

**Planning Committee Dated: 27th March 2024**

**Summary List of Detailed Plans and Applications**

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	<b>Recommendation: Refused</b>
<b>Item:</b>	<b>1</b>
<b>Application No:</b>	DM/1052/23/FUL
<b>Application Type:</b>	Full Application
<b>Application Site:</b>	Agricultural Land South View Humberston North East Lincolnshire
<b>Proposal:</b>	Erect 10 detached dwelling houses with their associated garages, driveways and access (amended layout and house designs)
<b>Applicant:</b>	Dave Hughes
<b>Case Officer:</b>	Jonathan Cadd

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	<b>Recommendation: Approved Conditions and signing of S106</b>
<b>Item:</b>	<b>2</b>
<b>Application No:</b>	DM/0250/22/FUL
<b>Application Type:</b>	Full Application
<b>Application Site:</b>	Land At Station Road Stallingborough North East Lincolnshire
<b>Proposal:</b>	Erect 20 dwellings with access road and associated works (Amended layout, house types and drainage)
<b>Applicant:</b>	Station Road Stallingborough Ltd
<b>Case Officer:</b>	Jonathan Cadd

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**Recommendation: Conditions Complied With**

**Item:** 3

**Application No:** DM/0099/24/CND

**Application Type:** Discharge Condition

**Application Site:** Ash Holt Waithe Lane Brigsley North East Lincolnshire

**Proposal:** Details in discharge of condition 6 (Construction Traffic Management Plan) pursuant to DM/0447/23/FUL

**Applicant:** Mrs Lara Edwards

**Case Officer:** Bethany Loring

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**Recommendation: Approved with Conditions**

**Item:** 4

**Application No:** DM/0117/24/FULA

**Application Type:** Accredited Agent - HSE holder application

**Application Site:** 7 Pamela Road Immingham North East Lincolnshire DN40 1EG

**Proposal:** Retrospective application for the erection of 1.8m high fence

**Applicant:** Mr Terry Carter

**Case Officer:** Becca Soulsby

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**PLANNING COMMITTEE - 27th March 2024**

**ITEM: 1**                      **RECOMMENDATION: Refused**

**APPLICATION No: DM/1052/23/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: Agricultural Land, South View, Humberston, North East Lincolnshire, DN36 4XA**

**PROPOSAL: Erect 10 detached dwelling houses with their associated garages, driveways and access (amended layout and house designs)**

**APPLICANT:**  
Dave Hughes  
WHT Partnership Ltd  
35 Louth Road  
Grimsby  
DN33 2HP

**AGENT:**  
Simon Coyne  
CDC Architecture Limited  
35 Louth Road  
Scarcho  
Grimsby  
DN33 2HP

**DEPOSITED: 26th October 2023**

**ACCEPTED: 9th November 2023**

**TARGET DATE: 8th February 2024**

**PUBLICITY EXPIRY: 11th February 2024**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 3rd December 2023**

**CASE OFFICER: Jonathan Cadd**

**PROPOSAL**

This is a full application for 10 self-build detached properties with a private gated access and estate road, parking and landscaped areas.

This housing development is a mixture of designs but can be summarised as 6 x two storey dwellings (with additional rooms in the roof space) with attached /detached garages and 4 x two storey dwellings but in the form of partial dormer designs with some accommodation placed within the roof space of each dwelling. In addition to this, three outdoor swimming pools are proposed.

This application is presented to the planning committee at the request of Ward

Councillors Shreeve and Harness.

## **SITE**

The site is located on land adjacent to South View in Humberston. It is approximately 0.97 hectares in area and comprises open grass land. The site is currently vacant and was originally used as a paddock for horses. There are landscaped boundaries to the site particularly to the north and south western boundaries. A public footpath runs adjacent to the east, south east and south from Sheraton Drive to Fieldhouse Road.

Residential properties also surround the site including those on Church Avenue (to the west), South View (to the north) and Sheraton Drive and Rowan Drive (to the south).

To the east and contiguous with the site is a further grassed field which is divided from the application site by a shallow ditch. This irregular shaped site is open grass land but has permission for 5 houses to be built upon it (see relevant planning history section below). Also to the east/ north east are two dormer bungalow properties (Walworth and Comme Court) accessed from Fieldhouse Road. The main existing area of development on Fieldhouse Road is beyond the adjoining field and includes the public house known as The Coach House and a parade of shops with flats above.

The site is allocated within the NELLP for residential development HOU082 under policy 13. The site is also located within Flood Zone 1 area which is the least vulnerable flood risk zone (Flood Map for Planning).

## **RELEVANT PLANNING HISTORY**

DM/0487/20/OUT Outline planning application to erect 14 dwellings with access to be considered. Refused Jan 2021.

(Originally recommended for approval subject to s106 for contributions towards education (primary and secondary), affordable housing and an on and off site ecological mitigation area.) Reason for refusal - The proposed development would result in an adverse impact on the highway accessing the site to the detriment of highway safety and amenity in conflict with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

DM/0492/19/OUT Outline application to erect 18 dwellings and re-routing of a public right of way with all matters reserved. Withdrawn.

Adjoining land

DM/0493/22/OUT Outline application with access to be considered to erect 5 detached dwelling houses with associated works. Approved April 2023.

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

### National Planning Policy Framework (2023)

NPPF16 - Conserv. & enhance the historic environ.  
NPPF16 - Conserv. & enhance the historic environ.  
NPPF5 - Delivering a sufficient supply of homes  
NPPF8 - Promoting healthy and safe communities  
NPPF9 - Promoting sustainable transport  
NPPF11 - Making effective use of land  
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)

PO39 - Conserve and enhance historic environ  
PO39 - Conserve and enhance historic environ  
PO15 - Housing mix  
PO5 - Development boundaries  
PO6 - Infrastructure  
PO13 - Housing allocations  
PO17 - Housing density  
PO18 - Affordable housing  
PO20 - Self-build and custom build homes  
PO22 - Good design in new developments  
PO32 - Energy and low carbon living  
PO33 - Flood risk  
PO34 - Water management  
PO38 - Parking  
PO40 - Developing green infrastructure network  
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**

Humberston Village Council (HVC): (in summary) The development of the site is not needed with two other larger sites in area providing the houses required. HVC seek

preservation of these small pockets of green space within the village as valuable amenity sites for residents. Supports residents view that the scheme is an over intensification of a green space, is out of character for this area of the village and the access/ egress to the site is completely unsuitable for residential traffic. Recommend that the application be refused. Additional comment that additional highway issues are caused by a new development at Whitehall Cottages where parking is not sufficient leading to additional parking in wider area and in particular at South View. This further strengthened their objection to the scheme.

Highways: Initially indicated that for a development of 10 houses it should have an access road that could be adopted. A shared surface would be acceptable if necessary, however. Following discussions, it was accepted that a private road could be accepted for these 10 dwellings but on the clear understanding that it would never be accepted for adoption at any point in the future. It is also considered that the scheme in general would not have a severe impact on the adopted highway network. Full construction details and a s278 highways agreement would be required for works to the highway. Request highway design and construction condition and construction traffic management condition. Advice notes are offered too.

Humberside Fire & Rescue: (in summary) Provide general advice to ensure suitable access for fire appliances and water supplies.

Humberside Police: (in summary) There are no particular issues with the development itself other than gated communities can generate access issues in an emergency. No particular issues with crime in the area. Secured By Design advice states: 8.11 'Where a segregated footpath is unavoidable, for example where there is a public right of way, an ancient field path or heritage route, designers should consider making the footpath a focus of the development and ensure that they are: as straight as possible, wide, well lit (see paragraphs 8.20 to 8.22) devoid of potential hiding places, overlooked by surrounding buildings and activities well maintained so as to enable natural surveillance along the path and its borders'. In this instance, it would end up being a winding path, with poor surveillance and potentially unlit, so would either potentially be avoided by women and vulnerable, particularly at night or may generate some degree of uneasiness for those using it.

Anglian Water: (in summary) there is sufficient capacity within the foul water network and treatment stations to accommodate the development. Surface water: the proposed development does not seek access to drain water into their network from this site.

Drainage: Use of permeable pavement and sub base for storage of surface water would be acceptable as would 2l/s discharge rate. Request surface water drainage design condition. Land drainage consent is required to drain into ditch.

Heritage Officer: (in summary) previously considered worthy of further investigation due to the potential for medieval remains. Evaluation of an adjoining site, (which had a higher potential to contain finds of value) recorded no archaeology. Therefore no further

archaeological input is required.

Rights of Way: Initially objected as two properties on the eastern boundary would enclose public footpath 54. The footpath is currently in the process of being diverted and this proposal would place it between two 2m high fences creating safety and anti-social behaviour issues. Following consultation the applicant has created a 3m wide grass footpath, a reasonable width to create more of a green corridor and be less threatening, and more pleasant. This would meet minimum requirements and the objection has been removed.

Environmental Protection: Request conditions: hours of construction, construction management, unexpected contamination and electric vehicle charging.

Trees & Woodlands: Root and tree protection measures are required for trees T3 and T4. Tree planting whilst not imaginative is acceptable although details of species and root stock is required. Loss of part of the hedge to South View would fragment the hedge and it would cease to function as a screening element.

Ecology: Requests further survey work for bats around the Ash trees and hedge. Seeks establishment of dark corridors to boundaries of site (requests lighting plan condition). Requests advice notes within any permission relating to standing advice relating to birds, bats and hedgehogs. Recommends conditions for Ecological Construction Method Plan and an Ecological Enhancement Management Plan.

Grimsby and Cleethorpes Civic Society: Objection - The amenities of Humberston are not sufficient to cater for the development. Area should be used for community recreation not houses. Already too many houses on the site. However, accepts that the site is not in a flood plain.

Health & Safety: Does not lie within a consultation distance of any major hazard site or major accident pipeline.

Cadent Gas: Informative advice on their assets provided.

Site Notice/ Neighbours:

Objections: (in summary) 2 (x2), 3 (x3), 5, 11 (x2), 13 (x3), 14, 15 (x3) South View, 26 & 30 (x2) Sheraton Drive, 14, & 16 North Sea Lane - Humberston

- Agricultural land - keep it as such.
- Valuable wildlife and recreation haven used by locals - should be developed with trees and used for recreation. Adjoining gardens have badgers visiting so set must be within this area. Foxes, birds and bats too.
- Out of character - rural site in the middle of a village. Already lost part of site. Humberston is already over developed, proposal would lead to a further loss of its village character.

