/AS/19/106 - Canterbury 3
DU/AS/18/103 - Duchess 3

DU/OP/18/103 - Duchess 3 opp
DU/OP/18/106 - Duchess 6 opp
EA/AS/19/107 - Earl 6
EA/OP/19/107 - Earl 3 opp
GA/FH/19-20 - garages
GA/FH/21 - garages
GA/FH/24-28 - garages
GA/FH/25-29 - garages
GA/FH/2x51-2 - garages
GA/FH/2x51-3 - garages
GA/FH/30 - garages
GA/FH/62-63 - garages
HY/AS/18/103 - Haywood
HY/AS/19/102 - Haywood 2
HY/OP/19/102 - Haywood 2 opp
KI/AS/18/102 - Kingston 2
KI/AS/18/103 - Kingston 3
KI/AS/19/101 - Kingston 1
KI/AS/19/106 - Kingston 6
KI/AS/18/102 - Kingston 2 opp
KI/AS/18/103 - Kingston 3 opp
KI/AS/19/101 - Kingston 1 opp
MC/AS/19/101 - Malvern and Cleveland 1
MC/AS/19/102 - Malvern and Cleveland 2
MC/OP/19/101 - Malvern and Cleveland 1 opp
MCA/AS/18/101 - Malvern and Canterbury 1
MCA/AS/18/102 - Malvern and Canterbury 2
MCA/OP/18/101 - Malvern and Canterbury 1 opp
MCA/OP/18/102 - Malvern and Canterbury 2 opp
MCM/AS/12/101 - Malvern and Canterbury 1
TE.SR/AS/18/103 - Teal
TE.SR/OP/18/103 - Teal
TE.SR/OP/19/102 - Teal
W/AS/18/101 - Wordsworth 1
W/AS/18/102 - Wordsworth 2
W/OP/18/101 - Wordsworth 1 opp
W/OP/18/102 - Wordsworth 2 opp
W/OP/19/103 - Wordsworth 3 opp
TE.SR/AS/19/102 - Teal 2
HY/OP/18/101 Haywood 1 opp plots 23 and 25
HY/AS/18/101 Haywood BS1 plot 24
GA/FH/36and29 garages
GA/FH/19and30 garages
EA/AS/19/107 Earl style 6 plot 29
CA/OP/19/103 Canterbury 3 opp plots 22 and 20
CA/OP/19/102 Canterbury 2 opp Plot 27

CA/AS/19/102 Canterbury 2 plots 26 and 28
CA/AS/16/104 Canterbury 3 plot 21
BU/OP/18/106 Buckingham 6 plots 19 and 30

Reason

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

(2) Condition

Plots 1-81 shall be built out in accordance with the construction materials detailed on plan ref: FH/173/10B unless otherwise approved in writing by 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).

(3) Condition

Plots 82-152 shall be built out in accordance with the external materials approved under DM/0868/22/CND 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

The development shall be built out in accordance with the surface and foul water drainage scheme approved under DM/0868/22/CND unless otherwise agreed in writing with the Local Planning Authority.

Reason

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

(5) Condition

The scheme of landscaping, tree planting and footpath surfacing shown on plans ref. LMP-060521-00 Landscape master plan LP-060521-01 landscape plan 1/3, LP-060521-02 landscape plan 2/3, LP-060521-03 landscape plan 3/3 and RD4598-03G 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 maintained in accordance with the Landscape Management Plan.

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

(6) Condition

The development roads, footpaths and junctions shall be built out in accordance with the following plans unless otherwise agreed in writing by the Local Planning Authority:

1115-2104-CIV-30-P2 adopted highway 1/2
1115-2104-CIV-31-P2 adopted highway 2/2
1115-2104-CIV-32-P1 external works
1115-2104-CIV-61-P2 kerb and surface finish 1/8
1115-2104-CIV-62-P2 kerb and surface finish 2/8
1115-2104-CIV-63-P2 kerb and surface finish 3/8
1115-2104-CIV-64-P2 kerb and surface finish 4/8
1115-2104-CIV-65-P2 Kerb and surface finish 5/8
1115-2104-CIV-66-P2 kerb and surface finish 6/8
1115-2104-CIV-67-P2 kerb and surface finish 7/8
1115-2104-CIV-68-P2 kerb and surface finish 8/8
1115-2104-CIV-20-P1 road long sections 1/3
1115-2104-CIV-21-P1 road long sections 2/3
1115-2104-CIV-22-P1 road long sections 3/3
1115-2104-CIV-25-P1 Foul water drainage
1115-2104-CIV-S104-P1 s.104 layout
1115-2104-CIV-s38-P1 s.38 layout

RD4598-LTG-5001 street lighting
RD4598-LTG-5002 street lighting
RD4598-LTG-5000 street lighting

Levels Plans

1115-2104-CIV-01-P1 proposed site levels 1/8
1115-2104-CIV-02-P1 proposed site levels 2/8
1115-2104-CIV-03-P1 proposed site levels 3/8
1115-2104-CIV-04-P1 proposed site levels 4/8
1115-2104-CIV-05-P1 proposed site levels 5/8
1115-2104-CIV-06-P1 proposed site levels 6/8
1115-2104-CIV-07-P1 proposed site levels 7/8
1115-2104-CIV-08-P1 proposed site levels 8/8

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).

(7) Condition

The Ecological Enhancement Plan by CGC Ecology dated May 2021 shall be fully implemented 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 maintained in accordance with the Landscape Management Plan.

Reason

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

(8) Condition

The emergency vehicular access onto Charles Avenue shall be fully completed prior to the occupation of the 72nd dwelling on the site and thereafter shall be maintained and retained.

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).

(9) Condition

The development shall be carried out in full accordance with the Air Quality Assessment and Mitigation Report by Redmore Environmental ref:4943R1.

Reason

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

(10) Condition

Prior to the occupation of the 50th dwelling on the site the improvement works to the public right of way running through the site shall be completed in accordance with the plan RD4598-03I and the replacement footbridge shall be completed in accordance with the detail approved under DM/0868/22/CND.

Reason

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

(11) Condition

The development shall be built out in accordance with the boundary treatments approved under DM/0868/22/CND unless otherwise approved in writing by the Local Planning Authority.

Reason

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

(12) Condition

The development shall be built out in strict accordance with the Construction Management Plan submitted on 4th November 2021. Unless otherwise agreed in writing with the Local Planning Authority.

Reason

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

Informatives

1 Informative

The applicant should note the requirements set out in the conditions and s.106 of the previous permissions.

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

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

4 Informative

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)

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 Informative

During construction the Public Footpath must not be obstructed, however when the construction of the road is taking the Public Footpath requires closing this would require prior authorisation from the Public Rights of Way Mapping Officer with at least 5 weeks before commencement. A charge of £500 will be levied to the applicant to cover the Council's costs in arranging the legal closure order. A formal application must be submitted to the Public Rights of Way Mapping Officer via email to prow@nelincs.gov.uk or by telephoning 01472324789.

6 Informative

Please note the informative advice from Northern Powergrid with regards to their assets which can be viewed on the Council website.

7 Reason for Approval

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

8 Added Value Statement

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

DM/0692/22/REM – LAND AT FIELD HEAD ROAD, LACEBY



DM/0692/22/REM – LAND AT FIELD HEAD ROAD, LACEBY



PLANNING COMMITTEE - 29th March 2023

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

APPLICATION No: DM/0719/22/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Land At Grimsby Road, Waltham, North East Lincolnshire,

PROPOSAL: Erect 9 dwellings with associated highways, landscaping and boundary treatments (amended description and plans January 2023)

APPLICANT:

Mr Peter Strawson
Idyllic Estates Ltd
East Ravendale Farm
East Ravendale
DN37 0RX

AGENT:

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

DEPOSITED: 9th August 2022

ACCEPTED: 16th January 2023

TARGET DATE: 17th April 2023

PUBLICITY EXPIRY: 19th February 2023

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 1st October 2022

CASE OFFICER: Richard Limmer

PROPOSAL

The proposal is to erect 9 dwellings with associated highways, landscaping and boundary treatments. The proposal includes 2 dormer bungalows and 7 bungalows. The site is accessed off Grimsby Road via Woodlands Way and the proposal includes to increase its width to 5.5m.

This application has been brought to Planning Committee due to the number of objections received and it represents a departure from the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) (NELLP).

SITE

The site is located to the west of Grimsby Road in Waltham opposite the junction with Fairway. The site is currently an agricultural field with open boundaries to the north and south, new landscaping to the east and a large hedge to the west adjacent to Grimsby Road. Whilst the boundary to the south is currently open the land adjacent benefits from planning permission for residential development and that development is now well under way.

RELEVANT PLANNING HISTORY

On this site

DM/1160/17/OUT - Residential development - withdrawn

DM/0521/18/OUT - outline for 16 dwellings - Refused - dismissed at appeal

DM/0955/20/OUT - outline for 17 dwellings - Refused - dismissed at appeal

Adjacent site to the south

DM/0579/16/OUT - Residential development - refused - allowed at appeal

DM/0285/18/REM - reserved matters for residential development - approved

Various amendments to DM/0285/18/REM

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2021)

NPPF5 - Delivering a sufficient supply of homes

NPPF12 - Achieving well designed places

NPPF14 - Climate, flooding & coastal change

NPPF15 - Conserv. & enhance the natural environ.

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

PO5 - Development boundaries

PO22 - Good design in new developments

PO33 - Flood risk

PO34 - Water management

PO41 - Biodiversity and Geodiversity

PO42 - Landscape

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

REPRESENTATIONS RECEIVED

Fire Brigade - no objections.

Civic Society - object due to the site's location within the strategic gap.

Drainage Board - no objections

Anglian Water - no objections

Environmental Health - no objections, recommend conditions for construction

Trees Officer - no objections, recommend conditions for landscaping

Highways Officer - no objections, recommend conditions for highway construction

Heritage Officer - no objections

PROW - no objections

Drainage - no objections, conditions for final drainage details

Harbour Energy - no objections

HSE - does not advise against

Waltham Parish Council - objects to the proposed development with concerns over its location in the strategic gap, the site not being allocated for housing and that the applicant has other sites they have not yet developed.

Neighbours

1, 2, 3, 4, 5, 7, 8, 14 Woodlands Way
59, 67 and 85 Grimsby Road

The above neighbours have objected to the proposed development on the following grounds:

- There are matters yet to be completed on Woodlands Way adjacent and these should be completed before the applicant is allowed to continue developing.
- The access, Woodlands Way, is not yet completed and should be prior to further development.
- There are previous appeal decisions on this site that should be noted.

- The site is located within the Strategic Gap and should not be built on.
- There is no need for additional dwellings.
- The number of dwellings means that it would avoid the requirements of a s.106 agreement for infrastructure.
- The speed limit on Grimsby Road is 40mph and the site access is not sufficient to access the site safely at that speed.

No.9 Woodlands Way - supports the proposed development.

APPRAISAL

The key considerations in this application are:

- 1) The Principle of the Development and impact upon the character and form of the locality
 - 2) The impact upon residential amenity
 - 3) Highways Safety
 - 4) Drainage
 - 5) Ecology
 - 6) Other considerations
-
- 1) The Principle of the Development and impact on the form and character of the locality.

The site is located outside of the defined Development Boundary for Waltham on the NELLP Inset Maps, this means that the site is considered to be in the open countryside and the proposed development represents a departure from the NELLP. Whilst Policy 5 does not readily allow for new residential development in the open countryside it is recommended that consideration should be given to the Council's position of not being able to demonstrate a 5-year housing supply figure that still stands at the current time (published figure of 4.2 years) but also importantly to the specific nature of this site and how following negotiations it can be assimilated into the existing development.

In regard to sustainability the site is located directly adjacent to and accessed off Grimsby Road which hosts bus routes and there are various services within Waltham village. These are within a reasonable walk of the site. This was the same situation when the site off Woodlands Way to the south was allowed at appeal in 2018. Thus, in regard to sustainability it is considered that the development is acceptable.

It is noted that previous applications on this site for 16 and 17 dwellings respectively have been refused and dismissed at appeal. Most recent appeal decision is attached to the agenda (application DM/0955/20/OUT). The main reason for this was the position of the

Local Plan and the impact that the development would have on the visual character of the area. The Inspector specifically discusses the visibility of the site in the context of the gap between Waltham and Scartho. In response it is considered that this proposal has sought to address this by reducing the number of dwellings down to 9 and with 7 of these being single storey only. Further landscaping is also proposed, and the site layout has been revised to respect and make more of the site's location and views. Indeed, the proposal now only extends approximately 60m north from Woodlands Way. The proposal also includes an area of open space to the north with a landscaping scheme to enhance the countryside feel that the site has.

It is acknowledged that the site is within the Green Infrastructure Corridor identified on the NELLP Inset Maps but equal to that is the contribution that the site currently makes and the relationship that the existing Woodlands Way site has to this space. Woodlands Way creates a feel of a somewhat unfinished development as the northern side of the road is undeveloped but also currently unused and of little amenity benefit other than being open. The proposed development would deliver additional landscaping and public open space which adds value to the character of the area and the Strategic Green Infrastructure Corridor, and it will effectively finish off the development. This being the case it is considered that the proposed development, whilst visible, would not cause harm to the visual character of the area and would not devalue the Strategic Infrastructure Corridor. To the contrary in physical terms, it will create a better layout and aspect to the countryside edge which will enhance the character of the area.

It is therefore considered, in principle that the development is acceptable subject to meeting the criteria of policies in the Local Plan which refer to other site-specific assessment. In this instance namely Policies 5, 22, 33, 34, 41 and 42.

2) Impact upon residential amenity

Policy 5 requires consideration of the impact of proposals upon neighbouring land uses by reason of noise, air quality, disturbance or visual intrusion. In this respect the proposal's location, scale and massing is considered to be acceptable in terms of any impacts upon the neighbouring properties and land uses. The main neighbours to consider in this instance are those on Woodlands Way which face the application site. The proposal has detailed a layout which would provide sufficient separation distances to neighbouring properties to ensure that there would not be any adverse impacts in terms of overlooking, over shadowing or oppression. The neighbour letters in respect of the topography of the site in relation to existing properties is noted however as a lower rise development it is not considered that the relationship between properties would be detrimental. The proposal is therefore considered to be acceptable in this respect with Policy 5 of the NELLP.

3) Impact upon Highways Safety

Policy 5 1(B) requires that consideration is given to the access and traffic generation of the proposal. Policy 36 requires that proposals provide for sustainable transport usage.

The application has been considered by the Highways Officer and no objections have been raised. In particular, there should be no adverse impact on the highway network. It is not deemed that the number of dwellings proposed will create a severe impact on the surrounding highway network with less than 30 two-way trips being undertaken during peak hours. The neighbour letters raise concerns over the existing highways network and the construction of the existing roads being laid in concrete. The Highways Authority would have recourse through their own legislation should there be any damage caused to the highway and raise no objections to the vehicular activity that would result from the proposal. Therefore, subject to suitable conditions to control the construction activity and form of the access/ road works it is not considered that there would be any detrimental effect upon highways safety to warrant refusal on these grounds. The proposal is therefore considered to comply in this respect with the requirements of Policy 5 1(B) of the NELLP 2013-2032.

It is noted that neighbours have raised concerns that Woodlands Way has not yet been completed and made up to adoptable standards. It is reasonable for those neighbours to expect their access road to be completed prior to further dwellings being constructed. It is therefore considered that a condition should be imposed to require Woodlands Way to be completed in accordance with construction details to be submitted and agreed prior to any dwellings being constructed on the site.

