

Planning Committee Dated: 29th November 2023

Summary List of Detailed Plans and Applications

	Recommendation: Approved with Conditions
Item:	1
Application No:	DM/0539/23/FUL
Application Type:	Full Application
Application Site:	Land Off Salverson Road (New Clee Sidings) Cleethorpes
Proposal:	Erection of an onshore aquaculture farm (Sui Generis) with associated water extraction and effluent discharge from and to Grimsby Docks, alongside ancillary processing, energy centre, access, car parking, servicing, external lighting and landscaping and associated infrastructure - updated information including; Habitat Regulations Assessment, Biosecurity, Ecological Impact Assessment and effluent discharge assessment
Applicant:	ASL New Clee Ltd
Case Officer:	Richard Limmer

	Recommendation: Approved with Conditions
Item:	2
Application No:	DM/0465/23/FUL
Application Type:	Full Application
Application Site:	Land Adj To Aldi Matthew Telford Park Grimsby North East Lincolnshire
Proposal:	Erect new primary school, outdoor play facilities including football pitches, parking, vehicle and pedestrian accesses, landscaping, pick up/drop off point along Matthew Telford Way with associated works (Air Quality Assessment and Transport Assessment received 13th October 2023)
Applicant:	Christine Scott
Case Officer:	Bethany Loring

	Recommendation: Approved with Conditions
Item:	3
Application No:	DM/0448/23/FUL
Application Type:	Full Application
Application Site:	Land Off Sunningdale Waltham North East Lincolnshire
Proposal:	Provision of new Primary School, including erection of main school building, installation of ventilation system, erection of fencing/gates and associated landscaping. Creation of staff car parking, vehicular and pedestrian accesses from Sunningdale, pedestrian access from Archer Road, creation of playgrounds and playing pitch, athletics track, habitat area, cycle storage and associated works
Applicant:	Christine Scott
Case Officer:	Owen Toop

	Recommendation: Approved Limited Period
Item:	4
Application No:	DM/0326/22/FUL
Application Type:	Full Application
Application Site:	299 Louth Road Grimsby North East Lincolnshire DN33 2LA
Proposal:	Change of use of residential outbuilding to beauty salon with amended access details (no plan changes, updated description to better reflect proposal)
Applicant:	Olivia Dobbs
Case Officer:	Emily Davidson

	Recommendation: Approved with Conditions
Item:	5
Application No:	DM/0567/23/FUL
Application Type:	Full Application
Application Site:	Flat 5 Rear Of 11 Rowston Street Cleethorpes North East Lincolnshire
Proposal:	Remove existing container, extension and alterations to provide additional storey at first floor, erect boundary treatments, creation of new entrance/pedestrian access onto Brooklands Avenue and associated works
Applicant:	Mr Daniel Ramsden
Case Officer:	Bethany Loring

	Recommendation: Approved
Item:	6
Application No:	DM/0819/23/CEA
Application Type:	Cert of Lawful Use/Operation - Proposed
Application Site:	Land South Of Hewitts Avenue New Waltham North East Lincolnshire
Proposal:	Certificate of Lawfulness for proposed use to implement planning application reference DC/871/11/HUM (Change of use of land for siting of 44 timber holiday lodges and associated works including means of access and internal road layout)
Applicant:	Mr Sean Henderson
Case Officer:	Richard Limmer

PLANNING COMMITTEE - 29th November 2023

ITEM: 1 **RECOMMENDATION: Approved with Conditions**

APPLICATION No: DM/0539/23/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Land Off Salverson Road, (New Clee Sidings), Cleethorpes ,

PROPOSAL: Erection of an onshore aquaculture farm (Sui Generis) with associated water extraction and effluent discharge from and to Grimsby Docks, alongside ancillary processing, energy centre, access, car parking, servicing, external lighting and landscaping and associated infrastructure - updated information including; Habitat Regulations Assessment, Biosecurity, Ecological Impact Assessment and effluent discharge assessment

APPLICANT:
ASL New Clee Ltd
C/O Agent
70 St Mary Axe
London
EC3A 8BE

AGENT:
Miss Gabriella Bexson
Montagu Evans
70 St Mary Axe
London
EC3A 8BE

DEPOSITED: 6th June 2023

ACCEPTED: 20th June 2023

TARGET DATE: 19th September 2023

PUBLICITY EXPIRY: 31st October 2023

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 30th July 2023

CASE OFFICER: Richard Limmer

PROPOSAL

The application seeks planning permission for the erection of an onshore aquaculture farm (Sui Generis) with associated water extraction and effluent discharge from and to Grimsby Docks, alongside ancillary processing, energy centre, access, car parking, servicing, external lighting and landscaping and associated infrastructure.

The proposed development includes a main production building of approximately 40,755 square metres floor space. The main building is proposed to be 10.5m to the ridge but dropping down to 6m at the eastern end of the building. The roof of this building would

include solar panels to help power the facility. There would also be an energy centre building, which would be a flat roofed building with a 'brown roof' which forms part of the ecological mitigation strategy.

The facility proposes to produce up to 5,000 tonnes of fish (salmon) per year.

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

SITE

The site is some 11.67ha of former railway sidings connected with Grimsby Docks. The site still forms part of the Operational Port Area controlled by Associated British Ports. The site was last used between 2014 and 2016 as a storage area for the flood defence works undertaken by the Environment Agency. Since then it has become overgrown. The site has a 2m fence around it and has no public access to it. Access is gained from Salverson Road adjacent to the Seafood Village. The site is allocated on the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) (NELLP) as Employment Land, Operational Port Land and a Local Wildlife Site (LWS).

The site is roughly flat with an area to the south which drops down towards the adjacent railway line. Beyond the railway the land drops further down to Harrington Street where there are residential neighbours the full length of the site. To the south of the site is primarily a residential area but also includes Grimsby Town FC football ground. To the north of the site is the Humber Estuary with its national and international designations as a Site of Special Scientific Interest (SSSI), RAMSAR, Special Protection Area (SPA) and Special Area of Conservation (SAC). To the east of the site is a smaller triangular piece of land that is part of the LWS designation and sand dunes in character. This area of land has not been previously developed like the application site.

RELEVANT PLANNING HISTORY

DM/1079/22/SCR - EIA Screening request for a proposed on shore Aquaculture facility - EIA Not Required

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2023)

- NPPF6 - Building a strong, competitive economy
- NPPF11 - Making effective use of land
- NPPF12 - Achieving well designed places
- NPPF14 - Climate, flooding & coastal change
- NPPF15 - Conserv. & enhance the natural environ.
- NPPF16 - Conserv. & enhance the historic environ.

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

PO5 - Development boundaries

PO7 - Employment allocations

PO22 - Good design in new developments

PO33 - Flood risk

PO39 - Conserve and enhance historic environ

PO41 - Biodiversity and Geodiversity

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

REPRESENTATIONS RECEIVED

Natural England - no objections.

Council Ecology Officer - satisfied with the AA and HRA and agree with the conclusion of no Likely Significant Effect on the Humber Estuary designations and happy to adopt both. Also satisfied with the Outline Ecological Mitigation Strategy and that it meets the requirements of Policy 41 (Biodiversity and Geodiversity) of the Local Plan.

Lincs Wildlife Trust - holding objection. Concerns in relation to Loss of Local Wildlife Site and impact on the designated Humber Estuary. Further information required. Reference to the need for bio diversity net gain.

Environment Agency - no objections, suggest conditions and also highlight that it is the duty of the Council to consider the Flood Evacuation Plan.

Emergency Planning Team - no objections to the proposed Flood Evacuation Plan.

Environmental Health - no objections, suggest conditions for noise, contamination, piling and construction.

Drainage Officer - no objections the submitted surface water drainage strategy is acceptable.

Humberside Fire Brigade - no objections. Advice on fire fighting.

Trees and Woodlands Officer - no objections condition for final landscaping scheme.

Highways Officer - no objections suggest condition for construction

Marine Management Organisation - no objections. Licence required.

Heritage Officer - no comments.

Cadent - no objections.

NELC Regeneration Team - support the proposal.

Network Rail - no objections, suggest conditions for construction.

Anglian Water Authority - no objections.

Drainage Board - no objections

Civic Society - objection due to the impact on Cleethorpes and the nearby residents

Neighbour and other representations

The following have objected to the proposed development:

50, 54B, 59, 61, 62, 80, 94, 96 and 97 Harrington Street

3 Claremont Cl. Leatherhead

55 Tennyson Road

27A Parker Street

91A High Street, Whittington, Chesterfield

3 and 58 Elliston Street

8 and 53 Daubney Street

42 Rowston Street

1, 36 and 57 Suggits Lane

10 Hunter Road, Brookenby

36C Albert Rd

17 Oliver Street

21 Coronation Road

497 Grimsby Road

19 Montague Street

38 Fuller Street

30 and 45 Douglas Street

82 Neville Street

27 Berkeley Road

39 Bradford Avenue

12 Elm Road, Clydebank

1658 Dover Ct Wheaton

20 Mill Place

4 Stanedykehead, Edinburgh
1 Barley Way, Horncastle
11 Manchester Street
5 Belgrave Rd
62 Campden Crescent
Compassion in World Farming. Surrey.

These responses have objected to the proposed development on the following grounds:

- Welfare of the fish being farmed and the principle of fish farming;
- Impact on the wildlife and ecology on the site;
- Impact on the Humber Estuary due to the waste water discharge;
- Impact on the neighbouring properties amenities due to visual impact, noise, light, smells and construction;
- Traffic generation;
- Impact of escaping fish and disease from the facility;

The following have written in to support the proposed development:

Grimsby Seafood village
Grimsby Fish Market
Blackrow
Humber and Marine Renewables
Pelagia
Seafood Grimsby and Humber
Murray Street
11 Cromwell Road
Ribstone House

These responses have supported the project on the grounds of:

- Grimsby leading the way in food and fish production and processing;
- The need for a sustainable source of salmon;
- The reduction in transport miles of the end product;
- Overall economic investment and jobs.

APPRAISAL

Main Issues

1. Principle of the Development.
2. Local amenity and visual impact.
3. Ecology.

4. Highways.
5. Drainage and Flood Risk.
6. Permit Requirements.

1. Principle of the Development.

The site is located within the main port of Grimsby Docks and benefits from an allocation in the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) (NELLP) for Employment on Operational Port Land. However, the site is also allocated on the NELLP as a Local Wildlife Site (LWS).

Policy 7 of the NELLP deals with employment allocations including employment on Operational Port Land which is relevant to this proposal. The proposed use as an on-shore aqua culture facility (farmed salmon), whilst not necessarily directly related to the operational port, relates very well with the current and historic use of Grimsby Docks and what the Port is used for including the adjacent fish market and various fish processing facilities on Grimsby docks and the wider area. Whilst it cannot be guaranteed, it is likely that the fish produced at the proposed facility would be processed in the Grimsby region. This is demonstrated by the letters of support received from the industry. The proposal also ties into the wider economic and employment strategies for the wider NELC area in regard to food manufacturing and processing and would not conflict with the existing port operations. It would create some 80 direct jobs with associated economic and social benefit. It is therefore considered that the proposed development accords with Policies 5 and 7 of the NELLP.

It should also be noted that as the site is in the control of Associated British Ports (ABP) and part of the operational port of Grimsby. ABP could then seek to utilise their Permitted Development Rights Under Class B, Part 8, Schedule 2 of the Town and Country (General Permitted Development) Order 2015 (as amended) to develop the site without the need for planning permission. Whilst this development does not constitute permitted development this does support the principle of the site's overall development.

The Local Wildlife Site designation under Policy 41 of the NELLP is addressed later in the report.

The proposal must also conform to the other relevant Policies of the NELLP but the principle of the proposed development is considered to be acceptable.

Regarding fish welfare and the moral concerns of fish farming that have been raised in representations received whilst these concerns are noted they are not considered to be material land use planning considerations. Indeed, in that way the proposal is akin to other well established on land intensive livestock units such as for chickens, turkeys and pigs.

2. Local amenity and visual impact.

The site is located to the north of Harrington Street which has a number of residential properties on it that face towards the site. There are also a number of streets coming off Harrington Street with residential properties that will be aware of the proposed development. These properties are separated from the site by the railway, which in this area is a single line. The site is approximately 15m from the near edge of the Harrington Street carriageway and 25m to the front elevations of the dwellings. Harrington Street also sits lower than the site at approximately 3m AOD and the site at approximately 6m AOD.

In regard to the physical presence of the development the applicant has sought to address the concerns raised by the neighbours by reducing the height of the building. The closest section has been reduced to 6m and the remaining remains at 8m. This is opposite 90-95 Harrington Street and at this point there is a separation distance in excess of 50m. The proposed building angles away from Harrington Street from this point thus reducing the impacts on the neighbours in regard to dominance, outlook and privacy.

There have been several neighbours who have raised concerns about noise from the proposed development. Noise could be emitted from the processes undertaken within the facility, external plant or from traffic movements outside of the facility. The application has been submitted with a detailed Noise Impact Assessment, to the relevant British Standard, which consider these noise emitters. The Assessment concludes that the development would not cause an undue impact on the neighbouring properties residential amenities. This has been reviewed and considered by the Environmental Health Team and no objections to the proposal are raised but conditions are recommended including a noise verification assessment. This report to be submitted for approval within 6 months of start of operation. This is considered to be a reasonable condition.

Neighbours have also raised concerns about odour from the proposed facility. The applicant has prepared and submitted a detailed Odour Assessment. This assessment examines the potential risks associated with odorous emissions and suggests mitigation measures to reduce any emissions where required. The assessment sets out that the overall potential for odour generation within the process is low. The main building will be fully enclosed and actively ventilated, and a high quality of water is required to maintain the fish in good health. Whilst there are not expected to be strong odours within the building, it is proposed to provide carbon filters to treat discharged air from the building. With the exception of the chilled waste skips, all the fish rearing and water treatment activities are enclosed within the main building. The Environmental Health Team have reviewed the Odour Assessment and the recommendations set out within in and have no objections to the proposed development. This is subject to a condition for an Odour Management Plan to be prepared and agreed prior to approval that will detail the odour control measures (including carbon filters), the planned responses to any observed odour incidents and a regular odour monitoring plan for the site. With the inclusion of this proposed condition, it is considered that the proposed development is acceptable in regard to Odour Impact.

External lighting has also been raised a concern by neighbours. An initial Lighting Design Report has been submitted with the application. This focusses on the sensitive ecological receptors on and around the site. The residential properties to the south on Harrington Street are a reasonable distance away from the proposed building and so it is likely that a detailed lighting scheme could be installed without having a detrimental impact on the neighbours' residential amenities. The Environmental Health Team have reviewed the information and have no objections to the proposal, but it is considered that a condition is required for a final lighting scheme to be submitted and approved prior to and external lighting being installed. This should have regard to residential and ecological amenity. With the inclusion of this condition the proposal is considered to be acceptable.

With regard to non-residential uses close to the site these are all industrial including large scale cold storage and the Seafood Village. The uses are compatible with what is proposed and there will be no adverse impact on the amenity of these businesses. The development is also acceptable visually sitting against large industrial buildings and development within the port. Whilst there will be a loss of openness as the land is currently undeveloped this is not detrimental. The building is low in height and the site will be landscaped.

Having regard to the above in terms of local amenity the proposal is acceptable under Policy 5 of the NELLP.

3. Ecology

A significant number of the objections received make reference to the impact of the development on wildlife. As previously mentioned within this report the site is designated a Local Wildlife Site on the NELLP and the site is located directly adjacent to the Humber Estuary with its designations as a Site of Special Scientific Interest (SSI), RAMSAR, Special Protection Area (SPA) and Special Area of Conservation (SAC). Key consultees are Natural England and the NELC Ecology Team.

The applicant has undertaken surveys to determine the ecological baseline of the site and to identify any ecological constraints to the development. Surveys commenced in 2021 and included an initial ecological desk study, Preliminary Ecological Appraisal (PEA), wintering and breeding bird surveys to assess the use of the Site and surrounding area by birds, botanical survey and a habitat appraisal for terrestrial invertebrate.

As the site is directly adjacent to the Humber Estuary (SSSI/SAC/SPA/Ramsar Site), a Habitats Regulation Assessment (HRA) and Appropriate Assessment (AA) has been prepared to assess the potential effects of the proposals upon the international designations. Additional information was required through the review and consultation process. In particular the impact and mitigation in relation to water quality, visual and noise disturbance and fish disease. In terms of water quality, the potential impacts are of the discharge of wastewater back into Grimsby Fisk Dock, this equates to up to 2000 cubic metres of water per day. The discharge of this water is subject to a permit from the

Environment Agency and the works for the discharge may also require a license from the Marine Management Organisation. It is important to note that due to the nature of the proposed system fish cannot escape from the facility into the wild. The waste water is heavily screened and filtered to ensure that it is of the correct quality so as to not offer any harm to the environment after it is discharged. In terms of noise this relates to the construction period and it is proposed to undertake the most noise intrusive works during the summer period avoiding the main over wintering bird period. Fish disease is controlled through a filtration system.

