

# Appeal Decision

**by Mike Worden BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 3<sup>rd</sup> July 2017**

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**Appeal Ref: APP/B2002/W/17/3170813**

**Lock-up garages, Bradford Avenue, Cleethorpes, North East Lincolnshire  
DN35 0BD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs R. Burnett against the decision of North East Lincolnshire Council.
  - The application Ref DM/0779/16/FUL, dated 9 August 2016, was refused by notice dated 9 December 2016.
  - The development proposed is to demolish 24 lock up garages and erect 8 residential dwellings in the form of 4 town houses with 4 flats above, together with all associated driveways, gardens and bin stores.
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## Decision

1. The appeal is allowed and planning permission is granted for the demolition of 24 lock up garages and the erection of 8 residential dwellings in the form of 4 town houses with 4 flats at lock up garages, Bradford Avenue, Cleethorpes, North East Lincolnshire, in accordance with the terms of the application, Ref DM/0779/16/FUL, dated 9 August 2016, subject to the conditions on the attached schedule.

## Main Issue

2. The main issue is the effect of the proposed development on highway safety with particular regard to parking provision.

## Reasons

3. The appeal site lies very close to the seafront and just outside the town centre of Cleethorpes. The appeal site is currently occupied by a number of unused garages and the high walls of the garages and the entrance gates enclose the site.
  4. Bradford Avenue is characterised by a number of attractive and distinctive terraces which form important elements of the Bradford Avenue Conservation Area. The appeal site lies just outside of the conservation area. Most of the houses along Bradford Avenue do not have driveways and parking takes place along both sides of the street. There are some bed and breakfast establishments on Bradford Avenue close to the appeal site, but the street is mainly in residential use.
  5. A number of sites in the seafront area of Cleethorpes in the vicinity of the appeal site have been redeveloped for high density housing in recent years.
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These sites include a large block of apartments, Eastshore, which faces Kingsway and the seafront, adjacent to the site.

6. The development proposed would replace the garages and provide a block of 4 town houses and 4 flats above. Four parking spaces would be provided, at the front of the development, to serve the houses. No car parking spaces would be provided for the occupiers of the proposed flats, only cycle storage provision. In total there would be 4 four car parking spaces for 8 new dwellings.
7. The parking spaces would be provided in front of the houses in the form of 4 drives accessed individually from Bradford Avenue. Whilst it would not be possible to turn a car round in these spaces, the nature of Bradford Avenue at the appeal site means that reversing on to, or off the space could be done safely.
8. The additional demand for car parking beyond the 4 spaces, which would result from the proposed development, whether from occupiers or visitors, has the potential to place pressure on the street parking spaces on Bradford Avenue and the adjacent roads. I am aware from representations made by a number of local residents that at times it is difficult to find a car parking space in these streets, especially at weekends and during parts of the holiday season.
9. Parking in Bradford Avenue, and in the adjacent streets away from the seafront in the vicinity of the appeal site, is unrestricted. There are no unrestricted public car parks in the immediate vicinity of the appeal site.
10. The nature of Bradford Avenue being relatively short between Kingsway and Oxford Street and punctuated by the junction with Seacroft Road, and the existence of car parking on both sides of the road would mean that generally traffic using it would be expected to drive down it reasonably slowly. I was able to observe this at my site visit.
11. The relatively straight form of Bradford Avenue also would provide generally good sightlines for those manoeuvring into or out of parking spaces along the street. I have not been provided with any evidence of highway safety concerns in relation to manoeuvres in respect to parking or nearby junctions, nor have I been provided with any accident statistics.
12. The Council acknowledges that the parking standards referred to in the first part of the saved Policy T6 of the North East Lincolnshire Local Plan 2003 (the Local Plan), are out of date and it does not seek to rely upon them. The National Planning Policy Framework (the Framework) encourages sustainable development and paragraph 39 sets out criteria for taking into account in setting parking standards. Accessibility and the levels of public transport are important considerations.
13. The appeal site lies outside of the town centre but is within a short walking distance of its facilities. In the other direction, the leisure centre and other leisure facilities close to it which I saw on my site visit, are also within a short walking distance. Kingsway is on a main bus route with services into Cleethorpes and Grimsby town centres, and there is a bus stop close to the appeal site.
14. As a consequence I consider the site to be in a sustainable location and that the proposed level of car parking, given the nature of the proposal, would be

consistent with the aims of the Framework in this regard as set out in paragraph 39 and in the core planning principles in paragraph 17. For the reasons above I consider that the proposed development would not be detrimental to highway safety.