The proposal also includes an extended footpath along Grimsby Road and a connection into the site. It is considered that this infrastructure should be delivered prior to construction commencing on the 4th dwelling on the site. This can be secured by condition.

4) Drainage

Policy 33 and 34 requires that development proposals consider how the water will be used on site and that appropriate methods for management and drainage are incorporated into the design. It is noted that the application being considered has been submitted in full. The Drainage Engineers have considered the proposed development and considered that a sustainable drainage system can be delivered on the site which can be secured by suitable conditions. The proposed development would then accord with Policies 33 and 34 of the NELLP 2013-2032.

5) Ecology

Policy 41 seeks to provide protection to biodiversity. The proposal site is formed by an agricultural field with associated boundary hedgerow and field verges providing the main potential habitats. The application is not designated as a site of any particular ecological interest or to support any protected species. As such there is not in principle objection to the development of the site as proposed. An Ecology Survey has been provided which does not highlight any specific concerns with regard to protected species and does not identify the site as having any special biodiversity value. Recommendations are made to ensure safe and proper construction practices and it is considered that there should be a

detailed Biodiversity Improvement Plan provided and delivered. These matters can be secured by condition and so the scheme accords with Policy 41 of the NELLP.

6) Other considerations

It is noted that neighbours have raised concerns over the fact that the applicant, who is also the developer for the Woodlands Way development adjacent to the site, has not yet finished the Woodlands Way development off properly and should have to build out the extant planning permission behind the fire station before this application should be allowed. These views of neighbours are understandable but do not form material planning considerations in that this application has to stand alone and be considered on its merits.

The scheme has been subject to various amendments through the Planning application process which has resulted in the scheme being reduced from 17 dwellings to 9. The proposal does not now qualify for s.106 contributions for Education or Affordable Housing contributions.

The proximity of a Pipeline to the site has been raised. The proposal has been designed to ensure that the pipeline falls outside of the proposed developed area. Harbour Energy have not raised any objections to the proposed development.

Agricultural land use and the loss of land has been raised. In this respect it is noted that the site on the large-scale mapping falls within agricultural land class 3. The site in question is a field of approximately 1.35 Hectares. Should the proposal have been found to be acceptable in all other respects it is not considered that the loss of this small parcel of land from agricultural use would be of such weight to warrant refusal of the application on this matter.

CONCLUSION

The proposal for 9 dwellings on this development site is considered acceptable in this area and would contribute to local housing need. The previous appeal decisions on the site have been noted and considered in detail. The scheme has been amended to address the concerns raised within those decisions and it is considered that there are no significant issues that would outweigh the need for housing through this development. Whilst outside the development boundary in the Local Plan 2018 having regard to housing supply and the design and layout of the scheme it is considered it can be achieved without harm to the character of the area and street scene, and it would not give rise to adverse impacts in terms of residential amenity, highway safety or drainage. Subject to conditions, it is therefore recommended for approval in accordance with policies 2, 5, 15, 17, 22, 33, 34, 40, 41 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and sections 5, 11, 12 and 15 of the National Planning Policy Framework.

RECOMMENDATION

Approved with Conditions

(1) Condition

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

Reason

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

(2) Condition

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

RD4036-03 Rev E - site location plan
RD4036-01 Rev W - proposed block plan
RD4036-04 Rev C - existing block plan
RD4036-09 Rev A - plans and elevations
RD4036-12 - plans and elevations
RD4036-15 - plans and elevations
RD4036-16 Rev A - plans and elevations
RD4036-17 - plans and elevations
RD4036-18 Rev A - plans and elevations
RD4036-21 - plans and elevations

Reason

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

(3) Condition

The development shall be built out in accordance with the materials specified on plan ref RD4036-22 unless otherwise approved in writing by 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 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(4) 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) A detailed management plan for the landscaping and public open space area;

(e) A Biodiversity Improvement and Management Plan.

have been submitted to and approved in writing by the Local Planning Authority. The landscaping, Biodiversity Improvement Plan and public open space shall then be delivered prior to the occupation of the 4th dwelling on the site and maintained in accordance with the approved Landscaping and Public Open Space Management Plan and Biodiversity Management Plan. Landscaping on individual plots shall be completed prior to that dwelling's first occupation and thereafter maintained in accordance with the approved Management Plan.

Reason

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

(5) Condition

The development shall be carried out in accordance with the Ecology Report by Andrew Chick dated January 2021 and the recommendations set out within the Report.

Reason

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

(6) Condition

Prior to development commencing a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details. The Plan shall include:

- Dust mitigation measures;
- Noise mitigation measures;
- Wheel cleaning facilities for demolition/construction traffic;
- Demolition and construction traffic routing details;
- Details of the location for the storage of materials;
- Details of contractors compound and parking areas; and
- Details of construction working hours.

Reason

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

(7) Condition

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

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

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

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

Reason

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

(8) Condition

Prior to construction works commencing on the hereby approved dwellings the access road known as Woodlands Way shall be fully completed in accordance with the construction details required in condition 7 of this planning permission.

Reason

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

(9) Condition

The footpath on Grimsby Road linking into the site, as detailed on plan ref: RD4036-01 Rev W shall be completed, in accordance with construction details to be submitted and approved in writing by the Local Planning Authority, prior to the occupation of the 4th dwelling on the site.

Reason

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

(10) Condition

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

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).

(11) Condition

No development shall commence until a scheme for the provision of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The development shall then proceed 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 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

Informatives

1 Reason for Approval

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

2 Added Value Statement

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

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

3 Informative

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

4 Informative

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

Appeal Decision

Site visit made on 6 January 2022

by J P Longmuir BA(Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 February 2022

Appeal Ref: APP/B2002/W/21/3278465

Land off Grimsby Road, Waltham, Lincolnshire, DN37 0PT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Peter Strawson on behalf of Idyllic Estates Ltd against the decision of North East Lincolnshire Council.
 - The application Ref DM/0955/20/OUT, dated 9 November 2020, was refused by notice dated 8 January 2021.
 - The development proposed is a residential development of 17 number dwellings.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with all matters reserved. A layout was submitted but has only been considered as indicative.
3. The e-mail of 17th January 2022 confirms that the Section 106 agreement covering primary and secondary school provision as well as affordable housing is at draft stage and unsigned. I therefore have considered the appeal on this basis.
4. The adjacent site was the subject of an appeal¹ dated as 17 August 2017 for residential development, which warrants consideration where relevant. The appeal site itself was the subject to an appeal² decision dated 4th November 2019 for 16 dwellings, which I have also given consideration.

Main Issues

5. The second reason for refusal concerns insufficient evidence on ecology. However, the Council's statement of case refers to their collaboration with the appellants and the submission of an updated ecological appraisal, which found that the site does not have notable value. Potential enhancement could be provided by new landscaping and details of specific habitat creation could be required by condition. The Council suggest that the ecological concern has now been remedied and I conclude similarly. The third reason for refusal refers to insufficient evidence on heritage and archaeology. The Council's statement of case notes a geophysical survey has been submitted which showed negligible

¹ APP/B2002/W/17/3171223

² APP/B2002/W/19/3225246

significance. I similarly conclude that in this respect the proposal would not be harmful.

6. The first reason for refusal refers to the impact on the visual character and appearance of the area. It also states that the proposed development represents an unsustainable form of development in the countryside. This implies that the location also needs to be considered in terms of its accessibility to everyday services and facilities. In addition, as the section 106 is unsigned, there is a need to consider the implications on the delivery of those aspects.
7. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether the intended occupants would be in an accessible location for everyday local services and facilities without car dependency; and
 - whether the proposal would provide affordable housing and make contributions for education provision commensurate with the number of the likely new residents arising from the housing.

Reasons

Character and appearance

8. The appeal site lies just off Grimsby Road which provides a main through route. It also serves an extensive residential area to the west and opposite the appeal site. Off Grimsby Road, a newly constructed side road, Woodland Way, forms another side of the appeal site and also serves an area of new housing. The other sides of the appeal site border countryside and the eastern side has been planted with mixed species trees.
9. The appeal site itself is flat with sparse grass and with the exception of a boundary hedge and ditch along Grimsby Road, it is open and featureless. There are distant views towards trees on the skyline but otherwise the landscape character is not distinctive.
10. The hedge along Grimsby Road is deciduous and offers only limited screening and filtering of winter views into the appeal site. The previous Inspector, for the 2019 appeal, had the benefit of a September site visit and found that 'the existing hedge is tall and thick which would limit the prominence of the dwellings'. The Inspector does then remark on the winter aspect and the threat of its cutting back.
11. The proposed development would be seen in conjunction with twentieth century development on the other side of Grimsby Road and the new houses off Woodland Way. Nonetheless it would be a partial incursion into open countryside and would appear abrupt against the expansive landscape on the other two sides. In addition, the proposed houses would lead to the loss of openness of the site and obstruct the distant views.
12. The 2019 Inspector concludes that 'the open nature of the appeal site, and its physical and visual connection to the wider countryside, means that there would be an inevitable change to its character from its development for housing'. I find similarly, particularly as 17 houses are now proposed whereas the 2019 scheme was for 16.

13. Waltham is separated from the neighbouring edge of Grimsby by countryside, which the Council's statement quantifies as 400m. The North East Lincolnshire Local Plan (LP) identifies this as a strategic gap, which helps to preserve the identity of settlements and the dominance of the countryside. Whilst the appeal site contributes to this gap it is small compared to the size of the swath of fields which separate the settlements. Indeed, the houses along the west side of Grimsby Road are nearer towards the gap and the proposal would not protrude beyond this housing. Consequently, I find that the appeal proposal due to its extent and position would not harm the strategic gap.
14. The 2019 Inspector concluded that the impact would be localised and 'would intrude upon the appreciation of the open countryside and so would cause some limited harm to the character and appearance of the area'. I similarly conclude, although some of this impact could be ameliorated by planting. The indicative scheme shows a new landscape area to the north. The hedge along Grimsby Road could also be reinforced. Additionally, the recent landscaping adjacent to the appeal site shows that mixed species trees can flourish in this area.
15. Policy 5 of the LP requires development within or adjacent to settlement boundaries to have regard to the size, scale and density of the development and impact on the landscape. Development should recognise the open character of the landscape and the setting of independent settlements. Policy 22 requires good design and the protection and enhancement of natural assets. Policy 40 seeks to maintain and improve the network of green infrastructure, maintain the separate identity of settlements, retain the openness of land and control the scale of development. Paragraph 174 of the National Planning Policy Framework (the Framework) states planning decisions should recognise the intrinsic character and beauty of the countryside. The proposal would be harmful to the character and appearance of the landscape and so would be in conflict with these policies.

The access to local services and facilities

16. Policy 3 of the LP is the settlement hierarchy which aims to place and prioritise development where there is access to facilities and services. Waltham is recognised as a service centre, but the site is outside the settlement boundary. The policy states: future development would involve development principally of greenfield sites adjacent to but within the defined settlement development area boundary. Policy 4 of the LP provides the distribution of housing growth, whereby Waltham is identified as one of several local service centres, wherein in combination between 30-35% of new homes will be constructed in and on the fringes of the arc settlements. Policy 13 allocates sites for development elsewhere in Waltham. However, the site lies outside the settlement boundary of Waltham.
17. There is a shop for everyday essentials on Fairway, which is just beyond the other side of Grimsby Road, approximately 200m from the appeal site. The indicative layout suggests a footpath across the appeal site which would provide a conducive link. There are also bus stops on Grimsby Road opposite the site.
18. The appeal site is close to Waltham and linked by pedestrian pavements with streetlights, which would allow easy and pleasant walking. Waltham has a range of shops and services for everyday needs.

19. The previous Inspector acknowledged 'in locational terms, the proposal would be relatively accessible to a good number of local services, which could be reached by public transport and reduce reliance on private motor vehicle'.
20. I therefore conclude that the appeal site would be accessible to essential facilities without dependency upon private transport.
21. Policy 5 of the LP requires development within or outside defined boundaries to consider the provision of services. Against this particular wording, I find that the principle of residential development, being in an accessible location, would not be harmful or in conflict with policy 5, notwithstanding the conflict with policies 3, 4 and 13 due to the settlement boundary.

Affordable housing and contributions for education provision

22. The appellant's e-mail of 17 January 2022 states the Section 106³ agreement is draft and unsigned. Whilst this indicates an intention, it does not offer a guarantee of the delivery of its provisions. The Council's statement confirms that the proposal would need to provide £11,276.64 for primary education based on the estimated need from 4 dwellings, and £16,991.84 for secondary education derived from 5 dwellings.
23. Education payments are necessary to provide for expansion of facilities to cater for the pupils arising from the development. The number of dwellings would be significant in terms of pupil generation and increase pressure on existing facilities. Such financial contributions would not be appropriate by condition and therefore would not be deliverable without a signed Section 106 agreement.
24. An affordable housing contribution is necessary to provide homes for those who are in substandard living conditions. LP Policy 18 requires 20% provision of a development for affordable housing.
25. Whilst affordable housing in theory can be the subject of conditions, no wording has been suggested and the intricacies of delivery can be cumbersome by condition. Indeed, the Council assumed delivery would be by a signed Section 106 agreement and their statement indicates a lack of discussion on the content of the mechanism. Moreover, the previous Inspector found the submitted agreement incomplete and unsigned and therefore gave it no weight. In that decision the deliverability of the affordable housing was particularly significant. I therefore conclude that the affordable housing delivery is uncertain.
26. LP Policy 6 requires contributions towards primary and secondary education provision. Policy 18 requires 20% provision of a development for affordable housing. Similarly, paragraph 57 of the Framework provides the tests for obligations: the education and affordable housing are necessary, directly related to the development and are fair and reasonably related in scale and kind to the development. Paragraph 34 of the Framework supports developer contributions for affordable housing and education. The proposal would be in conflict.

³ Planning appeals: procedural guide. Annex A sets out the timescales for submission.

Other matters

27. The Council's statement comments about a heap of soil which has been formed on the appeal site. This is not part of the submitted appeal proposal and it is not therefore a matter for my consideration.

Planning balance

28. The Council confirms that at the time of determination it was meeting its 5 year housing land supply requirements. However subsequently its assessment at 1 April 2021 showed a drop to 4.2 years supply. Paragraph 11d of the Framework is therefore triggered as footnote 7 does not apply.
29. The Council's strategy is to provide housing on a spatial basis according to settlement hierarchy. The appeal site is classed as countryside, but Waltham is classed as a local centre with Grimsby and Cleethorpes forming an 'arc' of settlements. Policy 4 allows development in and on the fringes of the settlements but within the settlement boundaries. Whilst I found conflict with the Development Plan overall, particularly as the site was not within a settlement boundary, the site is in an accessible location which was one of the factors forming the strategy.
30. The inadequate housing supply questions the housing strategy and in particular the over reliance of development within the designated settlement boundaries. The housing supply shortfall is significant, and I have not been made aware of any prospect of the situation improving. Indeed, as the Local Plan was adopted in 2018, the situation may well get worse as the Plan ages.
31. There is a need to look beyond the settlement boundaries for new housing. As the appeal site is in a location where it is well served by facilities, the occupants would not be car dependent. The 17 houses would be a significant contribution to housing land supply and contribute to the economy.
32. However, as I found earlier the proposal would lead to an adverse impact on the landscape. This would be a limited impact, potentially easing when the landscaping begins to flourish, albeit depending upon its details.
33. In addition, the proposal has failed to make provision for the expansion of education facilities and the new households would create more demand and pressures on the existing infrastructure. The most robust means for delivering affordable housing has also not been provided.
34. Paragraph 8 of the Framework provides the three overarching objectives of the planning system: economic, social and environmental. The proposal would provide 17 houses which would have economic benefits from their construction. Additionally, there would be an economic benefit as the occupants would support local services. However, the lack of delivery for affordable housing and education provision would mean that the social benefits of the proposal have not been realised and the proposal would put undue harm on existing facilities. In terms of the environmental objective the proposal would lead to limited landscape harm albeit potentially easing with landscaping.
35. In the light of the above, I therefore conclude that the adverse impacts of the proposal would significantly outweigh the benefits when assessed against the policies in the Framework taken as a whole.