The application has been considered by Natural England and following the additional information being supplied they have confirmed that they have no objections to the proposed development. This is in specific regard to the Humber Estuary and its designations.

The Councils Ecologist has confirmed that the HRA and AA are satisfactory and that there is agreement with the conclusion of no Likely Significant Effects on the Humber Estuary designations and the Council are happy to adopt both.

The site is allocated as an LWS. This is a local designation. The Council Ecologist has been actively involved through the consultation process to ensure that the proposed development meets the requirements of Policy 41 of the NELLP. This has resulted in a detailed Ecological Mitigation Strategy being submitted. This includes the following measures to mitigate the loss of land within the LWS for development:

- Onsite landscaping to compliment the LWS species and enhance the quality of plant life on the site;
- Onsite 20% of the roof space of the buildings being created as a 'brown roof' where suitable planting can be included to complement and enhance the LWS;
- Offsite 1.4ha of the existing LWS site will be brought under the management of the Ecological Mitigation Strategy undertaken by the applicant to improve its condition and suitability for biodiversity quality.
- Offsite further area of approximately 0.65 ha of land located between Fuller Street bridge and Suggitts Lane bridge and a small additional area of 0.1 ha of land to the immediate north east of the Suggitts Lane footbridge has also been proposed for enhancement. This area will be improved with planting and management to bring it up to the standard to be an LWS.
- Offsite Installation of a public interpretation board setting out the wintering bird and botanical interest features of this section of Humber Estuary coastline.
- installation of dog waste bins at strategic pedestrian entry/ exit points to the off-site enhancement areas (in consultation with NELC) to encourage appropriate disposal of dog waste and reduce nutrient input (and littering) to grassland habitats.

- An access gate will be installed within the fenced south-east site boundary to allow, where required, vehicular access from the Site into the offsite LWS and off-site areas outside the Site for management activities. This would offer the opportunity to undertake mowing or scrub clearance activities within the site and within the off-site areas more efficiently. Vehicular access from outside the site via the sea wall path from the south east/Cleethorpes has been highlighted by NELC as being historically problematic, therefore provision of a means of access from within the site is beneficial.
- A habitat monitoring report will be prepared every two years for the period of this ecology mitigation strategy plan (10 years) with separate sections for management/enhancement of retained LWS and off-site habitat management.

The full details of the proposed Ecological Mitigation Strategy have been reviewed by the Council Ecologist and it has been confirmed that there are no objections to the proposal. The strategy needs the final details to be agreed through a suitable planning condition. However, the principles set out within the Strategy will adequately minimise the loss of biodiversity through on site and off site mitigation as a result of the development. Importantly it is considered that the mitigation of the biodiversity, as opposed to measured net gain, is acceptable in this case as the development is justified on an economic and social grounds as noted above. The development accords with Policy 41 of the NELLP.

Having regard to ecology the proposed development has been appropriately assessed through the Habitat Regulations Assessment with no objections from Natural England or the Council Ecologist. It is therefore recommended that the Council adopts the submitted Appropriate Assessment and Habitat Regulations Assessment. The recommendations to be secured by condition. The proposed Ecological Mitigation Strategy is also deemed to be acceptable to address the LWS issue. The proposal is therefore considered to accord with Policies 5 and 41 of the NELLP and section 15 of NPPF 2023 'Conserving and Enhancing the Natural Environment'.

4. Highways

The proposed development will generate additional traffic movements to and from the site, these are a mixture of HGV, LGV and small vehicles. As such a detailed Transport Assessment (TA) has been submitted to assess the impact of the traffic generated on the local highway network.

The site is accessed from Salverson Road within the Grimsby Dock area. This in turn provides access to the wider highway network through Riby Square and Lockhill both of which go on to the A180.

The TA details that there would be 50 two-way HGV trips per week and because these can be managed, they would avoid the peak hours in the local area. Staff and small vehicle trips are detailed as being 101 two-way trips per day. The staff trips would be split

over shifts and again this can be managed to avoid the peak hours. It is also noted that much of the end product is likely to be processed within the local area in the existing fish processing facilities and so the HGV movements will mostly remain local and some within the dock estate.

The Highways Officer has considered the proposed development and the potential for impacts on the Highway network. No objections have been made by the Highways Officer but conditions for construction traffic and a travel plan have been recommended. With the inclusion of these conditions, it is considered that the proposed development would accord with Policy 5 of the NELLP.

5. Drainage and Flood Risk

The proposed development has a large impermeable footprint and as such surface water drainage is a significant consideration. The application has been submitted with a detailed Drainage Strategy. This strategy includes that surface water would go to a soakaway within the site. Infiltration tests have been carried out that demonstrate that soakaways would work. The Drainage Team have reviewed the proposed Drainage Strategy and have confirmed that it is acceptable and would not increase the risk of flooding away from the site. However, it will need to demonstrate that there is no risk due to contamination as raised by the Environment Agency. A condition is therefore recommended to cover the final details and ensure contamination risks are addressed. With the inclusion of such a condition it is considered that the proposal is acceptable and accords with Policy 33 of the NELLP.

In regard to Flood Risk the site is within Flood Zone 1 on the Environment Agency Flood Maps. Parts of the site are however within flood risk as shown in the Strategic Flood Risk Assessment. For completeness in terms of the sequential test the site is allocated for such usage in the Local Plan and the locational needs for the development require such a site. The Sequential test is considered to be passed. As a less vulnerable use the exception test is not required. The application has been submitted with a detailed Flood Risk Assessment, this has been amended to address initial concerns raised by the Environment Agency. Following that amendment, the Environment Agency have confirmed that they have no objections to the proposal subject to conditions for the recommendations in the Flood Risk Assessment to be fully carried out and that the Flood Warning and Evacuation Plan is acceptable. The Emergency Planner has reviewed the Flood Warning and Evacuation Plan and has confirmed that it is acceptable. It is therefore considered that the proposed development is acceptable in regard to Flood Risk in accordance with Policies 5 and 33 of the NELLP.

6. Permit Requirements

The nature of the proposed use means that it requires a number of separate permits. The permits required cover a wide range of aspects of the development and future use. This includes water abstraction and discharge, fish welfare and operating methods. National Planning Policy Guidance is clear that Planning should not seek to duplicate control.

The applicant has stated that the following bodies are involved in such permitting:

Centre for Environment, Fisheries and Aquaculture Science (CEFAS)
Fish Health Inspectorate (FHI)
Environment Agency (EA)
Food Standards Agency (FSA)
British Veterinary Association (BVA)
Best Aquaculture Practices (BAP)

CONCLUSION

In conclusion it is considered that the proposed development would not cause harm to residential amenities or business amenity, the visual character of the area, drainage and flood risk, highway safety and amenity, the Humber Estuary designations, the onsite biodiversity and Local Wildlife Site allocation. Suitable mitigation has been proposed to address various aspects, as outlined in this report, these matters can be secured by condition. Furthermore, the proposal would represent a significant economic investment into the area, creating a number of jobs through construction and then operation as well as supporting the food processing and manufacturing businesses in the area. The proposal accords with Policies 5, 7, 22, 33, 39 and 41 of the NELLP and the core principles of the NPPF it is therefore recommended for approval subject to conditions.

RECOMMENDATION

Approved with Conditions

(1) Condition

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

Reason

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

(2) Condition

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

21193-UMC-0100-SI-DR-A-0002 Rev E (Proposed Site Plan)

21193-UMC-0100-01-DR-A-0100 Rev F (Proposed Main Building Plan)

21193-UMC-0100-01-DR-A-0103 Rev F (Proposed Main Building Elevations)
21193-UMC-0100-01-DR-A-0104 Rev E (Proposed Main Building Section)
21193-UMC-0100-R1-DR-A-0105 Rev E (Proposed Main Building Roof Plan)
21193-UMC-0100-SI-DR-A-0009 Rev D (Street View Section)
21193-UMC-0200-01-DR-A-0201 Rev E (Proposed Energy Centre Building Plan)
21193-UMC-0200-01-DR-A-0302 Rev G (Proposed Energy Centre Elevations)
21193-UMC-0200-01-DR-A-0204 Rev E (Proposed Energy Centre Section)
21193-UMC-0200-R1-DR-A-0202 Rev E (Proposed Energy Centre Roof Plan)
21193-UMC-0100-SI-DR-A-0005 Rev D (Proposed Cycle Shelter Details)
21193-UMC-0100-SI-DR-A-0003 Rev D (Proposed External Surfacing Plan)
21193-UMC-0100-SI-DR-A-0004 Rev D (Proposed Fencing Details)
21193-UMC-0100-SI-DR-A-0007 Rev D (Proposed LOX Tank Enclosure Details)
21193-UMC-0100-01-DR-A-0102 Rev C (Proposed Main Building Ancillary Office Plan)
21193-UMC-0100-01-DR-A-0101 Rev D (Proposed Main Building Office Plan)
21193-UMC-0100-SI-DR-A-0006 Rev D (Proposed Refuse Store Details)
21193-UMC-0100-SI-DR-A-0008 Rev D (Proposed Vehicle Tracking)

Reason

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

(3) Condition

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

Reason

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

(4) Condition

No development shall commence until a final detailed scheme for the sustainable provision of surface water drainage, with specific regard to flood risk, ground water pollution risks, ecological mitigation and railway infrastructure protection has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The development shall then be built out in accordance with the approved details.

Reason

In the interests of sustainable drainage to reduce flood risk, mitigate the risks of contamination through water pollution caused by mobilised contaminants, ecological protection and infrastructure protection in accordance with Policies 5, 6, 33 and 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(5) Condition

Prior to the development first coming into use the Flood Warning and Evacuation Plan (by Alan Wood and Partners) Ref: JAG/AD/JR/47911-Ms006 Rev A shall be put in place in accordance with its terms and thereafter maintained in place.

Reason

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

(6) Condition 1

The development shall be carried out in accordance with the submitted Flood Risk Assessment (September 2023 ref. JAG/AD/JR/47911-Rp001 Revision F, compiled by Alan Wood & Partners. In particular, finished floor levels shall be set no lower than 6.48 metres above Ordnance Datum (AOD).

Reason

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

(7) Condition

Prior to development commencing a final detailed Biodiversity, Ecological and Landscaping Improvement Plan, based on the submitted Outline Ecological Mitigation Strategy (by AECOM) ref: Outline Ecological Mitigation Strategy V4, shall be submitted to and approved in writing by the Local Planning Authority. It shall also include full details of implementation and maintenance of the Improvement Plan. The approved Biodiversity, Ecological and Landscaping Improvement Plan shall then be fully implemented in accordance with the approved details.

Reason

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

(8) Condition

Prior to development commencing full details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in strict accordance with the approved details and no further external lighting shall be installed without the prior written approval of the Local Planning Authority.

Reason

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

(9) Condition

The development shall be carried out in strict accordance with the Habitat Regulations Assessment (ref: 60665991 V4, by AECOM) and the mitigation measures and recommendations set out within sections 6 and 7, unless otherwise approved in writing by the Local Planning Authority.

Reason

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

(10) Condition

Prior to the development first coming into operation a final detailed Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall then operate in accordance with the approved details.

Reason

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

(11) Condition

No development shall commence until a Construction Environmental Management Plan, has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall contain details on the following matters:

- Environmental protection plan in accordance with the Habitat Regulations Assessment (ref: 60665991 V4, by AECOM) including full details on the mitigation of highest sound levels at source through these being completed in the summer months (outside the wintering bird time window between September and April);
- Visitor and contractor parking areas;
- Materials management plan;
- Materials storage area;
- Wheel cleaning facilities;
- Noise, vibration and dust mitigation measures;
- Hours of construction;
- Lighting details;
- Construction traffic management plan;
- Construction worker travel plan;
- Waste management;
- Pollution control.

The development shall be constructed in full accordance with the approved plan.

Reason

In the interests of ecological protection, highway safety and to protect the amenities of neighbouring land users in accordance with Policy 5 and 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(12) 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. The development shall thereafter be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority.

Reason

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

(13) Condition

Prior to the commencement of construction works on site detailed specifications of the type of piling/ground improvement/foundations to be used to support the buildings/structures shall be submitted to the Local Planning Authority for approval. Included shall be a scheme to mitigate the effects of the design with particular regard to noise and vibration to the surrounding premises and ecology and pollution to the underlying chalk aquifer. The foundations shall be carried out/constructed in accordance with the approved details unless variations are approved in writing by the Local Planning Authority.

Reason

In the interests of ecological protection and residential amenity and to ensure the integrity of the underlying aquifer is not compromised in accordance with Policy 5 and 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(14) Condition

Prior to development commencing a final Odour Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Plan shall detail the full odour control measures (including carbon filter), the planned responses to any observed odour incidents and a regular odour monitoring plan for the site. The development shall then be operated in full 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 (adopted 2018).

(15) Condition

Within 6 months of the development first coming into use a BS4142 noise verification assessment to demonstrate the overall operational rating level does not exceed the background levels at the nearest sensitive receptors as indicated within the submitted noise report. It shall be submitted to and approved in writing by the Local Planning Authority. If the necessary noise levels cannot be met then a scheme of works to reduce the noise level from the development to the necessary level shall be submitted to and approved in writing by the Local Planning Authority and fully implemented within 6 months of the approval.

Reason

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

(16) Condition

Prior to commencement of development, based on the findings of the site ground investigation report prepared by E3P reference: 16-363-R2-2 submitted with the application, 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, consideration of unexpected contamination and actions to be taken, 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

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

(17) Condition

The approved remediation scheme under condition 16 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, 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

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

(18) 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 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 16, 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 17.

Reason

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

Informatives

1 Reason for Approval

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal represents an economic investment would not harm the area character, ecology 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, 7, 22, 33, 39, 41.

2 Added Value Statement

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

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

3 Informative

The applicant should be aware of the comments made by the Environment Agency on the 23rd October 2023 and the requirement for Permits for the proposed development.

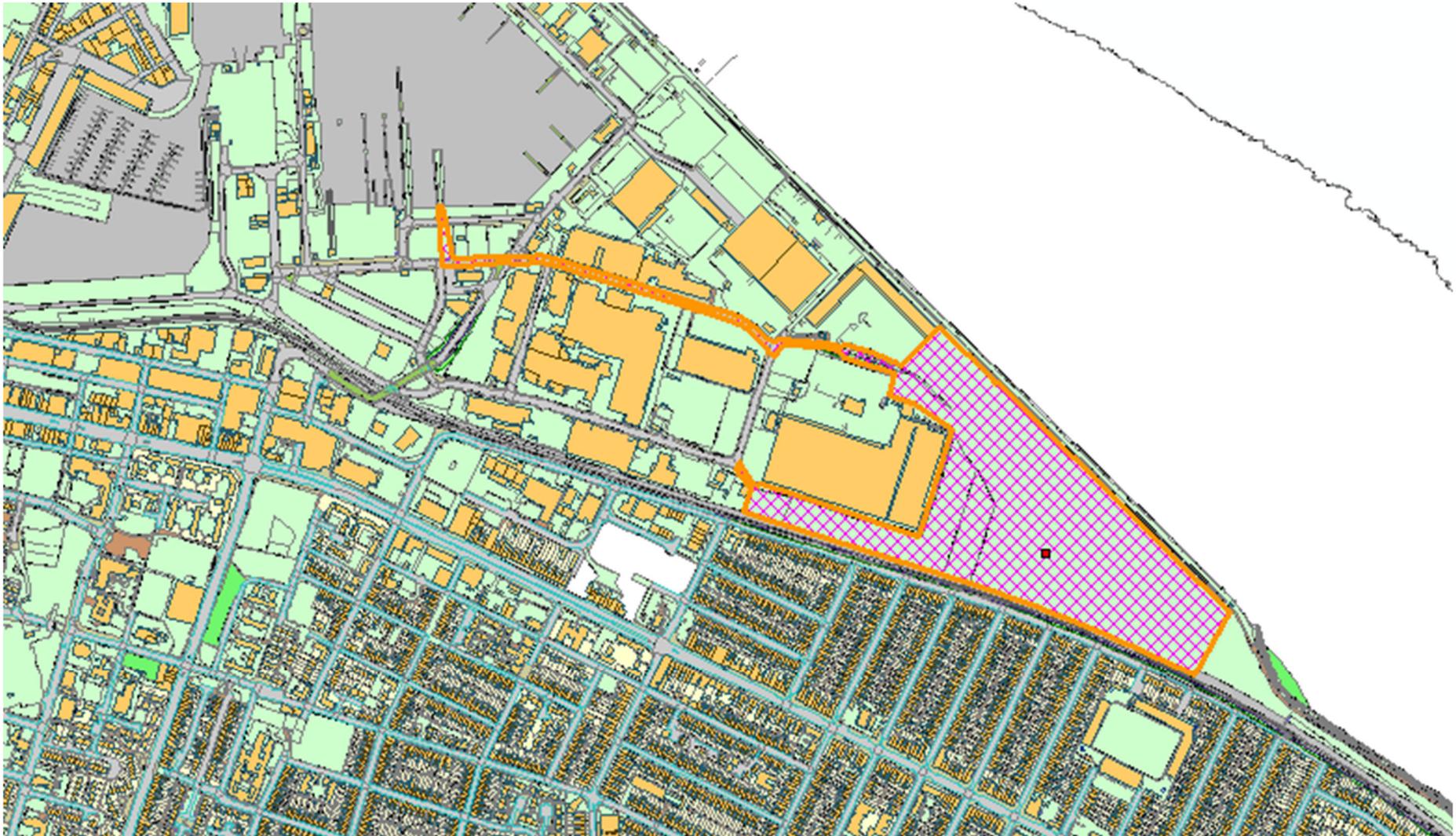
4 Informative

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

The applicant should be aware of the requirement for permits to construct and operate the proposed development from various regulatory bodies including the Environment Agency, Marine Management Organisation, Centre for Environment, Fisheries, and Aquaculture Science, Fish Health Organisation, Food Standards Agency, Port Health, British Veterinary Association and Best Aquaculture Practices.

