

Planning Committee Dated: 1st March 2023

Summary List of Detailed Plans and Applications

Recommendation: Approved with Conditions	
Item:	1
Application No:	DM/0527/22/FUL
Application Type:	Full Application
Application Site:	Thorpe Park Holiday Camp Anthonys Bank Road Humberston North East Lincolnshire
Proposal:	Retrospective redevelopment of an outdoor activities area with associated landscaping, drainage and underground infrastructure (addition of updated noise report)
Applicant:	Mr Gary Hosie
Case Officer:	Emily Davidson
Recommendation: Approved Limited Period	
Item:	2
Application No:	DM/0778/22/FUL
Application Type:	Full Application
Application Site:	Plot 80 Humberston Fitties Humberston North East Lincolnshire
Proposal:	Erect chalet with associated boundary treatments, hard landscaping and associated works (amended FRA and plans)
Applicant:	Mr Gary Croft
Case Officer:	Emily Davidson

Recommendation: Approved with Conditions	
Item:	3
Application No:	DM/1036/22/FULA
Application Type:	Accredit Agnt - Hseholder application
Application Site:	143 Mill Road Cleethorpes North East Lincolnshire DN35 8JB
Proposal:	Erect a new timber fence (2.2m high) and demolition of a small section of dwarf wall (Amended Plans and Description to remove anti-climb spikes)
Applicant:	Mr Ben Robinson
Case Officer:	Bethany Loring

Recommendation: Refused	
Item:	4
Application No:	DM/0682/22/FUL
Application Type:	Full Application
Application Site:	1B Weelsby Road Grimsby North East Lincolnshire DN32 0PW
Proposal:	Retrospective change of use of orangery to childminding business
Applicant:	Mrs Emma Flores
Case Officer:	Owen Toop

Recommendation: Approved with Conditions	
Item:	5
Application No:	DM/0034/22/OUT
Application Type:	Outline Application
Application Site:	Land Rear Of 30 Humberston Avenue Humberston North East Lincolnshire
Proposal:	Outline erection of 5 detached dwellings with means of access to be considered
Applicant:	Mr Paul Chester
Case Officer:	Owen Toop

Recommendation: Approved with Conditions	
Item:	6
Application No:	DM/0591/22/FUL
Application Type:	Full Application
Application Site:	124 Humberston Avenue Humberston North East Lincolnshire DN36 4SU
Proposal:	Demolition of existing bungalow, detached garage and outbuilding. Erection of a new detached house, detached garage and detached garage/office/garden store
Applicant:	Mr John Williams
Case Officer:	Richard Limmer

Recommendation: Approved with Conditions	
Item:	7
Application No:	DM/1032/22/FUL
Application Type:	Full Application
Application Site:	3 The Laurels Church Lane Humberston North East Lincolnshire
Proposal:	Erect single storey side extension with roof lights and associated internal and external alterations
Applicant:	Tom Dame
Case Officer:	Becca Soulsby

Recommendation: Refused	
Item:	8
Application No:	DM/1037/22/FUL
Application Type:	Full Application
Application Site:	Land Off South Sea Lane Humberston North East Lincolnshire
Proposal:	Erect detached chalet dormer bungalow with car port, to include landscaping, parking and associated works
Applicant:	Mr Steve Dixon
Case Officer:	Jonathan Cadd

Recommendation: Approved with Conditions	
Item:	9
Application No:	DM/0010/23/FUL
Application Type:	Full Application
Application Site:	Land At Forest Way Humberston North East Lincolnshire DN36 4HQ
Proposal:	Variation of Condition 1 (Approved Plans) following DM/0159/22/FUL to amend house types for plots 3, 4, 6 and 7
Applicant:	Mr Craig Davidson
Case Officer:	Bethany Loring
Recommendation: Approved with Conditions	
Item:	10
Application No:	DM/1113/22/OUT
Application Type:	Outline Application
Application Site:	Pine Lodge Waltham House Farm Louth Road Waltham North East Lincolnshire
Proposal:	Outline application with all matters reserved to erect dwelling with associated access
Applicant:	Mr & Mrs Coulbeck
Case Officer:	Emily Davidson
Recommendation: Approved Limited Period	
Item:	11
Application No:	DM/1066/22/FUL
Application Type:	Full Application
Application Site:	Land Adj Field Gates Post Office Lane Ashby Cum Fenby North East Lincolnshire
Proposal:	Variation of condition 1 (Temporary permission) attached to DM/0513/21/FUL to continue to site caravan for a further 18 months
Applicant:	Mr And Mrs Hawkins
Case Officer:	Emily Davidson

Recommendation: Approved with Conditions	
Item:	12
Application No:	DM/0840/22/OUT
Application Type:	Outline Application
Application Site:	Field House Waltham Road Brigsley North East Lincolnshire
Proposal:	Outline application for erection of one dwelling and provision of new access with all matters reserved (Amended Description for clarity purposes highlighting access, layout, scale and landscaping for indicative details only)
Applicant:	Mr And Mrs Barker
Case Officer:	Bethany Loring

Recommendation: Approved with Conditions	
Item:	13
Application No:	DM/0571/22/FUL
Application Type:	Full Application
Application Site:	117 Fairway Waltham North East Lincolnshire DN37 0NB
Proposal:	Remove existing decking to rear, alterations and erect rear two storey extension (Amended Plan received 16th December 2022 to reduce projection of first floor element)
Applicant:	Richard Roe
Case Officer:	Bethany Loring

Recommendation: Refused	
Item:	14
Application No:	DM/0610/22/OUT
Application Type:	Outline Application
Application Site:	Sunnyview Carr Lane Healing North East Lincolnshire
Proposal:	Outline application to erect 5 dwellings with all matters reserved - amended plans and description October 2022
Applicant:	Mr John Phillips
Case Officer:	Richard Limmer

	Recommendation: Refused
Item:	15
Application No:	DM/0679/22/FUL
Application Type:	Full Application
Application Site:	Whitsend Farm Thoroughfare Ashby Cum Fenby North East Lincolnshire
Proposal:	Erect detached dwelling with garages and associated works - business plan included December 2022
Applicant:	Mr Phil Wilson
Case Officer:	Richard Limmer

	Recommendation: Refused
Item:	16
Application No:	DM/0662/22/FUL
Application Type:	Full Application
Application Site:	1B Humberston Avenue Humberston North East Lincolnshire DN36 4SL
Proposal:	Convert existing garage to store, erect single storey garden room at rear of garden to include gym room, hot tub room and store, erect detached four car garage to front, erect perimeter boundary wall, alterations to existing access with double gate and various associated external alterations
Applicant:	Mr Kenny Gilmore
Case Officer:	Jonathan Cadd

Recommendation: Approved with Conditions	
Item:	17
Application No:	DM/0745/21/FUL
Application Type:	Full Application
Application Site:	Cartergate Car Park Chantry Lane Grimsby North East Lincolnshire
Proposal:	Removal of Condition 1 (Temporary Consent) pursuant to DM/0168/20/FUL to retain car park with proposed new attendants hut and associated works - amended plans January 2023
Applicant:	Pelham Developments (Grimsby) Ltd
Case Officer:	Cheryl Jarvis

PLANNING COMMITTEE - 1st March 2023

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

APPLICATION No: DM/0527/22/FUL

APPLICATION TYPE: Full Application

**APPLICATION SITE: Thorpe Park Holiday Camp, Anthonys Bank Road,
Humberston, North East Lincolnshire, DN36 4GG**

**PROPOSAL: Retrospective redevelopment of an outdoor activities area with
associated landscaping, drainage and underground infrastructure (addition of
updated noise report)**

APPLICANT:

Mr Gary Hosie
Haven Leisure Ltd
1 Park Lane
Hemel Hempstead
LS1 2JG

AGENT:

Mr James Cox
Lichfields
Russell House
15 St Paul's Street
Leeds
LS1 2JG

DEPOSITED: 10th June 2022

ACCEPTED: 10th June 2022

TARGET DATE: 5th August 2022

PUBLICITY EXPIRY: 23rd February 2023

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

CONSULTATION EXPIRY: 28th July 2022

CASE OFFICER: Emily Davidson

PROPOSAL

The application seeks retrospective permission for a number of outdoor activities area developed at Thorpe Park. Some of these were granted planning permission under permission DM/1037/21/FUL but have not been installed as approved under that permission. The works include:

Jump tower, jump bag and climbing wall.
Low Ropes
Storage containers
Sweet treats unit

High ropes
Big play area
Refurbishment of MUGA
Refurbishment of archery range
Crazy golf
Container bar and seating area
Stage and giant screen
Ranger station
Activities hub and toilets
Bungee trampolines
Lighting

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

SITE

Thorpe Park is a large and established holiday site located within the resort area of Cleethorpes off Anthony's Bank Road. The area is one of holiday use close to the beach and sea. To the east lies the Fitties Conservation Area. The proposal is located within the main entertainment complex area for the site which includes the leisure pool and food and drink offerings and associated facilities.

RELEVANT PLANNING HISTORY

DM/1037/21/FUL - Redevelopment of outdoor activities area with associated landscaping, drainage and underground infrastructure (to include jump tower and jump bag, low ropes, climbing wall, containers, high ropes, security hut, cycle hire, tots play, sand pit, MUGA refurbishment, crazy golf, container bar with seating area, big play area, stage and giant screen, ranger station, activities hub, terrace area and trampolines) - Approved 20th December 2021.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2021)

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

PO5 - Development boundaries
PO12 - Tourism and visitor economy
PO22 - Good design in new developments
PO34 - Water management
PO39 - Conserve and enhance historic environ
PO41 - Biodiversity and Geodiversity
NPPF12 - Achieving well designed places
NPPF15 - Conserv. & enhance the natural environ.

NPPF16 - Conserv. & enhance the historic environ.

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

REPRESENTATIONS RECEIVED

Consultee Representations

Highways Officer - Approval, no conditions.

Drainage Officer - The widespread use of permeable paving is acceptable.

Heritage Officer - No heritage input required.

Environmental Protection Officer - Requested further detail on noise management which has been supplied. This is considered to be acceptable and recommends a condition to ensure the management plan is followed as well as a condition to control times of any external amplified entertainment.

Sports England - No objections.

Environment Agency - No objections. Requests a flood evacuation plan.

Natural England - No objections.

Anglian Water - The applicant should check the location of Anglian Water assets.

Trees and Woodlands Officer - No objection.

North East Lindsey Drainage Board - The site is within Lindsey Marsh Drainage Board area.

Humberston Village Council - Objects and notes the number of objections raised. Concerns as to the position of the speakers, noise and disturbance and adverse impact on the Fitties Conservation Area and ecology including the protected Humber Estuary. The retrospective nature of the works is a concern. It is considered that the application should be refused.

Ecology Officer - Based on the supporting noise report, there would be no undue impact on the Humber Estuary SPA.

Neighbour Representations

Objections have been received from the following addresses broadly on the grounds of: Noise pollution, the orientation of the stage, the retrospective nature of the application, the impact to wildlife, the value of properties, anti-social behaviour, the site not being run as the Council ran it, invasion of privacy, the lack of consultation carried out by Thorpe Park, not in accordance with policy, the favour of businesses over chalet owners, not compliant with the Article 4, economic impact, accuracy of the noise report submitted, reference to licencing application.

10, 13, 15, 16, 18, 20, 23, 24, 25, 27, 30, 32, 34, 38, 42, 54, 54a, 56, 58, 60, 63, 66, 69, 77, 81, 85, 86, 87, 101, 103, 121, 124, 126, 130, 132, 140, 142, 143, 144, 145, 147, 148, 153, 158, 162, 165, 169, 185, 186, 189, 193, 198, 201, 202, 206, 206a, 212, 213, 215, 222, 227, 227b, 228b, 230, 251, 252, 253, 254, 255, 258, 259, 263, 268, 272, 284, 290, 292, 295, 296, 297, 300a, 304, 307, 311a, 313, 314b 316, 317a, 320, 324, 324a, 332, The Beach House - Humberston Fitties.

14 Ainslie Street, 8 Ampleforth Avenue, 26 Bradford Avenue, 3 Briggsley Road, 13 Butler Place, 13 Butter Place, 116 Campden Crescent, 41 Candlesby Road, 8 Carlton Close, 25 Cheapside, 89 Church Avenue, 106 Coniston Crescent, 24 Cooks Lane, 159 Cooper Road, 19 Cranbourne Close, 3 Craven Road, 49 Daggett Road, 27 Duke Street, 77 Elliston Street, 33 Fairfax Road, 148 Fairmont Road, 14 Fairway Court, 42 Fieldhouse Road, Flat 1, 6 Queens Parade, 12 Forest Way, 11 Glebe Road, 232 Grimsby Road, 14 Grosvenor Crescent, 3 Haile Road, 15 Hewitts Manor, 29 Highthorpe Crescent, 1 Howard Grove, 16 Howlett Road, 33 Humber Street, 9 Iona Drive, 10 Kelham Road, 17 Lambert Road, 6 Lidgard Road, 40 Lindsey Road, 273 Louth Road, 11 Manchester Street, 8 Murfield Croft, 33 Nicolson Street, 93, 120 North Sea Lane, 8 North Street, 15 Oakwood Drive, 5 Old Fleet, 59 Park Drive, 34 Park Lane, 37 Parker Street, 33 Parklands Avenue, 16, 119, 127 Peaks Lane, 41, 57 Pearson Road, 18 Pelham Court, 109 Penshurst Road, 12 Poplar Road, 6 Primrose Way, 46 Priors Close, Redwood Drive, 23 Robson Road, 10, 42 Rowston Street, 178, 240 Sandringham Road, 11 Selbourne Road, 9 Spall Close, 7 Spring Lane, 61a Springfield Road, 13 Spurn Avenue, 52 St Augustine Avenue, 214 St Nicolas Drive, 12 Station Road, 13 Stratford Avenue, 5 Taylors Court, 72a Timberley Drive, 35 Victoria Court, 19 Wallis Court, 26 Walnut Crescent, 475 Weelsby Street, 39 Welland Avenue, 8 West Parade, 31 Westport Road, 220 Willingham Road, 25 Winthorpe, 87 Yarrow Road, Kuvera, Chapel Lane, The Reading Room 12 Station Road, Great Coates, Freeston Street, 9th Avenue, Humberston Fitties.

Comments received outside of the borough:

9 The Green, Bramble Cottage, 14 Poyser Lane and Ivy Cottage, Ashbourne. 23 Dove Road, 6 John St GT, Barnsley. 24 Highgate, Beverley. 3 Lacock Close, Bracklesham. 9 Park House Crescent, Bradford. 370 Broad Lane, 45 Moorbridge Crescent, Bramley. 21

Kings Avenue, Brigg. 10 High Street, Caistor. 154 Henley Drive, Camberley. 27 Sydney Street, Chesterfield. 14 Burton Close, 147 Stonebury Avenue, Coventry. 11 New Road, 61 Worcester Crescent, Derby. 147 Healds Road, Dewsbury. 4 Clayfield Avenue, Doncaster. 31 Holly Grove, Goldthorpe. Romando Buttgate, Grainthorpe. 5 Upper Hall View, Halifax. 16 Wold View, 31 Lindsay Drive, Holton-Le-Clay. 46 Tranby Lane, 10 Warwickshire Close, Hull. 289 Clayhall Avenue, Ilford. 6 Ellis Street, Leicester. 2 Priory Close, Leicestershire. 12 Egerton Road, Lincoln. Manor Farm Cottage, Lissington. Middle Dale Cottage, Litton. 5 Colwall Walk, Liverpool. 156 Tudor Road, London. 74 Monks Dyke Road, Louth. 9 Brownley Road, 49 Marriott Avenue, Mansfield. 6 Torrance Drive, Melton Mowbray. 5 Hopwas Close, Pingley House, Newark. Turnbull, Newcastle. 10 Birchwood Close, Normanton. Southey Green, North Coates. Highfield Road, North Thoresby. 10 Ferndale Way Peterborough. 15 Broom Close, Rotherham. 12 The Granary, Scotter. 84 Quebec Road, 50 St Albans Close, 63 Hurlfield Avenue, Scunthorpe. 1 Tennyson Way, Spilsby. 2 Pinfold, 17 Westfields Avenue, Tetney. 10 St Wilfrids Drive, Warrington. Red Lonning, Whitehaven. 5 Poplar Glade, Wickersley. St Leonards Avenue, Woodhall Spa. 18 Lancaster Walk, Worksop., 5 Dobcroft Avenue, Sheffield, 6 Caddle Road, Keelby, 19 Wincroft Road, Caversham, 27 Windsor Crescent, Bottesford, 51 Forest Gate, Leicester, 93 Industry Street, Sheffield, Dulands Farm, Ashbourne, Fishermans Cottage, Friskney.

APPRAISAL

Planning Considerations

1. Principle of Development
 2. Design and Heritage
 3. Noise
 4. Ecology
 5. Neighbouring Amenity
 6. Other Considerations
-
1. Principle of Development

The proposal is located within the resort area of Cleethorpes. Policy 12 of the North East Lincolnshire Local Plan (NELLP 2018) applies and seeks to promote the tourism offer of the Borough though protecting environmental resources. The principal use of the site is well established with the proposal adding to the facilities available. It serves to enhance the visitor economy of Cleethorpes. It is therefore considered that in principle the development is acceptable in principle. It then falls to judge the development against the site specifics discussed below.

It is noted that the majority of the elements which are proposed have been previously approved under application DM/1037/21/FUL. However, the position of most of the elements has been altered from the previous approval. All of the items on this proposal are of a retrospective nature.

2. Design and Heritage

The application includes the refurbishment and installation of a number of outdoor attractions and services associated with the holiday park. These are available for visitors staying on the site. Attractions such as these are commonplace in complexes such as this one. The majority of these elements were approved under DM/1037/21/FUL and this application seeks to amend their locations. Some of the equipment is reasonably high, however, these are somewhat expected in the resort area and are set well within a part of the site which includes major buildings and a leisure pool with associated slides. The updating of the park in this manner is not considered to detract visually and indeed enhances the impression of this major resort area. From outside the site visual intrusion is minimal due to the existing character of the area, existing buildings and structures and landscaping.

Objections have noted impacts to the nearby conservation area, Humberston Fitties. There is minimal visual impact on the area given the location of the works as noted. The works are considered to be assimilated by the existing site. Moreover both the host site and Humberston Fitties are located within an allocated resort area and it is considered that there is an expectation of activities in the surrounding area associated with holiday uses. Comments have also been received noting that the works would not be conducive with the Article 4 that protects the Fitties conservation area. The host site is not covered by an Article 4 and is therefore not subject to these restrictions. The Council's Heritage Officer raises no objections to the application.

In respect of design, heritage and visual impact the application is considered to accord with Policies 5, 12, 22 and 39 of the NELLP 2018.

3. Noise

The majority of the comments received have been in relation to the noise of the installed stage with associated loudspeakers. A noise report has been received and has been assessed by the Council's Environmental Protection Officer. There has been full consultation and close working with the council's Environmental Protection Officer on this matter. The Environmental Officer has deemed that the noise report is suitable for the proposal and there would not be an undue impact on neighbouring properties from the proposal, in particular from the stage. To ensure the proposal remains acceptable, the officer has recommended a condition that the proposal is carried out in accordance with the noise report and management plan submitted and a condition is recommended to control the times of externally amplified entertainment. Having regard to the mitigation proposed it is considered that the stage will not have adverse impact. With regard to other activity it must be acknowledged that the site is a well established holiday park in a resort area and general usage of the leisure activities is not considered detrimental. Neighbouring sites are also holiday areas though it is acknowledged that the Fitties is a different offering to Thorpe Park and users of this site enjoy and appreciate the more reserved nature of it. This is reflected in the representations received and is indicative of its tourism value. This has been taken into account in the negotiations and considerations

of noise impact.

Having regard to the above it is considered that the development is acceptable in terms of noise and impact on local amenity and therefore accords with Policy 5 of the NELLP 2018.

4. Ecology

Objections have been received as to the possible disturbance of wildlife in the area. Particularly as the site is close to the ecologically protected Humber Estuary. Comments have been received from Natural England confirming that likely significant effect can be ruled out. This is particularly in relation to noise and the details in the noise impact assessment. In terms of the physical development of the site there are no ecological concerns as this is an already developed and busy area of the site. The Council's Ecologist also concludes with this. In terms of ecology the development is considered to be in with Policy 41 of the NELLP 2018.

5. Neighbouring Amenity

With respect to the impact of the development on neighbouring amenities, noise is addressed above. Regarding such matters as massing, overlooking and loss of light there are no residential properties in the vicinity but as stated there is the Fitties chalet park to the east. However due to separation distances and screening by existing buildings and landscaping there are no adverse physical impacts on amenity.

Other matters have been raised in representations received, including the retrospective nature of the application, value of properties, anti social behaviour, lack of consultation by Thorpe Park, the operation of the site, the favouring of business over chalet owners, economic impact on the Fitties and reference to licensing.

In terms of the retrospective nature of the application the planning system allows for retrospective applications to be submitted and considered in the same way as a proposed scheme. Value of properties is not a material planning consideration and as a development of an existing area of Thorpe Park and enhancing the facilities it is not considered that anti social behaviour or operational issues weigh against the scheme. There is no duty on Thorpe Park to undertake consultation and all applications are determined on their planning merits and not to favour one party against another. The impact on the Fitties itself has been considered and licensing is a separate regulatory control.

Overall, and taking all representations into account, it is not considered that there are adverse impacts to neighbouring properties to justify objection to the planning application. The development in that respect is in accordance with Policy 5 of the NELLP 2018.

6. Other Considerations

The Council's Highways and Trees and Woodlands Officer raises no objections to the proposal. The Council's Drainage Officer is content that the proposal's use of permeable paving is acceptable in accordance with Policy 34 of the NELLP 2018. In relation to flood risk the site is within a high flood risk area but the development does not consist of accommodation and is within an existing complex. As advised by the Environment Agency a Flood Evacuation Plan has been submitted.

CONCLUSION

The application follows a previous approval for the site and relates to major investment in a major holiday destination in Cleethorpes. It supports the existing site and supports the visitor economy for the Borough. With the appropriate conditions, the proposal is not considered to harm the amenity of the surrounding holiday chalets or character of the area or Fitties Conservation Area. The application is considered in accordance with Policy 5, 12, 22, 34, 39 and 41 of the NELLP 2018 and is recommended for approval.

RECOMMENDATION

Approved with Conditions

(1) Condition

The development shall be in accordance with the following plans:

Site Location Plan - 3132A.5.101B
Existing Block Plan - 3132A.5.102B
Proposed Block Plan - 3132A.5.110B
External Facilities Plan - E/1551/LL/01
Activity Hut Details - 3132A.5.112A
Stage Details - 3132A.5.113A, 3132A.5.114
Range Station Details - 3132A.5.115A
Kart and Bike Canopy - 3132A.5.117A
Low Ropes Details - 3132A.5.126A
High Ropes Details - 3132A.5.127A
Jump Tower and Bag Details - 3132A.5.120A, 3132A.5.119A
Container Bar Details - 3132A.5.123, 3132A.5.122B
Treats Container Details - 3132A.5.125, 3132A.5.124A
Equipment Details - 3132A.5.111B
MUGA Details - 3132A.5.115A
Bungee Trampoline Details - 3132A.5.118A
Crazy Golf Details - 3132A.5.121A
Play Equipment Details - 3132A.5.128A

Hard Surface Details - W2505 1001_D
Soft Landscaping Details - W2505 1002_D
Vegetation Protection Plan - W2505 1003_D
Landscape Masterplan - W2505 MP01_D
Proposed Planting Details - W2529 1001_J

Reason

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

(2) Condition

The development shall only operate in strict accordance with the Noise Report and Management Plan received 18/01/2023 unless otherwise submitted and approved in writing by the Local Planning Authority. No amplified outdoor entertainment shall be undertaken between of 2200 and 0900 hours on any day.

Reason

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

(3) Condition

The proposal must be carried out in complete accordance with the recommendations identified in section 5 of the Preliminary Ecological Appraisal submitted, unless otherwise agreed in writing with the Local Planning Authority.

Reason

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

Informatives

1 Reason for Approval

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or neighbouring amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 5, 12, 22, 34, 39, and 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, by securing additional details to alleviate the need for a condition.

3 Informative

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

DM/0527/22/FUL – THORPE PARK HOLIDAY CAMP, ANTHONYS BANK ROAD, HUMBERSTON



DM/0527/22/FUL – THORPE PARK HOLIDAY CAMP, ANTHONYS BANK ROAD,
HUMBERSTON



PLANNING COMMITTEE - 1st March 2023

ITEM: 2 **RECOMMENDATION: Approved Limited Period**

APPLICATION No: DM/0778/22/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Plot 80, Humberston Fitties, Humberston, North East Lincolnshire,

PROPOSAL: Erect chalet with associated boundary treatments, hard landscaping and associated works (amended FRA and plans)

APPLICANT:

Mr Gary Croft
C/O Ross Davy Associates
1 Grosvenor Street
Grimsby
North East Lincolnshire
DN32 0QH

AGENT:

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

DEPOSITED: 26th August 2022

ACCEPTED: 5th September 2022

TARGET DATE: 31st October 2022

PUBLICITY EXPIRY: 12th December 2022

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY:

CASE OFFICER: Emily Davidson

PROPOSAL

The proposal is to erect a new chalet with associated works. The chalet would have a timber shingle finish with timber windows and doors.

The application is presented to Planning Committee due to both a Parish objection and the number of objections received.

SITE

Plot 80 Humberston Fitties is located within the Fitties holiday park. The wider site hosts

holiday chalets and is located within an allocated resort area. It is located close to the coast which is a specially protected ecological area. Humberston Fitties is a conservation area due to its unique and special character and is further protected by an Article 4 direction. Plot 80 itself is a vacant plot which is undeveloped. It is adjoined by chalets to the sides as well as opposite. There is an area of open grassland to the rear. The boundaries of the plot are defined by hedges and trees.

RELEVANT PLANNING HISTORY

08/92/0213 - Continue use of land for holiday purposes. Approved 25th June 1992.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2021)

NPPF12 - Achieving well designed places
NPPF14 - Climate, flooding & coastal change
NPPF15 - Conserv. & enhance the natural environ.
NPPF16 - Conserv. & enhance the historic environ.

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

PO5 - Development boundaries
PO12 - Tourism and visitor economy
PO22 - Good design in new developments
PO33 - Flood risk
PO34 - Water management
PO39 - Conserve and enhance historic environ
PO41 - Biodiversity and Geodiversity
PO42 - Landscape

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

REPRESENTATIONS RECEIVED

Consultee Representations

Highways Officer - Approval, no conditions.

Drainage Officer - Details of the rain garden and paving should be provided.

Heritage Officer - As the site is thought to have had a chalet on it initially, it is considered the proposal would not harm the character of the area. Initial concerns raised in relation to the roof height allayed with an amended scheme, concerns raised to bi-folds allayed by amended plans removing these, approves of use of shingles, landscaping proposed is acceptable however, the use of pavers is not acceptable and should not be used. Fence is acceptable. Questions the grassed area for parking and what materials would be used. This concern was alleviated by the amended plans and the clarity on the materials used. Raises potential disturbance from the proposed air source heat pump.

Environmental Protection Officer - Hours of construction condition recommended. Construction method statement requested and received. Document considered acceptable.

Trees and Woodlands Officer - No objections as proposal does not directly impact planting on existing boundaries.

Civic Society - Considers the application out of character.

Humberston Village Council - Objects to the application supporting objectors comments, loss of green areas, not in keeping and the setting of a precedence.

Natural England - Raises no objections.

Environment Agency - Initial objections overcome with the receipt of an updated flood risk assessment and recommendation of a condition to restrict the chalets occupancy period and use of a 10 year temporary permission.

Ecology Officer - Raises no objection to the proposal and recommends a condition to ensure works are carried out in line with the ecology report.

Cadent Gas - Informative advice.

Neighbour Representations

In objection to the application:

1, 3, 10, 16, 18, 21, 24, 30, 32, 34, 42, 54, 56, 60, 66, 77, 78, 79, 81, 82, 85, 86, 87, 101, 103, 113, 124, 132, 139a, 147, 148, 150, 153, 164, 165, 168, 185, 195, 201, 212, 217, 222, 228a, 251, 252, 253, 255, 263, 277, 282, 284, 290, 311a, 315, 317a, 320, 321a
Humberston Fitties.

Flat 5, 51 Bargate, 30 Bradford Avenue, Arden House, 99 Brian Avenue, 29 Campden Crescent, 71 Carr Lane, 9 Cherry Lane, The Haybarn 24 Cooks Lane, 77 Elliston Street, Evergreen, 4 Highgate, 17 Lambert Road, 8 Muirfield Croft, 49 Robert Pearson Mews, 6

Wells Road.

Outside of the Borough:

The Gatehouse, St Johns Road, Bath. 42 Beck Road, Carlisle. 2 Norton Close, Daventry. 42 Aivemore Road, 4 Clayfield Avenue, 2 Low Road, 14 Tickhill Road Doncaster. 31 Holly Grove, Goldthorpe. 45 Banks End Lane, Huddersfield. 289 Clayhall Avenue, Ilford. 92 Hesley Lane,, Hope Avenue, Rotherham. 61 Second Avenue, Huddersfield. St Leonards, Woodhall, 16 Wold View, Holton-le-Clay.

Summary of these objections as follows:

The principle of the planning application (ie, whether there was a previous chalet on the site or not) exceptions test, flood risk, works carried out without permission, increased pressure and damage to existing services, discrepancies within the submission, design, ecological concerns, impacts to heritage, concerns related to the sale of the plots, vacant plots are used as fire breaks, loss of community assets, loss of open space, legal disputes with land owner, over development, traffic implications, increase in anti-social behaviour and increased carbon footprint.

In support of the application:

88 Orion Way, 28 Kew Road, Rose Cottage, Main Road.

Summary of support as follows:

Enhances area, no additional impact to life regarding flood risk, in accordance with design guide, proposal on designated plot land, mix of chalets create the uniqueness, self-funding, design guide available to aid development, there is a flood risk plan in place, resort style developments should be encouraged, proposal is in a spare plot, like chalet design, plots are not open amenity space, development will improve area.

Neutral comments:

169 Humberston Fitties, 23 Lindsey Road

Summary of these comments as follows:

Impacts on infrastructure, loss of individuality, plots should be left empty to maintain character.

APPRAISAL

Planning Considerations

1. Principle of Development

2. Flood Risk
3. Character, Design and Heritage
4. Ecology and Landscape
5. Local Amenity
6. Highways and Drainage
7. Community Assets and Sale of the Plots

1. Principle of Development

The plot is located within a defined resort area in the North East Lincolnshire Local Plan (NELLP) 2018. Policy 12 applies. The site is also within the Fitties conservation area. Policy 39 applies. Other specific policies also apply as detailed in the report below. In terms of principle Policy 12 supports tourism related development including accommodation though recognising the need to protect environmental resources. The site is a well-established holiday chalet park of long standing, and this site sits within an otherwise developed frontage.