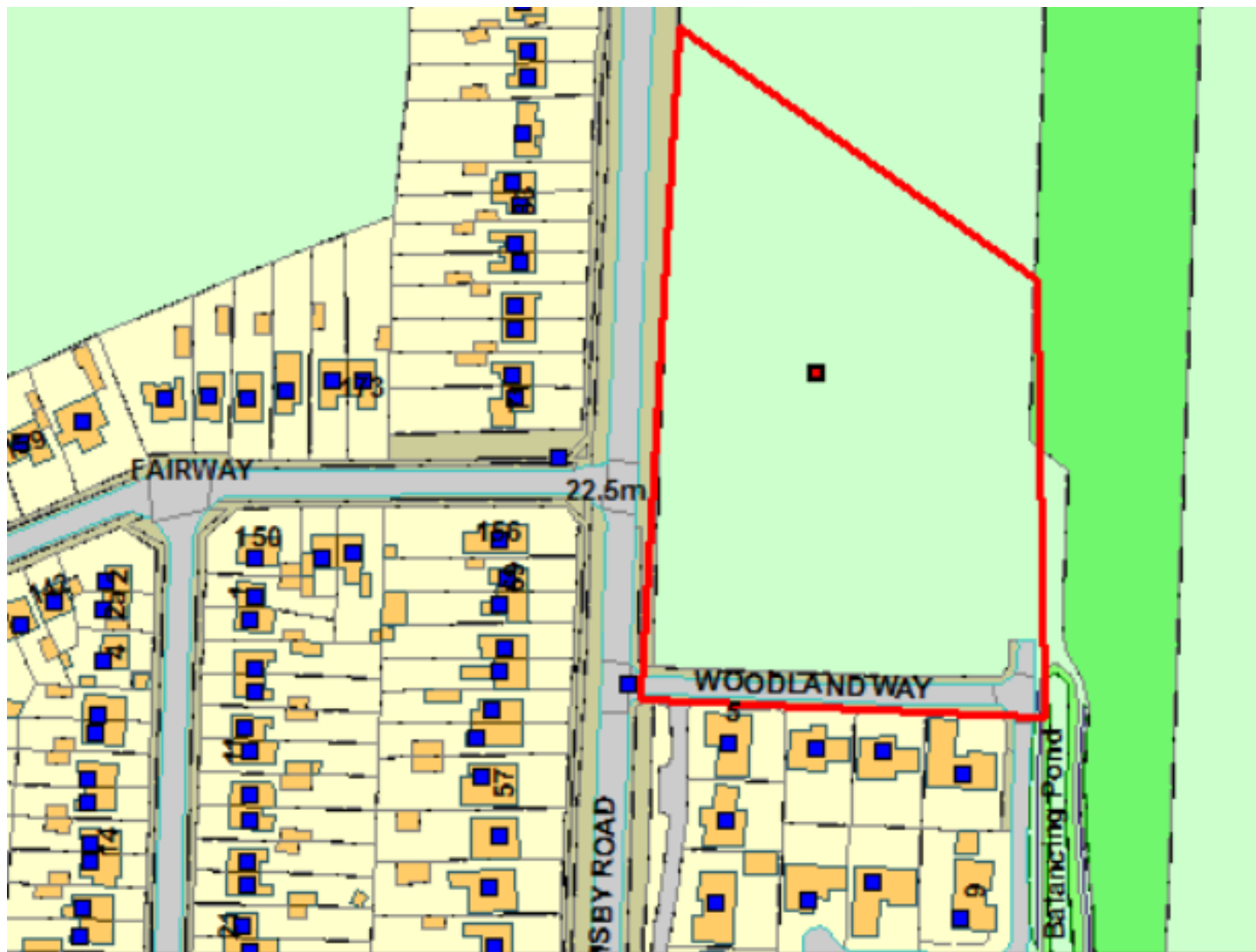
Conclusion

36. I therefore conclude that the appeal should be dismissed.

John Longmuir

INSPECTOR

DM/0719/22/FUL – LAND AT GRIMSBY ROAD, WALTHAM



[illegible]

PLANNING COMMITTEE - 29th March 2023

ITEM: 5 **RECOMMENDATION: Refused**

APPLICATION No: DM/1111/22/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: East Mount , Barton Street, Laceby, North East Lincolnshire, DN37 7LG

PROPOSAL: Change of use of garage and stable to detached bungalow with associated internal and external alterations

APPLICANT:

Mr Stanley James
East Mount
Barton Street
Laceby
North East Lincolnshire
DN37 7LG

AGENT:

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

DEPOSITED: 22nd December 2022

ACCEPTED: 26th December 2022

TARGET DATE: 20th February 2023

PUBLICITY EXPIRY: 8th March 2023

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 22nd January 2023 **CASE OFFICER: Jonathan Cadd**

PROPOSAL

This application seeks permission to convert an existing stable and garage into a two bedroom bungalow including new and altered windows and door, gable finish and rendering. Two car parking spaces would be formed to the east of the proposed bungalow and the current informal stoned based field track changed to a formal access drive.

The property has two access points to East Mount to and from the A18. The southern most access would be kept for East Mount and the other access would be divided from

this property to serve the bungalow to the rear.

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

SITE

The application site is land to the rear and side of a residential dwelling to the west side of the A18 known as East Mount. The property has substantial paddock grounds to the north and west. The building which is the subject of this application is a substantive breeze block garage and stable block to the rear of the host dwelling. It has an attractive pitched roof and is accessed via an informal stoned track to the main house access/ exit. Also to the rear is a medium sized portal framed barn with green profiled steel sheeting.

To the north of the site is a large grassed paddock which has extant permission for two dwellings, served off it's own access. The rear part of the paddock, however, remains undeveloped and within the applicant's ownership. The host dwelling to the east is a part single storey and part two storey dwelling with integral garage. The property has an in and out driveway arrangement but with driveways extending west either side of the host dwelling. Only one serves the application garage/ stable and barn though.

The site is bounded by mature hedging to the south and west but is open to the wider paddock to the north and house to east. Ground levels rise gently east to west.

The sites lies within open countryside, the development area of Laceby being to the east of the A18. The site is a flood zone 1 area.

RELEVANT PLANNING HISTORY

East Mount

DC/183/11/WOL Non Material Amendment following grant of DC/699/96/WOL (Erect extensions to dwelling, Erect detached garage, stable block and front boundary fence & new access) increase area of stable to accommodate stall, delete tack room door and insert 2 windows. Accepted

DC/628/03/WOL Proposed one and a half storey extension and conservatory. Refused July 2003

DC/467/02/WOL Erect a two storey extension and conservatory. Refused - dismissed at appeal 2003.

DC/176/98/WOL Erect side and rear extensions and carry out alterations. Approved April 1998

DC/175/98/WOL Erect barn. Approved April 1998 (red edge round barn only blue all other) conditioned to be used for storage of agricultural equipment and hay feed only)

DC/699/96/WOL Erect extensions to dwelling. Erect detached garage, stable block and front boundary fence. Construction of additional access. Approved Jan 1997

DC/674/96/WOL Erect barn. Approved 1997

Wider site

DM/0290/20/CND Details in discharge of Condition 2 (Construction Management Plan) pursuant to DM/0412/18/REM (Reserved matters application pursuant to outline application DM/0151/14/OUT for the erection of two dwellings with attached garages and associated access). Conditions discharged

DM/0248/19/CND Details in discharge of condition 3 (Access Details) pursuant to DM/0151/14/OUT (Outline application to erect two dwellings & attached garages with means of access, landscaping & layout to be considered). Conditions discharged
DM/0020/16/PREAPP Caravan and Camping Club Certificate granted 2016 but was withdrawn in April 2022

DM/0412/18/REM Reserved matters application pursuant to outline application DM/0151/14/OUT for the erection of two dwellings with attached garages and associated access. Approved

DM/0151/14/OUT Outline application to erect two dwellings & attached garages with means of access, landscaping & layout to be considered. Approved

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2021)

NPPF5 - Delivering a sufficient supply of homes
NPPF9 - Promoting sustainable transport
NPPF12 - Achieving well designed places
NPPF15 - Conserv. & enhance the natural environ.

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

PO2 - The housing requirement
PO3 - Settlement hierarchy
PO5 - Development boundaries
PO22 - Good design in new developments
PO34 - Water management
PO36 - Promoting sustainable transport
PO41 - Biodiversity and Geodiversity
PO42 - Landscape

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

REPRESENTATIONS RECEIVED

Laceby Parish Council: No objection

Highways: (in summary) Objects and recommends refusal. Busy 50 mph dual carriageway. Two slight accidents on north bound 2011 - 2021 due to vehicles losing control one of which is linked to excessive speed. South bound traffic will be tempted to utilise U turn on gaps within central verge or at Temple Lane or Beach Holt Lane resulting in slow moving traffic in fast lane causing obstruction to the detriment of safety. Also, the intensification of the site would lead to increasing number of vehicles accessing and leaving the site. It should be noted that the Road Safety Audit provided is dated April 2015 and is therefore considered out of date. The accident data provided is between 2009 and 2013 and is also outdated. The Highway Authority have seen no updated evidence from the applicants to demonstrate that the proposal to change the use of garage and stable to a detached bungalow would demonstrably outweigh the highway concerns for safety at this location. The Highway Authority are unable to support the proposals.

Drainage: D& A states foul connection to garage, this should be removed unless sanitary fixtures are present. No surface water connection should be made to the foul drain and must be replaced by sustainable drainage measures.

Heritage Officer: No input required

Neighbours/ Site Notice: None

APPRAISAL

Main issues

- 1) Planning policy
- 2) Highway safety and parking
- 3) Residential amenity
- 4) Landscape and character
- 5) Drainage

Appraisal

- 1) Planning policy issues

The application site is located outside of the designated development area as shown on the proposal's maps within the NELLP. Although the site could not be termed isolated in a geographical sense, physically in many ways it is by being located to the western side of the A18 dual carriageway away from the village of Laceby with no real safe pedestrian access to the village (only a narrow-degraded tarmac path across the central

reservation). As such although close to Laceby village and its facilities the site cannot be said to be sustainable, and the use of a motor vehicle will be required for most if not all day-to-day requirements.

Policy 5 notes that beyond development boundaries land should be regarded as open countryside. Development in these locations will be supported where they recognise the distinctive open character, landscape quality and role these areas play in providing the individual settings for independent settlements, and:

- A. supports a prosperous rural economy, particularly where it promotes the development and diversification of agricultural and other land base rural businesses; or,
- B. promotes the retention and development of local services and community facilities; or,
- C. supports rural leisure and tourism developments; or,
- D. it consists of affordable housing to meet specific local needs; or,
- E. it is development that has been specifically defined and identified through the neighbourhood planning process.

The dwelling would be for the applicant's themselves who are seeking to downsize but this would not meet any of the required tests A-E as outlined by policy 5 as a development that could be supported within open countryside. This weighs against the proposal.

Para 80. of the NPPF notes: 'Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- (a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- (b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- (c) the development would re-use redundant or disused buildings and enhance its immediate setting; or
- (d) the development would involve the subdivision of an existing residential building; or
- (e) the design is of exceptional quality, in that it: - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area

The nature of the development is such that the only possible exceptions would be (c) or (d). The current structure is a garage and stable and has been used and maintained as such for many years. Whilst the stable is no longer used, the structure is well maintained garage and still houses a tractor which is used to maintain the wider paddock. Whilst it could be partly argued that the building was partially vacant it is not redundant. The scheme which whilst not unattractive would not be an exceptional design and would not necessarily enhance the appearance of the site. Indeed, the addition of further boundaries, the fully made-up driveway and other domestic paraphernalia which are

bound to follow would only add to domesticate the appearance of the western section of Barton Street at odds with its current rural open character. It is simply the case that the scheme would not materially enhance the appearance of this building nor the site in any significant manner but would indeed detract from the open countryside nature of this back part of the site contrary to para 80 of the NPPF and policies 5 and 42 of the NELLP.

In addition to this, within the property's current wider curtilage (within the adjoining paddock), the two extant dwellings permitted would in combination with the host dwelling, further urbanise this western side of the A18 changing its character from sporadic buildings to a defined ribbon of development within the countryside.

Similarly, whilst the garage/ stables are clearly related to the host dwelling, and adjoin what is an informal garden area, it is equally true of that the site relates to the wider paddock area with the buildings being more related in form and position to the use of this wider open area and to store machinery to maintain it. This approach is perhaps strengthened by the permission granted (and conditioned) as stables and vintage car/tractor garage along with the adjoining barn and access track limiting any formalising elements of the development. The approval as a dwelling would undermine this. It would not in any case in accordance with NPPF para. para 80. (f) the subdivision of an existing house as the development relates to a conversion of a garage and stable. It is also noted that the current building is controlled by condition, removing any options to use the property as a residential annexe without planning permission.

The Council's published position on being unable to demonstrate a five-year supply of deliverable housing sites is acknowledged but the National Planning Policy Framework states that it is necessary to consider whether any adverse impacts of such a development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. To this end it is considered that the proposal would not represent a sustainable form of development due to its location, visual intrusion and highway safety concerns (as detailed in the next section) and, as a material consideration, the Framework does not indicate that permission should be granted.

Having regard to the above in principle the proposal would be contrary to policies: 5, 22 and 42 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018) and the National Planning Policy Framework.

2) Highway safety and parking

One of the main concerns in this application is the creation of an additional dwelling on this site, and any increase in vehicle movements on and off the dual carriageway that would be generated. As no additional access points are proposed, it is simply a case of considering the impact of addition vehicle movements above and beyond that generated currently from the site on highway safety. The application site would be served by the northern access point at the site whilst the current southern access would be utilised by East Mount itself. At this point the access/egress would be to a 50-mph dual carriageway

with traffic accelerating away from the roundabout with all traffic directed to the north.

Within this stretch of carriageway there are a number of accesses including to Laceby Lodge services, the host property but also the two consented dwellings to the north of East Mount and south of Bermuda. The road at this stage is fast but relatively straight but the Highway Authority has raised concerns over the increased use of the access/ exit at this point due to increases in conflicting movements on and off the highway. Dual carriageways by their nature are designed for faster traffic moving from one area to another with limited junctions to and from them. Drivers accelerating away from the roundabout, particularly after the Laceby Lodge access are not expecting the slower moving traffic leaving or accessing the carriageway causing concerns over potential collisions. These concerns are increased due to the multitude and proximity of the other access points in the immediate proximity to the house access including the other access point at East Mount and the approved housing plots, Laceby Lodge and Bermuda.

To respond to this, the applicant has considered bringing a joint access acceleration/deceleration lane already approved under the northern plots scheme. The Highway Authority continues, however, to object on the grounds that, it would create its own conflicts between slower moving and potentially conflicting vehicle movements onto and off this high-speed section of road increasing highway safety concerns.

