

APPLICATION NO	PA/2022/1884
APPLICANT	Mr Sam Waddington
DEVELOPMENT	Application for a non-material amendment to PA/2020/602 namely to amend the siting of proposed building
LOCATION	22 Bigby High Road, Brigg, DN20 9HD
PARISH	Brigg
WARD	Brigg and Wolds
CASE OFFICER	Alan Redmond
SUMMARY RECOMMENDATION	Approve
REASONS FOR REFERENCE TO COMMITTEE	Manager discretion

POLICIES

National Planning Policy Framework:

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 12 – Achieving well-designed places

North Lincolnshire Local Plan:

Policy DS1 – General Requirements

Policy DS5 – Residential Extensions

Policy T19 – Car Parking Provision and Standards

SPG1 – Design Guidance for House Extensions

North Lincolnshire Core Strategy:

Policy CS1 – Spatial Strategy for North Lincolnshire

Policy CS2 – Delivering more Sustainable Development

Policy CS3 – Development Limits

Policy CS5 – Design

New North Lincolnshire Local Plan Submission: The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022.

Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until later in 2023.

The Submitted North Lincolnshire Local Plan can be given some limited weight as a material planning consideration in the determination of planning applications. The relevant policies concerning this application are:

SS1 – Presumption in Favour of Sustainable Development

SS3 – Development Principles

DM1 – General Requirements

CONSULTATIONS

This application is for a non-material amendment and as such there is no statutory duty to undertake consultation.

TOWN COUNCIL

No comments received.

PUBLICITY

Advertised by site notice – 24 letters of representation have been received and can be summarised as follows:

- object to its use for air BnB accommodation and it is being used contrary to the original consent
- permission was granted on the original application which was not adhered to, which makes a mockery of the planning process
- the siting of the annexe is in the wrong place and cannot be altered by changing the permission
- approval would set a precedence for future commercial business in residential areas
- the granny flat results in loss of privacy
- adverse impact on neighbouring property through overbearing impact and massing
- the proposal should not be permitted in a conservation area
- contrary to policies NS27 and S53 of the emerging local plan
- dispute the measurements submitted with the amended drawings.

The majority of responses make reference to the proposed use of the building as an air BnB. These comments are not relevant to this application, which relates to the siting of the building only and not its use.

ASSESSMENT

Planning history

PA/2020/0602: Planning permission to erect a single-storey granny flat at the rear of the property – approved 08/07/2020

PA/2022/1708: Planning permission for the change of use of an ancillary annexe to an ancillary annexe and short-term holiday let – withdrawn.

Material considerations

This application seeks a non-material amendment to the siting of a granny annex approved under planning reference PA/2020/0602. For clarity, this proposal does not seek to change the lawful use of the approved building, which would remain as ancillary to the main house.

Section 96A was inserted into the Town and County Planning Act by section 190(2) of the Planning Act 2008 with effect from 1 October 2009. It empowers a local planning authority to approve 'non-material' amendments (NMA) to planning permissions it has granted.

In so doing, the local planning authority 'must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted.'

There is no statutory definition of a 'non-material amendment'. The PPG sets out at paragraph 002 Reference ID: 17a-002-20140306, that it 'will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990.'

In the context of this development, the only alteration to the annex, over that approved under PA/2020/602, is the siting of the building. The proposal remains as previously approved in terms of scale and design. The proposal re-positions the annex approximately 1.83m further south than approved.

The submitted drawings show the eastern side elevation of the annex to be approximately 2.2m from the shared boundary with number 24, consistent with the original approval. Concern has been raised that the annex is built approximately 1.8 metres from the shared boundary. However, the council's enforcement officer has visited the site and confirmed that the measurements as shown on the submitted drawings are correct (within accepted tolerances). Notwithstanding this, the case officer has visited the site and viewed the annex building in its built position, which has enabled them to make an accurate assessment of the building and its impacts. It is considered that there is an acceptable separation distance to neighbouring properties given the single-storey scale of the building and its authorised use as ancillary residential accommodation.