It is acknowledged that there are a number of objections to the proposal which mention the development of several plots throughout the Fitties site. This application only relates to Plot 80 and this needs to be determined on its merits. The application is also assessed as a new build. References to past chalets both in support and against the scheme are acknowledged. However, it is considered that any related planning chapter in that respect has closed, and this application should be judged as a new build. However, acknowledgement is given to application 08/92/0213 by Cleethorpes Borough Council which granted in 1993 permission to continue use of land at the Fitties for holiday purposes. This included this site.

It is therefore considered that the principle of development is acceptable subject to the considerations outlined below.

2. Flood Risk

The site falls within an area of high flood risk as defined on the Environment Agency Maps and an area of extreme flood risk as defined in the Councils Strategic Flood Risk Assessment. This is an important consideration and can be associated to the determination of the principle of development. This is particularly in relation to the Sequential test and the Exception test.

The Sequential and Exception tests are considered as per the National Planning Policy Framework (NPPF), the National Planning Policy Guidance (NPPG) and Policy 33 in the NELLP 2018. Starting with the Sequential test, it is important to note that the NELLP 2018 allocates this area as part of the defined resort area and as stated above this supports resort type development. It is also clear that holiday development will take place close to the beach and sea to benefit from such a location and easy access. As a result of this and importantly the allocation in the NELLP, the Sequential test is considered to be passed. Turning to the Exceptions test the NPPF and NPPG note that some elements of

the test (such as wider sustainability benefits under part A) need not be repeated for allocated sites unless elements of the development that were key to satisfying the exceptions test at the plan-making stage have changed or are not included in the proposal or the understanding of the current or future flood risk has changed significantly. It is considered that there has been no significant change or emittance in relation to either of these points.

Having regard to the above on flood risk grounds it is considered that there are no grounds for objection under the Sequential test or part 'A' of the Exception test. However, it still remains important under part 'B' of the Exception test and Policy 33 of the NELLP to consider the actual flood risk and whether the development can be made safe for its users. This assessment is supported by a Flood Risk Assessment. To understand and consider this, consultation with the Environment Agency has taken place. There has been close working with the Agency on flood risk matters.

To this end the Environment Agency initially raised an objection to the scheme as the Flood Risk Assessment failed to demonstrate how the site could be made safe, detailing that their standing advice is that chalets should not be occupied in the months November through to March when tidal inundation is at an increased risk. In response to this an amended Flood Risk Assessment has been received offering a reduced occupancy period in line with the EA requirements. As a result, the Environment Agency have removed their objection.

Another proviso recommended is the imposition of a 10-year temporary permission on the development. This is consistent with other more recent replacement chalet permissions granted on sites east of the Environment Agency's 'St Anthony bank' defence which is a national defence. East of this and facing the sea the defence is locally maintained. The Environment Agency note that the current Shoreline Management Plan (SMP) requires a review of the policy covering the management of the defences at the Humberston Fitties by 2055 which puts some uncertainty on the long-term future of the defences. Whilst this is over 30 years away the SMP will be reviewed every 5 to 10 years where changes may be made depending on the evidence at the time. A 10-year permission would then be appropriate to deal with any changes which would impact on planning decisions and allow the planning system to react appropriately in the longer term. It would be open to apply to retain the chalet after this 10 years which then would be judged against the up-to-date situation.

It is therefore recommended that flood risk can be mitigated through the use of the occupancy period and the 10-year permission. This would be consistent with recent decisions and the advice of the Environment Agency.

In terms of the ability to impose more restrictive conditions than those which apply to the vast majority of existing chalets (other than recent replacement chalets) reference has been made in the original submission with this application to the 1993 permission noted above, reference 08/92/0213. As noted, this granted a wide permission across the Fitties to continue to use the site for holiday purposes subject to an occupancy condition. This

was not for flood risk reasons but to prevent the permanent residential use of the site.

To aid consideration Counsel advice has been sought by the Council and whilst a matter of judgement this advice confirms that the starting point is to have due regard to the NELLP, and points out that Policy 33 makes it necessary to (1) have due regard to the sequential and where necessary the exception test and (2) that the development will be safe during its lifetime. It is then necessary to consider any material considerations that justify departing from the NELLP and then consider what weight to give those considerations. Flood risk is an important material planning consideration and the advice of consultees such as the Environment Agency need to be taken into account. The position is clear in that the proposed development would not be safe without the proposed conditions. Counsel advice accepts that in planning terms (though there may be lease restrictions) that the 1993 permission grants holiday use and this could mean non-operational holiday accommodation (for example a caravan) could be lawfully sited on the plot and only be subject to the 1993 restriction, and whilst this could be the case, it does not justify not imposing the necessary conditions to make the development safe.

Therefore, it is considered that the development will only meet Part B of the Exceptions test if conditions are imposed as outlined to limit times of occupation and secure physical measures (such as minimum raised floor levels) and to only permit on a temporary basis. With conditions the proposal would accord with Policies 5 and 33 of the NELLP 2018 and the provisions of the NPPG and NPPF.

3. Character, Design and Heritage

The unique character of the area is key when considering the design of the proposal. This character is recognised in its designation as a conservation area which is further protected by an Article 4 Directive. The Council also have a design guide to aid the consideration of development on the Fitties. The initial scheme submitted included a refuge area in the roof space which made the proposal much higher than its neighbours. This was removed from the current scheme, allowing for the height to be reduced in line with proportions considered acceptable in the area. Other amendments included changes to windows and doors to ensure the scale and design are acceptable. The original scheme also included timber cladding. Whilst this is an acceptable material when considering the design guide, lots of chalets have opted to finish their chalets in this way. In order to keep the one-off nature of chalets, the scheme was amended to have a shingle finish. This change in particular adds interest to the chalet and will allow it to stand out with its more individual finish. Areas of hard standing for parking have also been omitted with permeable areas of gravel taking their place. The landscaping as a whole has mostly been left with a grass finish which is desirable. The Council's Heritage Officer notes that the scheme as a whole is now acceptable but notes the use of an air source heat pump should be carefully considered.

With an acceptable design it is not considered that the development of this vacant piece of land would be detrimental to the character of the wider street scene or the Conservation Area. The site is effectively a vacant plot within a developed frontage.

In conclusion it is considered that the design of the chalet has been well thought out and is in keeping with the conservation area. The more individual finish will enhance the scheme further ensuring that the character of the conservation area is maintained. The application is considered to be in accordance with Policy 5, 22 and 39 of the NELLP 2018.

4. Ecology and Landscape

It is noted that the site is currently undeveloped and is a grassed area with hedges and trees along its border. The Fitties as a whole is an established area with pockets of green space and a lot of the plots have large, grassed areas. The site also sits close to the ecologically protected Humber Estuary. An ecology statement has been submitted with the application. It is noted that this covers the whole site, however, only plot 80 is being considered. For this site in particular, there is no ecological constraint to development and this is echoed by the Council's Ecologist who raises no objections to the proposal and recommends a condition that works are carried out in accordance with the ecology report relevant to this particular plot. The Council's Trees and Woodlands Officer raises no concerns with the proposals impact to the surrounding trees and hedges. With regard to the protected Humber Estuary, it is considered that likely significant effects can be ruled out due to the established nature of the overall area, the small scale of the development and that this small site is of low potential to host any species that are designated as part of the Humber Estuary sites. No objections are raised by Natural England. The application is considered in accordance with Policy 41 and 42 of the NELLP 2018.

5. Local Amenity

The application site borders No.'s 78 and 82 to the sides and No's .81 and 83 are opposite. There is an area of open space to the rear. Numerous objections have been received from people of North East Lincolnshire and beyond. The majority of these are made up of chalet owners from Humberston Fitties. A summary of these objections is provided in the report under the representations section.

In terms of the built form, it is not considered that the proposed chalet would have an adverse impact on the amenity of neighbouring chalets. It is single storey and of a small scale and conforms to the prevailing character of the area. There would be windows facing all three of the properties surrounding the host site. These would be at a ground floor level. The impact in terms of overlooking would not be over and above that which would be expected in an area for holiday homes such as this. In terms of massing and overshadowing, there would be enough separation between the host site and the adjoining chalets to ensure there would be no undue affects. The use of the land for an additional holiday chalet would not increase the footfall to the plot to a level that would disturb neighbouring chalets.

To ensure the protection of neighbouring amenity during construction a management plan

has been submitted. This has been reviewed and accepted by the Environment Team.

Other issues raised in objections received include those in terms of the principle of the development, flood risk, pressure on the area, design and heritage, sale of the plots and community asset designation, ecology and highways. These are addressed in the report. There has been reference to when and whether a chalet has been on the plot previously. Reference is made to confusion in the background information provided. However as noted above this application is being determined as a new chalet and not a replacement. The planning chapter of any previous chalet having been closed some time ago.

All considered, the application would not harm the amenity of the neighbouring chalets and is in accordance with Policy 5 of the NELLP 2018.

6. Highways and Drainage

Concerns have been raised in regard to the additional pressure that will be put on existing services such as roads and the drainage system. This proposal would only introduce one additional chalet which would be minimal in terms of the scale of the overall site. The Council's Highways Officer has raised no concerns with the application. The Council's Drainage Officer has no principal objections but has requested final details of the rain garden and the permeable paving. This can be secured by condition. This would ensure additional surface water would be dealt with in a sustainable manner. The proposal is in accordance with Policy 5 and 34 of the NELLP 2018.

7. Community Assets and Sale of the Plots

Several comments have raised that the vacant plots within the Fitties are registered as community assets. Whilst this point is acknowledged, this matter is considered to fall outside of the planning considerations to this case. The application seeks permission for the physical development proposed. The sale of the land and any restrictions thereon would be a matter for that process.

CONCLUSION

The proposed holiday chalet accords with the use of the area and would not cause undue harm to the amenity of the neighbouring chalets or wider character of the conservation area. Subject to conditions it is acceptable in flood risk terms. The application is considered in accordance with Policy 5, 12, 22, 33, 34, 39, 41, and 42 of the NELLP 2018 and is recommended for approval.

RECOMMENDATION

Approved Limited Period

(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 - RD5264 - 02

Existing Block Plan - RD5264 - 03

Proposed Block Plan - RD5264 - 04 Rev A

Proposed Plans and Elevations - RD5264 - 01 Rev D

Proposed Section - RD5264 - 05 A

Reason

For the avoidance of doubt in the interests of proper planning and in accordance with Policies 5, 12, 22, 33, 34, 39, 41, 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(3) Condition

The chalet shall be removed in its entirety from the site and the land reinstated as a cleared site on or before 3rd March 2033.

Reason

To enable the Local Planning Authority to monitor the risk to human life and property from flooding in accordance with Policy 33 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(4) Condition

The chalet hereby permitted shall not be occupied between the 1st November in any year and the 14th March in the following year.

Reason

To ensure the holiday use of the chalet and ensure it is not occupied at a time when flood risk from the sea is at its highest so as to reduce the risk to life during a flood event to accord to Policy 33 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(5) Condition

Prior to the commencement of development, a final scheme of surface water drainage to

include details of the rain water garden and permeable paving shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be implemented in full before the development is occupied.

Reason

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

(6) Condition

The development shall be carried out in accordance with the Construction Method Statement submitted 10/10/2022 unless otherwise approved in writing by the Local Planning Authority.

Reason

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

(7) Condition

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

Walls - Wooden shingles
Roof - Metal profile sheeting
Windows and Doors - Timber
Verandas and Decking Areas - Timber
Parking Area - Permeable stone or gravel
Boundary Treatments - Timber
Vehicular Cross Over Area - Grasscrete

Reason

This condition is imposed in the interests of design considerations in the context of the existing buildings in order to comply with Policies 5, 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(8) Condition

The development shall be carried out in accordance with the flood risk assessment document received 21/10/2022 (Rev A) unless otherwise agreed in writing by the Local Planning Authority. All measures shall be installed prior to occupation of the chalet and shall be retained for the lifetime of the development.

Reason

To reduce the risk and impact of flooding and in accordance with Policy 33 of the North

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

(9) Condition

Prior to the commencement of the development, a detailed ecological enhancement plan shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the measures shall be installed prior to use of the chalet.

All construction work shall accord with the recommendations set out in the ecology report received 11/11/2022 relevant to Plot 80. Should any work be required to the existing ditch, then further survey work in line with the ecological report must be submitted and agreed in writing by the Local Planning Authority before this work is undertaken. Work shall only accord with the approved details thereafter.

Reason

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

(10) Condition

Prior to the installation of the air source heat pump, a full specification and details of attenuation and housing shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the air source heat pump shall be implemented and retained in line with the approved detail.

Reason

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

(11) Condition

Before the chalet can be occupied, a final Flood Warning and Evacuation Plan taking account of the Emergency Planning Officer comments shall be submitted to and approved in writing by the Local Planning Authority. Once approved, occupation shall only occur in strict accordance with the approved Plan.

Reason

In the interests of safety and flood risk and in accordance with Policy 33 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

Conservation Area character, neighbouring amenity and is acceptable in flood risk terms and 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, 12, 22, 33, 34, 39, 41 and 42.

2 Added Value Statement

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

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

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

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. Prior to carrying out works, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

DM/0778/22/FUL – PLOT 80 HUMBERSTON FITTIES, HUMBERSTON



DM/0778/22/FUL – PLOT 80, HUMBERSTON FITTIES, HUMBERSTON



PLANNING COMMITTEE - 1st March 2023

ITEM: 3 RECOMMENDATION: Approved with Conditions

APPLICATION No: DM/1036/22/FULA

APPLICATION TYPE: Accredited Agent - Homeholder application

APPLICATION SITE: 143 Mill Road, Cleethorpes, North East Lincolnshire, DN35 8JB

PROPOSAL: Erect a new timber fence (2.2m high) and demolition of a small section of dwarf wall (amended plans and description to remove anti-climb spikes)

APPLICANT:

Mr Ben Robinson
143 Mill Road
Cleethorpes
North East Lincolnshire
DN35 8JB

AGENT:

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

DEPOSITED: 24th November 2022

ACCEPTED: 25th November 2022

TARGET DATE: 20th January 2023

PUBLICITY EXPIRY: 27th January 2023

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 27th January 2023 CASE OFFICER: Bethany Loring

PROPOSAL

The application seeks to erect a new timber fence (2.2m high) and demolish a small section of dwarf wall to the rear of an existing detached dwelling.

The application is brought to planning committee following the number of objections from neighbours.

SITE

The proposal site is a large, detached dwelling located on the southeast side of Mill Road

in Cleethorpes. It is predominantly residential in this area and host to varied dwelling types and designs. The plot has a paved driveway to the front with open access points and low walls. The site lies within the Mill Road Conservation Area and is covered by an Article 4 Direction.

RELEVANT PLANNING HISTORY

DC/11/07/CRB - Change of use of 4 flats to one dwelling and alts - Approved with Conditions.

DM/1229/21/FULA - Demolish existing timber outbuilding, erect single storey detached outbuilding to create garden room and install four metal entrance gates - Approved with Conditions.

DM/0826/22/CND - Details in Discharge of Condition 4 (Soakaway) pursuant to DM/1229/21/FULA - Conditions Complied With.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2021)

NPPF12 - Achieving well designed places

NPPF16 - Conserv. & enhance the historic environ.

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

PO5 - Development boundaries

PO22 - Good design in new developments

PO39 - Conserve and enhance historic environ

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

REPRESENTATIONS RECEIVED

Drainage Team - No drainage comments.

Highways Team - Approval no conditions.

Trees and Woodlands - No comment.

Heritage Officer - No heritage input required.

Neighbour Representations

131 Mill Road - Objects based on concerns relating to the anti-climb spikes, industrial appearance, impact to the character of area and unsightly precedent.

135 Mill Road - Objects based on concerns relating to the anti-climb spikes, industrial appearance, impact to the character of area and unsightly precedent.

137 Mill Road (x5) - Objects, broadly based on concerns relating to effects to land and property, damage caused to existing boundary wall, view of fencing to garden, concerns for raising ground level, maintenance concerns of existing wall, lack of party wall agreement, changes to boundary position, obscure view and light, listed building and article 4, concerns relating to the removal of the dwarf wall and structural integrity, impacts to wildlife, anti-climb spikes would introduce an industrial feel, set precedent, threaten character of the area and blocking of hedgehog holes. Other issues relating to the previously approved outbuilding have also been raised however these are not in reference to this proposal.

149 Mill Road - Objects based on concerns relating to the anti-climb spikes, industrial appearance, impact to the character of area and unsightly precedent.

151 Mill Road - Objects based on concerns relating to the anti-climb spikes, industrial appearance, impact to the character of area and unsightly precedent.

163 Mill Road - Objects based on concerns relating to the anti-climb spikes, industrial appearance, impact to the character of area and unsightly precedent.

APPRAISAL

Material Considerations

Principle of Development

The application site is within the development area of Cleethorpes (Policy 5), and relates to the erection of a new timber fence (2.2m high) and demolition of a small section of dwarf wall at an existing detached dwelling. The principle of development is therefore acceptable provided that the proposal does not give rise to significant issues in terms of residential amenity and that the design is in accordance with policies 5, 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and section 12 and 16 of the NPPF.

Design and Heritage

The fencing would be positioned in the rear garden, adjacent to the existing boundary wall, stepped in from this by 0.24m. The fencing would cover a length of 45.9 metres along the eastern boundary. A small section of dwarf wall, which adjoins the existing boundary wall, would be demolished to allow for the installation of the fencing. The fencing would be constructed using concrete posts with larch lap panels between at a maximum height of 2.2 metres. The ground level of the site is higher towards the dwelling, indicated at a maximum height of 13.812AOD, falling gradually towards the rear boundary, indicated at lowest height of 12.151AOD at the rear corner of the site.

The fencing has been designed to allow for the panels to be lifted and removed for management and maintenance purposes. This would allow for the garden, boundary wall and the fencing itself to be maintained when required.

The fence would not be visible from the street due to the position of this to the rear of the existing dwelling. The fencing, due to its associated height and design, would not be considered to be unduly harmful. Its position and layout ensures an acceptable scale and design against the existing dwelling and to neighbours. The works are not unusual in a residential setting.

The site is within the Mill Road Conservation Area and is covered by an Article 4 Direction. The Heritage Officer has raised no objections to the proposal and concluded there are no heritage concerns.

It is therefore considered to be in accordance with policies 5, 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and sections 12 and 16 of the NPPF.

Impact on Neighbouring Properties

The main impact of this development would be to 137 Mill Road, Cleethorpes.

The fencing would sit adjacent to the existing boundary wall and rear garden of the neighbour. The plots and rear gardens, in this area are relatively long and the fencing would cover a large section of the boundary, although acknowledged it would stop in line with the front of the neighbour's garage. This would result in the area immediately adjacent to the rear of the neighbour's property not being adjacent to the area of works. The retention of the existing boundary wall would result in the fencing being partially screened from view however it is noted that a large part of it would still sit above it. The fencing would sit just under 1 metre above the wall, varying from 0.99m at the highest and 0.69m at the lowest, due to the varying ground levels.

The neighbour has provided a series of objections to the scheme broadly relating to the effects to land and property, damage caused to the existing boundary wall, views of the fencing from the garden, concerns for raising of the ground level, maintenance concerns of the existing wall, lack of a party wall agreement, changes to the boundary position,

obscured views and impact on light, listed building and article 4 considerations, concerns relating to the removal of the dwarf wall and the impact on structural integrity, impacts to wildlife, anti-climb spikes would introduce an industrial feel, proposal would set a precedent, it would threaten the character of the area and objects to the blocking of hedgehog holes.

Some of the matters raised are not considered to be material planning considerations but are noted. These include matters raised relating to damage of the wall, lack of a party wall agreement and alterations to the formal boundary position. It is important to note that planning do not intervene in boundary disputes as this is not within the remit of the legislation. In addition, damage is considered to be a civil matter and a party wall agreement is controlled through building control.

The impacts of the fencing in relation to the land and property are considered to have been discussed in part already, confirming that views of the fencing would be partially screened from the neighbours garden, although it would still be visible above the height of the wall. The level of impact is not considered to be unduly harmful and as stated would not be unusual in a residential setting. The issue surrounding the ground level has been noted previously and has resulted in existing ground levels being noted on the plan to ensure that the level is not raised. A condition to this effect has also been included as part of this recommendation. The comment relating to the potential impact on maintenance has also been previously discussed and the fencing has been designed to allow for the panels to be removed for management and maintenance purposes. In relation to the impact on a view and impacts to light, it is important to note that the loss of a view is not considered to be a material planning consideration however impact to light is. It is not considered that the introduction of the fence would impact light detrimentally due to its position and height. The site is covered by an Article 4 Direction which removes the permitted development rights for the erection and/or demolition of boundary treatments. It is confirmed that the building is not listed. It is important to note that under normal permitted development rights, fencing in this position would be allowed up to 2 metres and the removal of any boundary wouldn't require permission. The concern relating to the removal of the dwarf wall is also noted and a condition for the main wall to be made good following the removal has been included to maintain the structural integrity of the adjoining boundary wall. The anti-climb spikes have now been removed from the scheme resulting in the height being reduced to 2.2 metres. Their removal is positive to neighbours and to its visual appearance more generally. The removal of the spikes would also eliminate a number of concerns relating to impacts/deterrent to wildlife. There is no requirement to retain hedgehog holes.

In relation to other neighbours, the works are considered to be well-separated from these. This would therefore ensure no undue impacts.

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.

CONCLUSION

In conclusion, it is considered that the proposed development would not unduly harm the appearance of the street scene, the wider character of the area or neighbours residential amenities.

It is therefore in accordance with policies 5, 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and sections 12 and 16 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 Site Plans, Sections and Spike Details - RD5064-06E

Existing and Proposed Elevations - RD5064-05E

Reason

For the avoidance of doubt in the interests of proper planning and in accordance with policies 5, 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(3) Condition

The proposed development shall be constructed using materials as stated on drawing no. RD5064-05E unless otherwise first approved in writing by the Local Planning Authority.

Reason

This condition is imposed in the interests of design considerations in order to comply with policies 5, 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(4) Condition

The existing ground levels, as shown on plan RD5064-06E, shall not be raised and the fencing shall be erected from these ground levels only.

Reason

This condition is imposed in the interests of protecting neighbours in order to comply with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(5) Condition

Before the dwarf wall is removed as shown on plan RD-5064-06E, a method statement for its removal along with a schedule for the making good of the existing wall shall be submitted to and approved in writing by the Local Planning Authority. Once approved, development shall proceed as approved.

Reason

To ensure structural integrity of the existing wall in order to comply 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, 22 and 39.

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 securing improvements to the height and design of the fence.

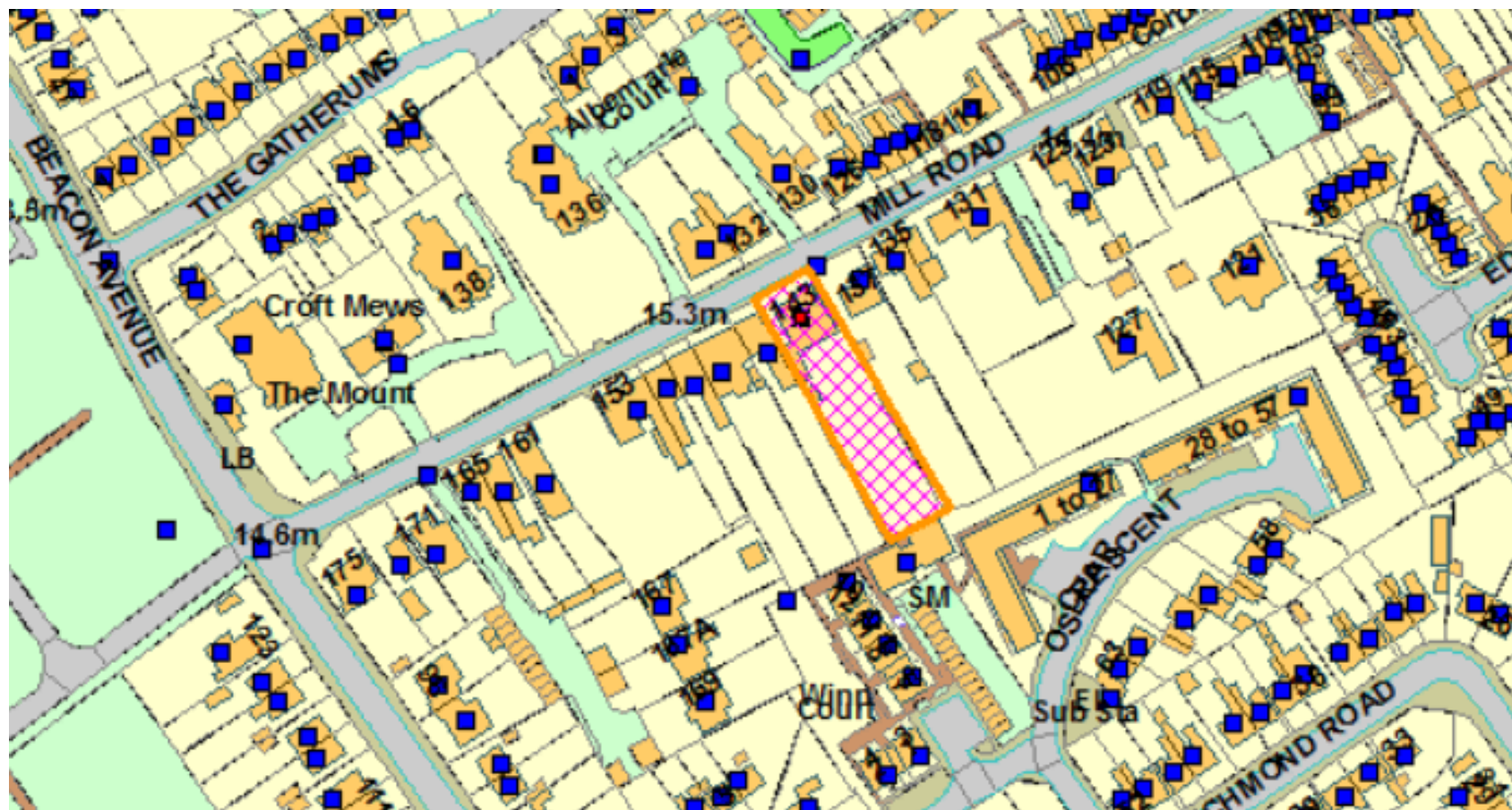
3 Informative

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).

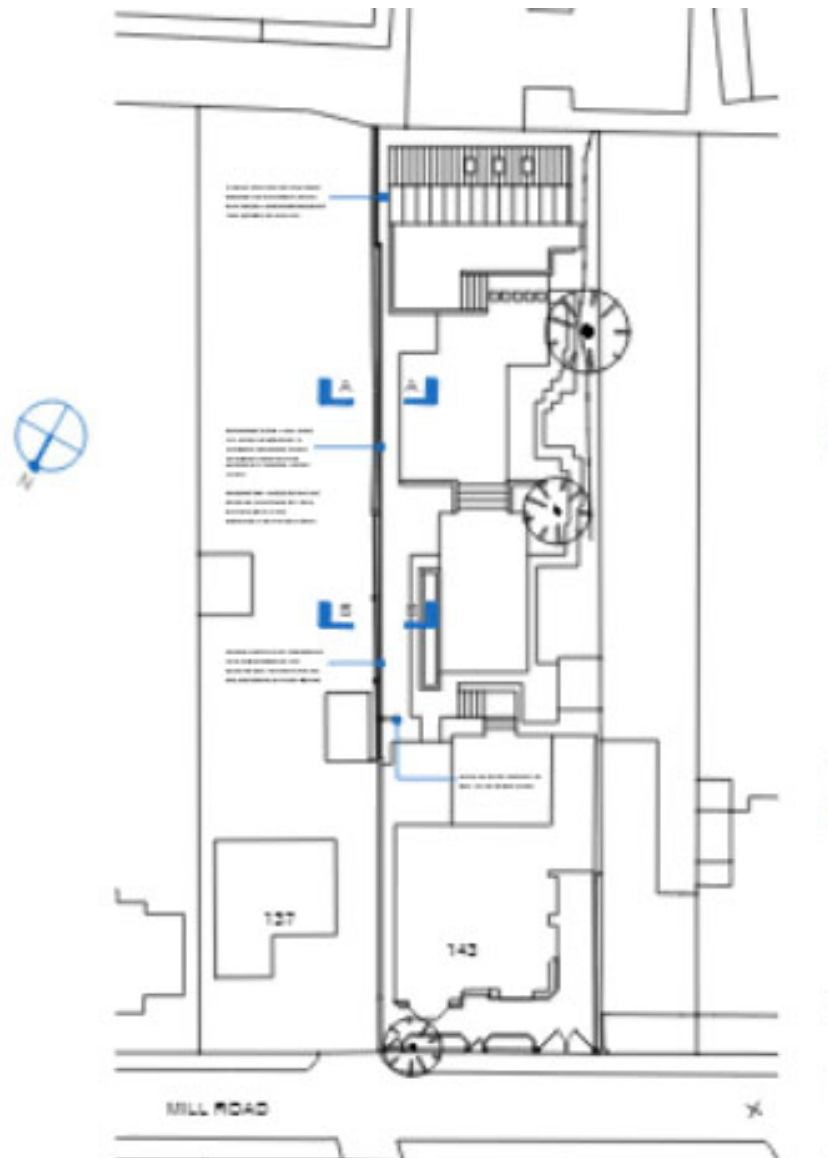
4 Informative

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

DM/1036/22/FULA – 143 MILL ROAD, CLEETHORPES



DM/1036/22/FULA – 143 MILL ROAD, CLEETHORPES



PLANNING COMMITTEE - 1st March 2023

ITEM: 4 **RECOMMENDATION: Refused**

APPLICATION No: DM/0682/22/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: 1B Weelsby Road, Grimsby, North East Lincolnshire, DN32 0PW

PROPOSAL: Retrospective change of use of orangery to childminding business

APPLICANT:

Mrs Emma Flores
1B Weelsby Road
Grimsby
North East Lincolnshire
DN32 0PW

AGENT:

DEPOSITED: 1st August 2022

ACCEPTED: 14th October 2022

TARGET DATE: 9th December 2022

PUBLICITY EXPIRY: 20th November 2022

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 12th November 2022

CASE OFFICER: Owen Toop

PROPOSAL

This application is for the change of use of an orangery and garden from residential to a mixed use for residential and a childminding business. The proposal is retrospective in nature with the business currently in operation. The orangery itself was granted permission separately as a domestic extension in a previous planning application.

This application is brought to planning committee due to a call in request from Councillor Westcott.

SITE

The proposal is located at an existing detached residential property which is situated at Weelsby Road. The property is part of a row of detached properties on the north side of the street and notably is in close proximity (approximately 80 metres) to the A46 Bargate

junction that is a key transport link into the town centre and out towards the outer urban and rural settlements.

The property contains a front and rear garden and the latter contains features associated with the childminding business, such as play areas for the children. The property is accessed from a singular access point and contains a drive although the existing situation is that cars have to reverse onto the main road or off of the main road to access the property. Outside of the property is a traffic regulation order and there is a cycle lane. Weelsby Road is a busy road at peak times during the week and it connects to Peaks Parkway further to the east.

