

**Planning Committee Dated: 26th April 2023**

**Summary List of Detailed Plans and Applications**

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<b>Item:</b>	<b>1</b>	<b>Recommendation: Prior Approval not required</b>
<b>Application No:</b>	DM/0188/23/PNSOL	
<b>Application Type:</b>	Prior Approval-Solar Photovoltaics	
<b>Application Site:</b>	Thorpe Park Holiday Camp Anthony's Bank Road Humberston North East Lincolnshire	
<b>Proposal:</b>	Prior notification for the installation of solar photovoltaic (PV) panels	
<b>Applicant:</b>	Mr Jonathan Waldie	
<b>Case Officer:</b>	Emily Davidson	

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<b>Item:</b>	<b>2</b>	<b>Recommendation: Approved with Conditions</b>
<b>Application No:</b>	DM/0493/22/OUT	
<b>Application Type:</b>	Outline Application	
<b>Application Site:</b>	Land Off Fieldhouse Road Humberston North East Lincolnshire	
<b>Proposal:</b>	Outline application with access to be considered to erect 5 detached dwelling houses with associated works (amended block plan and design and access statement)	
<b>Applicant:</b>	Mrs Donna White	
<b>Case Officer:</b>	Emily Davidson	

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	<b>Recommendation: Approved with Conditions</b>
<b>Item:</b>	<b>3</b>
<b>Application No:</b>	DM/0618/22/FUL
<b>Application Type:</b>	Full Application
<b>Application Site:</b>	4 Beck Farm Mews Barnoldby Le Beck North East Lincolnshire DN37 0BH
<b>Proposal:</b>	Erect 2 dwellings with garages and various associated works (Addition of Construction Management Plan)
<b>Applicant:</b>	Miss Kate Bradshaw
<b>Case Officer:</b>	Emily Davidson

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	<b>Recommendation: Approved with Conditions</b>
<b>Item:</b>	<b>4</b>
<b>Application No:</b>	DM/0838/21/FUL
<b>Application Type:</b>	Full Application
<b>Application Site:</b>	Land Adjacent To St Lawrences Church, Church Cottage, Church Lane, Greenacre And Field Church Lane Aylesby North East Lincolnshire
<b>Proposal:</b>	Change of use of land from agriculture to learning, growing and sensory garden area
<b>Applicant:</b>	Ms Dawn Best
<b>Case Officer:</b>	Jonathan Cadd

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**Recommendation: Approved Conditions and signing of S106**

**Item:** 5

**Application No:** DM/0245/22/FUL

**Application Type:** Full Application

**Application Site:** Land South Of Diana Princess Of Wales Hospital Scartho Road Grimsby North East Lincolnshire

**Proposal:** Erect 29 dwellings with associated highways and landscape works

**Applicant:** Stevens

**Case Officer:** Cheryl Jarvis

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**Recommendation: Approved with Conditions**

**Item:** 6

**Application No:** DM/0123/23/FUL

**Application Type:** Full Application

**Application Site:** 3 Beckhythe Close Grimsby North East Lincolnshire DN33 2ES

**Proposal:** Retrospective application to erect greenhouse to front

**Applicant:** Mr Peter Boulby

**Case Officer:** Becca Soulsby

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**Recommendation: Refused**

**Item:** 7

**Application No:** DM/0303/22/FUL

**Application Type:** Full Application

**Application Site:** Beaconthorpe Methodist Church Grimsby Road Cleethorpes North East Lincolnshire

**Proposal:** Convert existing church into 6 apartments (including mezzanine accommodation at first and second floor) with various internal and external alterations

**Applicant:** Mr David Beard

**Case Officer:** Jonathan Cadd

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**Recommendation: Refused**

**Item:** 8

**Application No:** DM/0304/22/LBC

**Application Type:** Listed Building Consent

**Application Site:** Beaconthorpe Methodist Church Grimsby Road Cleethorpes North East Lincolnshire

**Proposal:** Listed Building Consent to convert existing church into 6 apartments (including mezzanine accommodation at first and second floor) with various internal and external alterations (amended plans)

**Applicant:** Mr David Beard

**Case Officer:** Jonathan Cadd

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**Recommendation: Approved with Conditions**

**Item:** 9

**Application No:** DM/1090/22/FUL

**Application Type:** Full Application

**Application Site:** 36 Humberston Avenue Humberston North East Lincolnshire DN36 4SP

**Proposal:** Erect 8 detached dwellings with garages and private road to include widening existing access with associated works

**Applicant:** Mr John Collis

**Case Officer:** Richard Limmer

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**Recommendation: Approved with Conditions**

**Item:** 10

**Application No:** DM/0236/23/FUL

**Application Type:** Full Application

**Application Site:** 124 Humberston Avenue Humberston North East Lincolnshire  
DN36 4SU

**Proposal:** Variation of Condition 2 (Approved Plans) pursuant to  
DM/0591/22/FUL (Alterations to floor plans and elevations on the  
dwelling)

**Applicant:** Mr John Williams

**Case Officer:** Richard Limmer

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**PLANNING COMMITTEE - 26th April 2023**

**ITEM: 1**                      **RECOMMENDATION: Prior Approval not required**

**APPLICATION No: DM/0188/23/PNSOL**

**APPLICATION TYPE: Prior Approval-Solar Photovoltaics**

**APPLICATION SITE: Thorpe Park Holiday Camp , Anthony's Bank Road,  
Humberston, North East Lincolnshire, DN35 0PW**

**PROPOSAL: Prior notification for the installation of solar photovoltaic (PV) panels**

**APPLICANT:**

Mr Jonathan Waldie  
Bourne Leisure Limited  
1 Park Lane  
Hemel Hempstead  
HP2 4YL

**AGENT:**

Miss Ellie Lockhart  
Syzygy Consulting  
4-8 Whites Grounds  
London  
SE1 3LA

**DEPOSITED: 3rd March 2023**

**ACCEPTED: 3rd March 2023**

**TARGET DATE: 28th April 2023**

**PUBLICITY EXPIRY: 21st April 2023**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 1st April 2023**

**CASE OFFICER: Emily Davidson**

**PROPOSAL**

Prior notification for the installation of solar photovoltaic (PV) panels on two sites within the Thorpe Park complex.

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

**SITE**

Thorpe Park is an established holiday camp located within the resort area of Cleethorpes. It is located close to the beach and estuary. The solar panels are proposed in two main locations. The main complex site to the north off the main access road and the club site to the south east of the holiday site.

## **RELEVANT PLANNING HISTORY**

No relevant planning history.

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

### National Planning Policy Framework (2021)

NPPF14 - Climate, flooding & coastal change

NPPF16 - Conserv. & enhance the historic environ.

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

PO31 - Renewable and low carbon infrastructure

PO39 - Conserve and enhance historic environ

PO5 - Development boundaries

PO22 - Good design in new developments

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

## **REPRESENTATIONS RECEIVED**

### Consultee Representations

Highways Officer - Approval, no conditions.

Drainage Officer - No drainage comments.

Heritage Officer - No heritage input required.

Environmental Protection Officer - Hours of construction condition recommended.

### Neighbour Representations

#### Objections received from:

30, 79, 222, 252, 255, 259, 263, 284, 313 Humberston Fitties. and 49 Robert Pearson Mews, Grimsby, 9 The Green, Ashbourne. 154 Henley Frive Frimley Green, Camberley. 3 Ronald Court, Leicester. 31 Lindsey Drive, Holton Le Clay

Broadly on the grounds of:

Impact to neighbouring conservation area and its historic character. Consider that solar panels should not face onto the Conservation Area, impact to ecology, potential for glare and noise, lack of public benefit. Concerns at the level of development taking place at Thorpe Park generally and the adverse environmental impacts being created.

## **APPRAISAL**

The material planning considerations are:

- 1) The type of application
- 2) Issues to consider and;
- 3) Public consultation

### 1) Type of application

This proposal relates to the installation of solar panels on the roof of the existing building. The works are permitted development by virtue of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 14, Class J. However, a condition of this permitted development is that the developer must make an application to determine whether the prior approval of the Local Planning Authority is required for the installation as to the design or external appearance of the development. In terms of specific Local Plan policy to renewable and low carbon infrastructure Policy 31 applies. Whilst this applies to major installations it does reference smaller renewable energy technologies such as solar/photovoltaics and heat pumps. Policy supports opportunities to maximise renewable energy within the Borough subject to the considerations of its impact. This accords to advice in Section 14 in the National Planning Policy Framework, 'Planning for Climate Change'.

In terms of whether the works are permitted development, it is confirmed that the requirements are met. It was confirmed on 14th April 2023 that prior approval is required. The main issue to consider as part of this application are defined in the regulations as those which relate to the design or external appearance and the impact on neighbouring land such as glare.

### 2) The Issues to Consider

The solar panels would be installed on the roof of two buildings within the site. Most are pitched roofs with one flat roof. As they are positioned on the roof, the visual impacts have been looked to be minimised. Solar panels are now commonplace and support the need for sustainable energy sources and the environmental benefits this brings. The application site is set within its own grounds and given its nature, already has examples of plant and machinery on its roof. The neighbouring site, Humberston Fitties, is a conservation area. There is clear separation between the sites with landscaped boundaries in some instances. Thorpe Park is an established holiday park located

outside of the conservation area. The Council's Heritage Officer has raised no concerns with the proposal. Solar panels would not harm the character of the area.

Representations have made reference to solar panels not being acceptable in heritage terms but as noted above this is a modern holiday site and the panels respond well in design terms to that setting. Heritage designation does not prevent renewable energy proposals in principle and the important environmental benefits this brings, but as with any development it is an important consideration based on the merits of the case. To this end it is considered that there are no adverse impacts on the setting of the Humberston Fitties Conservation Area. The character of the conservation area is maintained (meeting the requirements of the Planning (Listed buildings and Conservation Areas) Act 1990) and the proposal is in accordance with Policy 5, 22, 31 and 39 of the NELLP 2018 and the requirements under Section 14 and 16 of the NPPF.

### 3) Public Consultation

Class J also requires the local planning authority to take account of any representations made. Several neighbour representations have been made objecting broadly on the grounds of impact to the neighbouring conservation area, impact to ecology, potential for glare and noise and lack of public benefit. The impact to the neighbouring conservation area is considered above. Part 14, Class J allows for consideration of the potential for glare on occupiers of neighbouring land. There is a degree of separation between the proposal and the holiday chalets located in the neighbouring site with established planting in some locations. This would reduce the impacts in terms of glare. The applicant also notes that the solar panels to be used in this project are dark blue/black, do not reflect light and have an antiglare covering. In addition, the panels are static and have no moving parts, neither internally nor externally. The solar PV array will not generate noise. The Council's Environmental Protection Officer recommends a condition to control construction hours. This would further protect neighbouring amenity during the build phase.

The regulations note that the considerations for the application are in relation to design and external appearance so not as such including ecology and noise matters. However, for the avoidance of doubt it is considered that there would be no impact to ecology or any adverse noise impact as the proposal is located on an established site.

All considered, the proposal is considered not to harm neighbouring amenity or other matters of interest.

## **CONCLUSION**

The proposal is in accordance with the areas set out in Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) under Schedule 2, Part 14, Class J. It is therefore recommended that prior approval be granted.

## **RECOMMENDATION**

### **Prior Approval not required**

(1) Condition

The installation of the solar panels shall not take place before 08:00 or after 18:00 Monday to Fridays inclusive, before 08:00 or after 13:00 on Saturday or anytime on Sundays and Bank Holidays.

Reason

In the interests of local amenity to accord to Policy 5 of the North East Lincolnshire Local Plan 2013 to 2032 (Adopted 2018).

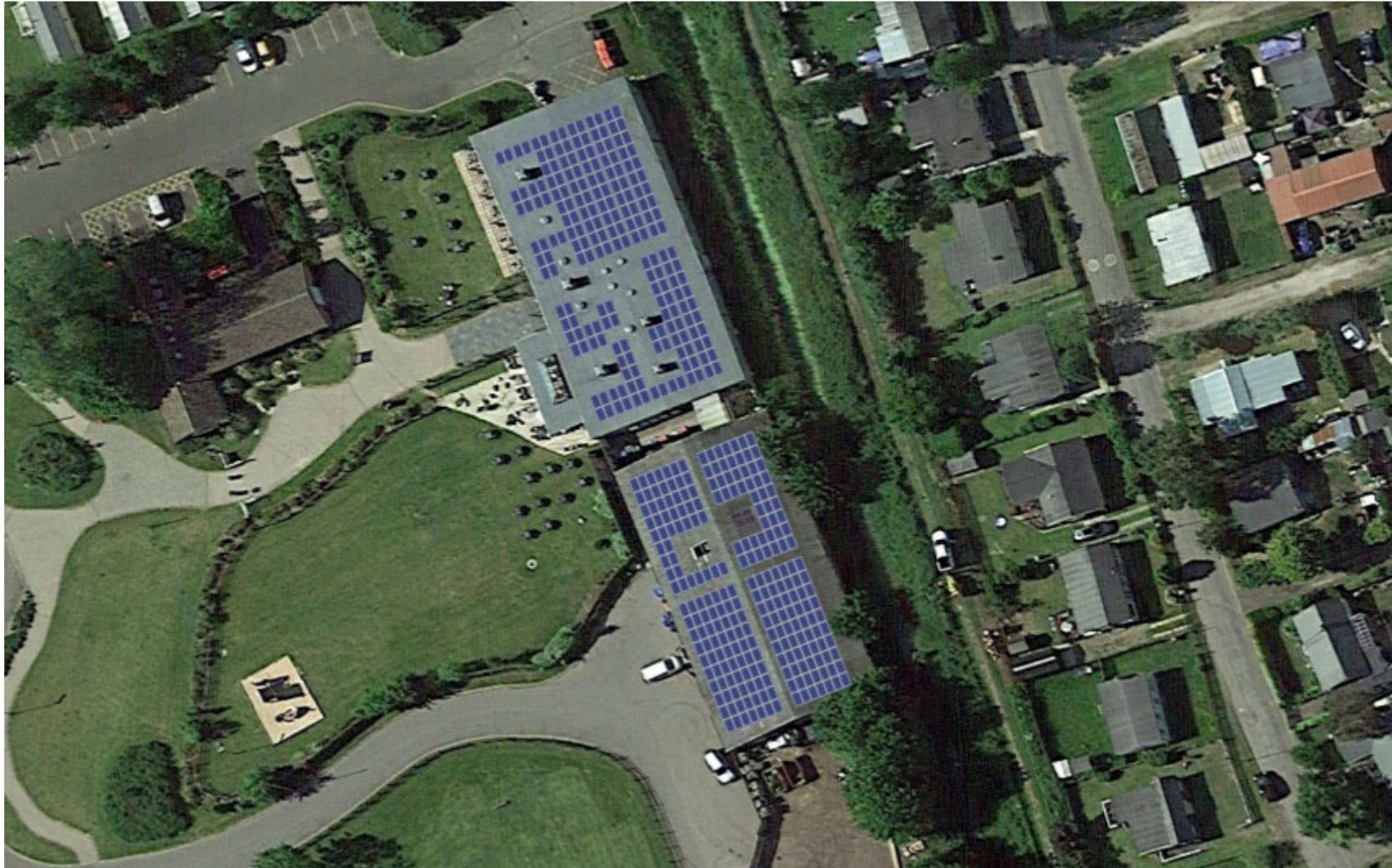
DM/0188/23/PNSOL – THORPE PARK HOLIDAY CAMP, ANTHONY'S BANK ROAD, HUMBERSTON



DM/0188/23/PNSOL – THORPE PARK HOLIDAY CAMP, ANTHONY'S BANK ROAD, HUMBERSTON



DM/0188/23/PNSOL – THORPE PARK HOLIDAY CAMP, ANTHONY'S BANK ROAD, HUMBERSTON



**PLANNING COMMITTEE - 26th April 2023**

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

**APPLICATION No: DM/0493/22/OUT**

**APPLICATION TYPE: Outline Application**

**APPLICATION SITE: Land Off, Fieldhouse Road, Humberston, North East Lincolnshire,**

**PROPOSAL: Outline application with access to be considered to erect 5 detached dwelling houses with associated works (amended block plan and design and access statement)**

**APPLICANT:**  
Mrs Donna White  
35 Louth Road  
Grimsby  
North East Lincolnshire  
DN33 2HP

**AGENT:**  
Simon Coyne  
CDC Architecture Limited  
35 Louth Road  
Scartho  
Grimsby  
North East Lincolnshire  
DN33 2HP

**DEPOSITED: 6th June 2022**

**ACCEPTED: 21st September 2022**

**TARGET DATE: 16th November 2022**

**PUBLICITY EXPIRY: 21st April 2023**

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

**CONSULTATION EXPIRY: 16th October 2022**    **CASE OFFICER: Emily Davidson**

**PROPOSAL**

The proposal is an outline application with access to be considered to erect 5 detached dwellings with associated works.

The application is presented to Planning Committee due to the number of objections, a Village Council objection and a call in request from Councillor Dawkins.

## **SITE**

The site is located with an access off Fieldhouse Road, behind the Couch House pub. It is currently an overgrown green area with two public footpaths running through it. The surrounding area is predominantly residential in character with a small local centre close by and a second pub opposite the access road. There is also an area of green space behind the host site. The two sites are separated by a ditch.

## **RELEVANT PLANNING HISTORY**

DM/0487/20/OUT - Outline planning application to erect 14 dwellings with access to be considered. Refused (Adjacent Site).

## **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.
- NPPF5 - Delivering a sufficient supply of homes

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

- PO5 - Development boundaries
- PO6 - Infrastructure
- PO13 - Housing allocations
- PO22 - Good design in new developments
- PO33 - Flood risk
- PO34 - Water management
- PO36 - Promoting sustainable transport
- PO38 - Parking
- PO39 - Conserve and enhance historic environ
- PO41 - Biodiversity and Geodiversity
- PO42 - Landscape

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

Cadent Gas - Advise on their assets in the area.

Highways Officer - Content with the agreement to improve the first 8m of the access and provide passing places both on the access road and within the development site. A construction management plan will be required. Agree with the road safety audit and the mitigation measures it outlines. No objections.

Drainage Officer - Sustainable drainage scheme condition recommended.

Heritage Officer - Recommends further archaeological investigations are carried out prior to decision. This has been carried out and the officer is content that there is nothing identified that would prevent the development of the site.

Humberside Fire and Rescue - Advise on water supplies and access for fire services.

Ecology Officer - Satisfied with the ecology report and requires the recommendations within this report be adhered to. Ecological construction plan and enhancement plan required.

Trees and Woodlands Officer - No objections. Requests a detailed landscaping scheme should a full application come forward.

Environmental Protection Officer - Recommends hours of construction and construction management plan. Informative for electrical vehicle charging. Content with acoustic report and recommends glazing is carried out.

Rights of Way Officer - Raised concerns initially regarding safety. Relocation of the footpath is acceptable, however, has some concerns regarding the close board fence. Advises on the separate process for diverting the footpath.

Humberston Village Council - Objects to the application in relation to the site access. Supports local residents. Makes reference to comments on the portal. Wishes to see the application refused.

Designing Out Crime Officer - Raised safety concerns to the initial footpath location. Considers footpath to the rear acceptable if there are no other options for its position. In such instances greater security measures on the property designs will be required.

### Neighbour and Public Representations

The following addresses have commented in objection, broadly on the grounds of narrow access, traffic, highways and pedestrian safety, loss of green space, loss of

tranquillity/noise/light pollution, impact on residential amenity, over development, drainage issues, impact to ecology, ownership of access road, lack of public infrastructure, impact on services, support comments are not from local residents, impacts in relation to the relocation of the footpath, removal of trees, not in keeping with the area and recent damage to the public footpath.

44 Edward Street. Walworth, Comme Court, 20, 29, 38, 50, 63 Fieldhouse Road. 39 Grove Lane. 74 Humberston Avenue. 6 Rowan Drive. 30 Sheraton Drive. South View. 16 St Johns Road. 100 Taylors Avenue. 12, 43 Tetney Road. 8 The Cloisters.

The following addresses made neutral comments, broadly on the grounds of the land not being sold and that it would be positive to develop the land.

10 Devonshire Avenue. 9 South View.

The following addresses made comments in support, broadly on the grounds that others have already built on the wider greenspace, construction management plan will minimise noise and disturbance, the access road is shared, the development would enhance property prices, quality low density housing, the site is allocated for housing, positive development, access road is adequate, some objection comments are falsified, the plots would be self-build, there are no traffic issues, improvements made to the right of way.

46 Picksley Crescent, Holton Le Clay. 64 St Mary's Lane, Louth. 29 Ashridge Drive. 17b Benjamin's Walk. 62 Bollingbrooke Road. 18 Brian Avenue. 7 College Street. 26 Coniston Crescent. 9 Darwin Court. 8 Eastfield. 61 Fallowfield Road. 40 Fieldhouse Road. Forest Way. 304 Grimsby Road. 303 Louth Road. 53 Manor Drive. 32 Midfield Road. 38 North Sea Lane. 107 Penshurst Road. 31 Perbeck Road. 10 South View. 17 St Heliers Road. The Coach House Fieldhouse Road. 1, 2, 3 The Laurels. 98 Worlaby Road. 27 Robson Road.

## **APPRAISAL**

### Material Considerations

1. Principle of development
2. Section 106 Agreement
3. Highways
4. Ecology and Landscaping
5. Heritage and Archaeology
6. Public Right of Way
7. Design
8. Neighbouring Amenity
9. Drainage and Flood Risk

1. Principle of Development

The site is within an area allocated for housing (HOU082) in the North East Lincolnshire Local Plan (NELLP), 2018. Thus Policy 13 applies. The allocation is for 17 dwellings and this scheme brings forward only part of the allocated site. The proposal is in line with that set out in the local plan. The application is for an outline application with only the access being considered. The proposal is considered acceptable in principle subject to the site-specific discussion below.

## 2. Section 106 Agreement

The site is allocated for 17 dwellings in the NELLP 2018. As the site only brings forward part of the site and proposes only 5 dwellings, the need for a 106 contribution was considered. It was concluded however, that there is a clear distinction between the host site, and the adjacent site which makes up the remaining allocation both in terms of physical separation with a ditch running through the site and the planning history of the site which brought forward the remaining part of the site as a separate application. This demonstrates that the site has not been sub-divided and it is therefore concluded that there are no grounds to request a section 106 contribution for this application.