DM/0539/23/FUL- LAND OFF SALVERSEN ROAD (OLD CLEE SIDINGS), CLEETHORPES



DM/0539/23/FUL- LAND OFF SALVERSEN ROAD (OLD CLEE SIDINGS), CLEETHORPES



PLANNING COMMITTEE - 29th November 2023

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

APPLICATION No: DM/0465/23/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Land Adj To Aldi, Matthew Telford Park, Grimsby, North East Lincolnshire,

PROPOSAL: Erect new primary school, outdoor play facilities including football pitches, parking, vehicle and pedestrian accesses, landscaping, pick up/drop off point along Matthew Telford Way with associated works (Air Quality Assessment and Transport Assessment received 13th October 2023)

APPLICANT:

Christine Scott
North East Lincolnshire Council
1st Floor
Civic Offices
Knoll Street
Cleethorpes
North East Lincolnshire
DN35 8LN

DEPOSITED: 16th May 2023

AGENT:

Jessica McCague
Equans
New Oxford House
George Street
Grimsby
North East Lincolnshire
DN31 1HB

ACCEPTED: 30th May 2023

TARGET DATE: 29th August 2023

PUBLICITY EXPIRY: 3rd November 2023

**AGREED EXTENSION OF TIME DATE: 1st
December 2023**

CONSULTATION EXPIRY: 23rd June 2023

CASE OFFICER: Bethany Loring

PROPOSAL

The proposal seeks to erect a new primary school, outdoor play facilities including football pitches, parking, vehicle and pedestrian accesses, landscaping, a pickup/drop off point along Matthew Telford Way with associated works. The school building itself would sit to the northeast side of the site, with play areas to the north and south, parking to the northwest and playing fields to surround. The school building would cover around 1423sqm in area to provide education provision for 210 pupils.

The proposal would utilise an existing area of open land and would therefore require new pedestrian and vehicle access points and associated hardstanding. Car parking would be proposed within the curtilage of the site.

The building would be of a single storey nature however would adopt a double height roof space. Internally, the building would be internally configured to provide the facilities required for the new primary school including classrooms, kitchen, hall, storage and staff facilities with other ancillary spaces. The building would measure a maximum of 3.1 metres to the eaves and 7.1 metres to the ridge.

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

SITE

The site is located on the south side of Matthew Telford Park in Grimsby which is currently an undeveloped part of Scartho Top. However, other development has taken place to the east and west in the form of the Aldi Food store and Care Home facility. The development would adjoin the existing spine road, from Matthew Telford Park, which has been constructed adjacent to the site and its associated access would be taken from the north. The site is currently vacant scrub land. To the north of the site is Aldi and a recent approval for retail units would be to the northwest, all forming part of the Scartho Top Development.

RELEVANT PLANNING HISTORY

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

P44395 - Outline planning application for 2100 dwellings and village centre including retail and a primary school - Approved 1994

DC/364/04/SCA - Vary planning application P44395 to extend the 13 years completion condition - Approved

DC/1242/08/SCA - Vary the phasing condition to allow phase 6B to be built out at the south of the site - Approved

DM/1201/15/FUL - Vary condition 3 of DC/1242/08/SCA to change the phasing plan and open space provision - Approved

DM/1049/16/REM - Reserved matters application for 845 dwellings and associated infrastructure - Approved

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2023)

- NPPF6 - Building a strong, competitive economy
- 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.
- NPPF16 - Conserv. & enhance the historic environ.

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

- PO5 - Development boundaries
- PO6 - Infrastructure
- PO13 - Housing allocations
- PO14 - Development of strategic housing sites
- PO22 - Good design in new developments
- PO33 - Flood risk
- PO34 - Water management
- PO36 - Promoting sustainable transport
- PO38 - Parking
- PO39 - Conserve and enhance historic environ
- PO41 - Biodiversity and Geodiversity
- PO42 - Landscape
- PO43 - Green space and recreation

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

REPRESENTATIONS RECEIVED

Highways Officer - Approval with access and CTMP conditions and highway license and damage informatives.

Anglian Water - Not relevant. No comments to make.

Trees and Woodlands - Landscaping plan considered positive.

Environment Team - Hours of construction, land quality and piling/ground improvement

conditions. CMP, Noise Impact Assessment and AQA acceptable.

Humberside Fire and Rescue - Access and water supplies informative.

Northern Powergrid - Cables informative.

Heritage Officer - No input required.

Drainage Officer - Drainage strategy acceptable. Final detailed designs to be approved once produced.

Sport England - No objections with advisory comments regarding ball strike. Informatives for standards, methodologies and community use.

Rights of Way Officer - No affects to network.

Environment Agency - No comment.

Ecology Officer - Satisfied with assessment and recommendations. Locations and future habitat area to be submitted and approved.

Safer Communities - Advice regarding construction and design for best practice.

Neighbour Representation

Objections have been received from the following addresses broadly on the grounds of traffic, road safety, parking, location of development, wider access, loss of light to playground, negative impacts and lack of additional access road into Scartho Top.

4 Fenwick Court
11 Ford Close
1 Lancer Court
Patchett Close

Support comment from the following address broadly on the grounds of this being a much needed and wanted development.

6 Paynter Court

APPRAISAL

Principal of Development

The site is located within the strategic residential development site of Scartho Top as allocated in the NELLP. The wider site benefits from an outline and reserved matters planning permission for 2100 dwellings, many of which have been built out.

This particular part of the Scartho Top site has been set aside for a school site which this development would provide. Planning permission DM/1201/15/FUL and discharge of conditions application DM/0329/16/CND refer to the requirements of such use as detailed in the Site Wide Phasing Strategy and Programme. There are specific references to this land detailing the provision of a primary school site to which this application relates.

The Scartho Top Master Plan has always envisaged the creation of a primary school. The ambitions of this specific phase for a centre have already started to be delivered by means of the Aldi store and the approved local centre under DM/0451/23/FUL. The material planning history and the NELLP Policy 14 require the development of this facility and specifically references the Master Plan as part of the policy requirement. This development would complete the phasing for the village centre.

In policy terms the National Planning Policy Framework states that Local Planning Authorities should take a proactive, positive and collaborative approach to meeting the requirement to provide a sufficient choice of school places to meet the needs of existing and new communities. In particular they should give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications (Section 8, Para 95, NPPF 2023). In addition to the provisions of the NPPF, Policy 6 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) [NELLP], supports development proposals for new public infrastructure; including schools.

Having regard to the above it is considered that the principle of the development is acceptable, and it falls to judge the scheme against the site specifics.

Character and Visual Amenity;

Policy 5 of the NELLP requires an assessment on the impact to the character of the area and visual amenity by virtue of size, scale and density with Policy 22 setting out the requirements for 'good design'.

The development consists of one building and would be positioned to the northeast of the site with the associated parking to the site to frontage of the building adjoining the main access into the site. The play areas would be positioned to the north and south of the building organised due to the differing Key Stages for education. To the south and west would lie the playing fields and sport facilities including pitches and racetrack. The building would be surrounded by footways with typical 2.4-metre-high green weld mesh fencing to the site boundaries. Gates would also be installed to the main access and to pedestrian areas.

The school would be behind the existing Aldi store resulting in this being partly screened from view from the host street of Matthew Telford Park. However, main views would be possible from the car park and from the new local centre when constructed. It is considered that the building would be functional, and the scale, position and overall design would not be at odds with the general character of neighbouring buildings or wider

area. It is typical of a community building of this type with reasonable materials which will assimilate it with neighbouring buildings.

In relation to character and visual amenity, the proposal is considered to be acceptable in accordance with Policy 5 and 22 of the NELLP.

Highways and Parking;

An access would be created to the north of the site adjoining the existing feeder road adjoined from Matthew Telford Park. The proposal also includes 23 car parking spaces, including that for disabled and EV provision. The proposal also includes dedicated bike stores for both staff and children to encourage sustainable travel. Furthermore, a pickup/drop off point has been indicated to the south side of Matthew Telford Park, to provide 6 bays, to alleviate the need for traffic build up during peak times.

The Highways Officer has reviewed the details and concluded that a Transport Assessment should be submitted as part of the application. This has been submitted and confirms that there would not be a severe impact on the highway network as a result of the development. Furthermore, details relating to a Traffic Regulation Order for this scheme has also been provided in order to alleviate issues with on street parking which is commonly an issue with schools in the Borough. The Highways Officer has reviewed the details and concluded that they are content that the proposals would not cause a severe highway impact on the adjacent network or create road safety issues. However, for construction management and final access details conditions are recommended.

With regard to highway safety, amenity and parking the proposal accords with Policy 5 and 38 of the NELLP.

Flood Risk and Drainage;

The site is not within a flood risk area either on the Environment Agency Flood Maps or the Strategic Flood Risk Assessment.

A Drainage Strategy accompanies the application, this sets out the principles of a sustainable surface water drainage scheme that would connect into the existing site wide network. It is essential to ensure the satisfactory disposal of surface water in accordance with policy 34 of the Local Plan. Further clarification has been sought to ensure that the drainage details are correct and acceptable. Following further details, the Drainage Officer has confirmed that the strategy is acceptable subject to final details to be agreed by condition.

It is therefore considered that the proposal is in accordance with Policy 33 and 34 of NELLP and section 14 of the NPPF.

Landscaping and Ecology;

The proposal includes new tree and hedge planting to the site boundaries. To the southwest, a future habitat area and wildflower planting has been indicated. The species and types of planting have also been included along with details of planting, aftercare and maintenance. The Trees and Woodlands Officer has reviewed the details and confirmed that the Landscaping Plan and associated details are acceptable.

A Preliminary Ecological Appraisal has also been submitted evaluating the ecological constraints on the site. The report summarises some recommendations for ecological enhancement in relation to the development. The Ecology Officer has reviewed the report and is satisfied with the assessment and recommendations made. Final details of the locations of the swift and bat boxes need to be included on a plan and details of the future habitat area to be submitted and approved. Conditions are recommended.

Impact on Neighbouring Land Uses and Neighbours;

The immediate neighbours are largely commercial operators including Aldi and the care home. It is important to note that a retail site has also been approved to the northwest of the site. Whilst the site has been unused, the proposal would introduce further intensity by the proposed use, however it should not cause a degree of noise or disturbance that would be problematic in this location. A Noise Impact Assessment has been provided as well as an Air Quality Assessment which have been reviewed and deemed acceptable by the relevant consultees. This establishes that the use would be acceptable in this location when considering noise and air quality.

The Environment Team have recommended conditions relating to land quality and piling/ground improvement given the residential neighbours in the locality, specifically to the north and east.

There have been some objections from neighbours broadly on the grounds of traffic, road safety, parking, location of development, wider access, loss of light to playground, negative impacts and lack of additional access road into Scartho Top.

Most of the above issues have been discussed in the report, specifically in relation to traffic and road safety. As previously, stated the application includes a Transport Statement which considers the development as a whole and the impacts this would have to the wider highways network in addition to parking and road safety issues.

As previously discussed, the location of the development is in line with the previous extant permissions and Scartho Top Master Plan and this specific site has historically been signposted for this school provision and the other existing and future development around it.

The issue regarding the wider access through Scartho Top as a whole is noted however this is not considered to weigh against this specific application.

Neighbouring land uses will not be adversely impacted by virtue of massing or overlooking or noise and disturbance.

Sport England have commented to state that they have no objection to the proposal however they have highlighted that ball strikes from outside areas should be considered along with any appropriate mitigation. This is particularly how the playing field relates to the existing care home. A Risk Assessment has been provided and although this is not a formal Ball Strike Risk Assessment it is considered that this addresses the potential issues and provides the relevant mitigation and therefore is considered acceptable in this instance. Sport England have stated that this is not sufficient. However, it is considered that it highlights the type of sports to be played, the nature of the community use and the boundary treatments and how the school would mitigate any issues. Moreover, having regard to the layout of the site and separation involved from neighbours it is considered that it is acceptable. It must also be noted that Sport England have accepted the same approach for the other application for a school at Waltham under application DM/0448/23/FUL.

Having regard to the above in terms of residential amenity the proposal is considered acceptable under Policy 5 of the NELLP.

Community and Future Use;

A community use agreement is recommended as raised by Sport England and under the requirements of Policy 43 of the NELLP. The applicant does note that this is likely to be for smaller groups given the size of the overall proposal site. Larger groups have the ability to utilise the Tollbar Academy site. Hours of use for the sports pitches have also been recommended and included as a condition to ensure that there would be no impact in relation to noise and disturbance.

CONCLUSION

The proposal is considered to be compatible in this area specifically given the Scartho Top Masterplan. Consideration has been given to the impact on the surrounding land uses, the highway network, drainage and flood risk and the visual amenity of the character of the area. It is considered that the proposal is in full accordance with the Local Plan and is therefore recommended for approval. Policies 5, 6, 22, 33, 34, 36, 38, 39, 41 and 42 of the NELLP and Sections 6, 9, 11, 12, 14, 15 and 16 of the NELLP.

RECOMMENDATION

Approved with Conditions

(1) Condition

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

Reason

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

(2) Condition

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

Site Location Plan - TD035-22-A001 Rev B

Proposed Site Plan and Boundary Treatments - TD035-22-A002 Rev H

Proposed Floor Plan and Roof Plan - TD035-22-A103 Rev B

Proposed Elevations and Visuals - TD035-22-A104 Rev C

Proposed Site Plan and Cycle Shelter Details - TD035-22-A011

Existing and Proposed Site Sections - TD035-22-A105

Proposed Boundary Treatments - TD03522-A012

Proposed Exterior Lighting Plan - ASD-DN-MR-0523-029 Rev R00

Proposed Road Markings Plan - TD035-22-A013 Rev A

Reason

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

(3) Condition

Prior to the commencement of the development details of all external materials to be used in construction of the buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be built out in accordance with the approved details.

Reason

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

(4) Condition

Prior to installation, final details of the drainage design and drainage calculations shall be submitted and approved by the Local Planning Authority. The development shall then be built out in accordance with the approved details and the drainage implemented prior to occupation.

Reason

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

(5) Condition

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

Reason

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

(6) Condition

No works related to the development hereby approved shall begin until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP should include, but not be limited to the following:

1. Contact details of the person with responsibility for the implementation of the CMP;
2. The expected number, types and size of vehicles during the entire construction period;
3. The proposed daily hours of operation during the construction period;
4. Details of on-site parking provision for construction related vehicles;
5. Details of on-site storage areas for materials and any construction compound;
6. Details of expected delivery schedules and how this will be managed to eliminate waiting on the public highway (i.e. call ahead or pre-booking scheduling system), if required; and
7. Details of wheel washing facilities (locations, types etc.).
8. Means of suppressing dust and noise.