The orangery has been converted for childminding use. However realistically the orangery is also used in conjunction with the main dwelling. The nature of the premises is one of business and residential where the applicant resides and works.

RELEVANT PLANNING HISTORY

DM/0925/19/FUL - Remove existing garage and car port and erect orangery to side and rear with roof lantern (Re-submission of DM/0474/19/FUL) - Approved 09 December 2019.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2021)

NPPF16 - Conserv. & enhance the historic environ.

NPPF9 - Promoting sustainable transport

NPPF12 - Achieving well designed places

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

PO39 - Conserve and enhance historic environ

PO5 - Development boundaries

PO22 - Good design in new developments

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

REPRESENTATIONS RECEIVED

Highways - Recommends refusal on highways safety grounds. The proposal presents concerns relating to the drop-off and collection of children on a busy road close to a significant junction.

Environmental Health - No objections, recommends temporary planning permission and hours of use to be controlled to control impacts of noise and disturbance.

Drainage - No comments.

Heritage - No input required.

Trees - No comments.

Cllr Westcott - Call in request requiring a wider debate on the highway matters in particular.

Neighbour Representations

1C Weelsby Road - Objects to the proposal broadly on the grounds of:

- noise and disturbance
- scale of the business and working hours
- impact on private amenity
- covenants
- drainage
- future growth and commercial development in a domestic location

64 Welholme Avenue - Supports application broadly on the grounds of:

- does not have concerns with noise and disturbance
- the local business provides a service for the community

No other representations received or required.

APPRAISAL

The material considerations are:

- 1) Principle of Development
- 2) Highway Safety
- 3) Impact on Neighbours
- 4) Other Issues

1) Principle of Development

The proposal is located within the development boundary of Grimsby as defined within policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) [NELLP] and relates to the retrospective change of use of an orangery and domestic garden to be used as a mixed use for a childminding business and residential dwelling. No physical external works are proposed. The principle of development is acceptable but the application may only be supported in accordance with the NELLP provided that there are no detrimental impacts with regards to site specific material planning considerations. In this case, the material considerations relate to highway safety (policy 5) and impact on neighbours (policy 5).

2) Highway Safety

As part of the planning application the applicant has provided a supporting statement which provides context for the business and information on its operation. The nature of the business is that of childminding with a guided curriculum to accord to Ofsted registration. The applicant states that the business cares for 6 children and employs 1 full time assistant and 1 part-time assistant to accord to Ofsted registration criteria. The applicant's openings timings include full days Monday-Fridays and half a day Saturday morning. The applicant has the capacity under the registration to care for up to 9 children provided there are sufficient assistants to accompany them in the work.

As already described above, the site is in close proximity to a busy junction in association with a main transport link from the town centres of Grimsby and Cleethorpes. Based on the information supplied in relation to the number of children and employees, the highways officer has objected to the proposal and recommended refusal on the grounds of highway safety. The key concern is that of the drop-off and collection of children from the site. As there is no turning facility within the site, cars cannot access the property to drop-off and collect children. Therefore the only means to drop-off and collect would be by using the main road or by using the nearby streets. It is not considered possible to control through the planning system via condition how drop-off occurs. Whilst the use of the dwelling is an existing situation (albeit one that is only now seeking consent), the use intensifies movements at the site close to the junction where there is also a large tree, bus stop close by and cycle route outside exasperating the potential for conflict. Thus, the proposal would be detrimental to highway safety in conflict with policy 5 of the NELLP.

3) Impact on Neighbours

As part of this application, a public consultation has taken place. One letter of objection has been received from 1C Weelsby Road who is located directly adjacent to the west of 1B Weelsby Road. There has also been a letter of support from 64 Welholme Avenue who is located to the north-east of the rear garden.

Policy 5 allows for an assessment into the impact of proposals on neighbouring land uses

by reasons of noise and disturbance. The neighbour has objected to the business on these grounds, as well as other grounds including foul drainage issues, the use of a commercial business in a domestic area, and concerns of the nature of the business catering for older children. The comments are acknowledged.

The applicant has provided a statement to which numbers of children have been defined. Based on this information the proposal has been considered in conjunction with the environmental health department. Provided that the number of children can be restricted and the hours of use controlled through conditions, it is considered that there would not be an undue impact in terms of noise and disturbance on the residential amenity of adjacent properties. This view is supported by the environment team. Indeed, large domestic properties such as that on this site can accommodate large families which would otherwise have no restriction on the way they operate and use the home. Case law has shown that a lower number of children and a sole employee would not require planning permission for instance. However in this case the proposal does require planning permission due to its location and due to the number of employees and therefore it is reasonable to impose such conditions in the interests of amenity.

In terms of the impacts on neighbours alone, the proposal with conditions would comply with policy 5 of the NELLP.

4) Other Issues

Restrictive covenants have been mentioned within the comments from 1C Weelsby Road. These are separate to the planning system but the applicant is reminded of their legal duties.

With regards to drainage, in this case foul drainage and surface water drainage, there is no increase in surface water drainage as there are no external changes to the main dwelling. The comments with regards to the blockage of drains are considered whilst noted are a private matter between the neighbours to which the planning system cannot control.

CONCLUSION

Having considered the proposal, the application presents a detrimental impact with regards to highway safety and so does not accord policy 5 of the NELLP. The application is therefore recommended for refusal.

RECOMMENDATION

Refused

(1) The proposal, as a result of the intensification of the property from residential to combined residential and commercial use, would increase traffic movements, including potential drop-offs and collection, which given the nature of the site and its position would be detrimental to highway safety in direct conflict with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and section 9 of the NPPF.

Informatives

1 Informative

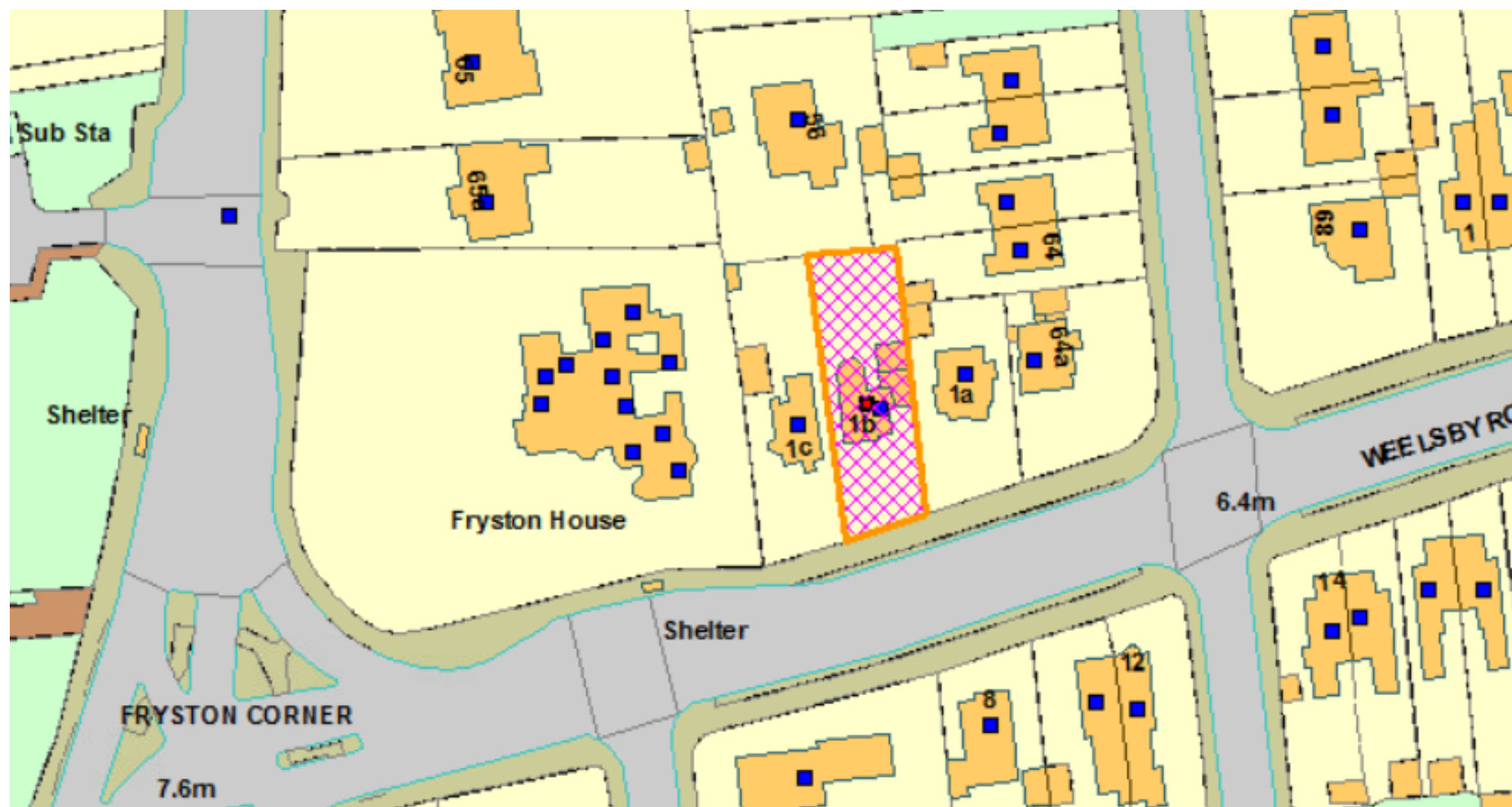
This decision relates to the plans and documents submitted with the application.

2 Added Value Statement

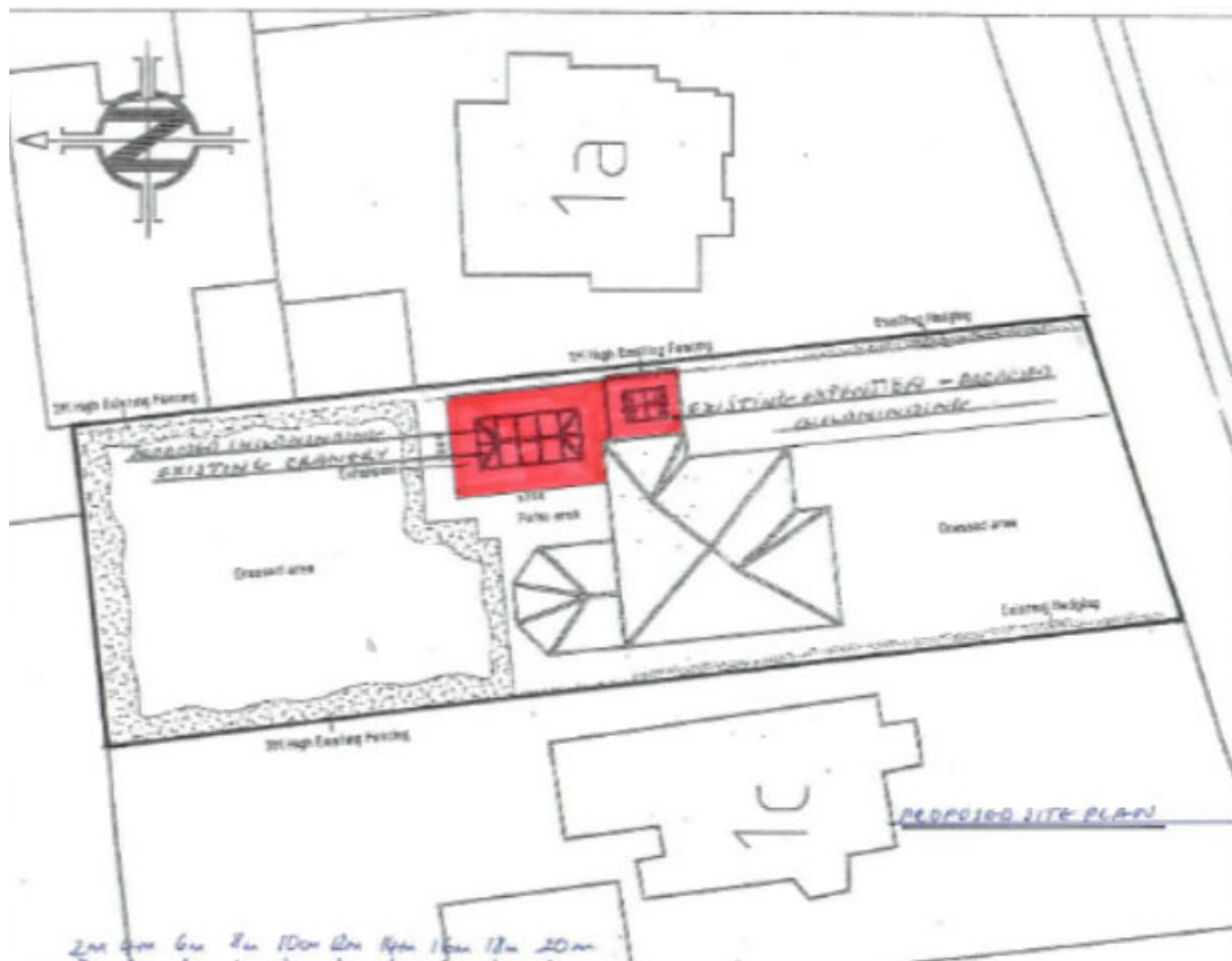
Article 31(1)(cc) Statement - Positive and Proactive Approach

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

DM/0682/22/FUL – 1B WEELSBY ROAD, GRIMSBY



DM/0682/22/FUL – 1B WEELSBY ROAD, GRIMSBY



PLANNING COMMITTEE - 1st March 2023

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

APPLICATION No: DM/0034/22/OUT

APPLICATION TYPE: Outline Application

APPLICATION SITE: Land Rear Of 30 Humberston Avenue, Humberston, North East Lincolnshire,

PROPOSAL: Outline erection of 5 detached dwellings with means of access to be considered

APPLICANT:

Mr Paul Chester
RPM Industrial Services Ltd
30 Humberston Avenue
Humberston
DN36 4SP

AGENT:

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

DEPOSITED: 13th January 2022

ACCEPTED: 20th January 2022

TARGET DATE: 17th March 2022

PUBLICITY EXPIRY: 9th March 2023

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 13th February 2022

CASE OFFICER: Owen Toop

PROPOSAL

The proposal is an outline application, with access to be considered, for the erection of 5 dwellings to the rear of 30 Humberston Avenue.

The application is brought to planning committee due to the number of neighbour objections received.

SITE

The site is to the rear of 30 Humberston Avenue. In May 2016 approval was granted for the development of 5 houses in outline form with means of access to be considered. At this point, the site was allocated as Amenity Open Space in the North East Lincolnshire Local Plan (NELLP 2003). However, the site is no longer allocated as open space in the current North East Lincolnshire Local Plan (NELLP 2013-2032).

The site is currently part of the curtilage to 30 Humberston Avenue and has the appearance of a paddock. The site contains a number of good quality trees protected by TPOs. These are located mainly along the western boundary and to the north of the main site area.

Access to the site runs to the west of the host property adjacent to the rear gardens of properties in Cannon Oaks Court. To the north of the main site area is the host property, to the east is the site known as 'Millennium Park' (with planning permission for 385 dwellings - nearing completion), and to the south of the site is the site known as 'Par 3' (with planning permission for 110 dwellings - now complete) and to the west is Cherry Garth scout campsite.

All of the site boundaries have a selection of mature trees, hedges and fencing along them.

RELEVANT PLANNING HISTORY

DM/1012/15/OUT - Approved with conditions on May 27th 2016.

DM/0002/18/FUL - Approved May 2018.

DM/0652/18/CND - Conditions Complied With Nov 2019.

DM/1101/18/OUT - Approved with conditions on 12th March 2019.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2021)

NPPF4 - Decision-making
NPPF5 - Delivering a sufficient supply of homes
NPPF11 - Making effective use of land
NPPF12 - Achieving well designed places
NPPF14 - Climate, flooding & coastal change
NPPF15 - Conserv. & enhance the natural environ.

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

PO2 - The housing requirement

PO3 - Settlement hierarchy
PO4 - Distribution of housing growth
PO5 - Development boundaries
PO15 - Housing mix
PO17 - Housing density
PO22 - Good design in new developments
PO34 - Water management
PO41 - Biodiversity and Geodiversity
PO42 - Landscape

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

REPRESENTATIONS RECEIVED

Highways - No objections and recommends conditions if the development is to be approved.

Environmental Health - Comments refer to hours of construction and construction management conditions, and electrical vehicle charging points.

Drainage - Comments refer to sustainable drainage requirements.

Trees and Woodlands - Comments refer to previous permissions.

Ecology - No objections to submitted Ecological Appraisal, requires recommendations to be carried out.

Heritage Officer - No input required.

Humberston Village Council - No response received.

Neighbour Representations - 4 letters received.

- 28 Humberston Avenue
- 1 Cannon Oakes Court
- 2 Cannon Oakes Court
- 4 Cannon Oakes Court

Objections received broadly on the grounds of:

- noise, lighting and traffic disturbance from the access road into the development on residential amenity
- noise and disturbance as part of construction
- maintenance concerns of existing and proposed trees and shrubs
- impact on local drainage from the development
- comments pertaining to selling of property as a result of the development
- concerns with regard to tree planting that has taken place
- security issues.

APPRAISAL

The material considerations are;

1. Principle of Development
2. Impact on Neighbours
3. Impact on Character of the Area
4. Impact on Trees
5. Impact on Highway Safety
6. Impact to Ecology
7. Drainage and Flood Risk

1. Principle of Development

As this proposal relates to outline planning permission, the key consideration to be made in this determination is whether the principle of residential development in this location is acceptable. The site was granted permission for a similar proposal in May 2016. Following this another proposal was granted permission in March 2019.

The site is currently vacant grassland that is located within the development area under Policy 5 of the North East Lincolnshire Local Plan, 2013-2032 (NELLP). Whilst policy encourages the effective re-use of Brownfield sites, it does not prohibit the principle of development on greenfield sites. Sitting within Humberston and close to New Waltham, the site is considered to be in a sustainable location and the proposal, in principle, would constitute sustainable development.

Policy 2 of the NELLP sets out the housing requirement for the area. Whilst the additional 5 dwellings would not contribute significantly to addressing the areas' housing needs, they would nevertheless contribute at a time where the borough cannot currently demonstrate a 5-year supply of housing. Moreover, the dwellings would contribute to the range and quality of residential accommodation available in this part of the borough.

Policy 3 defines the settlement hierarchy which sets out the type of development that is suitable for the different zones of the borough. Sitting within Humberston and close to New Waltham; the site is within the Level 2 'Arc Settlements', with good access to

services and as such the proposal is acceptable in principle.

Having regard to these policies and the site's location, the proposal is acceptable in principle.

2. Impact on Neighbours

It should be noted that objections have been received from 4 addresses as part of the public consultation process. This application considers only the principle of 5 dwellings at this site, with access being the sole consideration at this present time. Nevertheless as part of the assessment of the principle of housing, the relationship with all adjoining properties must be considered. Objections have been received from 28 Humberston Avenue, and from properties at Canon Oaks Court, a residential cul-de-sac situated off of Humberston Avenue.

Due to the position of the housing within the site which is set far back from dwellings at Cannon Oaks Court and Humberston Avenue, it is considered that the only impacts that the proposal would offer to these neighbours would be from the proposed access arrangements. Indeed, the location of the access dictates that only neighbours in Cannon Oaks Court and at 28 Humberston Avenue could be affected by the access to the site, along with the host property at number 30. The access would run down the side boundary of no.28 and no 30, some 10m from the side elevation of number 28.

The comments from neighbours at Canon Oaks Court are acknowledged. It should also be noted that this application is outline in nature, and the matters raised (including tree management) are considerations for the Reserved Matters stage. Other comments refer to matters outside of the planning process, including land ownership. The application site is all within the ownership of the applicant who resides at 30 Humberston Avenue however.

The comments from number 28 highlight potential impacts of construction traffic management and of increased vehicular movements as a result of the residential development. The comments are noted and it should be acknowledged that a visit to the application site has taken place. With regard to vehicular movements and highway safety which has also been raised by neighbours at Canon Oaks Court, the highways officer has considered the application and has no objections to the principle of this residential development. It will be necessary however to manage construction traffic with regards to the impact on the wider highway network and to neighbours and this can be achieved through a condition.

Along the boundaries are high fencing and a number of large mature trees/hedges. The trees along the boundary with no. 28 are proposed to be retained and are protected by a TPO. Given the separation distance between the access and the existing properties, and also the scale of the proposed development, the potential impact on the host and neighbours' residential amenity is considered to be minimal. This is a similar situation to the other neighbouring properties that back onto the site in Cannon Oaks Court. These

dwellings are single storey with good sized rear gardens and would be separated from the access by at least 18m. The potential impacts therefore on their general amenities would be limited and not undue. The proposal is therefore considered to accord with Policy 5 of the NELLP.

As the proposal is in outline form, with only access to be considered, the impacts of the proposed dwellings themselves will be considered at the reserved matters stage of the planning process. Notably, since the previous permission adjacent housing has been occupied at Links Drive to the east and The Rowans to the south. Again the impacts of this development will be considered in more detail at the Reserved Matter Stage in the context of these adjacent residential properties who are closest to the development.

3) Impact on the Character of the Area

The proposed development would sit adjacent to two large scale residential development sites. There are also numerous examples within the immediate area of smaller scale 'backland' residential developments, with Cannon Oaks Court being a prime example of this, sitting directly adjacent to the site access. The development itself would only offer public views of the access and not the dwellings. The design of the access includes landscaping and retention of a number of trees that help screen the view down the proposed drive. The impact on the wider character of the area is considered to be minimal.

Humberston Avenue has been subject to numerous applications, both large and small scale, in recent years and backland development now forms part of the established character of the area. The proposal would therefore accord with Policies 5 and 22 of the NELLP.

4) Impact on Trees

The site contains a number of high quality trees that are afforded protection by virtue of TPO's. It should also be noted that since the last approved application, the site has changed and certain trees have been removed. Policy 42 of the NELLP seeks to promote conservation of the natural environment within the borough. Final details of the tree protection and retention methods, including an arboricultural method statement inclusive of a tree protection plan, will need to be approved. This will be covered by the 'landscaping' reserved matters and subject to these, there would be no adverse impacts to the existing trees on site.

5) Impact on Highway Safety

The proposal takes access off Humberston Avenue and in principle this is considered to be acceptable. The access for the development was granted under DM/0002/18/FUL and the drop kerb has been fully implemented on site following this permission being granted. The site has good visibility in both directions along Humberston Avenue. No objections are raised by Highways.

However further planning conditions will be required as part of this application and providing this information is acceptable to the Highways Officer the proposal would be in accordance with Policy 5 of the NELLP.

6) Impact to Ecology

Policy 41 seeks to protect biodiversity and geodiversity. In this case since the original permission a number of years have passed, and as a result an ecological appraisal was requested up-front through the planning application as opposed to via condition. The ecology department have acknowledged the submitted ecology report and accept the mitigation measures. With a condition for the implementation of these measures, the development is considered to be in accordance with Policies 5 and 41 of the NELLP.

7. Drainage and Flood Risk

The site is not within a flood risk area and is therefore sequentially preferable for housing.

In regards to drainage, the drainage officer has requested full details of the proposed arrangements and a condition can be used to secure this detail in line with Policies 33 and 34 of the NELLP.

CONCLUSION

In conclusion, it is considered that the proposed development would deliver much needed housing and would not unduly harm the residential amenities of the neighbouring properties, the adjacent trees or the character of the area. It would therefore be in accordance with Policies 2, 3, 5, 22, 33, 34, 41 and 42 of the North East Lincolnshire Local Plan, 2013-2032. It is therefore recommended for approval.

RECOMMENDATION

Approved with Conditions

(1) Condition

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

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

Reason

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

(2) Condition

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

- (a) the layout (including bin storage areas), scale and appearance of the development
- (b) a landscaping scheme for the site including details of existing trees, hedges and planting to be retained and any to be removed as well as an up-to-date arboricultural method statement inclusive of a tree protection and management plan

Reason

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

(3) Condition

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

Proposed Block Plan - 04 A

Proposed Site Plan - 03 A

Site Location Plan - 01

Reason

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

(4) Condition

Prior to construction on site commencing a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The construction management plan shall include:

- Dust mitigation measures;
- Noise mitigation measures;
- Wheel cleaning facilities;
- Construction traffic routing details;
- Storage of materials;
- Contractors and visitors parking areas;

- Working hours;

Once approved, the management plan shall be adhered to at all times during the construction phase.

Reason

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

(5) Condition

Construction shall not commence 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 any dwelling hereby permitted is occupied the vehicular access, parking and manoeuvring space shall be constructed in accordance with those approved details and shall thereafter be so retained.

Reason

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

(6) Condition

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

Reason

To ensure the efficient use of water and to accord with Policy 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(7) Condition

The development shall be carried out in accordance with the working practises, ecological enhancement and mitigation recommendations within the submitted Ecological Appraisal by Rod Strawson. The measures shall be implemented prior to the occupation of any of the dwellings and retained throughout the lifetime of the development.

Reason

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

(8) Condition

Prior to construction works on site commencing, final details of the surface and foul water drainage scheme, following infiltration tests, shall be submitted to and approved in writing by the Local Planning Authority. This shall be inclusive of a management plan. Once approved, the scheme shall be installed in accordance with the details approved prior to any dwelling being occupied and managed thereafter in strict accordance with the management plan.

Reason

To ensure the satisfactory disposal of drainage and to accord with Policy 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(9) Condition

Before any development is commenced, management and maintenance arrangements for all carriageways, footways and landscaped areas not to be adopted by the Local authority shall be submitted to and approved in writing by the Local Planning authority. The approved management and maintenance arrangements shall be adhered to at all times during the lifetime of the development.

Reason

To ensure management arrangements are in places for areas that are not to be adopted 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 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 2, 3, 4, 5, 15, 17, 22, 33, 34, 40, 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 receiving additional information.

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

Existing ground levels should not be raised or surface water drainage problems may result.

5 Informative

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

6 Informative

The development may wish to consider electric vehicle charging infrastructure in the design of the new development. All new developments which include parking facilities are encouraged to: be designed to provide opportunities for charging electric and plug-in hybrid vehicles by including cabling to provide charging infrastructure

DM/0034/22/OUT – LAND REAR OF 30 HUMBERSTON AVENUE, HUMBERSTON





PLANNING COMMITTEE - 1st March 2023

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

APPLICATION No: DM/0591/22/FUL

APPLICATION TYPE: Full Application

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

**PROPOSAL: Demolition of existing bungalow, detached garage and outbuilding.
Erection of a new detached house, detached garage and detached
garage/office/garden store**

APPLICANT:

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

AGENT:

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

DEPOSITED: 30th June 2022

ACCEPTED: 19th July 2022

TARGET DATE: 13th September 2022

PUBLICITY EXPIRY: 12th February 2023

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 13th August 2022

CASE OFFICER: Richard Limmer

PROPOSAL

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

The proposed dwelling is a two storey house with rooms in the roof space. The house would provide 5 bedrooms, bathrooms, living and dining spaces, kitchen and study. The footprint of the main part of the house measures 11.9m by 16.3m with a single storey rear

wing coming out an additional 9.8m. The house to the eaves is 5.5m and to the ridge is 10m.

The proposed garage building would have office space in the roof. The building measures 9.6m by 11.8m with a small workshop on the rear elevation. The roof is hipped with the eaves at 3.2m and the ridge 6.4m.

The proposed store building would have garaging on ground floor with an office and store at first floor. It would measure 12m by 5.6m, 3.2m to the eaves and 5.5m to the ridge.

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

SITE

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

RELEVANT PLANNING HISTORY

No relevant planning history.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2021)

NPPF15 - Conserv. & enhance the natural environ.

NPPF5 - Delivering a sufficient supply of homes

NPPF12 - Achieving well designed places

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

PO5 - Development boundaries

PO22 - Good design in new developments

PO33 - Flood risk

PO34 - Water management

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

Drainage - no objections but final drainage details required by condition.

Highways - no objections, conditions construction traffic management.

Env Health - no objections, conditions for construction management.

ESP Utilities - no objections.

Trees - no objections, conditions for tree protection and landscaping.

Heritage - no comments.

Cadent - informative advice.

Humberston Village Council - object due to the size, scale and position of the proposed dwelling. Impact on the character of the area and street scene and impact on the neighbours.

Neighbours

The following neighbours have objected to the application:

124a Humberston Avenue

126 Humberston Avenue

126a Humberston Avenue

Loughborough Rd, Nottingham

These neighbours have objected broadly on the following grounds:

- Size, scale and position of the proposed dwelling and impact on the street scene, character of the area and neighbours amenities.
- Size and scale of the garage building.
- Outbuilding size and scale.
- Overall impact of the development on neighbours amenities in particular privacy and amenities.
- Construction related impacts.

APPRAISAL

Material Considerations

1) Principle of Development

The site is located within the Development Area Boundary for Humberston on the NELLP Inset Maps. Policy 5 of the NELLP does not preclude replacement dwellings or

associated outbuildings. Indeed, such developments are common in this area with several examples on Humberston Avenue. It is therefore considered that the proposed development is acceptable in principle and it falls to the consideration of the site specific impacts of the proposed development.

2) Impact on Neighbours

It is noted that neighbours and the Village Council have objected to the proposed development with concerns over the impacts it would have on the neighbouring properties amenities.

The proposed development is of a larger scale than the existing dwelling and associated outbuildings but it is noted that the proposal replaces existing buildings and so their presence is already appreciated by the neighbours.

The proposed dwelling is of an appreciable scale and significantly larger than the existing bungalow. The position of the dwelling is also brought forward to be in line with the neighbours either side; nos.122 and 124a. In regard to the proposed dwelling whilst it is larger than the existing bungalow and of a different position it is reasonably separated from the neighbours and such relationships are not unusual. There are also good boundary treatments to help reduce the impacts. The proposed dwelling would undoubtedly be visible to the neighbours but that in itself does not mean that it would unduly affect their amenities. In terms of overlooking and privacy the proposed dwelling focuses windows and openings to the front and rear elevations facing down the garden. In such semi-rural locations this type of relationship is to be expected and does not create an undue impact to the neighbours residential amenities. The proposed dwelling includes a balcony on the rear elevation, this has been reduced and centralised with screens on the sides so as to reduce potential overlooking to the neighbours. Views are focused down the garden and whilst the neighbour 122a is located to the south it is well separated from the proposed dwelling.

The proposed garage building is of a substantial size and larger than the existing garage to be demolished. It extends for approximately 15m along the eastern boundary with no.124a, it would be 1.3m off the boundary and the existing hedge on the boundary is detailed to be retained. The building itself has been designed to keep the roof mass as low as possible whilst still achieving the accommodation desired by the applicant, this is a triple garage with an office in the roof space. The roof has been lowered and hipped and its length reduced to reduce the impacts on the neighbour. Whilst it would be visible to the neighbour its overall scale and position is considered to be acceptable and would not unduly impact upon their residential amenities.