## 3. Highways

The site would be served from an unadopted access road situated off Fieldhouse Road. The Council's Highways Officer has confirmed that the use of this road as an access is acceptable to serve 5 dwellings providing improvement works are carried out to the first 8m of the site to provide a passing place. A condition is recommended to secure this. There would also be a passing place located within the site itself. Concerns have been raised by residents as to the adequacy and safety of the use of the lane as an access. Highways Officers have undertaken several site visits at varying times and also requested that a road safety audit be undertaken. A road safety audit has been undertaken and the Highways Officer is content that this document is acceptable and that the mitigation recommended at the site entrance to reduce the height of the fencing should be carried out. Again, a condition is recommended. With improvement measures secured, adequate visibility can be achieved. The addition of just 5 dwellings is not considered to result in a degree of traffic that would be considered severe in this location. The application is therefore considered in accordance with Policy 5 of the NELLP 2018.

## 4. Ecology and Landscaping

The site is an area of unmaintained green space. An ecology report was provided as part of the planning submission, and this has been assessed by the Council's Ecologist. The Officer has confirmed that they are satisfied with the content of the document and request that the recommendations in the document be implemented. This includes employing a lighting consultant to design a plan based on the principles given, providing at least 2 of the 5 properties with integrated bird boxes, and securing a detailed ecological construction method statement and an ecological enhancement management plan to protect, maintain and enhance the sites ecological value. It is noted that reference has been made by commentators that trees have been removed from the site. It is understood

that these trees were not subject to any planning protections. It is noted that there are however protected trees on the site. An arboricultural report has been produced for the site which raises no in principle issues. The Council's Trees and Woodlands Officer raises no objections but requests that a full landscaping scheme is submitted with any reserved matters application. The application is considered in accordance with Policies 41 and 42 of the NELLP 2018.

## 5. Heritage and Archaeology

The Council's Heritage Officer identified a potential for archaeology given the site's undeveloped nature and location in the village. The Officer requested that archaeological investigations be carried out prior to determination to enable an assessment of the potential significance of any below ground archaeology. This has been carried out and the Heritage Officer is content that the investigation works carried out did not identify any archaeology that would prevent the development of the site. Thus, the officer is content that no harm would be caused should the proposal go ahead. This is in accordance with Policy 39 of the NELLP 2018.

## 6. Public Rights of Way

The Council's Rights of Way Officer raised concerns with the original scheme based on safety with regard to the high fencing and dog leg element of the revised footpath location. The Designing Out Crime Officer also raised safety concerns with the original scheme. Officers also raised concerns over the potential impact on the amenity of the closest neighbour at 6 Rowan Drive as the footpath ran the entire length of the boundary of that property. Following extensive negotiations, the location of this public footpath has now been relocated to the rear of the site. The Council's Rights of Way Officer is content with the relocation, however would be concerned if the footpath were to be enclosed by fencing on both sides. In response, the public right of way is only enclosed on one side which would run along the back boundaries of the proposed properties on the indicative layout, but this should be taken into consideration should a reserved matters application be submitted. The second footpath location is also acceptable. The Officer also requests that the footpaths are constructed from type 2 limestone and crushed limestone mix compacted and with timber edging. The scheme which retains both footpaths albeit on modified routes, with new surfacing would provide a betterment to the current footpaths which would be a positive. The Officer has requested the need for a separate application outside of the planning process to relocate the public rights of way, an informative is recommended. The application is considered in accordance with Policies 5 and 22 of the NELLP 2018.

## 7. Design

The application reserves all aspects of the scheme with the exception of the access. The principle of dwellings in this location in terms of design and density is acceptable and indeed the site is allocated as such in the NELLP 2018. A revised plan has been received showing the indicative layout of the proposal with reduced property footprints to give a

more satisfactory layout more suited to the scale of the site. An additional 5 dwellings in this location would not harm the character of the area. The impact to the area character from the loss of the green space would be minimal given its unkept nature and its position set behind the existing pub.

Should a reserved matters application be submitted, design cues should be taken from the surrounding area to ensure the properties design and scale remains in keeping with the area aesthetic.

The application is considered in accordance with Policies 5 and 22 of the NELLP 2018.

## 8. Neighbouring Amenity

A significant number of comments have been received on the application both in support and in objection to the scheme. The broad detail of the objections and support have already been outlined in the 'representations received' section of this report.

Reference to the ownership of the road has been made and certificates have been amended to reflect the ownership of the access road. The comments regarding the damage to the public footpath are noted, however this is a separate matter that has been resolved outside of the planning process. It should be noted that comments on an application can be received from any interested parties, and are not restricted to local residents within the area of the application. It is the duty of the Officer to determine what weight to give to any material considerations raised in such comments.

The site is partly surrounded by residential properties as well as a pub and their car park. In terms of the use of the site for dwellings, the impact in terms of footfall and use of the site would not be over and above that which is expected in a village location such as this. The specific design of the properties is reserved, however, there is scope for a design and layout that does not cause undue impacts on the amenity of neighbouring properties in terms of massing, overlooking and overshadowing. Parking areas have been located closest to the pub's car park which would limit noise and light pollution. An acoustic report has been submitted with the application in regard to future occupiers amenity given the proximity of the pub. This requires mitigation in the form of the intended boundary treatments which would be secured at reserved matters. Such measures would protect future occupants.

Conditions for construction management are recommended to protect neighbours during the construction period from noise and nuisance.

Overall, it is considered that, in principle, the scheme would not harm the amenity of neighbours and is in accordance with Policy 5 of the NELLP 2018.

## 9. Drainage and Flood Risk

The site is within flood zone one which is an area at lowest risk from flooding and is

sequentially preferable for residential development. The Council's Drainage Officer has requested that a sustainable drainage scheme be submitted. No in principle objections are raised. A condition is recommended to secure this. The application is therefore considered in accordance with Policies 33 and 34 of the NELLP 2018.

## **CONCLUSION**

This outline application for 5 dwellings is located on a site allocated for housing. In principle, it would not harm neighbouring amenity and the character of the area and with regard to ecology and the public footpaths, can provide enhancements to the site. The highways aspects of the scheme have been addressed and further supported with the submission of a road safety audit. With suitable conditions, the proposal is considered in accordance with Policies 5, 6, 13, 22, 33, 34, 36, 38, 39, 41 and 42 and is recommended for approval.

## **RECOMMENDATION**

### **Approved with Conditions**

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

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

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

#### **Reason**

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

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

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

- (a) the layout, scale and appearance of the development, including the Public Right of Ways and their upgrade, boundary treatments and all security measures; and
- (b) a proposed landscaping scheme for the site including details of existing trees, hedges and planting to be retained (in accordance with the Arboricultural Report) and details of

tree protection.

**Reason**

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

**(3) Condition**

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

Site Location Plan - 22-508 100 B  
Existing and Proposed Site Plans - 22-508-101 REV F  
Swept Path Analysis - 2826-001

**Reason**

For the avoidance of doubt in the interests of proper planning and in accordance with Policies 5, 6, 13, 22, 33, 34, 36, 38, 39, 41 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

**(4) Condition**

Prior to the commencement of development, details of the improvements to be made to the first 8m of the access road and a scheme to implement the recommendations set out in the Road Safety Audit received 18/11/2022 shall be submitted to and agreed in writing by the Local Planning Authority. Once approved, these works shall be carried out prior to the occupation of any of the proposed dwellings or within an alternative timescale to be submitted to and agreed in writing by the Local Planning Authority.

**Reason**

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

**(5) Condition**

No construction work shall commence until:

- An Ecological Construction Method Statement and;
- An Ecological Enhancement and Mitigation Plan

based on the recommendations of the Ecological Report received 21/07/2022, have been submitted to and approved in writing by the Local Planning Authority. This shall include timings of works and implementation. If development has not commenced by the end of December 2023, then this shall also include an updated Ecological Survey. The development shall be carried out and completed thereafter in strict accordance with the details approved and in accordance with the Ecological Report (s).

Reason

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

(6) Condition

No development shall commence until a final scheme for the sustainable provision of surface water drainage and a scheme for foul 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 any occupation.

Reason

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

(7) Condition

No 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).

(8) 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. The noise assessment must comply with the requirements of British Standard 5228.
- 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 and temporary fencing to the site;
- Details of expected delivery schedules and how this will be managed to eliminate

waiting on the public highway (i.e. call ahead or pre-booking scheduling system), and

- Details of wheel washing facilities (locations, types etc.).

- A full noise action plan taking into consideration all points raised in section 12.1.1 and 12.1.2 of the acoustic report received 27/07/2022.

The approved Plan and control measures it contains shall be implemented throughout the construction phase. There shall be no burning of construction waste material on site.

#### Reason

In the interests of public health, to protect the amenities of nearby residents, to ensure adequate access facilities are provided during construction and for highway safety reasons to accord 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, 6, 13, 22, 33, 34, 36, 38, 39, 41 and 42.

#### 2 Added Value Statement

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

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

#### 3 Informative

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

#### 4 Informative

In line with comments received by the Council's Environmental Protection Officer, details of electric vehicle parking infrastructure should be included at reserved matters stage.

#### 5 Informative

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

#### 6 Informative

Adequate provision of water and access in terms of fire safety should be considered as set out in the Humberside Fire Officer's comments.

#### 7 Informative

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

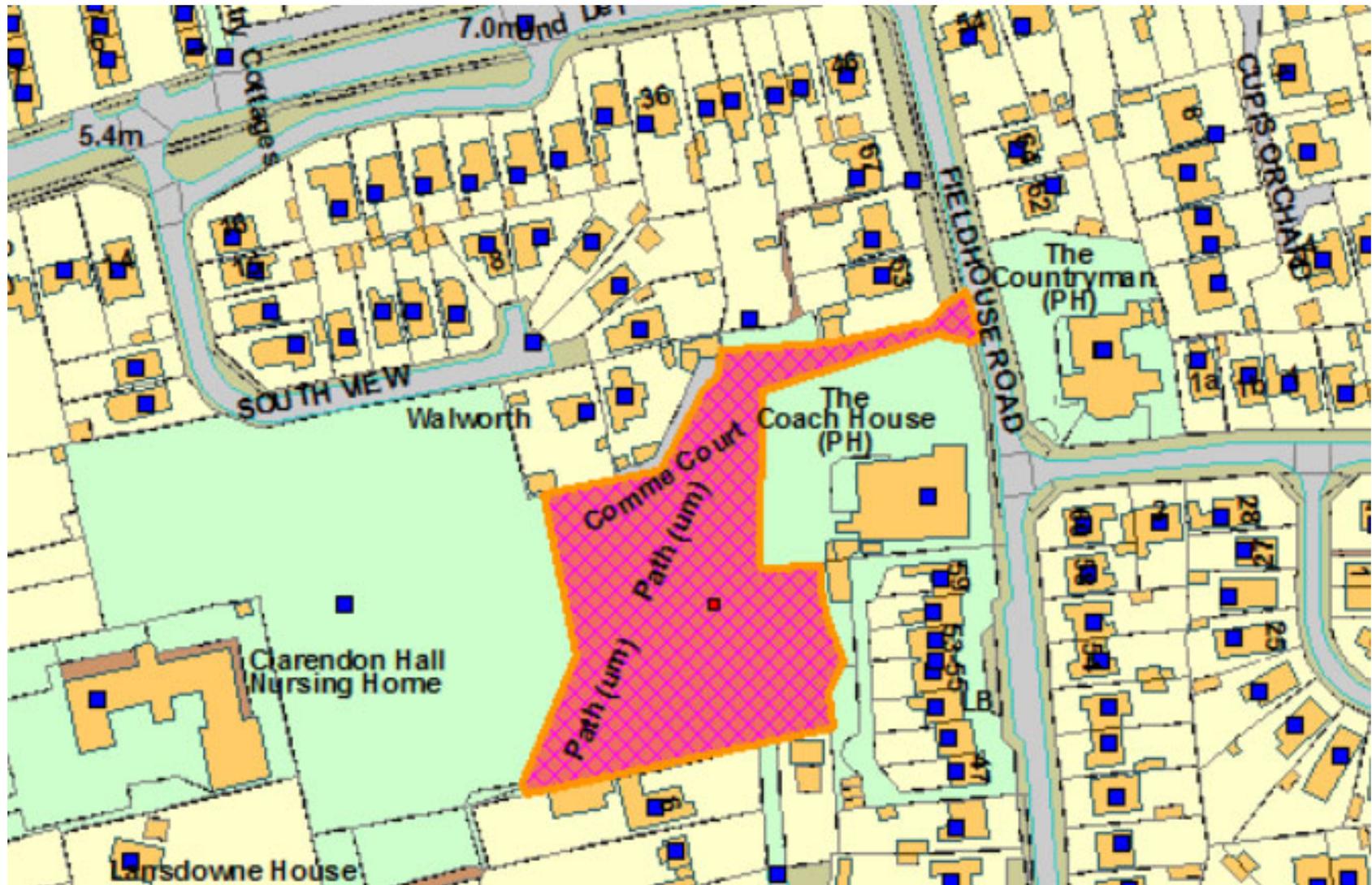
If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions)

Prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

#### 8 Informative

Please note the requirements outside of the planning process with respect to diversion of public footpaths. You are required to liaise with the Public Rights of Way Officer in respect of this matter.

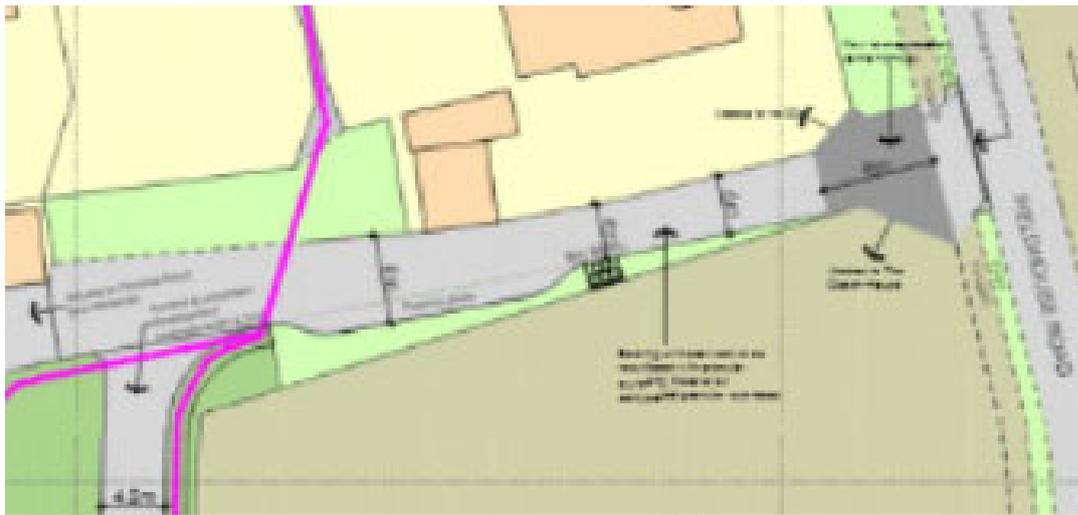
DM/0493/22/OUT – LAND OFF FIELDHOUSE ROAD, HUMBERSTON



DM/0493/22/OUT – LAND OFF FIELDHOUSE ROAD, HUMBERSTON



Proposed Site Layout Plan (1:500)



Proposed Access (1:250)

**PLANNING COMMITTEE - 26th April 2023**

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

**APPLICATION No: DM/0618/22/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: 4 Beck Farm Mews, Barnoldby Le Beck, North East Lincolnshire, DN37 0BH**

**PROPOSAL: Erect 2 dwellings with garages and various associated works (Addition of Construction Management Plan)**

**APPLICANT:**

Miss Kate Bradshaw  
4 Beck Farm Mews  
Barnoldby Le Beck  
North East Lincolnshire  
DN37 0BH

**AGENT:**

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

**DEPOSITED: 8th July 2022**

**ACCEPTED: 7th December 2022**

**TARGET DATE: 1st February 2023**

**PUBLICITY EXPIRY: 16th April 2023**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 28th August 2022**

**CASE OFFICER: Emily Davidson**

**PROPOSAL**

The proposal is to erect two dwellings with garages and various associated works. The properties would be constructed from black cladding and brick walls, clay pantile roofs. Windows and doors would be UPVC or aluminium.

The application is presented to Planning Committee due to a Parish Council objection, the number of objections received and the proposal being outside the development boundary and being recommended for approval.

## **SITE**

4 Beck Farm Mews is a large, detached property located at the end of the road. It hosts a large garden area which adjoins a wooded area with the open countryside beyond. The area surrounding the host dwelling is residential in nature, made up of mostly semi-detached properties. The property is secured with timber gates and fencing.

## **RELEVANT PLANNING HISTORY**

DM/0923/18/FUL - Retrospective change of use of land as an extension to existing garden area. - 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.
- NPPF16 - Conserv. & enhance the historic environ.

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

- PO42 - Landscape
- PO3 - Settlement hierarchy
- PO4 - Distribution of housing growth
- PO5 - Development boundaries
- PO22 - Good design in new developments
- PO33 - Flood risk
- PO34 - Water management
- PO38 - Parking
- PO39 - Conserve and enhance historic environ
- PO41 - Biodiversity and Geodiversity

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

## **REPRESENTATIONS RECEIVED**

### Consultee Representations

Highways Officer - No objections. Conditions recommended.

Drainage Officer - The surface water drainage strategy is approved.

Heritage Officer - No heritage input required.

Rights of Way Officer - No impact on right of way.

Anglian Water - The applicant should ensure no Anglian Water assets are affected.

Environment Agency - No comments.

Environmental Protection Officer - Hours of construction and construction method statement condition recommended. Construction Management plan has been submitted and the officer has confirmed they are satisfied with the content.

North East Lindsey Drainage Board - No comments.

Trees and Woodlands Officer - Requests a detailed landscaping scheme and arboricultural method statement. Protection would be required to protect the protected trees in relation to the additional driveway. This has been supplied and the officer is content with the information provided.

Ecology Officer - The site has been used as a garden area and has been regularly mown which reduces its ecological value. There are likely to be bats in the area. No bat survey is required providing strict lighting restrictions are implemented. A condition is recommended to secure this. A condition to ensure the proposal is carried out in accordance with the tree report is also recommended along with native planting, hedgehog holes in solid fencing, bat and bird boxes, and specific tree species conditions.

Barnoldby Le Beck Parish Council - Objects broadly on the grounds of the condition that was applied to the original change of use that this area of land should not be built on, road safety, impact to wildlife and not a sustainable location outside of the development boundary.

### Neighbour Representations

Objections were received from the following neighbours:

1, 1a, 2, 3, 5, 6 and 8 Beck Farm Mews. The Old Rectory, Rivendale, White Gables and 1 Church Lane. 10 Golf Course Lane. 13 Rymer Place.

These objections are based broadly on the grounds of:

Road safety and traffic implications, development taking place outside of the development boundaries, unaffordability of the proposed properties, the devaluation of surrounding properties, the unsustainability of the village location, the misleading nature of the design and access statement submitted, rights of access, land ownership and legal covenants, loss of residential amenity, the removal of permitted development under a previous application, the disturbance during construction, impact to trees and ecology, flooding implications, visual impact on the area character, environmental implications of bin store, and the misleading nature of the proposed turning point.

## **APPRAISAL**

### Planning Considerations

1. Principle of Development
2. Design
3. Heritage
4. Highways
5. Ecology
6. Trees and Landscaping
7. Drainage and Flood Risk
8. Neighbouring Amenity

#### 1. Principle of Development

The site is located outside of the defined Development Boundary for Barnoldby Le Beck 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 the Council has at the time of writing the report a published position of not being able to demonstrate a 5-year supply figure though it is acknowledged that this published position is likely to change soon as the Local Plan is more than 5 years old. However, it is not considered that this is the defining issue in considering the principle of this development in this case. Importantly it is considered that the specific nature of the site is such that its development will not cause an inappropriate intrusion into the open countryside or an open space area of visual or other value. The site is garden land for the host property 4 Beck Farm Mews and lines up with neighbouring gardens and there is development around it in the form of the Old Rectory to the east and the more recent Kings Chase development to the West. There is also the existing woodland to the north. Having regard to this established character it is considered that the proposal can be assimilated into the existing development and will not cause visual harm to an area of countryside or open land.

In terms of sustainability the designation of Barnoldby Le Beck as a Minor Rural Settlement at level 4 in the Local Plan Settlement Hierarchy is acknowledged.

Sustainability concerns have been raised in objections made. However, the village has been subject to a number of residential developments over recent times including Kings Chase to the West and on other plots. Policy does allow for limited infill and having regard to the character assessment noted above it is considered that this development of only two dwellings would indeed be a limited infill.

Having regard to the above it is considered that the principle of development can be accepted and it falls to consider the site specific matters.

## 2. Design

The original proposal was for three properties. The scheme has been revised down to two, more in keeping properties with reduced overall footprints and the height reduced from three storey to a combination of single and two storey. The position of the properties has been altered to decrease the overall massing of the site. The appearance of the properties is a modern barn style which is fitting for its setting. In design terms the development is considered acceptable under Policy 5 and 22 of the NELLP 2018.

## 3. Heritage

There is a Grade I listed Church and Grade II listed obelisk within the locality of the proposal. It is however considered that these are a sufficient distance away to ensure no adverse impact on the setting of these listed buildings. The Council's Heritage Officer raises no objection with the proposal. It is considered that there is no conflict with Policy 39 of the NELLP 2018.

## 4. Highways

The access to the site has been fully considered by the Highways Officer. One of the main considerations has been the width and standard of Beck Farms Mews which is a private drive serving the site. This is a concern in objections raised. This has been taken into account and the Highways Officer considers the width acceptable and in particular acknowledges the inclusion of a turning space to be provided for the whole of Beck Farm Mews. This will provide an element of betterment. Concerns have also been raised in relation to the construction phase and in response a construction traffic management plan has been submitted which is considered acceptable. Having regard to the submitted details now provided and that the level of development and traffic is low it is not considered that there are any highway safety or amenity issues in accordance with Policy 5 of the NELLP 2018.

## 5. Ecology

Neighbours have raised the potential for the scheme to impact on ecology. The Council's Ecology Officer has assessed the application and has recommended several conditions in order to protect and enhance the ecology in the area. The officer also states that given the site area's history as a mown garden, the land itself is of lesser ecological value. The

conditions recommended include control of lighting, hedgehog holes, native planting, bird and bat boxes and that works are carried out in accordance with the tree report provided. With the imposed conditions, the application is considered in accordance with Policy 41 of the NELLP 2018.