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

Reason

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

(7) Condition

Development shall not begin until details showing the location, layout, design and method of construction of any new or altered vehicular access, parking and manoeuvring space, including any necessary piping or culverting of any ditch or watercourse, have been submitted to and approved in writing by the Local Planning Authority, and before the development hereby permitted is brought into use the vehicular access, parking and

manoeuvring space shall be constructed in accordance with those approved details and shall thereafter be so retained.

Reason

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

(8) Condition

The landscaping shall be carried out in strict accordance with the details on plan no. LP01_230623_AH. All planting shall be carried out in accordance with the approved details within 12 months of the date of commencement of the development or within such longer time as agreed in writing with the Local Planning Authority and all planting shall thereafter be maintained for a period of 5 years with all loses in that period replaced with the same plant and standard.

Reason

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

(9) Condition

If during development contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately, and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. Remediation shall be undertaken in accordance with the details approved.

Reason

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

(10) Condition

Prior to the commencement of construction works on site, detailed specifications of the type of piling/ground improvement/foundations to be used to support the buildings/structures shall be submitted to the Local Planning Authority for approval. Included shall be a scheme to mitigate the effects of the design with particular regard to noise and vibration to the surrounding premises and pollution to the underlying chalk aquifer. The foundations shall be carried out/constructed in accordance with the approved details unless variations are approved in writing by the Local Planning Authority.

Reason

To protect the amenities of neighbours and to ensure the integrity of the underlying aquifer is not compromised in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(11) Condition

The development shall proceed in strict accordance with the recommendations set out in the Preliminary Ecological Appraisal dated December 2022 and before the following are installed and prior to use of any part of the school commencing, final details and locations of these shall be submitted to and approved in writing by the Local Planning Authority.

- Swift Boxes
- Bat Boxes
- Future Habitat Area

Once approved, the development shall proceed and be occupied in strict accordance with the agreed details.

Reason

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

(12) Condition

The hours of operation of the outdoor sports pitches shall be restricted to:

08:00hrs to 16:30hrs - Monday to Friday
10:00hrs to 16:00hrs - Saturday and Sunday

Unless otherwise agreed with the Local Planning Authority.

Reason

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

(13) Condition

The development hereby permitted shall operate in accordance with the submitted Ball Strike Assessment dated 20/07/2023 unless otherwise agreed by the Local Planning Authority.

Reason

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

(14) Condition

Prior to the occupation of school, final details and provisions of the sports field and community use agreement shall be agreed in writing with the Local Planning Authority. The Scheme shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities, timing for implementation and include a mechanism for review all of which shall follow the hazard controls stated within the submitted Ball Strike Risk Assessment. The approved Scheme shall be implemented in accordance with the details and timings approved.

Reason

To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(15) Condition

No use of any part of the school hereby permitted shall take place until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The school hereby permitted shall then be used in accordance with the measures approved.

Reason

In the interest of promoting sustainable transport in accordance with Policy 36 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(16) Condition

Prior to any use of the development commencing, a scheme for Closed-circuit television (CCTV), shall be submitted to and agreed in writing by the Local Planning Authority. The CCTV agreed shall be implemented in accordance with the details approved prior to any part of the school being used.

Reason

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

(17) Condition

The development authorised by this permission shall not begin until the local planning authority has approved in writing a scheme of off-site highway improvements to include a review of parking restrictions as a means of managing vehicle movements associated with the approved development leading to the submission of a Traffic Regulation Order application.

Should a Traffic Regulation Order be successful it shall be implemented within 6 months of the Order being confirmed unless otherwise agreed with the Local Planning Authority.

Reason

In the interests of highway safety reasons and in accordance with Policies 5 and 36 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

(18) Condition

Prior to the use hereby permitted commencing details shall be submitted to and approved in writing by the Local Planning Authority of all external ventilation and extraction equipment and air source heat pumps including their acoustic performance. Such a scheme as approved shall be implemented in accordance with the details approved.

Reason

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

Informatives

1 Reason for Approval

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or residential amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 5, 6, 13, 14, 22, 33, 34, 36, 28, 39, 41, 42 and 43.

2 Informative

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

In accordance with paragraph 187 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner by determining the application in a timely manner.

3 Informative

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

4 Informative

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

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

5 Informative

At least 6 months before works begin on site, you must contact Highways Management Team on 01472-324532 about forming a vehicular access within the existing highway.

6 Informative

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

7 Informative

The applicant's attention is drawn to the comments made by Northern Powergrid received 13th October 2023 and Humberside Fire & Rescue received 19th October 2023.

8 Informative

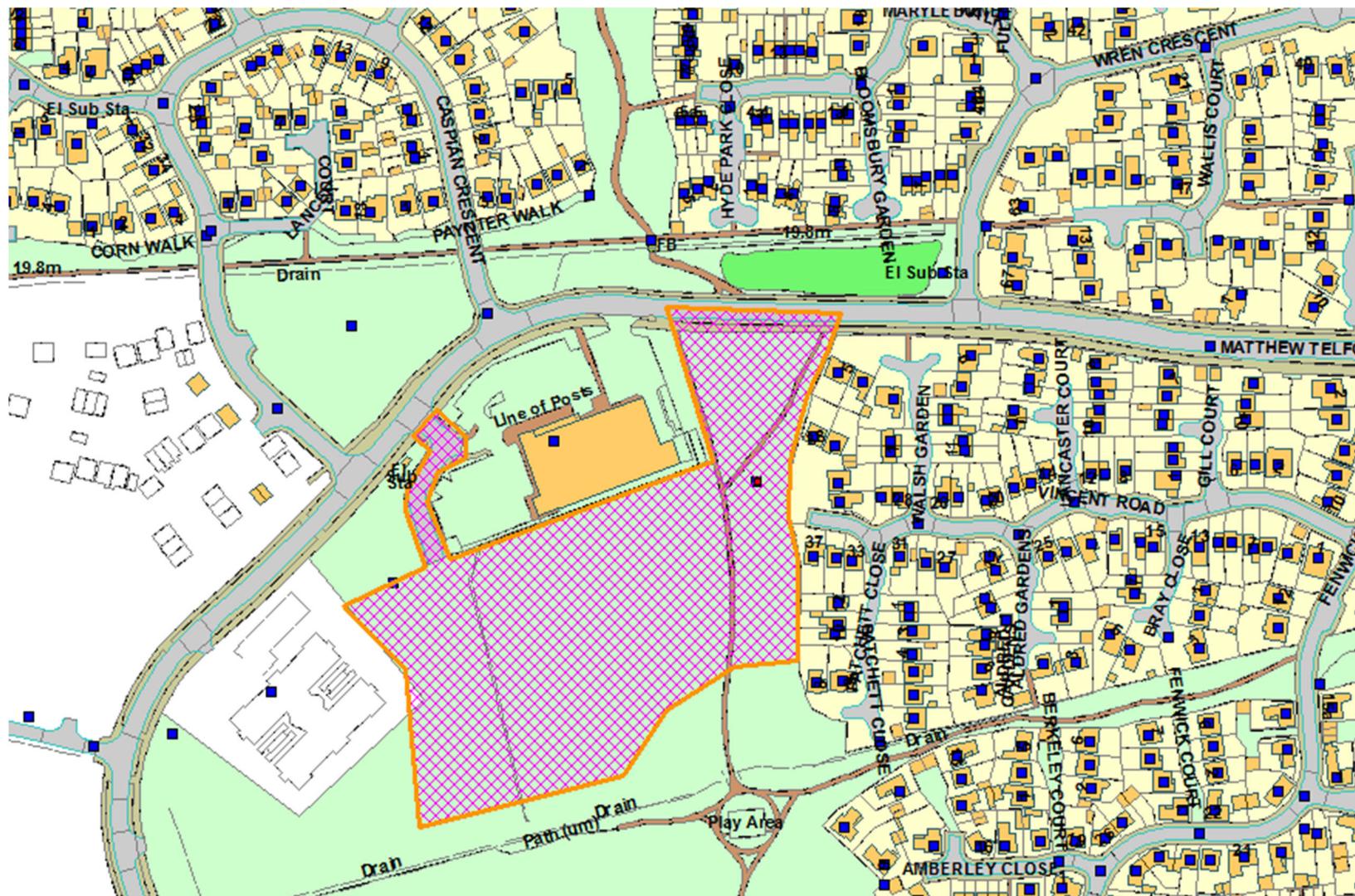
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9 Informative

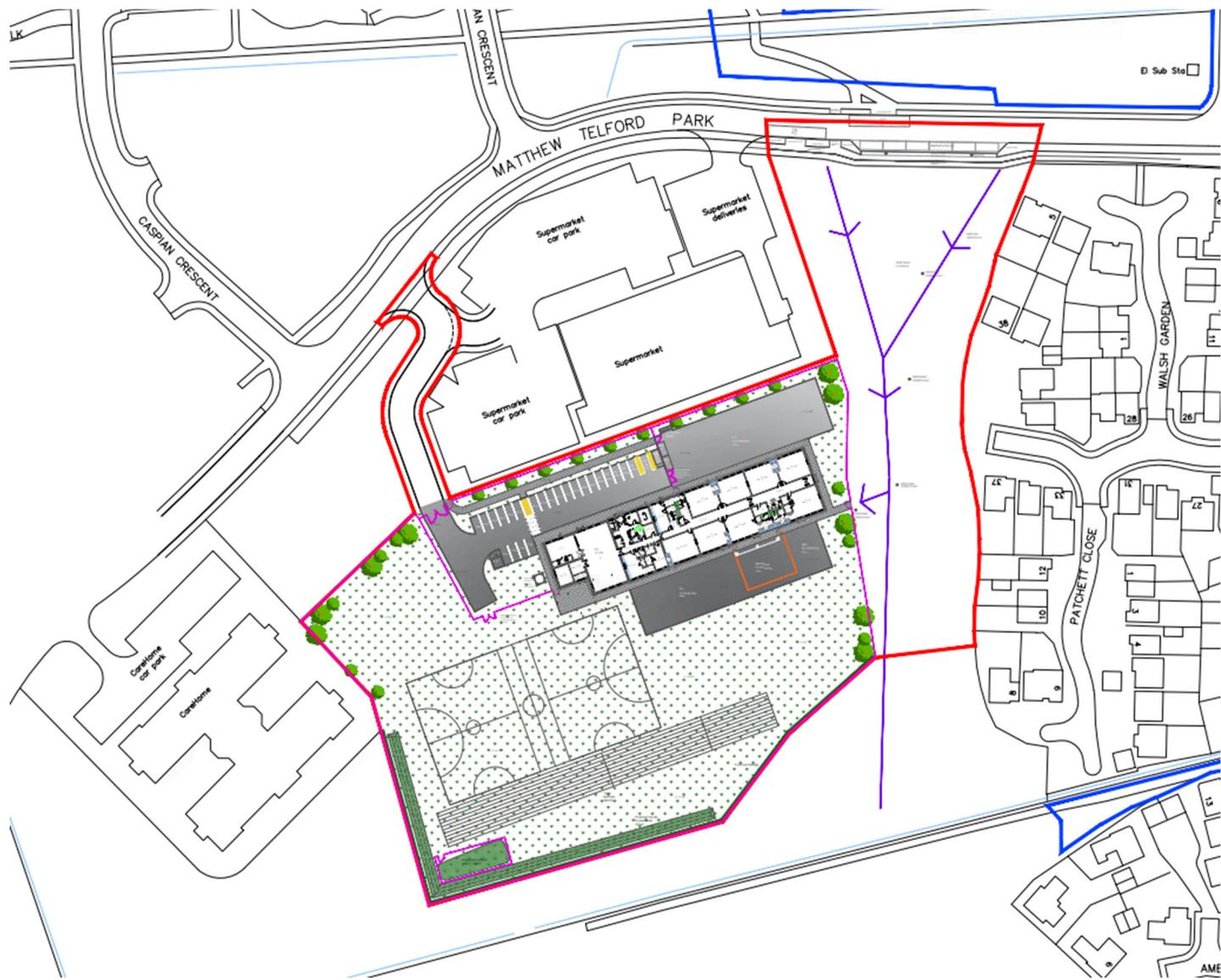
The applicant's attention is drawn to the following guidance [New_Schools_2014.pdf](#) (securedbydesign.com)

https://www.securedbydesign.com/images/SBD_New_Schools_Application_Form_V2.docx relating to secured by design.

DM/0465/23/FUL – LAND ADJ TO ALDI, MATTHEW TELFORD PARK, GRIMSBY



DM/0465/23/FUL – LAND ADJ TO ALDI, MATTHEW TELFORD PARK, GRIMSBY



PLANNING COMMITTEE - 29th November 2023

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

APPLICATION No: DM/0448/23/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Land Off Sunningdale, Waltham, North East Lincolnshire,

PROPOSAL: Provision of new Primary School, including erection of main school building, installation of ventilation system, erection of fencing/gates and associated landscaping. Creation of staff car parking, vehicular and pedestrian accesses from Sunningdale, pedestrian access from Archer Road, creation of playgrounds and playing pitch, athletics track, habitat area, cycle storage and associated works

APPLICANT:

Christine Scott
North East Lincolnshire Council
1st Floor
Civic Offices
Knoll Street
Cleethorpes
North East Lincolnshire
DN35 8LN

DEPOSITED: 10th May 2023

AGENT:

Jessica McCague
Equans
New Oxford House
George Street
Grimsby
North East Lincolnshire
DN31 1H

ACCEPTED: 24th May 2023

TARGET DATE: 23rd August 2023

PUBLICITY EXPIRY: 13th November 2023

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 23rd June 2023

CASE OFFICER: Owen Toop

PROPOSAL

This development proposal is for the provision of a new primary school in Waltham at land situated off Sunningdale and Archer Road. The proposed works include:

- the erection of the main school building
- the provision of playgrounds and a playing pitch
- removal of existing landscaping and provision of a landscaping scheme

- creation of staff car parking and vehicular and pedestrian accesses from Sunningdale
- cycle storage
- habitat area
- erection of fencing and gates, including a section of acoustic fencing.
- air source heat pumps, solar panels and associated works.

This planning application is brought to the attention of planning committee due to the number of public objections received.

SITE

The site is a parcel of land that is approximately 1.39 hectares in area and is bounded by the residential streets of Sunningdale to the south, Woodhall Drive and Lindrick Walk to the north and west, and Archer Road to the east.

RELEVANT PLANNING HISTORY

Historic planning permissions for estate.

852/70 - Land north of Barnoldby Road - outline planning permission allowed on appeal.

404/73 - Reserved Matters allowed on appeal.

771/75 - road layout

276/76 - outline application (Mount Pleasant Farm) - this application included reference to reserving land for educational purposes and a condition was stated to this affect.

709-77 - road layout

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2023)

NPPF6 - Building a strong, competitive economy

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.

NPPF16 - Conserv. & enhance the historic environ.

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

PO5 - Development boundaries

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

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

REPRESENTATIONS RECEIVED

Highways - No objections subject to conditions.

Heritage - No heritage input required.

Ecology - No objections subject to conditions.

Trees and Woodlands - No objections subject to conditions.

Drainage - No objections subject to conditions.

Anglian Water - Standard response.

Environment Agency - No comments.

Cadent Gas - No objections, informative note provided.

Sport England - No objections subject to conditions.

Environmental Health - No objections subject to conditions.

Police - Designing Out Crime comments provided and final details to be secured.

Humberside Fire and Rescue - Informative note provided.

Waltham Parish Council - Recommend approval. Though a number of points for consideration have been provided.

Public Representations:

In some cases multiple letters from the same address have been received.

Letters of Objection received from the following addresses:

16 Archer Road
21 Archer Road
28 Archer Road
30 Archer Road
48 Archer Road
57 Archer Road
73 Archer Road
75a Archer Road
5 Ascot Road
3 Ashbourne
6 Ashbourne
16 Ashbourne
17 Ashbourne
18 Ashbourne
9 Carnoustie
13 Carnoustie
17 Chadwell Springs
5 Gleneagles
4 Lindrick Walk
46 Sunningdale
5 Turnberry Approach
11 Turnberry Approach
20 Woodhall Drive
27 Woodhall Drive
36 Woodhall Drive
41 Woodhall Drive
50 Woodhall Drive
56 Woodhall Drive

Comments broadly on the following grounds:

- Concerns over street parking and increase in traffic
- Loss of green space, trees and historic hedge, reference to Council's Tree Strategy
- Impact on ecology
- Objections the Transport Assessment and Air Quality Statement
- Air pollution
- Appearance of fencing

- Question the need for the school
- Safety concerns
- Drainage and flooding concerns.
- Alternative use suggestions.