The proposed store building would be located in the rear garden in a similar location to the existing store building. The proposed structure would have additional garaging with a store and office at first floor. It would measure 12m by 5.6m, 3.2m to the eaves and 5.5m to the ridge and be located in the south east corner of the site. There would be 2 dormer windows facing west into the garden space. The proposed building replaces an existing timber structure with a similar footprint but higher and providing accommodation in the

roof space. It would be visible to the neighbours in particular no.122a and no.126. However, it would not unduly impact upon their amenities due to the separation distances and the design of it. There is an external staircase to access the first floor, its position means that it could provide an elevated position to overlook the neighbour at no.126. However, screening has been provided around it which stops this potential harm.

Potential harm to neighbours through demolition and construction can be mitigated through conditions.

It is therefore considered, that whilst the proposed development is larger in all aspects than the structures on the site as it stands, the development as a whole would not unduly impact upon the residential amenities of the neighbouring properties in accordance with Policy 5 of the NELLP.

3) Impact on the Character of the Area

The proposed dwelling is of a pleasant design and akin to several other newer dwellings down Humberston Avenue. It is significantly larger than the existing bungalow on the site and is brought forward in the site. However, its proposed position is in line with the neighbours either side and reinforces the building line. Its scale and design are similar to that of no.122 to the west. In regard to the overall character of Humberston Avenue the proposed dwelling would not detract from it in accordance with Policies 5 and 22 of the NELLP. The garage and store building to the rear would not be readily visible in the street scene and only glimpsing views would be afforded, at any rate such outbuildings are not uncommon in such settings.

4) Other Matters

Concerns have been raised over the scale of the provision of garaging and a workshop and fears it may be for a business. The applicant has classic cars as a hobby and maintains them himself. A condition can be imposed for the use of the garage and store to ensure they remain ancillary to the main dwelling to allay this fear.

The proposal would utilise the existing site access which is considered to be suitable to serve the proposed development. No concerns have been raised by the Highways Team but a condition has been requested for construction traffic management details. This is usual and considered to be acceptable.

The site is not within a flood zone. An indicative drainage plan has been provided to deal with surface water. The Drainage Officer has reviewed this and has no objections but the final details are required by condition. This is a usual situation and a condition is appropriate.

The site contains several trees some of which are covered by preservation orders. The Tree Officer has reviewed the scheme and has not raised any objections. Further information is required in regard to tree protection through the construction process and also landscaping details. These can be secured through conditions.

CONCLUSION

In conclusion, it is considered that the proposed development would not cause undue harm to the neighbouring properties residential amenities, highway amenity, drainage, trees or the character of the area. Conditions are required to secure final details of various elements but this is a usual situation. The proposal accords with Policies 5, 22, 33, 34 and 42 it is therefore recommended for approval.

RECOMMENDATION

Approved with Conditions

(1) Condition

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

Reason

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

(2) Condition

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

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

Reason

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

(3) Condition

The development shall be carried out in accordance with the external materials detailed on the approved plans and planning application form unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure the development has an acceptable external appearance and is in keeping with the visual amenity and character of the area in accordance with Policies 5 and 22 of

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

(4) Condition

Prior to development commencing a Construction and Demolition Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details. The Plan shall include:

- Dust mitigation measures;
- Noise mitigation measures;
- Wheel cleaning facilities for demolition/construction traffic;
- Demolition and construction traffic routing details;
- Details of the location for the storage of materials;
- Details of contractors compound and parking areas; and
- Details of demolition and construction working hours.

Reason

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

(5) Condition

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

Reason

To ensure the efficient use of water and to accord with Policy 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(6) Condition

No construction works shall commence until final details for the provision of surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall then be built out in accordance with the approved details with all drainage installed prior to occupation.

Reason

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

(7) Condition

The hereby approved garage and store buildings shall be used only as ancillary buildings

to the main dwelling and for no other purpose.

Reason

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

(8) Condition

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

Reason

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

(9) Condition

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

Reason

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

(10) Condition

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

Reason

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

Informatives

1 Informative

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

2 Reason for Approval

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

3 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 seeking amendments to the scheme to address concerns.

4 Informative

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

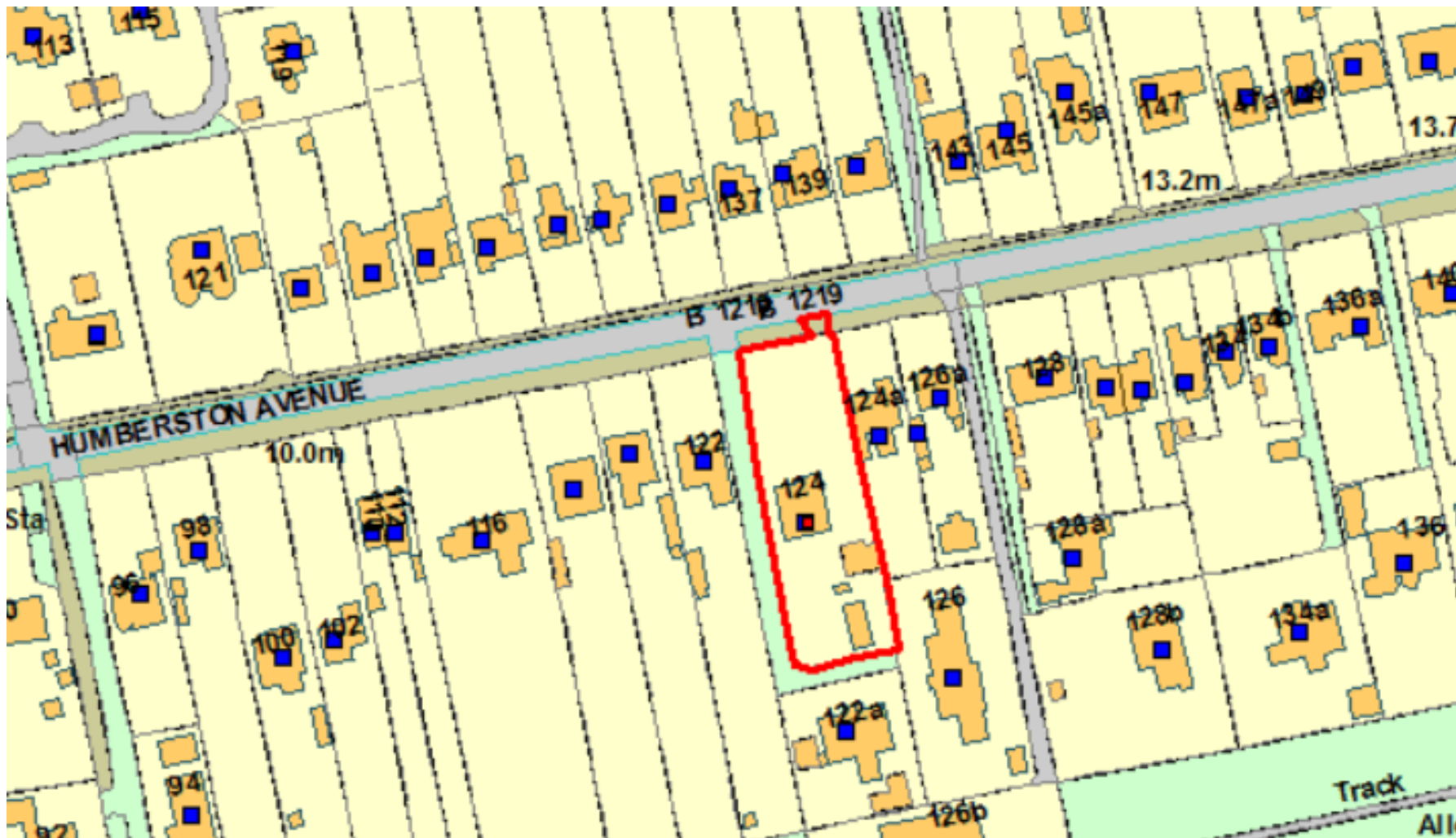
If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

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

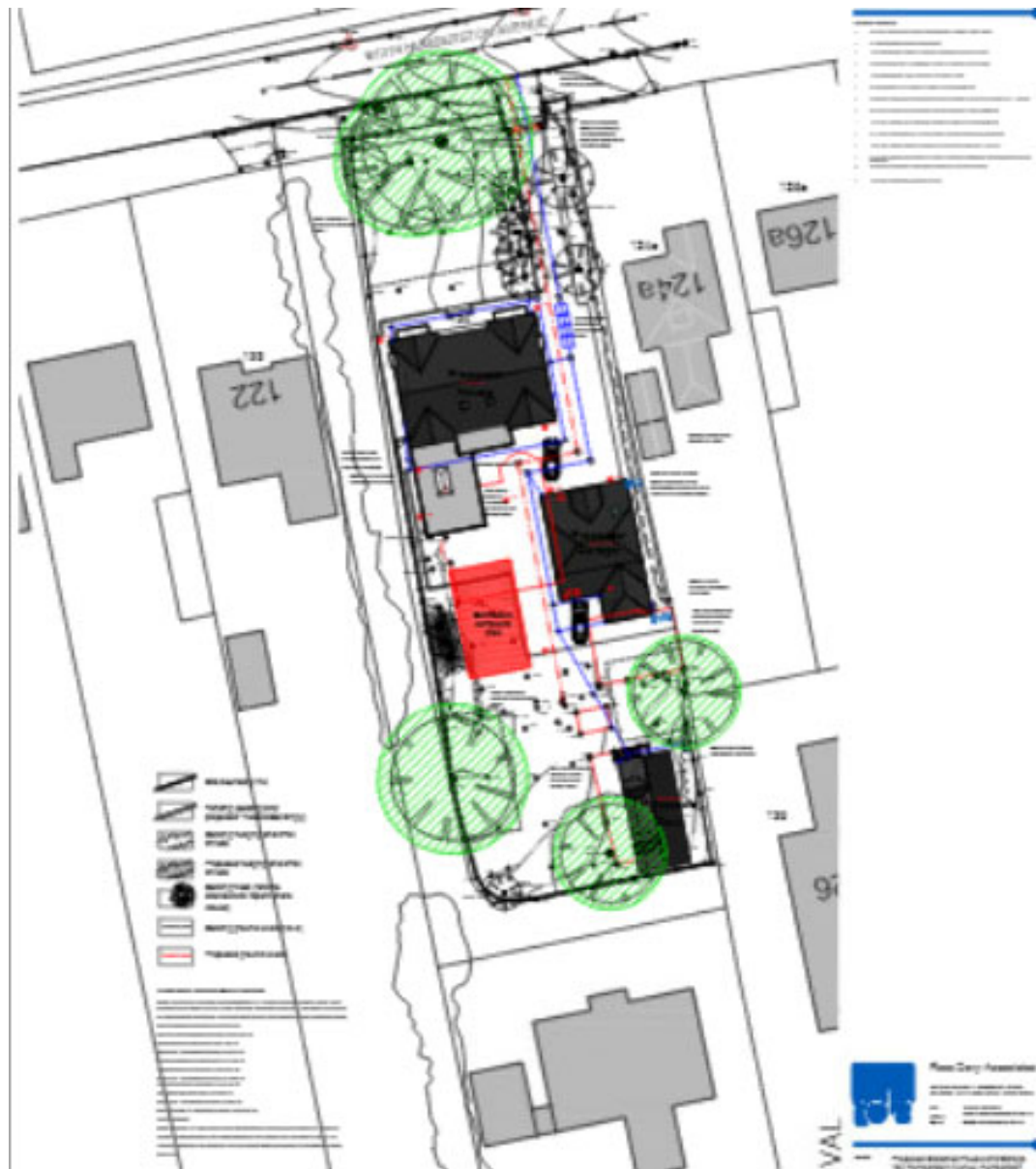
5 Informative

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

DM/0591/22/FUL – 124 HUMBERSTON AVENUE, HUMBERSTON



DM/0591/22/FUL – 124 HUMBERSTON AVENUE, HUMBERSTON



PLANNING COMMITTEE - 1st March 2023

ITEM: 7 **RECOMMENDATION: Approved with Conditions**

APPLICATION No: DM/1032/22/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: 3 The Laurels , Church Lane, Humberston, North East Lincolnshire, DN36 4RL

PROPOSAL: Erect single storey side extension with roof lights and associated internal and external alterations

APPLICANT:

Tom Dame
3 The Laurels
Church Lane
Humberston
North East Lincolnshire
DN36 4RL

AGENT:

Miss Zoe Coyne
CDC Architecture Ltd
35 Louth Road
Grimsby
North East Lincolnshire
DN33 2HP

DEPOSITED: 23rd November 2022

ACCEPTED: 12th January 2023

TARGET DATE: 9th March 2023

PUBLICITY EXPIRY: 15th January 2023

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 19th December 2022

CASE OFFICER: Becca Soulsby

PROPOSAL

The proposal seeks to erect a single storey side extension with roof lights and associated internal and external alterations.

The application is brought to committee due to an objection from Humberston Village Council.

SITE

3 The Laurels is a detached property situated to the south-east corner of the road. The area surrounding the property is residential in nature with detached properties to the

north and west of the host dwelling. The south and east sides of the property face out onto open space, however planning application DM/0696/19/FUL is pending consideration for the erection of 225 dwellings to the east of the application site. If approved, the proposal would sit along the boundary with plot 103.

RELEVANT PLANNING HISTORY

DM/1042/21/FUL - Variation of Condition 1 (Approved plans) as granted on planning application DM/0964/21/FUL - Alterations to Plot 3, amended roof plan, remove second floor windows to the gable ends. Dormer windows increased in size to southeast roof and bi-fold doors added to kitchen/diner on south east elevation - amended drainage information - Approved with conditions.

DM/0036/19/FUL - Erect 5 detached dwellings with detached double garages to include landscaping and access - Approved with conditions.

Land Adj:

DM/0696/19/FUL - Erection of 225 dwellings with access off Midfield Road and Andrew Road with ancillary parking, garaging and associated infrastructure and widening of Andrew Road (additional information supplied: Habitat Regulations Assessment June 2022) - amended plans and information July 2022 - Pending consideration.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2021)

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

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

Consultees

Highways - Approval no conditions.

Drainage - No objections - water butt acceptable.

Heritage - No heritage input required.

Humberston Village Council - Objection to the proposal in its current form given proximity to the boundary.

Neighbours

Cyden Homes - Objection with regards to dominance and building on the boundary, also refers to potential for issues of trespass, "land grab" and future maintenance issues.

1 The Laurels - comment in support of the application.

3 The Laurels (applicant) - comment in support of the application.

4 The Laurels - comment in support of the application.

APPRAISAL

Material Considerations

Principle of Development

The site is located within the development boundary of Humberston, therefore Part 1 of Policy 5 of the NELLP 2018 applies. Policy 5 does not preclude works of this nature in principle within the defined development boundaries. It is therefore considered in principle that the proposed development is acceptable subject to the site-specific impacts discussed below.

Design

The proposed extension is located to the side and relates to the existing residential use of the property. The design is in keeping with the host property, with the brickwork and window materials proposed to match that of the existing dwelling. The extension is proposed to have a flat roof with two roof lights. The plot is capable of accommodating an extension of this scale without becoming overdeveloped. As a result, there would be no harm to the character of the area in accordance with Policies 5 and 22 of the NELLP 2018.

Neighbouring Amenity

The host dwelling adjoins 2 The Laurels to the side, and 4 The Laurels to the front. The letters of support are noted.

The east side and rear of the property adjoins open space, with the site to the east of the property being subject to a planning application for the erection of 225 dwellings under DM/0696/19/FUL, currently pending consideration. If approved, the proposal would sit along the boundary with plot 103.

An objection to this application has been received from Cyden Homes in relation to

dominance of the extension on plot 103, should DM/0696/19/FUL be granted. In response to this, we have acknowledged that the field to the east is subject to a pending application, as this is still pending consideration, we have assessed this application on the current situation, whilst having regard to the potential future impact should DM/0696/19/FUL be approved. An additional issue of building on the boundary was raised by Cyden Homes, however the plans submitted with this application show the proposal within the boundary of the applicant's property and therefore would not be 'land grabbing'. The issue raised of trespass is not a material planning consideration.

In any event the extension is reasonable in position, size and scale in relation to all existing and future neighbours. This ensures no adverse massing, overshadowing or loss of privacy issues in accordance with Policy 5 of the NELLP 2018.

Other Considerations

The Council's Highways, Drainage and Heritage Officers raised no objections to the proposal.

Humberston Village Council requested that the proposal be stepped to be 1m from the side boundary, however the applicant does not wish to amend the proposal and so the Village Council's comment has been lodged as an objection to the scheme in its current form.

CONCLUSION

The proposed single storey side extension is of a reasonable size, scale and appearance. It is considered that the development would not unduly harm the amenity of the neighbouring properties (existing or proposed) or the character and appearance of the area. The application is therefore considered to be in accordance with Policies 5, 22 and 34 of the NELLP 2018 and is recommended for approval.

RECOMMENDATION

Approved with Conditions

(1) Condition

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

Reason

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

(2) Condition

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

22-541-100 REV C - Site Location Plan, Block Plan, Proposed Plans and Elevations

Reason

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

(3) Condition

The proposed development shall be constructed in accordance with the materials specified in the application form and on the approved plans unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interest of good design and in accordance with Policies 5 and 22 of the North East Lincolnshire Local Plan 2018-2032 (adopted 2018).

(4) Condition

Surface water drainage shall be via the water butt shown on plan 22-541-100 REV C which shall be installed before the extension is brought into use and shall thereafter be so retained unless an alternative is submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of flood risk and drainage and to accord with Policy 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

Informatives

1 Reason for Approval

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

2 Added Value Statement

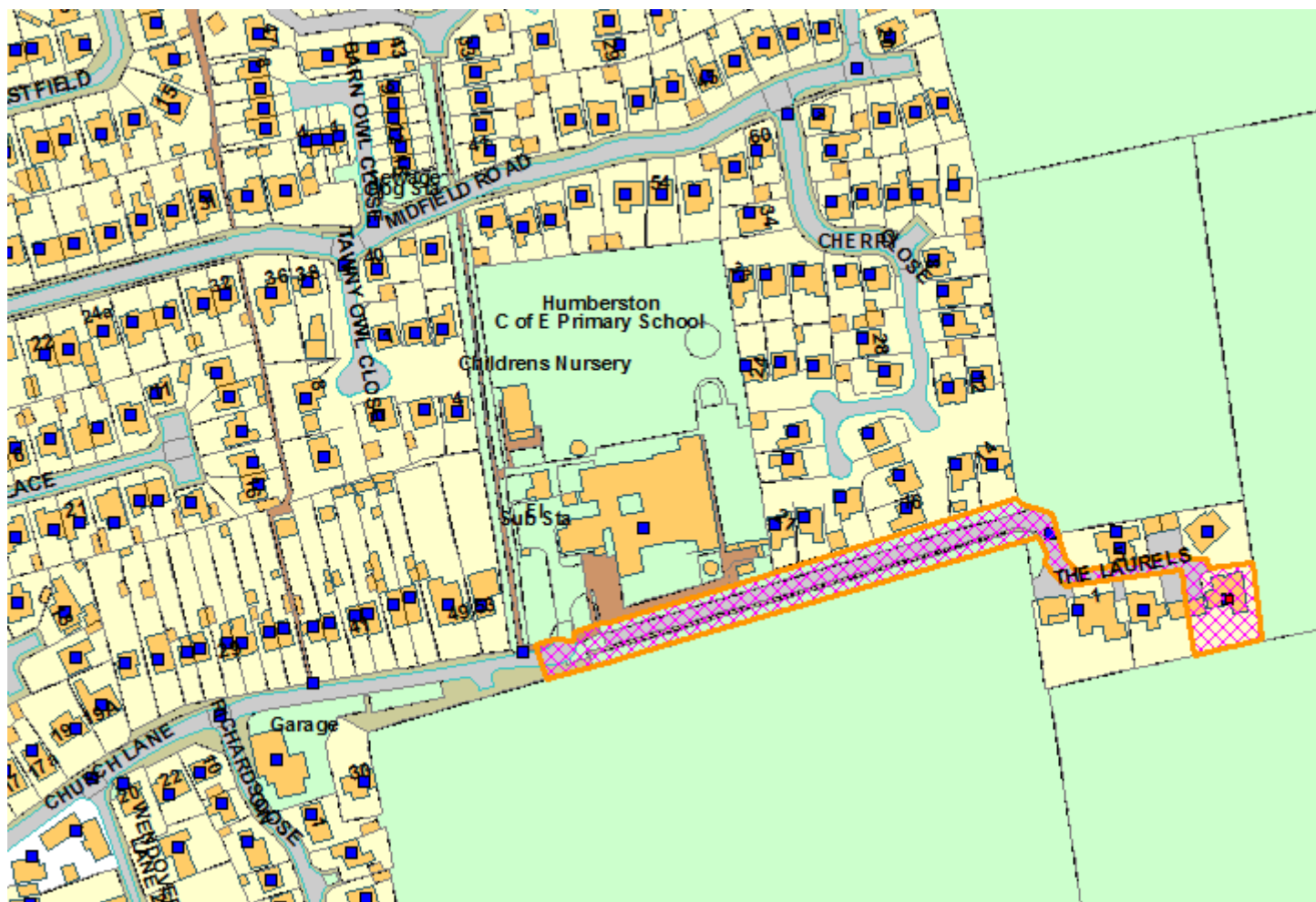
Article 31(1)(cc) Statement - Positive and Proactive Approach

In accordance with paragraph 187 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to problems arising, by securing additional details to alleviate the need for a pre-commencement condition.

3 Informative

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

DM/1032/22/FUL – 3 THE LAURELS, CHURCH LANE, HUMBERSTON



DM/1032/22/FUL – 3 THE LAURELS, CHURCH LANE, HUMBERSTON



PLANNING COMMITTEE - 1st March 2023

ITEM: 8 **RECOMMENDATION: Refused**

APPLICATION No: DM/1037/22/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Land Off, South Sea Lane, Humberston, North East Lincolnshire,

PROPOSAL: Erect detached chalet dormer bungalow with car port, to include landscaping, parking and associated works

APPLICANT:

Mr Steve Dixon
Traditional Joiners
Unit 12
Poplar Road Business Centre
Cleethorpes
Grimsby
North East Lincolnshire
DN35 8BL

DEPOSITED: 24th November 2022

AGENT:

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

ACCEPTED: 28th November 2022

TARGET DATE: 23rd January 2023

PUBLICITY EXPIRY: 1st January 2023

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 22nd December 2022

CASE OFFICER: Jonathan Cadd

PROPOSAL

This full application is for the erection of a detached 3 bed dwelling with carport and associated driveway.

The dwelling seeks to portray a barn type structure with rooms in the roof and three cat slide dormers in the rear south facing elevation. Materials include brick, clay pantiles and wood.

The car port would also be constructed of brick with an uneven pitched roof.

Access from South Sea Lane via an approved access point which also serves the main barn conversion approved in 2011 and 2012.

The application is presented to committee at the request of Councillors Harness and Shreeve.

SITE

Existing grassed paddock area used in part to gain access to the stables but also forms part of the wider landholding associated with the barn conversion. It is presently used in part to store materials and machinery in association with these uses.

The site is level and grassed and is bounded to the south and east by sporadic mature hedging and a small number of trees. The site is otherwise open to the rest of the site although another hedge and railed gate with an informal access exist to South Sea Lane.

The site adjoins open fields to the south and east and across South Sea Lane to the north. Also to the north next to the access is a single storey brick car barn erected in association with the main barn conversion to the west. The associated barns are to the north west of the site and are part way through the conversion although it is not clear if any of these have been completed yet. Immediately to the west is a menage and stable block. This utilising the current driveway through the application site.

The site is located outside of the development boundary but is within flood zone 1.

RELEVANT PLANNING HISTORY

Application site:

DC/492/12/HUM Creation of and access track to existing stables. Approved Sept 2012.

Wider application site:

DC/402/12/HUM Change of use of existing barns to form 7 dwellings, provision of new vehicular accesses and erection of car barn. Approved Sept 2012.

Site to the west of the barns:

DM/1113/17/FUL Erect 2 dwellings and car parking barn. Approved March 2018.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2021)

NPPF2 - Achieving sustainable development

NPPF5 - Delivering a sufficient supply of homes

NPPF12 - Achieving well designed places

NPPF15 - Conserv. & enhance the natural environ.

NPPF16 - Conserv. & enhance the historic environ.

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

PO3 - Settlement hierarchy

PO5 - Development boundaries

PO22 - Good design in new developments

PO33 - Flood risk

PO34 - Water management

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

Humberston Village Council: No objections.

Highways: No objections to single dwelling.

Ecology Manager: No response.

Cadent Gas: No objection but request informative.

Energy Assets Network: Request advice notes.

Drainage: Use of soakaways is positive but needs to be justified utilising percolation tests. Surface water drainage condition is therefore recommended. Informative re ground levels recommended.

Heritage Officer (in summary) The Church of St Peter was formerly part of the Abbey founded in Humberston prior to 1154 and was retained as a parish church at dissolution. It was rebuilt in 1720 with material from other parts of the former Abbey building. Unlike many churches the village has not enclosed it on all sides and retains it's open countryside aspect to the south and east. There are potential reasons for this but it can be reasonably assumed that the site has been open for 1000 years.

The extension to the existing/approved development here will erode and ultimately negatively affect historic views to and from the historic centre of Humberston which is the

extant Church of St Peter. It also affects the setting of the Scheduled Monument of the Abbey, which although no longer extant still is set within a relatively open landscape.

The views to and from the length of South Sea Lane are currently open and agricultural in nature and when looking towards Humberston the main view is of the Church tower and the Manor House and farm, the proposed development here would enlarge the existing farm site further into the open countryside and this is harmful to the open and rural setting of this part of Humberston. Other more modern developments in the area which extend out into the countryside (around Church Lane) which reduce views to the north of the church within a rural setting and show how even a small development can have a significant detrimental impact on how the church is experienced. This development on South Sea Lane would have a similar impact as it is a small peninsular sitting slightly outside of the main settlement area. Ultimately this makes this site particularly sensitive to harms from extending the current permissible development area. The additional development reduces the rural setting. The currently approved development on this site is very much influenced by the existing buildings or where there was evidence that buildings existed here. This building does not have precedent with regards to existing farm buildings. This building would be an erroneous extra that does not contribute positively in any way to this site or the wider setting. Recommends refusal.

Councillors Shreeve and Harness: Consider proposals to be well designed and in keeping and do not agree with the stance taken by the Heritage Officer. Consider the application should be heard at committee.

Site Notice and Neighbours:

Support (in summary)

Woodthorpe Lodge, The Old Orchard and The Farmhouse South Sea Lane and 17 Swales Road Humberston.

- Principle established by existing barn housing complex.
- In keeping with the other conversions at the site and brings new life to derelict buildings.
- Existing barn complex and is easily assimilated into landscape.
- Opposite an allocated housing site which would have a greater impact on heritage assets and setting so this is no real issue.
- Village Council have no issue.
- Will provide local jobs for builders in these difficult times.
- Design is in keeping with area and would enhance the site.

APPRAISAL

Main issues

- 1) Planning policy issues
- 2) Heritage and design
- 3) Highway safety

- 4) Drainage and biodiversity
- 5) Other issues

Appraisal

1) Planning policy issues

The North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018) NELLP - seeks to promote sustainable residential development and meet the housing needs of the Borough. The locations and scale of such development are directed through policy 3 to be commensurate with existing settlements (development area). The village of Humberston (policy 3 - level 2 settlement) is a key local service centre offering a good range of basic services and amenities combined with accessibility to wider services within the wider area. Policy 3 notes development will principally be focused upon greenfield sites adjacent to but within the defined settlement boundary with 30 - 35% of new homes expected to be constructed in and on the fringes of the villages of Healing, Humberston and Laceby (policy 4).

The current application is located on an unallocated site outside of, but close to the development area of Humberston. Policy 5 calls for this land to be considered as open countryside and notes: Development in these locations will be supported where they recognise the distinctive open character, landscape quality and role these areas play in providing the individual settings for independent settlements, and:

- A. supports a prosperous rural economy, particularly where it promotes the development and diversification of agricultural and other land base rural businesses; or,
- B. promotes the retention and development of local services and community facilities; or,
- C. supports rural leisure and tourism developments; or,
- D. it consists of affordable housing to meet specific local needs; or,
- E. it is development that has been specifically defined and identified through the neighbourhood planning process.

The design and setting implications for the proposed development will be considered below but as a speculative housing project, the proposal would not meet any of the above exceptions and this therefore weighs against the proposal in principle.

The NPPF, however, requires local planning authorities to provide a 5-year supply of housing land. The published position is that NE Lincolnshire has 4.2 years' worth of housing and in line with para 11 of the NPPF, the Local Plan housing supply policies are now considered to be out of date and the tilted balance in favour of sustainable housing development is activated. The benefit of this scheme to assist housing need, however, is extremely limited being only a single dwelling which could be accommodated easily within the development area on any number of windfall sites that come forward each year even in the Humberston area.

The development also has to be considered sustainable to accord with the NPPF. The site is located close to Humberston village and within 1 km of various infrastructure and

services including various schools, library, tea room and 1.6km from local shops. The main Humberston Avenue bus stops are approximately 700m from the site. Such distances are not unreasonable for sustainable travel, but the nature of the route for sustainable access also has to be taken into account. The site is accessed off South Sea Lane which is, for the most part quite narrow, with limited street lighting along its length and no footpath. The existing South Sea Lane barn creates a pinch point in the road and a blind corner. Whilst traffic travelling around this corner is likely to be slower than usual it nevertheless gives pedestrians/ cyclists limited options to avoid traffic with only the opposite grass verge, which includes an open ditch, available. Even with a streetlight this is not ideal and would perhaps be off putting to pedestrians particularly in the winter. Whilst beyond this, the road is straighter it still limits safe access through the lack of paving. As such the sustainable nature of site is questionable. It is noted that the existing barn conversion access was approved here but this was an existing building with important heritage and character considerations which bolstered a positive recommendation balanced against any limitations. The current proposal has none of these exceptional circumstances. As such it is considered that despite the proximity to facilities its sustainability is marginal, and the tilted balance should not be activated.

2) Heritage and design

The setting for individual settlements is an important consideration. Presently the site forms part of an open paddock. It adjoins a small peninsular of development in the form of the small range of barns that have permission and are part way through a conversion into 7 homes. In addition, stables are located immediately to the west of the site. The conversion of the barn includes the erection of a single storey car barn to the north of the site next to the proposed joint access.

The entrance to the village of Humberston along the A1031 would be largely unaffected by the proposal, but the entrance to the village along South Sea Lane is a very different situation being much more of a rural character with the topography and agricultural use of the fields predominating presenting a pleasant undeveloped almost bucolic entrance to the village of Humberston. The current historic barn provides the main indicator of development in the area along with the listed Church of St Peter and the similarly, listed Manor house. The church also marks the presence of the former Schedule Monument of the Abbey. These visual markers have been in existence for many years and mark out the village from its open rural setting and such views have been retained for possibly up to 1000 years. The residential conversion of the barn was approved following extensive design negotiations to allow this historic structure to be retained without significant expansion into open areas. As such its position and appearance is not at odds with the rural character of the area nor the setting of the church and Abbey. Even the car barn, whilst a new structure, is based on historical evidence of a farm structure being located in this exact spot previously and together appear as a traditional grouping.