- No need for further housing as there is sufficient land within NE Lincolnshire to meet housing need.
- If approved it will lead to further applications and therefore more houses.
- Adverse impact on highway safety and amenity due to narrow road, parking on highway and junction to North Sea Lane. Large houses have lots of cars. Poor paths to South View. Many parked cars. As a gated community, service vehicles will have to wait at gate to be let in causing nuisance and congestion. Matters will be worse during construction with heavy vehicles using the area. 5 properties directly affected by traffic but another 10 indirectly affected.
- Previously refused in 2020/ 21 nothing has changed (over 100 objections to that application).
- Flooding will occur to adjoining houses which are lower due to more building and the loss of site is a natural defence - always water sitting on surface.
- Sewage system at capacity with Anglian Water having issues with drains surcharging. Question if dyke will be maintained if not then it would affect adjoining properties immediately.
- Question will hedgerow and ecological area be maintained.
- Construction will take a long time with noise and nuisance for residents even worse if all plots are left half finished.
- A lot of supportive comments are from people who live away from area and have no idea of traffic issues.

Support: (in summary) 10 (x4) South View, 40 Fieldhouse Road 38 (x2) North Sea Lane, 1(x3), 3, 4(x3) The Laurels, 8(x2) Eastfield, 2 Cherry Lane, 304 Grimsby Road, 66 Coniston Crescent - Humberston  
 13 (x6) Normanby Road, 26 Fillingham Crescent, 29 Ash Ridge Drive, 6 Burnham Reach  
 - Cleethorpes  
 10 Devonshire Avenue, 11(x2) St Andrews Drive , 9 Darwin Court, Cambridge Park, 9 Woods Way, 172 (x2) Columbia Road, 2 Bayons Avenue, 98 Worlaby Road - Grimsby  
 The White House, 9 Woods Way, Ivy House, Tetney Lock Road - Tetney  
 46 Picksley Crescent, 64 (x3) St Mary's Lane - Louth

- Allocated in the NE Lincolnshire Local Plan for housing.
- Self build houses (not for profit) are specifically supported by policies.
- Needs something doing with the site, it is not a public area and is a mess.
- The area currently experiences anti-social behaviour and is little used by most people. Proposal will improve security as a closed gated community.
- An assessment submitted by a security consultant (ex police) supports the use of gated design as opposed to a scheme which faces the footpath and road as a design such as that only increases the risks for crime due to open frontages of houses.
- Pre planning public participation in design process occurred with 29 neighbours but only 4 responses received.
- Low density with positive designs for only unique 10 houses with large gardens, not the 18 the Council proposed.
- Designs would protect amenity - no over looking.
- Not a wildlife haven and proposal seeks to retain and enhance features of importance

and additional features such as bat and bird boxes.

- Other open spaces (Country Park and beach) within walking distance or a short drive.
- Highway assessed by professionals as safe. Development would not link to Fieldhouse Road so less traffic and would give way at South View. Of 15 houses on South View only 4 properties actually passed.
- Needs to be timely built.
- No drainage issues (not flood risk area).
- Only a small proportion of properties to South View actually object to scheme.
- Council will receive more Council Tax.
- Would create jobs.
- Private road reduces costs to Council.

## **APPRAISAL**

The material considerations are:

- (1) Principle of Development
- (2) Design and Character
- (3) Highways, Traffic Impact and Accessibility Issues
- (4) Drainage and Flood Risk
- (5) Impact to Neighbouring Properties
- (6) Landscaping and Ecology
- (7) Archaeology
- (8) Other Matters

### **1. Principle of Development**

The proposed development is for the erection of 10 dwellings with associated infrastructure on land off South View. The site is located within the development boundary of Humberston, (North East Lincolnshire Local Plan 2013-2032 - policy 3) a level 2 Local Service Centre where 30 - 35% of new homes required are planned to be accommodated (policy 4 of the NELLP). The site is allocated (NELLP policy 13) for housing with a site reference number HOU 082. This application is for approximately 2/3 of the allocated site with policy 13 indicating a capacity for 17 dwellings across the whole allocation. This is not a maximum/minimum number but an indicative figure. It is noted that the 1/3 of the site, to the east of the current application already has permission for 5 houses (Ref. No, DM/0493/22/OUT).

Para 123 of the NPPF (2023) outlines decision makers should promote the effective use of land in meeting the need for homes and other uses. Policy 17 of the NELLP notes that housing density will be considered on a site-by-site basis but that sites should be developed efficiently having regard to the generic density ranges set out that reflect existing variations in settlements. For Humberston this range falls within 15 - 40 houses per ha. The current proposal is for approximately 10 dwelling per ha. Equally, if the adjoining site where to be developed out for 5 houses as approved this would be just two houses below the indicative capacity (17) as noted above under policy 13 of the NELLP. As such the density of the development would accord with the character of the area.

The principle of residential development on this site is therefore in accordance with policy 13 of the NELLP and section 5 of the National Planning Policy Framework (NPPF) 2023. However, other detailed matters specific to the proposed development will need to be judged against the relevant policies in the NELLP and are discussed below.

## 2. Design and Character

Policy 5 and 22 of the NELLP require an assessment on the impact to the character of the area and visual amenity with Policy 22 setting out the requirements for 'good design'. The NPPF (2023) states that a high standard of design should always be secured with a good level of amenity for existing and future occupiers of land and buildings.

The application site is constrained by its surroundings, features of natural importance, a ditch, and a footpath but it also fronts onto South View a residential street of modest bungalow and dormer bungalow designs. Presently the site is undeveloped and provides a semi-natural open area close to dwellings. Nonetheless, it is not designated within the NELLP as public open space and is privately owned land. Residential areas surround the site and the 2.5m high hedging to the site frontage at South View is such that the character of the area remains one of a suburban area albeit with a natural element. As such subject to good design and layout the impact of developing this site does not have to detract from the character of this residential area. Most properties within the remaining surrounding area either side onto or back onto the site, albeit public footpaths do adjoin the site, but the residential properties remain in clear view on all sides maintaining the suburban character. The loss of any open views is not a material consideration as no one has a right to a view.

The proposed development seeks to place ten large, detached dwellings upon this site with access to and from South View. The layout proposed seeks to present a cul-de-sac development which is not unusual within a suburban area. What is perhaps more unusual is the layout which presents an inward facing development turning its back onto South View and its surroundings. This would detract from the character of South View as the rear of properties do not have the same quality of design as the fronts and are also likely to be subject of domestic extensions, conservatories, outbuildings and other paraphernalia along with high fences, all of which would present an unattractive and dead appearance to this residential street. This would differ greatly to the current residential character of South View which addresses the street in a positive manner with house frontages and gardens adjoining the street and is a character that has been maintained for many years. It is accepted that a 10m wide natural landscaped frontage (potential ecology area) would be formed to South View with the ash tree, hedge and open ditch being retained as part of this. Similarly, the low-density nature of the proposal is noted with rear gardens of between 14 - 17m in length. Whilst this would soften some of the design concerns outlined above it would still not disguise the fact that the rear face of the development would front onto the public street, which would be particularly obvious over and through the hedge and around the main access where the backs of houses would be more obvious. The access gate with bin day collection area would further undermine the current natural end appearance of South View at this point.

In a similar way, the layout fails to take the opportunity to address the recently diverted footpath No.54 which adjoins the site to the east and southeast. The side and rear gardens of the houses would adjoin the footpath with high closed boarded fencing forming a solid boundary. The opportunity therefore to provide an actively overlooked footpath has been missed and instead creates an area which is hemmed in by high fences which, even if they meet the minimum standard for a footpath, would still reduce its attraction to walkers and potentially safety compared to what it could have been.

The scale of existing properties to South View is one of modest dormer bungalows some 6 - 7m to height at ridge in narrow plots that face the road creating both active and attractive frontages. The layout and scale of this area is also reasonably uniform creating an attractive street scene. The development, however, disregards the existing environment, not only turning its back to the street but also proposes large, detached dwellings some 9m in height with significant frontage and plot widths. Such dwellings when considered alongside the modest bungalows of South View would appear dominating and out of keeping detracting from the pleasant character of this area. Plots 7 to 10 would appear less dominating at 7 - 7.8 m to ridge with accommodation partially within the roof areas but nonetheless these still would appear significant and in combination with other house designs proposed would appear out of keeping with the area.

As such the overall design and layout of the proposal, despite its low density, would appear out of character with the area, detracting from the appearance and character of South View in a dominant and overbearing manner whilst turning its back to the street and indeed public footpath no. 54 reducing its attractiveness for users. This is considered to be contrary to policies 5 and 22 of the North East Lincolnshire Local Plan and section 12 of the National Planning Policy Framework 2023.

### 3. Highways, Traffic Impact and Accessibility Issues

It is noted that a key aspect of the concerns raised by the Village Council and the neighbouring properties is the traffic generation, the access into the site and the subsequent impact on highway safety and amenity. Policy 5 of the NELLP requires consideration of traffic generation, highway safety and amenity in all development proposals. Access is a consideration of this application.

The proposed vehicular access point is to South View, and the Council's highway officers are content that the addition of 10, albeit large, new dwellings would not cause a significant adverse impact on the adopted highway network. South View is 5 metres in width with 2m wide pavements either side (towards North Sea Lane) and a turning head facility at its end. This enables refuse lorries and existing residents to undertake the relevant manoeuvres. Although only 5m in width the South View carriageway would still allow two vehicles to pass each other (a car and lorry or anything smaller). It is correct to state that vehicles do park on the street, but all properties at this point have off street parking facilities reducing the need for on street parking. Any vehicles parked on the highway could also have the effect of slowing passing vehicles increasing safety to the

road.

The proposed development would be served by a gated private drive with a width of 5.5 metres and its own turning head. As refuse vehicles should not access private driveways the applicant has helpfully provided a bin pick up area to the site frontage where residents can leave their bins on pick up days. Given this and that development will be limited to 10 dwellings, the highway's team have not objected to this arrangement and do not require the road to be adopted.

Where the driveway meets the highway access adequate sight lines are available and an additional paved area would be formed for the safety of pedestrians. This is deemed acceptable. Within the site a shared surface would be formed. The lack of a pavement is such that it would automatically alert drivers to the potential of children playing and people walking within the street slowing vehicle speeds. This is only deemed acceptable due to the low number of dwellings proposed.

There would be adequate parking provision for each property with most having significant garaging as well as outdoor parking.

On this basis, subject to conditions, the Council's highways team raise no objection. Therefore, the highway proposals have been demonstrated to fully comply with the NPPF (2023) and are consistent with the policies set out in the North East Lincolnshire Local Plan subject to conditions.

Footpath 54. to the south east of the site is a concern as houses and gardens with high boundary fences would back onto it creating a narrow, unlit and screened footpath. Through negotiations the applicant was requested to turn housing around not just to front South View but also the footpath which would allow active frontages and surveillance to take place. This would present a safer footpath and be more attractive to use. The applicant declined to do this indicating low usage of the footpath and an increase in potential crime for future occupiers of the new estate. Instead, the footpath has been increased to three metres in width which is an acceptable standard and has been agreed with the Rights of Way Officer. Despite this, the footpath would still be a relatively narrow footpath, and would zigzag around the site boundary so that clear views would not always be possible and would still be adjoined by high fences. This would therefore not be perceived as particularly attractive to pedestrians as the revisions suggested. Whilst meeting minimum standards it represents a missed opportunity for the site and the footpath network. A similar response has been received from the Architectural Design Officer at Humberside Police.