## 6. Trees and Landscaping

The Trees and Woodlands Officer has raised the possibility of impact to the protected trees situated within The Old Rectory. Particularly in relation to the proposed driveway. Detail has been provided to demonstrate that the works can be carried out without adverse impact subject to final details in an arboricultural method statement. This can be conditioned. With regard to general landscaping this is recommended as a condition. The application is considered in accordance with Policy 42 of the NELLP 2018.

## 7. Drainage and Flood Risk

The site is not located in an area of high flood risk. This is sequentially preferable as it lowers the risks from flooding. The Council's Drainage Officer has reviewed the information provided in relation to the sustainable drainage scheme and considers this to be acceptable. In drainage terms the development is considered acceptable in accordance with Policy 33 and 34 of the NELLP 2018.

## 8. Neighbouring Amenity

The host property is bordered by The Old Rectory and numbers 3 and 5 Beck Farm Mews opposite. A number of objections have been received to the application as stated in the representation section of the report.

Some of the points raised fall outside of what can be addressed under the planning considerations. These points are however noted. Land ownership, rights of access and legal covenants are all considered private, legal matters. The devaluation of properties is also something that is outside of the planning remit.

Reference is made to the planning history which includes the removal of permitted development for works in the garden of the property now subject to the current application. This is acknowledged but this proposal needs to be determined on its merits taking into the account the matters discussed.

Amendments to the scheme have reduced the number of dwellings from three to two and also amended the size and scale of the properties by reducing the height so that the first floor element is more in the roofspace as opposed to the originally proposed full two storey dwellings with further rooms in the roofspace. The whole impact in terms of overlooking, massing and activity has been much reduced through negotiations. It is not considered that there will be any adverse physical impact in terms of the residential amenity of neighbouring property.

Amenity issues have also been raised in relation to the increase in traffic and construction vehicles on Beck Farm Mews as a whole as well as Church Lane from which the host road is accessed from. In terms of the noise and disturbance along the access roads when developed it is not considered that two dwellings would cause such disturbance as to be detrimental to residential amenity. In relation to the construction phase conditions have been recommended by the Council's Environmental Protection team to control construction hours and request a construction method statement. These, along with the controls imposed by the traffic construction documentation would ensure that amenity is protected.

All considered, in relation to neighbouring residential amenity the proposal is considered to be in accordance with Policy 5 of the NELLP 2018.

#### Rights of Way

The Council's Rights of Way Officer raises no objections to the proposal.

### **CONCLUSION**

Whilst the site sits outside of the development boundary, it is considered that the development is acceptable, particularly having regard to the fact that its development would not cause a harmful intrusion into the countryside and is acceptable on character grounds. The published 5 year supply position supports this conclusion. The application is therefore considered in accordance with Policies 5, 22, 33, 34, 39, 41 and 42 of the NELLP 2018 and is recommended for approval.

### **RECOMMENDATION**

#### **Approved with Conditions**

(1) Condition

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

Reason

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

(2) Condition

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

Proposed Site Plan, Plot 1 Plans and Elevations - F3063 - A1 - 05 A

Site Location, Block Plan and Plot 2 Plans and Elevations - F3063-A1-06 A

## Site Plan with Turning Facilities - F3063-A1-07 E

### Reason

For the avoidance of doubt in the interests of proper planning and in accordance with Policies 3, 4, 5, 22, 33, 34, 38, 39, 41 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

### (3) Condition

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

Walls - Black Cladding and Brick

Roof - Clay Pan tiles

Windows - Aluminium, timber or UPVC

Doors - Aluminium, timber or UPVC

Hard Surfaces - Permeable material.

### 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

All drainage shall be installed in accordance with the following plans and details:

- 1111-2215 A 1-30-100YR (April 2023)
- 1111-2215 A 100YR 40 CC (April 2023)
- 111-2215-CIV-10-P2 (April 2023)
- 1111-2215 GREENFIELD FLOWS
- 1111-2215-CIV-30 P1
- 1111-2215-CIV-50-P1
- 1111-2215-CIV-51-P1

All drainage shall be installed prior to occupation of any dwelling, unless otherwise approved in writing by the Local Planning Authority. It shall thereafter be retained.

### Reason

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

### (5) Condition

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

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

Reason

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

(6) Condition

The development shall be carried out in strict accordance with the Construction Traffic Management Plan provided 17/03/2023 unless otherwise agreed in writing by the Local Planning Authority.

Reason

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

(7) Condition

No development shall commence until a scheme of landscaping showing the details of the number, species, sizes, planting positions and maintenance schedules of all trees and shrubs to be planted have been submitted to and approved in writing by the Local Planning Authority. All planting shall be carried out in accordance with the approved details within 12 months of the date of commencement of the development or within such longer time as agreed in writing with the Local Planning Authority and all planting shall thereafter be maintained for a period of 5 years with all losses in that period replaced with the same plant and standard.

Reason

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

(8) Condition

The development shall be carried out in strict accordance with the Arboricultural Report received 07/12/2022 and plan F3063-A1-07E unless otherwise agreed in writing with the Local Planning Authority.

Reason

To protect existing features in the interests of local amenity and in the interests of ecology in accordance with Policies 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(9) Condition

Prior to occupation of any dwelling, details of ecological mitigation and enhancement and an implementation programme to include bat and swift boxes and hedgehog holes to the specifications noted in the Council's Ecologist's comments received 10/02/2023 shall be submitted to and approved in writing by the Local Planning Authority. This shall also include full details of any lighting. The ecological mitigation and enhancement shall then be carried out in accordance with the approved details and the agreed implementation programme and thereafter retained.

Reason

In the interests of biodiversity enhancement and to accord with Policies 41 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(10) Condition

The turning area shown on plan F3063-A1-07 E shall not be obstructed at any time.

Reason

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

(11) Condition

Before works on site commence, a final Arboricultural Method Statement inclusive of tree protection details shall be submitted to and approved in writing by the Local Planning Authority. Once approved, development shall proceed in strict accordance with the agreed details with all tree protection installed prior to commencement of development. It shall be retained on site throughout construction works unless, otherwise agreed in writing by the Local Planning Authority.

Reason

To protect existing features in the interests of local amenity in accordance with Policies 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(12) Condition

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

Reason

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

## **Informatives**

### **1 Reason for Approval**

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would 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 3, 4, 5, 22, 33, 34, 38, 39, 41 and 42.

### **2 Added Value Statement**

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

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

### **3 Informative**

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

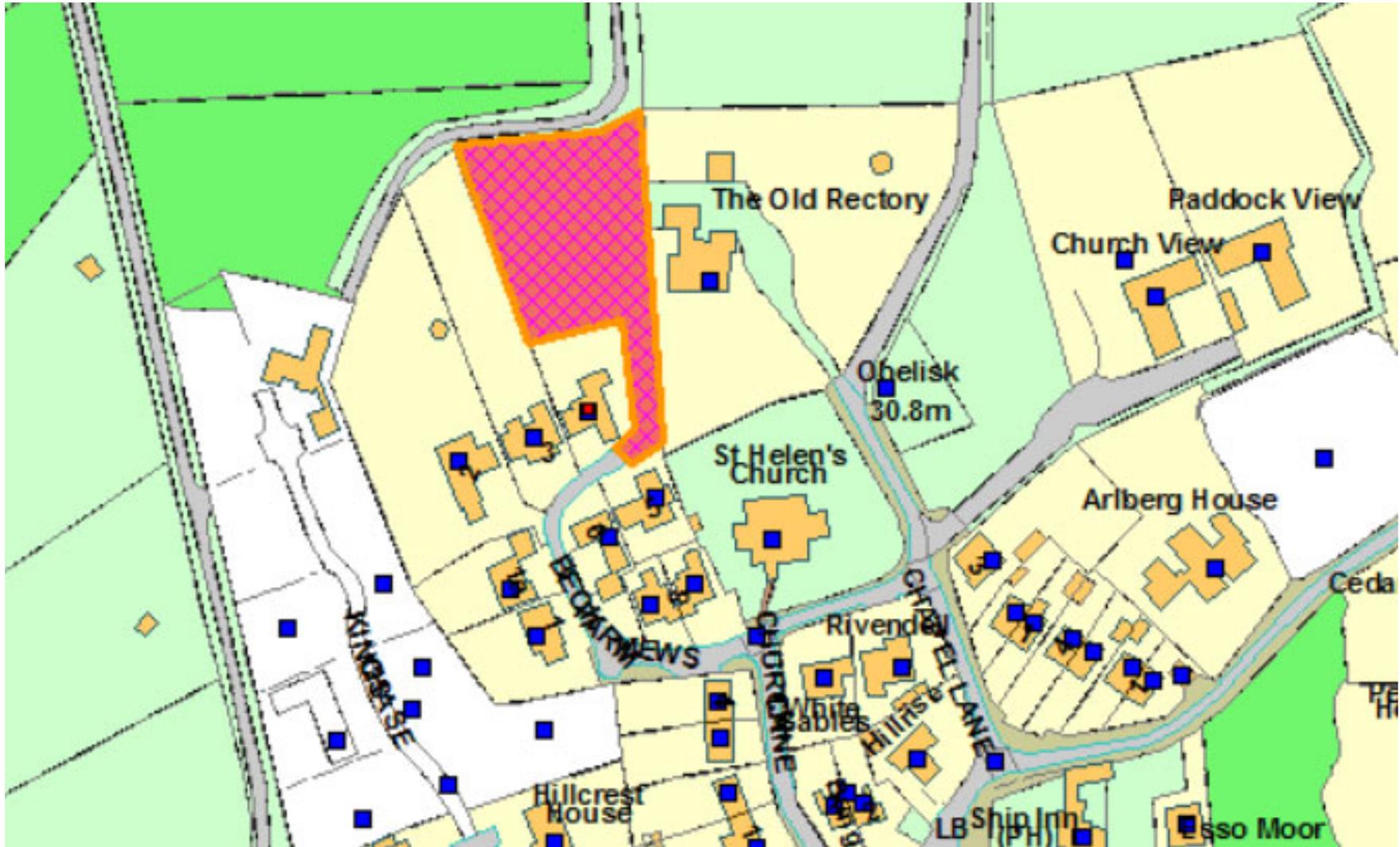
### **4 Informative**

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

### **5 Informative**

Adequate provision of water supplies and access for firefighting should be considered in line with the Humberside Fire Officer's comments.

DM/0618/22/FUL – 4 BECK FARM MEWS, BARNOLDBY LE BECK



DM/0618/22/FUL – 4 BECK FARM MEWS, BARNOLDBY LE BECK



**PLANNING COMMITTEE - 26th April 2023**

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

**APPLICATION No: DM/0838/21/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: Land Adjacent To St Lawrences Church, Church Cottage, Church Lane, Greenacre And Field , Church Lane, Aylesby, North East Lincolnshire, DN37 7TT**

**PROPOSAL: Change of use of land from agriculture to learning, growing and sensory garden area**

**APPLICANT:**

Ms Dawn Best  
Best Futures School  
The Stables  
Manor Farm  
Aylesby  
DN37 7AW

**DEPOSITED:** 15th August 2021

**AGENT:**

Miss Molly Stanley  
Carter Jonas  
2 Snowhill  
Birmingham  
B4 6GA

**ACCEPTED:** 8th March 2023

**TARGET DATE:** 3rd May 2023

**PUBLICITY EXPIRY:** 27th April 2023

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY:** 17th December 2021

**CASE OFFICER:** Jonathan Cadd

**PROPOSAL**

This application seeks permission to change the use of part of an agricultural field into a sensory garden/ outdoor learning area for pupils at the nearby 'Best Futures School'. This school seeks to provide short and medium term education for pupils unable to attend main stream school for a variety of reasons including physical, mental and social well being issues. The application proposal seeks to provide a outdoor learning environment not just to allow the pupils to experience nature directly but also as a therapeutic environment for more main stream learning. Activities and development includes the growing of small fruits and vegetables in a five raised beds, a reading area, wild flower area, sensory garden and whilst the pond/ depression area would be outside the application site area it would be retained as a nature resource which could be viewed at a

distance. This would be fenced off with 1m high picket fencing. The main areas of activity, would be positioned to the south of the plot away from garden boundaries with the wild flower meadow closest to the residential gardens. The main site would be bounded by a 1m high picket fence.

The site has an area of 0.23ha and would be accessed by an informal footpath from Church Lane positioned parallel some 11.5m to the south of the boundary with St Lawrence's Church and Church Cottage. When the wider field is in crop this path would be simply cut through the crops to form a clear pathway to the main garden/ outdoor area. The main area is irregular in shape but adjoins the gardens of residential properties at Main Road Aylesby along with the Church Cottage.

It is anticipated that a maximum of 10 children would be involved at any one time and would be supervised to the appropriate standard by staff members. Use by pupils would relate to their syllabus and be during term times only between 09:00 and 14:30 Monday to Friday.

The application is presented to committee at the request of the ward councillor.

## **SITE**

The application site is located immediately to the south of the village of Aylesby on an area of agricultural land, albeit partially fallow. The site adjoins the church yard of St Lawrence's church, a grade 1 listed building, and residential properties of Church Cottage, Church Lane and Glenacre and Field House, Main Road, Aylesby. The site falls within the Aylesby Archaeological Area. The site falls outside of the development area of the village as defined by the North East Lincolnshire Local Plan 2013 - 2032 (NELLP) but immediately adjoins it.

To the west of the site across Church Lane is the Old Granary which is a traditional farm barn complex and stables but converted to a mix of business units but also the Best Futures School, the applicant of the present proposal. Also to the west is the Manor Farm House and grounds. To the south of the site are agricultural fields although a tarmac covered footpath runs diagonally from Church Lane at the entrance to the site south eastwards towards Laceby ref. no. DNL678.

## **RELEVANT PLANNING HISTORY**

None on site

Barns opposite side of Church lane

DM/0613/14/FUL Change of use to educational nurture unit Approved 15th August 2014

(Special school for pupils with thought and emotional needs - 5 - 11 years of age with 12 pupils at any one time and a 4 - 6 staff ratio). The site includes 4 class rooms and a

greeting area with an outdoor court yard for outdoor play.

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

### National Planning Policy Framework (2021)

NPPF8 - Promoting healthy and safe communities  
NPPF12 - Achieving well designed places  
NPPF15 - Conserv. & enhance the natural environ.  
NPPF16 - Conserv. & enhance the historic environ.

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

PO5 - Development boundaries  
PO6 - Infrastructure  
PO11 - Skills and training  
PO22 - Good design in new developments  
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**

Ward Councillor: The information provided does not adequately address loss of amenity particularly to neighbouring properties.

Laceby Parish Council: (x3) Object - loss of residential amenity, privacy and noise and nuisance

Heritage Officer: (In summary) Heritage Assessment only assess above ground impacts not archaeology. The large settlement of Aylesby extended a significant distance beyond the present pasture land and the application site. Not clear how much development will take place which could impact on buried features. In addition, the footpath adjoins the church yard and it could well be that there are human remains in this area as boundaries could have changed. A footpath could lead to accidental disturbance. Further clarity of development required.

Confirmation that no ground disturbance would occur (i.e. no formal footpath construction) removes concerns that archaeology would be impacted upon.

Crime reduction officer: No objection

Rights of Way: The change of use does not affect Public Footpath 114 that is close to the access to the area in question. In the Planning and Heritage Statement access will be only on foot which is good as it is a well used path and any vehicles using the access would be a potential hazard to the users.

Highways: Approval no conditions - On the basis of the information provided, the Highway Authority is content with the proposal. In coming to this conclusion the Authority has considered issues of highway access, capacity and safety; parking, servicing and sustainability.

Trees and Woodlands: No comment

Drainage: No comment

Environmental Protection: Discussions held with Environmental Health Officer. Subject to conditions amenity can be protected. Final comments awaited.

Public and Site Notice and neighbours:

Object: 4 April Rise, Fieldhouse, Main Road, Church Cottage (x4) Church Lane

Objections can be summarised as:

- Allotments would lead to a loss of security and privacy for dwellings and gardens of adjoining properties. Some dwellings are close to the site boundary increasing privacy and nuisance concerns from the sensory garden.
- Security, people could far more easily access private gardens which are not overlooked.
- Maintenance of garden areas (including out of term time)
- Loss of privacy due to proximity and use beyond hours stated
- Noise and nuisance
- Impact on wildlife
- Detrimental impact on the character of the village
- Allotments are only 15 minutes away on foot in Laceby - don't need more
- Better locations for this great scheme - within the schools courtyard.

Neutral: 3 Main Road, Aylesby

Seeked to provided a review of the information provided within the application as to the intended use, including the misnomer that the use would be allotments, the community support of the garden through maintenance of the area and the use of a grounds man outside of the main times to support at tidy and well maintained site. No sheds or tools

retained on site.

Area currently utilised and overgrown which provides its own security and privacy which would be eroded simply by its use - opportunism for anti-social behaviour and crime would be greater. An angled access from the footpath would be better. Only picket fences proposed not large security fences.

## **APPRAISAL**

### Main Issues

- 1) Principle of use in this location
- 2) Design, character and heritage significance
- 3) Residential amenity and security

### Appraisal

- 1) Principle of use in this location

The site is positioned immediately south of the development boundary of Laceby and as such is classified as open countryside. The current use of the land is agricultural land (with main area around the tree and pond left fallow). Policy 6 of the NELLP supports development which creates, expands or alters service or community facilities, including schools to meet the needs of existing and new communities. Policy 5 (3) notes that within open countryside development is generally restricted but that development will be supported where it recognises the distinctive open character, landscape quality and role these areas play in providing the individual settings for independent settlements, and:

- B. promotes the retention and development of local services and community facilities; or,
- C. supports rural leisure and tourism developments;

In addition, para 95 of the NPPF, outlines the importance of sufficient choice of school places and urges Planning Authorities to take a positive, proactive and collaborative approach that will seek to meet this need and widen the choice in education. This includes the need to: (a) give great weight to the need to create, expand or alter schools.

In this instance, the proposal is for an outdoor learning area to support children at the existing specialist school. The school has operated from Aylesby for 9 years and takes 12 pupils. It seeks to serve those children of primary and junior school age with some physical, mental, developmental, and emotional needs who are struggling within the main stream education system but are not so severely affected that they require a place within one of NE Lincolnshire's full time specialist schools such those as Humberston or Cambridge Road. The ethos of the school seeks to take a child for only as long as is needed and then return them, wherever possible, into the maintain stream education system. In other cases, the child would move on to further specialist education facilities if required. Children can remain at the school for as little as 9 months or in other cases a

small number stay at the school for up to 4 years. Although the school takes children from outside the village as an existing facility it serves NE Lincolnshire and seeks to enhance its operation through the use of this area for their children's education.

The school have been looking to develop such a site for some time and would allow children to learn about and experience first-hand the natural environment, food production and wildlife etc. But it would also provide a calm outdoor quiet space to assist a child's development. Such experiences also feed into other lessons within the standard school environment and curriculum. The site would not be a playground and each visit will be structured to meet a child's educational development plan. Equally, it would not be rented out to other groups or used as a general amenity space after hours.

The creation of raised beds (vegetables and flowers), wildflower planting and reading areas are perhaps more self-explanatory whilst the sensory garden is described as one that cannot be designed without considering the human element. Unlike traditional gardens that are meant to be observed from a distance, sensory gardens draw the visitor into touch, smell and actively experience the garden with all senses. Different textures from plants and surfacing, different scents from planting and visual/ audible stimuli (rustling of trees branches leaves etc) again from different plant species all assist to generate interest and response from pupil's even within the small areas proposed.

At this stage it should also be stated that the scheme does not seek to create public allotments. The site will be for the pupils only to grow their own plants/ fruits within the raised beds. It may be that a volunteer group would assist with the up keep of the site but it is not intended that the use will be for the general public or as allotments, it is purely focused on education and pupil wellbeing.

It is considered therefore that the proposal would, in principle, accord with policy 6 of the NELLP but also policy 5 (3.B.) 'the retention and development of local services and community facilities', rather than policy 5 (3.C.) subject to more detail considerations.

It is noted that the site is located on Grade 2 - Very Good agricultural land, but in this case, the main area of the site is left fallow with the access being simply cut through crops to allow access whilst maintaining the remaining field to be retained for agriculture. The limited level of development proposed, if the site is no longer required, would allow it to return to agriculture if necessary. In this way it is not considered that the development would lead to the loss of the quality agricultural land and would again accord with policy 5 in principle.

## 2) Design, character and historic significance

The site is currently open farm land at the edge of the village and is highly visible from the tarmac finished public footpath (no. 114) to Laceby. The site is partially cropped but with an area surrounding a small depression/ pond and trees is fallow, possibly due to the difficulty of cultivation with large modern machinery. This area is therefore left roughly grassed. The area is a pleasant entry to the village of Aylesby which is dominated by the

Church of St Lawrence's (grade I listed). Smaller traditional cottages also adjoin the church yard to provide a feeling of arrival into the village (dwellings to Main Road are set further back and partially screened by boundary heading and garden features).

The proposed development would be relatively low key. The access path to the site would be a simple untreated track, which during cropping would be simply cut to form a pathway through rather than being a stone, or solid feature, allowing agricultural use of the remaining area adjoining the site to continue. The main site area would, on the whole, be grassed but with areas of wildflower planting and raised beds. The raised beds are proposed to be four - 5m long, 1.5m wide and 0.7m tall planters. The sensory garden would generally be planting only, whilst certain sensory features such as sand/ textured mats and water features would be brought on site by staff on each visit prior to the lesson and removed afterwards. The reading area would be a simple grassed area again with staff bringing fold up chairs and blankets for each session. Such features are not substantial and where they take the form of physical features would be low level. The nature of the site with the prominent mature tree would also partially limit some views of these features. Most features proposed would be natural in character and so would not appear detrimental to the character of the area. It is also recommended that details of the sensory garden be conditioned to allow some control over these elements with respect to the character of the area and indeed archaeology (see below). A low 1m high picket fence is proposed around the site and around the depression/ pond area for safety purposes, which can in any case be erected utilising permitted development rights. It is also recommended that education permitted development rights and means of enclosure are also removed from the site to limit future development.

The same considerations are relevant for the assessment on the impact to heritage in the area. The lack of any development requiring real excavation would limit impacts on any potential archaeology on site, whilst the natural elements of the main area of development, or their low-level character are such that the setting of the grade 1 listed church and entrance church yard would be limited. It is noted that the Heritage Officer has no concerns over the scheme following clarification of the access footpath close to the church and church yard.