The current proposal would be located within the paddock area of the site, which was not envisaged as part of the conversion, indeed this area was to have been left as a natural paddock in the approved scheme and a location for the surface water soakaway system

and foul water package treatment plant. At the time of a recent site visit, the site had been utilised in part as a storage area but was otherwise undeveloped and provides pleasant views through the site to further fields beyond, much as it has done so for perhaps 1000 years. It is likely that completion of the conversion would require this area to be kept in a pleasant but informal manner (being outside specific domestic curtilage) to appear as an appropriately traditional open entry to a farmyard and or/ stables. It would also allow maintenance of the drainage systems.

The proposed design though not unpleasant individually, is of a substantive design some 18m in width, 8 m in depth, with an overall height to ridge of 6.5m and would face the road. In addition to this, a double brick-built car barn would be erected along with the driveway and parking area. This impact would increase if the required 5m access requested by highways were to be implemented in place of the narrower access, approved for the conversion scheme. Together these would both domesticate and urbanise the scene increasing the density of development into and detracting from the open rural character of the barns complex in a manner that would harm its appearance and the entrance to Humberston village expanding development out into the open countryside.

It is noted that a similar, albeit larger scheme is located to the west of the barns. Again, whilst not unpleasant in its own right, this underlines the potential to lose the rural character of an area as development increases and a domestic appearance prevails rather than a traditional open setting for the barns. That development though, at least only infilled a plot between existing development, whilst the proposal extends out into the open countryside encroaching as it does on the open setting of the area and detracting from the traditional character of an isolated farmyard which the present structures and density maintains. As such the proposal would appear contrary to policies 5, 23 and 39 of the NELLP.

Although South Sea Lane is more lightly used, it is an important recreational link with cyclists, walkers and indeed holiday makers from Thorpe Park and the Fitties utilising it for pleasant recreation walks and rides. It is also well used by horse riders. The increased urbanisation of the area would therefore affect the character of the area detracting from the visual amenity of this very rural entry to Humberston beginning to increase the visual prominence of residential development as opposed to the traditional markers of the farm yard and tower of St Peter's Church.

As such it is considered that the development would be contrary to policies: 5, 22 and 39 of the NELLP.

3) Highway safety

The access to the site utilises an existing access to the wider site which is already proposed to be enhanced through the conversion permission, but which will now be widened again to create a 5m access drive to ensure vehicles can safely pass each other. This in highway safety terms is acceptable but would further detract from the

character of the area and add to its urbanisation.

South Sea Lane has been noted as a narrow road, with no paving and has quite varying widths of grass verge along its length. The barn forms a blind pinch point in the road and at the junction with Tetney Road there are limited sight lines with minimal options for enhancement. The nature of the road is 30mph however, and the highways team have considered the road and junction. It is noted that that within the recent Church Lane appeal decision the Inspector considered this junction at South Sea Lane with Tetney Road to be unsafe due to the poor sight lines. This scheme though is not for heavy, large or slow vehicles and is only for one additional house. As such, whilst slightly increasing traffic levels to this road this is not deemed significant, and the increased risk of collisions is not deemed severe. As such, in line with policy 5 and guidance within the NPPF the application should not be objected to on highway safety grounds.

The proposal incorporates a double garage and has sufficient turning areas to accommodate vehicles in accordance with policy 38 of the NELLP.

4) Drainage and biodiversity

The site is located away from foul drainage and would be connected to a package treatment plant. At the time of the original application for the conversion of the barns this was deemed an acceptable situation and subject to a condition this is again deemed positive.

Soakaways and discharge into the watercourse are considered to be a suitable option for sustainable drainage but details would need to be provided to ensure the scheme had suitable capacity and did not increase run off levels. This could be controlled through a condition.

The site is more than 2km from the SSSI and is a small paddock that is close to stables and the building works being undertaken at the main barns. Any use of the site by overwintering birds is not likely therefore to be great but a response from the ecology manager is awaited.

5) Other issues

The final consideration is residential amenity. Given the nature of the site, its location and relationship to the barn conversion, the impact of the proposal on the conversion would be limited. The main impact would be traffic noise and nuisance (including headlights / brake lights) from the communal parking of vehicles in the car barn and nearby spaces. Whilst not ideal and could lead to pressure to erect walls and fences to the boundary of the proposed dwelling, increasing domestic paraphernalia at the site, as an amenity issue it is not deemed to be of such a concern to recommend refusal. Equally, the letters of support are noted. In residential amenity terms the proposal would be in accordance with policy 38 of the NELLP.

CONCLUSION

The proposed dwelling, garage and associated features would be located outside the development boundary in an only marginally sustainable area (due to poor pedestrian links to local facilities). Whilst providing a single additional dwelling to assist to meet housing need, its marginal benefit, which could be accommodated more sustainably elsewhere, would be outweighed by the detrimental impact of expanding development into the open rural countryside adjoining the village detracting from its character. The expansion of physical development into an area of open paddock/ countryside in a manner not traditionally seen in this location would increase the presence of buildings, density and visibility of development and emphasis the domestic appearance of the current small traditional farmyard area in a manner that would detract from the attractive open rural character of this part of South Sea Lane and the entry into Humberston village contrary to policies: 3, 5, 22 and 39 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

RECOMMENDATION

Refused

(1) The proposed development whilst providing a single additional dwelling to assist to meet housing need, it would be located in an only marginally sustainable location and would detract from the attractive open countryside setting of this entry into Humberston village and indeed the rural and historic setting of the listed St Peters church and the setting of the Scheduled Monument of the Abbey. The expansion of development beyond the traditional farm yard area into an open paddock not previously built upon would both detract from the open countryside character of the area but also increase the density, physical presence and domesticity of development in the area as a whole eroding the sensitivity designed conversion of the South Sea Lane barns and this attractive open rural scene contrary to policies: 3, 5, 22 and 39 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

Informatives

1 Informative

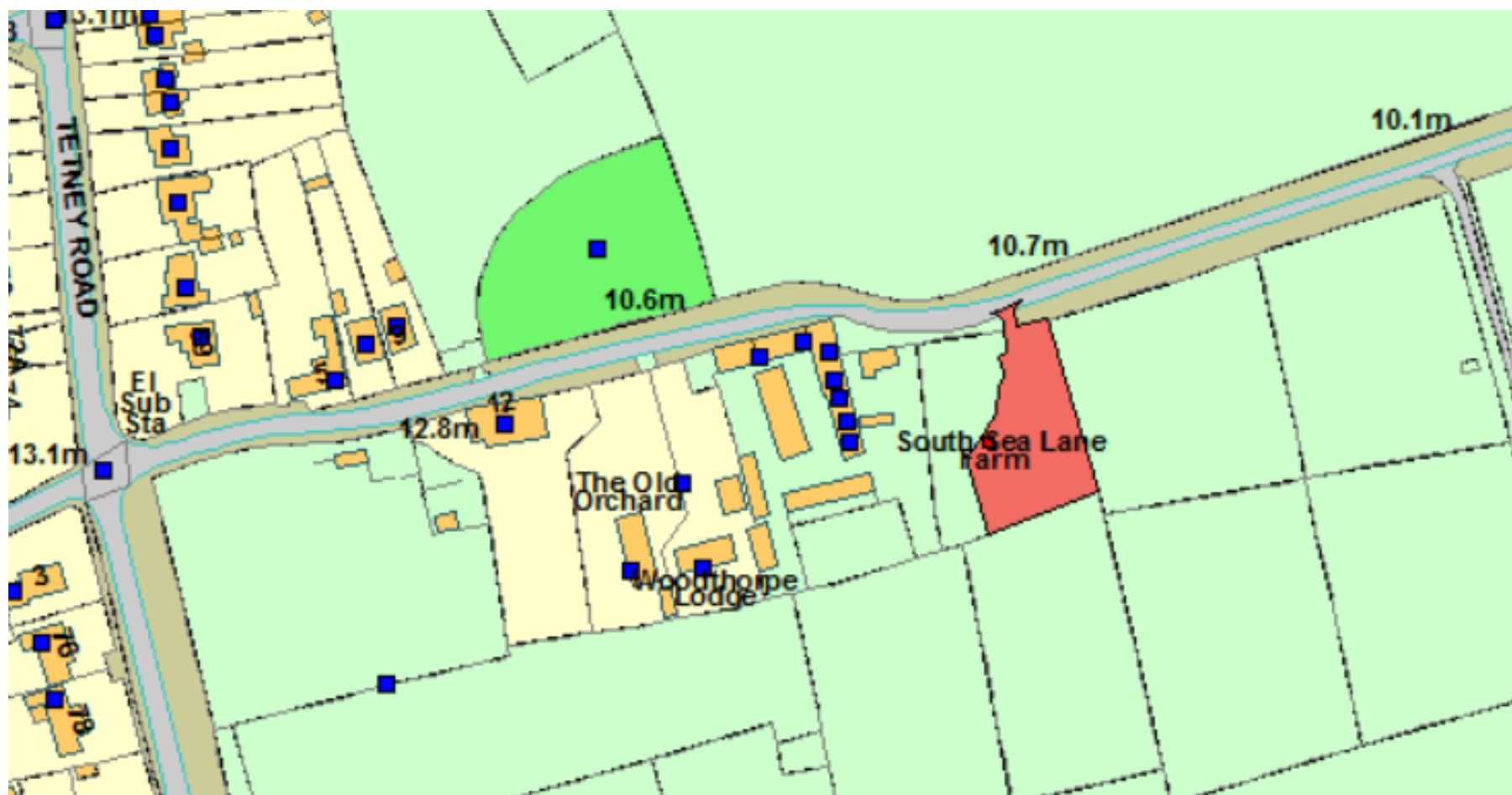
This decision relates to the plans submitted November 2022.

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 been unable to work in a positive and proactive manner with the applicant as the proposal raises fundamental issues in terms of the principle of the development.

DM/1037/22/FUL – LAND OFF SOUTH SEA LANE, HUMBERSTON



[illegible]

PLANNING COMMITTEE - 1st March 2023

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

APPLICATION No: DM/0010/23/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Land At Forest Way, Humberston, North East Lincolnshire, DN36 4HQ,

PROPOSAL: Variation of Condition 1 (Approved Plans) following DM/0159/22/FUL to amend house types for plots 3, 4, 6 and 7

APPLICANT:

Mr Craig Davidson
Adda Design & Build
120 Chichester Road
Cleethorpes
North East Lincolnshire
DN35 0JJ

AGENT:

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

DEPOSITED: 5th January 2023

ACCEPTED: 11th January 2023

TARGET DATE: 8th March 2023

PUBLICITY EXPIRY: 11th February 2023

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 4th February 2023

CASE OFFICER: Bethany Loring

PROPOSAL

The application seeks to vary condition 1 (approved plans) pursuant to DM/0159/22/FUL, which was for amendments to the house types for plots 5, 6 and 7, remove single garages to plots 5 and 6 and alterations to roof design for plots 1, 2, 8 and 9.

This amendment relates to changing the house types for plots 3, 4, 6 and 7.

The application is brought to committee due to an objection from Humberston Village Council.

SITE

The site is located to the eastern half of Humberston and has properties on North Sea Lane to the north, bungalows from Newlands Park to the east, the boundary onto Forest Way to the south and bungalows on Carrington Drive to the west.

The land was formerly used as a paddock field. The site has been cleared and has security fencing along the boundary to Forest Way. The site is currently under construction with some plots completed and occupied.

RELEVANT PLANNING HISTORY

DM/0407/19/FUL - Erect 13 dwellings including garages, landscaping and new access (amended description/ layout) - Approved with Conditions and Signing of S106.

DM/0305/20/FUL - Erect 9 dwellings to include garages, landscaping and new access - Approved with Conditions and signing of S106.

DM/0159/22/FUL - Variation of Condition 2 (Approved Plans) following DM/0305/20/FUL to amend house types for plots 5, 6 and 7, remove single garages to plots 5 and 6 and alterations to roof design for plots 1, 2, 8 and 9 - Approved with Conditions.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2021)

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

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

PO5 - Development boundaries
PO6 - Infrastructure
PO13 - Housing allocations
PO14 - Development of strategic housing sites
PO15 - Housing mix
PO17 - Housing density
PO18 - Affordable housing
PO22 - Good design in new developments
PO33 - Flood risk
PO34 - Water management
PO41 - Biodiversity and Geodiversity
PO42 - Landscape

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

REPRESENTATIONS RECEIVED

Drainage Team - Drainage strategy needs updating to account for the extensions.

Trees and Woodlands Officer - No comment.

Highways Team - Approval no conditions.

Heritage Officer - No input required.

Rights of Way - No impact on rights of way network.

Humberston Village Council - Objects based on concerns relating to the changes from the original approval, changes from bungalows to include dormers, impacts to neighbouring properties and the overall character of the development.

Neighbour Representations

3 Forest Way - Objects based on concerns relating to overlooking, general noise and disturbance and lack of screening.

APPRAISAL

Material Considerations

1. Principle of Development

The application seeks to vary condition 1 (approved plans) of the earlier approval to allow for amendments to change the house types for plots 3, 4, 6 and 7. This comprises of adding day room extensions to their rear elevations.

The principle of the development has already been established under the original permission and the considerations of this application are merely those relating to the impacts arising from the proposed amendments.

2. Revisions and Character

The amendments would include altering the house types for plots 3, 4, 6 and 7. All of these properties are approved as dormer bungalows and include a first-floor element with dormers to the front and side. The alterations proposed would result in a single storey rear extension being included to each of the plots which would protrude 3 metres from the rear wall covering a width of 4.3 metres. The eaves height would be 2.4 metres with a maximum height of 3.5 metres. This addition would provide a day room which would be open plan to the existing kitchen/dining area.

Visually, the proposals would not substantially alter the design concept to what was originally approved, given the position of the extensions at the rear. The proposed house types follow the same character and design theme as the previous and also those on the remainder of the site. There would not therefore be any overall change to the impact on the character of the area to the approved scheme. Although the additional extensions would increase the built form this is limited to the ground floor and the plots can accommodate for this without becoming overdeveloped. As a result, the changes would not unduly harm the area character.

Having regard to the above, the amendment is acceptable under policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

3. Revisions and Impact to Neighbours

The main impact of the changes would be to 11 and 13 Carrington Drive and 16 Newlands Park, Humberston. None of these properties have objected to the proposals.

The dwellings would remain as approved in terms of their position on the plot, ridge height and roof design. The amendment relates to an additional single storey rear element only. It is considered that the plots retain good separation to all the adjacent neighbours and the limited height and projection reduces any adverse impacts. As a result of the amendments, it is not considered there would be any negative impacts to neighbours in this instance.

Having regard to the above, the amendment is acceptable under policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

CONCLUSION

This application seeks to modify an earlier approval. The modifications proposed in this application are considered to be acceptable and do not fundamentally alter the original design concept or create any significant additional impacts to the character of the area or to neighbours.

The application is recommended for approval.

RECOMMENDATION

Approved with Conditions

(1) Condition

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

Proposed Site Plan - RD4165-13 Rev E

Proposed Plans and Elevations for House Type F Handed (Plots 4 & 7) - RD4165-15A

Proposed Plans and Elevations for House Type G (Plots 3 & 6) - RD4165-33

As approved under DM/0159/22/FUL;

Proposed Plans and Elevation for House Type B (Plots 8 & 9) - RD4165-05 Rev A

Proposed Plans and Elevations for House Type C (Plot 1) - RD4165-06 Rev A

Proposed Plans and Elevations for House Type B Handed (Plot 2) - RD4165-10 Rev A

Proposed Plans and Elevations for Garages - RD4165-11 Rev C

Proposed Plans and Elevations for House Type F (Plot 5) - RD4165-14

Proposed External Works Plan - RD4165-19 Rev B

As approved under DM/0305/20/FUL;

Site Location Plan - RD4165-01 Rev A

Landscape Plan - LS -02-12-07-20 Rev 2

Proposed Plans and Elevations Type A - RD4165-04

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).

(2) Condition

The scheme of landscaping and tree planting shown on drawing LS -02-12-07-20 Rev 02 (approved under DM/0305/20/FUL) shall be completed within a period of 12 months, beginning with the date on which the development is first brought into use. All planting shall be adequately maintained for 5 years, beginning with the date of completion of the scheme and during that period all losses shall be replaced during the next planting season.

Reason

To ensure a satisfactory appearance and setting for the development and continued maintenance of the approved landscaping in the interests of local amenity in accordance with policies 5, 22 and 42 of the North East Lincolnshire Local Plan 2013 - 2032 (Adopted

2018).

(3) Condition

The development shall be completed in accordance with the details provided within the Construction Method Statement referenced RD4165 prepared by Ross Davy Associates (as approved under DM/0305/20/FUL).

Reason

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

(4) Condition

The application site shall be managed in perpetuity in accordance with the Management Scheme referenced RD4165 prepared by Ross Davy Associates (as approved under DM/0305/20/FUL).

Reason

In the interests of local amenity in accordance with policies 5 and 22 of the North East Lincolnshire Local Plan 2013 - 2032 (Adopted 2018).

(5) Condition

The development shall be completed in strict accordance with the details provided within the Ecology Method Statement prepared by CGC Ecology Dated March 2020 (as approved under DM/0305/20/FUL).

Reason

In the interests of ecology in accordance with policies 5 and 41 of the North East Lincolnshire Local Plan 2013 - 2032 (Adopted 2018).

(6) Condition

The materials of the development shall be carried out in strict accordance with the email received from Daniel Snowden from Ross Davy Associates on the 13th July 2020 (as approved under DM/0305/20/FUL).

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 and 22 of the North East Lincolnshire Local Plan 2013 - 2032 (Adopted 2018).

(7) Condition

The development shall be completed in strict accordance with the following highways

details (as approved under DM/0305/20/FUL):

- External Works Construction Details - 1115-1155-CIV-31 P1
- Section 278 Layouts - 1115-1155-CIV-11 P2
- Long Sections and Setting Out info - 1115-1155-CIV-20 P1
- Adoptable Highway Construction Details - 1115-1155-CIV-30 P2

and shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason

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

(8) Condition

Surface water drainage shall be in accordance with drawing 1115-1155-CIV-10-P4 (Drainage Strategy) (as approved under DM/0305/20/FUL) and shall thereafter be retained at such unless otherwise agreed in writing by the Local Planning Authority.

Before the extensions hereby approved under this application are constructed, details of their surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the extensions shall not be brought into use until the drainage serving them is connected as approved and available for use.

Reason

In the interests of reducing flood risk in accordance with policies 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(9) Condition

The development shall be completed in accordance with the details provided within the Construction Method Statement referenced RD4165 prepared by Ross Davy Associates including water reuse and efficiency to meet a water efficiency standard of 110 litres per person per day. Water reuse and efficiency shall thereafter be retained (as approved under DM/0305/20/FUL).

Reason

To ensure the efficient use of water and to accord with policies 5 and 34 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

Informatives

1 Reason for Approval

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal as amended would not harm the area character or residential amenity and is acceptable under all other planning considerations including ecological considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 5, 6, 13, 15, 17, 18, 22, 33, 34, 41, and 42.

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

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).

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.

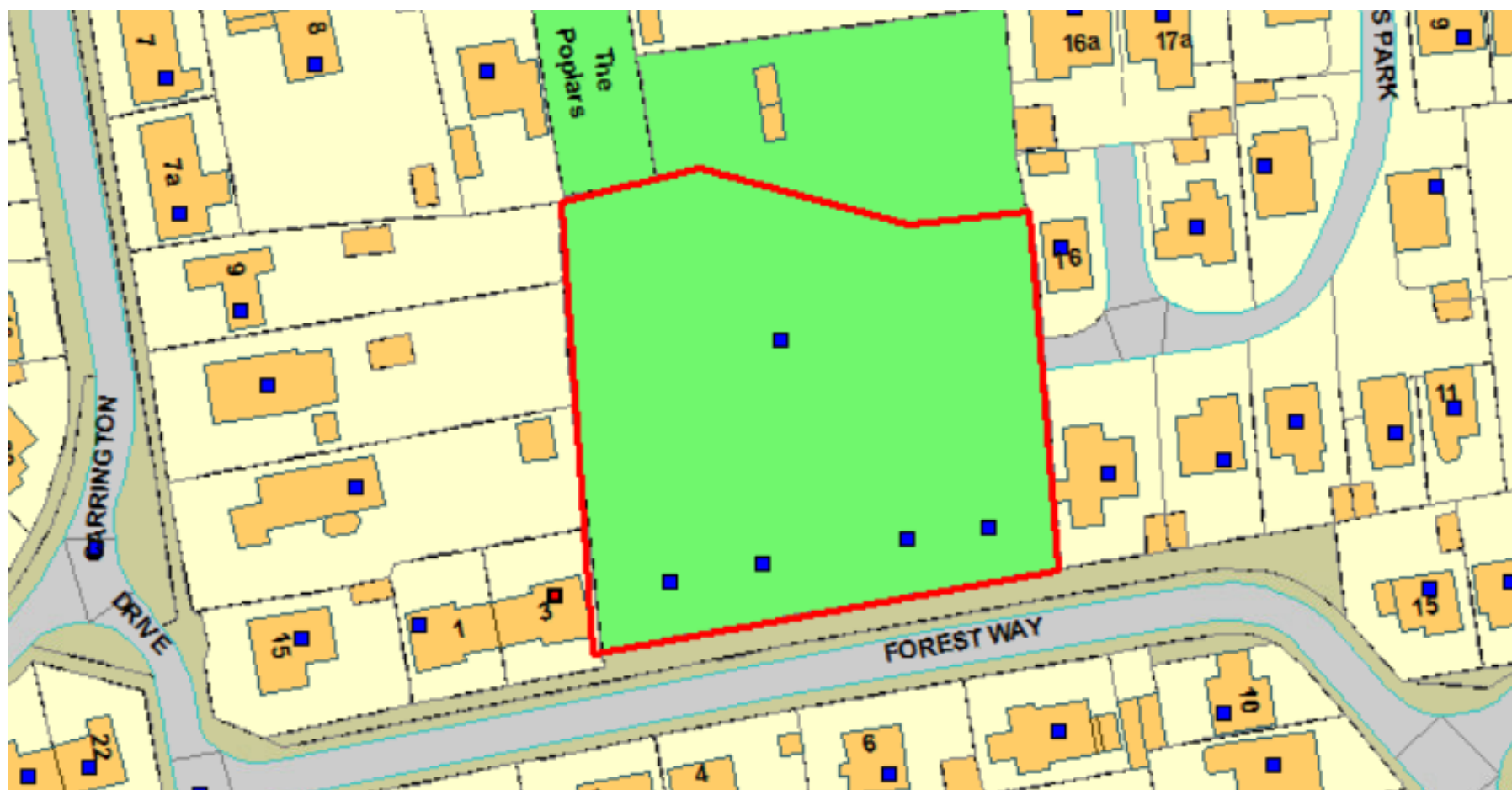
5 Informative

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

6 Informative

The applicant is reminded of the need to comply with the recommendations and best working practices laid out by Natural England with regards to ecology, as stated under reference DM/0305/20/FUL.

DM/0010/23/FUL – LAND AT FOREST WAY, HUMBERSTON



DM/0010/23/FUL – LAND AT FOREST WAY, HUMBERSTON



PLANNING COMMITTEE - 1st March 2023

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

APPLICATION No: DM/1113/22/OUT

APPLICATION TYPE: Outline Application

APPLICATION SITE: Pine Lodge Waltham House Farm , Louth Road, Waltham, North East Lincolnshire, DN36 4RX

PROPOSAL: Outline application with all matters reserved to erect dwelling with associated access

APPLICANT:

Mr & Mrs Coulbeck
Pine Lodge
Louth Road
Waltham
North East Lincolnshire
DN36 4RX

AGENT:

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

DEPOSITED: 23rd December 2022

ACCEPTED: 5th January 2023

TARGET DATE: 2nd March 2023

PUBLICITY EXPIRY: 11th February 2023

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 30th January 2023 **CASE OFFICER: Emily Davidson**

PROPOSAL

The proposal is an outline application with all matters reserved to erect a dwelling with associated access.

The application is presented to Planning Committee as the site sits outside of the development boundary and therefore represents a departure from the Local Plan. Additionally, there is also an objection from Waltham Parish Council.

SITE

Pine Lodge is a detached property on Louth Road, Waltham. It is in a sparsely populated area with a care home situated next door. There are a few dwellings to the north of the host property and to the far south is a more densely populated residential area which sits outside the borough of North East Lincolnshire.

RELEVANT PLANNING HISTORY

No relevant planning history.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2021)

NPPF15 - Conserv. & enhance the natural environ.

NPPF12 - Achieving well designed places

NPPF14 - Climate, flooding & coastal change

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

PO42 - Landscape

PO5 - Development boundaries

PO22 - Good design in new developments

PO34 - Water management

PO41 - Biodiversity and Geodiversity

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

REPRESENTATIONS RECEIVED

Consultee Representations

Highways Officer - Approval, no conditions.

Drainage Officer - A sustainable drainage scheme is required.

Heritage Officer - No heritage input required.

Environmental Protection - Hours of construction, construction method statement conditions and electronic vehicle charging informative recommended.

ESP Utilities - Caution should be taken to avoid any pipelines.

P66 - No assets affected.

Cadent Gas - Apparatus informative recommended.

Waltham Parish Council - Object on the basis that ecology work should be undertaken.

Ecology Officer - Satisfied with the Ecological appraisal and recommends works are carried out in accordance with the recommendations.

Neighbour Representations

Summerfields, Waltham House Farm - Object on the basis of the development being obtrusive, out of character and which may lead to precedent of further housing proposals.

APPRAISAL

Material Considerations

1. Principle of Development
2. Design
3. Ecology
4. Neighbouring Amenity
5. Highways
6. Drainage and Flood Risk
7. Other Considerations

1. Principle of Development

The proposal sits outside of the development boundary. Ordinarily speaking, market dwellings are not permitted outside of the development boundary under Policy 5 of the North East Lincolnshire Local Plan, 2018. There has however, been a material change in that the Council's published position is that they are unable to demonstrate a 5 year supply (and additional 20 percent buffer for the persistent under delivery) of deliverable housing land. This engages the tilted balance. The NPPF indicates that in such a position planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Plan taken as a whole. The proposal is for a single dwelling. This would not substantially aid in the delivery of additional housing to meet the need, but it would contribute. Additionally, the proposal site is set in a pocket of existing development, with neighbours surrounding it sprawling further into the open countryside than proposed. This gives some weight to the location for an additional property subject to the other planning considerations below.

2. Design

The design of the proposal has been reserved. The design of the property would be important should the proposal progress to reserved matters stage. However, the principle of a dwelling being situated in this location is one that is considered acceptable given that the site is already used for residential purposes and is well screened and given its

relationship to the surrounding dwellings. The proposals shows how a dwelling could be accommodated for comfortably. This is in accordance with Policies 5 and 22 of the NELLP 2018.

3. Ecology

The supporting ecology report submitted with the application identifies that the site has potential for Great Crested Newts given the nature of the site and the nearby pond. Prior to any works being carried out on the site, further investigation would be required. Further work is also required to assess any impacts on bats in the area, particularly in regard to detail such as lighting. The Council's Ecologist is satisfied with the ecological appraisal and recommends that the works are carried out in accordance with the recommendations within section 5. Conditions are recommended to secure the correct works are carried out and that an enhancement plan is also secured in line with the report. The application is considered in accordance with Policy 41 of the NELLP 2018.

4. Neighbouring Amenity

The specific details for the property have been reserved. Given the dwelling's proposed indicative location, it is considered there is potential for a dwelling with the right design to be erected in this location without causing detrimental harm to neighbouring amenity. In order to protect the amenity of the neighbours should the application be carried out, the Council's Environmental Protection Officer has recommended conditions to control construction hours and manage construction methods. This is in accordance with Policy 5 of the NELLP 2018.

5. Highways

Access is shown to the north from Louth Road extending westwards to the plot. There is good visibility in both directions from the proposed access. Whilst access is again reserved indicative details show how an acceptable access could be achieved and the Highways Officer raises no objections on this basis. This is in accordance with Policy 5 of the NELLP 2018.

6. Drainage and Flood Risk

The site is not within a flood risk area and is therefore sequentially preferable for residential development.

The Drainage Officer requires that full details of the surface water drainage details be provided and a condition for this is recommended. Subject to this, the proposal is in accordance with Policies 5, 33 and 34 of the NELLP 2018.

7. Other Considerations

The Council's Heritage Officer raised no concerns in relation to the application.

Informative advice from utility operators has been provided.

CONCLUSION

Whilst the proposal sits outside of the development boundary, the Council's position in terms of 5-year supply means that applications of this nature are considered on their merits. The application would not cause a negative impact to the character of the area or neighbouring amenity. The application is considered in accordance with Policies 5, 22, 33, 34 and 41 of the NELLP 2018 and is recommended for approval.

RECOMMENDATION

Approved with Conditions

(1) Condition

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

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

Reason

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

(2) Condition

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

- (a) the layout, scale and appearance of the development;
- (b) means of access to the site;
- (c) the proposed landscaping scheme including all trees and hedges to be retained and details of tree protection.

Reason

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

(3) Condition

The development is approved in accordance with the following plans:

Site Location Plan - RD5059 - 03

Proposed Block Plan - RD5059 - 06

Reason

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

(4) 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, if required;
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;
7. Details of wheel washing facilities (locations, types etc.);
8. Noise and dust mitigation measures.

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

Reason

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

(5) Condition

No construction work shall commence until a scheme of ecological enhancement and mitigation based on the recommendations of the Ecological Appraisal received 18/01/2023, have been submitted to and approved in writing by the Local Planning Authority. This shall include timings of works and implementation. The development shall be carried out and completed thereafter in strict accordance with the details approved.

Reason

In the interests of ecology in accordance with Policy 34 of the North East Lincolnshire

Local Plan 2013-2032 (adopted 2018).

(6) Condition

The further survey work identified in the Ecological Appraisal received 18/01/2023 shall be undertaken submitted to and approved in writing by the Local Planning Authority. It shall include any necessary mitigation and a schedule of timing and implementation. Once approved, the development shall proceed in strict accordance with the agreed details.

Reason

In the interests of ecology in accordance with Policy 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(7) Condition

Prior to the commencement of development, a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. Once approved, it shall be installed in strict accordance with the agreed details before the dwelling is occupied.

Reason

In the interests of sustainable drainage in accordance with Policy 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(8) Condition

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

Reason

To ensure the efficient use of water and to accord with Policy 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

Informatives

1 Reason for Approval

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or neighbouring amenity and is acceptable under all other planning

considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 5, 22, 33, 34 and 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, by adding conditions to protect neighbouring amenity.

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.