#### 4. Drainage and Flood Risk

It is noted that comments have been received from neighbours with concerns regarding drainage, flooding, and sewerage. The site, however, is not within a high-risk flood zone as identified on the Environment Agency maps nor in the Council's Strategic Flood Risk Assessment. It is therefore at the lowest risk of flooding and is suitable for housing.

At the time of one of the site visits some surface water was apparent upon a small part of the site and larger areas of the adjoining field, however, as with any residential development, an acceptable sustainable surface drainage system is required to be outlined. This would have an opportunity to improve surface water drainage from the site. The high-level design submitted indicates drainage from the site would be principally directed to the ditch to the northern frontage of the site which would be cleared out. Flow rates would be restricted through the use of porous construction designs for the private main driveway which would assist to attenuate flows during heavy rain only releasing water into the ditch at a rate of 2l/s. Such an approach along with the extensive gardens areas and porous parking areas is considered, subject to the submission of a detailed drainage scheme, to be acceptable. The Council's drainage team have also accepted the scheme subject to conditions to agree a detailed design and justification. Similarly, it is noted that Anglian Water do not object to foul water flows into its system. The proposal is therefore deemed acceptable and subject to conditions would be in accordance with policies 33 and 34 of the North East Lincolnshire Local Plan and provisions in the NPPF (2023).

#### 5. Impact on Neighbouring Properties

Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) requires an assessment on the impact on neighbouring land properties and users. It is noted that comments have been received from the Village Council and residents with concerns including privacy issues.

The designs of the dwellings proposed are substantial in size and scale and whilst in most instances would be positioned in substantial gardens limiting impacts in certain locations, they would have a detrimental impact on the amenities of adjoining occupiers. Plot 7 of the scheme is located to the west of Walworth and is positioned close a run of outbuildings adjoining the application site. This includes an outbuilding with a dormer window directly facing the application site. The new house would be 2.5m from this outbuilding (garage with office above) dominating the outlook from this building. No one has a right to a view but the scale of the proposed dwelling and its proximity to this habitable room is such that it would dominate it detracting from its amenity.

To a lesser extent a similar situation occurs with plot 1 and 3 South View to the north. Although the dwelling would be 12m from the side elevation of the existing dormer bungalow, the 9.2m high dwelling would dominate the outlook from several rooms. In stating this, it is noted that the impact would in part be mitigated by the existing hedge on site that is to be retained around the ditch. The nature and height of the hedge to be retained is not noted and it is likely that this would be maintained to a reasonable level limiting screening qualities.

Privacy was originally a concern in a number of instances but amendments in the designs (which could be secured by condition) are such that these have been overcome.

The proposal would be detrimental to the amenities of existing neighbours contrary to policy 5 of the North East Lincolnshire Local Plan.

## 6. Landscaping and Ecology

It is noted that comments have been received from residents with concerns regarding ecology and the loss of habitats and open recreational space. Policy 41 of the NELLP and section 15 of the NPPF 2023 require special regard to be had to ecology, protected species, and wider biodiversity.

The Council's ecology manager has not objected to the application but notes the differences in survey results between those submitted in 2020 and by the applicant in 2023. Much focus has been placed on the northern hedgerow to South View which incorporates an Ash tree. Given the abundance of invertebrates on site, the tree has moderate potential to support bat roosts with the frontage hedge providing a suitable habitat for foraging and commuting. Although the 2023 survey did not reach the same conclusions, further bat surveys are recommended between May and August if any management of this area is proposed. In this instance, the tree and hedge would be retained along with an 8.8m wide native scrub belt to the south. This would limit the impact on this area but nevertheless it is recommended that a precautionary approach is taken, requiring the surveys to be carried out. In addition, lighting within the development could impact on the use of these boundaries by bats and conditions for a lighting plan and survey to create dark corridors areas are recommended by the ecology manager. It is also recommended by the officer that an ecological enhancement and management plan are also conditioned to ensure that the native scrub belt, trees, and hedge are managed in a manner that would support bats and other wildlife. Similarly, conditions are recommended to ensure that the 2023 Ecology Report's requirements with respect to birds and hedgehogs are undertaken. Subject to this it is considered that the proposal would accord with policy 41 of the North East Lincolnshire Local Plan.

The landscaping scheme submitted is deemed acceptable although tree protection measures and detailed planting designs are also recommended by the trees and woodlands officer. Subject to conditions on these, the proposal would accord with policy 42 of the North East Lincolnshire Local Plan.

## 7. Archaeology

Concerns were raised within the 2020 application that the development of this site could have impacts on archaeology within the ground. Since that time the adjoining area, which was deemed of likely greater potential value has been investigated with no archaeology identified. The Council's Heritage Officer has therefore confirmed that no additional input is required. As such this would then accord with policy 39 of the North East Lincolnshire Local Plan.

## 8. Other Matters

Comments have been raised regarding ownership and covenants of the site. It should be noted that this is not a planning matter and a matter that would be addressed through other legal processes. Similarly, any increase in Council tax revenue from development is not a material planning factor.

This development would not require education contributions as there is capacity in both primary and secondary schools. This has been confirmed by the education officer. Similarly, although it is usual to request affordable housing for major developments, in this instance a scheme is one of 10 self-build units and thus does not justify provision under para 66 (c) of the NPPF. Thus, there is no conflict with policies 6 and 18 of the North East Lincolnshire Local Plan.

## **CONCLUSION**

The development of this site is anticipated through the NELLP with an allocation for housing. The provision of 10 additional dwellings would assist in a minor but sustainable manner to meet housing need within NE Lincolnshire. Similarly, the level of housing proposed on the site would in combination with the adjoining site be of a density just below that suggested by the residential allocation within the NELLP. Similarly, despite concerns of residents the highway access junction and the level of traffic generated would not detract from the capacity nor safety of the highway network. Similarly, subject to conditions adequate drainage can be provided and ecology and tree concerns addressed.

Despite this, however, the design of the development is poor and fails to take the opportunities to enhance and embrace its surroundings in a positive manner both to South View but also to the east and south by creating a development which turns it back on the public street and public footpath. This detracts from the pleasant character of South View but also the attractiveness and safety of the footpath to users. Despite the density of the development the scale of properties and the proposed layout would appear out of character with the more modest suburban environment surrounding the site and would detract from residential amenities of existing occupiers of the area and site. Given the importance of these matters and despite the principle policy backing for housing on this site it is considered that the development should be recommend for refusal.

## **RECOMMENDATION**

### **Refused**

(1) The design, layout and scale of development proposed would detract from the character and appearance of this pleasant residential area and fail to take the opportunities to enhance this area and the use of the redirected public footpath. In addition to this, the proposal would detract from the amenities of existing neighbours and occupiers. The development is therefore contrary to policies: 5 and 22 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

## **Informatives**

### **1 Informative**

This decision is based on the following plans:

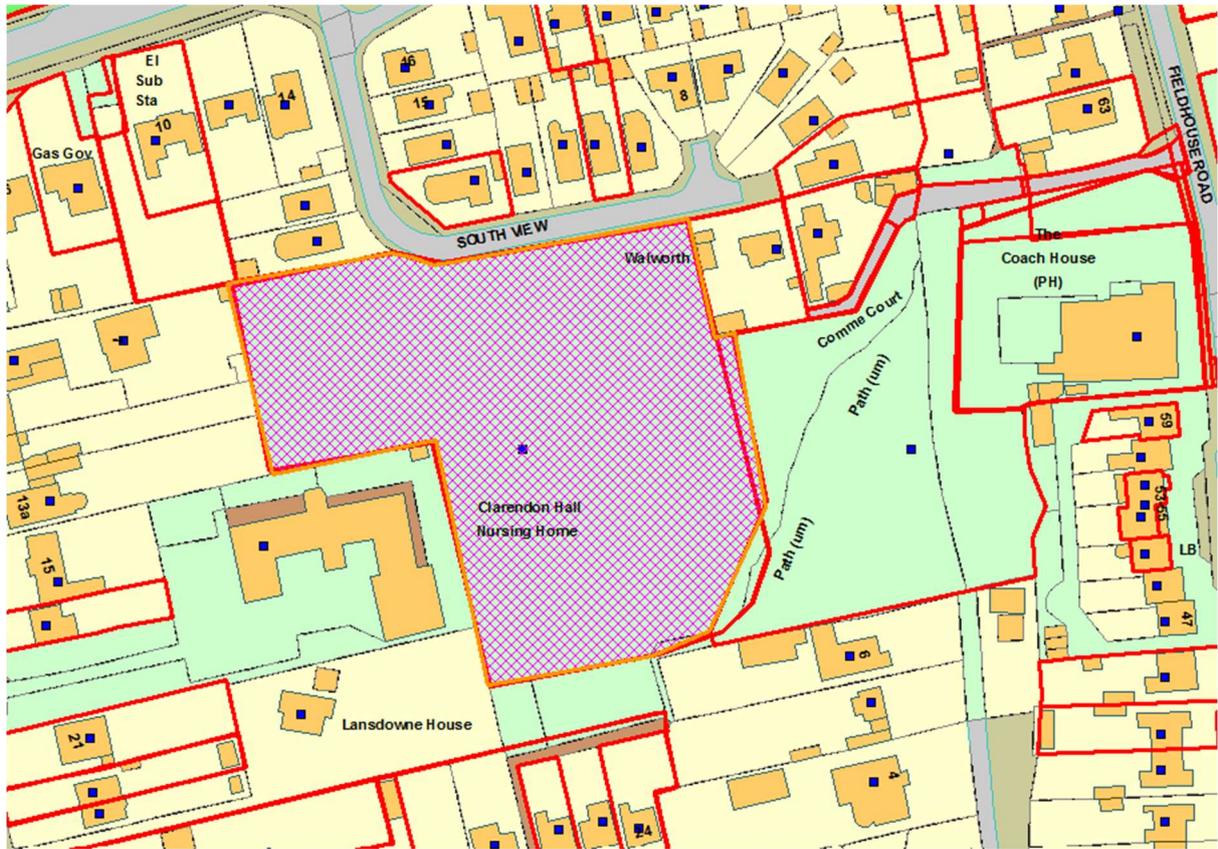
Site Location Plan - 23-516-100  
Proposed Site Plan - 23-516-101 REV D  
Plot 1 - 23-516-201 REV A  
Plot 2 - 23-516-202 REV B  
Plot 3 - 23-516-203 REV C  
Plot 4 - 23-516-204 REV A  
Plot 5 - 23-516-205  
Plot 6 - 23-516-206 REV B  
Plot 7 - 23-516-207 REV B  
Plot 8 - 23-516-208 REV A  
Plot 9 - 23-516-209 REV B  
Plot 10 - 23-516-210 REV A  
Topographical Survey - 4265/10/001 A 1 of 2  
Topographical Survey - 4265/10/002 A 2 of 2  
South View Visibility Splay - LTP/5289/P1/01  
South View Refuse - LTP/5289/T1/01.01 1 of 2  
South View Refuse - LTP/5289/T1/01.02 2 of 2