Neutral Comments received from the following addresses:

3 Turnberry Approach
9 Turnberry Approach
20 Sunningdale
3 Lindrick Walk
18 Wheatfield Drive

Broadly on the grounds of:

- Maintenance of existing fencing
- Queries on parking restrictions
- Query on position of building
- Concerns in relation to flooding, traffic and ecology
- Alternative site suggestions
- Concerns on fencing and removal of trees.
- Additional Pedestrian Crossings suggested.

APPRAISAL

The material considerations are:

- 1) Principle of Development
- 2) Visual Design
- 3) Access and Traffic Generation
- 4) Impact on Neighbouring Land Uses
- 5) Landscaping and Ecology
- 6) Community Use
- 7) Flood Risk and Drainage

- 1) Principle of Development

The National Planning Policy Framework states that Local Planning Authorities should take a proactive, positive and collaborative approach to meeting the requirement to provide a sufficient choice of school places to meet the needs of existing and new communities. In particular they should give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications (Section 8, Para 95, NPPF 2023). In addition to the provisions of the NPPF, Policy 6 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) [NELLP], supports development proposals for new public infrastructure, including schools.

Following on from a number of planning permissions in the 1970's for the residential development of this part of Waltham land has always been earmarked for educational development. Specifically condition 7 of 276/76 - outline application (Mount Pleasant Farm) - stipulates that land must be reserved for educational purposes. Consequently, the application site is allocated as educational land within the Policy Maps of the NELLP. Bearing the planning history in mind, the site's land allocation and the provisions of the NPPF, the principle of development for this site for education provision is acceptable. It now falls to the site-specific material planning considerations to determine the acceptability of the proposal.

2) Visual Design

Policy 5 of the NELLP requires an assessment on the impact to the character of the area and visual amenity by virtue of size, scale and density with Policy 22 of the NELLP setting out the requirements for 'good design'.

The school building itself is positioned towards the west of the site, with associated parking to the south west of the site to the frontage of the building adjoining the main access into the site. The play areas would be positioned to the west and east of the building organised due to the differing Key Stages for education. To the east would lie the playing fields and sport facilities including pitches and racetrack. The building would be surrounded by footways with typical 2.4-metre-high green weld mesh fencing to the site boundaries and 2.4m high acoustic fence for part of the north boundary. Gates would also be installed to the main access and to pedestrian areas.

The building is single storey, and the roof incorporates solar panels and ventilation on the south roof plane. It is considered that the building would be functional, and the scale, position and overall design would not be at odds with the general character of neighbouring buildings or wider area. It is typical of a community building of this type with reasonable materials which will assimilate it with neighbouring buildings.

In relation to the impact on character and visual amenity of the area, the proposal is considered to be acceptable in accordance with Policies 5 and 22 of the NELLP.

3) Access and Traffic Generation

Policy 5 sets out that all development proposals will be considered with regard to suitability and sustainability, having regard to B) 'access and traffic generation.' The development proposed includes a vehicular access taken from Sunningdale, to the south west of the site. Pedestrian and cycle access will be provided via Sunningdale, to the west of the site, and from Archer Road to the east.

The proposed development comprises the construction of a new school for 210 places for children aged 4 to 11 years of age, and special educational needs capacity for a further 12 children. In total 24 car parking spaces are proposed, including three spaces for persons with disabilities near the building entrances. A secure staff bike store is provided

as part of the car park layout, while capacity for 24 bikes and a scooter store would be provided for children within the domain of the play area. The proposal also has the potential to create additional traffic generation from users of the school, particularly parents collecting and dropping-off at school start and closing times. Additionally, there are vehicular movements associated with the community use 'after-school' aspect of the development.

It is recognised that substantial public objection has been received in response to the consultation of the planning application. One of the main concerns raised is in relation to traffic generation from the proposed development. Moreover, it is noted that comments from the Waltham Parish Council have been received who recommend approval with measures to mitigate the impacts of traffic generation from the development.

Section 9, Paragraph 111 of the NPPF states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network are severe.' As part of this application, a Transport Assessment has been provided by the applicant which includes details of traffic generation connected with the development. The Highways Officer has reviewed the information in the Transport Assessment and the submitted plans and recommends that there would be no severe impact on highways grounds as a result or any highway safety concerns. This is subject to conditions on final access details and construction management. To assist the possibility of including the implementation of a Traffic Regulation Order is proposed for a school keep clear zone.

Regarding parking in terms of staff, the development is considered to provide adequate parking for the number of staff users and provides disabled access parking to accord with Policy 38 (Parking) of the NELLP. In terms of the promotion of sustainable transport, the applicant is required to produce a Travel Plan, and this is recommended to be secured through a planning condition in accordance with Policy 36 of the NELLP. Finally suitable provisions for electric vehicle charging have been incorporated into the site layout.

Accordingly, the proposal is not considered to cause an unacceptable impact on highway safety, nor are the residual cumulative impacts on the road network considered to be severe. The proposal is therefore considered to accord with Policies 5, 36 and 38 of the NELLP and Section 9 of the NPPF with regard to access and traffic generation of the development.

4) Impact on Neighbouring Land Uses

The proposed development is located within an established residential area. The site is bounded by residential properties on all sides; there are residential properties to the east at Archer Road, to the north at Woodhall Drive, to the south at Sunningdale and Turnberry Approach and to the west at Lindrick Walk. Some of the concerns highlighted relate to noise and disturbance from the school.

Policy 5 of the NELLP allows for an assessment of development and their impact upon

neighbouring land uses by reason of noise, air quality, disturbance or visual intrusion. Firstly, in terms of visual intrusion, the school building itself, which is the largest aspect of the proposal in terms of its physical presence, is separated from neighbouring properties. It is therefore considered that there are no adverse impacts in terms of massing, overshadowing or overlooking. The proposal incorporates fencing around its perimeter which is 2.4 metres. This is typical of fencing for schools and fencing at this height is not expected to cause any detrimental impacts to neighbouring residential amenity.

A Noise Impact Assessment has been provided as part of this application to allow for consideration of the impacts of noise and disturbance on neighbouring properties. Following on from this assessment, mitigation measures have been provided in the form of an acoustic fence to restrict noise from the playground. The council's environmental health department have reviewed the Noise Impact Assessment and mitigation measures and have raised no objections, subject to conditions to secure final details of the acoustic fencing, acoustic information for the ventilation units, and for the activity associated with the outdoor sports areas to be controlled through an appropriate condition. With the conditions in place, it is considered that there will be no adverse impacts in terms of noise and disturbance.

Lighting information has been provided and reviewed as acceptable. An Air Quality Statement has also been provided and has been reviewed by the Environmental Health Department as acceptable.

Sport England have commented to state that they have no objection to the proposal however have highlighted that ball strike should be considered along with any appropriate mitigation. A Risk Assessment has been provided which highlights the type of sports to be played, the nature of the community use and the boundary treatments. Although this is not a formal Ball Strike Risk Assessment it is considered that this addresses the potential issues and provides the relevant mitigation and therefore is considered acceptable in this instance. This has been accepted by Sports England who have no objections to the assessment.

Having regard to the above it is considered that the development is acceptable in terms of residential amenity under Policy 5 of the NELLP.

5) Landscaping and Ecology

The proposal includes new tree, wildflower and hedge planting. A future habitat area has also been indicated at the north east corner of the site. The species and types of planting have also been included along with details of planting, aftercare and maintenance. The Trees and Woodlands Officer has reviewed the details and confirmed that the Landscaping Plan and associated details are acceptable.

As is required, a Preliminary Ecological Appraisal has been submitted evaluating the ecological constraints on the site. The report summarises some recommendations for ecological enhancement on the site in relation to the development. The Ecology Officer

has reviewed the report and concluded that they are satisfied with the assessment and recommendations made. Final details of the locations of the swift and bat boxes need to be included on a plan and details of the future habitat area to be submitted and approved. These conditions have been included.

It is recognised that significant public objection has been received on tree and hedge removal and on impact to ecology. The area has been used by the community for dog walking and as green space with a number of trees being planted. The comments have been reviewed. In response it considered that the proposed landscaping and ecological mitigation measures are acceptable in place of the removal of existing landscaping and accord with Policies 5, 41 and 42 of the NELLP.

6) Community and Future Use

The playing field would be used for community use as per the requirements under Policy 43 of the NELLP. This approach is also supported by Sport England who consider that the wider sites housing delivery in this area would also create a wider demand for sport facilities. This is further identified within the NELC Playing Pitch Strategy to meet the sporting needs of the community.

The playing pitches included with the application have been confirmed to provide community use however only for smaller groups given the size of the overall proposal site. Larger groups have the ability to utilise the Tollbar Academy site. Furthermore, as a primary school facility the types of sports are limited to include rounders, athletics and football to be held in the centre of the field itself where possible.

7) Flood Risk and Drainage

The site is not within a Flood Risk Zone and the Environment Agency have responded with no comments to make with regard to Flood Risk. The council's drainage team have been consulted on the proposals and have raised no objections to the sustainable drainage scheme provided, subject to a condition to secure final details.

With regards to flood risk and drainage, it is therefore considered that there are no detrimental impacts, and that the proposal accords with Policies 5, 33 and 34 of the NELLP.

CONCLUSION

The proposed development is for a new primary school in the village of Waltham and it is located within an established residential area and on allocated land for education within the NELLP.

Due consideration has been given to the impact on the surrounding land uses, the highway network, drainage and flood risk and the visual amenity of the character of the area. It is considered that the proposal is in full accordance with the Local Plan and is

therefore recommended for approval in accordance with Policies 5, 6, 22, 33, 34, 36, 38, 39, 41 and 42 of the NELLP and Sections 6, 9, 11, 12, 14, 15 and 16 of the NELLP.

RECOMMENDATION

Approved with Conditions

(1) Condition

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

Reason

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

(2) Condition

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

Proposed Fences and Gates - TD034-22 A012 B

Proposed Site Plan - TD034-22 A004 H

Landscape Plan - LP01_060623_AH

Proposed Site Plan Drainage Strategy - TD034-22 A007 A

Proposed Elevations - TD034 -22 A104 B

Proposed Floor Plan and Roof Plan - TD034-22 A103 A

Exterior Lighting - ASD-DN-MR-0523-030 R00

Site Location Plan - TD034 - A001 A

Reason

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

(3) Condition

Prior to the commencement of the development details of all external materials to be used in construction of the buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be built out in accordance with the approved details.

Reason

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

(4) Condition

Prior to installation, final details of the drainage design and drainage calculations shall be submitted and approved by the Local Planning Authority. The development shall then be built out in accordance with the approved details and the drainage implemented prior to occupation.

Reason

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

(5) Condition

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

Reason

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

(6) Condition

No works related to the development hereby approved shall begin until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP should include, but not be limited to the following:

1. Contact details of the person with responsibility for the implementation of the CMP;
2. The expected number, types and size of vehicles during the entire construction period;
3. The proposed daily hours of operation during the construction period;
4. Details of on-site parking provision for construction related vehicles;
5. Details of on-site storage areas for materials and any construction compound;
6. Details of expected delivery schedules and how this will be managed to eliminate waiting on the public highway (i.e. call ahead or pre-booking scheduling system), if required; and
7. Details of wheel washing facilities (locations, types etc.).

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

Reason

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

(7) Condition

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

Reason

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

(8) Condition

The landscaping shall be carried out in strict accordance with the details on plan no. LP01_060623_AH. All planting shall be carried out in accordance with the approved details within 12 months of the date of commencement of the development or within such longer time as agreed in writing with the Local Planning Authority and all planting shall thereafter be maintained for a period of 5 years with all losses in that period replaced with the same plant and standard.

Reason

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

(9) Condition

If during development contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately, and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. Remediation shall be carried out in accordance with the details agreed.

Reason

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

(10) Condition

Prior to the commencement of construction works on site, detailed specifications of the type of piling/ground improvement/foundations to be used to support the buildings/structures shall be submitted to the Local Planning Authority for approval.

Included shall be a scheme to mitigate the effects of the design with particular regard to noise and vibration to the surrounding premises and pollution to the underlying chalk aquifer. The foundations shall be carried out/constructed in accordance with the approved details unless variations are approved in writing by the Local Planning Authority.

Reason

To protect the amenities of neighbours and to ensure the integrity of the underlying aquifer is not compromised in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(11) Condition

The development shall proceed in strict accordance with the recommendations set out in the Preliminary Ecological Appraisal dated 30th November 2022 and before the following are installed and prior to use of any part of the school commencing, final details and locations of these shall be submitted to and approved in writing by the Local Planning Authority.

- Swift Boxes
- Bat Boxes
- Future Habitat Area

Once approved, the development shall proceed and be occupied in strict accordance with the agreed details.

Reason

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

(12) Condition

The development hereby permitted shall operate in accordance with the submitted Ball Strike Assessment dated 20/07/2023 unless otherwise agreed by the Local Planning Authority.

Reason

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

(13) Condition

Prior to the development being brought into use, a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. The scheme shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review, all of which shall follow the hazard controls stated within the

submitted Ball Strike Risk Assessment. The approved scheme once implemented shall be retained throughout the lifetime of the development.

Reason

In the interest of providing a community use in accordance with Policies 5 and 43 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(14) Condition

Prior to the use of the school commencing, final details of the acoustic fence following on from the principles detailed within TD034-22 A012 B shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall then be implemented prior to the use of the school commencing.

Reason

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

(15) Condition

No use of any part of the school hereby permitted shall take place until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The school hereby permitted shall then be used in accordance with the measures approved.

Reason

In the interest of promoting sustainable transport in accordance with Policy 36 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(16) Condition

The hours of operation of the outdoor sports pitches shall be restricted to:

08:00hrs to 16:30hrs - Monday to Friday

10:00hrs to 16:00hrs - Saturday and Sunday

Reason

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

(17) Condition

Prior to any use of the development commencing, a scheme for Closed-circuit television (CCTV), shall be submitted to and agreed in writing by the Local Planning Authority. The CCTV agreed shall be implemented in accordance with the details approved prior to any

part of the school being used.

Reason

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

(18) Condition

The development authorised by this permission shall not begin until the local planning authority has approved in writing a scheme of off-site highway improvements to include a review of parking restrictions as a means of managing vehicle movements associated with the approved development leading to the submission of a Traffic Regulation Order application.

Should a Traffic Regulation Order be successful it shall be implemented within 6 months of the Order being confirmed unless otherwise agreed with the Local Planning Authority.

Reason

In the interests of highway safety reasons and in accordance with Policies 5 and 36 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

(19) Condition

Prior to the use hereby permitted commencing details shall be submitted to and approved in writing by the Local Planning Authority of all external ventilation and extraction equipment and air source heat pumps including their acoustic performance. Such a scheme as approved shall be implemented in accordance with the details approved.

Reason

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

Informatives

1 Reason for Approval

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or residential amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular Policies 5, 6, 22, 33, 34, 37, 38, 41 and 42.

2 Added Value Statement

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

In accordance with the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to problems arising, by seeking additional information and amendments to respond to issues raised.

3 Informative

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

4 Informative

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

5 Informative

At least 6 months before works begin on site, you must contact Highways Management Team on 01472-324532 about forming a vehicular access within the existing highway.