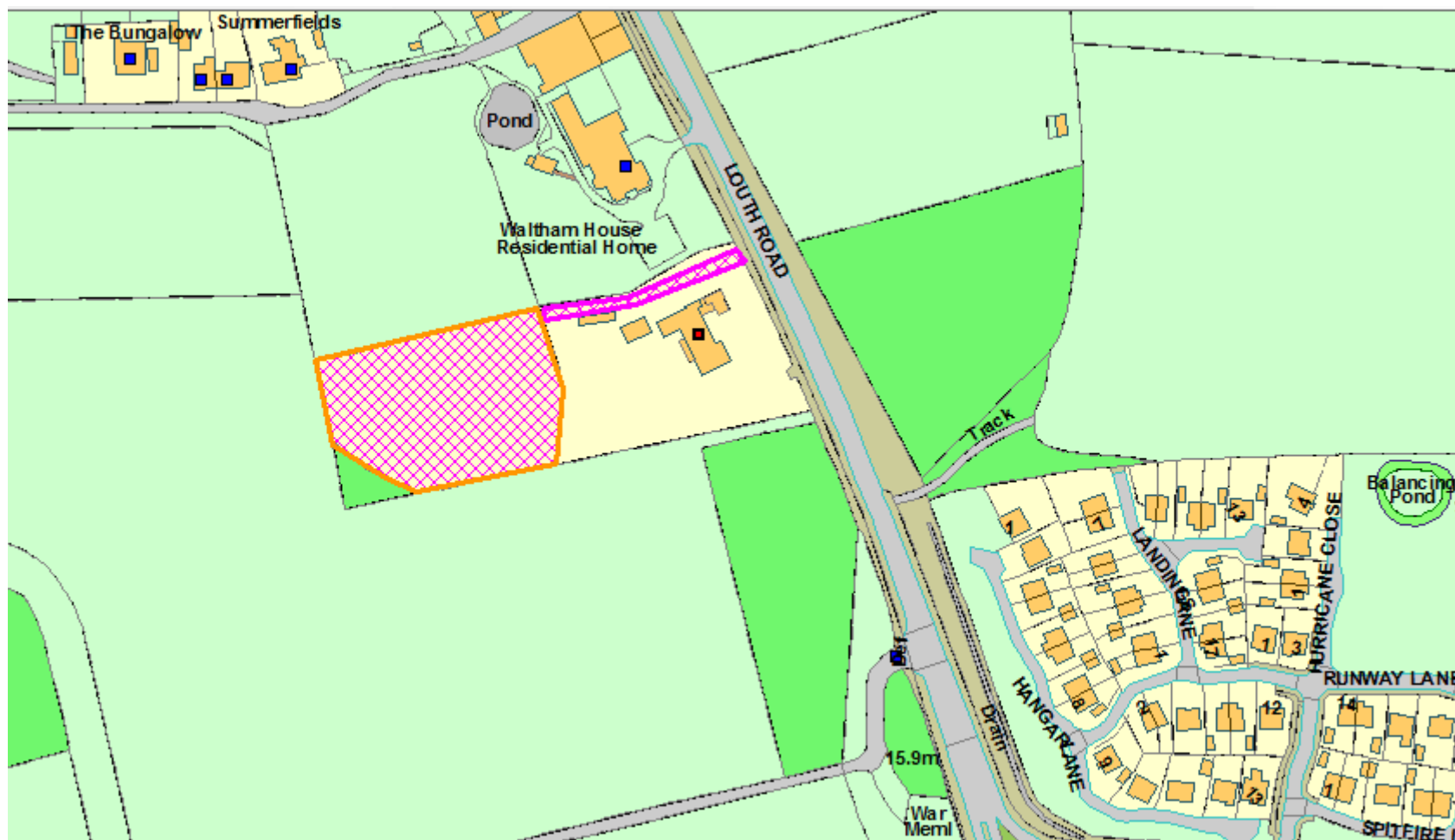
5 Informative

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

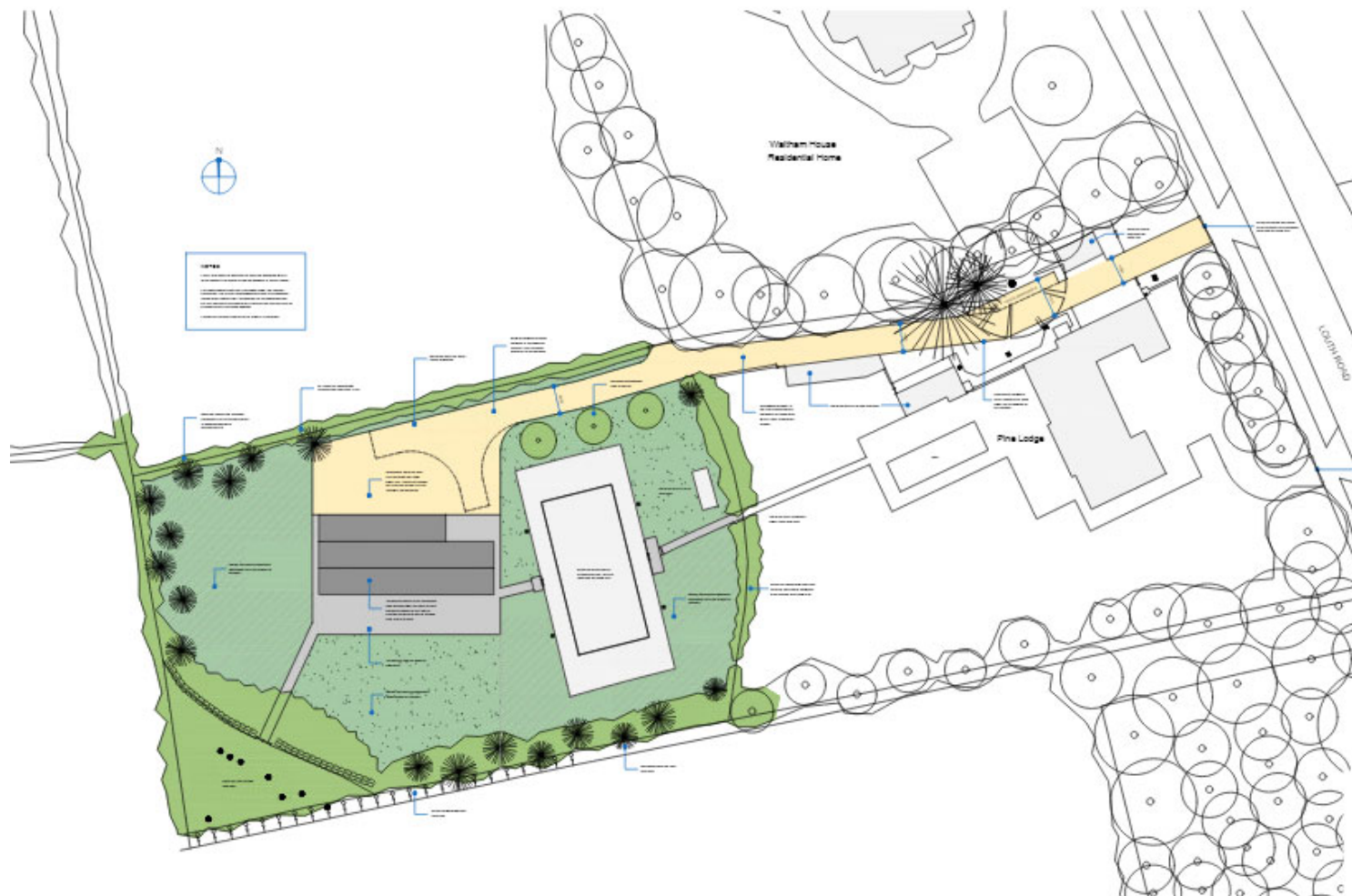
6 Informative

Please note the informative advice by Cadent Gas and ESP utilities in respect of this proposal, which can be viewed in full on the council website.

DM/1113/22/OUT – PINE LODGE, WALTHAM HOUSE FARM, LOUTH ROAD, WALTHAM



DM/1113/22/OUT – PINE LODGE, WALTHAM HOUSE FARM, LOUTH ROAD, WALTHAM



PLANNING COMMITTEE - 1st March 2023

ITEM: 11 **RECOMMENDATION: Approved Limited Period**

APPLICATION No: DM/1066/22/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Land Adj Field Gates, Post Office Lane, Ashby Cum Fenby, North East Lincolnshire,

PROPOSAL: Variation of condition 1 (Temporary permission) attached to DM/0513/21/FUL to continue to site caravan for a further 18 months

APPLICANT:

Mr And Mrs Hawkins
C/O Agent
Unit 2 Cleethorpes Business Centre
North East Lincolnshire
DN36 4AS

AGENT:

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

DEPOSITED: 6th December 2022

ACCEPTED: 6th December 2022

TARGET DATE: 31st January 2023

PUBLICITY EXPIRY: 15th January 2023

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 7th January 2023

CASE OFFICER: Emily Davidson

PROPOSAL

Variation of condition 1 (Temporary permission) attached to DM/0513/21/FUL to continue to site caravan for a further 18 months.

The application is presented to Planning Committee due to an objection from Ashby cum Fenby Parish Council.

SITE

The parcel of land is located in the village of Ashby Cum Fenby off Post Office Lane. It is surrounded by several residential properties. The majority of these properties are detached and are set within good sized plots. The site itself has trees and hedges lining its boundary. There are public rights of way running through the site. Development has commenced on the approved dwelling for the site.

RELEVANT PLANNING HISTORY

DM/0513/21/FUL - Temporary siting of a static caravan for a period of 18 months during the build phase for the new dwelling on site - Approved, limited period

DM/0008/21/REM - Reserved matters application for one dwelling - Approved

DM/0270/21/FUL - Change of use application for the land to the rear of this site - Approved

DM/0907/20/FUL - Siting of a caravan refused 28th April 2021 for the following reason;

'The use of the site for a residential caravan has a detrimental impact on the amenity of the area due to a lack of proper consideration of infrastructure connections and potential adverse impact on protected species contrary to Policy 5 and 41 of the North East Lincolnshire Local Plan, 2013-2032 and advice in the National Planning Policy Framework.'

DM/0957/18/OUT - Outline application for one dwelling - Approved

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2021)

NPPF12 - Achieving well designed places

NPPF15 - Conserv. & enhance the natural environ.

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

PO5 - Development boundaries

PO22 - Good design in new developments

PO41 - Biodiversity and Geodiversity

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

of the development plan as the starting point for decision making. The development plan for the area is comprised of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

REPRESENTATIONS RECEIVED

Consultee Representations

Highways Officer - Approval, no conditions.
Drainage Officer - No comments.
Heritage Officer - No heritage input required.
Northern Power Grid - Notes location of assets.
Rights of Way Officer - Does not affect public right of way.
Environmental Protection Officer - No comments.
Trees and Woodlands Officer - No comments.
Ashby cum Fenby Parish Council - Objects on grounds of impact to amenity of area.
Ecology Officer - No concerns with the extension of the limited period.

Neighbour Representations

No neighbour representations received.

APPRAISAL

Material Planning Considerations

- 1) Planning history
- 2) Local amenity
- 3) Ecology

The application seeks to extend the limited period restriction to allow for the caravan to be sited for a further 18 months following permission under DM/0513/21/FUL. This permission is in conjunction with the reserved matters application which has been approved to erect a single dwelling on the site. The caravan is to provide accommodation until such a time that the proposed house is built and can be lived in. The construction of the property is now underway. The Council's Ecology Officer has raised no concerns with the extension of the limited period. The mitigation works have now been carried out.

It is noted that the Ashby cum Fenby Parish Council have raised objections on the grounds of visual amenity. The site is now established for residential purposes and the siting of the caravan is on a temporary basis in connection with an implemented permission. With this considered, the extension of the limited period for a further 18 months would not have an undue impact to the visual character of the area. It follows the

previous approval. Thus, the application would be in accordance with Policy 5 and 22 of the NELLP 2018.

Moreover having regard to the above the caravan does not impact on the amenity of surrounding neighbours in accordance with Policy 5. No other consultees have raised any issues with the extension of the limited period.

CONCLUSION

The temporary siting of the caravan does not harm visual or neighbour amenity. The application is considered in accordance with Policy 5 and 22 of the NELLP 2018 and is recommended for approval on a temporary basis of 18 months from the date of this decision or until the approved dwelling is constructed, whichever is the earliest.

RECOMMENDATION

Approved Limited Period

(1) Condition

The caravan and associated storage container shall be removed on or before 18 months after the decision date or prior to the occupation of the associated dwelling whichever is the sooner unless, before that date, an extension of the period has been granted on a further application by the Local Planning Authority.

Reason

In the interests of local amenity to accord to Policy 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(2) Condition

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

Site Location Plan - 1283/2001

Block Plan - 1283-2002

Images of Caravan - Received 20/05/2021

Reason

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

(3) Condition

The use of the site for the siting of the caravan and associated storage container shall be

in accordance with the Planning Statement from Dieter Nelson dated May 2021

Reason

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

(4) Condition

Foul water must be discharged into the main sewer system and must only be connected during the "during build" position as stated on plan 1283/2002. The caravan must not be occupied during the "during survey" position.

Reason

To ensure the satisfactory disposal of foul water to accord to Policy 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(5) Condition

Only one caravan must be present on the site at any one time.

Reason

For the interests of design considerations of the wider character of the area in order to comply with Policy 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

Informatives

1 Reason for Approval

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

2 Added Value Statement

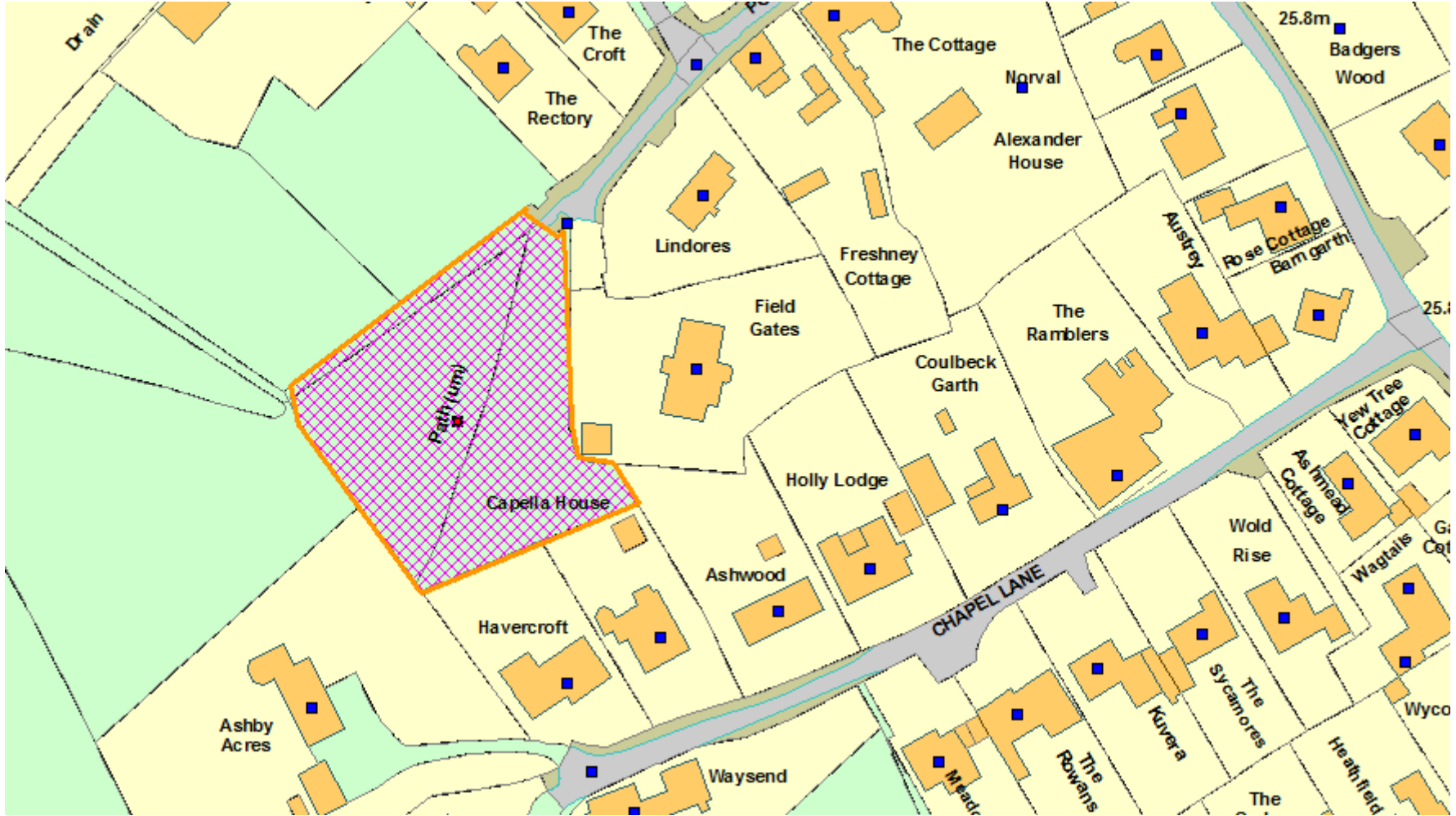
Article 31(1)(cc) Statement - Positive and Proactive Approach

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

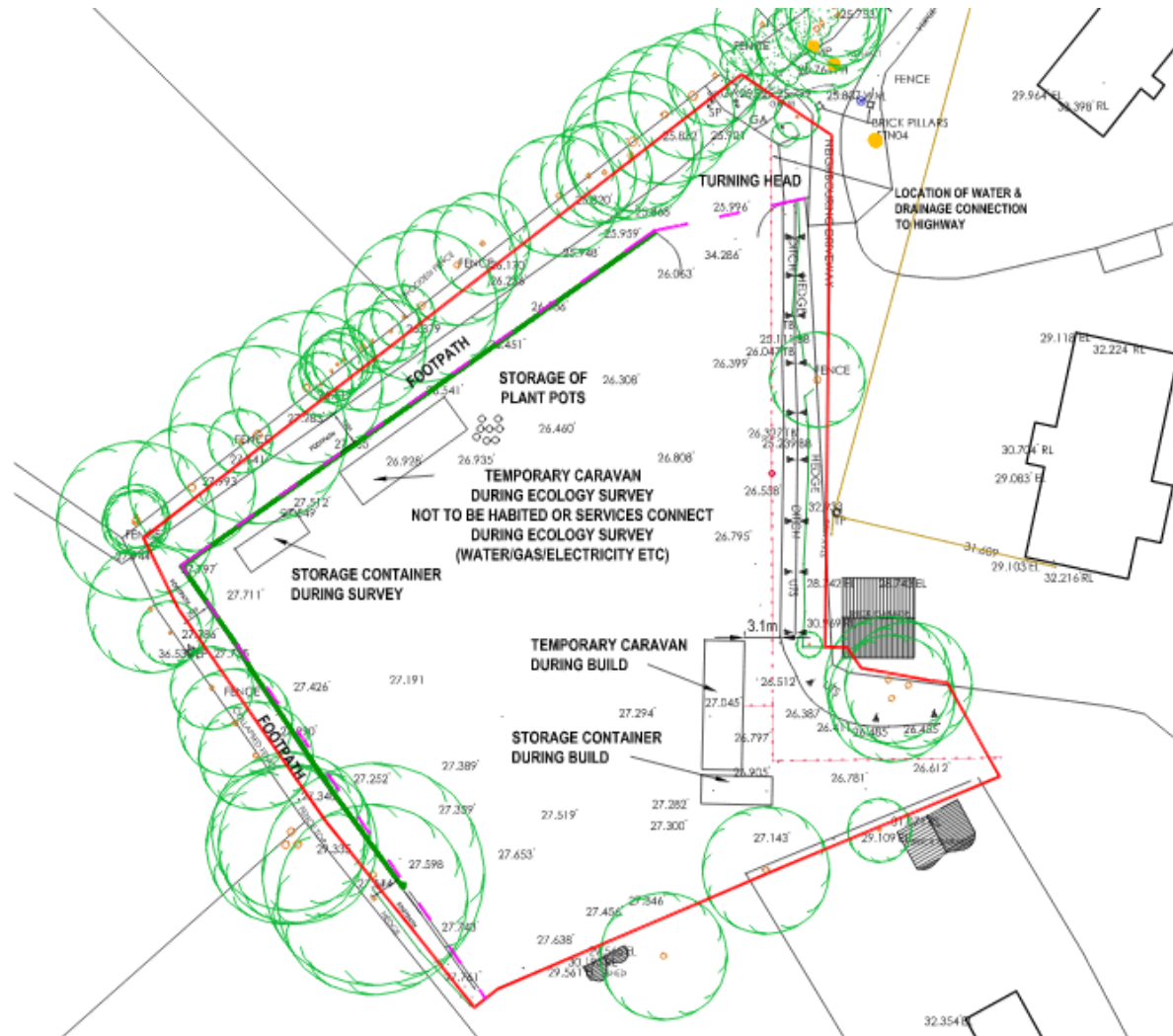
concerns.

3 Informative

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



DM/1066/22/FUL – LAND ADJ FIELD GATES, POST OFFICE LANE, ASHBY CUM FENBY



PLANNING COMMITTEE - 1st March 2023

ITEM: 12 **RECOMMENDATION: Approved with Conditions**

APPLICATION No: DM/0840/22/OUT

APPLICATION TYPE: Outline Application

**APPLICATION SITE: Field House , Waltham Road, Brigsley, North East
Lincolnshire, DN37 0RQ**

PROPOSAL: Outline application for erection of one dwelling and provision of new access with all matters reserved (Amended Description for clarity purposes highlighting access, layout, scale and landscaping for indicative details only)

APPLICANT:

Mr And Mrs Barker
C/O Agent
Unit 2
Cleethorpes Business Centre
Jackson Place
Grimsby
DN36 4AS

AGENT:

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

DEPOSITED: 14th September 2022

ACCEPTED: 21st September 2022

TARGET DATE: 16th November 2022

PUBLICITY EXPIRY: 21st February 2023

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 22nd October 2022 **CASE OFFICER: Bethany Loring**

PROPOSAL

The application seeks outline planning permission, with all matters reserved, to erect one dwelling with access to the rear of Field House, Waltham Road, Brigsley.

The application is brought to committee following an objection from Brigsley Parish Council.

SITE

Fieldhouse is a semi-detached bungalow located to the east side of Waltham Road in Brigsley. The site benefits from a concrete driveway to the front and side. The boundaries are established by fencing and landscaping. The property has a modest rear garden.

RELEVANT PLANNING HISTORY

No relevant planning history.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2021)

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

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

PO5 - Development boundaries
PO22 - Good design in new developments
PO33 - Flood risk
PO34 - Water management
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 Team - Approval with access, bin storage, access and egress in a forward-facing gear and CTMP conditions.

Environment Team - Hours of construction/demolition condition.

Linesearch - Owners found and consulted, informative advice offered.

Heritage Officer - No input required.

Drainage Team - Soakaway acceptable. No raising of ground levels or surface water run off onto the highway.

Brigsley Parish Council - Objects based on concerns relating to ownership of driveway, flood risk concerns and proximity to host property.

Trees and Woodlands - Initial concerns raised relating to the pressure on the trees. Details provided relating to the RPA's and no principle objections to the proposal. Tree protection measures to be conditioned.

Neighbour Representations

Hawthorne Paddock, Waltham Road - Objects based on concerns relating to loss of privacy, overlooking, scale of dwelling and noise relating to material of access drive.

The Hedgerow, Waltham Road (x2) - Objects based on concerns relating to overdevelopment of the site, overlooking, not in-keeping and noise relating to material of access drive.

Cottonwood, Waltham Road - Objects based on concerns relating to tree management.

APPRAISAL

Material Considerations

Principle of Development

The application site is located in a residential area in Brigsley, and as such policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) applies. The site is currently a residential garden, attached to Field House, Waltham Road. Policy 5 does not prohibit residential development within existing gardens where the site is within the development boundary. Furthermore, the site is not within a flood risk area and is therefore sequentially preferable for this type of use.

This application is made in outline form with all matters of access, appearance, landscaping, layout and scale being held for a further reserved matters submission however some indicative details have been provided for reference. As such, the consideration for this submission is in relation to the principle of residential development at the site. The indicative details show how a property could be accommodated within the site.

Having regard to these policies and location, the principle of development is therefore acceptable and is subject to the site specific assessment below.

Visual Character of the Area and Layout

The proposal is for one dwelling on a 0.11 hectare site. The applicant has shown, on an indicative basis, that a bungalow would be erected on the site with a footprint of 120sqm. The principle of one detached bungalow on this plot would not be seen as out of character in this context as Waltham Road is considerably diverse in density, design and appearance, with a wide range of materials used within the vicinity of the application site.

In view of the predominant character, the proposal would represent a similar density and size to other plots in the locality. The principle of one detached property on this plot would not be seen as out of character in the context of the immediate area.

Therefore, it is considered a dwelling can be achieved on site without detriment to the visual character of the area in accordance with policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and section 12 and of the NPPF.

Highways

Access to the site would be taken from Waltham Road utilising the existing access point. The plans indicate that boundary treatments and some other features would need to partially be removed to facilitate adequate vehicular access. The plans indicates that a 4.7 metre width can be achieved with some scope for a larger width available.

The Highways Officer has accepted the details and has commented to say there are no objections. Details relating to passing places, a bin storage area and ensuring access and egress in a forward-facing gear have been requested and in the event of an approval would be dealt with at Reserved Matters.

The comments from Brigsley Parish Council are noted in regards to the ownership of the access area. Details of the ownership have been provided. Any dispute would be a civil matter.

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

Drainage

The proposal site is not located within an area at risk of flooding according to the North East Lincolnshire Strategic Flood Risk Assessment or within a high flood risk area on the Environment Agency maps.

The Council's Drainage Team had commented to request a drainage condition with additional informatives to include no raising of existing ground levels and no surface water runoff from the site onto the public highway. However, details relating to the installation of a soakaway have now been provided and deemed to be acceptable.

It is therefore in accordance with policy 34 of the North East Lincolnshire Local Plan

2013-2032 (adopted 2018) and section 14 and of the NPPF.

Trees and Landscaping

The site includes a Tree Preservation Order to the rear of the site. A Tree Constraints Plan and Tree Survey have been provided. The details have identified that the trees are not Category A trees and are all Category B and below.

The scheme has been updated following concerns raised by the Trees and Woodlands Officer in terms of the root protection areas of the trees. This confirms that the footprint of the dwelling would be outside of these areas and therefore results in no principle objections from the Trees and Woodlands Officer. Information will however be required at the reserved matters stage in relation to tree protection. It is considered that adequate amenity for the proposed dwelling is achievable.

It is therefore in accordance with policy 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and section 15 and of the NPPF.

Impact on Neighbouring Properties

It is noted that objections have been received from neighbours. The proposed site plan shows that the dwelling and proposed vehicular access would be close to certain neighbours, specifically Springfield and The Hedgerow. It is important to note that there is an existing access which runs along the boundary with the Hedgerow and the proposal would be a continuation of this however set within the plot and that the dwelling would be adjacent to the rear garden of Springfield. The neighbours in this area have modest plots and rear gardens. It is considered that there would be existing boundary treatments separating the access and property from neighbours, and the property would likely be single storey in height positioned sufficiently within the site.

The scheme whilst indicative, demonstrates that the dwelling would be centrally positioned within the site, adjacent to rear gardens, preventing massing issues to the neighbours and providing sufficient amenity space for future occupiers. Whilst the application is in outline form with all matters reserved, floor plans and elevations have been provided to demonstrate that the plot would be sufficiently separated from neighbours with landscaping features present to provide additional screening.

It is noted that comments have been received from the adjacent neighbours, The Hedgerow, Hawthorne Paddock and Cottonwood, all situated to the south of the site, with concerns regarding the potential impacts following the development. The application is in outline form and all matters of detailed design will form part of any future reserved matters considerations.

However, it is considered that the new dwelling has been shown to be a sufficient distance from the adjoining properties to ensure levels of privacy, light and sunlight would be maintained. Therefore, it is considered a dwelling can be achieved on site without

detriment to the host property or to neighbours.

It is therefore in accordance with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and section 12 and of the NPPF.

CONCLUSION

The proposal for one dwelling on this development site is acceptable in this residential area. It is considered it can be achieved without harm to the character of the area and street scene, and it would not give rise to significant impacts in terms of residential amenity, highway safety or drainage. Subject to conditions, it is therefore recommended for approval in accordance with policies 5, 22, 33, 34 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018), and sections 5, 12, 14 and 15 of the NPPF.

RECOMMENDATION

Approved with Conditions

(1) Condition

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

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

Reason

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

(2) Condition

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

- (a) the layout, scale and appearance of the development;
- (b) means of access to the site to include details of passing places and bin storage; and
- (c) a landscaping scheme for the site including details of existing trees, hedges and planting to be retained and any to be removed as well as an up-to-date tree protection

plan.

Reason

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

(3) Condition

The development is approved in accordance with the following plans:

Site Location Plan - 1423/001

Existing and Proposed Block Plans - 1423/002

Proposed Site Plan - 1423/003

Reason

For the avoidance of doubt and in the interests of proper planning and to accord with policies 5, 22, 33, 34 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(4) Condition

The soakaway shown on plan 1423-003, designed to the BRE365 standard, shall be installed and be fully connected before the dwelling is occupied. It shall be retained thereafter unless an alternative is submitted to and approved in writing by the Local Planning Authority. There shall be no raising of ground levels or surface water run off from the site or access onto the highway.

Reason

In the interests of flood risk and drainage in order to comply with policies 5 and 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(5) Condition

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

Reason

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

(6) Condition

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 CTMP;
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, if required;
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 to accord with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(7) Condition

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

Reason

To ensure the efficient use of water and to accord with policy 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(8) Condition

The dwelling hereby approved shall be of bungalow construction only with no rooms in the roof space.

Reason

In the interests of residential amenity 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, 22, 33, 34 and 42.

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).