The other issue of concern is the position of the property to the western side of the dual carriageway which requires all traffic to travel some distance north before being able to execute a safe turn east towards Aylesby and then to Church and Temple Lanes before re-joining the A18 to travel south. Whilst this in itself increases conflicting movements on and off the dual carriage highway (indeed the northbound right turn to Temple Lane has been closed off for this reason) but the real issue is one of potential use of the existing but informal carriageway crossing points over the central reservation. Whilst clearly existing and used, by the limited nature of local traffic on the A18 these movements are generally less reducing the chance of collision. Nevertheless, the temptation to use such turning points would increase as the number of houses to this road increases. Such moves are much slower, less expected and are a significant danger to fast moving traffic. Again, it is reiterated that for this type of road, the number of access points should be kept to an absolute minimum to maintain safety.

There have been two serious accidents along the south bound stretch of dual carriageway and two slight accidents along the north bound stretch between 1st January 2011 and 28th June 2021. The serious accidents related to vehicles losing control, whilst the slight accidents both involved vehicles changing lanes, one of which was reported travelling at excessive speed. A further south bound accident occurred in 2022 with a vehicle ending up on its roof having lost control. This indicates the danger of speed and conflicting movements.

The applicant has reiterated that the increase in vehicle movements as a result of the proposal would be minimal. It is noted that the owners previously used part of the building for the stabling of two horses with general movements (horse lorry) totalling at least three

movements a week for general exercise or attendance at local horse and pony events). Feed and straw movements (Land Rover and 3 tonne trailer) approximately once every 6 weeks and animal waste removal (tractor and tipping trailer) once every two weeks but could amount to 5 movements off site. Finally, the paddock to the north, but accessed off the northern access benefited from a Caravan and Camping Club Certificate allowing 5 caravans/ motor homes or ten tents to be pitched at the site. This would generate greater traffic in the applicant's opinion than a single dwelling. Whilst it is noted that the stable use could be restarted, the fact is the applicant has chosen due to family moving away not to utilise the stables and hasn't done so for some time. As a fallback position therefore, this reduces its weight. Similarly, the main paddock which could be used for either horses or camping and caravanning has been partially approved for two dwellings and this remains extant as the development has commenced reducing the likelihood that this would be used for camping or horses. The council has also a record on file from 2022 that the Caravan and Camping Club no longer certify the site, it is not clear why, but the fact that it doesn't again limits the weight that can be given to this fall back. The applicant indicates that, if granted permission for the conversion they would undertake not to restart/ reapply for the caravan and camping club certificate nor accommodate horses on site. Whilst welcomed there is no realistic option to control such activity and so cannot be given weight. As such the current use of both access points is deemed to be low and the approval of a dwelling in this location would increase the potential of conflicting traffic movements increasing highway safety concerns significantly contrary to policies: 5 and 36 of the NELLP (2018).

Finally, although further north and within the 70-mph section of the A18, an appeal on highway safety was dismissed at Aylesby Grange (DM/1071/20/FUL) for the conversion/rebuild of a barn as a residential dwelling in mid-2022. Like the current application site this appeal sought to utilise an existing access to serve the new dwelling. The inspector noted para. 14

"Whilst there was a steady flow of traffic on my site visit, this a major road providing access to the coast which the Council highlight is busy at times. On the site visit I saw that vehicles speeds here were high as vehicles gained speed after leaving the Aylesby junction."

This is not unlike the current application site. Similarly, he noted.

"Vehicles exiting the access are required to pull out into the dual carriageway and accelerate to a high speed quickly in order to match the speed of approaching vehicles. Again, vehicles travelling more slowly would cause an obstruction to those travelling at speed, or lead to them needing to change lanes at short notice, to the detriment of the safety of road users."

Finally, para 16 - 18 the Inspector stated:

"The Council states that there were two serious accidents along the south bound stretch of dual carriageway and two slight accidents along the north bound stretch between 1

January 2011 and 28 June 2021. This is not disputed by the appellant. The serious accidents related to vehicles losing control, whilst the slight accidents both involved vehicles changing lanes, one of which was reported travelling at excessive speed. As highlighted by the Council, speed is a likely factor in all of these accidents. The Highway Engineer states that if drivers exiting the access are seeking to travel south, they may seek to undertake a U turn in gaps in the central verge or at either Temple Lane or Beach Holt Lane all of which would result in a slow-moving vehicle in the fast lane. In my experience such manoeuvres are likely to occur including by visitors who are not familiar with the road. This would obstruct progress for vehicles travelling at speed, to the detriment of the safety of road users. The proposed development would lead to a doubling in the number of dwellings served by the access and a significant intensification in its use through comings and goings of residents and visitors, delivery vehicles, and refuse collection. Such an intensification would significantly increase the instances referred to above and in the absence of acceptable mitigation would represent an unacceptable impact on highway safety."

Having regard to the above despite the applicant's highway assessment submitted and other suggestions it is considered for the reasons stated that the proposal would be contrary to policy 5 and 36 of the NELLP and advice in the NPPF on highway safety grounds.

3) Residential amenity

The proposed dwelling would be located to the west of the current house and would be positioned so that sufficient amenity would be retained by both properties whether in relation to noise and nuisance or privacy, outlook and dominance. The access whilst close to the host dwelling would only be served by the proposed dwelling and is therefore unlikely to have significant impact on amenities. There would be no adverse impact on the two dwellings approved to the north.

4) Landscape and character

The site is located within the open countryside and is within the wider vicinity of the AONB. The proposed alterations to the building are relatively minimal and would not detract from the area nor existing landscape in any significant way. However as stated above in terms of the principle of development the domestic paraphernalia attached to a dwelling, driveways, fences, bins, washing lines etc would detract from the immediate area and this would in itself constitute an unjustified intrusion into the open countryside contrary to Policy 5 of the NELLP (2018).

5) Drainage

The site is served by foul sewerage, but this should be detailed and potentially improved. This could be secured through a condition. In addition to this, it is recommended that the surface water drainage is dealt with in a sustainable manner, to limit flows into existing mains. Again, this could be secured by condition.

CONCLUSION

The proposed conversion of the stable and garage is in a location outside the development boundary where housing is not normally supported. The proposal would not meet any policy exceptions and would by its location, not be attractive to sustainable travel. It is not considered that the proposal meets the conversion criteria in the NPPF nor justified by the Councils housing supply position. The change of use in combination with other approved development would increase the domestic character to which is currently a small group of outlying houses and rural buildings to the west side of the A18. This would be detrimental to the rural character of the area.

In highway terms the increased use of the access and exit to East Mount and indeed the separation of access/exit points would lead to additional and slower moving and conflicting traffic moments (including potential U turns) at a point where traffic is travelling at speed accelerating from the roundabout. This would represent an unacceptable danger to highway safety.

It is therefore considered that the proposal would be contrary to policies: 3, 4, 5, 22, 36 and 42 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018) and it is recommended that planning permission be refused.

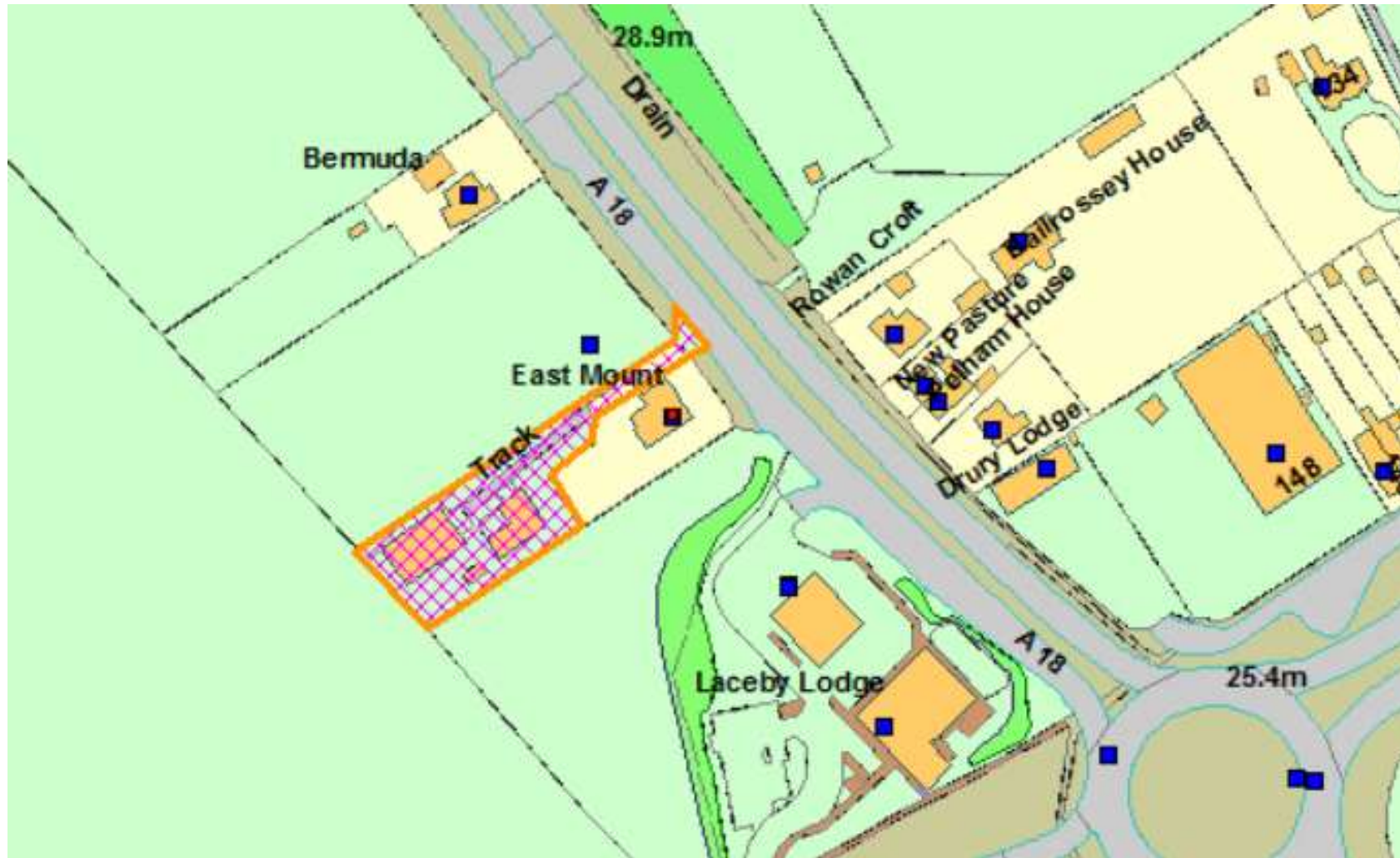
RECOMMENDATION

Refused

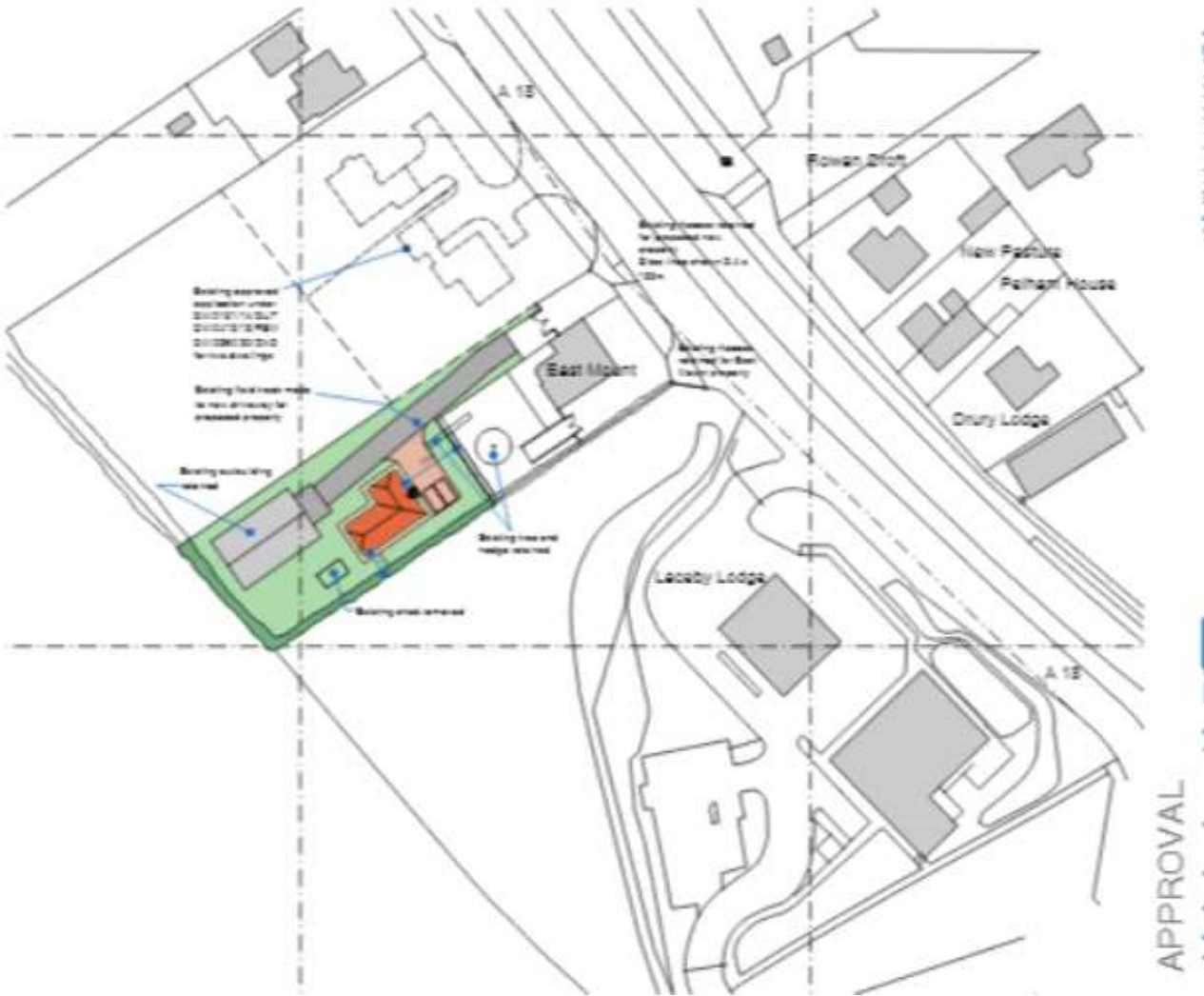
(1) The development would be located outside of the defined development boundary in an area of open countryside and would cause a visual intrusion to the detriment of the character of the area. Its position to the west of the A18 would also limit safe sustainable traffic options and would require the use of motor vehicles for most day to day requirements. There is no reason to justify the siting of this residential development in this location. The proposal is therefore considered to be contrary to the requirements of Policies 5 and 42 of North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and the core principles as set out in the National Planning Policy Framework 2021.

(2) The proposal would increase and change the use of the existing access points leading to an increase in slower moving vehicles entering and leaving a high speed dual carriageway and also potentially turning within it conflicting with passing traffic. This would represent a significant highway danger contrary to policy 5 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018) and advice in the National Planning Policy Framework 2021.