It is not considered that the learning/ sensory garden area would represent a significant alteration to the character and appearance of the village, the setting of the listed building nor the wider open countryside. It would respect the heritage of the area and subject to conditions is considered to accord with policies: 5, 22 and 39 of the NELLP.

### 3) Residential amenity and security

One of the main concerns over this development is the impact it could have on amenity and safety/ security at adjoining properties.

The applicant has sought to address concerns through confirmation that the site would only be used by the school for educational purposes and only during school hours: 09:00 - 14:30. A maximum of only 10, supervised children would be present at any one time

and as noted above, these would be timetabled lessons and not play time, which occurs on the main school site. An example of supervision levels for classes has been described by the school as seven children, five requiring one to one support with the remaining two pupils supported by one member of staff. Equally it is likely that numbers using the area at any one time would be less. It depends on the needs of that pupil and his/her timetable. To maintain interest and focus, children rotate activities within 20-minute blocks. To reduce the impact on the Church, the church yard and the closest adjoining residential dwelling, the proposed parallel access footway has been changed to a location some 11.5m southwards of these properties. To the main portion of the site, the main indicative activity areas are proposed to be positioned away from residential garden boundaries to the south of the site to limit impacts. It is noted that the majority of the remaining houses that back onto the site have extensive gardens and a number have hedging to their boundaries. In addition, the wild flower planting would bound these properties providing a likely further barrier during periods of flowering. Physical development, as outlined, would be limited, and could be conditioned to provide some element of control. These together, with the limited number of children involved and their supervision and would assist to mitigate concerns over noise, nuisance and privacy.

Perhaps more of an issue to existing occupiers is the potential use of the site, by unauthorised personnel. The site does back onto houses/ gardens and its development, even on a limited basis, could be attractive to youths socialising or indeed other people with less positive motives. The area is currently open and available for use (being an area left fallow around the trees /pond) but as it is not developed, and possibly therefore attracts less attention. In responding to this, the applicant has sought to limit development on the site to a minimum, with no sheds proposed and any tools/ equipment/ materials required brought from the main school building for each lesson and returned as such afterwards. In addition, raised beds and fencing etc would be kept low as possible so as not to attract attention. Large parts of the site would simply be grassed with only specific parts more formally planted. The site is within an area of low reported crime and the Police's Crime Reduction Officer has not objected to the scheme.

Maintenance of the site would be required and this has not been detailed at this stage. Comments from residents raise valid concerns over how this would be achieved and when and this has not been detailed. As such it is recommended that a management plan is submitted including perhaps agreement of hours of work. The nature of the site is such that significant areas would be grassland in one form or other and could be maintained with relative ease.

Residents' concerns are understood, and a temporary permission was considered to assess the scheme and any detrimental impacts over a limited period, but the school has requested full permission is granted due to the costs of outlay for such a scheme. Similarly, any future grants sought (which are now available again) may be hampered by a temporary permission.

All matters have been fully assessed and it is considered that the limited number of children, the limited level of development involved, and its use during school hours only

would be such that the impacts on residential amenity would be limited and the potential for crime and disorder would be low. As such the proposal would accord with policies: 5 and 6 of the NELLP.

## **CONCLUSION**

The proposed development would provide an additional learning environment for the pupils of the Best Futures School/ Aylesby which would be suitable for land outside but adjoining the development area of the village. The low levels of use (supervised), limited numbers of pupils involved and the limited level of development proposed is such that the proposal would have a limited impact on the character of the area, entrance to the village and heritage matters. For the same reasons it is not considered that there would be an adverse impact on residential amenity and safety and security. As such therefore it is recommended for approval in accordance with policies: 5, 6, 22, and 39 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

## **RECOMMENDATION**

### **Approved with Conditions**

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

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

#### **Reason**

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

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

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

#### **Reason**

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

#### **(3) Condition**

This permission is granted for the use by the Best Futures School, Aylesby for their pupils (and supporters) as a learning, growing and sensory garden area only. It shall not be

used outside of the stated school hours (09:00 - 15:00) Monday to Friday and no more than 10 children shall be on site at any one time. When no longer used or required it shall revert to open countryside and agricultural land within 6 months of the use ceasing.

**Reason**

To protect the amenities and security of neighbours and in accordance with policies: 5 and 6 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

**(4) Condition**

No development on site shall commence until the details of the design, scale and extent of the sensory garden (including any structures, materials, planting species, size of plants and density at planting), reading area and raised planters shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be completed in accordance with the approved plans.

**Reason**

To maintain the character of the edge of village area, residential amenity and the historical significance of the grade 1 listed Church of St Lawrence and in accordance with policies: 5, 22 and 39 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

**(5) Condition**

Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any statutory amendment thereto), no development under Schedule 2, Part 2, Classes A (Gates, Fences and Walls) and Schedule 2 Part 3 Classes M and N (Extensions etc for Schools, Colleges, Universities, Prisons and Hospitals) and (Hard Surfaces for Schools, Colleges, Universities and Hospitals) shall be permitted within the application site.

**Reason**

To protect residential amenity and the visual character of the area, historic significance (including archaeology) and the ability to return the site to agriculture if required and in accordance with policies: 5, 22 and 39 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

**(6) Condition**

Prior to the use of the site commencing, a detailed management plan for the maintenance of the site and features, including activities undertaken, responsibilities to undertake such works, machinery used, contact details of responsible person and, notwithstanding condition 2, hours and days of maintenance activity, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be maintained as such unless otherwise agreed in writing with the Local Planning Authority.

#### Reason

To maintain residential amenity, the character of the area and ecology interest and in accordance with policies 5, 22 and 41 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

#### (7) Condition

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

1:1250 Site Location Plan (drawing. no. J0047190-23-01)

1:500 Proposed Site Plan (drawing no, 21-01 (23rd Aug 2021)

1:500 Proposed Allotment/ Sensory Garden (drawing no. J0047190-23-02a)

Email from Carter Jonas Limited dated 13/04/2023 - confirming distances of pathway from northern boundary.

#### Reason

To ensure the development is in accordance with the approved details and results in a satisfactory form of development and in accordance with policies: 5, 6, 22 and 39 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, provide an additional learning and resources area for pupils of the local school but would not harm the area character, heritage significance nor 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 and 39 and the provisions of the National Planning Policy Framework (2021).

### 2 Added Value Statement

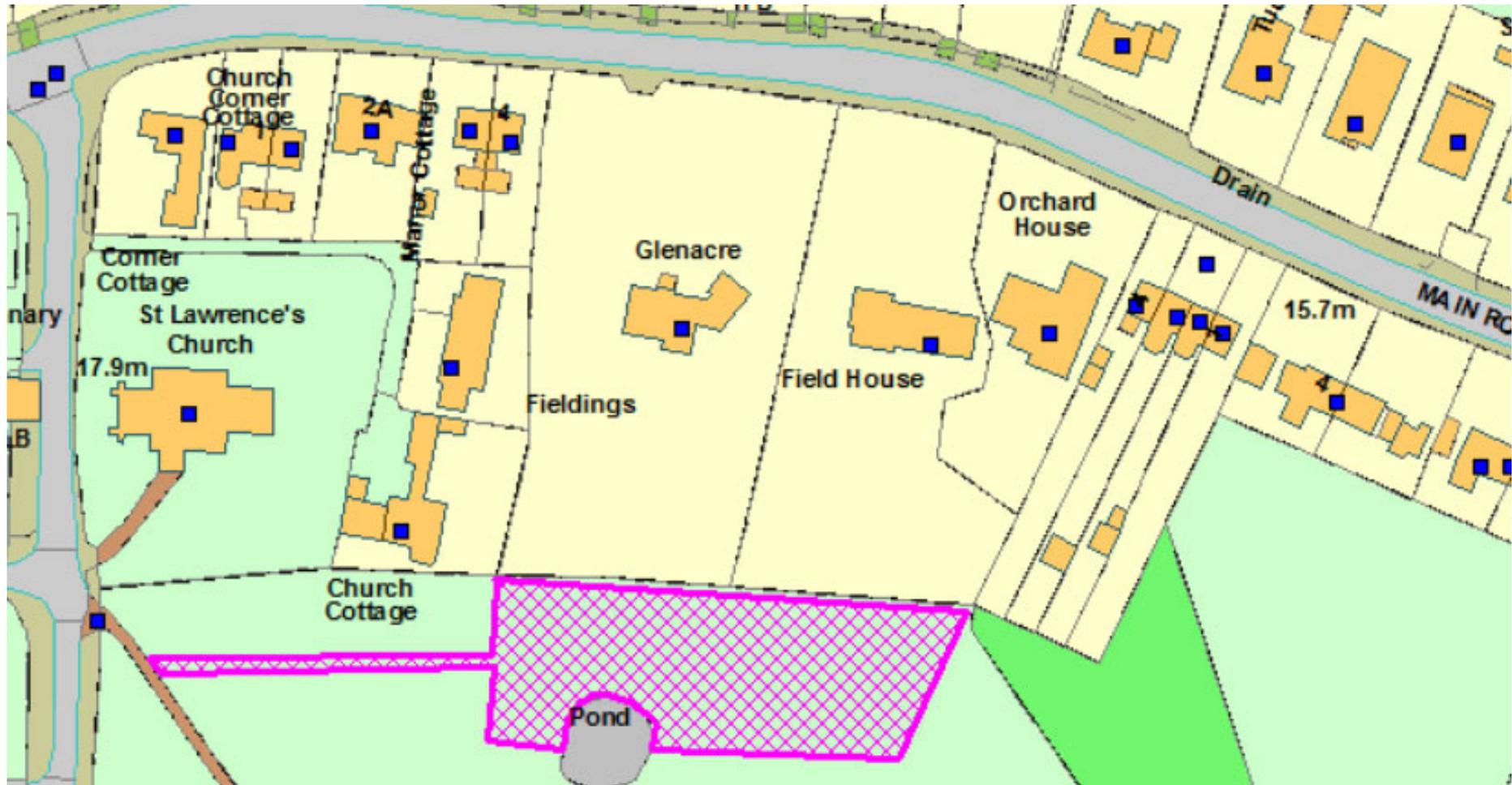
Article 31(1)(cc) Statement - Positive and Proactive Approach

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 working to clarify the use of the site and the relocation of the access path.

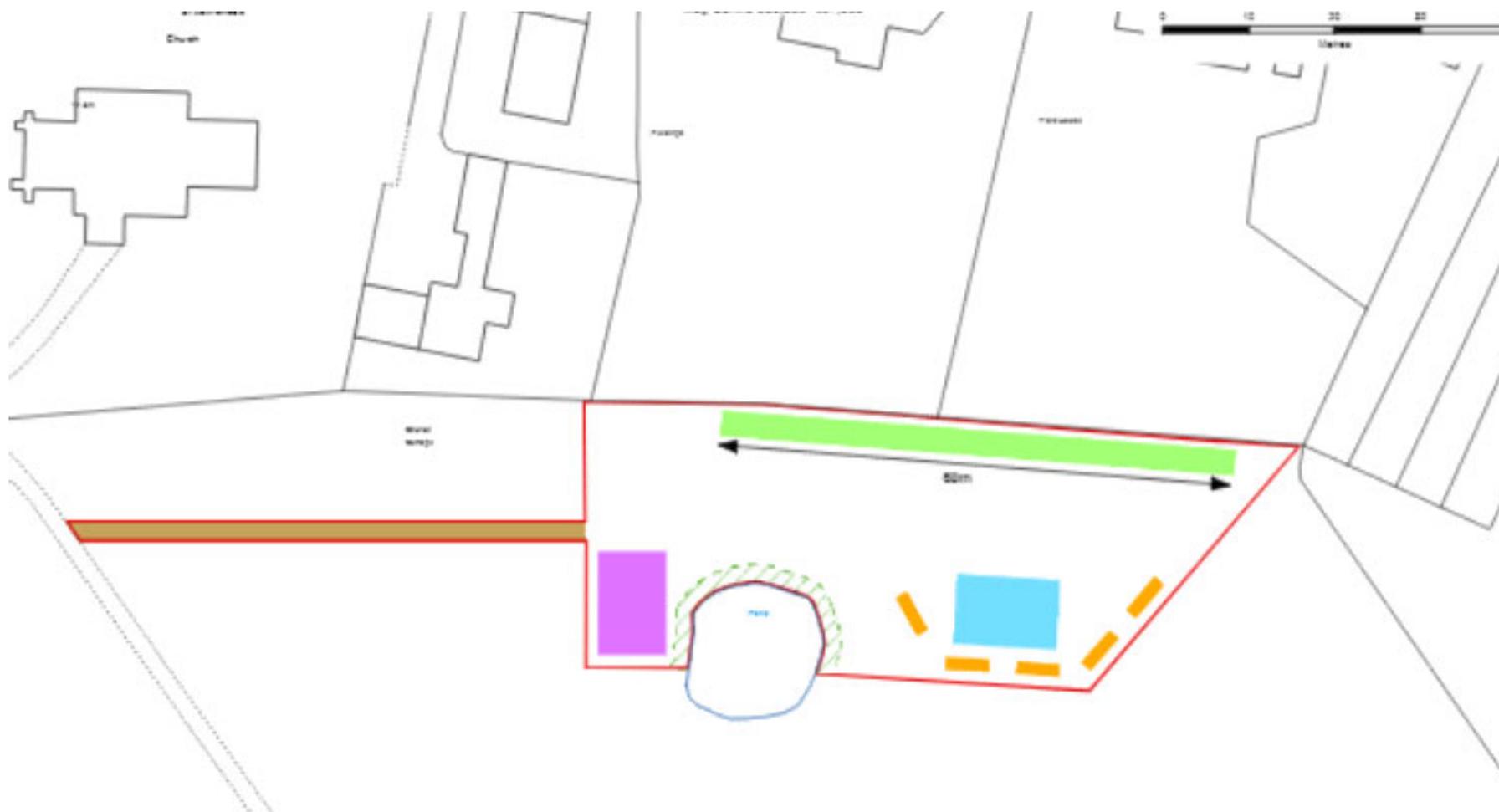
### 3 Informative

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/0838/21/FUL – LAND ADJ ST LAWRENCES CHURCH, CHURCH COTTAGE, CHURCH LANE, GREENACRE AND FIELD, CHURCH LANE, AYLESBY



DM/0838/21/FUL – LAND ADJ ST LAWRENCES CHURCH, CHURCH COTTAGE, CHURCH LANE, GREENACRE AND FIELD, CHURCH LANE, AYLESBY



**PLANNING COMMITTEE - 26th April 2023**

**ITEM: 5**                      **RECOMMENDATION: Approved Conditions and signing of S106**

**APPLICATION No: DM/0245/22/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: Land South Of Diana Princess Of Wales Hospital, Scartho Road, Grimsby, North East Lincolnshire,**

**PROPOSAL: Erect 29 dwellings with associated highways and landscape works**

**APPLICANT:**

Stevens  
E5 Living Grimsby  
The Coach House  
Oldberrow Manor  
Warwickshire  
B95 5PF

**DEPOSITED: 21st March 2022**

**AGENT:**

Adam Fulton  
Hodson Architects  
The Old Post Office  
Cleethorpes  
DN35 8LS

**ACCEPTED: 7th November 2022**

**TARGET DATE: 6th February 2023**

**PUBLICITY EXPIRY: 10th December 2022**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 11th July 2022**

**CASE OFFICER: Cheryl Jarvis**

**PROPOSAL**

The application seeks full planning permission for the erection of 29 dwellings. The dwellings would be accessed from the west from an existing road that runs through the newly constructed Kings Park Estate.

Dwellings would be a mixture of 2, 3 and 4 bed and each would have a front and rear garden. All have at least a parking space outside but a number benefit from their own garage. Whilst the majority of the dwellings are proposed as bungalows, there is one particular house type that includes first floor accommodation. This sits to the south of the site.

It should be noted that the original scheme proposed 37 dwellings, but this was later reduced following consultation and negotiation to 29 dwellings.

The application is brought to committee due to the number of objections received and due to an objection from Sport England as a statutory consultee.

## **SITE**

The site is to the south east of the Diana Princess of Wales Hospital and to the west side of Scartho Road. The site is undeveloped aside from the adjoining site which is under construction. A mixture of fencing and landscaping denotes the site boundaries.

The cricket pitch (not currently in use) is to the north of the site. Beyond the eastern boundary are houses on Scartho Road. The main hospital buildings are to the far north of the application site, accessed from Scartho Road. Buildings here are utilitarian in style and of varying heights.

To the west are consented dwellings that are under construction by the same developer.

Scartho Hall, a student accommodation complex, adjoins to the south. Scartho Hall is a locally listed building and is bordered to its northern edge by a public footpath. Scartho conservation area adjoins the site's southern boundary.

Access into the application site is from Forsythia Drive (now Kings Park Road).

## **RELEVANT PLANNING HISTORY**

Land directly north of zones 3A and 3B - DM/0710/21/FUL - Change of use from hospital land to residential. Approved.

Zones 3A and 3B: DM/0709/21/REM - Variation of Condition 1 (Approved Plans) as granted on DM/1142/19/REM to amend layout / appearance of plots 1, 2, 3, 4, 5, 8, 9, 12, 22 - 34, 35, 37 - 39, 44 - 51, 52, 55, 60, 65, 66, 72 - 78. Approved.

Zone 6: DM/0589/21/REM - Variation of Condition 1 (approved plans) as granted on application DM/0405/19/REM for the reduction to 16 dwellings with changes to layout, design, parking and associated works (Zone 6). Approved.

All zones: DM/0415/20/FUL - Variation of Condition 18 (Junction Improvement Works) as granted on DM/0937/15/OUT (Outline application for residential development for up to 131 dwellings with Step Down Care Unit (approximately 40 bedrooms), Assisted Living Unit (approximately 80 bedrooms), Retirement Living Unit (approximately 59 apartments), NHS Trust Accommodation (approximately 125 apartments & 96 student bedrooms) and club house, with means of access to be considered) to enable the occupation of 56 dwellings prior to junction improvement works being commenced - Pending Consideration.

Zone 6: DM/0405/19/REM - Reserved Matters Application to erect 19 dwellings in zone 6

to consider access, appearance, landscaping, layout and scale following application DM/0937/15/OUT with details to comply with condition 17 (Phasing Plan) (Outline application for residential development for up to 131 dwellings with Step Down Care Unit (approximately 40 bedrooms), Assisted Living Unit (approximately 80 bedrooms), Retirement Living Unit (approximately 59 apartments), NHS Trust Accommodation (approximately 125 apartments & 96 student bedrooms) and club house, with means of access to be considered) - Approved.

DM/0406/19/FUL - Erect single storey retail store (use class A1) and three commercial units (with flexible A1 and A3 use classes) with access, parking, landscaping and associated works. Approved.

Zones 3A and 3B: DM/1142/19/REM - Reserved Matters Application pursuant to DM/0937/15/OUT (Outline application for residential development for up to 131 dwellings with Step Down Care Unit (approximately 40 bedrooms), Assisted Living Unit (approximately 80 bedrooms), Retirement Living Unit (approximately 59 apartments), NHS Trust Accommodation (approximately 125 apartments & 96 student bedrooms) and club house, with means of access to be considered) specifically for zones 3A and 3B providing details of access, appearance, landscaping, layout and scale for the erection of 78 dwellings (revising details of DM/0713/18/REM). Approved.

Zone 1: DM/0721/18/NMA - Non material amendment application as granted on DM/0294/17/REM (Reserved Matters pursuant to DM/0937/15/OUT for Zone 1 comprising of 124 apartments, 96 student bedrooms, 12 communal rooms and central support hub with details of access, layout, landscaping, appearance and scale to be considered) to amend highway and omit southern bin store. Non material amendment accepted.

Zones 3A and 3B: DM/0713/18/REM - Reserved Matters Application pursuant to DM/0937/15/OUT (Outline application for residential development for up to 131 dwellings with Step Down Care Unit (approximately 40 bedrooms), Assisted Living Unit (approximately 80 bedrooms), Retirement Living Unit (approximately 59 apartments), NHS Trust Accommodation (approximately 125 apartments & 96 student bedrooms) and club house, with means of access to be considered) specifically for zones 3A and 3B providing details of access, appearance, landscaping, layout and scale for the erection of 77 dwellings. Approved.

Zone 1: DM/0520/18/FUL - Improved access to Zone 1 of planning permission DM/0294/17/REM, by extending car park and modifying circulation. Approved.

Zone 1: DM/0294/17/REM - Reserved Matters pursuant to DM/0937/15/OUT for Zone 1 comprising of 124 apartments, 96 student bedrooms, 12 communal rooms and central support hub with details of access, layout, landscaping, appearance and scale to be considered. Approved.

All zones: DM/0937/15/OUT - Outline application for residential development for up to

131 dwellings with Step Down Care Unit (approximately 40 bedrooms), Assisted Living Unit (approximately 80 bedrooms), Retirement Living Unit (approximately 59 apartments), NHS Trust Accommodation (approximately 125 apartments & 96 student bedrooms) and club house, with means of access to be considered. Approved with section 106 agreement.

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

### National Planning Policy Framework (2021)

NPPF2 - Achieving sustainable development  
NPPF5 - Delivering a sufficient supply of homes  
NPPF6 - Building a strong, competitive economy  
NPPF8 - Promoting healthy and safe communities  
NPPF11 - Making effective use of land  
NPPF12 - Achieving well designed places  
NPPF14 - Climate, flooding & coastal change  
NPPF15 - Conserv. & enhance the natural environ.  
NPPF16 - Conserv. & enhance the historic environ.

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

PO5 - Development boundaries  
PO6 - Infrastructure  
PO13 - Housing allocations  
PO15 - Housing mix  
PO17 - Housing density  
PO18 - Affordable housing  
PO22 - Good design in new developments  
PO33 - Flood risk  
PO34 - Water management  
PO36 - Promoting sustainable transport  
PO38 - Parking  
PO39 - Conserve and enhance historic environ  
PO41 - Biodiversity and Geodiversity  
PO42 - Landscape  
PO43 - Green space and recreation

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

## **REPRESENTATIONS RECEIVED**

Drainage - Recommend surface water drainage condition.

Sport England - Confirms that the ball strike assessment which accompanies the application is now acceptable. Sport England retain a planning objection on the basis that the specific ball strike mitigation for the cricket pitch has not yet been provided. Whilst they note that this has historically been done via planning condition, they do consider it should be resolved upfront. Further information sent 06.04.2023, no response as yet.

Strategic Housing - Advise that 20% affordable will need to be secured for this development. Detail on the mix has been provided.