6 Informative

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

7 Informative

The applicant's attention is drawn to the comments made by Northern Powergrid received and Humberside Fire & Rescue received

8 Informative

The applicant's attention is drawn to the recommendations made by Sport England in relation to playing field standards and methodologies and community use received

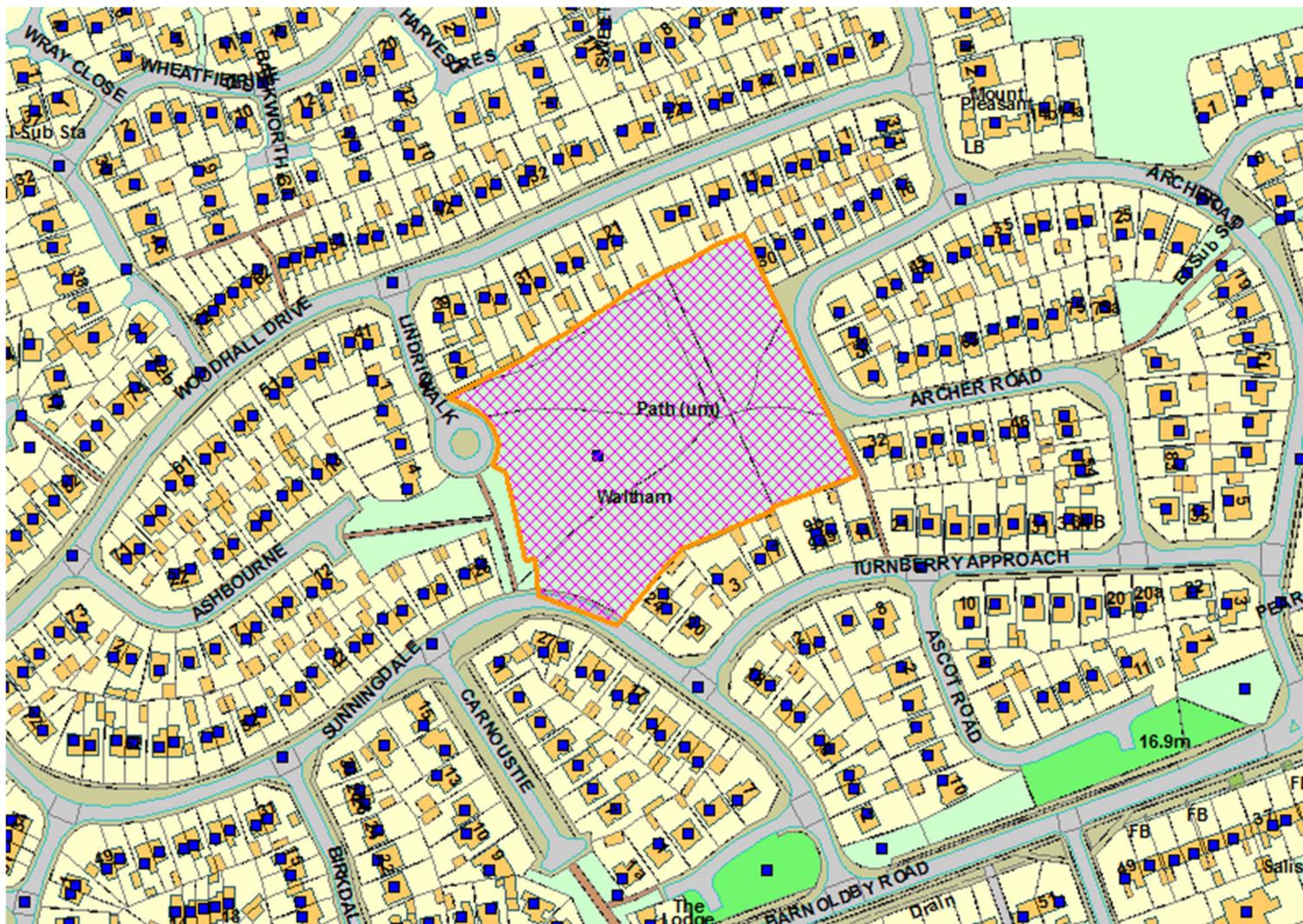
9 Informative

The applicant's attention is drawn to the following guidance [New_Schools_2014.pdf](#)

(securedbydesign.com)

https://www.securedbydesign.com/images/SBD_New_Schools_Application_Form_V2.docx relating to secured by design.

DM/0448/23/FUL – LAND OFF SUNNINGDALE, WALTHAM



PLANNING COMMITTEE - 29th November 2023

ITEM: 4 **RECOMMENDATION: Approved Limited Period**

APPLICATION No: DM/0326/22/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: 299 Louth Road, Grimsby, North East Lincolnshire, DN33 2LA

PROPOSAL: Change of use of residential outbuilding to beauty salon with amended access details (no plan changes, updated description to better reflect proposal)

APPLICANT:

Olivia Dobbs
299 Louth Road
Grimsby
North East Lincolnshire
DN33 2LA

AGENT:

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

DEPOSITED: 13th April 2022

ACCEPTED: 13th May 2022

TARGET DATE: 8th July 2022

PUBLICITY EXPIRY: 19th June 2023

**AGREED EXTENSION OF TIME DATE: 17th
July 2023**

CONSULTATION EXPIRY: 10th June 2022

CASE OFFICER: Emily Davidson

PROPOSAL

The proposal is for the change of use of a residential outbuilding to a beauty salon with amended access details. It should be noted that the business is already in operation.

The application was presented to Planning Committee on 12th July 2023 due to it being called in by Councillor Shepherd and was deferred for further detail of the access arrangements including details of how the access would be closed from Side Lane and a timeframe of when this would be completed should the application be granted. Requests were made for the information which was not forthcoming. Due to the fact that significant time has passed and the application cannot be held pending indefinitely it is again presented to Planning Committee for decision in its current form.

SITE

299 Louth Road is a semi-detached bungalow located close to the end of the road. The area itself is residential with open countryside to the northeast. The houses are a mix of detached and semi-detached properties. There is an access track to the north west of the property which serves the properties to the rear. The property is secured with timber fencing and brick walls.

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)

PO38 - Parking

PO5 - Development boundaries

PO22 - Good design in new developments

PO34 - Water management

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

REPRESENTATIONS RECEIVED

Consultee Representations

Highways Officer - Recommends that the business is accessed via the driveway of the host property rather than Side Lane. Conditions recommended for access to be constructed in accordance with agreed details and to ensure no vehicular entrance from Side Lane.

Drainage Officer - Sustainable drainage condition recommended, alleviated with the receipt of further information.

Heritage Officer - No heritage input required.

Environmental Protection Officer - Opening hours and 1 year temporary condition recommended.

Councillor Shepherd - Call in request on the basis of drainage implications and limitations on light.

Neighbour Representations

Objections received from:

2 and 4 Side Lane, 301 and 282 Louth Road.

Objections are broadly on the grounds of:

Drainage implications, use of the side access, highway safety concerns, no dimensions on plans, loss of light, decreased house value, retrospective nature of the application, lack of details of business and parking not being in accordance with the highway code.

APPRAISAL

Material Considerations

1. Principle of Development
2. Design
3. Neighbouring Amenity
4. Drainage
5. Highways
6. Other Considerations

1. Principle of Development

The site is located within the development boundary of Scartho, 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 development is acceptable subject to the site-specific impacts discussed below.

2. Design

Initially, the application included an extension. This has since been omitted. Comments have also been made in relation to the fence. This is not included in the application and is considered to be permitted development. The outbuilding itself is of acceptable design and if built as a domestic structure would not require planning permission, however, the use for business purposes does. The inclusion of a business within the curtilage of a residential property has become more common since the covid 19 outbreak and there are

several examples of these within the borough. The use would not harm the character of the area or the street scene. In relation to the access works many examples of accesses of this type can be seen in the immediate area surrounding the host dwelling. It would not cause any visual harm. The application is considered in accordance with Policies 5 and 22 of the NELLP 2018.

3. Neighbouring Amenity

The host dwelling adjoins 301, it borders the access road for Side Lane to the side and No.2 Side Lane to the rear. No.284 sits opposite. Objections have been received from No.301 and 282 as well as No.'s 2 and 4 Side Lane. These objections include matters such as loss of light, drainage implications, highway safety, the creation of a business in a residential area, the retrospective nature of the application and decrease in house value. The comments also noted there were no dimensions stated on the plans, however, the plans are to scale, and dimensions can be provided. Planning legislation allows for the submission of retrospective applications, with the considerations to be the same as if the application were not retrospective. The remaining comments are addressed in the relevant sections of the report. Where comments are made in relation to a lowering in house value, this is not a material planning consideration.

It is not considered that the building itself causes any overshadowing, massing or overlooking issues due to its single storey nature. Indeed as noted above as a domestic outbuilding it would be permitted development.

The consideration therefore is mainly in relation to the use itself. The business is currently operational. There have been no complaints to the Council in relation to environmental implications from the general running of the business. Further information has been requested from the agent to fully understand how the business operates/will operate and this has been received and this is considered acceptable. This includes working hours between Monday to Friday (10am - 5pm). There will be on average 5 appointments a day. There will be an element of training provided on site, a few times a month. The use overall is considered relatively low key. Conditions are recommended for a temporary use of one year and for the business to operate in accordance with the document received 23/05/2023, as suggested by the Environmental Protection Officer. Therefore, the application is considered in accordance with Policy 5 of the NELLP 2018.

4. Drainage

The Council's Drainage Officer requested sustainable drainage. Plans for this were received, however, the application has now been amended and there are no building works taking place which require planning permission. The application is therefore considered in accordance with Policy 34 of the NELLP 2018.

5. Highways

Concerns have been raised around road safety in relation to the business and new

access in representations received. A number of photographs have also been received since the application was deferred of cars parking down Side Lane and on Louth Road. This is particularly related to parking along Louth Road as well as the use of Side Lane. Louth Road is an adopted road with no yellow lines present to prevent parking. Thus, parking along this road is considered acceptable and can happen currently with people visiting the existing residential properties. Side Lane is an unadopted road and again, holds no parking restrictions. The vehicular access to the business has been requested by the Council's Highways Officer to be located through the existing driveway and not via Side Lane. A fence has been erected along the boundary between the host dwelling and Side Lane at the rear which has a pedestrian access gate only. Currently the site has access to it at its frontage from Side Lane. With the access being via Louth Road, this is considered acceptable in highway terms and in line with the Highway Officer's comments.

The application was deferred at a previous planning committee with a request that details of how the access to Side Lane would be closed off and a timeframe provided of when this would occur should approval be granted. A number of contacts have been made with the applicant for the information and no response has been received in this regard. Whilst this is unfortunate, it is considered that the lack of this information does not weigh against the application. This does not change the assessment outlined above and it is considered that planning conditions as outlined can address this matter. The application is considered in accordance with Policies 5 and 38 of the NELLP 2018.

6. Other Considerations

The Council's Heritage Officer has no comments to make on this application.

CONCLUSION

The business proposed is not considered to harm the character of the wider area or the amenity of surrounding neighbours. The highway matters have been addressed. The application is considered to accord with policies 5, 22, 34 and 38 of the NELLP 2018 and is recommended for approval though on a temporary basis at this stage to provide a period of formal review of the use.

RECOMMENDATION

Approved Limited Period

(1) Condition

The use of the outbuilding as a beauty salon shall cease within one year from the date of the decision, after which time the outbuilding shall be used only for domestic use incidental to the enjoyment of 299 Louth Road unless, before that date, an extension of the period has been granted on a further application by the Local Planning Authority.

Reason

To enable the Local Planning Authority to continue to monitor the implementation of the proposal, in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(2) Condition

The business shall only operate in strict accordance with the supporting statement received 23/05/2023 unless otherwise agreed in writing by the Local Planning Authority.

Reason

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

(3) Condition

The vehicular access shall be constructed in strict accordance with the details shown on plan SD-1100-11 within six months from the date of this permission. The access shall be retained as such thereafter. At no time should Side Lane be used as a vehicle access to the site following the installation of the new access with it closed in accordance with details submitted to and agreed in writing by the Local Planning Authority.

Reason

To ensure suitable access to serve the site for highway safety reasons in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(4) Condition

The development shall be completed in accordance with the following plan:

Site Location, Block Plan and Proposed Plans and Elevations - 477-22-01 REV E

Reason

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

Informatives

1 Reason for Approval

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The continued use for 1 year would not

harm the area character or neighbouring amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular Policies 5, 22, 34 and 38.

2 Added Value Statement

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

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

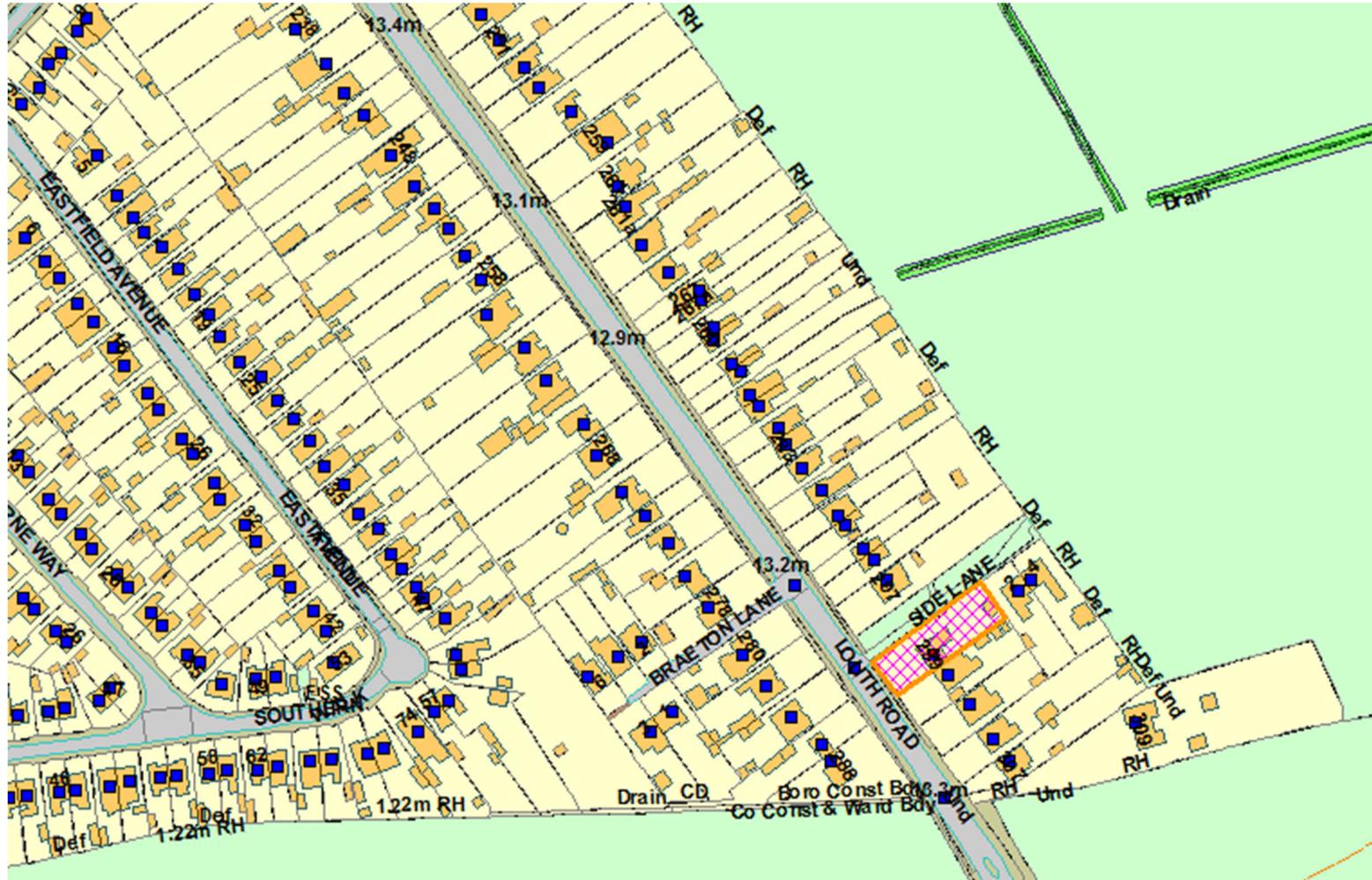
3 Informative

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

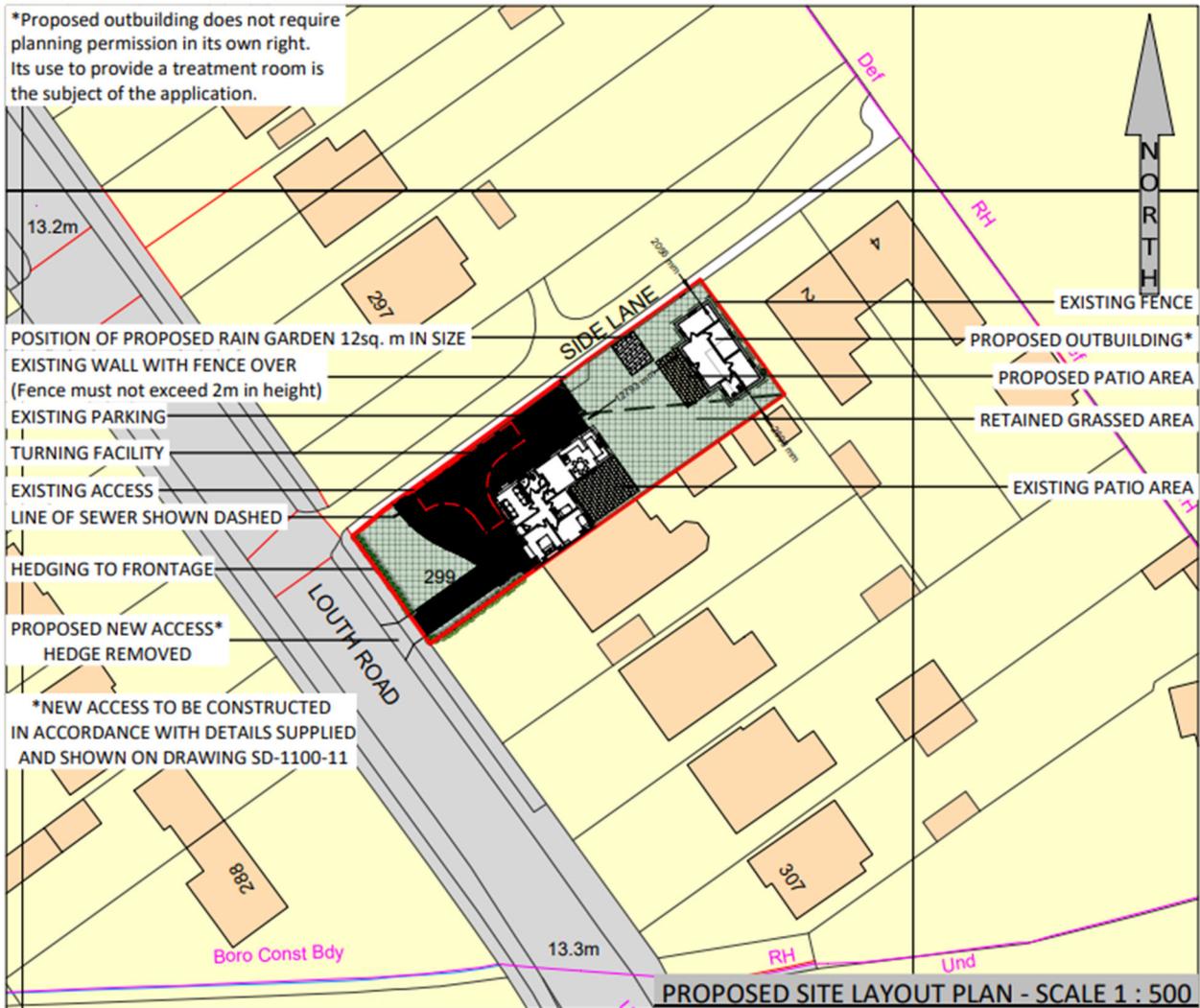
4 Informative

Please note that at least six months in advance of work commencing on the access you are required to contact the Highway Management Team with respect to the formation of a vehicular access within the existing highway. This will enable a S184 licence to be granted within appropriate timescales. No works should commence within the highway boundary until such licence is obtained. (Tel: 01472 325734).