DM/1111/22/FUL – EAST MOUNT, BARTON STREET, LACEBY



DM/1111/22/FUL – EAST MOUNT, BARTON STREET, LACEBY



PLANNING COMMITTEE - 29th March 2023

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

APPLICATION No: DM/1014/22/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Ormiston Maritime Academy, Westward Ho, Grimsby, North East Lincolnshire, DN34 5AH

PROPOSAL: Retrospective application to erect 2.4 metre high fence to southern boundary

APPLICANT:

Mrs Samantha Murdoch
Ormiston Maritime Academy
Westward Ho
Grimsby
DN34 5AH

AGENT:

Mr Martin Draycott
Ormiston Academies Trust
One Victoria Square
Birmingham
B1 1BD

DEPOSITED: 16th November 2022

ACCEPTED: 18th January 2023

TARGET DATE: 15th March 2023

PUBLICITY EXPIRY: 13th February 2023

AGREED EXTENSION OF TIME DATE: 3rd April 2023

CONSULTATION EXPIRY: 13th February 2023

CASE OFFICER: Emily Davidson

PROPOSAL

The proposal is a retrospective application to erect 2.4 metre high fence to southern boundary. The fence is constructed from green galvanised steel v-mesh.

The application is presented to Planning Committee due to the number of objection comments from the residents.

SITE

Ormiston Maritime Academy is an established senior school. It is located next to two colleges and is in an otherwise residential area.

RELEVANT PLANNING HISTORY

No relevant planning history.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2021)

NPPF12 - Achieving well designed places

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

PO5 - Development boundaries

PO22 - Good design in new developments

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

REPRESENTATIONS RECEIVED

Consultee Representations

Highways Officer - Approval, no conditions.

Heritage Officer - No heritage input required.

Environment Agency - No comments.

Environmental Protection Officer - No comments.

North East Lindsey Drainage Board - No comments.

Northern Power Grid - No objections.

Sports England - Objection to application overcome with further information.

Neighbour Representations

Objections have been received from the following addresses broadly on the grounds of: Maintenance of fences and land in between residential fencing and the fence being considered, visual appearance, lack of consultation, the blocking of an emergency exit, loss of a view and devaluation of properties.

40, 44, 50, 60, 64, 66, 68, 72 Gloucester Avenue.

APPRAISAL

Principle of Development

The site is located within the development boundary of Grimsby, therefore Part 1 of Policy 5 of the NELLP 2018 applies. Policy 5 does not preclude works of this nature in principle within the defined development boundaries. It is therefore considered in principle that the proposed development is acceptable subject to the site-specific impacts discussed below.

Design

The proposal is to retain a 2.4m high fence erected along the rear of the site. The fence is constructed from green galvanised steel v-mesh. This material is common for school buildings and indeed, at this height. The open mesh allows for a softer boundary treatment as opposed to a solid fence. The fence would not harm the character of the area and is considered in accordance with Policy 22 of the NELLP 2018.

Neighbouring Amenity

The fence is along the boundary of several properties on Gloucester Avenue. Comments have been received from several of these residents' objection on grounds of maintenance of fences and land in between residential fencing and the fence being considered, visual appearance, lack of consultation, the blocking of an emergency exit, loss of a view and devaluation of properties.

Visual appearance has been assessed above and it is not considered that the fence is inappropriate. Consultations have been carried out as part of the planning process and there is no obligation through the planning system for applicants to carry out consultation prior to works being carried out. Other comments on devalue of property, loss of view and maintenance and access issues are acknowledged but these matters are not considered to weigh against this boundary fencing.

In terms of access for maintenance a statement provided by the applicant notes that the fence panels will be removable to allow for maintenance of the land in between the boundaries of the properties and the fence under consideration.

The fence is 2.4m in height. Whilst this is higher than a standard boundary fence, it is not be solid and therefore does not cause undue implications in terms of massing and overshadowing. It provides additional security to properties and provides additional separation and protection when considering the use of the host site.

All considered, there would be no adverse impact on the surrounding neighbouring amenities and the application is considered in accordance with Policy 5 of the NELLP 2018.

Other Considerations

Sports England raised a concern to the proposal requiring further details to confirm the distance of the running track from the fence. The applicants have provided a plan noting that the track would be a minimum of 1m away. Sports England have confirmed that this is acceptable.

The Council's Heritage, Highways and Environmental Protection Officers did not raise any concerns with the proposal.

CONCLUSION

The fence is of a reasonable size and style for its function. It would not unduly harm the wider character of the area or neighbouring amenity. The application is considered to be in accordance with Policy 5 and 22 of the NELLP 2018 and is recommended for approval.

RECOMMENDATION

Approved with Conditions

(1) Condition

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

Site Location Plan - LDC3714-F01

Existing Block Plan - LDC3714-F02

Proposed Block Plan - LDC3714-F03 A

Proposed Elevations - LDC3714-F04

Reason

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

Informatives

1 Reason for Approval

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

2 Added Value Statement

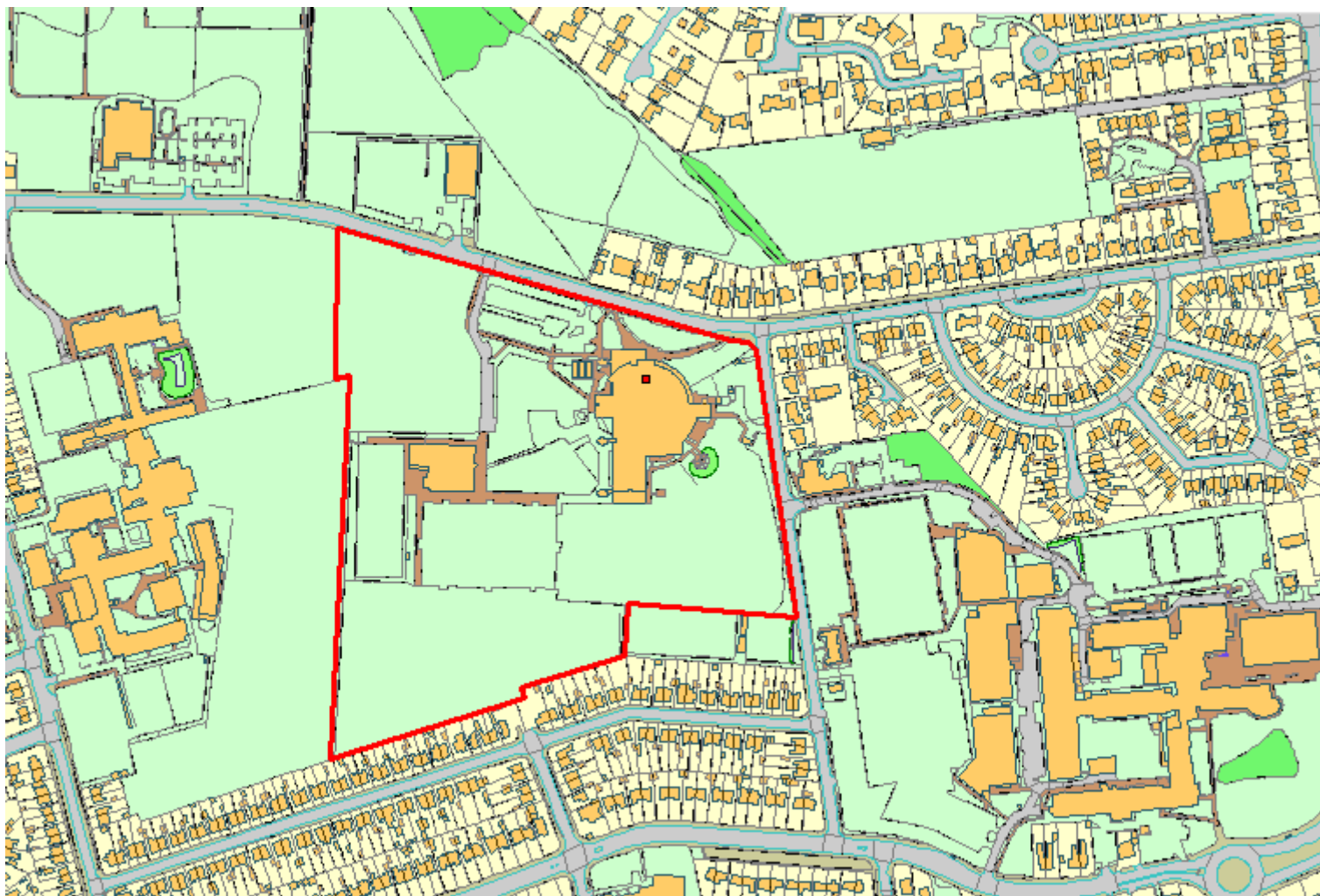
Article 31(1)(cc) Statement - Positive and Proactive Approach

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

3 Informative

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

DM/1014/22/FUL – ORMISTON MARITIME ACADEMY, WESTWARD HO, GRIMSBY



DM/1014/22/FUL – ORMISTON MARITIME ACADEMY



PLANNING COMMITTEE - 29th March 2023

ITEM: 7 **RECOMMENDATION: Approved with Conditions**

APPLICATION No: DM/1099/22/FUL

APPLICATION TYPE: Full Application

**APPLICATION SITE: 137 Humberston Avenue, Humberston, North East
Lincolnshire, DN36 4ST**

PROPOSAL: Demolish existing garage. Erect single storey rear and side extension, with internal and external alterations including a first floor en-suite window to the side and alterations to existing front and rear dormers

APPLICANT:

Mr & Mrs Chauhan
C/o Mr Forman & Mr Farrand
45 Newbridge Hill
Louth
North East Lincolnshire
LN11 0NQ

DEPOSITED: 19th December 2022

AGENT:

Mr Carl & Gavin Forman & Farrand
For-Ward Planning Consultancy Ltd
45 Newbridge Hill
Louth
LN11 0NQ

ACCEPTED: 21st December 2022

TARGET DATE: 15th February 2023

PUBLICITY EXPIRY: 30th January 2023

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 14th January 2023 **CASE OFFICER: Owen Toop**

PROPOSAL

This proposal relates to the demolition of an existing garage and the erection of a single storey rear and side extension. The proposal also includes external alterations including a first floor en-suite window to the side and alterations to the existing front and rear dormers.

This application is brought to the attention of the planning committee due to it being called in by Councillors Harness and Shreeve.

SITE

Humberston Avenue is established as a residential street characterised by a diverse range of properties, ranging from detached, semi-detached and residential bungalow properties.

137 Humberston Avenue is an existing detached residential property located on the north side of the street. At this part of the street, properties are characterised by being set back from the main road and include large driveways and rear gardens.

RELEVANT PLANNING HISTORY

None relevant.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2021)

NPPF14 - Climate, flooding & coastal change

NPPF12 - Achieving well designed places

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

PO34 - Water management

PO5 - Development boundaries

PO22 - Good design in new developments

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

REPRESENTATIONS RECEIVED

Drainage - Recommends standard surface water drainage condition.

Trees and Woodlands - No comments.

Heritage - No input required.

Highways - No objections.

Humberston Village Council - No objections.

Neighbour Representations - One received:

139 Humberston Avenue - objections submitted on the grounds of loss of light and overshadowing to habitable rooms, massing and dominance due to tunnelling, impact on health, and negative impact on property value. The comment also refers to the loss of the hedge as an impact.

APPRAISAL

The material considerations are:

- 1) Principle of Development
- 2) Design and Impact on the Character of the Area
- 3) Impact on Neighbours
- 4) Other Considerations

- 1) Principle of Development

The proposal is located within the development boundary of Humberston as defined within policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) [NELLP] and relates to the demolition of an existing garage, the erection of a single storey side and rear extension, and external alterations to an existing detached residential property. The principle of development is acceptable and the proposal may be supported in accordance with the NELLP provided that there are no detrimental impacts concerning the design of the scheme and its relationship with the character of the area (policies 5 and 22) nor in relation to neighbouring residential amenity (policy 5).

- 2) Design and Impact on the Character of the Area

The existing garage which is proposed to be demolished is situated to the side and rear of the property, adjacent to the boundary between 137 and 139 Humberston Avenue. The proposed side extension is single storey in nature with a pitched roof. It is set back from the principal elevation and it projects to the rear and side. The works proceed to 'wrap-around' the property making alterations to the rear elevation. Windows and doors are proposed to be replaced and a rear canopy is proposed.

The main element of the works seen from the street would be the front of the side extension. A garage door and pitched roof would be seen but these are set back and single storey in nature. The design of the proposal is therefore considered to be sympathetic to the main property. Works are also proposed to the existing dormers, however these would be minimal. For example, a window to the front dormer is proposed to be reduced in size and the others replaced. There are no design issues with this element of the scheme.

Being a detached property, the works would be seen in the context of the existing property and can be accommodated for on this large plot. Having considered the above, the proposal does not present any detrimental impacts in terms of design or on the character of the area and so it is therefore considered to accord with policies 5 and 22 of the NELLP.

3) Impact on Neighbours

The proposal is located within an established residential area. The main neighbour impacted would be 139 Humberston Avenue who is adjacent to the host property. The neighbour has provided a written representation as part of this application objecting to the scheme.

The neighbour has raised a number of concerns. Policy 5 of the NELLP allows for a consideration into the impact on neighbouring amenity. For this development, the considerations relate to the impact of the proposal in terms of potential adverse massing, overshadowing and overlooking onto neighbouring properties. The impact on property value is not a material planning consideration.

The comments regarding loss of light, tunnelling and overshadowing from the proposal are acknowledged. However, given the single storey nature of the extension, and the separation distance of the proposal from the neighbour's main side wall (including side windows) of approximately 3.7 metres, it is considered these impacts are minimal and not significantly adverse to neighbouring residential amenity. The comments regarding the removal of the hedge are noted, however this removal could take place without planning permission and it is within the host property boundary. The new first floor side window is to serve an en-suite and can be obscurely glazed if desired.

With regard to the other external alterations (works to dormers), these are separated further away to the neighbour than the proposed side and rear extension and so present no detrimental impacts in terms of massing or overshadowing.

In relation to the other adjacent neighbour, 135 Humberston Avenue, given the detached nature of the property and the host property and the positioning of the extension to the east side of the host property, it is considered that there are no detrimental impacts in terms of massing, overshadowing or overlooking. Again, the position of the dormers is such that any modifications would not adversely affect this neighbour.

There are no residential neighbours to the rear, and neighbours opposite the street at Humberston Avenue are sufficiently screened by the existing road to ensure no undue impacts.

Having considered the above, the proposal accords with policy 5 of the NELLP as there are no significant detrimental impacts on neighbouring residential amenity.

4) Other Considerations

The council's drainage officer was consulted as part of this application. The officer recommended that there be a sustainable surface water drainage condition. The applicant has agreed to this condition and so the proposal is considered to accord with policies 5 and 34 of the NELLP.

CONCLUSION

This proposal relates to the demolition of an existing garage and the erection of a single storey rear and side extension. The proposal also includes external alterations including a first floor en-suite window to the side and alterations to existing front and rear dormers.

Having considered the scheme, the proposal does not present any detrimental impacts with regards to design or neighbouring residential amenity. The applicant has agreed to a condition for sustainable surface water drainage. The proposal is therefore considered to accord with policies 5, 22 and 34 of the NELLP and is recommended for approval with conditions.

RECOMMENDATION

Approved with Conditions

(1) Condition

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

Reason

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

(2) Condition

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

Site Location Plan - CF - GF - LC - 01 - 22

Proposed Plans and Elevations - CF - GF - LC - 02 - 22

Reason

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

(3) Condition

The proposed development shall be constructed using materials specified within the submitted application form, unless otherwise first approved in writing by the Local Planning Authority.

Reason

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

(4) Condition

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).

(5) Condition

No development shall commence until a final scheme for the sustainable provision of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The development shall then be built out in accordance with the approved details and the drainage implemented prior to occupation of the extensions.