### **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, however, these could not be overcome in this instance.

AGRICULTURE LAND, SOUTH VIEW, HUMBERSTON, DN36 4XA



# AGRICULTURE LAND, SOUTH VIEW, HUMBERSTON, DN36 4XA



**PLANNING COMMITTEE - 27th March 2024**

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

**APPLICATION No: DM/0250/22/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: Land At Station Road, Stallingborough, North East Lincolnshire,**

**PROPOSAL: Erect 20 dwellings with access road and associated works (Amended layout, house types and drainage)**

**APPLICANT:**  
Station Road Stallingborough Ltd  
Land East Of Station Road  
Stallingborough  
Grimsby

**AGENT:**  
Mr Matthew Riley  
Studio Six Architecture Ltd  
31-38 C4Di At The Dock  
Queen Street  
Kingston Upon Hull  
HU1 1UU

**DEPOSITED: 21st March 2022**

**ACCEPTED: 28th March 2022**

**TARGET DATE: 27th June 2022**

**PUBLICITY EXPIRY: 12th January 2024**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 25th April 2022**

**CASE OFFICER: Jonathan Cadd**

**PROPOSAL**

This full application seeks permission for a residential development of twenty houses with an associated access, adopted estate road and parking areas accessed from Station Road.

The development is for a mix of houses and dormer type bungalows with a range of semi-detached and terraced designs proposed. The layout takes account of the constrained linear nature of the site and has a rough 'S' shape arrangement with houses to the north or south of the road but never both. Parking is generally on plot, but with a small number of visitor spaces on site close to Station Road. The applicant seeks to support the proposal with a full affordable housing offer but also an education contribution for primary

and secondary children.

The application is referred to Planning Committee due to the objections of the Parish Council and due to the number of objections received.

## **SITE**

The site is located centrally within the village of Stallingborough on the south eastern side of Station Road directly south of the railway station and the dwelling at 78 Station Road (the former station building).

The site itself is the former station yard and is a long, roughly rectangular plot of land some 190m in length (west to east) with a width of 35 metres (north to south). It has direct access to Station Road from an existing extended highway boundary (which appears as a small lay-by) which also serves 78 and 76 Station Road and a small electrical substation.

The site is relatively flat with a slight slope from approximately 6.4 metres AOD at the point of access to 5.5 metres AOD at the rear of the site. It is clear that large parts of the site had been hard surfaced or compacted at some stage but now appears overgrown with a heavy concentration of overgrown brambles, thorns and small trees to the north west corner of the site. The rest of the site comprises of mainly overgrown grasses, with sporadically located trees throughout. The site is bounded to the south by a mixture of wooden fences and mature hedgerows along with some interspersed mature trees. The northern boundary comprises of temporary Heras style fencing to the rail line but with a substantial part bounding the station platform wall. The western boundary, which faces Station Road, is mainly close boarded fenced where it surrounds the majority of the curtilage to 78 Station Road. The remaining area is demarcated with post and rail wooden fencing and a wooden gate to access the site from Station Road. The south eastern boundary comprises of an unbroken hedgerow.

Residential properties adjoin the site to the south and west fronting Ayscough Avenue and Station Road. The properties to the south mainly back on to the application site and generally (but not all) have extensive gardens adjoining it. The houses to Station Road generally side on to the application site but nevertheless have garden or yard areas adjoining the development proposed. To the north is Stallingborough railway station and rail line which partially adjoins and runs parallel to the northern site boundary. Immediately west of the site and adjoining the access is 78 Station Road the former station building. This has its main windows facing south but with a yard/ garden area, garage and weigh building to the south east of the dwelling. A level crossing is present immediately to the north west of the proposal site.

The surrounding residential properties and railway line are on roughly the same level as the proposal site, however, the adjacent station platform to the north is located above ground level and users of this platform overlook the development site.

Stallingborough is a small linear village centred around Station Road with minor roads connecting to it. The services within the village include small shops, a beauty salon, a church, a public house and a primary school. The village also has easy access to the A180, a major transport road which links the major development areas of Grimsby to the south-east and the M180 motorway to the west. The station also has a two hourly service to Grimsby and Barton.

The site is allocated for housing within the North East Lincolnshire Local Plan 2013 -2032 (Adopted 2018) (NELLP) and is within Environment Agency Flood Zone 1.

## **RELEVANT PLANNING HISTORY**

DM/0943/21/FUL Erect 20 dwellings with access road and associated works. Withdrawn - for further consideration of drainage issues.

DM/0258/20/REM Reserved matters application following DM/0782/16/OUT (Outline application to erect 4 detached bungalows with attached garages, 2 pairs of semidetached bungalows with attached garages, 2 pairs of link semi-detached houses, two with garages and 2 detached houses with access, layout and scale to be considered) to erect 14 dwelling with associated works to consider appearance and landscape (Amended Plans). Approved 2021

DM/0782/16/OUT Outline application to erect 4 detached bungalows with attached garages, 2 pairs of semi-detached bungalows with attached garages, 2 pairs of link semi-detached houses, two with garages and 2 detached houses with access, layout and scale to be considered. Approved with s106 legal agreement 6th April 2017.

DM/1208/14/OUT - Outline application for 25 dwellings with all matters reserved except access. Approved subject to Section 106 legal agreement and other conditions.

DC/44/03/IMM - Detailed application for the erection of 13 dwellings. Refused - reasons include: design and layout considerations, contamination and flood risk issues. (27th March 2003).

DC/776/03/IMM - Detailed application for the erection of 23 dwellings. Approved with conditions (18th September 2003) - Permission now lapsed.

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

### National Planning Policy Framework (2023)

- NPPF5 - Delivering a sufficient supply of homes
- 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.

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

PO2 - The housing requirement  
PO3 - Settlement hierarchy  
PO5 - Development boundaries  
PO6 - Infrastructure  
PO13 - Housing allocations  
PO15 - Housing mix  
PO18 - Affordable housing  
PO22 - Good design in new developments  
PO33 - Flood risk  
PO36 - Promoting sustainable transport  
PO38 - Parking  
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**

Stallingborough Parish Council: Objects. Whilst acknowledging the site is suitable for housing, the number of homes would result in a significant increase in traffic accessing/leaving the site close to the level crossing. This would be detrimental to the safe use of the crossing. There are also a lot of pedestrians and vehicles using the crossing at this point who would also be impacted upon by the development. When barriers are down there is a backlog of traffic causing further safety issues. If the numbers of houses were reduced, then this would reduce conflicting movements and be more manageable.

Heritage Officer: This site lies within in an area of archaeological potential, within the settlement core of Stallingborough. It is likely that the site will have suffered some disturbance due to previous development and that the previous settlement will not have extended the entire length of the site. Given this, it is recommended that any ground works should be subject to archaeological monitoring on plots 1-6 and the access road that will service these proposed properties. Conditions recommended.

Anglian Water: The waste water network and treatment centre has capacity for the waste

water generated. Surface water should be dealt with via sustainable means.

Drainage Officer: Originally raised concerns over proposals for surface water drainage. Following significant alterations to the designs an agreement to drain the site into the existing Station Road sewer has been agreed at a maximum of 2l/s subject to a condition that development shall only commence once either it has been shown that the Network Rail culvert under the rail line is free from blockages or that works to repair the culvert has taken place. Further sustainable measures for the surface water drainage have been required to reduce the use of large oversized pipes but this can be achieved through conditions.

NE Lindsey Drainage Board: Outlines drainage scheme includes pumped discharge of 5l/s and requires the LLFA to approve such a scheme plus attenuation pond. Concerned over the enforcement of the medium and long term maintenance of the scheme if a management company. As the only way to enforce this is through planning this is an important concern. Existing drainage routes through the site should be maintained during construction and methods to transfer water across the site should be outlined. Rising land levels must be taken into account. Consideration must also be given to the route of downstream flows - are there any maintenance issues downstream which need to be safeguarded for the life of the site. NB this relates to an earlier drainage scheme which has not been progressed due to the issues raised.

Highways: The applicants have worked with the Highway Authority to provide a layout and design that is suitable for adoption purposes. Note is taken of the concerns from local residents. In terms of the tree in proximity to the access, it should be noted the tree falls outside of the required visibility splay site lines and therefore does not need to be considered further. Despite the proximity of the level crossing to the access, the site benefits from an extant planning permission and the increase of an additional 6 dwellings to this is not considered to severely impact on safety and access. Any residents looking to leave site when the crossing is in use would queue back into the development site, therefore not impacting on Station Road. It is noted that there are existing access points in close proximity to the proposed development however there is suitable visibility to allow for all road users to see other road users.

The Highway Authority will require conditions for a Construction Traffic Management Plan, full Highway Construction Details, Completion of the access road to be completed prior to the commencement of the penultimate dwelling and informatives for Section 38 and Section 278.

Rights of Way Officer: does not directly affect the Public Rights of Way network.

Network Rail: No objection but requires conditions relating to:

- Safety level crossing packs to be sent to new houses,
- That all signage/ light and barriers relating to the level crossing remain unobstructed by the proposal,

- Methodology for working close to rail lines,
- Lighting details,
- Vehicle incursion barriers,
- Landscaping and;
- Noise Mitigation for housing.

In addition, informatives are recommended.

Environmental Protection: Conditions required including: Contamination assessment and remediation, construction management plan, hours of construction and electric vehicle charging points. The submission of an additional noise and vibration assessment is deemed acceptable subject to conditions for the implementation of its requirements.

Trees and Woodlands Officer: There are no trees on or adjoining the site covered by TPO's. The areas of public open space and trees planted are noted and there are no objections to this, however, the site scheme requires better detailing and siting to ensure it would be successful. This includes species types, size at planting and dimensions to kerbs lines.

Education: Requests both primary and secondary education contributions.

Affordable housing: Affordable housing is required. High value area but previously used land so 15% of houses to be designated affordable.

HSE: do not advice against.

National Grid (Gas): No assets affected by the scheme.

National Grid Electricity Transmission: No assets affected by the scheme.

Cadent Gas: High pressure gas pipelines in area would not be affected.

Humberside Fire & Rescue: Provides advice as to the construction of the road and fire hydrants - these can be added as advice notes.