DM/0326/22/FUL – 299 LOUTH ROAD, GRIMSBY



DM/0326/22/FUL – 299 LOUTH ROAD, GRIMSBY



PLANNING COMMITTEE - 29th November 2023

ITEM: 5 **RECOMMENDATION: Approved with Conditions**

APPLICATION No: DM/0567/23/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Flat 5 Rear Of, 11 Rowston Street, Cleethorpes, North East Lincolnshire, DN35 8QR

PROPOSAL: Remove existing container, extension and alterations to provide additional storey at first floor, erect boundary treatments, creation of new entrance/pedestrian access onto Brooklands Avenue and associated works (Amended Description for clarity)

APPLICANT:

Mr Daniel Ramsden
Hope House
Holton Road
Tetney
DN36 5PB

AGENT:

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

DEPOSITED: 13th June 2023

ACCEPTED: 15th June 2023

TARGET DATE: 10th August 2023

PUBLICITY EXPIRY: 24th November 2023

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 10th July 2023

CASE OFFICER: Bethany Loring

PROPOSAL

The application seeks to remove an existing container, erect first floor extension and alterations to provide an additional storey, alterations to window and door placements, erect boundary treatments and associated works at an existing detached flat.

The application is brought to planning committee due to a call in request from Councillor Freeston.

SITE

The property is a single storey, detached dwelling located to the southeast of Rowston Street. The property is positioned to the rear of the existing end-terraced property which has been converted into 4 flats. The site benefits from a paved, concrete driveway to the side garden adjoining the rear courtyard. The boundaries are established by low brick-built walls to the sides and a timber fence to the rear bordering Brooklands Avenue.

RELEVANT PLANNING HISTORY

DC/593/01/HAV - Alterations and extension to garage and store to form additional self contained flat No5 - Approved with Conditions

DC/326/08/CRB - Demolish existing flat (no 5) & construct building comprising of 2 flats - Withdrawn

DC/255/09/CRB - Alterations and additions to construct flat no 6 in addition to the existing 5 flats - Refused

DC/331/11/CRB - Alterations and extensions to existing dwelling to provide 2 dwellings with associated off- street car parking provision - Approved with Conditions

DC/870/12/CRB - Demolition of existing dwelling to provide 2 dwellings with associated off-street parking provision (amendment to application DC/331/11/CRB) - Approved with Conditions

DM/1088/15/CND - Details in Discharge of Conditions 3 (Surface Water Drainage), 4 (External Materials), 5 (Landscaping) & 7 (Method Statement) pursuant to DC/870/12/CRB (Demolition of existing dwelling to provide 2 dwellings with associated off-street parking provision (amendment to application DC/331/11/CRB)) - Conditions Complied With

DM/0038/22/FUL - Remove existing container, extension and alterations to provide additional storey at first floor, installation of roof light, re clad building, erect boundary treatments, creation of new entrance/pedestrian access onto Brooklands Avenue and associated works - Refused and Appeal Dismissed (Inspectorates Decision Letter attached to end of report)

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2023)

NPPF12 - Achieving well designed places

NPPF14 - Climate, flooding & coastal change

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

PO5 - Development boundaries

PO22 - Good design in new developments

PO33 - Flood risk

PO34 - Water management

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

REPRESENTATIONS RECEIVED

Drainage Team - No comment.

Highways Team - Approval with condition for a CTMP.

Environment Team - Hours of construction/demolition condition.

Heritage Officer - No input required.

Environment Agency - Previously objected. Objection now removed with FRA mitigation condition and informative advice.

Anglian Water - Informative advice regarding damage and pre and post construction survey.

Trees and Woodlands - No comment.

Councillor Freeston - Call in request for committee due to covenant and concerns regarding sewer.

Neighbour Representations

Objections have been received from the following addresses broadly on the grounds of impacts to the Anglian Water sewer below, impacts to the Conservation Area, impacts to the character of Brooklands Avenue, highways safety, access, parking, restrictive covenant, inaccuracies within submitted documents, overlooking, loss of privacy, close proximity to neighbours, housing density, rights of way over Avenue, financial implications and contributions to private road maintenance, noise and disturbance, loss of light, inadequate size of plot, over development, higher than previous scheme, affects to the

condition of the road, overcrowding and concerns regarding construction.

1 Brooklands Avenue (x2)
2 Brooklands Avenue (x3)
3 Brooklands Avenue
4 Brooklands Avenue
5 Brooklands Avenue
6 Brooklands Avenue
7 Brooklands Avenue
8 Brooklands Avenue
9 Brooklands Avenue
10 Brooklands Avenue
11 Brooklands Avenue
12 Brooklands Avenue
14 Brooklands Avenue
15 Brooklands Avenue
17 Brooklands Avenue
18 Brooklands Avenue
19 Brooklands Avenue
20 Brooklands Avenue
22 Brooklands Avenue
23 Brooklands Avenue
95 Oxford Street
9 Rowston Street
13B Rowston Street
13C Rowston Street (x2)

APPRAISAL

Material Considerations

Principle of Development

The application site is located within the development area of Cleethorpes, and as such policy 5 of the North East Lincolnshire Local Plan applies. Extensions and alterations are acceptable in principle and it is the site-specific impacts that need to be considered. These are addressed below.

Impact on the Visual Character of the Area, Layout and Design

Policy 5 of the North East Lincolnshire Local Plan requires an assessment on the impact to the character of the area and visual amenity with Policy 22 setting out the requirements for 'good design'. The National Planning Policy Framework (NPPF) states that a high standard of design should always be secured with a good level of amenity for existing and future occupiers of land and buildings.

The proposal is for the removal of an existing container, erection of an extension and alterations to provide an additional storey at first floor to an existing single storey residential flat.

The extension would sit above the existing structure covering a width of 11.8 metres and a maximum length of 7.7 metres. The eaves height would be 5.3 metres with a maximum overall height of 8.3 metres. Hipped roofs would be incorporated into the design. The property would be internally reconfigured at ground floor to provide a living area, dining room, kitchen, utility and WC with three bedrooms, a bathroom, en-suite, dressing room and landing area at first floor. This is a typical arrangement for a single dwelling. This would include window and door openings to the front and rear at both floors with some small protrusions from the side due to the bay windows. A roof overhang would also be included to the front and rear elevations with the openings installed to these protruding areas angled away from the adjoining neighbour to the rear.

The design would see the frontage of the property installed to the existing rear elevation resulting in this fronting onto the adjoining street at Brooklands Avenue. The existing frontage would be altered to become the rear elevation of the property, adjacent to the new external yard area which would be formalised by a separating boundary fence. A hedge would be installed to establish the frontage.

The extension would be constructed of brickwork, to the lower floor and white render, to the upper floor, with white windows and doors and a red single ply membrane for the roof. The materials are not considered similar to the host property however would represent a contemporary design.

Whilst the works are significant, the design and finish of the property is considered to present a contemporary design which would provide a further element of interest within this area. It is important to note that Brooklands Avenue is considered a unique, traditional area within Cleethorpes with 23 and 24 Brooklands Avenue being Locally Listed. The design, most specifically the frontage, has been sympathetically designed to provide some traditional features, including gables, bays and symmetrical proportions. The inclusion of the chimney to the western side also increases the visual interest and presents a further traditional feature which is commonly found within this area.

Having regard to the above it is considered that the proposal in terms of design quality would not cause harm the street scene or conflict with both national and local planning policy specifically section 12 of the NPPF and policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

Impact on Neighbouring Properties

The main impact of this development would be to 13C Rowston Street, Cleethorpes.

The extension would protrude directly above the existing structure, which is adjacent to this neighbour. The scheme has been amended to include a protruding element which

would be angled away from neighbours to the west, to reduce elements of overlooking and loss of privacy. Whilst the works would include an additional floor and increase in height, the separation of the extension and the adjoining neighbour is considered to be sufficient. Furthermore, the orientation and layout of the sites, and openings, would further decrease the impacts relating to massing in this instance. The external amenity space is noted however it is felt that this area currently experiences views from neighbouring properties window openings. The proposal does not include openings specifically to the side elevation and prevents any direct overlooking.

There have been a number of neighbour objections received from the residents along Brooklands Avenue, Rowston Street and Oxford Street. These broadly relate to the existing sewer, negative impact to the character of the area, harm to the conservation area, highway safety, parking and access, breach of restrictive covenant, overlooking, loss of privacy, loss of light, impacts of the construction and maintenance of private road. It is important to note that Brooklands Avenue is not designated as a Conservation Area and that the covenant and maintenance of the private road are not material planning considerations however these aspects have been acknowledged.

In relation to other neighbours, the works are considered to be well-separated from these.

It is therefore considered that the proposal would not have an unacceptable impact on residential amenity in this instance and would accord with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and section 12 of the NPPF.

Highways and Parking

Access to the site would be taken from Brooklands Avenue, where there is an existing parking area, following the change to the frontage. The Highways Team have accepted the details however have suggested a pre-commencement condition to secure details relating to construction traffic management.

The site is within an area with good access to local amenities and sustainable transport modes. It is therefore considered that the proposal will not lead to a severe impact on the wider highway network. The site also includes parking provision, associated with the site, which is as existing. This is sufficient to serve the dwelling.

It is therefore considered to be in accordance with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

Drainage and Flood Risk

Policies 33 and 34 of the Local Plan relate to flood risk and water management within a site. The proposal includes an increase to the built form on the site however, the Council's Drainage Officer has reviewed the details and confirms that there are no comments to make.

The Environment Agency has commented to state that they raise no objections subject to a condition securing the FRA mitigation measures as stated.

There has been extensive discussions relating to the existing sewer that lies beneath the existing structure. Some concerns were raised following details provided by Anglian Water regarding the structural integrity of the existing foundations and potential future pressure to this sewer. Anglian Water have been contacted about this issue and further structural details and calculations have been provided. This has been further reviewed and it has been concluded that the proposal would not warrant changes to the foundations and therefore Anglian Water have no comments to make. It is noted that this aspect is normally dealt with through Building Regulations and this would be further considered as part of that process. However, some informative advice has been provided and included as part of the planning process.

Therefore, it is considered to be in accordance with policies 5, 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and the guidance in section 14 of the NPPF.

CONCLUSION

In conclusion, it is considered that the development would not harm the appearance of the street scene, the wider character of the area or neighbours residential amenities. The proposal is acceptable on the grounds of highways, flood risk and drainage subject to conditions.

It is therefore in accordance with Policies 5, 22, 33 and 34 of the North East Lincolnshire Local Plan and sections 12 and 14 of the NPPF.

RECOMMENDATION

Approved with Conditions

(1) Condition

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

Reason

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

(2) Condition

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

Site Location Plan, Existing and Proposed Block Plans - RD4901-03C
Proposed Floor Plans, Elevations and Section - RD4901-02I
Proposed Street Scene Elevations - RD4901-04D
Proposed Front Elevation and Previous Approval - RD4901-07B

Reason

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

(3) Condition

Prior to construction commencing, final details of all external materials to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. Once approved development shall proceed in strict accordance with the approved details.

Reason

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

(4) Condition

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

Reason

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

(5) Condition

No works related to the development hereby approved shall begin until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP should include, but not be limited to the following:

1. Contact details of the person with responsibility for the implementation of the CMP;
2. The expected number, types and size of vehicles during the entire construction period;
3. The proposed daily hours of operation during the construction period;
4. Details of on-site parking provision for construction related vehicles;
5. Details of on-site storage areas for materials and any construction compound;
6. Details of expected delivery schedules and how this will be managed to eliminate waiting on the public highway (i.e. call ahead or pre-booking scheduling system), if

required; and

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

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

Reason

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

(6) Condition

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (ref: RD4901) undertaken by Ross Davy Associates and the following mitigation measures as detailed within the FRA:

- The development shall have at least two storeys
- Flood resilience and resistance measures to be incorporated as stated

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

Reason

To reduce the risk of flooding to the proposed development and future occupants and in accordance policies 5, 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

Informatives

1 Reason for Approval

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

2 Informative

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

In accordance with paragraph 187 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner by determining the application in a timely manner.

3 Informative

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

4 Informative

The applicant's attention is drawn to the comments made by Anglian Water received 23rd October and the recommendations regarding the pre and post CCTV construction surveys.

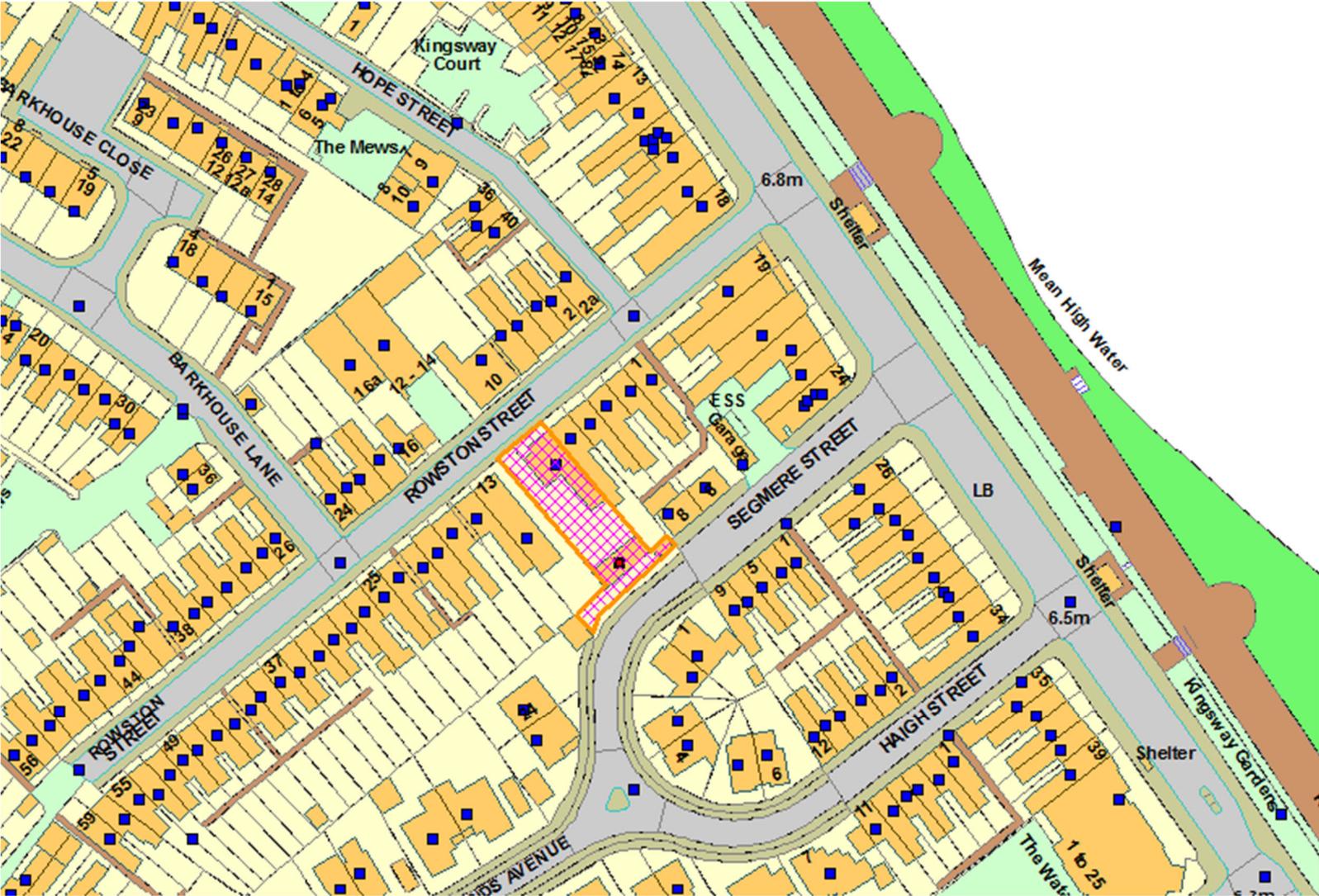
5 Informative

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

6 Informative

Please note the informative advice from the Environment Agency with regards to flood warning received on the 17th July.