Reason

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

Informatives

1 Reason for Approval

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

2 Added Value Statement

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

In accordance with 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 applying conditions in the interest of sustainable water management and protecting residential amenity

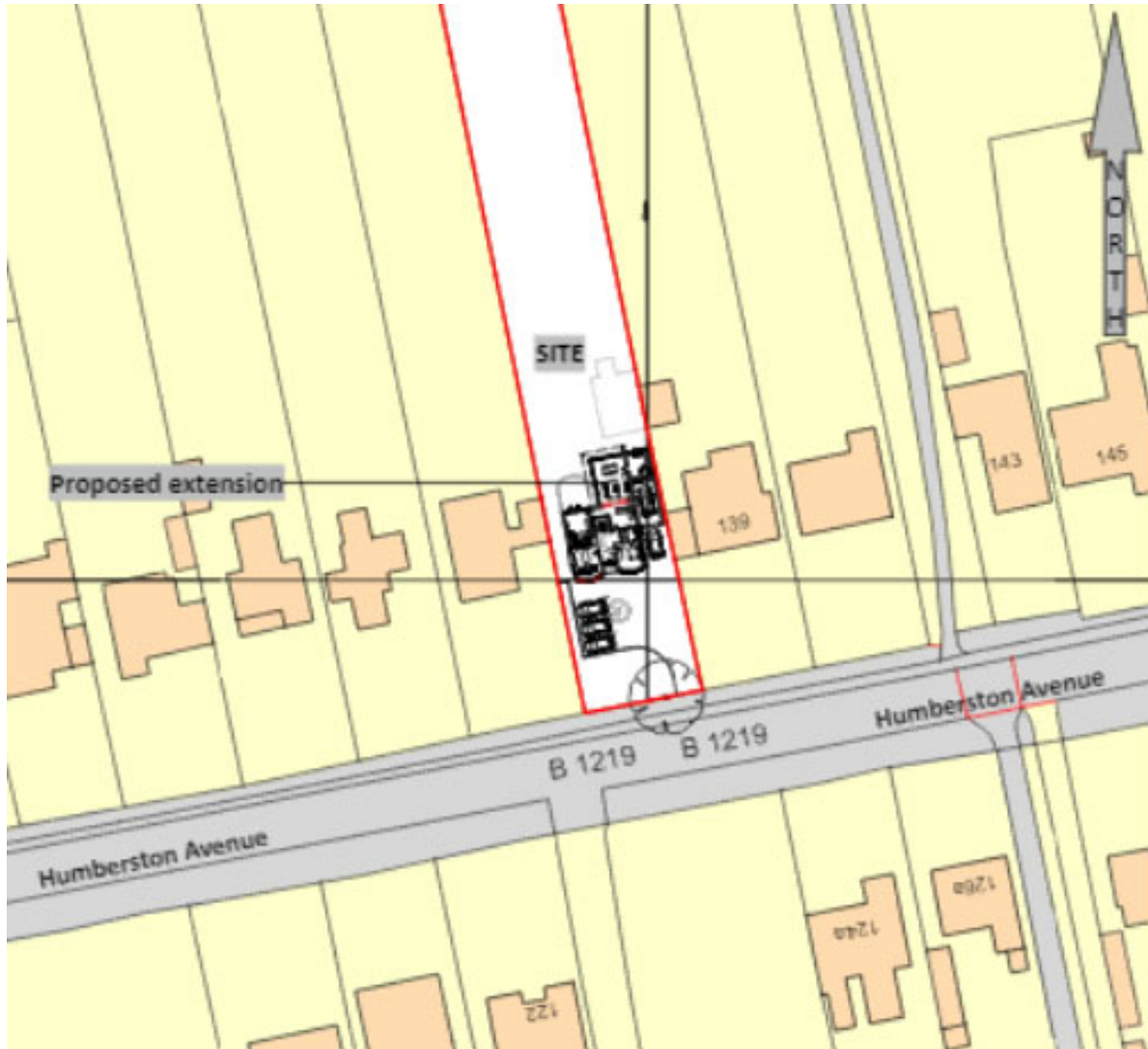
3 Informative

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

DM/1099/22/FUL – 137 HUMBERSTON AVENUE, HUMBERSTON



DM/1099/22/FUL – 137 HUMBERSTON AVENUE, HUMBERSTON



PLANNING COMMITTEE - 29th March 2023

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

APPLICATION No: DM/0765/22/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Paddock, South West Of Goshen, Post Office Lane, Ashby Cum Fenby, North East Lincolnshire,

PROPOSAL: Erect timber horse shelter with associated works (amended applicant and site location)

APPLICANT:

Mrs Wendy Hawkins
Goshen
Post Office Lane
Ashby Cum Fenby
North East Lincolnshire
DN37 0QS

AGENT:

DEPOSITED: 24th August 2022

ACCEPTED: 10th January 2023

TARGET DATE: 7th March 2023

PUBLICITY EXPIRY: 12th February 2023

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 25th September 2022

CASE OFFICER: Cheryl Jarvis

PROPOSAL

The proposal is to erect timber horse shelter.

The application is brought to committee following an objection from Ashby-cum-Fenby Parish Council.

SITE

The site is located off Post Office Lane and is accessed via a public right of way. The proposal is to be located on an existing horse field.

RELEVANT PLANNING HISTORY

DM/0270/21/FUL - Change of use of agricultural land to equine use including ancillary sheds - Approved.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2021)

NPPF12 - Achieving well designed places
NPPF14 - Climate, flooding & coastal change
NPPF15 - Conserv. & enhance the natural environ.

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

PO5 - Development boundaries
PO22 - Good design in new developments
PO34 - Water management
PO41 - Biodiversity and Geodiversity

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

REPRESENTATIONS RECEIVED

Consultee Representations

Highways Officer - Approval, no conditions.
Drainage Officer - Sustainable drainage informative recommended.
Heritage Officer - No archaeological input given revised location.
Rights of Way Officer - The proposal does not affect the public right of way. Construction vehicles should not drive over the right of way and it should not be obstructed at any time.
Trees and Woodlands Officer - No comments.
Environmental Protection Officer - No comments.
Ashby Cum Fenby Parish Council - Recommends refusal on the grounds that the development is in the open countryside and would have a detrimental impact on neighbouring amenity. Query the concrete base and potential business use.
Cadent Gas - Informative note regarding assets.

Neighbour Representation

Ashby Acres - Neutral comment. Concerns over potential impact on ecology.

APPRAISAL

Material Considerations

1. Principle of Development

The site falls outside of the development boundary of Ashby cum Fenby. Importantly the site gained permission under DM/0270/21/FUL to be used for equine use. The proposal for a shelter therefore relates to the existing land use and accords with Policy 5 in principle subject to the site-specific discussion below.

2. Design and Character

The proposal consists of a timber horse shelter. Structures of this kind are a common site in the open countryside. Given its lightweight construction, it would not appear out of character in the context and indeed similar structures can already be seen on site. It is noted that structures such as these are somewhat temporary and can be taken down easily in the future should it no longer be required. The shelter would not harm the character of the area and is in accordance with Policies 5 and 22 of the NELLP 2018.

3. Archaeology

The Council's Heritage Officer raised comments initially to request a condition for a scheme of archaeological works to be submitted prior to the commencement of any works. This has been alleviated following the new location of the shelter and the nature of its construction.

4. Neighbouring Amenity

The two closest neighbours are Ashby Acres and Woodlands. The remaining perimeter of the site is surrounded by open countryside. Ashby Acres have made a representation on the basis of the potential impact to ecology. This will be addressed in other sections of this report.

The shelter is well spaced from these dwellings ensuring there would be no adverse impacts in terms of massing and overshadowing. Given the nature of the works, it would not cause harm in terms of overlooking. As previously stated, the land use has already been established. The proposal has low potential to cause any adverse impacts to the amenity of the surrounding neighbours and is considered in accordance with Policy 5 of the NELLP 2018.

5. Parish Comments

The Parish Council have raised objections. In relation to neighbours and character impacts, these have been dealt with above. The concrete base was installed some time ago and is as existing. The use of the site for equine use is established.

6. Ecology

Discussions have taken place with the Council's Ecologist in light of the site's location and the comment from Ashby Acres. The works are minor in scale and are to be positioned on an existing base. Subject to either an ecologist being on site during construction or the applicants adhering to precautionary working practises, no objections are raised. The application is considered in accordance with Policies 5 and 41 of the NELLP 2018.

7. Other Considerations

The Council's Highways Officer raised no concerns in relation to the application. The Public Rights of Way Officer has confirmed no direct impact on the PROW but has stated it should not be obstructed or driven on during construction. The Council's Drainage Officer recommended a sustainable drainage informative which will be placed on the application as part of the recommendation. The application is considered in accordance with Policies 5 and 34 of the NELLP 2018.

CONCLUSION

The shelter is of a design, size and scale suitable for its surroundings and would not cause harm to either the area character or amenity of surrounding neighbours. The application is considered in accordance with Policies 5, 22, 34 and 41 of the NELLP 2018 and is recommended for approval.

RECOMMENDATION

Approved with Conditions

(1) Condition

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

Reason

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

(2) Condition

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

Site Location Plan - 838-1 (10th January 2023)

Block Plan (10th January 2023)

Proposed Plans and Elevations - 838-2

Reason

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

(3) Condition

Construction of the development shall be undertaken in strict accordance with the following:

- There shall be no material storage associated with the development other than on the concrete base;
- There shall be no construction related vehicles permitted on the site;
- There must be no works to the hedge within the bird nesting season.

Reason

In the interests of ecology and in accordance with policies 5 and 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

Informatives

1 Reason for Approval

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

2 Added Value Statement

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

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

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

Please refer to the drainage officer's comments.

5 Informative

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. Prior to carrying out works, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

6 Informative

The public right of way must not be obstructed at any time during or after works.

DM/0765/22/FUL – PADDOCK, SOUTH WEST OF GOSHEN, POST OFFICE LANE, ASHBY CUM FENBY



DM/0765/22/FUL – Paddock, SOUTH WEST OF GOSHEN, POST OFFICE LANE,
ASHBY CUM FENBY



PLANNING COMMITTEE - 29th March 2023

ITEM: 9 **RECOMMENDATION: Approved Conditions and signing of S106**

APPLICATION No: DM/0334/22/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Grimsby Golf Club, Little Coates Road, Grimsby, North East Lincolnshire, DN34 4LU

PROPOSAL: Erect 5 detached dwellings with garages to include new access point, landscaping and boundary treatments - amended plans and ball strike information November 2022

APPLICANT:

Mr Paul Bannister
Land Developers Lincs Ltd
DBC House
Grimsby Road
Laceby
Grimsby
DN37 7DP

DEPOSITED: 14th April 2022

AGENT:

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

ACCEPTED: 14th April 2022

TARGET DATE: 9th June 2022

PUBLICITY EXPIRY: 24th December 2022

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 15th May 2022

CASE OFFICER: Richard Limmer

PROPOSAL

The proposal is to erect 5 detached dwellings on land forming part of the Grimsby Golf Club adjacent to Great Coates Road in Grimsby. The proposal includes a new vehicular access off Great Coates Road to serve the development along with additional landscaping and surface water drainage infrastructure. The proposal also includes the repositioning of the 8th green and the 5th tee.

The proposal is the same as that allowed at appeal under DM/1032/22/FUL save that the position of the 5th tee on the golf course has been moved.

This application has been brought to Planning Committee due to the number of objections received from the community and a Call in Request from Cllr Stanford.

SITE

The site is located to the north of the main golf course area fronting onto Great Coates Road. The site has a strip of mature landscaping along the north and west boundaries which ranges approximately between 15 and 20 metres thick with a range of trees of varying heights. This is also a hawthorn hedge along the northern boundary adjacent to Great Coates Road. To the south and east of the site is main golf course.

RELEVANT PLANNING HISTORY

DM/1032/20/FUL - Erect 5 detached dwellings with garages to include new access point, landscaping and boundary treatments (amended site plan, drainage information, golf course layout, heritage information and financial information 29th November 2021) - Refused - Allowed at Appeal. Decision attached.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2021)

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

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

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

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

REPRESENTATIONS RECEIVED

Sport England - No objections

Drainage Officer - No objections

Heritage Officer - no objections, condition to secure further archaeological work

Environment Agency - No objections

Highways Officer- No objections, recommend conditions

Environmental Health - No objections

Ecology Officer - No objections, support the recommendations of the ecology survey

Trees Officer - No objections, recommends conditions to secure landscaping etc.

Civic society - object due to the loss of part of the golf course designed by Harry Colt, flood risk, ecology and highway impact.

Neighbours

The following neighbouring and other representations have been received objecting to the proposed development:

3, 7, 7A, 9, 28, 34, 34A, 40, 52, 56 and 62 Great Coates Road
20 Oliver Street
22 Welholme Road
247 Brereton Avenue
25 St Giles
27 Osprey Drive
93 Pershore
Beckside Lodge

with concerns over the following matters:

- Impact on residential amenities such as light, dominance, privacy and overlooking;
- Impact on the character and visual amenity of the area;
- Impact on ecology;
- Loss of trees;
- Light pollution;
- Drainage and flood risk;
- Highway safety, amenity and traffic generation;
- Impact on health and safety from ball strikes from the golf course;
- Impact upon heritage in form of archaeology and the historic nature of the gold

course;

- Loss of this part of the golf course;
- Potential precedent for further development.

APPRAISAL

Planning Considerations

1. Principle
2. Character and amenity
3. Scheme amendments
4. Heritage

1. Principle of Development

The site is located within development boundary for Grimsby and is allocated as for Sport and Recreation being part of the Grimsby Golf Club. As such Policies 5 and 43 of the NELLP are key considerations in regard to the principle of development. Fundamentally this application follows on from the previous application DM/1032/20/FUL which was allowed at appeal following a refusal at Planning Committee. Appeal letter is attached to the agenda. This permission is extant and could be implemented up to 1st August 2025. The proposed built form of this development is the same as that allowed at appeal and the only change to the proposed scheme is the position of the 5th tee on the golf course and associated works. Having specific regard to this planning history on the site it is considered that the principle of development is well established.

2. Character, amenity and site specifics.

The Inspector considered all matters raised at the appeal and concluded that there would not be a detrimental impact on the visual character and appearance of the area, highway safety and amenity, provision of golf and green space, community health and well-being, neighbours' amenities, flood risk, drainage and ecology. As there is no material change in Policy and the site enjoys the benefit of planning permission all these matters remain acceptable. The requirement for a new s.106 to secure the funds from the sale of the land a re-invested into the Golf Club is required.

3. Scheme amendments.

The main consideration is in relation to the amendment to the layout of the golf course in relation to the whether the proposed position of the 5th tee would create an unsafe living environment for the future occupiers of the development. The approved scheme under DM/1032/20/FUL moves the tee so it lines up to the end of the development. The proposed amendment moves this position back along the rear of the proposed plots and

therefore it is again considered necessary to review any potential risk from ball strikes to the future occupiers of the proposed development. To this end a Ball Strike Assessment has been produced to consider the risk to the proposed dwellings. There is also mitigation proposed in the form of netting 30m long and 6.5m high and a hedge to be planted to support it. The Ball Strike Assessment details that with the proposed tee position and the mitigation any stray balls to the boundary will be significantly reduced. This can be secured by condition.