The siting of the annex further south by 1.83m results in the annex building being sited further from the dwelling at 22a than originally approved under PA/2020/602. Overall, this is considered to be an improved relationship that would not result in any undue additional impacts in terms of amenity over and above the original approval and is in accordance with the requirements of saved policy DS5 of the local plan and CS5 of the Core Strategy. It is considered, on balance, that the proposal constitutes a non-material amendment.

The annex has been used as a holiday let without the benefit of planning permission and the council was considering a separate application under planning reference PA/2022/1708 to regularise the use of the annex as a holiday let. This application was withdrawn and the applicant is no longer pursuing a consent for the use of the annex as holiday accommodation. It is understood that the use for holiday accommodation has now ceased.

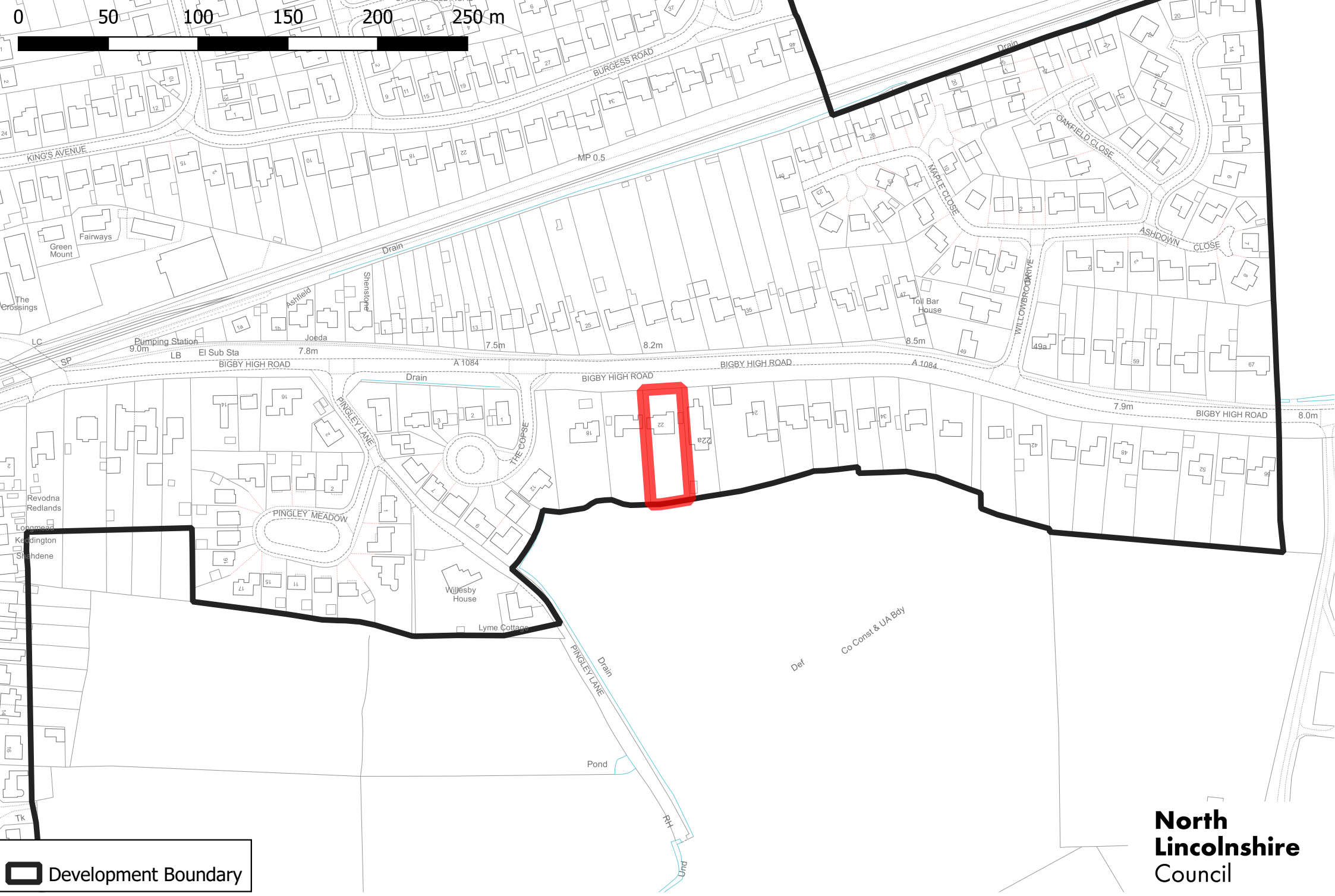
The lawful use of the annex is as ancillary accommodation to the main dwelling and is controlled by condition 3 of PA/2020/0602 which restricts its use to ancillary accommodation. This application for a non-material amendment needs to be considered on this basis. The principle of development has been established through planning permission PA/2020/0602 and is not for consideration as part of the non-material amendment process. The majority of objections received in relation to this application refer to the proposed change of use for holiday let accommodation and these comments are not relevant to the determination of this application.