DM/0567/23/FUL – FLAT 5, REAR OF 11 ROWSTON STREET, CLEETHORPES



DM/0567/23/FUL – FLAT 5, REAR OF 11 ROWSTON STREET, CLEETHORPES



PLANNING COMMITTEE - 29th November 2023

ITEM: 6 **RECOMMENDATION: Approved**

APPLICATION No: DM/0819/23/CEA

APPLICATION TYPE: Cert of Lawful Use/Operation - Proposed

APPLICATION SITE: Land South Of, Hewitts Avenue, New Waltham, North East Lincolnshire,

PROPOSAL: Certificate of Lawfulness for proposed use to implement planning application reference DC/871/11/HUM (Change of use of land for siting of 44 timber holiday lodges and associated works including means of access and internal road layout)

APPLICANT:

Mr Sean Henderson
Tetney Manor
Thoresby Road
Tetney
Lincolnshire
DN36 5JR

AGENT:

Miss Georgina Walker
Hodson Architects Ltd
The Old Post Office
Yarra Road
Cleethorpes
DN35 8LS

DEPOSITED: 16th August 2023

ACCEPTED: 24th August 2023

TARGET DATE: 19th October 2023

PUBLICITY EXPIRY: 18th September 2023

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 18th September 2023

CASE OFFICER: Richard Limmer

PROPOSAL

This application is a Certificate of Lawfulness application for proposed use to implement planning application reference DC/871/11/HUM (Change of use of land for siting of 44 timber holiday lodges and associated works including means of access and internal road layout). It is most important to note that this is not a planning application where the merits of the proposal can be considered or assessed. It is consideration as to whether the planning permission that has been granted is lawful.

This application has been brought to Planning Committee due to a Call In from Councillor

Dawkins.

SITE

The site is located on the south eastern side of the A1098, Hewitts Avenue, Grimsby. Adjoining the site to the north east is Altyre Way business park and to the south west woodland. Running immediately to the south west of the site is a private gravelled road leading to an electricity sub station beyond which is Buck Beck. This also provides access to the site. To the north west of the site is the A1098 and beyond is agricultural land.

RELEVANT PLANNING HISTORY

DC/871/11/HUM - Change of use of land for siting of 44 timber holiday lodges and associated works including means of access and internal road layout - Approved with conditions.

DM/0493/18/CND - Discharge of conditions. Withdrawn. Withdrawn 4th June 2020.

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

Legal Officer- considers that the application can be approved. The development is lawful.

Other representations

27A Parker Street, Cleethorpes. Concerns raised at loss of trees and wildlife. Ecological mitigation needs to be considered.

35 Greenlands Avenue, New Waltham. Objections raised due to traffic concerns.

Grimsby and Cleethorpes Civic Society - It is several years since the application to change the use of the land was passed. Concerns raised at loss of wildlife and habitat.

Councillor Dawkins - Call in to Planning Committee due to concerns over the intensification of the site and that it also floods.

APPRAISAL

The purpose of an application for a Certificate of Lawfulness is to establish whether a proposed development is lawful. In this instance it is whether the works undertaken constituted a lawful commencement of the development (DC/871/11/HUM) and therefore the development is extant and can be completed. This is a legal evidence-based assessment in the balance of probability. It is most important to note that this is not a planning application where the merits of the proposal can be considered or assessed. In this case the following assessment applies.

1. The Planning Permission and Commencement.

This certificate of lawfulness is regarding DC/871/11/HUM. The applicant presents the case that the development commenced by the date detailed in condition 1 of planning permission this being 6th August 2018. Works were undertaken on 31st July 2018 (confirmed by NELC Officer 17th October 2018). This work involved the construction of an access into the site. Therefore, it is accepted that a commencement has occurred through operational development.

2. The Conditions

Another matter to consider in terms of lawfulness is whether there are any pre-commencement conditions, that go to the heart of the permission, that must have been appropriately discharged prior to the works being undertaken. In coming to this conclusion there are considerations which apply. One is that a discharge of condition application had been applied for and was then subsequently after the works were undertaken, approved. Another is that the Local Authority has agreed that development could commence without full compliance of the pre-commencement conditions that go to the heart of the permission. The final one is that a decision of the Local Authority to commence enforcement action would in the circumstances be irrational or an abuse of power.

There are three conditions to DC/871/11/HUM which purport to be pre-commencement conditions. As is discussed below it is not considered that Condition 4 goes to the heart of the permission.

The applicant applied to discharge the conditions 3 and 7 under DM/0493/18/CND, this application was validated on 3rd July 2018.

Officers following the granting of the permission sought to work with the applicant to look to mitigate the loss of the trees on the site. Much of this work is referenced in the submission of case by the applicant. Each condition is detailed as follows.

Condition 1

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.

Commentary.

Started within 3 years. Photographs provided dated 1st August 2018. As such it is not in doubt that the physical works took place within the relevant time frame.

Condition 2

The development hereby approved shall be carried out in accordance with the site layout shown on submitted drawing no. 2159-P105 unless otherwise agreed in writing by the Local Planning Authority.

Reason

For the avoidance of doubt and in the interests of proper planning in accordance with Policy GEN2 of the North East Lincolnshire Local Plan 2003.

Commentary.

Instructional condition

Condition 3

No development shall take place without the prior written approval of the Local planning Authority of all details of the following matters:

- a schedule of external materials to be used for the lodges;
- the layout and construction of the car parking areas and any other hard surfaced areas
- ;
- the proposed site levels of the proposed lodges;
- the means of sewage, surface water and land drainage disposal;
- phasing of development if applicable.

The development shall proceed in strict accordance with the details approved.

Reason

The details are required to enable the Local Planning Authority to assess the detailed scale, appearance and layout of development as well as ensure that the appropriate drainage and services are provided to serve the development in accordance with Policy GEN2 of the North East Lincolnshire Local Plan 2003.

Commentary

- Drainage details were agreed on the 25th July 2018 by the Drainage Officer and therefore could have been discharged by LPA.
- Access details were provided 1st August 2018 and confirmed as acceptable by the Highways Officer on 30th August 2018. Therefore, acceptable details provided prior to expiry of permission though confirmed as such afterwards.
- External materials provided with original application and could have been discharged.
- Levels provided with original application and could have been discharged.
- Whole site shown to be developed and phasing could have been discharged.

Condition 4

No development on site shall commence until details of the off-site highway works and the new access to the site have been submitted to and approved in writing by the Local Planning Authority. The work shall include the following:

- a footway/cycle way linking the development to the existing network from the site along the frontage eastwards on the south side of Hewitt's Avenue crossing Altyre Way and joining the existing footway/cycle facility at the Toucan crossing near Tesco;
- a pair of bus stops on opposite sides of Hewitt's Avenue located near the existing Toucan crossing.

Such development as approved shall be completed before the development is brought into use.

Reason

To ensure appropriate facilities are provided for pedestrians and cyclists as part of the development in the interests of providing a sustainable form of development in accordance with Policy GEN2 of the North East Lincolnshire Local Plan 2003.

Commentary

Footway/cycle way shown on plans submitted on 1st August 2018, also noted that the implementation time for these works is prior to the development coming into use. Therefore, no breach would occur until occupation.

Condition 5

The holiday lodges shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators of the holiday park shall maintain an up-to-date register of the names of all owners and/or occupiers of lodges on the site and of their main home addresses and shall make this information available at all reasonable times to the local planning authority.

Reason

The application has been approved for holiday purposes only. The application site lies in a location beyond the settlement boundary where Policy GEN2 of the North East

Lincolnshire Local Plan 2003 applies.

Commentary

Instructional condition.

Condition 6

There must be no external lighting on any part of the site unless details of it have been submitted and approved in writing by the Local Planning Authority.

Reason

In the interests of local amenity in accordance with Policy GEN2 of the North East Lincolnshire Local Plan 2003.

Commentary

Instructional condition.

Condition 7

No development shall take place until a Construction Management Plan has been submitted to and approved in writing, the Local Planning Authority. The approved Plan shall be adhered to through the construction period and shall provide for: _

- the routeing and management of construction traffic,
- the parking of vehicles of site operatives and visitors,
- loading and unloading of plant, lodges and machinery,
- storage of plant and materials used in constructing the development'
- the erection and maintenance of any security hoarding including decorative displays and facilities for public viewing, where appropriate,
- wheel cleaning facilities,
- measures to control the emission of dust and dirt during construction'
- details of noise reduction methods,
- a scheme for the recycling/disposing of waste resulting from construction work,
- the hours during which machinery may be operated, vehicles may enter and leave the site, and works may be carried out on site.

Reason

In the interests of local amenity in accordance with Policy GEN2 of the North East Lincolnshire Local Plan 2003.

Commentary

Details agreed on 11th July 2018 by the Environmental Health Officer and therefore could have been discharged by LPA prior to expiration of the permission.

Condition 8

There shall be no felling, lopping or any works to the existing trees and hedges to the

site's north, east, south and west boundaries as shown as existing and to be retained on submitted drawing no. 2159-P105 unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of local amenity in accordance with Policy GEN2 of the North East Lincolnshire Local Plan 2003.

Commentary

Instructional condition

Condition 9

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

Reason

To ensure a satisfactory appearance and setting for the development and continued maintenance of the approved landscaping in the interests of local amenity in accordance with Policy GEN2 of the Local Plan.

Commentary

Instructional condition

Condition 10

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

Drawing No. 2159.P100 - Proposed Site Plan

Drawing No. 2159.P105 - Proposed Site Plan showing new footpath.

Reason

In the interests of proper planning and the avoidance of doubt.

Commentary

Instructional condition

Summary on conditions

Condition 4, has the trigger point for the off-site works to be completed prior to the

occupation of the site and therefore it is not considered that this condition goes to the heart of the permission and would restrict a lawful start being undertaken. As for conditions 3 and 7 it is clear that the information required was supplied prior to the expiry of the time to commence development under condition 1 of the planning permission. Whilst the LPA did not formally accept the discharge of the condition application (indeed it was withdrawn as condition 4 issues were not resolved) it had by the end of August 2018 all the relevant information to be able to accept the details submitted and then continued to look to work with the applicant. On no account did it raise the issue that time had expired. As a result, and on the balance of probabilities it is considered that any enforcement action would be seen to be irrational and an abuse of power.

The application has been considered in light of the information supplied to support the claim and the information available on the planning files, that the development was lawfully commenced by the 6th August 2018 and therefore remains extant. Further research through the relevant planning history and photography supplied has also assisted in the consideration of this application.

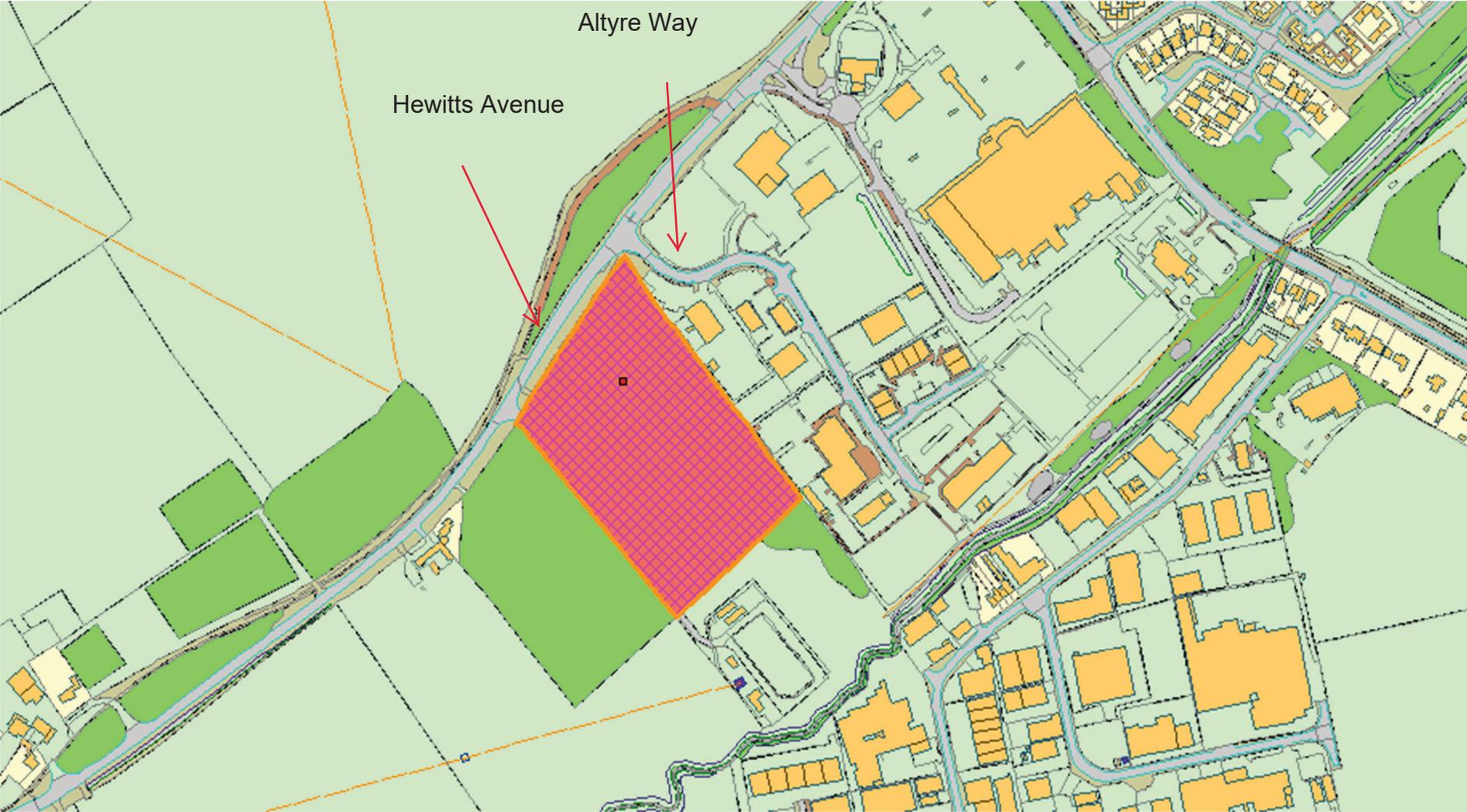
CONCLUSION

From the evidence supplied and the information available on the planning application files it is clear that operational development has occurred (confirmed as 31st July 2018). As operational works have started within the required time period and the planning condition requirements do not weigh against lawfulness in this case it is considered that, on the balance of probabilities, that development in accordance with planning permission DC/871/11/HUM is lawful.

RECOMMENDATION

Approved

DM/0819/23/CEA – LAND SOUTH OF HEWITTS AVENUE, NEW WALTHAM



DM/0819/23/CEA – LAND SOUTH OF HEWITTS AVENUE, NEW WALTHAM