Environmental Protection - Advises conditions relating to working hours and the submission of a Construction Management Plan with an informative for electrical vehicle charging.

Humberside Fire and Rescue - Informative advice provided for water supplies and access for firefighting.

Heritage Officer - No input required.

Education Officer - Confirms contributions to primary and secondary education will be required for this development.

Environment Agency - No comments to make.

Northern Powergrid - Standard advice note regarding their apparatus.

Public Rights of Way Officer - Notes the Public Right of Way and the procedure should the footpath need to be closed.

Trees and Woodlands Officer - Notes the position of the trees on the adjacent land and raises a concern over their proximity to the proposed gardens. No objections in principle to the proposed landscaping but final detail will be required.

Anglian Water - The existing systems have the capacity for the foul flows arising from the development. Final surface water drainage scheme still needs to be conditioned.

Crime Reduction Officer - Advice given on the design of the scheme and the need for crime reduction to be considered. Suggests ideally that the scheme be designed to Secured By Design Gold standard.

Civic Society - Oppose the application with concerns raised over traffic, impacts on the drainage systems and infrastructure and the limited access to public transport.

Highways - No objections given historic context with previous planning approvals on the site. Conditions recommended for construction details and the submission of a Construction Traffic Management Plan. Informatives in regards to works in the highway and adoption recommended.

Other:

27a Parker Street - Hopes that the suggestion of bird nesting features is incorporated and conditioned as part of the development. Suggests 9 swift bricks are incorporated into the construction of the dwellings to address a decline in species in Grimsby.

4 Beverley Court, Healing (Grimsby Area Swift Project and on behalf of Lincolnshire Bird Club) - Suggests that if permission is to be granted swift bricks are incorporated into the construction of the dwellings.

174 Scartho Road - Objects on the basis of an increased risk in surface water flooding, which has already been experienced from the recent developments in the area.

197 Scartho Road - Objects to the development on the basis of increased traffic.

201 Scartho Road - Objects to the development on the basis of road safety, increased pressure on existing infrastructure, impact on quality of life and density.

17 Muirfield - Objects on the basis of increased traffic.

## **APPRAISAL**

The material planning considerations are:

1. Principle of Development;
2. Design, Visual Amenity and Character;
3. Impact to Neighbours;
4. Access and Highways;
5. Ecology and Landscape;
6. Drainage and Flood Risk;
7. S106 and Policy Requirements;
8. Sport England;
9. Other Matters.

1. Principle of Development;

The site is within the development boundary of Grimsby in the NELLP. Policy 5 of the NELLP does not restrict residential development in such areas subject to an assessment of the site-specific impacts. These will be assessed through this report.

Importantly, the site is allocated for housing under reference HOU150 and Policy 13 of the NELLP. It provides a mixture of 2, 3 and 4 bed dwellings which would add to the range and quality of accommodation available in this part of Scartho in line with Policy 15 of the NELLP.

The extensive site history should be acknowledged which includes an outline approval on this site for extra care, step down accommodation and retirement living. Changes in the market and delivery of such housing in NELC force an alternative approach. Hence this proposal. In terms of the site's position, it is within central Scartho. From a sustainability perspective it is close to local services, public transport and amenities.

In terms of flood risk, the site is in flood zone 1 which is considered sequentially preferable for residential development.

It then falls to assess the proposal against the site-specific impacts as required by Policy 5.

## 2. Design, Visual Amenity and Character;

Policy 5 of the NELLP requires an assessment on the impact to the character of the area and visual amenity by virtue of size, scale and density with Policy 17 further seeking to ensure an appropriate level of density; reflective of settlement character and Policy 22 setting out the requirements for 'good design' and the need to ensure safe and suitable development to reduce the fear and opportunity for crime. As the site adjoins the Conservation Area and a locally listed building, Policy 39 is also relevant as this requires proposals to preserve or enhance heritage areas or buildings.

The site is undeveloped former NHS land. The land to the west is being developed for housing and this development would be a continuation of it. The application proposes 29 dwellings on a 1.3 ha site (approximately) which is considered to represent a similar density to the existing adjoining development, fitting for this part of Scartho in accordance with Policy 17 of the NELLP.

The existing development to the west is being completed to a high standard with a mixture of single and two storey houses. This development follows a similar theme comprising of predominantly bungalows, with the exception of one which includes first floor accommodation to the south. Individual features include canopies, chimneys and timber gable detailing. This gives the dwellings their own identity and character along with the different house types. The approach to design and scale is sympathetic to the adjoining Conservation Area and locally listed Scartho Hall, ensuring no adverse impacts. This is reflected in the 'no heritage input' given by the Heritage Officer.

All dwellings are proposed to face onto the access roads, promoting natural surveillance and safety. Through amended plans, the dwellings are also now designed to front onto the cricket pitch site to the north which is considered to represent a principle of good

design. Such measures aid in responding to the need to design out crime.

The scheme responds well to its context, is appropriate in scale and would represent good design in accordance with Policies 5, 15, 17, 22 and 39 of the NELLP.

### 3. Impact to Neighbours;

Policy 5 of the NELLP requires an assessment on the impact to neighbouring land users. Full regard has been given to the objections received.

The site is relatively self-contained, including those newly constructed properties to the west and existing dwellings at Scartho Road to the east. These properties at Scartho Road are typically two storey but have substantial gardens and landscaping. Being single storey bungalows that are proposed along this boundary, the separation and general low scale of development ensures an acceptable relationship without undue impacts relating to massing, overshadowing or overlooking.

Similarly, the relationship with dwellings recently constructed retains acceptable levels of amenity and separation to ensure no undue impacts.

Where the dwelling is proposed which includes ground and first floor accommodation to the south, this backs onto Scartho Hall. With such extensive boundaries and separation between buildings themselves, no adverse harm to the Hall complex would result.

It is accepted that construction has the potential to create noise and nuisance for neighbours and a series of conditions in response to consultee feedback have been recommended to protect neighbours' amenities.

Objections that relate to traffic impacts are dealt with under section 4. Drainage matters are discussed in section 6 and ecology matters raised are considered in section 5.

Whilst there would be impacts associated with the development, these would not be at a level that is considered to be detrimental and subject to conditions, the proposal accords with Policy 5 of the NELLP.

### 4. Access and Highways;

Policy 5 of the NELLP requires an assessment of the impacts of the proposal in regard to access and traffic generation with Policy 36 seeking to promote sustainable travel and Policy 38 setting out the requirements for parking.

Some objections have been received and these reference traffic impacts.

Access to the site is proposed from the existing development at Kings Park to the west. The application proposes 29 dwellings, and a Transport Statement (TS) accompanies the application. The TS states that the trip generation for this proposal is less than that

originally proposed through an earlier proposal and will result in 18 two-way trips in the AM peak and 19 two-way trips in the PM peak. The Highways Officer considers that the level of traffic generated by the development would not result in a severe impact on the highway network.

In coming to this conclusion, it is important to note the site history as stated which included step down care, assisted living and accommodation for the over 55's. This development of 29 dwellings essentially replaces this element of that scheme resulting in a lower level of development on the wider site overall. Moreover, improvement works to Matthew Telford Way remain a requirement of the wider site delivery and will be delivered at such a time the trigger for these works is reached.

In terms of the detail the Highway Officer raises no safety concerns, and it is acknowledged that amended plans have tweaked the highway layout in response to comments made. Each dwelling is proposed with its own parking space and in some instances a garage serving it to. This is considered to be adequate to serve the size of the dwellings proposed in accordance with Policy 38 of the NELLP.

In regard to sustainable travel, there are bus stops at Scartho Road to the east within walking distance. Electrical vehicle infrastructure is recommended via an informative. This is in accordance with Policy 36 of the NELLP.

The proposal is considered acceptable on highway grounds. Thus, the proposal accords with Policies 5, 36 and 38 of the NELLP.

## 5. Ecology and Landscape;

Policy 41 of the NELLP requires that regard is had to ecology. It advises that ecology should be protected or enhanced where necessary. Policy 42 places an emphasis on the natural environment. A Preliminary Ecology Appraisal accompanies the application as does an Arboricultural Survey.

The Ecology Appraisal in summary concludes that with set working restrictions and best practice, development can be accommodated without detriment to ecology. The Ecology Officer agrees with these conclusions and welcomes the inclusion of swift bricks (30) as shown on the plans. Such measures should be secured via condition.

In relation to landscaping, the National Design Guide stresses the importance of street trees. All of the dwellings have their own private gardens but integrated in the layout are street trees at the back edge of the footpath. Such an approach is welcomed. The Tree Officer is acceptive of the approach but requires final details of the landscaping scheme which can be secured via condition. The Tree Officer does also raise a concern in regard to the trees to the south and also to the east, in that these could be put under pressure given the size of the rear gardens to these dwellings and their orientation. That being said, no objections are raised and the principle of developing along this boundary has already been established by earlier permissions.

Subject to conditions the impacts to ecology and the landscape are acceptable in accordance with Policies 41 and 42 of the NELLP.

#### 6. Drainage and Flood Risk;

Policy 33 of the NELLP sets out the requirements in relation to flood risk with Policy 34 seeking to ensure appropriate provisions are in place for water management. A Flood Risk Assessment and Drainage Strategy accompany the application.

As stated previously, the site is within flood zone 1 and so is suitable for housing on a sequential basis. Nevertheless, a site-specific Flood Risk Assessment still accompanies the application given the size of the site. The Environment Agency have confirmed they have no comments to make on the application.

In regard to surface water a SUDS scheme has been proposed. Amended plans show an attenuation pond to the north of the site with an infiltration trench that will take water from the highway. Water butts are proposed to all dwellings. All driveways will be permeable. The Drainage Officer is reviewing the final details, thus a condition for full details remains required. No objections have been raised.

In regard to foul drainage, Anglian Water have confirmed that the existing systems have the capacity for the flows arising from this development and raise no objections.

A condition relating to the re-use of water on site from the dwellings is recommended in line with the requirement under Policy 34 of the NELLP which seeks to ensure a water efficiency standard of no more than 110 litres per person per day.

On the basis that the site is outside an area of flood risk, provides positive solutions for surface water management and the existing systems have the capacity to accommodate the foul flows arising from development, the development accords with Policies 5, 33 and 34 of the NELLP.

#### 7. S106 and Policy Requirements;

Policy 6 of the NELLP requires that appropriate infrastructure is provided to support the development with Policy 18 setting out the Affordable Housing requirement.

The developer has agreed to provide a fully compliant development in terms of Section 106 contributions.

This includes:

- An agreement to provide primary and secondary education contributions - in line with Policy 6. Trigger points have been agreed with the Education Officer.
- An agreement to provide 20% affordable housing (high market area) - in line with Policy

18. In accordance with the National Planning Policy Framework, the affordable homes provision will include a mix of low-cost home ownership including first homes and socially rented.

In relation to affordable housing, this will be provided on site and a layout plan of the affordable units will be required via the S106.

In the event of an approval, these will be secured through a Section 106 Agreement.

## 8. Sport England

Policy 43 of the NELLP seeks to protect sporting provision across the borough.

Whilst this site does not include any protected areas, the land directly to the north is a former cricket pitch - and this is its lawful use. In the event the pitch becomes operational, Sport England have advised on the need to mitigate against potential ball strikes to the proposed dwellings. Firstly, it should be noted that the layout has been amended which has resulted in the dwellings being moved further south from the pitch, with an intervening road in-between and the number of dwellings being reduced from 37 to 29. This is in direct response to consultation with Sport England. Secondly, no objections from Sport England are raised in regard to the position of the development, as it has now been confirmed there is no encroachment onto the pitch. Thirdly, Sport England are now acceptive of the Ball Strike Assessment that has been provided, which outlines the need for mitigation fencing. They also note the progress made by the applicant's thus far. Thus, the remaining matter which is outstanding and why Sport England maintain their objection, is the specific detail of the mitigation fencing. The requirement is for ball stop netting/fencing between 9m-15m in height, the report sets out the locations where the changes in height are needed. Whilst this would not necessarily prevent ball strikes, it would reduce the frequency. Indicative details have been provided and have been sent to Sport England and their response is awaited. It is therefore recommended that this decision be delegated back to officers to allow for such feedback to be obtained.

It is considered such an approach would comply with Policy 43 of the NELLP.

## 9. Other Matters.

To the south of the site is a public right of way. The proposal does not impede on the right of way. The Rights of Way Officer notes its position and advises on the procedure should the footpath need to be closed during construction works. An informative advising the applicant of this is recommended.

## **CONCLUSION**

The application seeks full planning permission for the erection of 29 dwellings with associated roads, landscaping and infrastructure. It is a continuation of an existing

development on an allocated site. The scheme represents good design and responds well to its context. Ongoing negotiations have secured improvements to the scheme and an overall reduction in density. With the exception of Sport England, all remaining aspects relating to the development have been resolved.

The application is therefore recommended for approval subject finalising the ball strike mitigation and the signing of a section 106 agreement. It is therefore recommended that the decision be delegated to the Assistant Director for Housing and Infrastructure to allow completion of these matters.

## **RECOMMENDATION**

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

(1) Condition

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

Reason

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

(2) Condition

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

Site Location Plan - E3-001 REV A  
Proposed Block Plan - 2427.P3-002 Rev D  
Proposed Block Plan - Swift Boxes - 2427.T004 Rev A  
Proposed Block Plan - Boundary Treatments - 2427.T005 Rev A  
Proposed Block Plan - Materials - 2427.T006 Rev A  
House Type 4 - 2427-HA-A8-ZZ-DR-A-T4100 Rev P01  
House Type 4 (H) - E5-HA-A04-ZZ-DR-A-4100 Rev P01  
House Type 6 - E5-HA-A1-ZZ-DR-A-6100 Rev P01  
House Type 6 (H) - E5-HA-A1-ZZ-DR-A-6100 Rev P01  
House Type 6C - E5-HA-A1-ZZ-DR-A-6100 Rev P01  
House Type 6C (H) - E5-HA-A1-ZZ-DR-A-6100 Rev P01  
House Type 07A - E5-HA-A1-ZZ-DR-A-7A100 Rev P01  
House Type 07A (H) - E5-HA-A1-ZZ-DR-A-7A100 Rev P01  
House Type 07A.2 - E5-HA-A1-ZZ-DR-A-7A200 Rev P01  
House Type 7C.2 - E5-HA-A7C-ZZ-DR-A-7C200 Rev P01

Reason

For the avoidance of doubt and in the interests of proper planning and in accordance with Policies set out in the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(3) Condition

The external materials to be used in the construction of the dwellings shall be as specified on drawing 2427.T006 Rev A. Final materials for all other materials to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority before they are utilised. Once approved, development shall proceed in accordance with the approved details unless otherwise submitted to and agreed in writing by the Local Planning Authority.

Reason

In the interests of good design and character and in accordance with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(4) Condition

No development above base course level shall commence until a final scheme for the provision of surface water drainage including a management and maintenance plan have been submitted to and approved in writing by the Local Planning Authority. All drainage shall be installed before the first house is occupied in accordance with the approved details unless, an alternative scheme or timeframe is subsequently submitted to and approved in writing by the Local Planning Authority. Management and maintenance following installation shall be in strict accordance with the approved details.

Reason

In the interests of ensuring a satisfactory means of surface water disposal and in the interests of flood risk in accordance with Policies 5, 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(5) Condition

No development above base course level shall commence until:

- (a) A final 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) An Arboricultural Implications Assessment (AIA) and Arboricultural Method Statement (AMS)

have been submitted to and approved in writing by the Local Planning Authority. All tree protection shall be installed as approved before works on site commence. It shall be

retained on site for the duration of construction works.

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

#### Reason

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

#### (6) Condition

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

#### Reason

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

#### (7) Condition

No machinery shall be operated, no process shall be carried out and no deliveries to be taken in or dispatched from the site in connection with the demolition and construction of the development hereby approved outside the hours of 8.00 am to 6.00 pm Monday to Friday, 8.00 am to 1pm Saturday and not on Sundays or Bank Holidays or any other time.

#### Reason

To protect the amenities of nearby residents and to accord with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

#### (8) 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. The noise assessment must comply with the requirements of British Standard 5228.

- 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 and temporary fencing to the site;
- Details of expected delivery schedules and how this will be managed to eliminate waiting on the public highway (i.e. call ahead or pre-booking scheduling system), and
- Details of wheel washing facilities (locations, types etc.).

The approved Plan and control measures it contains shall be implemented throughout the construction phase. There shall be no burning of construction waste material on site.

#### Reason

In the interests of public health, to protect the amenities of nearby residents, to ensure adequate access facilities are provided during construction and for highway safety reasons to accord with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

#### (9) Condition

The development shall be constructed in accordance with the working practises outlined in the Ecological Appraisal and its subsequent appendices.

The scheme of Ecological enhancement stated in the Ecological Appraisal and as shown on drawing 2427.T004 Rev A shall be implemented for each dwelling it relates before that individual dwelling is occupied. The measures shall be retained thereafter.

#### Reason

In the interests of ecological preservation, mitigation and enhancement and to accord with Policies 5 and 41 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

#### (10) Condition

Before any dwelling is occupied, final details of the design, specification and layout of the ball strike mitigation based on the revised ball strike risk assessment shall be submitted to and approved in writing by the Local Planning Authority. This shall also include an implementation plan and a scheme of management and maintenance. Once approved, the mitigation shall be installed in accordance with the implementation plan and shall be managed and maintained in accordance with the approved details thereafter.

#### Reason

In the interests of providing satisfactory mitigation for the proposed dwellings against ball strikes and in accordance with Policy 43 of the North East Lincolnshire Local Plan 2023-2032 (Adopted 2018).

(11) Condition

No highway or access works shall commence 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;

Once approved, development shall proceed in strict 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 and in accordance with Policies 5 and 38 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. This residential development represents a good form of development that 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, 13, 15, 17, 18, 22, 33, 34, 36, 38, 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, by securing amended plans and information to respond to consultee comments.

### 3 Informative

Please note the informative advice provided by:

Humberside Fire and Rescue (22nd November 2022)

Northern Powergrid (16th November 2022)

Public Rights of Way Officer (16th November 2022)

Anglian Water (25th July 2022)

Crime Reduction Officer (20th January 2023)

which can be viewed on the council's website.

### 4 Informative

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

### 5 Informative

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

### 6 Informative

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

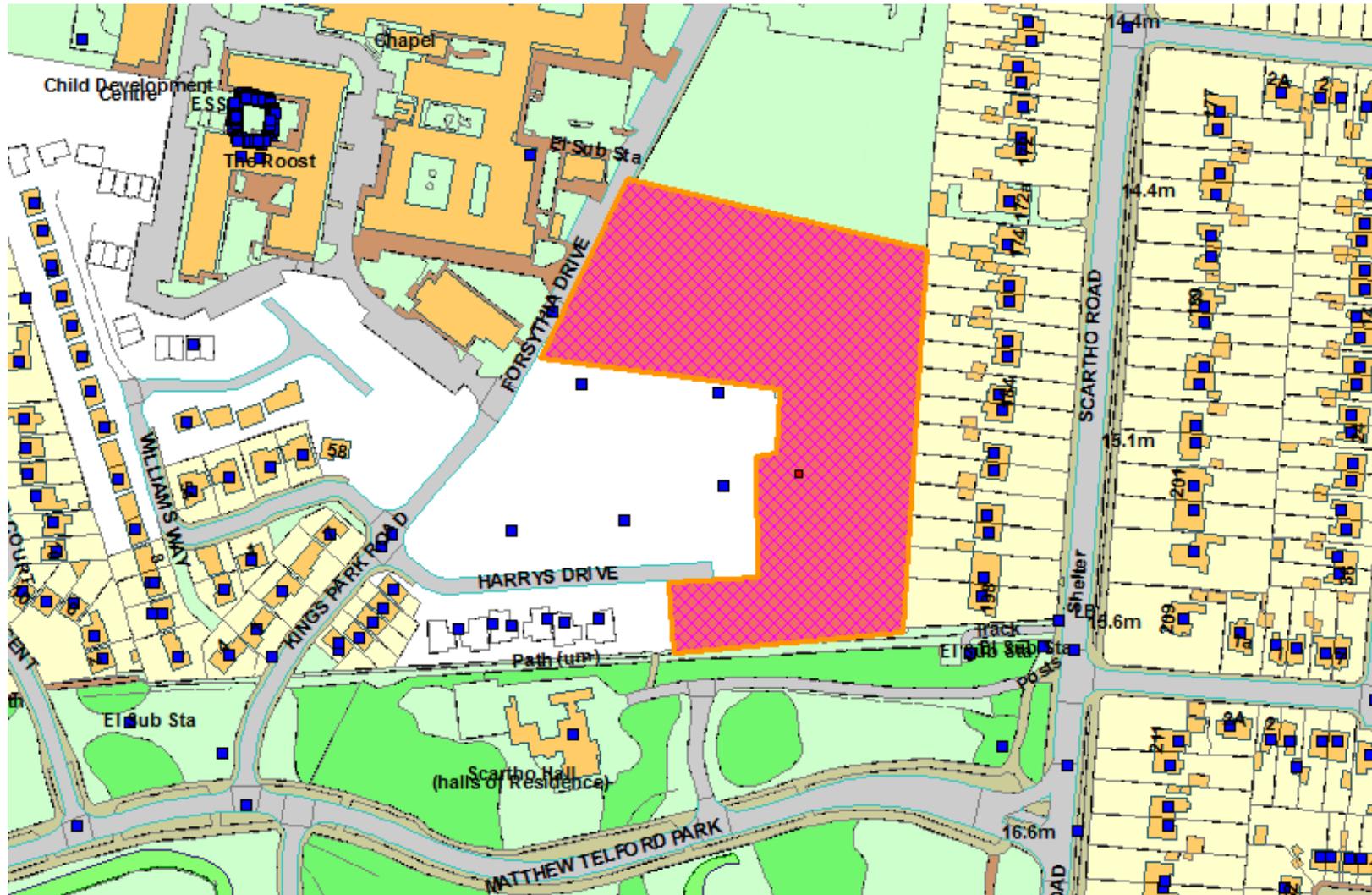
### 7 Informatives

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).

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).