15. As a result I conclude that the proposed development would be consistent with the Framework in so far as it seeks to promote sustainable development and with the second part of saved Policy T6 of the Local Plan which seeks to ensure that parking provision in new developments does not compromise highway safety. I consider that the second part of this policy is broadly consistent with the provisions of the Framework and so have attached moderate weight to that part.
16. I also conclude that the proposed development would accord with criterion (ii) of saved Policy GEN1 of the Local Plan which requires developments to be appropriate in terms of access and vehicle generation levels, and which I consider is broadly consistent with the provisions of the Framework.
17. In reaching my conclusion I have taken into account the comments made by a number of local residents about the difficulties they experience in finding on- street car parking spaces. Nevertheless I have found that the site is in a sustainable location and that the level of parking provision proposed would not cause harm to highway safety.

### **Other matters**

18. In its statement of case, the Council has referred to the Submission Draft of the North East Lincolnshire Local Plan 2016, but has not made reference to any relevant policies within it. Given that it has yet to go through examination and may well be changed before adoption, I have not afforded it weight.
19. Having regard to paragraph 132 of the Framework I do not consider that the proposed development would be harmful to the character and appearance of the Bradford Avenue Conservation Area, subject to the necessary conditions referred to below.

### **Conditions**

20. The Council has suggested a number of conditions which I have considered in relation to the Planning Practice Guidance (PPG) and the Planning Inspectorate List of Model Conditions. I have made a number of minor amendments as a result.
21. I do not consider that the condition suggested by one of the residents to restrict the ability of occupants to park on the street in the vicinity of the site would meet the tests for conditions set out in the Framework and the PPG.
22. The first condition I have imposed is the standard condition for the time limit for implementation. The second condition is necessary for clarity as it sets out the plans to which the permission relates.
23. The third condition relating to materials is necessary to protect the character and appearance of the area. The fourth condition relating to permitted development rights is necessary to protect the character and appearance of the adjacent Bradford Avenue Conservation Area, although I have amended the

wording from that suggested by the Council as the condition should relate to the whole building and curtilage.

24. The fifth condition relating to construction management is necessary in the interest of the living conditions of neighbouring residents. The sixth condition is necessary to ensure that any contamination arising from the site's former use as a garage is treated appropriately.
25. The seventh, eighth and ninth conditions are necessary to protect the character and appearance of the area and the Bradford Avenue Conservation Area.
26. The tenth condition relating to surface water drainage is necessary to ensure that there are satisfactory means of surface water disposal and the eleventh condition is imposed in the interests of privacy.

### **Conclusion**

27. For the reasons given above I conclude that the appeal should be allowed.

*Mike Worden*

INSPECTOR

### **Schedule of conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 201603-01 Rev A, 201603 – 02 RevA, 201603 – 03, 201603 – 03a Rev A, 201603 – 04, 201603 – 05, 201603 – 06, 201603 – 07, 201603 – 08 Rev A, 201603 – 08a, 201603 – 09 Rev A, 201603 – 10, & 201603 – 11
- 3) No development shall begin until details of all external materials to be used in the construction of the buildings have been submitted to and approved in writing by the local planning authority. This shall include sample panels of at least 1 square metre area of the brickwork, render, and timber cladding, to be made available for inspection prior to development commencing. The development shall be carried out in accordance with the approved details/panels.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development under Schedule 2, Part 1 Class A, B, C, D, E, F, or G, shall be permitted within the curtilage of the dwellings.
- 5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) wheel washing facilities;
  - v) measures to control noise and the emission of dust and dirt during construction;
  - vi) a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - vii) delivery, demolition and construction working hours.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 6) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 7) No development shall take place until details of the layout and construction of the access, parking spaces and footpath to the front of the site has been submitted to, and approved in writing by the local

planning authority. The development shall adhere to the approved details. No dwelling shall be occupied until the vehicular parking spaces have been constructed and the footpath works completed in accordance with the approved details.

- 8) No development shall take place until details of the cross sections, profiles and details, (including all sills and headers) at a scale of 1:10 of the proposed windows, doors, roof lights parapets, eaves and verges, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details approved.
- 9) No development shall commence until a scheme of landscaping showing the details of the number, species, sizes, and planting positions of all trees and shrubs to be planted has been submitted and approved in writing by the local planning authority. This shall include cross- sectional drawings showing the above and below ground construction of the tree planting areas. The scheme of landscaping and tree planting shall be carried out in its entirety within 12 months of the commencement of the development or within a longer period if agreed in writing by the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 10) No development shall commence until a scheme for the provision of surface water drainage has been approved in writing by the local planning authority. The development shall take place in accordance with the approved details and be implemented prior to the occupation of any residential unit.
- 11) No development shall commence until details of the type and use of the opaque glass as shown on the approved elevation plan 201603-09 Rev A have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details and prior to the occupation of any residential unit and shall be retained at all times thereafter.