In terms of the amenity impact of the actual netting itself neighbour and local representations are acknowledged. The proposed ball netting would be visible to both the future occupiers of the dwellings and some existing neighbours. Clearly it would also be visible to users of the golf course. However, whilst visible it would not cause harm to any residential amenities due to the separation of it from existing and proposed neighbours. There would be no adverse massing or noise impact. In regard to the wider character of the area and the golf course, such features are not uncommon on golf courses and within this landscaped setting it would not cause harm to the visual character of the area.

4. Heritage

In relation to archaeology a Geophysical Survey of the site in response to previous issues has been completed and any potential archaeological effects can be addressed through a condition. This is recommended.

CONCLUSION

In conclusion, having regard to the appeal decision of DM/1032/22/FUL and the fact that permission is extant it is considered that the proposed development in principle is acceptable. Moreover the proposed location of the 5th tee is now acceptable. The evidence supplied details that the proposed location of the 5th tee would not pose an undue risk to the future occupiers of the dwellings and the proposed mitigation adds further protection.

The proposal would also aid the delivery of housing on a sustainable site and would not offer undue harm to neighbouring properties amenities, heritage, the visual character of the area, ecology and biodiversity or highway safety and amenity. The proposed development is therefore in accordance with Policies 5, 22, 33, 39, 41, 42 and 43 of the NELLP and the NPPF.

The application is therefore recommended for approval subject to the signing of a s.106 agreement to secure the money from the sale of the land is put back into the golf club.

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:

RD4072-01A Site location plan
RD4072-10H Proposed block plan
RD4072-11H Proposed site plan
RD4072-12A Plot 1 plans and elevations
RD4072-13A Plot 2 plans and elevations
RD4072-14A Plot 3 plans and elevations
RD4072-15A Plot 4 plans and elevations
RD:4072-16A Plot 5 plans and elevations
RD4072-18E External works plan

Reason

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

(3) Condition

No development shall commence until a scheme for the provision of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in accordance with the approved detail.

Reason

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

(4) Condition

Development shall not begin until details of the bin store and 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 built out in accordance with the approved details.

Reason

To maintain and protect the visual appearance of the area in accordance with Policy 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(5) Condition

The development shall be built out in accordance with the Construction Management submitted 14th April 2022 and Plan ref:RD4072-18 rev I or in accordance with a replacement plan formally submitted to and approved in writing by the Local Planning Authority.

Reason

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

(6) Condition

The existing hedgerow shall be removed to allow for the relevant visibility splays of 2,4m x 43m in both directions from the proposed site access point as shown on plan ref: RD4072-10H prior to the occupation of any dwelling on the site. The visibility splays shall then be maintained at all times thereafter.

Reason

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

(7) 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) management arrangements for any carriageways, footways and/or landscaped areas not to be adopted by the local authority;
- (g) swept path analysis demonstrating turning manoeuvres for emergency vehicles on all carriageways (adopted and private), and refuse vehicles on all adopted carriageways;

(ii) A Stage 1 and 2 Road Safety Audit (RSA) must be provided. The RSA should take into consideration the new access point on Great Coates Road. The Road Safety Audit

must be undertaken by a fully qualified independent Road Safety Auditor. Once approved, development shall only proceed in strict accordance with the approved details.

Reason

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

(8) Condition

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, along with an Arboricultural Method Statement;
- (c) Measures for the protection of trees and hedges during construction work;
- (d) Timing for the landscaping works to be completed;
- (e) A management plan for the landscaping,

have been submitted to and approved in writing by the Local Planning Authority. The approved Tree Protection Measures shall be fully installed prior to any construction works commencing on the site and shall be retained in place throughout construction works. The landscaping shall then be fully completed in accordance with the approved details and thereafter managed in accordance with the approved management plan.

Reason

In the interest of visual amenity in accordance with Policies 5, 22 and 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(9) Condition

The development shall be built out in full accordance with the recommendations set out in the Ecology Appraisal submitted on 14th April 2022 unless otherwise agreed in writing with the Local Planning Authority. The measures shall be implemented prior to the occupation of any house to which it relates in relation to bat bricks and prior to the occupation of any dwelling in relation to all other measures.

Reason

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

(10) Condition

Prior to development commencing full details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The details shall

include hedges and fences to the boundaries to the golf course. The approved fencing shall then be fully installed prior to the occupation of any dwelling on the site and the hedging fully planted out in accordance with the details required and approved under condition 8 of this permission.

Reason

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

(11) 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 of each dwelling.

Reason

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

(12) Condition

No development shall take place until the applicant has:-

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

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

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

Reason

To ensure the archaeological recording of the site to accord to Policy 39 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018)

(13) Condition

Prior to the occupation of any dwelling the 5th tee box, its ball netting (in accordance with plan ref: RD4072-21) and hedging and 8th green on the golf course shall be relocated

and fully installed to the positions shown on the plan referenced RD4072-10H and RD4072-20G and they shall then be retained and maintained in the approved locations and not relocated at any time. The hedge shall be maintained at a minimum height of 4m and 1.5m depth.

Reason

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

Informatives

1 Reason for Approval

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or residential amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 5, 22, 33, 34, 39, 41, 42 and 43.

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.

3 Informative

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

4 Informative

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

Appeal Decision

Hearing held on 19 July 2022

Site visits made on 18 and 19 July 2022

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 August 2022

Appeal Ref: APP/B2002/W/22/3296987

Grimsby Golf Club, Little Coates Road, Grimsby, North East Lincolnshire, DN34 4LU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Land Developers (Lincs) Ltd against the decision of North East Lincolnshire Council.
 - The application Ref DM/1032/20/FUL, dated 17 November 2020, was refused by notice dated 4 February 2022.
 - The development proposed is to erect 5 detached dwellings with garages to include new access point, landscaping and boundary treatments.
-

Decision

1. The appeal is allowed, and planning permission is granted to erect 5 detached dwellings with garages to include new access point, landscaping and boundary treatments at Grimsby Golf Club, Little Coates Road, Grimsby, DN34 4LU in accordance with the terms of the application, Ref DM/1032/20/FUL, dated 17 November 2020, subject to the conditions in the Schedule attached to this Decision.

Preliminary Matters

2. Although the site is located adjacent to Great Coates Road, its address in the appeal and my header above is given as Little Coates Road, as that is the address of the Golf Club.
3. The appeal submission included a Geophysical Survey of the site in response to the second reason for refusal. Having considered this survey, the Council's Heritage Officer has confirmed that the proposal would be acceptable with regard to any potential archaeological effects, subject to the imposition of a suitably worded condition. As a result, the Council no longer seeks to defend the second reason for refusal. Having considered the evidence on this point and the responses of the parties, I am satisfied with this position. As such, the archaeological assessment of the site is no longer a main issue in this appeal.
4. The appellant has submitted a ball-strike analysis, which considers the likelihood of golf-ball strikes from the 5th tee in a number of locations. The conclusions of this analysis proposed that the 5th tee be relocated to a location not formally considered by the Council or third-parties consulted on the application, and not shown in the drawings agreed and listed in Condition 2 in the Statement of Common Ground (SOCG).

5. The appellant now suggests that the 5th tee be repositioned in line with that report, not the drawings agreed in the SOCG, on which parties were consulted and the Council made their original decision.
6. The Procedural Guide to Planning Appeals – England states that the appeal process should not be used to evolve proposals and is clear that revisions intended to overcome reasons for refusal should normally be tested through a fresh application. I have had regard to the Wheatcroft Principles, the degree of engagement of all parties with the issue, particularly third-parties, the comments of the Council and the interests of fairness. Although this matter did not form a reason for refusal, it was nevertheless an important issue for the Council and third-parties. I have therefore determined the appeal on the basis of the plans that were before the Council when it made its decision, on which parties were consulted and which form the agreed list of drawings in the SOCG.

Main Issues

7. The main issues are therefore the effect of the proposal on i) the character and appearance of the area, and ii) community health and well-being as a result of the irreversible loss of land allocated for sport and recreation in the North East Lincolnshire Local Plan.

Reasons

Character and appearance

8. The appeal site lies in the corner of the Grimsby Golf Club course, on the site of the existing 8th green, bounded by Great Coates Road to the north and 9 Great Coates Road (No 9), to the east. To the south the site is demarcated by a line of trees which separate the 8th green from the 5th tee. The boundary to the west is currently open as it forms part of the existing course.
9. The boundary between the golf course and Great Coates Road is defined by a reasonably deep and dense mixture of trees, then a tall, dense hedge and fencing immediately adjacent to the footway beyond. Views into and out from the course are extremely limited. There are no public rights of way within or across the course.
10. Whilst the course as a whole is largely open to provide the space needed for the game, at a closer scale it is characterised in my opinion by lines and stands of trees and vegetation which define the holes and features of the course. As a result, whilst I find that the course has an open character and appearance at a 'macro level', to my mind, this does not persist down to the 'micro level' of the particular appeal site and its immediate surroundings.
11. Around the appeal site, Great Coates Road itself has a broadly open character to its northern side with low-density residential development, of mixed character and appearance, lending a generally spacious and open character to that side of the road. By contrast, the southern side of the road, around and including the appeal site does not, in my opinion, have an open character or appearance, owing to the established boundary to the golf course, bolstered by the tall, dense hedgerow.

12. But for the relatively small number of trees to be removed in the site itself, those to be removed to create the access, and the relatively small amount of hedging to be removed to form the access and visibility splays, much of the existing vegetation is to be retained. As a result, I consider that the established character and appearance of this particular part of Great Coates Road, which I do not consider to be fundamentally open, would be retained.
13. It is plain that the proposal would lead to a loss of openness of the appeal site itself as well as a change to its immediate character and appearance. However, the site lies between existing lines of trees, which are common across the course, providing ready-made and matured elements to the proposed landscaping, and indeed, already limiting the openness of this part of the course.
14. I note the concerns of the Council over the reliance on landscaping to mitigate visual effects of the proposal. I also note their concerns over the level of effects set out in the Landscape and Visual Assessment (LVA) submitted by the appellant. However, as discussed at the hearing, the terminology in the LVA is based on industry standard methodology and terminology, and I am satisfied that the conclusions within it are appropriate.
15. As was discussed at the hearing, the Landscape Character Assessment (LCA) extract submitted by the Council presents a high-level, strategic assessment of landscape character and its potential for development, prepared as part of the plan-making process, whereas the LVA is a more detailed, site-specific assessment. I note that the Council accepts the conclusions of the LCA extract in general terms but considers the specific effects of the proposal unacceptable. However, I disagree. In my opinion, the proposal, and its detailed effects set out in the submission and discussed at the hearing, and assessed in detail in the LVA meet the requirements of, and expectations set out in, the LCA.
16. The use of landscaping to mitigate the visual effect of development is not unusual, nor, in my opinion, is it unusual for the effects of that landscaping to take several years to take full effect. Coupled with the retention of most trees within and immediately around the site, I am therefore satisfied that the visual effect of the proposal can be appropriately mitigated by the proposed landscaping. Furthermore, as was discussed at the hearing, it would be within the gift of the Council to ensure, through the approval of landscaping details via condition, to control the size and maturity of landscaping delivered with the proposal. For the same reasons, I am satisfied that the appearance of the boundary fencing, seen from within the golf course would not be unduly harsh, jarring or otherwise unacceptable.
17. In considering the effect of the proposal on the character and appearance of the area, my attention has been drawn specifically to the effects of the proposal on 7 and 9 Great Coates Road, which representors have described as locally listed buildings, significant for their connections to local architect William Wells, as well as for their contribution to the overall established character and appearance of the area. Although I have not been presented with a copy of a local list, given the representations made on this point, and the submission of a heritage statement by the appellant which considers it, I find it an appropriate point to consider in the overall assessment of the proposal on the character and appearance of the area.

18. Having visited the site, and No 9 in particular, I consider that both of these buildings are well established in their own particular setting, with strong boundaries, well set back from the public domain and possessing their own distinct character and appearance, separate from their surroundings. As a result, I do not consider they rely on their mixed surroundings for their significance as non-designated heritage assets. Whilst the proposal would lead to a change to their setting, given the proposed separation distances, landscaping (both retained and new), and the retention of their spacious settings, I am satisfied that the proposals would not cause harm or loss to their significance as non-designated heritage assets, in line with guidance in Section 16 of the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (the PPG).
19. The Council and third parties have referred to the transition which takes place along the southern side of Great Coates Road, across the site, from developed to open land. Whilst I agree that along Great Coates Road as a whole there is a transition, I do not find that it is such a significant part of the character of the site that the same effect would not continue to occur, or that it is unique to the current arrangement. Given the overall scale of the wider landscape, I am satisfied that the effects of the proposal would be limited, as set out above, and that the overall transitional character, from the built form of the town out towards the Freshney Valley would remain.
20. I therefore find that although the proposal would result in a limited loss of openness of the golf course, it would not harm the overall character, appearance and visual amenity of the area. I do not consider that visibility is the same as visual intrusion. To my mind, the effects of the proposal on the openness, overall character and visual amenity of Great Coates Road are limited to the site itself and its immediate surroundings. The overall character of the wider area, at a strategic level remains, in my opinion, fundamentally unchanged, being relatively low density, mixed residential adjacent to a private, green, open, sport and recreational space in the golf course.
21. I therefore find that the proposal would accord with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (the Local Plan). These policies seek, amongst other things, to ensure that the size, scale and effects of a proposal are acceptable in light of their context, and that a high standard of sustainable design is delivered, with due regard to the particular site's context. The proposal would also accord with guidance in the Framework.

Community health and well-being

22. Policy 43 of the Local Plan states that the Council will "*safeguard against any loss of public or private green spaces, sport and recreation and equipped play facilities in recognition of their importance to the health and well-being of residents and visitors to the Borough*".
23. The appeal site is covered by this policy, and there is no dispute that the proposal would lead to the loss of a part of the golf course, which parties agree is a facility safeguarded by that policy.

24. There appears to be some discretion in the meaning of the wording of the policy, such that there was no agreement at the hearing as to whether the policy sought to prevent the loss of any part of any facility, or the loss of facilities as a whole. In light of the evidence of the parties, the discussion at the event, the overall tone and tenor of the policy and the supporting text¹, I consider that the latter is more appropriate.
25. Against that understanding of the policy, I find that the proposal would not lead to the loss of a sport and recreation facility. Indeed, in light of the financial position and context outlined by the appellant, the proposal would appear to increase the chances of the long-term survival and retention of the golf course as a sport and recreation facility protected by the policy.
26. Even if I were to take a different view on the meaning of Policy 43 it does not include an absolute prohibition on such development and includes a test with two criteria against which any loss should be assessed.
27. In light of the comments of Sport England, England Golf, and indeed, the fact that it is the Golf Club itself which has sought to deliver the appeal proposal, as well as the evidence which shows that the course can retain its 18-hole status, albeit slightly altered, I am satisfied that site can be considered surplus to green space and recreation requirements, meeting criteria A of the policy test.
28. Despite third-party comments around the wildlife seen on site, I note the contents of the submission in this regard and that there are no statutory consultee objections to the proposal with regard to the biodiversity value of the site or the effects of the development. I accept that the Golf Club may emphasise the biodiversity of the course as a whole, but in light of the evidence before me, I am satisfied that the overall biodiversity value of the course can be considered separately from the biodiversity value of the site itself. In this regard, I am satisfied with the conclusions in the submission and agree with that position.
29. The proposal makes clear that the golf course would retain its 18-hole status. I note objections to the proposal on the basis of the historic design of the course and of the particular challenge of the two affected holes. However, evidence from the appellant, who, it is important to note, is acting on the instructions of the Golf Club, suggests that whilst the challenge of the course as a whole would change, it would still be playable and attractive as a golf course.
30. As such, I am satisfied that current standards of provision and accessibility of the facility as a whole can be retained, meeting criteria B of the policy test. For the same reasons I am satisfied that the overall historic interest of the golf course and as noted above, the significance of the nearby locally-listed buildings would be accommodated by the proposal, in line with section 6 of Policy 43.
31. Whilst I agree that the covid-19 pandemic has highlighted the importance of green space for wellbeing, I do not consider that a private golf club, not otherwise accessible to the public necessarily meets that need, despite the explicit remit of Policy 43 to protect public and private spaces.