Publicity/ Site Notice and Neighbours:

Objections from: 63A (x2), 65, 74, 76, 78 (x3) Station Road 1 (x2), 7 (x3) Ayscough Avenue and in summary comments are:

Highways and parking

- Access to the road is dangerous - very busy with school (pedestrian and vehicular traffic) and industrial estate traffic passing. The area close to the level crossing it is subject to a lot of queues and congestion, and this will make it worse. Already a number of collisions have occurred.

- Further turns and manoeuvres by cars from the site (20 households) will reduce safety further.
- Visibility splays not sufficient (partially due to large tree at entrance).
- Yellow hatched box at entrance to no. 78's driveway would be compromised as would parking areas used for substation and Network Rail maintenance vehicles.
- Car parking on site limited and spaces are too small for modern SUVs.

#### Drainage

- Drainage concerns due to surface water flooding.
- Potential differences in drainage proposals and site plans along with anomalies over the site area (m2) to be drained.
- Areas shown as swales rain gardens on one plan is shown as a bin storage area on another.
- Future maintenance of such drainage features not outlined.
- Ground levels compared to existing, in parts, seems particularly high, half a metre in parts. Surface water run off concerns increase as land already floods with ground water which will enter adjoining gardens, outbuildings of properties at Ayscough Avenue.

#### Amenity

- Overlooking due to two storey dwellings and higher ground levels.
- Noise from rail line will be significant for new occupiers as would vibration which could affect long term stability of houses.

#### Trees and landscaping

- Concerns remain over future protection of Willow trees and others in adjoining gardens close to the site boundary - Also if cut back they should be appropriately trimmed on all sides for tree health and aesthetic reasons. Root protection would prevent access to site.
- Loss of large number of trees on site.
- Tree within the rear garden of 1 Ayscough Avenue should be felled for safety.
- Tree at 1 Ayscough Avenue should not be felled to maintain ground conditions for adjoining properties.
- Conifer trees will need to be removed but are owned by 76 Station Road and their loss is not acceptable.

#### Other issues

- Ambiguity over boundary treatment proposed and/or maintained.
- Physical and visual (setting) damage to historic weighbridge within the garden of 78 Station Road.
- Proximity of development to garden pond - safety.
- Contamination
- Sinkage of property due to adjoining tree. It should remain and not removed as further issues will occur.
- Noise from rail line will be significant for new occupiers as would vibration which could affect long term stability of houses.
- Facilities in village not sufficient to accommodate new development

## **APPRAISAL**

### Main issues

- 1) Principle of development
- 2) Design and character
- 3) Residential amenity
- 4) Landscaping
- 5) Layout and drainage
- 6) Highways
- 7) Other Issues

### Appraisal

- 1) Principle of development

The NELLP outlines within policies 3 and 4 that Stallingborough is a rural settlement with a lower provision of services but good accessibility to higher level settlements and as such is suitable for smaller scale future development principally limited to infill sites or sites within the defined settlement boundary. As such a 20-house development located centrally within Stallingborough would meet this criterion. The principle of developing this site has also been established by outline planning permission DM/0782/16/OUT and reserved matters approval DM/0258/20/REM albeit for 14 houses.

In addition to this, the site has been allocated for residential development within the NELLP, policy 13 (allocation ref. HOU294) which has an indicative site capacity of 25 houses. The current application for twenty houses therefore accords in principle policies; 3, 4 and 13. The detail of the development and the impact on the surrounding areas, however, will be assessed below.

- 2) Design and character

The overall layout of the site is constrained by the access point and width of the site, positioned as it is between the railway station/rail line and the existing adjoining houses to the south. Nevertheless, the design seeks to create an attractive 'S' shaped layout around the station to create interest, reduce traffic speeds and indeed impacts on and from the surrounding area as far as possible. Properties would face the highway which, for the most part, would be adopted, with housing designs seeking to turn the corners to create attractive visual stop points within the street scene.

The development would be a mix of semi-detached and terrace designs with housing and dormer type bungalows proposed with a traditional Lincolnshire estate type design ethos proposed including prominent roof gables, window designs and chimneys. These would be finished in a brick/ rendered appearance with clay pantile roofs. Such designs would not be out of character or scale with the village. Properties would also have on plot parking but with areas of landscaping/ hedging created in between to create an attractive

street scene. As such the proposal is deemed to accord with policies: 5 and 22 of the NELLP.

### 3) Residential amenity

As noted above the design and layout is constrained by the dimensions of the site and surrounding development. The erection of two storey properties on site would create a level of overlooking and dominance to the adjoining properties at Station Road and Ayscough Avenue but applicant's design places these units (particularly plots 1 - 6) at a point where intervening distances would be sufficient to ensure a reasonable level of privacy and outlook would be maintained at these adjoining properties. Where such distances cannot be met, further into the site (plots 7 - 12), the applicant has revised the design to include a dormer bungalow type design with a ridge height of only 6.1m and high-level roof lights to the rear to prevent overlooking. Such an arrangement is deemed to reduce impacts in terms of dominance and overlooking to acceptable levels. Similarly, to the southern eastern end of the site, the increase in house heights and number of first floor windows would increase on a gradual scale again to limit impacts on adjoining land accordingly.

The former station building (now 78 Station Road) backs onto the site and would adjoin plot 1 of the development, a two-storey dwelling. The majority of the main windows and outlook to no. 78 is to the south and south west. The dwelling proposed at plot 1 would have no habitable windows overlooking no. 78 (a bathroom window would be obscure glazed). It would also an acceptable distance to the south east of the closest part of that dwelling. Given this distance, the positioning the main windows, of no. 78, to the south and south west it is not considered that a dwelling at plot 1 would appear over bearing nor would it unacceptable reduce light and sunlight to the adjoining house. It is noted that in 2016 a studio outbuilding was approved within the garden of no. 78 (DM/0824/16/FUL) but again whilst the studio would be directly west of plot 1 it would be sufficient distance away to ensure that acceptable levels of light and sunlight would still be received. In a similar manner the garden at no. 78 is located to the south and east of the host dwelling with outbuildings/ sheds closest to the site boundary. As such there would be no adverse impact on light when considering the whole day.

The positioning of the access road, adjoining side and rear gardens of properties to Station Road and Ayscough Avenue is noted and whilst not ideal, cannot be placed elsewhere and is similar to all previous approvals on site. The boundary to this area is noted as a variety of existing hedges and fences. A planning condition is recommended which would require a scheme of 2m high close boarded fencing to neighbouring properties be submitted to and approved in writing by the Local Planning Authority and retained as such thereafter. This would form an acceptable barrier to most traffic and movement. It is noted that the Environmental Protection team has not objected to the scheme on nuisance grounds.

Future occupiers would be subject to noise from the rail line and to a lesser extent the station. The applicant has provided a noise assessment (for the similar but denser 2016

residential approval) for houses on site which is still deemed as satisfactory for the current development. There will need, however, to be further reports to identify specific measures for each plot but nonetheless the report submitted is sufficient to show that subject to mitigation a reasonable level of amenity is possible.

Site clearance and construction can be an issue for residential amenity. Whilst accepting this, conditions are recommended limiting hours of construction and requiring a construction management plan to be agreed which will assist to limit noise and nuisance as far as possible. This will also be required to consider construction traffic movements as will be noted below. Subject to conditions therefore the development would accord with policy 5 of the NELLP.

#### 4) Landscaping

The site is currently vacant and overgrown with self-set multi stemmed trees, brambles whilst other areas are cleared or occupied with earth banking. Much of this would be removed but in its place the landscaping proposed seeks to work within limits of this constrained site with small areas detailed for landscaping and street trees. The overall approach has been accepted by the Trees and Woodlands officer, but detailed specifications have not been provided but this can be dealt with by condition.

In addition to this, the development would impact on a number of adjoining trees, particularly at the entrance to the site and within 1 and 7 Ascough Avenue. None of these trees are formally protected and the owner of no. 1 wishes her tree to be removed whilst no. 7 wishes hers to be retained. It is reasonable to require the tree at no. 1 to be removed and the applicant has agreed this, however, this would be a private matter outside of the planning system. It is possible that the other two trees can be retained subject to tree protection measures and construction details to protect them from works on site. A condition for such detail is therefore recommended.

Landscaping is not just soft landscaping but also hard features too. The development seeks to add visual interest through the use of block sets to the parking areas to contrast with the main access road, with small garden areas / hedging and estate fencing breaking up the frontages. Brick walls on key frontages would also add to a quality appearance proposed for the street scene. The rear of properties would include 1.8m high fencing with gates between properties to maintain security.

#### 5) Drainage and flood risk

The site falls within flood zone 1 and as such is suitable for residential development in principle. The site is also allocated so no sequential assessment is required in any event.

Foul flows would drain into the Anglian Water drainage network at Station Road, and this has been confirmed to have sufficient capacity to accommodate the development as would the associated sewerage treatment plant.

Surface water drainage at the site has, however, been a key issue for the applicant and this development site. Firstly, an NELC surface water drain is located within Station Road and runs under the rail line at the level crossing in a culvert. The design capacity of this drain would be sufficient to accommodate flows from the development. Surveys have been undertaken, however, and these indicate that some repair works to this NELC drain are required as some flooding has occurred downstream from the site. These repairs are within the control of the NELC and will be actioned and as such the drainage team support a scheme subject to limiting flows to 2 litres per second. The applicant has agreed this. The culvert under the rail line is also thought to be in need of repair and any increase in flows could lead to further damage. Network Rail own this culvert and have indicated that a survey of this culvert has been completed in late January. NELC's drainage team has received a brief summary of the results of this survey which indicate the condition of the culvert does not warrant further action at this time. Given the situation with the works required for the NELC drains a condition is recommended so that no works on the site can commence until the repairs to the NELC drain have taken place. In this way the development can only proceed once a satisfactory surface water drainage situation has been confirmed.

To limit flows to the required 2 litres per second, the applicant has sought to deal with surface water drainage through the creation of on-site sustainable methods such as grassed rain gardens, French drains and soak aways but also porous parking areas and private drives. These would be linked to a system of oversized pipes and hydro brake which together would reduce flows into the main but also provide suitable storage capacity within the on-site system in the event of high rain fall. The drainage team have sought various amendments but now accept the site design provided, taking account of the site constraints accords with policies 5, 33 and 34 of the NELLP.

Water quality is also considered, and measures are proposed to assist to filter surface water from the highway removing contaminants before entering the mains system. This would also be the case for rain gardens and other swale type arrangements proposed.

It is noted that the houses to the south at Ascough Avenue have concerns over drainage and the high-water table, but the designs put forward would seek to assist in directing water to a positive system. Equally, a condition is recommended to ensure finished floor and site heights are controlled.