Concern has been raised that the proposal does not adhere to policy NS27 (Residential Annexes) and S53 (Design and Amenity). These policies are not part of the North Lincolnshire Local Plan or Core Strategy and instead are policies from the Central Lincolnshire Local Plan which does not apply to North Lincolnshire and are therefore not relevant in the consideration of this application. Saved policy DS5 of the local plan and CS5 of the Core Strategy deal with residential extensions and design. As considered above, the proposal is in accordance with these policies.

Concern has been raised that the proposal will adversely affect a conservation area. The proposal is not located within, or adjacent to, a conservation area.

RECOMMENDATION Approve a non-material amendment.

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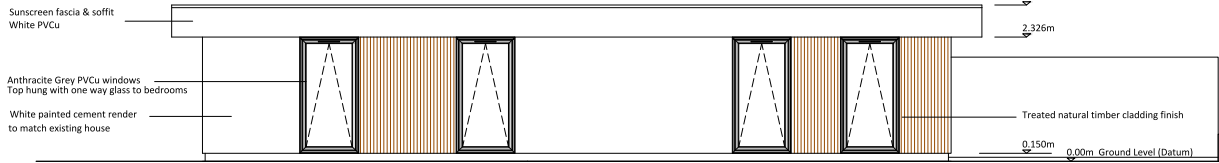


 Development Boundary

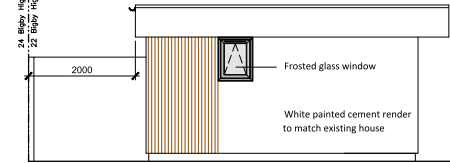
PA/2022/1884

**North
Lincolnshire
Council**

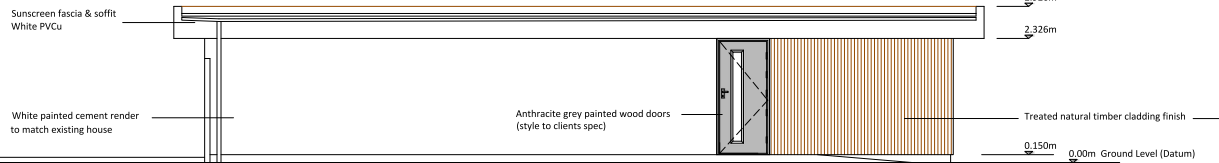
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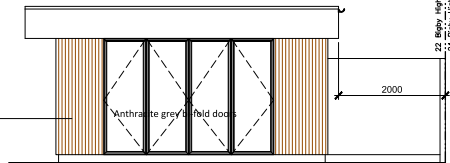
PROPOSED WEST ELEVATION (A)



PROPOSED NORTH ELEVATION (B)