DM/0245/22/FUL – LAND SOUTH OF DIANA PRINCESS OF WALES HOSPITAL, SCARTH ROAD, GRIMSBY





**PLANNING COMMITTEE - 26th April 2023**

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

**APPLICATION No: DM/0123/23/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: 3 Beckhythe Close, Grimsby, North East Lincolnshire, DN33 2ES**

**PROPOSAL: Retrospective application to erect greenhouse to front**

**APPLICANT:**

Mr Peter Boulby  
3 Beckhythe Close  
Grimsby  
North East Lincolnshire  
DN33 2ES

**AGENT:**

**DEPOSITED:** 16th February 2023

**ACCEPTED:** 20th March 2023

**TARGET DATE:** 15th May 2023

**PUBLICITY EXPIRY:** 24th March 2023

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY:** 24th March 2023

**CASE OFFICER:** Becca Soulsby

**PROPOSAL**

The proposal is a retrospective application to erect a greenhouse to land at the front of the property. The application is brought before committee for determination due to the number of objections received.

**SITE**

3 Beckhythe Close is a detached bungalow situated to the north-east side of the cul-de-sac. The area surrounding the property is predominantly residential in nature, comprising of mainly detached bungalows.

**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**

### Consultees

Highways - Approval no conditions.

Drainage - No comments.

Heritage - No heritage comments.

### Neighbours

Objections from 1, 2, 4 and 5 Beckhythe Close and 42 Grantham Avenue- on the grounds of the retrospective nature of the application, general health and safety concerns including that of children, security concerns/anti-social behaviour and visual impacts.

## **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 greenhouse is 2.42m high to the ridge, 1.91m to the eaves, 1.9m wide and 2.58m long. The materials used are typical of a standard greenhouse design with metal framework and glass panels. The area in which the greenhouse is sited is to the front of the host dwelling within a landscaped area of the cul-de-sac, surrounded by shrubs, trees and plants. The greenhouse would be visible within the street scene, however this would not be deemed to be prominent due to the screening provided by the surrounding landscaping and due to its limited size and reasonable design as a greenhouse. It is not considered that there would be harm to the character of the area in accordance with Policy 5 and 22 of the NELLP 2018.

## Neighbouring Amenity

The host dwelling immediately adjoins 2 and 4 Beckhythe Close to the sides and 42a Grantham Avenue to the rear, with the proposal sitting nearest to the rear boundary of 7 and 9 Glebe Road to the front of the host dwelling.

There have been 5 objections raised in relation to this application. Due to the small scale of the greenhouse and its position it is considered that there is no adverse massing, overshadowing or loss of privacy issues in accordance with Policy 5 of the NELLP 2018. Concerns as to design and visual intrusion are addressed above and with regard to health and safety the structure sits within its grounds and is not considered to be an obstruction or hazard in that regard. Safe construction rests with the applicant.

## Other Considerations

The Council's Highways, Drainage and Heritage Officers raised no concerns in relation to the greenhouse.

## **CONCLUSION**

It is considered that the greenhouse does not unduly harm the amenity of the neighbouring properties or the character and appearance of the area. The application is therefore considered to be in accordance with Policies 5 and 22 of the NELLP 2018 and is recommended for approval.

## **RECOMMENDATION**

**Approved with Conditions**

(1) Condition

The development is approved in accordance with the following plans:

Site Location Plan - received 24th February 2023

Block Plan - received 16th February 2023

Proposed Floor Plans and Elevations - received 24th February 2023

Reason

To define the permission in the interests of local amenity to accord to Policy 5 and 22 of the North East Lincolnshire Local Plan 2013 to 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

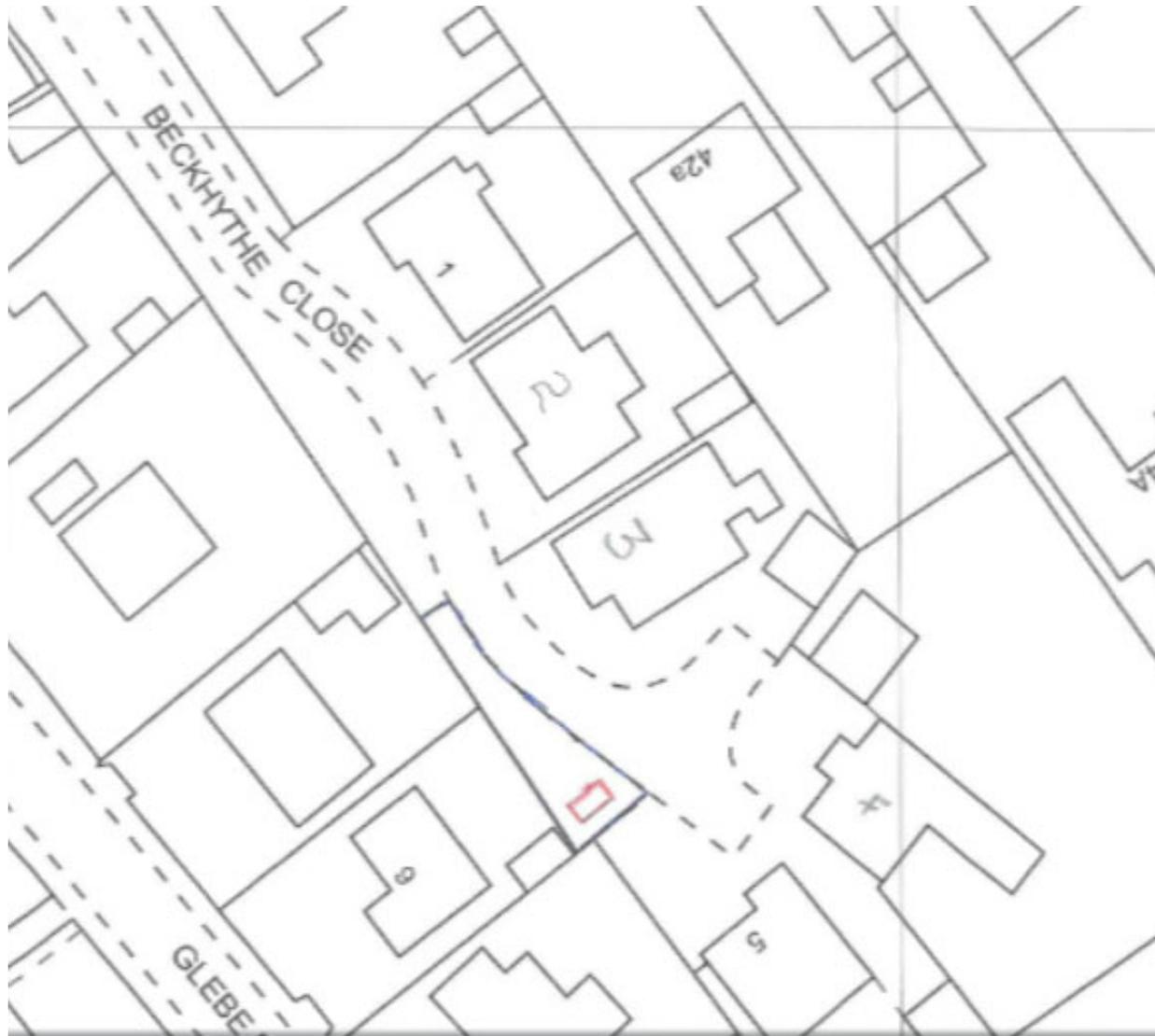
Article 31(1)(cc) Statement - Positive and Proactive Approach

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

DM/0123/23/FUL – 3 BECKHYTHE CLOSE, GRIMSBY



DM/0123/23/FUL – 3 BECKHYTHE CLOSE, GRIMSBY



**PLANNING COMMITTEE - 26th April 2023**

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

**APPLICATION No: DM/0303/22/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: Beaconthorpe Methodist Church, Grimsby Road, Cleethorpes, North East Lincolnshire, DN35 7LB**

**PROPOSAL: Convert existing church into 6 apartments (including mezzanine accommodation at first and second floor) with various internal and external alterations**

**APPLICANT:**

Mr David Beard  
1 Tennyson Road  
Cleethorpes  
North East Lincolnshire  
DN35 7LE

**AGENT:**

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

**DEPOSITED: 5th April 2022**

**ACCEPTED: 29th April 2022**

**TARGET DATE: 24th June 2022**

**PUBLICITY EXPIRY: 7th April 2023**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 27th May 2022**

**CASE OFFICER: Jonathan Cadd**

**PROPOSAL**

This application seeks permission to convert the Beaconthorpe Methodist Church and hall into six dwellings (4 x two bed, 1x three bed and 1 x four bed) with various alterations, small extensions and additions along with the formation of garden areas and parking to both Tennyson Road and Grimsby Road frontages.

The dwellings would be a mix of single storey and multi floor properties using mezzanine floor construction and/or internal floor level rises to seek to mitigate risks from flooding. Varying additions and alterations in the form of new windows, doors and rooflights (four to the main church roof) are also proposed. To flat three, the small chapel/ Sunday school room would have a new raised (1m) flat parapet roof with new windows to the front facing

Grimsby Road. Flat four would also have a raised flat roof with new windows to the rear facing 1 Tennyson Road. Court yard gardens would be formed and car parking would be created to the forecourts off both Tennyson Road and Grimsby Road.

This application is brought to the committee at the request of Councillor Farren.

## **SITE**

Existing grade II listed red brick church (with ashlar stone dressing) with pitched slate roof and square tapered tower and spire in an Arts and Crafts style. The church fronts both Grimsby Road and Tennyson Road, Cleethorpes. Directly attached to the church to rear (north) via a 1960's glazed flat roof entrance porch is a small brick pitched roof chapel/hall set back from Grimsby Road with a memorial garden in front. To the east, and connected to the main church, by later additions, is a large brick church hall with raised full height central section with lower wings either side at single storey. The building is in a similar but plainer style than the church with a pitched roof and multiple glazed windows at ground and first floor. Access is to the front. To the side of this hall is a 4.8m wide driveway accessed from Tennyson Road.

Bounding the church to Grimsby Road are shallow gardens with a dwarf brick wall with stone capping which extends into Tennyson Road. Bounding the site to 1 Tennyson Road is a 1.5m high wall rising to a 2m high close boarded fence.

The area surrounding the site is generally residential in character with flats opposite across Tennyson Road whilst to the east are semi-detached dwellings. 1 Tennyson Road immediately adjoins the site and has a side driveway and a detached garage but also has habitable windows at ground and first floor windows facing the site within the flank wall.

To the north is 399 Grimsby Road an end terrace property with its main flank wall forming the boundary to the site with a lower inset wing to the rear with habitable windows facing the site. Finally, to the north east is the detached dwelling 14 Crampin Road which has a shallow garden directly adjoining the church hall, church and small hall.

## **RELEVANT PLANNING HISTORY**

DM/0304/22/LBC Listed Building Consent to convert existing church into 6 apartments (including mezzanine accommodation at first and second floor) with various internal and external alterations. Pending Consideration.

## **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

NPPF16 - Conserv. & enhance the historic environ.

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

PO3 - Settlement hierarchy

PO4 - Distribution of housing growth

PO5 - Development boundaries

PO22 - Good design in new developments

PO33 - Flood risk

PO36 - Promoting sustainable transport

PO38 - Parking

PO39 - Conserve and enhance historic environ

PO41 - Biodiversity and Geodiversity

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

## **REPRESENTATIONS RECEIVED**

Drainage: No objection but any new areas of hardstanding should be made of a permeable construction to minimise surface water runoff. Ground levels should not be raised without due consideration of surface water flow paths, as this could lead to flooding. There must be no surface water discharge onto the public highway.

Heritage Officer: (in summary) In principle the conversion of the church to flats is positive subject to detailing as its reuse as a church is less likely. There is significant loss to this building proposed as part of being converted to domestic accommodation, not least space and volume, much has been done to retain elements of this by not having full floors fitted within the rooms, however there is still harm.

Alterations to floor heights have been difficult, for flood risk reasons it would be better that floor heights are raised significantly, however, this is not acceptable in terms of heritage and the current plans do not raise all floors, but in the areas that they are raised it is harmful.

The placing of mezzanine floors within the main church would limit the impact on the church fabric but is still a significant and harmful impact. Further information is required as to how the structure will attach to the floor but also how this relates to the windows, walls and ceiling. Insertion of roof lights should be avoided and further information is required as to how the organ would be removed and replaced.

Greater detail is required re conversion of the old chapel and church hall including retention of panelled retractable glazed doors and parquet flooring. Questions over glazed and stained windows.

The heritage officer lists a substantial number of details which remain outstanding for a large number of proposed features and issues which need be resolved prior to determination.

Historic England: (In summary) Do not need to notify or consult Historic England on this application under the relevant statutory provisions.

Historic Buildings and Places Society (formally Ancient Monuments Society): (in summary) Outlines significant concerns over the conversion of the building in principle and in detail. These comments have not been addressed in any of the resubmissions. Comments provided follow that within the listed building application.

Highways: (In summary) Recommends that the car parking spaces parallel to Tennyson Road are removed along with the two directly adjoining the church and Grimsby Road, leaving one space at 90 degrees to Tennyson Road and four spaces to Grimsby Road. This is due to highway safety and their position close to junctions.

Trees & Woodlands: No comment.

Environmental Protection: Hours of demolition and construction and construction/demolition management plan conditions.

Environment Agency: (in summary) Object - originally objected as no flood risk assessment had been undertaken. The proposed use is an increase in vulnerability rating from less vulnerable to more vulnerable and any conversion should be in line with local requirements - this includes floor levels 1m above ground levels with flood resilient construction for a further 300mm in height.

Following submission of an FRA and revised designs submitted despite the increase in floor levels to some rooms not all were to the required standard and still represented a significant risk to occupants. Even with those areas upper floors they would be inadequately protected. A number of the units would also be single storey and so floor levels would need to be above breach water depths of 1.0 - 1.6m in height. The Agency continued to object as the scheme would fail to protect future residents sufficiently. Whilst the listed nature of the building is noted a large number of habitable room floors would remain at risk from flooding.

The latest plans received have sought to reduce flood protection and have lowered floors again reverting to a similar scheme to that originally proposed. None of the properties now meet the level of protection required in terms of risks to life and property. This was done to limit heritage concerns. Equally, the changes have not been reflected in the

Flood Risk Assessment, a further shortfall.

Whilst some upper floors are shown as a refuge not all units would have this and exit from these areas is not clearly stated or possible.

Civic Society: Support the conversion in principle but have reservations as to some of the works to facilitate it.

#### Site Notice and neighbours

Objection 1 Tennyson Road (x2) - Questions how this will be achieved without significant disruption to occupants and property. How will the boundary fence (of significant height and length) be maintained once flats finished - annual maintenance and painting. A wall would be helpful. Concerns if upper floor windows facing property are not obscure glazed. Parking along Tennyson Road is particularly heavy especially following conversion of the old nursing home to 6 residential flats. Concerns over drainage.

14 Crampin Road (x2) - Concerns remain as to how high the new flat roof (with parapet) would be and whether it would lead to a loss of light. More recent communication supports the principles of the development but still seeks clarity on some points.

### **APPRAISAL**

#### Main issues

- 1) Planning policy (inc. housing need, flood risk and heritage)
- 2) Residential amenity (including design and character)
- 3) Highway safety and parking
- 4) Other issues

#### Appraisal

- 1) Planning policy (inc. housing need, flood risk and heritage)

The grade II listed Beacontorpe Church has ceased operation, approximately 2 years ago and is now empty, despite this it remains in good order although has recently suffered from some vandalism and anti-social behaviour. As a vacant listed building, the church is now at greater risk from general decay and vandalism and its re use is considered the best way to secure this asset for future generations.

The application seeks to convert the church and its ancillary buildings to 6 dwellings within the development area of Cleethorpes close to the town centre, health and community facilities and public transport facilities. It would also in a small way assist to meet housing need within NE Lincolnshire in accordance with policies 2, 3 and 4 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018) - (NELLP). On the basis of this, the site could be considered highly sustainable where housing should be

encouraged, subject to more detailed policy considerations, including policies: 5, 33, 38 and 39 of the NELLP.

The site, however, is within a flood zone 3 area and is at significant risk of flooding if a breach in the defence during a storm event were to occur with predicted water levels at the site reaching upto 1 - 1.6m in height. Such depths would represent a significant risk to life, and substantial damage to fixtures, fittings and possessions making any property uninhabitable for a long period of time after an event.

As a change of use, a sequential assessment of available less vulnerable sites is not required. The NPPF, however, still requires any development within such areas to be accompanied by a site-specific Flood Risk Assessment (FRA) showing it would be safe for the life time of the development. Other developments within this area have sought to mitigate these risks through considerable floor level/ ground level rises, which are quite obvious within the street scene.

The applicant has submitted an FRA and sought to mitigate some of the flood risks through partially increasing floor levels in certain parts of the building or providing refuge areas to upper floors where residents of that house could remain above flood waters until rescued. The applicant faces a difficulty in developing this building, as to raise floor heights would remove/ alter significant historic features from this listed building. In the latest submission plans the applicant has determined that it is not possible to meet flood risk requirements and to do so would unacceptably harm the listed building so has sought to limit floor rises to a minimum on the basis that at least part of each flat would assist to meet flood risk concerns. This includes upper floors above predicted water levels and/or bedroom/ mezzanine areas that would be 1m above current ground levels to limit the effects of water. The Environment Agency has again been consulted and has determined this approach is worse than previous proposals submitted. This is on the basis that proposed floor level rises have been reduced and the impacts from flood water will therefore increase. They continue to object on safety grounds on the basis either floor levels remain significantly below of flood water levels leading to all housing units being at risk of significant damage and loss of use during a catastrophic flood event or at worst a loss of life and particularly, but not exclusively, in the case of single storey properties or those with bedrooms which remain below predicted flood water levels that the risk to life would certainly increase. It should be noted that acceptable floor levels for properties with upper floors (with acceptable amenity features to sustain occupants during potentially lengthy wait period for rescue) are different from those with just ground floor accommodation (or those with inadequate refuge) on the basis of the need for a safe and dry refuge during a flood event to protect life. Unacceptable levels of flood water within each proposed property would be:

Unit 1 - 0.13m - 0.73m (but the bedroom at ground floor would increase this risk to the higher level)

Unit 2 - 0.73m

Unit 3 - 0.6m - 1.22m (single storey with no adequate safe refuge would increase this risk to the higher level)

Unit 4 - 0.6m - 1.25m (single storey with no adequate safe refuge would increase this risk to the higher level)

Unit 5 - 0.4m - 0.6m

Unit 6 - 0.4m - 0.6m

Such levels as noted above would lead to significant damage to property rendering it uninhabitable for a long period after a flood, or at worse represents a significant risk to life either through initial flood waters or the inability to get out of cold, polluted water into an adequate raised area with facilities to get dry and sustain occupants whilst awaiting rescue.

In addition to this, it is not certain that an adequate rescue route is possible particularly in the main body of the church which relies on rooflights high up within the main church roof, which is very high making escape dangerous and is contrary to heritage advice and with no real other design opportunities for escape features within the main windows/ doors as they are either too low and would be submerged or are historic features in their own right and need to be protected.

It is clear that, as it stands the development would fail to meet the NPPF (chapter 14)/ NELLP (policies 5 and 33) requirement to protect property and life from the significant impacts from flooding. It is also accepted that as a building, parts of it could be modified to meet the EA requirements and make the building safe for its lifetime but to do so would bring it further into conflict with historic building policies.

As a grade II listed building policy 39 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018) - (NELLP) is key to assessing the acceptability of the proposal. Policy 39 notes proposals for development will be permitted where they would sustain the cultural distinctiveness and significance of North East Lincolnshire's historic urban, rural and coastal environment by protecting, preserving and, where appropriate, enhancing the character, appearance, significance and historic value of designated and non-designated heritage assets and their settings. Policy 39 (2. F.) supports sympathetic uses, and the repair, maintenance and restoration of heritage assets. Similarly, policy 39 (3.A.) notes development will be supported where it protects the significance of heritage assets, including their setting; through consideration of scale, design, materials, siting, mass, use and views.

Policy 39 also indicates (in accordance with the provisions of the NPPF) that where a proposal would harm the significance of that building an assessment of the magnitude of that impact will be made. The NPPF - paras 200 - 201 state '...harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification... and ... Substantial harm to or loss of: (a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;' 'Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that

harm or loss, or all of the following apply:

- (a) the nature of the heritage asset prevents all reasonable uses of the site; and
- (b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- (c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- (d) the harm or loss is outweighed by the benefit of bringing the site back into use.

However, where a development would lead to less than substantial harm para. 202 of the NPPF requires that this harm is weighed against the public benefit of the proposal, where appropriate, securing its optimum viable use.

In this instance, the application is for 6 dwellings which would, by its nature, include significant intervention and alteration to the church buildings to create suitable residential accommodation. This would harm the significance of the historic asset - whether substantial or not. The heritage officer has not, on the basis of no suitable alternative use, raised an objection in principle to conversion of the church to housing. The scheme to convert the church to residential has, however, raised concerns that the scheme as proposed would alter the building to such an extent that it would be harmful but that the further alterations reducing floor levels again would assist to meet key concerns, but where rises do occur these are harmful. In addition, the insertion of roof lights to the main roof and elevations are unacceptable.

The need for general subdivision of the church and hall, the levelling of the floors in general, the relationship of floors to windows, the nature and position of services to be installed and structural changes to accommodate the mezzanine floors are such that the impacts could unacceptably harm the asset in material terms, structurally, visually but also how it is experienced significantly eroding its quality. In principle, whilst such an approach may be possible, without a detailed scheme addressing these points the risks of substantial harm cannot be discounted. Given the substantive objection on flood risk grounds it is not deemed appropriate to require the applicant to continue to spend substantial sums on such work when the flooding issue is likely to remain unresolved as outlined above.

In addition, only limited data has been provided to show that alternative uses could not be achieved within the church and hall. Clearly other religious groups and wider community uses would appear to be the most appropriate uses as these are likely to secure the overall use of the building with less intensive and intrusive interventions. It is known that during a sales period (of an unknown period) that other housing developers have shown interest along with one religious/ community group. No understanding of other grant funding or charitable not for profit organisations are known of to assist the use of the building and public ownership is unlikely by the local authority. All of these therefore weigh against the proposal.

As such the NPPF requires that the approval of works leading to substantial harm to a

grade II listed building should be only be agreed in exceptional circumstances and where the public benefit of the proposal would outweigh these issues. In this instance the, addition of just six additional dwellings, albeit in the urban area close to Cleethorpes town centre, but which are at significant risk from flooding would raise concerns over the test of overriding public benefit. For the same reasons bringing the building back into use, and some of the external maintenance of the building whilst positive and would in general maintain the character of the area would not outweigh the significant harm of the internal works proposed, without adequate detail being provided. Similarly, it is considered that the exploration of alternative uses has not been explored fully by the site owner. As such the case for exceptional public benefit has not been established contrary to policy.