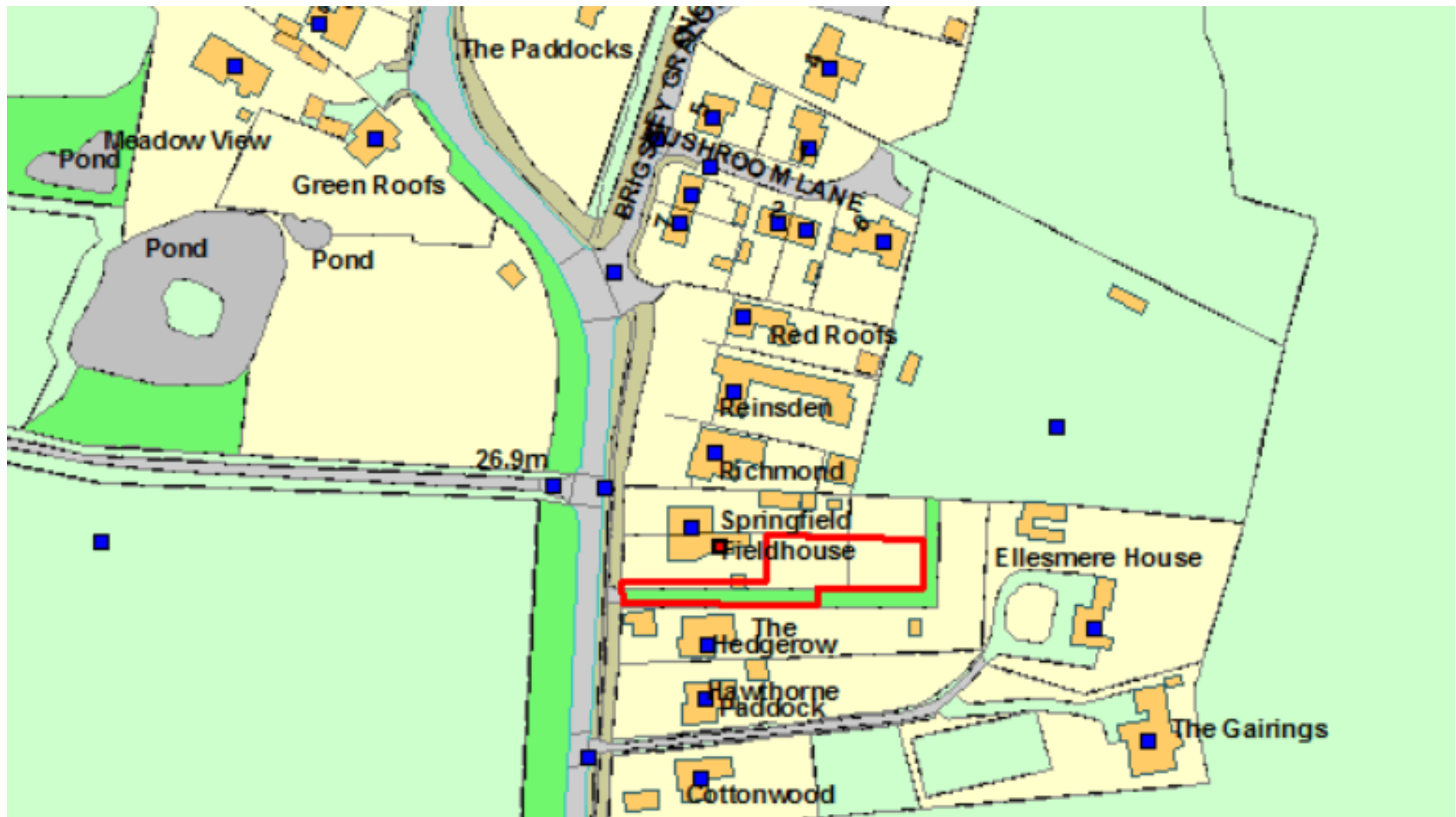
4 Informative

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

Please note the informative advice from Cadent Gas, Orsted and the Safer Communities Officer.

DM/0840/22/OUT – FIELD HOUSE, WALTHAM ROAD, BRIGSLEY



[illegible]

PROPOSED SITE PLAN

PLANNING COMMITTEE - 1st March 2023

ITEM: 13 **RECOMMENDATION: Approved with Conditions**

APPLICATION No: DM/0571/22/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: 117 Fairway, Waltham, North East Lincolnshire, DN37 0NB

PROPOSAL: Remove existing decking to rear, alterations and erect rear two storey extension (Amended Plan received 16th December 2022 to reduce projection of first floor element)

APPLICANT:

Richard Roe
117 Fairway
Waltham
North East Lincolnshire
DN37 0NB

AGENT:

Miss Zoe Coyne
CDC Architecture Ltd
35 Louth Road
Grimsby
North East Lincolnshire
DN33 2HP

DEPOSITED: 23rd June 2022

ACCEPTED: 30th June 2022

TARGET DATE: 25th August 2022

PUBLICITY EXPIRY: 9th January 2023

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 1st August 2022

CASE OFFICER: Bethany Loring

PROPOSAL

The application seeks to remove existing decking to rear, and erect a two storey rear extension at an existing mid-terraced dwelling.

The application is brought to planning committee following an objection from Waltham Parish Council.

SITE

The property is a mid-terraced, two-storey dwelling located on the north side of Fairway in Waltham. The area is primarily residential; Fairway itself is made up of various dwelling

designs mostly including two-storey dwellings. The host dwelling sits centrally along the street. The plot has a paved driveway to the front with a gated access point with low brick built walls to establish the boundaries. It backs onto open fields.

RELEVANT PLANNING HISTORY

No relevant planning history.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2021)

NPPF12 - Achieving well designed places

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

PO5 - Development boundaries

PO22 - Good design in new developments

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

REPRESENTATIONS RECEIVED

Drainage Team - Sustainable drainage method recommended.

Highways Team - Approval no conditions.

Heritage Officer - No heritage input required.

Waltham Parish Council - Recommends refusal relating to overshadowing and reduced light provision.

Rights of Way - Does not directly affect the Public Rights of Way network. Public Footpath on the northern boundary, at no point during construction should this be obstructed.

Environment Team - No comment.

Neighbour Representations

119 Fairway - Objects based on concerns relating to impacts of light, overshadowing, overbearing nature, dominance and outlook.

APPRAISAL

Material Planning Considerations

Principle of Development

The application site is within the development area of Waltham (Policy 5) and relates to the removal of the existing decking to the rear, alterations and erection of a two storey rear extension at an existing mid-terraced dwelling. The principle of development is therefore acceptable provided that the proposal does not give rise to significant issues in terms of residential amenity and that the design is in accordance with policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and section 12 of the NPPF.

Design

The two-storey extension would project from the rear wall of the property by 3 metres, at ground floor, and 2 metres at first floor, covering a width of 4.2 metres at both floors. A pitched roof would be incorporated into the design with an eaves height of 4.7 metres and a maximum height of 6.3 metres. The ridge would sit lower than that of the existing. This addition would provide a garden room at ground floor and an extended bedroom at first floor following an internal reconfiguration of the property. Double doors would be installed at the ground floor with a window to first floor. A new ground floor window would also be installed to the rear to the existing property.

The extension would be constructed of red facing brickwork and concrete roof tiles, which would be similar in appearance to the existing dwelling. Furthermore, it is proposed to utilise white uPVC for the new window and door openings.

The works would be positioned to the rear of the host dwelling resulting in this being screened from the street view by the existing dwelling. The nature of the works along with the position proposed is not unusual in a residential setting. Therefore, it is not considered that the works would be harmful to the character of the street scene.

It is therefore considered to be in accordance with policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and section 12 of the NPPF.

Impact on Neighbouring Properties

The main impacts of this development would be to 115 and 119 Fairway, Waltham. An objection has been received from 119. Waltham Parish Council object on the grounds of

adverse impact on residential amenity.

The two-storey extension would sit just stepped in from the boundary with 119 and around 0.3 metres away from the property itself. The extension would include no new openings which would directly face the affected neighbour. The boundary is established by the existing sidewall of the neighbours extension, which provides additional screening to the proposal, however the first floor element of the extension would sit above this.

It is important to note that Fairway has significant level changes within the rear gardens, specifically in this area. The existing decking, to be removed, sits higher than that of the rear boundary by a significant distance. This is the area which would be utilised by the extension however the neighbours arrangement mirrors that of the proposal site. This therefore does not result in any undue impacts, as a result of the proposal, in relation to level changes in this instance.

This neighbour has objected to the scheme in relation to impacts of light, overshadowing, dominance and outlook specifically relating to the existing bedroom window at first floor. The plans have been amended to reduce the protrusion of the first-floor element in order to reduce impacts on light and a light test has been provided. It is noted that there would be some impacts relating to light however, given the orientation of the properties and the limited level of projection it is not considered that this would be detrimental. The height is of an acceptable scale, being lower than the existing which again reduces the impact to an acceptable level. This is in relation to massing and light. At ground floor the works are not considered to have a detrimental impact due to the extent of the projection and due to the neighbours own single storey projection.

In relation to other neighbours, the works are considered to be well-separated thus negating any adverse massing, overlooking or privacy impacts.

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.

CONCLUSION

In conclusion, it is considered that the proposed development would not unduly harm the appearance of the street scene, the wider character of the area or neighbours' amenities. It is therefore recommended that planning permission be granted.

It is therefore in accordance with policy 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and section 12 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 plan:

Site Location Plan, Block Plan, Existing and Proposed Floor Plans and Elevations - 22-524 100 Rev D

Reason

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

(3) Condition

The proposal shall be constructed using materials specified within the application form received on the 30th June 2022 unless otherwise first approved in writing by the Local Planning Authority.

Reason

This condition is imposed in the interests of design considerations in the context of the existing buildings in order to comply with policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

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 and 22.

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 fact that the requirements of the Party Wall Act may apply and you should seek advice from your agent or suitably qualified person.

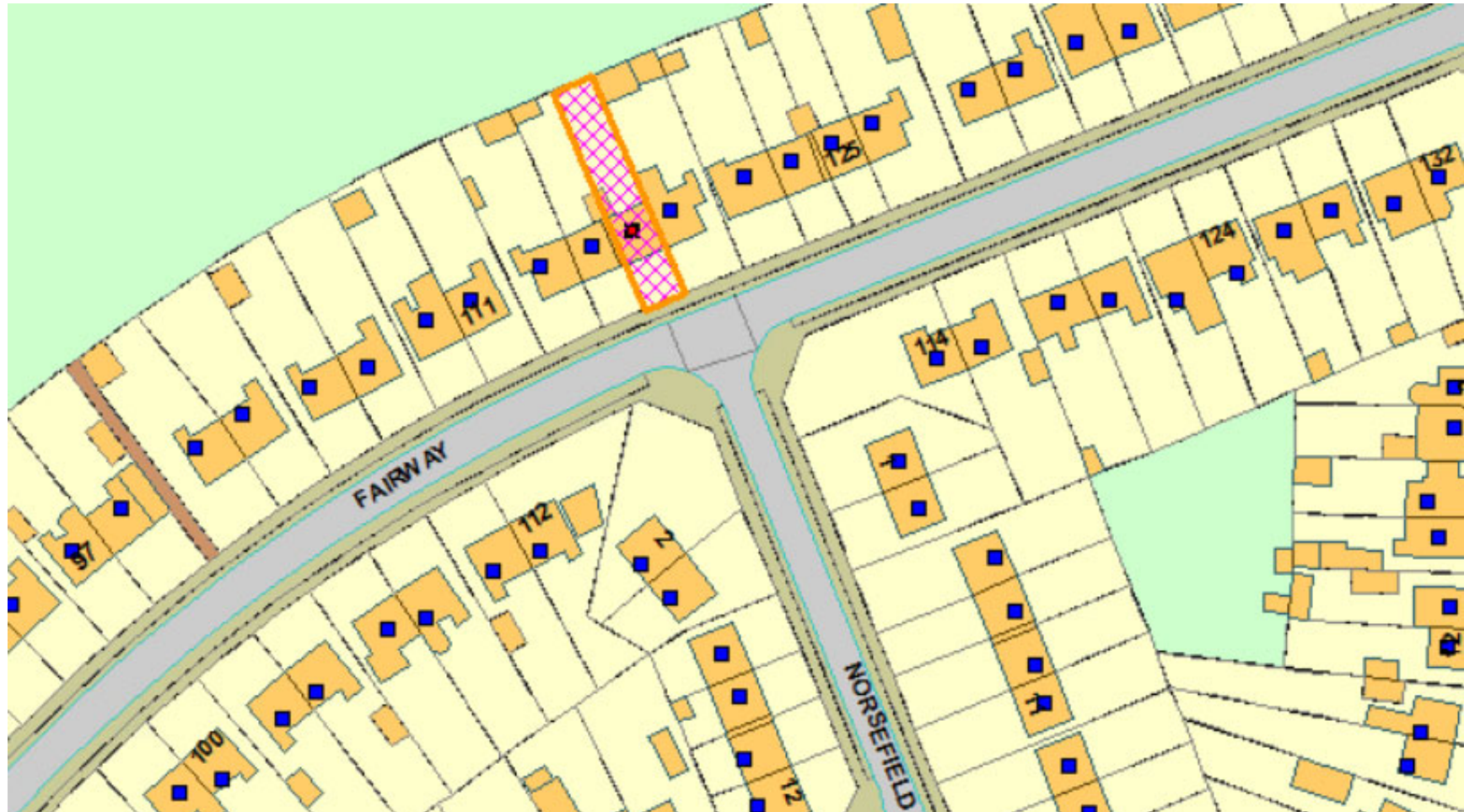
5 Informative

The use of water butts or similar sustainable surface water drainage arrangements such as a soakaway are encouraged on a proposal of this nature. The applicant's attention is drawn to the comments made by the Drainage Officer which can be found at <http://planninganddevelopment.nelincs.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RDXD4YLJFU000> for guidance.

6 Informative

The public right of way, known as Footpath 70, shall not be obstructed at any time during construction.

DM/0571/22/FUL – 117 FAIRWAY, WALTHAM



DM/0571/22/FUL – 117 FAIRWAY, WALTHAM



PLANNING COMMITTEE - 1st March 2023

ITEM: 14 **RECOMMENDATION: Refused**

APPLICATION No: DM/0610/22/OUT

APPLICATION TYPE: Outline Application

APPLICATION SITE: Sunnyview , Carr Lane, Healing, North East Lincolnshire, DN41 7QR

PROPOSAL: Outline application to erect 5 dwellings with all matters reserved - amended plans and description October 2022

APPLICANT:

Mr John Phillips
Lakeside Lodge
Healing
North East Lincolnshire
DN41 7QR

AGENT:

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

DEPOSITED: 5th July 2022

ACCEPTED: 10th August 2022

TARGET DATE: 5th October 2022

PUBLICITY EXPIRY: 4th March 2023

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 18th August 2022

CASE OFFICER: Richard Limmer

PROPOSAL

The proposal is an outline application, with all matters reserved, to demolish the existing dwelling, Sunnyview, and erect 5 detached dwellings and associated infrastructure. This is following amended plans from the original submission which was for 8 dwellings.

The application has been brought to Planning Committee due to a call in request from Councillor Hasthorpe.

SITE

The site is the property and garden known as Sunnyview located at the far end of Carr

Lane in Healing. The site equates to 1ha in site area accessed off Carr Lane from Great Coates Road. Carr Lane is a single lane access track approximately 280m long, it is not an adopted highway and is not properly surfaced. There are a number of properties accessed off Carr Lane.

The site itself also hosts Lakeside Lodge, a detached dwelling with other associated buildings and a lake. The site is broadly rectangular in shape with Lakeside Lodge taking up the western side of the site and Sunnyside the eastern side. There is landscaping around the site boundaries and throughout the site.

RELEVANT PLANNING HISTORY

DM/0132/17/FUL - demolish existing lodge and erect two storey lodge - approved
DM/0357/15/FUL - change of use from bed and breakfast to dwelling - approved
DM/1088/13/FUL - retrospective change of use of garden store to lounge - approved
DM/1087/13/FUL - change of use to allow residents to fish on the pond - approved
DC/0794/13/WOL - erect extensions to create fully accessible accommodation and carers rooms - approved

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2021)

NPPF2 - Achieving sustainable development
NPPF5 - Delivering a sufficient supply of homes
NPPF9 - Promoting sustainable transport
NPPF12 - Achieving well designed places
NPPF14 - Climate, flooding & coastal change
NPPF15 - Conserv. & enhance the natural environ.

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

PO5 - Development boundaries
PO17 - Housing density
PO42 - Landscape
PO33 - Flood risk
PO22 - Good design in new developments
PO34 - Water management
PO40 - Developing green infrastructure network

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 - object to the development with concerns over highway safety and amenity.
Healing Parish Council - object due to concerns over access and highway amenity and impact on neighbours.

Env. Health - no objections, suggest conditions for construction.

Trees - no objections, suggest conditions for landscaping.

Heritage - no comments.

National Grid - no objections.

Civic Society - object with concerns over access, highway amenity and impact on infrastructure.

Drainage - no objections, conditions for final surface water drainage.

Cadent - informative advice.

HSE - no zones impacted.

Note - the consultation for Anglian Water does not close until 0403-2023 however they have already responded to the consultation.

Neighbours

The following neighbours have objected to the proposed development:

Davanne

Pellinore

Foxglove

Rosabelle

Florence

The concerns raised by neighbours broadly include the following points:

- Highway safety and amenity due to the width and construction of Carr Lane and a lack of proper bin collection provision.
- Location of the site outside of the Development Area Boundary;
- Impact upon visual amenity;
- Impact of the development on services and education;
- Disruption and impact on amenities during construction;
- Increased risk of flooding from surface water;
- Lack of provision of foul water drainage.

A neutral comment from Arley has been received which related to consultation and certificates.

APPRAISAL

1. The Principle of Development

The site is located outside of the defined Development Boundary for Healing on the

NELLP Inset Maps, this means that the site is considered to be in the open countryside and the proposed development represents a departure from the plan. Whilst Policy 5 does not readily allow for new residential development in the open countryside consideration must be given to the Councils 5 year housing supply figure which is currently 4.2 years.

As the Council is unable to demonstrate a 5-year supply of deliverable housing land, the tilted balance flowing from paragraph 11d)ii of the NPPF is engaged in the assessment of the scheme. Whilst the most important policies for determining the application would be deemed out of date in this context, it does not mean the policies carry no weight, and the NELLP would remain the starting point in the decision making process. With the tilted balance engaged, the NPPF indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

The site is also identified on the Local Plan Inset Maps as being part of the Strategic Green Infrastructure Corridor between Healing and Great Coates. This highlights the importance of the sites contribution to the open countryside. The indicative plans show 5 large detached houses which would be a clear visual intrusion into the open countryside. It is noted that Carr Lane has seen development in recent years but this is focused at the northern end much closer to Great Coates Road where there is a cluster of properties which is acknowledged in the local plan inset map with a separate development boundary from the main village.

It is considered that the harm the development brings in terms of the visual intrusion into the open countryside outweighs the benefits that 5 houses would bring to the housing stock. The proposal is therefore considered to conflict with Policy 5 of the NELLP and Section 5 of the NPPF.

2. Impact on Neighbours

The site is located at the southern end of Carr Lane and in terms of immediate neighbouring residential properties there is Carr Field to the south, Arley and Rosamund to the east and north east. To the north of the site is a paddock area with a detached building in it with a residential property, Davanne beyond that.

The spacious nature of the site and immediate area means that, in principle, the neighbouring properties are of a sufficient distance away so as to not be unduly impacted upon by the proposed development. This scheme is in outline form only and the final details of the dwellings would be provided at the reserved matters stage. In principle it is considered that the site could accommodate 5 dwellings without unduly impacting upon the residential amenities of the neighbouring properties in accordance with Policy 5 of the NELLP.

3. Highway Safety and Amenity

The proposed development is located at the end of Carr Lane which is some 280m long. The appraisal acknowledges that the first 70m of Carr Lane is between 3.4 and 3.9m in

width. It then widens to between 4.1 and 5.4m for the following 100m and then falls back to between 3.1 and 3.9m for the remaining. The Highways Team have commented on the proposed development and have objected to it. This is on the grounds of highway safety and amenity. The particular concern over the width and make up of Carr Lane. The applicant has provided a further Highway Appraisal to try to justify the proposal. However, this appraisal does not overcome the concerns raised. Whilst there are some informal passing places and accesses, there is not sufficient space for two cars to pass along the majority of the lane and there is no designated pedestrian footpath or refuge points. The scheme would offer improvements to Carr Lane along its frontage but for the majority of its length it is not possible to improve it due to ownership and physical constraints.

The proposed development would increase the comings and goings down the lane of cars but also larger vehicles such as delivery vans. This increases the chance for conflict between vehicles and pedestrians. There is also the driver frustration aspect of having to wait for other vehicles to pass but over a significant distance. As the lane is not an adopted highway bin lorries will not travel down it to collect the bins this means that future occupiers of the development would have to take the bins down to the northern end of Carr Lane which from within the site would be in excess of 300m this does not present a good level of amenity for those future occupiers. There is also a further impact from the bin situation in that all of the dwellings down Carr Lane have to leave their bins at the junction with Great Coates Road which creates a hazard in the highway and this would be extenuated by an additional 5 dwellings.

The make up of Carr Lane is also not suitable to take an additional 5 dwellings and the associated vehicle movements. It is not properly surfaced and maintenance appears to be done on an ad hoc basis and temporary at best. Whilst this is an existing situation it would be compounded by additional development and would not provide a level of amenity that new development could be reasonable to expect.

It is therefore considered that the proposed development would present a severe impact on highway safety and amenity contrary to Policy 5 of the NELLP and the NPPF.

4. Other Matters

The scheme is at the outline stage but the information provided has been assessed by the Drainage and Tree Officers they have both detailed that they have no principle objections to the development but conditions would be required to secure the necessary information on surface water drainage and landscaping.

Neighbours have raised concerns over foul water drainage. The Design and Access Statement details that the foul water drainage would connect to the existing foul drain in Carr Lane. Anglian Water have been consulted and have not provided detailed comments given the size of the scheme.

In regard to impacts through the construction phase it is usual to have a condition for a Construction Management Plan to deal with working hours, noise, dust, deliveries, wheel wash facilities etc.. this development is no different and these matters could be dealt with

by a condition.

CONCLUSION

In conclusion, it is considered that the proposed development would constitute a visual intrusion into the open countryside, the harm of which this causes outweighs the benefits brought through the delivery of 5 dwellings. Carr Lane itself is also not suitable to accommodate the proposed development and the traffic generation brought about by the development would cause a severe impact on highway safety and amenity. The development is therefore contrary to Policies 5, 22, 40 and 42 of the NELLP and the NPPF. It is therefore recommended for refusal.

RECOMMENDATION

Refused

(1) The site sits outside of the development boundary as defined in the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and the proposal would extend into the open countryside and intrude into the strategic green infrastructure corridor resulting in a detrimental impact on the visual character and appearance of the area. The adverse impacts are not justified by the shortfall in the supply of deliverable housing. The proposed development therefore represents an unsustainable form of development in the countryside contrary to the requirements of policies 5, 22, 40 and 42 of North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and the core principles as set out in the National Planning Policy Framework.

(2) Carr Lane is not made up to a sufficient standard to provide a reasonable level of amenity for the proposed development. Furthermore, its length and width is such that the additional traffic generated by the development would cause significant harm to highway safety and amenity. The development is therefore in direct conflict with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and the core principles as set out in the National Planning Policy Framework.

Informatives

1 Informative

This application has been considered using the plans ref: RD5174-04A and RD5174-06.

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. However, there are fundamental issues that cannot be overcome.

DM/0610/22/OUT – SUNNYVIEW, CARR LANE, HEALING



The site plan for Lakeside Lodge illustrates the proposed development and its integration with existing site features. Key elements include:

- Proposed Development:** Indicated by green hatched areas, showing new residential buildings and landscaping.
- Existing Features:** Shown in grey, including the existing building, outbuilding, and various hedges.
- Landscaping:** New trees and shrubs are proposed, while existing trees are marked with numbers 1 through 5.
- Access and Driveways:** A proposed driveway in permeable construction is shown, along with existing and retained access points.
- Water Features:** A garden lake and a large existing lake are shown, with associated retaining walls.
- Drainage:** A foul drainage connection to the sewer is indicated.
- Other Details:** A car lane is shown, and a proposed driveway is noted to be formed on the line of the existing drive.

Guiding fish lake

PLANNING COMMITTEE - 1st March 2023

ITEM: 15 **RECOMMENDATION: Refused**

APPLICATION No: DM/0679/22/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Whitsend Farm , Thoroughfare, Ashby Cum Fenby, North East Lincolnshire, DN37 0QX

PROPOSAL: Erect detached dwelling with garages and associated works - business plan included December 2022

APPLICANT:

Mr Phil Wilson
Whitsend Farm
Thoroughfare
Ashby Cum Fenby
North East Lincolnshire
DN37 0QX

AGENT:

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

DEPOSITED: 31st July 2022

ACCEPTED: 21st September 2022

TARGET DATE: 16th November 2022

PUBLICITY EXPIRY: 6th January 2023

AGREED EXTENSION OF TIME DATE: 6th March 2023

CONSULTATION EXPIRY: 17th October 2022 **CASE OFFICER: Richard Limmer**

PROPOSAL

The proposal is a full planning application to erect a detached dwelling with garaging and associated works (business plan included December 2022).

The application has been called into Planning Committee by Cllr Jackson.

SITE

The site is located on Thoroughfare Road in the Parish of Ashby cum Fenby but located some distance from the main village of Ashby cum Fenby. The site is within the open countryside and outside of the Development Area Boundary for the village on the NELLP

2018. The site appears to have a somewhat mixed use as there is some agricultural machinery but also a large amount of plant equipment that is not related to agriculture. There is a public footpath running along the western boundary of the site, beyond this there is a residential neighbour The Thorns. The other surrounding land use is agricultural fields.

RELEVANT PLANNING HISTORY

08/102/84 - Erect detached bungalow - Refused
DM/0257/17/OUT - outline permission to erect dwelling - refused

The site has also been subject to enforcement action relating to the unauthorised use of the site for the storage of plant and equipment.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2021)

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

Ashby Parish Council - object due to the location of the site in the open countryside and outside the village boundary, the land is agricultural, impact on neighbours and impact on open countryside.

Drainage - conditions for surface water drainage.

Trees Officer - Concerns over the impact of the development on the landscape character.

Environmental Health Officer- conditions for construction

Highways Officer - conditions for access details and construction traffic

Heritage - condition for archaeology

Northern Power - no objections

Public Rights of Way Officer - Concerns regards the development and provision of FP89, propose condition for FP89 to be properly provided through the development.

Neighbours

A detailed objection has been received from the adjacent residential property The Thorns. This objects to the proposed development on the grounds of need, location, sustainability, impact on the visual character of the area, design. The proposal conflicts with the NELLP and the NPPF.

The following neighbours have supported the proposal:

Ashby Grange, Maple House, 22 Stone Way, 3 Crow Holt, Kingsley, Willow Beck, 3 Carnoustie, Freshney Cottage, Lindores, 11 Mill View, Chestnut Farm Cottage, 95 Woodhall Drive, 96 Grimsby Road, 6 Mushroom Lane, Ashmead Cottage, The Oaks.

Alexander House and Gordons Cottage have offered support to the development subject to FP.89 being resolved and properly provided.

APPRAISAL

Planning Considerations

1) Principle of Development

2) Character

3) Other Matters

1) Principle of Development

Policy 5 of the NELLP and the NPPF seek to restrict new residential in unsustainable and isolated locations. The site is located in the open countryside a significant distance from the village of Ashby cum Fenby and its associated development area boundary on the NELLP inset maps. There is no practical access to public transport and the site is not within reasonable walking distance of the nearest settlements with services, which is Holton le Clay some 5.5km away or Waltham some 7km away.

Policy 5 of the NELLP and Section 5 of the NPPF do not permit new dwellings in the open countryside unless they meet certain exceptional criteria. Such as it is essential to the needs of agriculture, forestry or consists of affordable housing to meet a specific local need.

Whilst a case has been made within a business case for the dwelling to be associated to the needs of agriculture, the argument made is not substantial or convincing and is lacking in detailed evidence to back it up. There is no professional based support. There is no detailed discussion of the need. The applicant has stated that whilst they have various areas of land where cows and sheep are grazing but they are remote from the application site and not actually identified within the documentation. The functional and financial side of the business is not tested. Indeed there is no financial evidence that the business is in anyway sustainable. The proposal therefore quite clearly fails to meet any of the exceptions set out in established planning policy as there is no identified need.

The site also has no access to public transport and has no reasonable provision to walk to services or employment. The future occupiers would therefore be solely reliant on the motor car for everyday journeys and basic needs. The proposal therefore fails to meet a basic level of sustainability expected for new dwellings. The future residents would be somewhat isolated from local facilities and services, along with leisure and work opportunity. Thus the location of the site would limit its benefits in terms of the social role of sustainable development and would fail to enhance or maintain the vitality of the rural community as required by the NPPF.

The proposal presents a unsustainable form of development. In principle the proposed dwelling is in direct conflict with Policy 5 of the NELLP and the core principles of the NPPF.

2) Character

The site is very open to the road, Thoroughfare, and the adjacent public footpath. No details have been submitted in relation to possible landscaping or the design of the building. However, the site is isolated in the open countryside and it is considered that the built form itself and associated paraphernalia with the a dwelling would be intrusive and have an adverse impact on the visual amenity of this countryside location. The proposal is therefore considered to be contrary to Policy 5 of the NELLP and the core principles of the NPPF.

3) Other Matters

Objections have been received that relate to the impact on neighbouring properties residential amenities relating to loss of privacy, noise and general disturbance and the impact on the character of the area. With regard to residential amenity the site is of sufficient size and located a reasonable distance from the neighbouring property 'The Thorns' would not have any undue impact in this regard.

Consultee comments have been received from Highways, Drainage, Heritage and Environmental Health. The matters raised by these consultees are not unusual and could be dealt with by suitable conditions.

It is noted that a detailed objection has been received from the 'The Thorns' adjacent. The matters raised within the objection have been considered through the decision making process.

CONCLUSION

In conclusion, it is considered that there is not a justified or identified need for the proposed development and it would not represent a sustainable form of development due to its location and form. Moreover residential development would have an adverse impact on the visual amenity and character of the area due to the sites location and the visual character of the area. As a result the proposal is considered to be in direct conflict with Policy 5 of the NELLP and the NPPF. The application is therefore recommended for refusal.

RECOMMENDATION

Refused

(1) The application site lies outside the development limits of existing settlements in an isolated rural area and no meaningful justification or evidence has been provided. Due to the nature of the development and location of the site, the proposed development represents an unsustainable development in the open countryside. It is contrary to Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and Section 5 of the National Planning Policy Framework.

(2) Due to the sites location within open countryside the proposed development would be an unjustified intrusion into the open countryside causing significant harm to the visual character of the area. This is in direct conflict with Policies 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and the National Planning Policy Framework.