¹ Notably paragraph 14.239; "Policy 43... sets out criteria to guard against the loss of **facilities**" (my emphasis).

32. As noted above, the appeal proposal is intended to bolster the finances and future financial viability of the golf course and the Club, ensuring that the Club is able to service its debts, remain financially viable and continue to serve the community into the future.
33. Third parties have cast doubt on that position, suggesting instead that the Club is in fact in a better financial position than suggested, that membership is rising, and that the proposal itself would significantly affect the attractiveness of the course, and in turn, the overall viability and future success of the Club.
34. Whilst I have some sympathy with these concerns, and I note the evidence provided, I am again drawn to the application being made on behalf of, and apparently at the instruction of the Golf Club itself. In such a situation, I must assume that the Golf Club knows its own mind, and that the management of the Club has fully assessed the effects of the proposal on the current and future financial position, including effects on the course, effects on members and the future sustainability of the Club.
35. A unilateral undertaking (UU) under section 106, has been submitted which requires that prior to the commencement of development, the appellant will exercise their option to buy the land and pay the purchase price to the owner (i.e. the Golf Club). This UU was sought by the Council to ensure that the proceeds of the site sale would go to the Golf Club. However, whilst the UU does that, being a *unilateral* undertaking, it is binding only on the appellant to purchase the site, it does not compel the Golf Club to sell it. Sales typically require a willing buyer and a willing seller, and there is nothing before me to suggest that is not the case here. I am therefore satisfied that whilst the appeal has been made on the basis of delivering financial support for the Club, if the financial context and situation has changed such that it were no longer required, there would be no compulsion on the part of the Club to sell the site upon any grant of planning permission.
36. I note concerns of third-parties that the appeal proposal is a 'stalking horse' for future development proposals on the golf course. However, such proposals are not before me. In any event my decision on this proposal, taken on the basis of the evidence before me and applying the clear tests in the Local Plan, would not affect or otherwise limit the ability of the Council to apply the policies in their Local Plan in future.
37. The proposal would result in the irreversible loss of a piece of land allocated for sport and recreation. However, it would not lead to the loss of the sport and recreation facility as a whole and could increase its chances of long-term survival and availability, thereby not harming community health and well-being. I therefore find that the proposal accords with the requirements of Policy 43 of the Local Plan. I also find that the proposal does not conflict with guidance in the Framework around promoting healthy and safe communities.

Other Matters

38. Objections have been made to the proposal on the basis of its effect on the living conditions of occupiers of nearby properties, specifically at No 9, with regard to outlook, light, privacy, noise and disturbance. I acknowledge these concerns, and accept that the setting, situation and outlook for No 9 would change.

39. However, given the separation distances proposed, the existing mature planting which is to be retained, and the relatively small scale of the development proposed, I am satisfied that the proposal would not have an unacceptable effect on the living conditions of the occupiers of No 9. In reaching this conclusion, I note that Officers of the Council, in their report to Committee reached the same conclusion.
40. Objections have also been made to the proposal with regard to flooding, drainage, traffic and ecology. Whilst all of these comments are noted, I am also in receipt of assessments and reports which deal with all of them and which have satisfied the statutory consultees as to their acceptability, in terms of effect and the suitability of any required mitigation where it is proposed. Again, this is consistent with the position taken by Council Officers in their report to Committee, and nothing in the evidence before me suggests I should reach a different conclusion.
41. The compatibility of the proposal with the use of the golf course has also been raised, with objectors citing the amount of ball strikes at existing houses from the current configuration of the course. On the basis of the evidence before me, and my site visit, it appears that whilst ball strikes already occur, some of these appear to come from holes unaffected by the proposals. In addition, there is technical evidence to show that there is sufficient distance between the 8th hole and the proposal such that the potential for ball strikes would be low, and the risk they would pose is negligible. Similarly, the position of the 5th tee has been designed to minimise conflict between the course and the proposal. Added to this, I note the 'agent of change' principle clearly set out in the Framework. As a result, I am satisfied that the proposal and the use of the golf course are compatible.
42. I note the concerns of the Council over the deliverability of this site. However, they have provided no evidence to support this concern, and both the appellant and the original report to committee note that the site is readily deliverable. Given the scale of the proposal and the lack of any evidence to the contrary, I agree with this conclusion.

Planning balance

43. The Framework states at paragraph 11 that plans and decisions should apply a presumption in favour of sustainable development. It continues at paragraph 11d)ii, stating that where the policies which are the most important for determining the planning application are considered out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
44. Footnote 8 of the Framework confirms that in considering whether the policies that are most important are indeed out-of-date, this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. In this instance, the parties agree that there is currently a shortfall in the housing land supply in North East Lincolnshire, and as a result, the provisions of paragraph 11d of the Framework apply.

45. As set out above, I have found that the Framework and Policy 43 of the Local Plan are consistent, and given my conclusions on that policy, I do not find that there are any relevant Framework policies which therefore protect areas or assets of particular importance, providing a clear reason for refusing the development proposed.
46. In addition, whilst there may be minor adverse impacts from granting planning permission, in terms of minor loss of openness of the golf course, these would not significantly and demonstrably outweigh the benefits of housing delivery in an area of shortfall, in a manner which does not cause unacceptable harm to the character and appearance of the area, and which potentially protects the long-term retention of the Golf Club as a sport and recreation facility.
47. The proposal therefore benefits from the presumption in favour of sustainable development set out in the Framework.

Conditions

48. The Council and appellant have submitted an agreed list of conditions to be attached, should planning permission be granted in their signed SOCG. It was agreed that the SOCG serves as the written agreement that the appellant has no objection to the terms of the pre-commencement conditions proposed by the Council. It is necessary and reasonable that the information required by those conditions be provided prior to the commencement of development, as they relate to matters which cannot properly or reasonably be addressed following the commencement of the development.
49. Having had regard to the requirements of the Framework and the PPG I have imposed standard conditions concerning commencement (1) and compliance with the submitted plans (2).
50. Condition 3, requiring the installation of surface and foul water drainage in accordance with the submitted details is necessary to ensure drainage, flood risk and water quality is appropriately managed. Conditions 4 and 8, requiring the approval and implementation of bin store details, external materials and landscaping are necessary to ensure the satisfactory appearance of the completed development.
51. Condition 5 requires compliance with the submitted Construction Management Plan, but following discussion at the hearing, I have amended it to allow the submission and approval of an alternative. This is necessary to ensure that the delivery of the development does not harm the amenity of occupiers of neighbouring properties. Conditions 6 and 7 are necessary to ensure the safety of the development in highway safety terms.
52. Condition 9, ensuring that the development is carried out in accordance with the recommendations in the Ecology Appraisal is necessary to protect biodiversity and ecology interest. Condition 10, which controls boundary treatment details, requiring submission, approval and implementation is necessary both in the interests of the amenity of the occupiers of neighbouring properties, the character and appearance of the area and to protect biodiversity interests. Condition 11 is necessary to ensure that the proposal meets development plan standards around water efficiency.

53. As noted in my Preliminary Matters, condition 12 was requested by the Council's Heritage Officer to overcome the second reason for refusal. It is therefore necessary to protect any heritage interest within the site, in accordance with the development plan policy and the requirements of the Framework.
54. Despite the SOCG, dispute remains over the necessity of a separate condition² specifying the location of the 5th tee and the 8th hole. I have addressed the proposed amendment to the location of the 5th tee in my Preliminary Matters above, but the issue of this proposed condition remains. Although these works are shown on the approved drawings listed in Condition 2, that condition is positively worded and reliance on that condition to deliver the works would be unreasonable and unenforceable.
55. Instead, I have imposed the condition suggested by the Council in their Statement of Case, as condition 13. This 'Grampian' condition is negatively worded and would therefore be enforceable. Parties broadly agree that reconfiguration works are necessary (albeit there remains dispute over the precise location of the 5th tee), and as the Golf Club owns the appeal site and the land around it, and would need to reconfigure the course to accommodate the development, I consider that there is a reasonable prospect of the works required being implemented. As such, I find that the condition as attached is necessary and I am satisfied that it is reasonable, meeting the appropriate tests.
56. At the hearing, it was latterly suggested by the Council that they would prefer to see the removal of national permitted development rights for outbuildings and hardstandings, despite this not being suggested in the original Officer Report, the Statement of Case or the SOCG. The appellant suggested that they would be willing to accept such a condition. However, I am mindful of the Framework presumption against the removal of national permitted development rights, the need for clear justification and the guidance in the PPG. In light of that, given the restrictions imposed in the permitted development order itself, the generous plot sizes, proposed landscaping, conditions which retain that, and separation distances between the proposed houses and the existing houses, I do not consider that such a condition would be necessary, nor do I consider that I have been provided with clear justification for it.
57. I have removed tailpieces from the suggested conditions as they are inappropriate and can bypass other statutory processes. In conclusion I am therefore satisfied that the conditions I have imposed meet the tests in, and requirements of both the Framework and the PPG.

Planning obligation

58. The appellant has offered, and the Council considers it necessary, for the appeal proposal to be accompanied by a planning obligation which would ensure that the proceeds of the sale of the site would go to the Golf Club to support its future. The Application Form confirms that the Golf Club owns the land, and the recitals in the UU reaffirm this.

² Condition 10 in the Council's Statement of Case

59. I consider that such an obligation would clearly be necessary to make the development acceptable in planning terms, directly relates to the development and is fairly related in scale and kind to the development.
60. It was discussed at the hearing and agreed that it would neither be appropriate nor practical to seek to control the disbursement of those proceeds beyond their receipt by the Golf Club.
61. A signed and sealed obligation under section 106 of the Act has been provided., The Council has confirmed that this undertaking meets their requirements, and I am satisfied that it meets the legal requirements and that it would deliver what has been sought, namely, that the proceeds of the sale of the site would be received by the Golf Club.

Conclusion

62. I have found that the proposal would not result in an unacceptable loss of openness or lead to an unjustified visual intrusion to the detriment of the character and amenity of Great Coates Road. I have also found that whilst it would result in the loss of *land* allocated for sport and recreation, that loss would be justified and the retention of the facility as a whole falls complies with the development plan and would not harm community health and well-being.
63. For the reasons given above I conclude that the proposal accords with the development plan. In addition, it benefits from the presumption in favour of sustainable development set out in the Framework. There are no other material considerations which indicate that a decision be taken other than in accordance with the development plan.
64. The appeal should therefore be allowed, and planning permission granted.

S Dean

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin within three years of the date of this permission. That the development hereby permitted shall be carried out in accordance with the following approved plans:
2. The development shall be carried out in accordance with the following plans:
 - RD4072-01A Site location plan
 - RD4072-10D Proposed site plan
 - RD4072-11D Proposed site plan
 - RD4072-12A Plot 1 plans and elevations
 - RD4072-13A Plot 2 plans and elevations
 - RD4072-14A Plot 3 plans and elevations
 - RD4072-15A Plot 4 plans and elevations
 - RD:4072-16A Plot 5 plans and elevations
 - RD4072-18E External works plan
3. The surface and foul water drainage plans referenced:
 - 1115-2014-A Micro drainage
 - 1115-2014-A Micro drainage
 - 1115-2014-CIV-10-P2 Drainage layoutshall be fully installed and operational prior to any dwelling being occupied and the drainage as detailed so retained thereafter.
4. Development shall not begin until details of the bin store and 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 built out in accordance with the approved details.
5. The development shall be built out in accordance with the Construction Management Plan submitted 2nd December 2020 or in accordance with a replacement plan formally submitted to and approved in writing by the Local Planning Authority.
6. The existing hedgerow shall be removed to allow for the relevant visibility splays of 2,4m x 43m in both directions from the proposed site access point as shown on plan ref: RD4072-10D prior to the occupation of any dwelling on the site. The visibility splays shall then be maintained at all times thereafter.

7. 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) management arrangements for any carriageways, footways and/or landscaped areas not to be adopted by the local authority;
 - (g) swept path analysis demonstrating turning manoeuvres for emergency vehicles on all carriageways (adopted and private), and refuse vehicles on all adopted carriageways;
 - (ii) A Stage 1 and 2 Road Safety Audit (RSA) must be provided. The RSA should take into consideration the new access point on Great Coates Road. The Road Safety Audit must be undertaken by a fully qualified independent Road Safety Auditor. Once approved, development shall only proceed in strict accordance with the approved details.
8. 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, along with an Arboricultural Method Statement;
 - (c) Measures for the protection of trees and hedges during construction work;
 - (d) Timing for the landscaping works to be completed;
 - (e) A management plan for the landscaping,have been submitted to and approved in writing by the Local Planning Authority. The approved Tree Protection Measures shall be fully installed prior to any construction works commencing on the site and shall be retained in place throughout construction works. The landscaping shall then be fully completed in accordance with the approved details and thereafter managed in accordance with the approved management plan.
9. The development shall be built out in full accordance with the recommendations set out in the Ecology Appraisal submitted 4th December 2020 unless otherwise agreed in writing with the Local Planning Authority. The measures shall be implemented prior to the occupation of any house to which it relates in relation to bat bricks and prior to the occupation of any dwelling in relation to all other measures.
10. Prior to development commencing full details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The details shall include hedges and fences to the boundaries to the golf course. The approved fencing shall then be fully installed prior to the occupation of any dwelling on the site and the hedging fully planted out in accordance with the details required and approved under condition 8 of this permission.

11. 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 of each dwelling.
12. No development shall take place until the applicant has:-
 - (i) submitted a Written Scheme of Investigation or Specification for Works, for a programme of archaeological work, to the Local Planning Authority.
 - (ii) received written approval of the Written Scheme of Investigation for a programme of archaeological work from the Local Planning Authority.
 - (iii) implemented, or secured implementation of the Written Scheme of Investigation for a programme of archaeological work.

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

 - (a) published, or secured the publishing of the findings resulting from the programme of archaeological work within a suitable media.
 - (b) deposited, or secured the deposition of the resulting archive from the programme of archaeological work with an appropriate organisation.
13. Prior to the occupation of any dwelling the 5th tee box and 8th green on the golf course shall be relocated to the positions shown on the plan referenced RD4072-10D and they shall then be retained in the approved locations and not relocated at any time.

End of Schedule of Conditions

Appearances

For the Appellant:

Paul Bedwell	Paul Bedwell Town Planning
Daniel Snowden	Ross Davy Associates
Simon Dixon	Land Developers Lincs
Paul Bannister	Land Developers Lincs
John Collis	Land Developers Lincs

For the Local Planning Authority:

Cheryl Jarvis	North East Lincolnshire Council – EQUANS
Martin Dixon	North East Lincolnshire Council – EQUANS

Interested Parties:

Kerry Henderson	Local resident
Paul Henderson	Local resident
Cllr James Cairns	North East Lincolnshire Council

DM/0334/22/FUL – GRIMSBY GOLF CLUB, LITTLECOATES ROAD, GRIMSBY