## 2) Residential amenity (including design and character)

The scheme proposes six residential units at the site, with the main issues being whether the design and layout provides a good standard of amenity for future owners and secondly whether existing adjoining occupiers would be unreasonably impacted upon. The nature of the church is such that it provides a unique opportunity for future occupiers to live in a different environment than most, but this does have its limitations.

By the nature of the scheme most of the dwellings formed would provide large open areas on multiple floors to provide sufficient space and layout for a positive living environment and each dwelling would meet the Technical Housing Standards - National Prescribed Space Standards. The large windows and mezzanine floor structures positioned away from windows would allow plenty of light into most units although levels would be substantially less to the living accommodation and a bedroom at unit 4 due to its arrangement and relationship to surrounding structures and walls. The bedroom to unit 3 within the northern corner of the site would also be constrained, with the second bedroom having two smaller windows which due to floor levels and proximity to the boundary would need to be obscure glazed to prevent overlooking. The outlook from most of the units, particularly within the main church building is more problematic with views out being limited by the need to retain the original glass within the windows, which are partially obscured/ stained. Similarly, bedroom accommodation would be positioned within the vaulted roof area of the church and would receive only limited light from a small number of rooflight windows and then only secondary light from the wider building windows. Details of internal unit partition walls are not fully detailed in all situations but this is not deemed a significant issue as screen detail can be conditioned and this could include areas of clear internal glazing. Although most views out of the habitable areas would be limited, the unique nature of a church conversion is such that the historic internal aspects of the design compensate future occupiers of these units accordingly, although again unit 4 would have more limited outlook from its habitable spaces in a less convincing manner and would be dominated by high boundary walls. Nevertheless the higher ceiling height would support the residential unit so as to not appear oppressive and dominated by the lack of outlook.

Outdoor amenity space would be limited, again constrained by the nature of the site and its surroundings. All units would nevertheless have amenity space either in the form of

small courtyards or in the case of units 1 and 3 open areas to the street which would be wholly public. The majority of these areas would provide some amenity space but all are small and some would have limited direct sunlight, particularly to units 2 and units 6 which are positioned between the church and hall. Whilst these limitations are noted the nature of living in such a unique environment is such that this is not deemed unreasonable and no screen fences or demolition should be sought to extend such areas or surround them.

The impacts on adjoining neighbours would be more limited due to the corner position of the property and the intervening highways. The impact on 1 Tennyson Road would be limited by the retention of first floor obscure glazed windows and at ground floor levels being maintained at existing levels. Again, it is possible that internal screens to such rooms would allow a level of outlook to the main building. A similar situation would occur for unit 3 which backs onto 14 Crampin Road a detached house with a small, enclosed garden. Unit 3 would have limited windows facing this property but due to flood concerns floor levels have been increased so that such rooms would overlook the adjoining property unless obscure glazing was utilised. This is far from ideal and would detract from future occupier's amenities but this is a secondary bedroom. The increase in roof height of the current single storey extension is such that whilst it would further enclose the neighbours garden area, it would not be such that it would detract unacceptably from their amenity.

Alteration and construction work to the site are noted and will cause nuisance to the neighbourhood. Whilst this is not ideal, any works within a constrained location will cause issues. Nevertheless, it is possible through careful consideration of a construction management plan that sufficient protection measures could be put in place, through conditions.

The design and character of the buildings has been mainly dealt with through heritage considerations but nevertheless the positioning of car parking immediately to the front of the main church building would detract from the visual character of the site and the amenities of occupiers (particularly unit 2 but to a lesser extent unit 3) and indicates the cramped nature of the site. Nevertheless, the need for parking is important and whilst detracting from the historic character and residential amenities it is not deemed of such concern to lead to a recommendation for refusal on these grounds. Such an arrangement is, however, an indication of the difficulty of creating 6 units at the church.

### 3) Highway safety and parking

The site, barring flood risk issues, is in a highly sustainable location, with good links to local amenities and public transport routes. Nevertheless, it is likely that residents will have a need for car transport and parking is proposed, albeit constrained as noted above. Ten spaces were originally proposed for the six dwellings. Of these only one space to Tennyson Road is deemed acceptable in safety terms whilst the main car parking area is positioned off Grimsby Road is suitable for four spaces. The applicant has been requested to amend the plans accordingly. Access into and out of the site is possible in a

forward gear. Conditions would be required, to determine the detail of these areas and the access onto Grimsby Road and Tennyson Road respectively. In addition cycle storage could be conditioned to be provided.

The constrained nature of on street parking in the surrounding area for existing residents is noted and this is an on going issue. Clearly additional car parking would occur on street if this proposal were to proceed and this cannot be avoided. The site, however, has an existing use which could recommence and generate its own parking requirement in greater numbers than would be generated through this housing scheme including during the evening when competition for spaces is at its greatest. This together with the site's accessibility to public transport and indeed its proximity to the town centre is such that the scheme is considered to be acceptable and would accord with policies: 5, 22, 36 and 38 of the NELLP.

#### 4) Other issues

It is noted that one of the neighbours to the property has raised issues in terms of ownership and condition of a wall facing the neighbours (unit 3) and drainage. The applicant has confirmed ownership of the wall and that he would be responsible for maintaining it. Drainage could be dealt with through conditions.

### **CONCLUSION**

The proposed development would provide an opportunity to re-use this grade 2 listed church and create 6 additional dwellings. Despite the positive nature of a scheme which reuses the building, the works required to create the properties would have a detrimental impact on the significance of the building as a listed structure due to the measures required to try to mitigate flood risks but also the lack of detail as to how the structure would be converted. This amounts to severe harm to the listed structure. In addition to this, the proposed works to limit flood risk are insufficient to meet the requirements of the Environment Agency who note the occupants and their properties would remain unacceptably and significantly at risk from flood risk.

Residential amenity remains a concern in specific areas, particularly the single storey units at 3 and 4 but it must be accepted that this is an unusual conversion in a constrained location. The unique nature of the conversion will offset limitations on residential amenity or it will not be possible to convert the building. Impact on neighbours could also be sufficiently mitigated.

In addition to this, it is not considered that alternative less vulnerable or harmful uses of the church have been fully explored which could be more appropriate in terms of flood risk, heritage and residential amenity terms.

Accessibility is not deemed a significant concern despite the limited parking due to the accessible nature of the site.

In overall terms despite the need to reuse this important building, the proposal would represent a significant increase in risk to property and potentially life, in terms of flood risk and would have a significant impact on the heritage of the grade 2 listed church. It is contrary to policies 5, 22, 33 and 39 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018) and is recommended for refusal.

## **RECOMMENDATION**

### **Refused**

(1) The proposed development within flood zone 3 would provide residential accommodation at significant risk from flooding and represents a risk to life and property without adequate mitigation. In addition to this, inadequate consideration of less flood vulnerable uses for the site has taken place and an inadequate Flood Risk Assessment has been produced. As such the proposal is considered to be contrary to policies: 5, 22 and 33 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018) and the provisions of the National Planning Policy Framework (2021).

(2) The limited detailed information submitted with the proposal on how the subdivision could technically occur in relation to historically significant features within the church and hall is such that significant harm to these features cannot be ruled out. In addition to this, the investigation into alternative uses (requiring less intrusive works to the listed building) has not been adequately established. As such the proposal represents severe harm to this grade II listed building contrary to policies: 5, 22 and 39 of the North East Lincolnshire Local Plan 2013 -2032 (adopted 2018) and the provisions of the National Planning Policy Framework (2021).

### **Informatives**

#### **1 Informative**

The plans forming part of this refusal of permission include the following:

- 21 47 003 Existing plans and OS Map
- 21 47 030 Existing Elevations 1
- 21 47 031 Existing Elevations 2
- 21 47 113 F Proposed Ground Floor Plans

21 47 120 C Proposed Elevations  
21 47 121 C Proposed Elevations  
21 47 132 F Proposed First and Second Floor Plans  
21 47 150 B Site Plan

## 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, but ultimately was unable to reach agreement on principle matters of concern.

DM/0303/22/FUL – BEACONTHORPE METHODIST CHURCH, GRIMSBY ROAD, CLEETHORPES



DM/0303/22/FUL – BEACONTHORPE METHODIST CHURCH, GRIMSBY ROAD, CLEETHORPES



**PLANNING COMMITTEE - 26th April 2023**

**ITEM: 8**                      **RECOMMENDATION: Refused**

**APPLICATION No: DM/0304/22/LBC**

**APPLICATION TYPE: Listed Building Consent**

**APPLICATION SITE: Beaconthorpe Methodist Church, Grimsby Road, Cleethorpes, North East Lincolnshire, DN35 7LB**

**PROPOSAL: Listed Building Consent to convert existing church into 6 apartments (including mezzanine accommodation at first and second floor) with various internal and external alterations (amended plans)**

**APPLICANT:**

Mr David Beard  
1 Tennyson Road  
Cleethorpes  
North East Lincolnshire  
DN35 7LE

**AGENT:**

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

**DEPOSITED: 5th April 2022**

**ACCEPTED: 29th April 2022**

**TARGET DATE: 24th June 2022**

**PUBLICITY EXPIRY: 7th April 2023**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 27th May 2022**

**CASE OFFICER: Jonathan Cadd**

**PROPOSAL**

This application seeks listed building consent to convert the Beaconthorpe Methodist Church and hall into six dwellings (4 x two bed, 1x three bed and 1 x four bed) with various alterations, small extensions and additions along with the formation of garden areas and parking to both Tennyson Road and Grimsby Road frontages.

The dwellings would be a mix of single storey and multi floor properties using mezzanine floor construction and/or internal floor level rises to seek to mitigate risks from flooding. Varying additions and alterations in the form of new windows, doors and rooflights (four to the main church roof) are also proposed. To flat three, the small chapel/ Sunday school room would have a new raised (1m) flat parapet roof with new windows to the front facing

Grimsby Road. Flat four would also have a raised flat roof with new windows to the rear facing 1 Tennyson Road. Court yard gardens would be formed and car parking would be created to the forecourts off both Tennyson Road and Grimsby Road.

Although no call in request has been received from a Councillor for this listed building application, one has been received for the full application (DM/0303/22/FUL) relating to the same development. The two applications should be considered together and therefore DM/0304/22/LBC is presented to the committee as well.

## **SITE**

Existing grade II listed red brick church (with ashlar stone dressing) with pitched slate roof and square tapered tower and spire in an Arts and Crafts style. The church fronts both Grimsby Road and Tennyson Road, Cleethorpes. Directly attached to the church to rear (north) via a 1960's glazed flat roof entrance porch is a small brick pitched roof chapel/hall set back from the Grimsby Road with a memorial garden in front. To the east, and connected to the main church, by later additions, is a large brick church hall with raised full height central section with lower wings either side at single storey. The building is in a similar but plainer style than the church with a pitched roof and multiple glazed windows at ground and first floor. Access is to the front. To the side of this hall is a 4.8m wide driveway accessed from Tennyson Road.

Bounding the church to Grimsby Road are shallow gardens with a dwarf brick wall with stone capping which extends into Tennyson Road. Bounding the site to 1 Tennyson Road is a 1.5m high wall rising to a 2m high close boarded fence.

The area surrounding the site is generally residential in character with flats opposite across Tennyson Road whilst to the east are semi-detached dwellings. 1 Tennyson Road immediately adjoins the site and has a side driveway and a detached garage but also has habitable windows at ground and first floor windows facing the site within the flank wall.

To the north is 399 Grimsby Road an end terrace property with its main flank wall forming the boundary to the site with a lower inset wing to the rear with habitable windows facing the site. Finally, to the north east is the detached dwelling 14 Crampin Road which has a shallow garden directly adjoining the church hall, church and small hall.

## **RELEVANT PLANNING HISTORY**

DM/0303/22/FUL Convert existing church into 6 apartments (including mezzanine accommodation at first and second floor) with various internal and external alterations Pending Consideration.

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

### National Planning Policy Framework (2021)

NPPF12 - Achieving well designed places

NPPF16 - Conserv. & enhance the historic environ.

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

PO5 - Development boundaries

PO22 - Good design in new developments

PO39 - Conserve and enhance historic environ

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

## **REPRESENTATIONS RECEIVED**

Historic England: Suggest the views of the Council's specialist conservation and archaeological advisers is sought. It is not necessary to consult Historic England on this application again, unless there are material changes to the proposals.

Highways: No comments.

Heritage Officer: Notes the Grade II Listed building which has been empty for a while but with the exception of the Old Chapel building is generally in a good state of repair, although very vulnerable to vandalism. The loss of any historic use of a building is considered unfortunate but it is unlikely that it will be needed as a Methodist Church again, so the principle of conversion to residential is accepted in heritage terms.

The main impact of the conversion would be internal. The extensive use of mezzanines, which have not been placed at full width allowing both the reversal of the space and to a certain extent the ability to appreciate the height of the building. This is a significant and harmful impact, even though designers have sought to limit this as far as possible. Insufficient information has been provided on how the mezzanine structures, connections to walls and floors could be achieved, their relationship to windows and indeed the provision of services. Similar detail would also be required for the dividing walls and ceilings.

Concerns are also raised with relation to how the raked wooden floor and wood panelled floors would be dealt with, and no detail is provided re the stained glass windows. Loss of

organ and panelling is noted as being an issue. No roof lights should be proposed to the main roof. Within the church hall, concerns over the wooden bi fold partitions are raised, relationship to windows and flooring. The loss of the 1970's extensions and alterations to a flat roof are deemed to be a betterment.

Amended comments received (In summary): The proposals do cause harm, however bringing back this building into meaningful use does mitigate this and that if a sensitive scheme can be detailed then support to this application can be given in principle.

There are still large gaps in the information provided, and to be able to fully consider overall the extent of the individual impacts of each element of the proposals then further details, should be supplied prior to determination. This includes, but not exclusively:

- i) details of how the mezzanines would attach to floors, walls, ceilings and relationship to existing windows;
- ii) details of how internal walls would attach to existing walls, floors and ceilings;
- iii) impact of insertion of roof lights and alternatives;
- iv) details of how existing areas of parquet flooring and bifold doors will be retained;
- v) repairs to stained glass windows;
- vi) retention of 1930's stained glass windows;
- vii) details of repairs and alterations to external walls, doors and windows including materials, bond and mortar coursing.

Victorian Society: (in summary) Object - Strongly urge the authority to refuse consent, and to seek alternative proposals for these buildings. The significance of the building is not, however, exclusively or even primarily a matter of its exterior form: Beacontorpe Methodist Church is also notable for the very high degree of survival of its original interiors, which appear (from the information available) to be practically intact and of a high quality. This intact character extends to the church hall and Sunday school attached to the north east: although this building has a less flamboyant exterior it is nonetheless a fine little-altered example of its time, and its interiors apparently retain their original volumes and practically all their original joinery. Such an intact survival of a complete complex is not very common, and makes a strong contribution to significance.

The level of harm to significance that will be caused by these proposals is very high; in fact, a strong case can be made that it should be considered 'substantial harm' in the terms of the NPPF (para 201). The proposal entails the almost total loss of the surviving interiors, both in terms of fittings and spatial character. The intactness of the buildings will be entirely lost, even if the exteriors remain substantively unaltered, and significance will thus be severely compromised.

The current application fails to demonstrate that the harm is necessary to achieve substantial public benefits, which would override such a loss and provides no evidence that any, reasonable alternative uses have been considered, that suitable marketing has taken place for other appropriate uses, and non-conservation grant funding has been sought. Note further the NPPF's broader insistence on securing the optimum viable use

of heritage assets (paragraphs 197 and 202), as well as the requirement that any harm 'should require clear and convincing justification' (paragraph 200). The current application offers no argument that the proposed residential conversion is the optimum viable use for the buildings, and the requisite clear and convincing justification for harm is entirely lacking.

Historic Buildings and Places (Formally Ancient Monuments Society) x3: The interior is unusual within the building type for the lack of galleries. What makes it special is the sea of curved pews, the single hammerbeams to the roof, the windows with the Art Nouveau flavour to the stained glass and the striking build-up of the pulpit, the choir gallery and the organ over. The best use for the building is one that accepts and exploits its nature as a purpose-built auditorium (as a club, hall, open plan offices and the like) but in the absence of such a use, the society may have to accept that the pews will almost certainly have to go to allow a more intensive use. Once free of the pews, the interior becomes a vast uncluttered space which offers huge potential for re-use. The society consider it is a shame given that design freedom that the scheme envisages the loss of the elements that lend it such architectural punch - the pulpit, the choir gallery and the organ.

Appreciate that the build-up of pulpit and organ is to be sliced in half by the intended floor but the "Proposed Ground Floor Plan" shows the only element to survive to be the floor that holds up the organ. The kitchen of Unit F2 sits where the organ presently stands with "steps up". In the absence of sections it is hard to be certain but the implication is that nothing else will stay, on either floor. This, they consider is a great shame. The best chapel conversions are those where key elements like the pulpit are kept as a focal point (where they have found functions as a stand for the TV, shelving or just storage). Homes created in chapels should be full of character - that is one reason why they are so sought after and it is surely a mistake to cleanse the present interior of so much of its present mood. It is not clear either how much of the striking stained glass of the windows and the roof trusses, hammerbeams included, are to be retained.

Further clarification on the extent of fabric retention and why the pulpit in particular has to go should be sought. Following receipt of amended plans the retention of the pulpit as shown on new drawings is welcomed but the remaining concerns as previously noted by the society remain outstanding. Until then the recommendation would be not to grant consent.

Drainage: Provide guidance on external permeable hard surfaces and request no ground level rises which could lead to flooding elsewhere.

Grimsby & Cleethorpes Civic Society: "A well-planned conversion is preferable to another building left to deteriorate and become derelict. Whilst supporting the conversion of this former church and associated buildings, there are reservations around it's Grade 2 Listing. These reservations are in reference to the interior alterations which will make substantial changes to the character of the main building. Any furnishings, artifacts of note etc., that are removed, should be preserved".

Site Notice /Publicity and Neighbours:

14 Crampin Road Cleethorpes (x3)

Following removal of proposed gable generally support but seeks to maintain flat roof to ensure that privacy and outlook are maintained (facing windows would lead to an objection). Security needs to be maintained though gates and walls. Supports the reuse of the church as getting a lot of vandalism and anti social behaviour now. Needs reusing and no further hold ups should occur. Please approve.

Flat 8 Rosery Court 5 White House Lane (former resident of Cleethorpes) (x2)

Objects to conversion - better places to build flats. Should be used as a theatre as there are no other suitable venues available. This would be an ideal opportunity not to be missed.

## **APPRAISAL**

Main issues

1) Impact on heritage significance and flooding

Appraisal

1) Impact on heritage significance and flooding

A listed building application seeks assessment of the proposed development and its acceptability with respect to its impacts on the significance of the heritage asset involved. It is unusual therefore to consider flood risk within such an application but in this application proposals to mitigate, at least in part, the risks of flooding have raised a significant concern in the way the church would be converted. Other heritage issues remain, which will be assessed below but it is considered unreasonable to request the applicant undertakes further detailed design works if the flooding issue remains unacceptable. Flood issue concerns are dealt with within the planning application submitted with this consent but remain relevant to this listed building application assessment.

Worship at the church ceased operation, approximately 2 years ago and the church is now empty, despite this it remains in good order although it is increasingly suffering from some vandalism and anti-social behaviour. As a vacant listed building, the church is now at greater risk from general decay and vandalism and its re use is considered the best way to secure this asset for future generations.

As a grade II listed building policy 39 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018) - (NELLP) is key to assessing the acceptability of the proposal. Policy 39 notes proposals for development will be permitted where they would sustain the cultural distinctiveness and significance of North East Lincolnshire's historic urban, rural and coastal environment by protecting, preserving and, where appropriate, enhancing the character, appearance, significance and historic value of designated and non-designated

heritage assets and their settings. Policy 39 (2. F.) supports sympathetic uses, and the repair, maintenance and restoration of heritage assets. Similarly, the policy 39 (3.A.) notes development will be supported where it protects the significance of heritage assets, including their setting; through consideration of scale, design, materials, siting, mass, use and views.

Policy 39 also indicates (in accordance with the provisions of the NPPF) that where a proposal would harm the significance of that building an assessment of the magnitude of that impact will be made. The NPPF - paras 200 - 201 state '...harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification... and ... Substantial harm to or loss of: (a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;' 'Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- (a) the nature of the heritage asset prevents all reasonable uses of the site; and
- (b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- (c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- (d) the harm or loss is outweighed by the benefit of bringing the site back into use.

However, where a development would lead to less than substantial harm para. 202 of the NPPF requires that this harm is weighed against the public benefit of the proposal, where appropriate, securing it's optimum viable use.

In this instance, the application is for 6 dwellings which would, by its nature, include significant intervention and alteration to the church buildings to create suitable residential accommodation. This would harm the significance of the historic asset - whether substantial or not. Several national heritage bodies have raised objection to the conversion of the church on the grounds that the significance of the building is not primarily its exterior but its interior and the almost total loss of the interiors of both church and hall, which currently display a high degree of survival of original features and woodwork which is unusual, will cause adverse harm to the significance of the buildings. The vertical and horizontal subdivision of the external volumes of the buildings they consider will totally alter the character and experience of the buildings and in the church this change will be compounded by the almost total loss of all the surviving interior joinery. For such buildings, residential conversion is frequently the worst possible kind of reuse in terms of preserving significance and should only be considered after all less harmful options have been rigorously discounted.

The heritage officer, however, has not objected to the scheme in principle on the basis of no suitable alternative uses being available. Only limited data has been provided to show

that alternative uses could not be achieved within the church and hall. Clearly other religious groups and wider community uses would appear to be the most appropriate uses as these are likely to secure the overall use of the building with less intensive and intrusive interventions and would not require planning permission for a change of use. It is known that during a sales period (of an unknown period) that other housing developers showed interest along with one religious/ community group. It is not fully understood how the decision to sell the church to the current applicant was determined but it is not unusual for a charity to be required to sell an asset for the greatest return, nonetheless it does show some alternative interest to housing and if a greater sales period were to have occurred whether other interested groups would have come forward. No understanding of whether other grant funding was available or whether a charitable not for profit organisations are known of to assist the use of the building. Public ownership is unlikely to be possible. This therefore weighs against the proposal and is contrary to advice within the NPPF. Nevertheless, there are a number of high-quality community buildings which have been vacant for some time, including Welholme Art Gallery and the Art College on Eleanor Street which have had difficulty in finding suitable alternative uses. The site whilst well located for public transport and connections to Cleethorpes town centre is a site surrounded by compact residential areas with little or no site car parking and limited on street provision as can be seen within the current proposal, which makes the building less attractive to alternative uses which attract large numbers of visitors.