## 6) Highways

The site access to Station Road is located in the only place it can be and has been accepted twice before for greater and lesser levels of housing. The road junction would be located close to the level crossing and existing domestic access points for 76 and 78 Station Road (also the substation access), but it would allow acceptable visibility splays for traffic travelling at 30 mph (2.4m x 40m), even with the level crossing and the tree outside of no. 76. It is also noted that the access would be 5.5m in width which would allow vehicles to pass each other including larger service vehicles. This would assist to limit the amount of time vehicles would be stationary within Station Road waiting to turn

into the site. In addition to this, other than the small area of private shared surface to the eastern end of the site, the estate would have a 2m wide pavement to one side aiding pedestrian access to the estate and indeed wider services in Stallingborough.

Each dwelling would have two parking spaces on plot which for the size of dwelling is deemed acceptable, with three visitor spaces towards the entrance of the site. This is deemed acceptable. In addition, a 5.5m wide road is sufficient to allow some on street parking whilst allowing vehicles to pass. This together with sustainable walking distances to the village school, shop and public house and the public transport facilities (the railway station has a 2 hourly service to and from Cleethorpes and Barton) and the half hourly bus service to Immingham (bus stop 1km from the site) Monday to Saturday and hours on a Sunday, would be sufficient to sustain future residents.

## 7) Other Issues

It is noted that the site is contaminated as a result of its former use. Intrusive ground investigations have been undertaken on site and this concludes that subject to some remediation it is possible to reuse the site. Further investigations are required as to the exact nature of the remediation required but the information submitted is sufficient for the Environmental Protection Team to support the redevelopment subject to conditions requiring further specific information.

The applicant has also sought to accord with policy 6 through agreeing primary school and secondary school contributions. In addition to this, 15% of housing would be affordable. Although located within a high value area, the site is previously developed and contaminated and policy 16 allows a lesser rate to be agreed. Finally, the site is within 260m of the local playground and 60m of a natural amenity area such that no further contribution is required for amenity space and the scheme would accord with policy 43 of the NELLP.

## **CONCLUSION**

This development of 20 houses would be located on an allocated residential site in the Local Plan within the centre of a sustainable village and has an extant planning permission for housing. Although constrained by surrounding development and the railway line, the proposal would provide a reasonable selection of housing designs that would maintain the character of the village but also the amenities of both existing neighbours and those of future occupiers. Access, whilst close to the railway level crossing has not generated any objection either from Network Rail nor the highway authority and the layout proposed would provide suitable access, manoeuvrability and parking.

Similarly, subject to conditions concerns over drainage, noise and nuisance, heritage and contaminated land can be overcome and subject to a s106 agreement contributions in terms of affordable housing and education can be provided. As such the proposal would

accord with policies: 4, 5, 6, 22, 33, 34, 38, 39 and 41 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018) and it is recommended that the application be deferred back to the Assistant Director of Regeneration to allow the production and signing of s106 planning legal agreement.

## **RECOMMENDATION**

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

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

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

#### **Reason**

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

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

No development shall commence on site until confirmation from NELC that repairs to surface water sewers to has been completed is confirmed and prior to any work commencing on site a sustainable surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall be based on the draft surface water drainage scheme shown on drawing nos. STALL101/103-1 rev i & STALL101/103-2 rev i and Drainage Impact Assessment DIA-STALL101 rev 07, in particular surface water flows from the development into the Station Road shall not exceed 2 litres/ second. No dwelling hereby approved shall be first occupied until the approved drainage system has been completed and is available for use and a scheme of maintenance for the private elements of the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

#### **Reason**

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

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

Development shall not begin until details of the geometry, drainage, construction, cross sections, services and lighting of the proposed access road, including the connection/ junction with Station Road have been approved by the Local Planning Authority. No dwelling shall be occupied until the access road has been constructed to at least base

course level and adequately lit from the connection with Station Road up to the access to the dwelling. Prior to any construction of plots 18 - 20 the highway, private access and all parking and manoeuvring areas hereby approved have been completed (including drainage and lighting) in accordance with the approved plans and made available for use unless otherwise agreed in writing by the Local Planning Authority.

#### Reason

To ensure the that roads and access ways are made up as soon as possible and in the interests of public safety, rail safety and amenity and in accordance with policies: 5, 22 and 36 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

#### (4) Condition

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 5 to 7 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 8 has been complied with in relation to that contamination.

#### Reason

To ensure contamination is dealt with in an acceptable manner to maintain the safety of future workers and occupiers and to enhance the quality and standard of environment and ecology in accordance with policy 5 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

#### (5) Condition

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,

archaeological sites and ancient monuments;  
(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

#### Reason

To ensure contamination is dealt with in an acceptable manner to maintain the safety of future workers and occupiers and to enhance the quality and standard of environment and ecology in accordance with policy 5 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

#### (6) Condition

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### Reason

To ensure contamination is dealt with in an acceptable manner to maintain the safety of future workers and occupiers and to enhance the quality and standard of environment and ecology in accordance with policy 5 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

#### (7) Condition

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, and prior to the first occupation of any dwelling, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

#### Reason

To ensure contamination is dealt with in an acceptable manner to maintain the safety of future workers and occupiers and to enhance the quality and standard of environment and ecology in accordance with policy 5 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

(8) Condition

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 5, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 6, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 7.

Reason

To ensure contamination is dealt with in an acceptable manner to maintain the safety of future workers and occupiers and to enhance the quality and standard of environment and ecology in accordance with policy 5 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

(9) Condition

Prior to the construction of the development above damp course level a noise/vibration mitigation scheme from the adjacent railway, based on the documents hereby approved but specific to the development being constructed shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved scheme and maintained as such thereafter.

Reason

To protect the amenities of future occupiers from rail noise and in accordance with policies 5 and 22 of the North East Lincolnshire Local Plan 2013 -2032 (adopted 2018).

(10) Condition

Prior to any development commencing on the site details of all finished floor levels and finished levels within the gardens of each plot shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be built out in accordance with the approved details.

Reason

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

(11) Condition

Notwithstanding the plans approved under this permission, no development above damp course level of any dwelling hereby approved shall commence until details of site

boundary fencing/ walls to Station Road and Ascough Avenue properties shall be submitted to and agreed in writing by the Local Planning Authority and shall be installed as agreed prior to the occupation of each dwelling it relates to, adjoins or is opposite to.

Reason

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

(12) Condition

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

- Contact details of the person with responsibility for the implementation of the CMP;
- The expected number, types and size of vehicles during the entire construction period;
- Routing of construction vehicles;
- Working and delivery hours, including their management;
- Visitor, construction and contractor parking areas;
- Temporary lighting proposals
- Materials storage area;
- Wheel cleaning facilities, including their location;
- Noise (suitable to meet BS5228 standards), vibration and dust mitigation measures;
- A timetable for implementation of measures;
- Confirmation of no burning on site.

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

Reason

In the interests of highway and rail safety and to protect the residential amenities of the neighbouring properties in accordance with Policy 2 of the Submitted North East Lincolnshire Local Plan 2016.

(13) Condition

Development shall not commence until a construction methodology has been submitted to and approved in writing by the Local Planning Authority. The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. As a minimum the construction methodology should consider the following:

- Construction methodology;
- Earthworks and excavations;
- Use of cranes, plant and machinery;
- Drainage works;
- Boundary treatment (including measures to prevent vehicle incursion).

The development shall thereafter be constructed in accordance with the approved

construction methodology unless otherwise agreed in writing by the Local Planning Authority.

Reason

To maintain rail safety and in accordance with policy 5 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

(14) Condition

Prior to development of any dwelling exceeding damp course level, details and designs of measures to prevent permanent vehicle incursion onto the railway line shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be erected and completed before any of the dwellings hereby approved is first occupied and shall be retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

To maintain the safety and integrity of the railway line and in accordance with policy 5 of the North East Lincolnshire Local Plan 2013 -2032 (adopted 2018).

(15) Condition

Prior to development commencing details of all external lighting proposed (including demonstration of consultation with Network Rail over the design) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in strict accordance with the approved details.

Reason

To maintain the safety and integrity of the railway line and in accordance with policy 5 of the North East Lincolnshire Local Plan 2013 -2032 (adopted 2018).

(16) Condition

No development shall commence until:

- (a) a scheme of landscaping showing the details of the number, species, sizes and planting positions of all trees and shrubs to be planted;
- (b) a plan including details of all trees to be retained, any to be felled, hedgerows to be retained, any sections of hedgerow or trees to be removed;
- (c) measures for the protection of trees and hedges during construction work (including an arboricultural survey of retained trees and hedges, timetable for implementation and retention of protection measures in accordance with British Standard 5837);
- (d) a schedule of trees works within adjoining properties (in accordance with British Standard 5837) and evidence of agreement to such works;

(e) evidence of consultation with Network Rail over the choice and location of species to be planted and retained;  
have been submitted to and approved in writing by the Local Planning Authority.

The scheme of landscaping and tree planting approved under the first section of this condition 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.

All trees/hedge protection measures shall be implemented in strict accordance with the timetable approved unless otherwise approved in writing by the Local Planning Authority.

#### Reason

To ensure a satisfactory appearance and setting for the development, protection of existing features in the interests of local amenity and to maintain rail safety and operational integrity and in accordance with policies: 5, 22, and 41 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

#### (17) Condition

No development shall take place until the applicant has:-

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

No occupation of any of the dwellings shall take place until the applicant has:-

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

#### Reason

To understand, record and protect the significance of heritage assets potentially on site and in accordance with policies: 5 and 39 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

#### (18) Condition

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any statutory amendment thereto), no development under Schedule 2 Part 1,

Class A, B, C, F & G shall be permitted within the curtilage of the dwellings.

**Reason**

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

**(19) Condition**

External materials to be used in construction of the development shall be as specified on the approved plans, with the exception of the brick type shown for external walls which requires to be agreed in writing by the Local Planning Authority. The approved brick choice shall thereafter be used for the construction of the brick walls where shown on approved plans.

**Reason**

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

**(20) Condition**

The first floor windows to the side elevation of plot 1 and 7 shall be glazed in obscure glass (Pilkington Glass Level 3 or above or equivalent) before the respective dwelling is occupied and shall be so retained at the same level of obscurity thereafter.