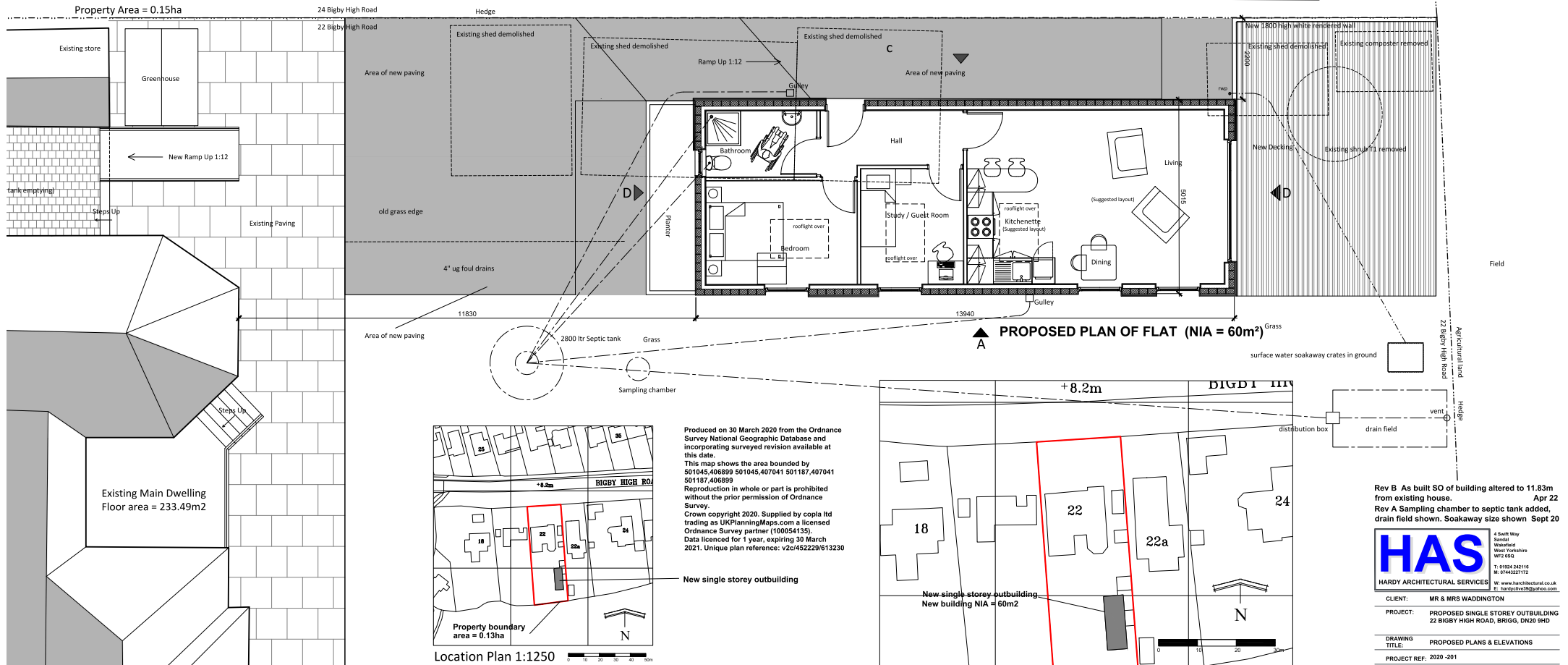
PROPOSED EAST ELEVATION (C)



PROPOSED SOUTH ELEVATION (D)

- NOTES**
- These notes to be read in conjunction with latest plans and details.
 - Do not scale off the project drawings. Refer to figured dimensions only.
 - All dimensions to be checked on site. If in doubt ask.
 - Please refer to Structural Engineers drawings and calculations, where applicable.
 - These drawings are to be used for Local Authority Approval purposes only.
 - All work to be carried out in accordance with current Building Regulations, DEFRA - Limiting thermal bridging and air change: Robust Construction details for dwellings and similar buildings together with all relevant British Standards and Codes of practice and to the satisfaction of the respective Building Inspector.
 - It remains the responsibility of the building contractor to ensure that all components and materials used are of specification and size etc. to suit the proposed application and are installed/used in strict accordance with the relevant manufacturer's recommendations
 - Positions of any existing services and drains etc. are assumed only. The investigation/research and excavation of same remains the responsibility of the building contractor
 - Contractor to liaise with Client regarding alterations to electrical and central heating requirements as these will generally not be shown on the drawings.

This drawing to be read in conjunction with HAS/20/201/200, 400, 401 & 402



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CLIENT: MR & MRS WADDINGTON
 PROJECT: PROPOSED SINGLE STOREY OUTBUILDING 22 BIGBY HIGH ROAD, BRIGG, DN20 9HD
 DRAWING TITLE: PROPOSED PLANS & ELEVATIONS
 PROJECT REF: 2020-201
 DRAWING NO: HAS/20/201/201 DRAWN BY: R. HARDY
 SCALE: 1:50@A1 DATE/REV: APR 22 Rev B