The physical alterations to convert the church to residential, however, are substantial with the internal subdivision removing the traditional volume of the church building in area and height as proposed would alter the building to such an extent that it would amount to 'significant harm'. This is due in part to the increases in floor levels required to try to meet flood risk concerns which requires removal of substantive historic elements (including original flooring and levels) of the building but also the change in the internal volume of the space and how the building is experienced. In addition, the insertion of roof lights to the main roof and elevations are unacceptable.

The need for general subdivision of the church and hall, the levelling of the floors in general, the relationship of floors to windows, the nature and position of services to be installed and structural changes to accommodate the mezzanine floors are such that the impacts could also unacceptably harm the asset in material terms, structurally, visually but also how it is experienced significantly eroding its quality. In principle, whilst such an approach may be possible, without a detailed scheme addressing these points the risks of substantial harm cannot be discounted. Given the substantive objection on flood risk grounds it is not deemed appropriate to require the applicant to continue to spend substantial sums on such work when the flooding issue is likely to remain unresolved as outlined above.

As such the NPPF requires that the approval of works leading to substantial harm to a grade II listed building should only be agreed in exceptional circumstances and where the public benefit of the proposal would outweigh the issues. In this instance the addition of just six additional dwellings, albeit in the urban area close to Cleethorpes town centre, but which are at significant risk from flooding would raise concerns over the test of overriding

public benefit. For the same reasons bringing the building back into use, and the external maintenance of the building whilst positive and would in general maintain the character of the area would not outweigh the significant harm of the internal works proposed without further detailing. Similarly, it is considered that the exploration of alternative uses has not been explored fully by the site owner. As such the case for exceptional public benefit has not been established.

The site is within a flood zone 3 area and as stated is at significant risk of flooding if a breach in the defence were during a storm event were to occur with predicted water levels at the site reach up to 1 - 1.6m in height. The applicant has sought to mitigate some of the flood risks through partially increasing floor levels in certain parts of the building or providing refuge areas to upper floors. Not all floors have been increased, however, to do so would harm the heritage significance of the listed building.

It is clear that, as it stands the development would fail to meet the NPPF (chapter 16)/ NELLP (policies 5 and 39).

## **CONCLUSION**

The proposed development would provide an opportunity to re-use this grade 2 listed church and create 6 additional dwellings. Despite the positive nature of a scheme which reuses the building, the works required to create the properties would have a detrimental impact on the significance of the building as a listed structure due to the measures required to try to mitigate flood risks but also the lack of detail as to how the structure would be converted. This amounts to severe harm to the listed structure.

In addition to this, it is not considered that alternative less vulnerable or harmful uses of the church have been fully explored which could be more appropriate in terms of heritage.

In overall terms despite the need to reuse this important building, the proposal would have a significant impact on the heritage of the grade 2 listed church contrary to policies 5, 22 and 39 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

## **RECOMMENDATION**

### **Refused**

(1) The limited detailed information submitted with the proposal on how the subdivision could technically occur in relation to historically significant features within the church and hall is such that significant harm to these features cannot be ruled out. In addition to this, the investigation into alternative uses (requiring less intrusive works to the listed building) has not been adequately established. As such the proposal represents severe harm to this grade II listed building contrary to policies: 5, 22 and 39 of the North East Lincolnshire Local Plan 2013 -2032 (adopted 2018) and the provisions of the National Planning Policy Framework (2021).

## **Informatives**

### **1 Informative**

The plans forming part of this refusal of permission include the following:

21 47 003 Existing plans and OS Map  
21 47 030 Existing Elevations 1  
21 47 031 Existing Elevations 2  
21 47 113 F Proposed Ground Floor Plans  
21 47 120 C Proposed Elevations  
21 47 121 C Proposed Elevations  
21 47 132 F Proposed First and Second Floor Plans  
21 47 150 B Site Plan

### **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, but ultimately was unable to reach agreement on principle matters of concern.

DM/0304/22/LBC – BEACONTHORPE METHODIST CHURCH, GRIMSBY ROAD, CLEETHORPES



DM/0304/22/LBC – BEACONTHORPE METHODIST CHURCH, GRIMSBY ROAD, CLEETHORPES



**PLANNING COMMITTEE - 26th April 2023**

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

**APPLICATION No: DM/1090/22/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: 36 Humberston Avenue, Humberston, North East  
Lincolnshire, DN36 4SP**

**PROPOSAL: Erect 8 detached dwellings with garages and private road to include  
widening existing access with associated works**

**APPLICANT:**

Mr John Collis  
Culzean House  
1A Jonathans Garth  
Tetney  
Grimsby  
North East Lincolnshire  
DN36 5GA

**AGENT:**

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

**DEPOSITED: 16th December 2022**

**ACCEPTED: 22nd December 2022**

**TARGET DATE: 16th February 2023**

**PUBLICITY EXPIRY: 5th May 2023**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 5th March 2023**

**CASE OFFICER: Richard Limmer**

**PROPOSAL**

The proposal is to erect 8 detached two storey dwellings (plots 2 and 7 with rooms in the roof) on land to the rear of nos.34 and 36 Humberston Avenue. Access would be from Humberston Avenue and shared with no.36 Humberston Avenue. The dwellings would benefit from either detached or integral garages.

This application has been brought to Planning Committee due to an objection from Humberston Village Council.

## **SITE**

The site is made up from part of the rear gardens of no.34 and no.36 Humberston Avenue. The site itself is relatively flat with a gentle slope down towards Humberston Avenue. There are TPO trees throughout the site. The proposed access is positioned between two TPO trees and has been set out so as to avoid further protected trees within the site. Both no.34 and no.36 are large detached dwellings typical of Humberston Avenue. To the rear of the site is the Persimmon Homes development. The site has been separated off from nos.34 and 36 by a 2m close board fence and the site cleared, save the trees.

## **RELEVANT PLANNING HISTORY**

DM/0881/16/OUT - Outline application for the erection of 5 dwellings - approved  
DM/0356/17/OUT - Outline application for the erection of 5 dwellings - approved  
DM/0258/18/FUL - erect 6 dwellings and associated infrastructure - approved  
DM/0052/22/FUL - variation of DM/0258/18/FUL to change house types and positions - 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  
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**

Trees Officer- no objections, recommend condition for the development to be carried out in accordance with the submitted Arboricultural Statement.

Environmental Health - development should proceed in accordance with the submitted Construction Management Plan.

Highways - no objections, recommend conditions for highway construction details

Heritage - no comments

Civic Society - object due to concerns over lack of infrastructure in Humberston

Humberston Village Council - Object due to the lack of infrastructure and services within the village to support further development

Neighbours

27A Parker Street - Comments on ecology and biodiversity

2 Pipit Grove, Ruddington - objects due to access arrangements, over intense form of development, design of the proposed dwellings and the impact on amenities to neighbours.

32 Humberston Avenue - objects due to access arrangements, the number of dwellings, impact on privacy, the development is an over development of the site.

36 Humberston Avenue - no objections

## **APPRAISAL**

Planning Considerations

- 1) Principle of Development
- 2) Impact on Neighbouring Land Uses
- 3) Impact on the Character of the Area
- 4) Highway Safety and Amenity
- 5) Trees
- 6) Drainage
- 7) Other Matters

- 1) Principle of Development

The site has an extensive planning history and with the most recent planning permission

DM/0258/18/FUL (plans varied under DM/0052/22/FUL) having been implemented and remains extant. This has been implemented by the digging of foundations on plot 6 (although not formally confirmed through a Certificate of Lawfulness). This permission was for 6 detached dwellings and shares the same access arrangements as the proposed development. The site is also located within the development area boundary for Humberston on the NELLP inset maps. As there is an extant planning permission for 6 dwellings on the site and that Policy 5 of the NELLP does not preclude residential development within the defined development area boundaries it is considered that the proposed development for 8 dwellings is, in principle, acceptable. The specific issues relating to the proposed development are discussed in the report below.

## 2) Impact on Neighbouring Land Uses

The site is located with neighbours to the north; nos.34 and 36 Humberston Avenue, to the east no.38 Humberston Avenue and nos.2, 4 and 6 Parklands Avenue. To the south is public open space associated with the Millennium Farm Development. To the west is no.32 Humberston Avenue.

Plot 1 of the proposed development is located in the north east corner of the site adjacent to no.36 Humberston Avenue, the rear garden of no.38 Humberston Avenue and no.2 Parklands Avenue. The position, design and scale of plot 1, whilst visible to all of these neighbours, would not cause any undue harm to the residential amenities of these neighbours. It is also noted that these neighbours have not objected to the development.

Plot 2 backs on to the eastern edge of the site and no.2 Parklands Avenue. It is separated from the rear elevation of no.2 by approximately 24m with approximately 13m to the boundary. This is a normal arrangement in built up areas and such separation allows for good a good level of amenity for both the neighbour and proposed dwelling. The rooms in the roof of plot are served by rear facing roof lights, these would not unduly affect the amenities of the neighbours.

Plot 3 is positioned so be side on to the neighbours nos.4 and 6 Parklands Avenue, it would have a first floor bathroom window and on the ground floor a door and 2 windows. The physical presence of the building would be readily visible to the neighbours but separated from their rear elevation by approximately 14m. Again, such arrangements are usual in built up areas and allows for a reasonable level of amenities for the neighbours and the proposed dwelling.

Plots 4 and 5 back on the public open space for the Millennium Farm development and so do not present and impacts to neighbours amenities.

Plot 6 backs on to the same area of public open space but presents a side elevation to the rear garden space of no.32 Humberston Avenue. The rear garden of no.32 is very large and the side elevation of plot 6 has a first-floor bathroom window and on the ground floor a door and 2 windows. It would therefore be visible to the neighbour but would not cause undue impacts on their amenity through loss of privacy or dominance.

Plots 7 and 8 back on to the rear garden of no.32 Humberston Avenue but are approximately 12m off the boundary and the neighbour has a detached outbuilding along part of the boundary. The position and design of the dwellings mean that whilst they will be visible to the neighbour they would not unduly affect their amenities in terms of loss of privacy or dominance. Plot 8 presents a side elevation to no.34 Humberston Avenue, it is a blank side elevation with no openings. This would be visible to the neighbours but would not unduly affect their amenities in regard to privacy or dominance.

It is therefore considered that the proposed development would not unduly affect the residential amenities of the neighbouring properties in accordance with Policy 5 of the NELLP.

### 3) Impact on the Character of the Area

The proposed development is for 8 dwellings which equates to an additional 2 dwellings from the previous approval. The site layout affords each dwelling with a good sized garden, parking and a garage, in this sense it is therefore considered that the development is not overly dense and would not harm the character of the area. The design of the dwellings are pleasant and akin to other developments in the Humberston Avenue area. It is therefore considered that the proposed development would not harm the visual character of the area in accordance with Policy 5 and 22 of the NELLP.

### 4) Highway Safety and Amenity

The proposed development would utilise the same access point as the previous approval, it would be a 5.5m wide private road which would allow cars to pass each other without the need for passing places. The Highways Team have reviewed the proposal and have confirmed that the proposed development would not have an undue impact on highway safety or amenity in accordance with Policy 5 of the NELLP. It is recommended that a condition is included to require a bin collection point to be provided prior to any dwelling being first occupied.

### 5) Trees

The site benefits from having trees that are afforded protection from a Tree Preservation Order. The site layout has been devised through discussions with the Tree Officer and informed by a Tree Survey and constraints plan. Trees are proposed to be removed to allow for development but the highest quality trees are retained and the Tree Officer is content with the approach proposed. It is recommended by the Tree Officer that the development is carried out in accordance with the Arboricultural Method Statement supplied which includes a detailed Tree Protection Plan and no dig method to protect tree roots. It is therefore considered that the proposed development is acceptable and in accordance with Policy 42 of the NELLP.

## 6) Drainage and Flood Risk

The site is located in flood zone 1 on both the Environment Agency Maps and the SFRA and is not identified as at risk from surface water flooding. The application has been submitted with a detailed drainage plan that demonstrates that the development would not increase the risk of flooding either on or off of the site. The scheme includes porous paving with a final connection to the existing surface water drain in Humberston Avenue restricted down to 1 litre per second by an orifice plate. The Drainage Officer has confirmed that this is acceptable and should be secured by a condition. The scheme therefore accords with Policy 33 of the NELLP.

## 7) Other Matters

It is noted that comments have been received in regard to Ecology. The Ecology Officer has confirmed that due to the nature and state of the site and also the planning history on the site a full Ecology Survey is not required. However, since the last application there have been sightings of bats in the area and so a Bat Survey is required prior to development commencing and then a mitigation strategy should bats be found in the area. This can tie into a more general site wide Biodiversity Improvement and Management Plan. Both of these matters can be secured by condition.

## **CONCLUSION**

In conclusion, it is considered that the proposed development would not harm the character of the area or appearance of the area, neighbouring properties residential amenity and is acceptable in regard to highway safety and drainage. The proposal would assist in the delivery of housing and support the local economy. It is therefore considered to be in accordance with Policies 5, 22, 33, 34 and 42 of the NELLP 2018. The application is therefore recommended for approval subject to a number of safeguarding conditions.

## **RECOMMENDATION**

### **Approved with Conditions**

#### (1) Condition

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

#### Reason

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

(2) Condition

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

RD5247-01 Site location plan  
RD5247-02 Existing block plan  
RD5247-04C Proposed block plan  
RD5247-05A Plot 1 plans  
RD5247-06B Plot 2 plans  
RD5247-07A Plot 3 plans  
RD5247-08A Plot 4 plans  
RD5247-09A Plot 5 plans  
RD5247-10A Plot 6 plans  
RD5247-11A Plot 7 plans  
RD5247-12A Plot 8 plans  
RD5247-13 Garage plans

Reason

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

(3) Condition

Development shall not begin until details of the materials for the exterior walls and roof have been submitted to and approved in writing by the Local Planning Authority. The development shall then be built out in accordance with the approved details.

Reason

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

(4) Condition

The development shall be built out in accordance with the Construction Management Plan submitted on 23rd January 2023 unless otherwise agreed in writing by the Local Planning Authority.

Reason

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

(5) Condition

Development shall not begin until management arrangements for any carriageways, footways or landscaped areas not to be adopted by the Local Authority have been submitted to and approved in writing by the Local Planning Authority. The carriageways, footways and landscaping areas shall be managed in accordance with the approved

details thereafter.

**Reason**

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

**(6) Condition**

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

**Reason**

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

**(7) Condition**

Unless otherwise approved in writing, the development shall be built out in accordance with the surface water drainage scheme detailed on plans ref:

1115-2305 Drainage Calculations  
1115-2305-CIV-01-P1 Proposed levels  
1115-2305-CIV-10-P1 Drainage layout  
1115-2305-CIV-30-P1 Construction work details  
1115-2305-CIV-50-P1 Drainage construction details  
1115-2305-CIV-51-P1 Drainage construction details

**Reason**

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

**(8) Condition**

The development shall be built out in accordance with the Arboricultural Method Statement submitted 9th February 2023. The Tree Protection measures detailed within the Arboricultural Method Statement shall be fully installed prior to development commencing and remain in place until the development is complete.

**Reason**

In the interests of tree management and protection in accordance with Policy 42 of the

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

(9) Condition

The scheme of landscaping and tree planting shown on plan ref: TP\_R1\_260123 Rev 1 shall be completed within a period of 12 months, beginning with the date on which development began or within such longer period as may be first agreed in writing by the Local Planning Authority. All planting shall be adequately maintained for 5 years, beginning with the date of completion of the scheme and during that period all losses shall be replaced during the next planting season.

Reason

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

(10) Condition

Prior to development commencing a Bat Survey and Biodiversity Improvement and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Biodiversity Improvement and Management Plan shall then be fully implemented within 12 months of the first dwelling being occupied and thereafter managed in accordance with the approved plan.

Reason

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

(11) Condition

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

## **Informatives**

### **1 Informative**

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

### **2 Informative**

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

### **3 Informative:**

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

### **4 Reason for Approval**

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

### **5 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.

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DM/1090/22/FUL – 36 HUMBERSTON AVENUE, HUMBERSTON



**PLANNING COMMITTEE - 26th April 2023**

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

**APPLICATION No: DM/0236/23/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: 124 Humberston Avenue, Humberston, North East  
Lincolnshire, DN36 4SU**

**PROPOSAL: Variation of Condition 2 (Approved Plans) pursuant to  
DM/0591/22/FUL (Alterations to floor plans and elevations on the dwelling)**

**APPLICANT:**

Mr John Williams  
124 Humberston Avenue  
Humberston  
North East Lincolnshire  
DN36 4SU

**AGENT:**

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

**DEPOSITED: 13th March 2023**

**ACCEPTED: 14th March 2023**

**TARGET DATE: 9th May 2023**

**PUBLICITY EXPIRY: 23rd April 2023**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 16th April 2023**

**CASE OFFICER: Richard Limmer**

**PROPOSAL**

The proposal is to vary the approved plans for the dwelling approved under DM/0591/22/FUL. The proposed changes relate to the rear single storey element and changing its shape and openings.

DM/0591/22/FUL was to demolish the existing bungalow 124 Humberston Avenue and its detached garage and outbuilding. Then erect a new detached house, detached garage and detached garage/office/garden store building. The proposed dwelling would be two storeys with rooms in the roof space.

The application has been brought to Planning Committee due to an objection from Humberston Village Council.

## **SITE**

The site is no.124 Humberston Avenue which is a detached bungalow with a detached garage building and an additional detached store in the rear garden. It is a large plot measuring approximately 85m by 26m. The site has various landscaping to the boundaries. To the north is Humberston Avenue, to the east is no.124A Humberston Avenue which is a detached bungalow with a rear dormer window, it has a detached outbuilding built along the boundary. To the south east is a detached house no.126 Humberston Avenue and to the south is no.122a Humberston Avenue. To the west of the site is no.122 Humberston Avenue which is a detached house but separated by the access to no.122a Humberston Avenue.

## **RELEVANT PLANNING HISTORY**

DM/0591/22/FUL - Demolition of existing bungalow, detached garage and outbuilding. Erection of a new detached house, detached garage and detached garage/office/garden store - approved

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

### National Planning Policy Framework (2021)

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

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

PO5 - Development boundaries  
PO22 - Good design in new developments  
PO33 - Flood risk  
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**

Drainage Officer- no objections

Highways Officer- no objections

Environmental Health - no objections

ESP Utilities - no objections

Trees Officer- no objections, conditions for tree protection

Heritage Officer - no comments

Humberston Village Council - maintain their objection due to the size, scale and position of the proposed dwelling.

Neighbours

No neighbours have commented on the proposal.

## **APPRAISAL**

### 1) Principle of Development

The site is located within the Development Area Boundary for Humberston on the NELLP Inset Maps. Policy 5 of the NELLP does not preclude replacement dwellings or associated outbuildings. Indeed, such developments are common in this area with several examples on Humberston Avenue. Furthermore, this proposal is a variation of the previous planning permission DM/0591/22/FUL which remains extant. It is therefore considered that the proposed development is acceptable in principle and it falls to the consideration of the site specific impacts of the proposed development.

### 2) Impact on Neighbours

The proposal seeks to amend the shape and openings of the single storey element of the dwelling on the rear elevation. There is an increase in glazing to the southern and eastern elevations. In regard to the impact these changes would have to the neighbours' amenities it is considered that they would not cause any additional impacts. This is due to the position of the changes and separation from the neighbours. The proposal therefore accords with Policy 5 of the NELLP.

### 3) Impact on the Character of the Area

The proposed changes are to the rear of the dwelling and would not be visible to the street scene. The overall design theme of the development would not be changed as a result of the proposal and so it is considered that the development remains in accordance with Policy 5 of the NELLP.

#### 4) Other Matters

The conditions attached to DM/0591/22/FUL are still relevant and so should be carried through on to this application.

### **CONCLUSION**

In conclusion, it is considered that the proposed amendments would not cause any additional harm to the neighbouring properties residential amenities, highway amenity, drainage, trees or the character of the area. Conditions from DM/0591/22/FUL should be carried through to this permission. The proposal accords with Policies 5, 22, 33, 34 and 41 it is therefore recommended for approval.

### **RECOMMENDATION**

#### **Approved with Conditions**

(1) Condition

The development hereby permitted shall begin by the 3rd March 2026.

Reason

To comply with S.91 of the Town and Country Planning Act 1990 and to accord with planning permission DM/0591/22/FUL.

(2) Condition

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

RD5015-01A Existing site plan  
RD5015-02N Proposed site plan  
RD5015-03K Proposed house plans  
RD5015-04E Proposed store building  
RD5015-05 Site location plan  
RD5015-06 Existing plans and elevations  
RD5015-07G Proposed garage

Reason

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

(3) Condition

The development shall be carried out in accordance with the external materials detailed on the approved plans and planning application form 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 Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

#### (4) Condition

Prior to development commencing a Construction and Demolition Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken 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 demolition and 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).

#### (5) 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).

#### (6) Condition

No construction works shall commence until final details for the provision of surface water drainage 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 with all drainage installed prior to occupation.

#### 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).

(7) Condition

The hereby approved garage and store buildings shall be used only as ancillary buildings to the main dwelling and for no other purpose.

Reason

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

(8) Condition

Before any development begins, a detailed scheme for the protection of trees/hedges to be retained as part of the landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before development begins and shall be retained during all demolition and construction works.

Reason

To prevent damage to trees/hedges during works in accordance with Policy 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(9) Condition

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

Reason

In the interests of landscaping and character and to accord with Policy 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(10) Condition

The balcony on the main dwelling and the first floor staircase to serve the outbuilding shall not be brought into use until the privacy screens are installed in accordance with the approved details. They shall be retained to the same specification throughout the lifetime of the development.

Reason

In the interests of privacy for neighbours in accordance with Policy 5 of the North East

Lincolnshire Local Plan 2013-2032 (adopted 2018).

(11) Condition

The hedge along the eastern boundary of the site shall be retained and maintained at a minimum height of 2m and 0.5m width. Should any part of the hedge die or be damaged then it shall be replaced in accordance with a planting scheme first agreed in writing with the Local Planning Authority.

Reason

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

## **Informatives**

1 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).

2 Reason for Approval

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

3 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.

4 Informative

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions)

Prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

## 5 Informative

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

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