**Reason**

To protect the residential amenity of surrounding residents and in accordance with policy 5 of the North east Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

**(21) Condition**

The development shall not be carried out except in complete accordance with the approved plans and specifications, unless otherwise required by other planning conditions of this permission. The approved plans and documents have drawing numbers and titles:

118 10 - Site Location Plan

118 200 rev F - Proposed Site Layout/ Block Plan and Boundary Details

118 201 rev A - House Type A - Ground Floor Plan

118 202 rev A - House Type A - First Floor Plan

118 203 rev A - House Type B - Ground Floor Plan

118 204 rev A - House Type B - First Floor Plan

118 205 rev A - House Type C - Ground Floor Plan

118 206 rev A - House Type C - First Floor Plan

118 207 rev C - House Type D - Ground Floor Plan

118 208 rev C - House Type D - First Floor Plan  
118 400 rev A - House Type A - Elevations  
118 401 rev A - House Type B - Elevations  
118 402 rev A - House Type C - Elevations  
118 403 rev C - House Type D - Elevations

SX1000-001 - Topographical Survey  
SX1000-002 - Topographical Survey

#### Documents

DIA-STALL101 (Issue 7) Drainage Impact Assessment - ACRA Consulting (March 2024)  
Flood Risk Assessment - Weetwood (Oct 2014)  
Transport Statement - LTP (September 2021)  
Phase 1 Geo Environmental Desk Study - Earth Environmental & Geo Technical (Feb 2022)  
Environmental Noise and Vibration Assessment - West Register Realisations Ltd (Oct 2014)

#### Reason

To ensure the development is in accordance with the approved details and results in a satisfactory form of development.

### **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, heritage 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, and 39.

#### 2 Added Value Statement

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

In accordance with paragraph 187 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to problems arising, by clarifying the access situation and resolving drainage.

#### 3 Informative

This application will require the creation of new postal addresses. You are advised to

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

#### 4 Informative

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

#### 5 Informative

##### Access for Fire Service

It is a requirement of Approved Document B5, Section 15 Commercial Properties or B5, Section 13 for Domestic Premises that adequate access for firefighting is provided to all buildings or extensions to buildings. Where it is a requirement to provide access for high reach appliances, the route and hard standing should be constructed to provide a minimum carrying capacity of 24 tonnes.

##### Water Supplies for Fire Fighting

Adequate provision of water supplies for firefighting appropriate to the proposed risk should be considered. If the public supplies are inadequate, it may be necessary to augment them by the provision of on-site facilities. Under normal circumstances hydrants for industrial unit and high-risk areas should be located at 90m intervals. Where a building, which has a compartment of 280m<sup>2</sup> or more in the area is being erected more than 100m from an existing fire hydrant, hydrants should be provided within 90m of an entry point to the building and not more than 90m apart. Hydrants for low risk and residential areas should be located at intervals of 240m

#### 6 Informative

Useful Network Rail contacts;

##### Asset Protection Eastern

For enquiries, advice and agreements relating to construction methodology, works in proximity to the railway boundary, drainage works, or schemes in proximity to railway tunnels (including tunnel shafts) please email: [assetprotectioneastern@networkrail.co.uk](mailto:assetprotectioneastern@networkrail.co.uk).

##### Land Information

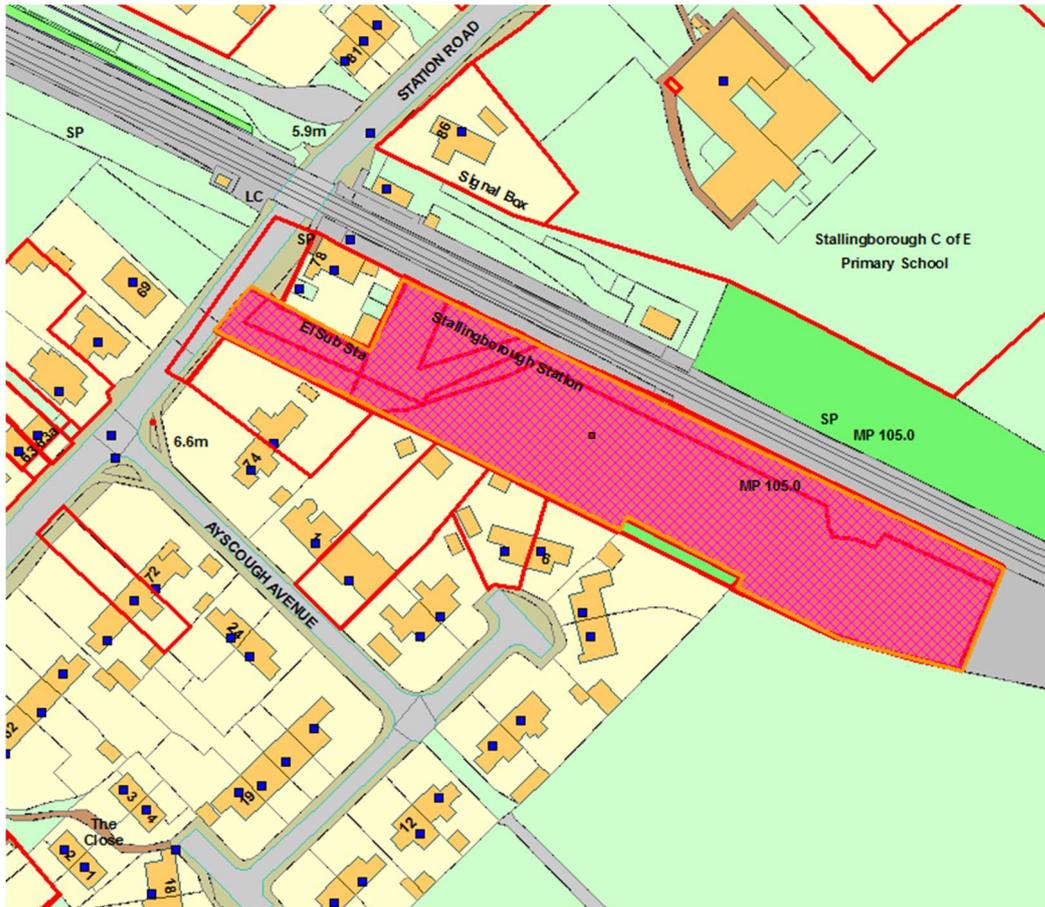
For enquiries relating to land ownership enquiries, please email: [landinformation@networkrail.co.uk](mailto:landinformation@networkrail.co.uk).

##### Property Services

For enquiries relating to agreements to use, purchase or rent Network Rail land, please email: [propertyservicesneem@networkrail.co.uk](mailto:propertyservicesneem@networkrail.co.uk).

Please note that the measures to prevent vehicle incursion onto the railway is likely to include the need for armco barriers or the like along the railway boundary.

LAND AT STATION ROAD, STALLINGBOROUGH



LAND AT STATION ROAD, STALLINGBOROUGH



**PLANNING COMMITTEE - 27th March 2024**

**ITEM: 3**                      **RECOMMENDATION: Conditions Complied With**

**APPLICATION No: DM/0099/24/CND**

**APPLICATION TYPE: Discharge Condition**

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

**PROPOSAL: Details in discharge of condition 6 (Construction Traffic Management Plan) pursuant to DM/0447/23/FUL**

**APPLICANT:**

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

**AGENT:**

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

**DEPOSITED: 25th January 2024**

**ACCEPTED: 25th January 2024**

**TARGET DATE: 21st March 2024**

**PUBLICITY EXPIRY: 3rd March 2024**

**AGREED EXTENSION OF TIME DATE: 28th March 2024**

**CONSULTATION EXPIRY: 19th February 2024**

**CASE OFFICER: Bethany Loring**

**PROPOSAL**

The application seeks to discharge of condition 6 (Construction Traffic Management Plan) pursuant to DM/0447/23/FUL.

The original application was approved at Planning Committee and this application seeks to provide the technical detail required under condition 6 which specifically requires details relating to the construction traffic management plan associated with the overall approval.

The application is referred to Planning Committee due to the objections received.

## **SITE**

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

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

## **RELEVANT PLANNING HISTORY**

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

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

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

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

DM/0447/23/FUL - Change of use of land from agricultural to equestrian use, erect detached indoor manège to include attenuation pond, tree screening and associated works - Approved with Conditions

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

National Planning Policy Framework (2023)

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

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

for the area is comprised of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

## **REPRESENTATIONS RECEIVED**

Highways Officer - CTMP acceptable and condition can be discharged. Additional information relating to routing and site signage have also been provided.

Trees and Woodlands Officer - No comment.

Environment Team - Dust and noise measures sufficient to discharge the condition.

Cllr Jackson Ward Councillor - Objects in agreement with residents issues relating to traffic, access, damage to verges and inappropriate development.

### Neighbour Representations

Objections have been received from the following addresses broadly on the grounds of traffic, access, damage to cables, verges, trees and hedges, CTMP not yet approved, use of HGV's on an unsuitable lane, volume and weight of construction traffic. It is also noted that a vehicle has already got stuck delivering to the site and that this action was in breach of the planning permission granted. Reference to development as approved also made.

Ktima, Briglsey Road  
Maple Lane, Waithe Lane  
Walnut House, Waithe Lane (x3)  
Wheatlands, Waithe Lane

## **APPRAISAL**

The application seeks to discharge of condition 6 (Construction Traffic Management Plan) pursuant to DM/0447/23/FUL.

### Condition 6 - CTMP

A Construction Traffic Management Plan has been provided. The CTMP includes the details required as requested in the original condition to incorporate all the details outlined.

It is noted that there have been some objections from neighbours however it is important to note that the principle of the development has already been established under the original approval and this application seeks to discharge the technical detail only. This specifically relates to the construction traffic management however does include some detail relating to the materials compound and impacts to trees as well as dust and noise suppression.

The number and types of vehicles are considered to be as expected for a development of this nature and is specific to the construction required. The hours of deliveries are also considered acceptable which would attempt to avoid periods which are typically busy which is welcomed. In addition, pre-arranged deliveries would be managed where there would be multiple deliveries on one day to ensure that these do not create scenarios where vehicles are required to wait on the highway. On site provision for parking and storage has been provided that ensure these would be well contained within the site boundaries. Furthermore, wheel washing and dust and noise suppression methods have also been provided.

In addition to the requirements, the document includes details of the traffic routing for associated construction vehicles as well as site signage for directional instructions to these vehicles.

This has been reviewed and agreed with the Highways Team, Trees and Woodlands Officer and Environment team and is sufficient to formally discharge the condition.

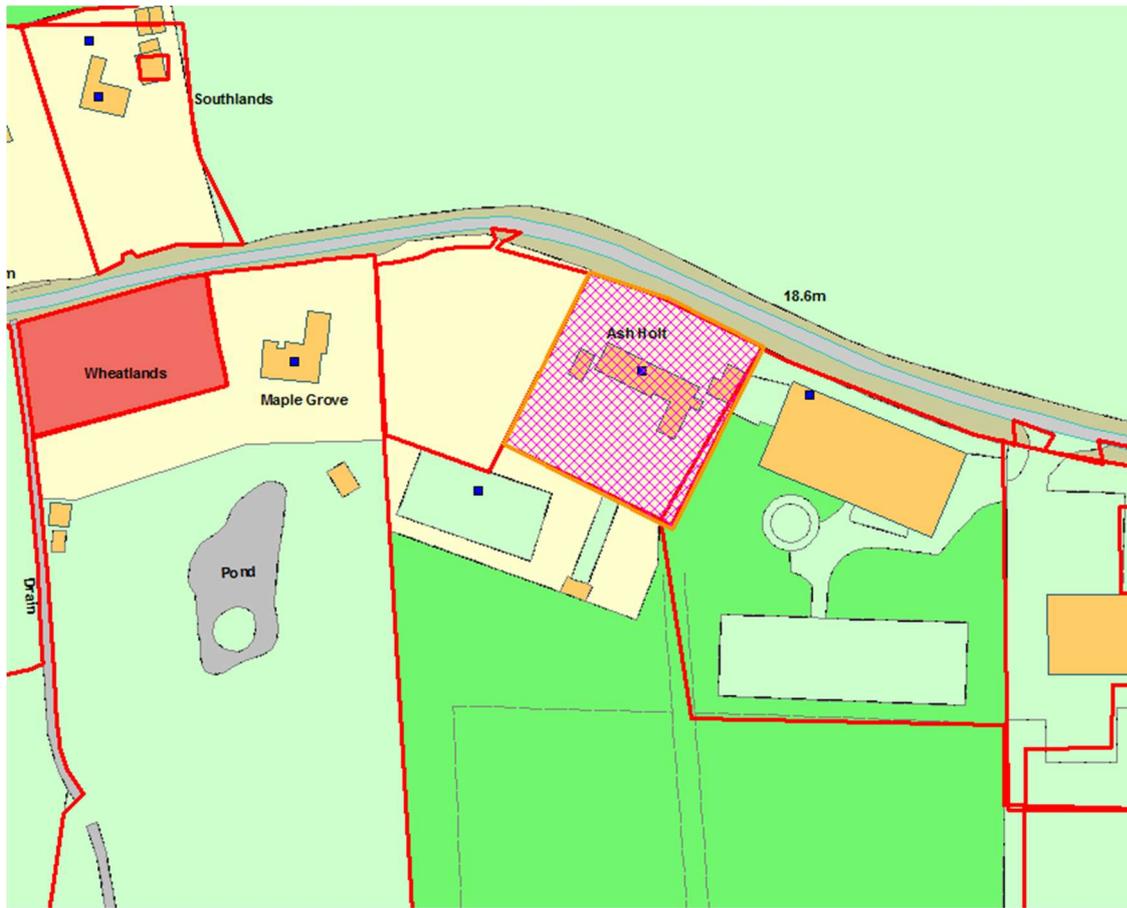
## **CONCLUSION**

The details received are acceptable to allow the discharge of condition 6 (CTMP) of DM/0447/23/FUL.

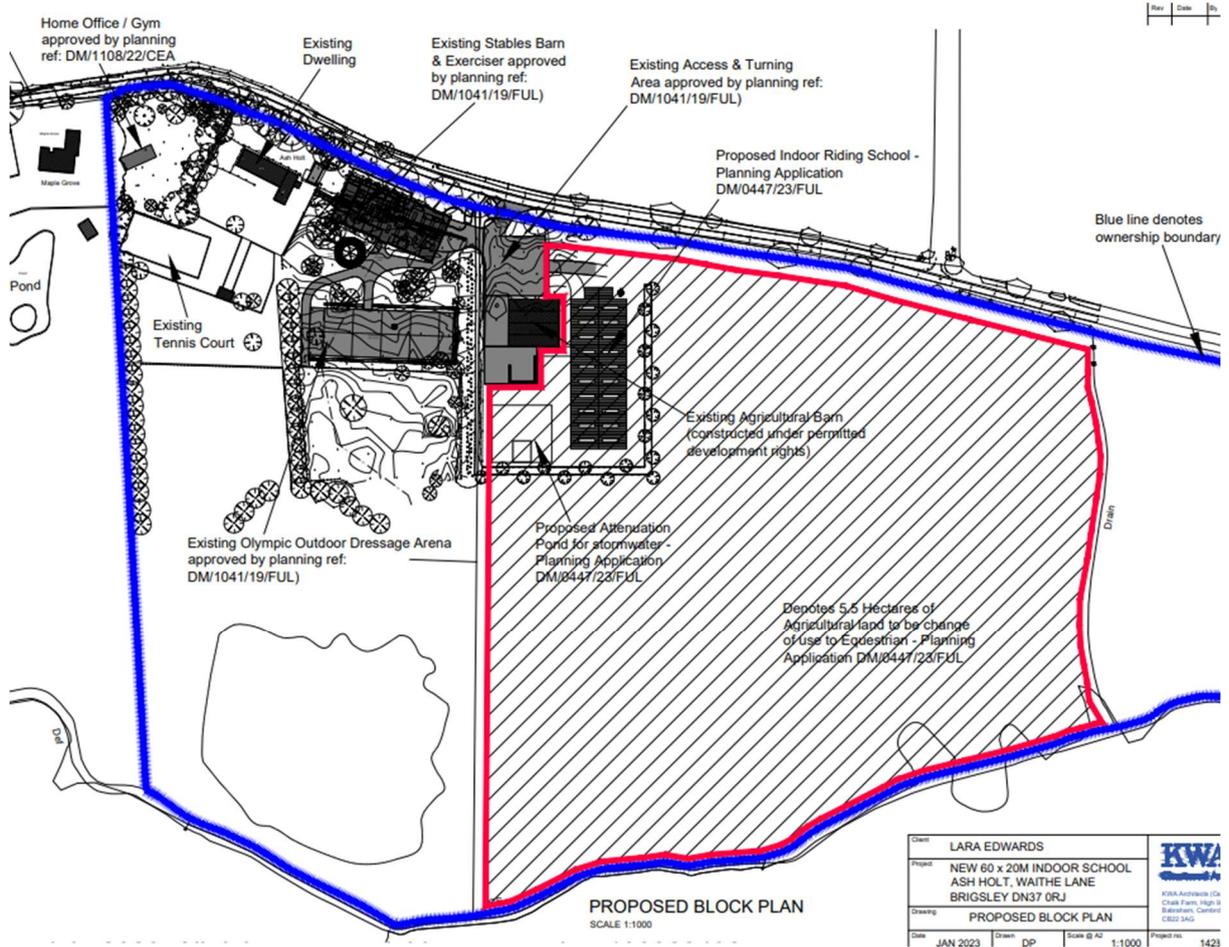
## **RECOMMENDATION**

**Conditions Complied With**

ASH HOLT, WAITHE LANE, BRIGSLEY, DN37 0RJ



# ASH HOLT, WAITHE LANE, BRIGSLEY, DN37 0RJ



**PLANNING COMMITTEE - 27th March 2024**

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

**APPLICATION No: DM/0117/24/FULA**

**APPLICATION TYPE: Accredited Agent - Homeholder application**

**APPLICATION SITE: 7 Pamela Road, Immingham, North East Lincolnshire, DN40 1EG**

**PROPOSAL: Retrospective application for the erection of 1.8m high fence**

**APPLICANT:**

Mr Terry Carter  
7 Pamela Road  
Immingham  
North East Lincolnshire  
DN40 1EG

**AGENT:**

Mr Daniel Kelly  
Hyde Architecture  
1 Westbrook Cottages  
Station Road  
North Thoresby  
DN36 5QS

**DEPOSITED: 1st February 2024**

**ACCEPTED: 5th February 2024**

**TARGET DATE: 1st April 2024**

**PUBLICITY EXPIRY: 1st March 2024**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 1st March 2024**

**CASE OFFICER: Becca Soulsby**

**PROPOSAL**

The proposal is retrospective for the erection of a 1.8 metre high fence.

The application is brought to planning committee for determination due to receiving an objection from Immingham Town Council.

**SITE**

7 Pamela Road is an end terraced property situated to the southeast side of the road. The area surrounding the property to the north, east and south is residential in nature, with a school and care home located to the west.

## **RELEVANT PLANNING HISTORY**

No relevant planning history.

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

National Planning Policy Framework (2023)

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 drainage comments.

Heritage - No heritage input required.

Environmental Health - No comments.

Immingham Town Council - Objection as GPDO allows for 1m height within front gardens.

Neighbours

No neighbour representations received.

## **APPRAISAL**

Material Considerations

Principle of Development

The site is located within the development boundary of Immingham, 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 fence erected measures 1.8 metres in height and spans a length of approximately 13.5 metres adjacent to the footpath along Pamela Road. Due to the orientation of the plot, the fence runs along the perimeter of the main garden which is situated to the side of the host property. The fence has replaced shrubbery and hedging along the side boundary.

In respect of design, it is acknowledged that the fence is prominent within the street scene and wider area, however it is not considered to cause detrimental impacts in this context. It is considered that no undue harm has been caused to the character of the area or wider street scene, with the scheme deemed to be in accordance with Policies 5 and 22 of the NELLP 2018.

## Neighbouring Amenity

The host property adjoins 5 Pamela Road to the side, 9 and 11 Pamela Road to the rear and 8 Pamela Road to the front. No neighbour representations have been received in response to this application.

The fence adjoins the boundary with the immediate neighbour at the rear, 9 Pamela Road. Due to the orientation of the properties, the fence is situated around the corner from the front aspect of this neighbour's property. There is not deemed to be an adverse impact in terms of massing, dominance or overshadowing in this regard. Another section of fencing has been erected along the rear / side boundary with this neighbour however this section does not require planning permission and is not considered within the scope of this application.

The fence is visible from many properties within Pamela Road due to the location of the fence being adjacent to the footpath. There is not deemed to be a detrimental visual impact to neighbours from the fence in this regard.

Therefore, it is deemed that there are no detrimental impacts to neighbouring amenity with the proposal considered to be in accordance with Policy 5 of the NELLP 2018.

## Other Considerations

The Council's Highways, Drainage, Heritage and Environmental Health Officers raise no objections to the fence. Highways Officers have concluded no highway safety concerns.

Immingham Town Council have objected to the scheme due to the fence exceeding the 1 metre height allowed for fences adjacent to the highway within the General Permitted

Development Order (GPDO). It is worth noting that due to the orientation of the property, the fence encompasses the main garden of the host dwelling which is situated to the side of the property. The 1 metre in the GPDO only refers to when permission is required, it does not establish the acceptability of anything higher which is done through the submission of a planning application and assessed on its merits as is the case here.

There are no flood risk implications given the nature of the proposal.

## **CONCLUSION**

The works undertaken are deemed to be of reasonable size, scale and appearance. It is considered that the development 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:

PJ263-001 - Site Location Plan

PJ263-002 - Block Plan and Fence Elevation

#### **Reason**

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

## **Informatives**

### **1 Reason for Approval**

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal does 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.

7 PAMELA ROAD, IMMINGHAM, DN40 1EG



7 PAMELA ROAD, IMMINGHAM, DN40 1EG



**BLOCK PLAN**