Informatives

1 Informative

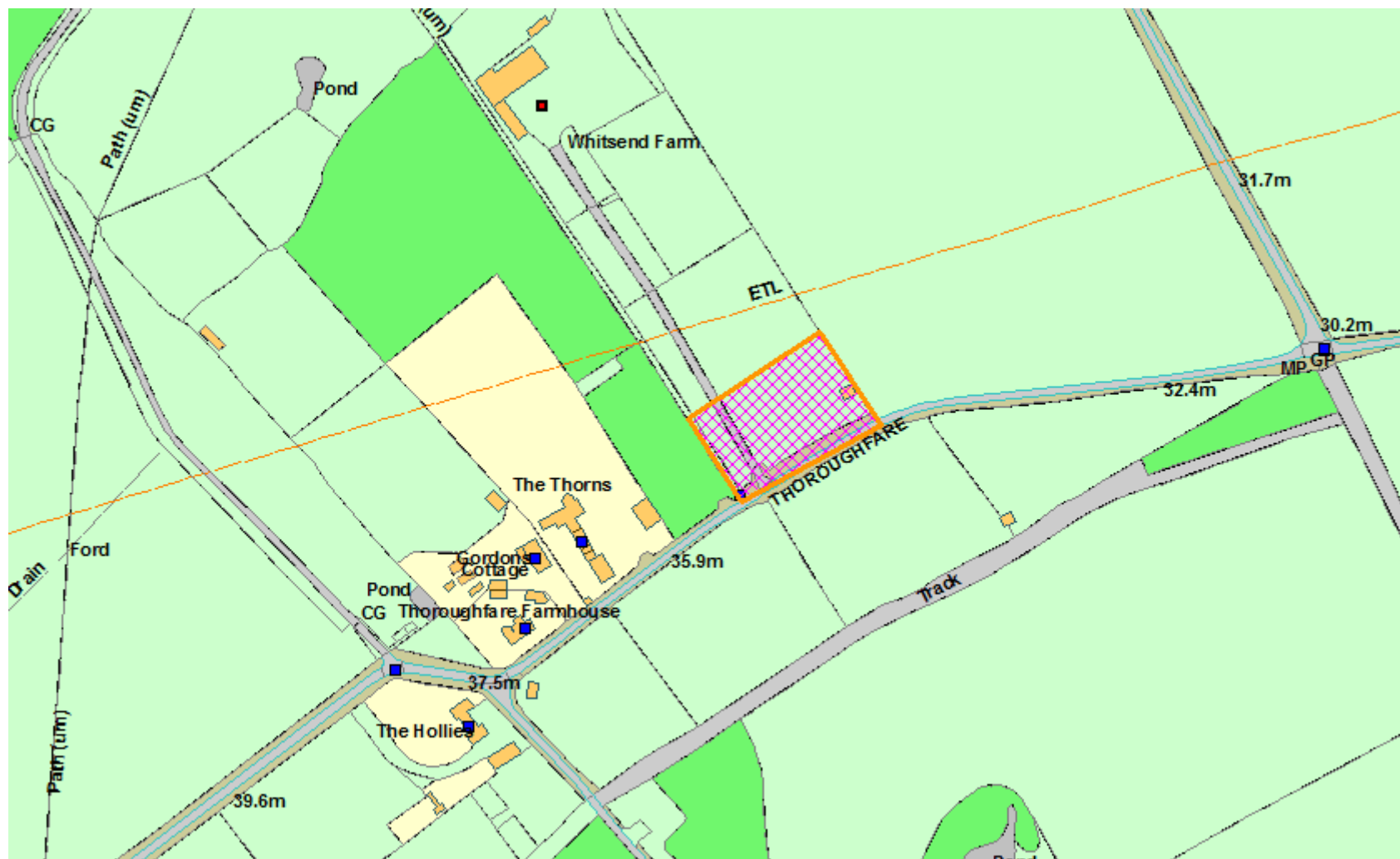
The application has been considered using plans ref: 1282-0002 and 1282-0004.

2 Added Value Statement

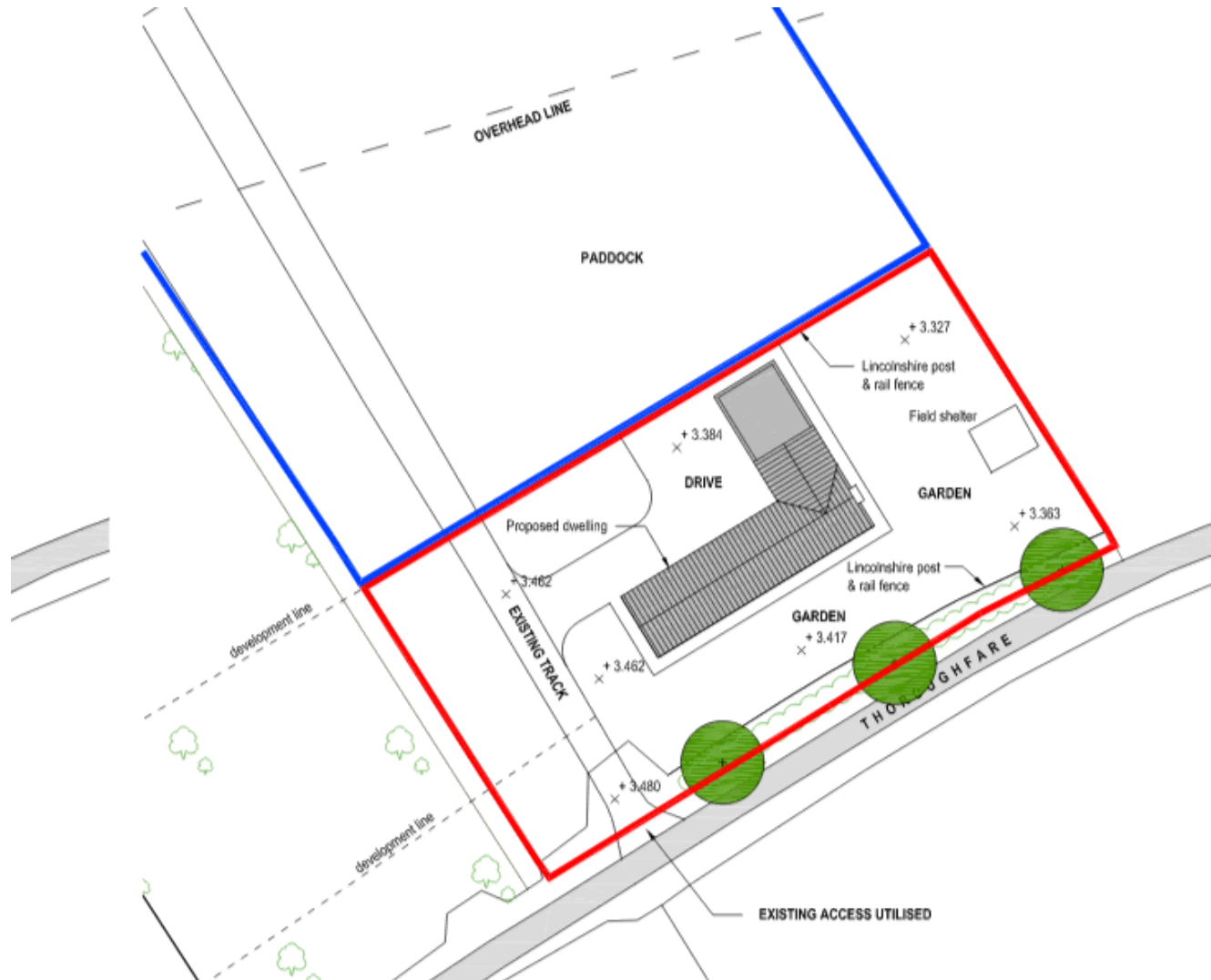
Article 31(1)(cc) Statement - Positive and Proactive Approach

In accordance with paragraph 187 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to problems arising. However, the issues on this application are fundamental and cannot be overcome.

DM/0679/22/FUL – WHITSEND FARM, THOROUGHFARE, ASHBY CUM FENBY



DM/0679/22/FUL – WHITSEND FARM, THOROUGHFARE, ASHBY CUM FENBY



PLANNING COMMITTEE - 1st March 2023

ITEM: 16 **RECOMMENDATION: Refused**

APPLICATION No: DM/0662/22/FUL

APPLICATION TYPE: Full Application

**APPLICATION SITE: 1B Humberston Avenue, Humberston, North East
Lincolnshire, DN36 4SL**

PROPOSAL: Convert existing garage to store, erect single storey garden room at rear of garden to include gym room, hot tub room and store, erect detached four car garage to front, erect perimeter boundary wall, alterations to existing access with double gate and various associated external alterations

APPLICANT:

Mr Kenny Gilmore
1B Humberston Avenue
Humberston
North East Lincolnshire
DN36 4SL

DEPOSITED: 22nd July 2022

AGENT:

Mr Martyn Shepherd
16 Connaught Avenue
Grimsby
DN32 0BS

ACCEPTED: 8th August 2022

TARGET DATE: 3rd October 2022

PUBLICITY EXPIRY: 1st November 2022

**AGREED EXTENSION OF TIME DATE: 3rd
March 2023**

**CONSULTATION EXPIRY: 3rd September
2022**

CASE OFFICER: Jonathan Cadd

PROPOSAL

This application seeks permission to erect a large single storey garden room along the full length of the rear garden boundary and a large quadruple detached garage to the front garden. In addition to this, a front wall with piers and railings and large gates would be erected to the front boundary of the property.

The rear garden room would be 21.9m x 4.8m, constructed of brick with a hipped roof with an eaves of 2.35m in height rising to a ridge of 3.5m. It would accommodate a garden room, store, gym room, hot tub room, sauna and WC.

The garage would be 6.1m x 12.1m with a eaves of 2.35m rising to a ridge of 4.3m and

again built from brick with a hipped roof to match that of the bungalow. It would be positioned 10.8m back from the front boundary wall directly to the western boundary with 1a Humberston Avenue.

Finally, the existing 1.8m high fence at the frontage would be replaced by 2m high wall pillars with a dwarf wall and railings in between. This would angle into the site at the vehicle entrance before raising up to 2.8m high pillars and metal rail gates.

The application is brought to committee at the request of Councillors Shreeve and Harness on the grounds of limited impact on the character of the area due to the significant set back nature of the garage, the lack of uniform street scene and reduction in roof height

SITE

Large detached bungalow set back from Humberston Avenue close to its junction with Peaks Lane. Constructed of brick with a hipped roof and multiple smaller hipped and gabled roofs sections, the property has a detached double garage to the side. Set back from the road the property has a 1.8m high fence to the frontage which includes the vehicle access. To the rear is, in relation to the size of bungalow, a relatively shallow but wide rear garden which is bounded by a 1.8m high fence. The garden at this point is approximately 750mm lower than the bungalow.

Surrounding the site are residential properties, to the west (1A Humberston Avenue) is a similarly set back bungalow with a large front garden, whilst to the east is a detached dormer bungalow (No.1). To the rear two dormer bungalow properties which front Peaks Lane (nos. 4 & 6). One property has a small rear garden whilst the other directly to the rear of 1B has an extensive garden that extends east behind multiple properties on Humberston Avenue. Opposite, to the south are large residential villas.

RELEVANT PLANNING HISTORY

None.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2021)

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

PO38 - Parking

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

REPRESENTATIONS RECEIVED

Humberston Village Council: No actual objection but questions the siting of the proposals right on the boundary with the adjoining properties and would prefer to see access left around the boundary for future maintenance.

Highways: Approve no conditions.

Drainage: Requests surface water condition for sustainable drainage.

Heritage Officer: No input required.

Trees & Woodlands: No comments.

Site Notice and Neighbours:

Object

4 Peaks Lane - The position so close to the garden boundary will limit opportunities to maintain that occupiers fence and gutter that runs to the back of no. 4's garage. Also only have a short back garden so the proposed structure will significantly alter the outlook.

In addition, the applicant has supplied letters via his planning agent from occupiers of 1 and 1A Humberston Avenue and 6 Peaks Lane supporting the proposal and removing their boundary treatment to accommodate the garage and/ garden room.

APPRAISAL

Main issues

- 1) Design and character
- 2) Residential amenity
- 3) Drainage
- 4) Other

Appraisal

1) Design and character

The proposed garden building would be substantial in area and volume but would not be an unattractive design with matching brickwork to the bungalow and shallow hipped roof. Its position to the rear garden would limit views of the structure from public vantage points limiting its impact on the character of the area.

To the front of the property the current fence and brick pillars whilst not visually inoffensive (with similar boundaries to 1A and 1 Humberston Avenue) do little to enhance the character of the area and provide limited views of the substantive garden areas beyond. It is the substantive garden areas and landscaping, as much as the buildings themselves, which create the attractive (verdant) character of Humberston Avenue. The proposed wall and pillars whilst high (2m) would provide large areas of open railings to allow views through to the gardens and beyond enhancing the appearance of the property and wider area. The set back gates and pillars are also not uncharacteristic of this area.

As such both the garden room and boundary treatment to the front would accord with policies: 5 and 22 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

The proposed quadruple garage would be both substantial in size (12m x 6m with an overall height of 4.3m) and highly prominent being positioned 6m forward of the front of the bungalow, albeit set 10.8m back from the street frontage. As noted above, the character of Humberston Avenue is very much predicated not just on the design and scale of the built form but also its substantive landscaped areas which provides development with a low density setting. Whilst the first properties to the northern side of Humberston Avenue are less ornate and expansive than other properties in the area, the scale and openness of front gardens very much maintains the Humberston Avenue character. The proposed garage is of a scale, height and position which would dominate this front garden area appearing not just as a single structure, but more as a continuous mass of development, any gap to the present garage being visually limited and substantively lost due to the scale and extent of development. The openness of the garden area to the bungalow and the low density landscaped characteristics of Humberston Avenue would therefore be replaced with an uncharacteristic mass of development.

It is noted that other garages forward of dwellings have been noted as comparisons, by the applicant, within the Avenue. These are noted but, in each case, show the garage is smaller/ or more open and light weight in terms of the car barn but in each case is positioned within a more expansive or mature landscaped setting which softens its appearance limiting impacts. These structures are also generally smaller than the current proposal being only double garages subsidiary to the main house. It must also be noted that an existing garage is proposed to be converted, over which the LPA has little control, indicating that current parking provision is proposed to be lost too, but also adding to the overall level of development on site.

The proposed garage would also lead, due to the need for vehicle manoeuvres to a substantial increase in hard surfacing to the front garden losing the majority of the open garden, again significantly detracting from the character of Humberston Avenue. Whilst other properties use gravel as part of their landscaping it is clear that this area would be kept clear for vehicle manoeuvring. It is noted that the applicant proposes a small, landscaped area to the frontage including three trees, but this would only partially mitigate the impact due to the limited space left to provide screening. This loss is a direct result of the proposed garage.

Finally, the design of the garage itself, leaving aside its position and scale is not unattractive, but is somewhat dominated by two double garage doors which emphasise the scale of the structure compared to the more traditional scale of development.

In overall terms, the garage proposal and hard surfacing would detract from the open landscaped setting of Humberston Avenue contrary to policies: 5 and 22 of the NELLP.

2) Residential amenity

The proposed garden room would be located to the rear of the garden almost directly to the boundary (albeit 700mm off to north eastern side) of the adjoining properties to the west and north. It would extend almost across the full rear width of the property (21.9m compared to a garden width of 22.4m). The design, as noted previously, is brick with a pitched roof (ridge 3.5m in height). Due to the nature of the set back to dwellings in this part of Humberston Avenue the properties surrounding the application site to the north are in close proximity to the rear garden boundary of 1B. This is particularly true of 6 Peaks Lane and to a lesser extent no. 4. Here the sheer length of the proposed garden room would extend and be experienced almost immediately to side of the main rear elevation of that property and its conservatory. Whilst a 3.5m height pitched roof configuration is not unreasonable, this coupled with the sheer length of the proposed building (21.9m) would dominate this part of the garden. It is often the case that occupiers use the areas around the rear elevations of their homes the most, and this being the case, this substantial new building proposed would dominate this area to the detriment of residential amenity. It is noted that the affected property has an extraordinarily long rear garden, but nevertheless, as noted, it is often the case that socialising, and relaxing is done closest to the actual house. It is noted, however, that there would be no substantial losses of light or privacy from the proposal.

The impact on 4 Peaks Lane would be different and mitigated in part by their own garage to the rear corner of the property. The outlook from this shallow rear garden of that property would, however, be changed by the proposal and there would be additional mass experienced as a result of the proposal, but this would not be of such a level to justify a recommendation for refusal.

What is not clear is the potential impact of any noise, nuisance or emissions from any machinery or equipment utilised for the hot-tub and sauna and this could, due to its

position have a further impact on amenity. Whilst such details could have been provided, given the issues in principle it is not been appropriate to put the applicant to additional cost to provide such details at this stage.

The proposed garage to the front of the dwelling is another large structure located to the property boundary, indeed it would create a new boundary to 1A Humberston Avenue. Although the bungalow at 1A Humberston Avenue, is positioned some 4m from the boundary with the application site, the forward position of the proposed garage, its 12m length and 4.3m high ridge is such that this quadruple garage would unacceptably dominate the outlook from the closest habitable room and front garden of this adjoining property to the detriment of residential amenity.

It is not considered that the wall/ railings and gates would have a detrimental impact on amenity due to their position and nature.

It should be noted that requests to reduce the scale of development at the site, to limit impacts have been made but have, on the whole, been resisted by the applicant. As a result, it is considered that the proposal would detract from adjoining occupiers' amenities contrary to policy 5 of the NELLP.

3) Drainage

The latest plans provided show that the driveway, garage and garden room would all be drained sustainably into the water butts and or gravelled areas which can then be utilised to water the garden in times of drought or naturally soak away. At the time of writing the drainage team were considering the proposals and capacity. If not deemed acceptable a condition relating to surface water drainage could be imposed.

4) Other

The highways team have not objected to the gates and railings in terms of highway safety and are deemed to accord with policies 5 and 22 of the NELLP.

CONCLUSION

The position, size and scale of the proposed garden room building to the rear and the quadruple garage to the front are such that they would dominate the outlook and enjoyment of habitable and recreational areas to the detriment of adjoining occupiers residential amenities. In addition to this, the forward position, design, size and scale of the quadruple garage to the front garden would detract from the appearance of the property and the character of this part of Humberston Avenue. As such the proposal would be contrary to policies: 5 and 22 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

RECOMMENDATION

Refused

(1) The position, size and scale of the proposed garden room building to the rear and the quadruple garage to the front are such that they would dominate the outlook and enjoyment of habitable and recreational areas to the detriment of adjoining occupiers residential amenities. In addition to this, the forward position, design, size and scale of the quadruple garage to the front garden would detract from the appearance of the property and the character of this part of Humberston Avenue. As such the proposal would be contrary to policies: 5 and 22 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018) and the provisions of the National Planning Policy Framework (2021).

Informatives

1 Informative

This decision relates to the following plans:

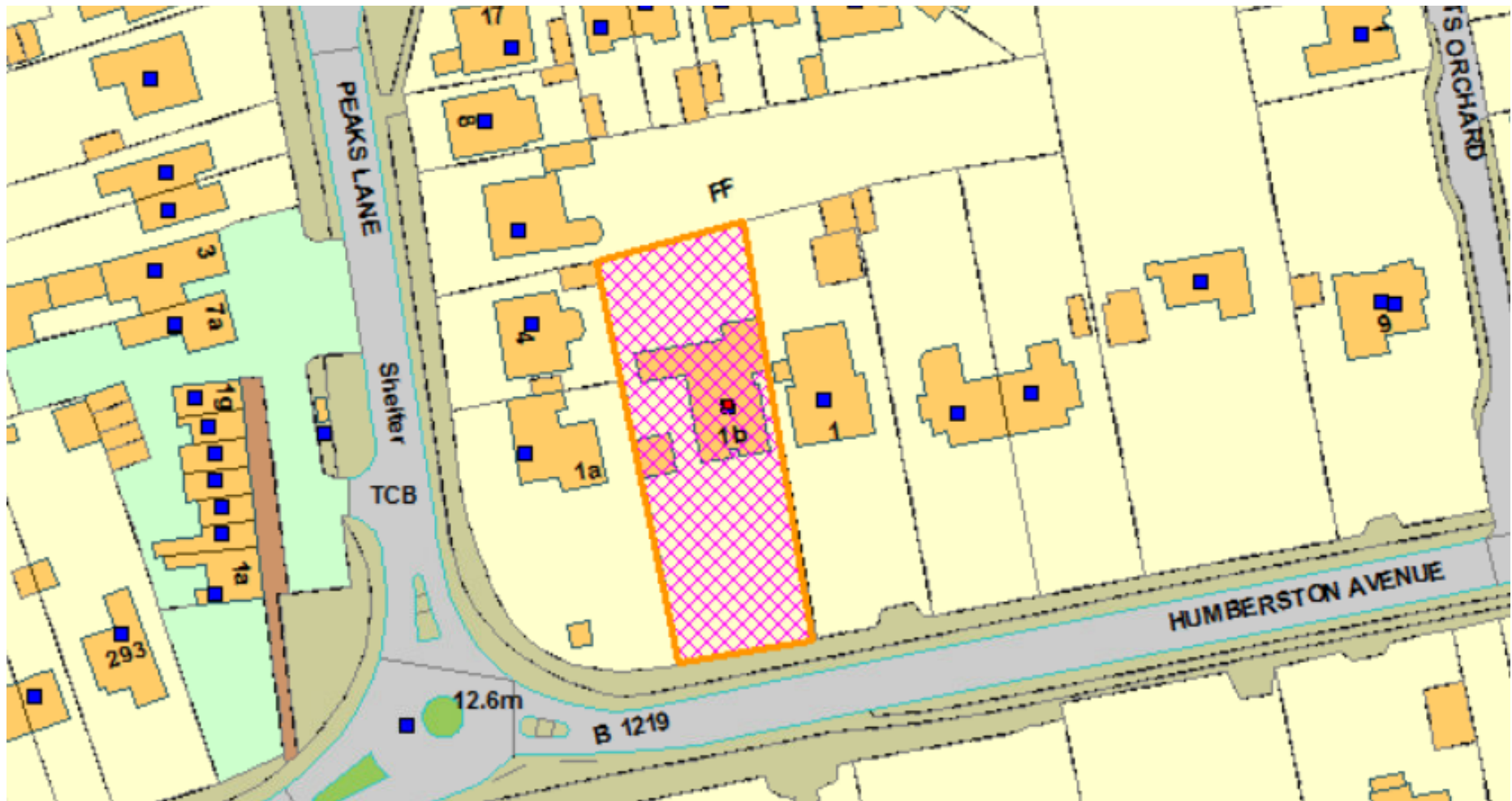
- Site Location Plan
- Proposed Garage Plans and Elevations - 1
- Proposed Garden Room Plans and Elevations - 2 REV B
- Proposed Block Plan and Garage Plans - 3
- Proposed Site Plan with Wall and Railings - 4 REV B

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 but has been unable to come to an accepted alternative.

DM/0662/22/FUL – 1B HUMBERSTON AVENUE, HUMBERSTON



DM/0662/22/FUL – 1B HUMBERSTON AVENUE, HUMBERSTON



PLANNING COMMITTEE - 1st March 2023

ITEM: 17 **RECOMMENDATION: Approved with Conditions**

APPLICATION No: DM/0745/21/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Cartergate Car Park, Chantry Lane, Grimsby, North East Lincolnshire,

PROPOSAL: Removal of Condition 1 (Temporary Consent) pursuant to DM/0168/20/FUL to retain car park with proposed new attendants hut and associated works - amended plans January 2023

APPLICANT:

Pelham Developments (Grimsby) Ltd
C/O Addison Planning
Floor 3 Calls Landing
36-38 The Calls
Leeds
LS2 7EW

AGENT:

Mr Jay Everett
Addison Planning Consultants Ltd
Floor 3 Calls Landing
36-38 The Calls
Leeds
LS2 7EW

DEPOSITED: 21st July 2021

ACCEPTED: 21st July 2021

TARGET DATE: 15th September 2021

PUBLICITY EXPIRY: 12th February 2023

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 16th August 2021

CASE OFFICER: Cheryl Jarvis

PROPOSAL

This application seeks permission to remove condition 1 pursuant to DM/0168/20/FUL to allow permanent retention of the car park with proposed new attendants hut and associated works to resurface the car park and add landscaping.

The application is brought to planning committee as it represents a departure from the NELLP.

SITE

The site comprises a roughly rectangular parcel of land within Grimsby close to the main town centre. It sits to the west side of Cartergate bordered by residential dwellings to the west, residential and commercial buildings to the north, the Wilkin and Chapman building to the northeast and an area of open land opposite. To the south beyond the footpath and railway line are further residential dwellings. The area is therefore inherently one of mixed character.

The site is within the Wellow Conservation Area and has a number of protected trees to its boundaries. It is informally laid out as a car park currently with cones used to delineate parking areas. There is also a steel container acting as an attendants hut. The surface appears to be a mix of hardcore.

RELEVANT PLANNING HISTORY

DC/187/09/WMA - Retain change of use and alterations of vacant development land to use as a car park and to retain steel container, all for a temporary period of 12 months - Approved limited period.

DC/368/10/WMA - Variation of condition 1 (limited time period) attached to planning application reference DC/187/09/WMA - Approved limited period.

DC/59/11/WMA - Variation of Condition 1 attached to planning permission
DC/368/10/WMA to retain vacant development land to use as a car park and to retain steel container for a further 3 year period - Approved limited period.

DM/0635/14/FUL - Variation of Condition 1 (time period) attached to DC/59/11/WMA to use land as car park for a further 2 years - Approved limited period.

DM/1027/16/FUL - Retrospective application for change of use of land to provide temporary car park and container for a further two years - Approved limited period.

DM/1049/18/FUL - Variation of Condition 1 (Temporary Time Limit) as granted on DM/1027/16/FUL for revision to obtain a further two years until 21st December 2020 - Approved limited period.

DM/0168/20/FUL - Retention of use of land as car park and siting of container for use as car park office. Approved limited period expiring 30th June 2025.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2021)

NPPF6 - Building a strong, competitive economy

NPPF9 - Promoting sustainable transport

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
PO13 - Housing allocations
PO22 - Good design in new developments
PO33 - Flood risk
PO34 - Water management
PO36 - Promoting sustainable transport
PO38 - Parking
PO39 - Conserve and enhance historic environ
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

Drainage - Advise that the proposed surface water attenuation system is acceptable.

Network Rail - No objections and no further comments to add.

Environment Team - No objections.

Heritage Officer - The proposal would be a significant improvement with minimal ground impacts, no objections.

Highways - Content following amended plans and no conditions requested.

Trees and Woodlands - Concerns regarding the future impact on the trees. Whilst physical impacts could be mitigated through an arboricultural method statement it is the future pressure for works through a TPO application which is the concern. That being from branches, leaf litter and bird faeces landing on cars underneath, creating pressure for excessive works, reductions or removal.

Neighbours - None received following consultation and site notice.

APPRAISAL

Material Planning Considerations

1. Principle of Development and History;
2. Design, Heritage and Character;
3. Impact to Amenity;
4. Highways and Parking;
5. Drainage and Flood Risk;
6. Trees.

1. Principle of Development and History;

The site is within the development boundary, close to the main town centre area. Policy 5 is the overarching policy for development, this policy does not in itself seek to preclude development of this nature but to ensure a site specific assessment of its impacts are undertaken. These are as set out in the report.

Importantly however, is the site history and the sites specific allocation in the NELLP. The site is currently allocated for housing under reference HOU037 (Policy 13) and has an expected capacity for around 14 dwellings. The history is well documented and includes a series of temporary permissions spanning more than 10 years. More recently, the justification of only allowing temporary permission was on the basis that the Local Authority needed to monitor the change in the market. Planning guidance in more recent years has been clear that Local Authorities should not keep granting temporary consents, but should establish whether a proposal is suitable for permanent use at the earliest opportunity. There are no known issues raised by consultees in regards to the car parks continued operation over the years.

Whilst the site has an allocation, there is nothing in this proposal which prevents a developer coming forward. Nor does it compromise future or further development. Policy 13 merely identifies the site as a housing allocation but it does not explicitly restrict other development. What the proposal does do, is provide a sustainable revenue stream for the applicant in the intervening period, particularly at a time when markets and the economy are not stable. This view is supported in an independent valuation report which accompanies the application. Furthermore, it provides investment in the site which would upgrade its quality and contribution to the local area.

Additionally, consideration needs to be given as to whether the permanent use of the site as a car park would undermine sustainable travel. In this respect, the car park is existing and has been for a number of years and still has consent till 2025. There is no car parking strategy that seeks to limit car parking numbers close to the town centre and it is noted that redevelopment proposals involving loss of parking areas within grimsby town centre will also reduce current parking provision in the next few years. This proposal would not undermine sustainable travel projects proposed or projected.

Thus, whilst on a technical point the application departs from the site's allocation in the NELLP, it is seen as acceptable and compatible in this location and as such accords with Policies 5, 36 and 38 of the NELLP.

2. Design, Heritage and Character;

Policy 5 requires an assessment on the character of the area, with Policy 22 seeking a good level of design and Policy 39 seeking to preserve or enhance the Conservation Area.

The car park as it stands adds little to the visual appearance of the area. The hard surface is well worn in places, there are a number of moveable cones and a steel attendants container on the site. It very much appears as a temporary use. The proposals which seek to upgrade the car park for its permanent use comprise of resurfacing works which would see bays laid out in a formal way with a circulation route around. Landscaping would be retained and in places enhanced through low level planting. The new attendants hut would be small and low level but with a more sympathetic and suitable finish. Overall, the proposals would result in a visual enhancement to the site, street scene and wider Conservation Area. The Heritage Officer concurs with this view.

Thus, the proposals would accord with Policies 5, 22 and 39 of the NELLP.

3. Impact to Amenity;

Policy 5 requires an assessment to be made on neighbouring land users.

Firstly, no representations from neighbours have been received as part of this application. The site is very much established as a car park and has been for many years. This lack of concern highlights that the car park operates at acceptable levels. These proposals formalise the car park and resurface it, which is likely to be a betterment in terms of overall disturbance. It is not considered the proposal on a permanent basis would intensify to a level that would be detrimental to neighbours. The landscaping that would remain would continue to mitigate some of the effects from general noise and disturbance from moving cars and car doors opening and shutting. The new attendants hut would be focused to the east away from neighbouring boundaries.

As such, the proposal would not harm neighbours and would accord with Policy 5 of the NELLP.

4. Highways and Parking;

Policy 5 requires that suitable access is achieved to serve development with Policy 38 setting out the requirements for parking.

Access to the car park would remain unchanged. This retains visibility in both directions along Cartergate. The car park itself would be formalised through a new surface with marked out bays with a circulation route around the car park. 62 spaces are proposed, 4 of which would be allocated for disabled use. This aligns with Policy 38 which requires at least 5% of all spaces to be allocated for disabled use.

Highway Officers have visited the site and reviewed the amended plans and consider the proposal to be acceptable in highway safety and amenity terms. Previous highway work that was requested has already been undertaken. The proposal therefore accords with Policies 5 and 38 of the NELLP.

5. Drainage and Flood Risk;

Policy 33 seeks to reduce the risk and impact of flooding with Policy 34 requiring appropriate water management for development.

The site is outside of flood risk and the proposal does not change the site's vulnerability.

As the proposal seeks to change the hard surface, a full drainage strategy has been supplied. A percolation report confirms the ground unsuitable for soakaways. Thus, the drainage strategy proposes a large cellular storage area under the car park with an orifice plate to restrict discharge rates. A maintenance and management schedule has also been provided which demonstrates the actions to be taken to ensure the system remains fit for purpose in the longer term.

The Drainage Officer has confirmed that the strategy is acceptable and subject to conditions securing implementation and future management, the proposal accords with Policies 5, 33 and 34 of the NELLP.

6. Trees

Policy 42 seeks to preserve or enhance the natural landscape.

There are a number of trees with preservation orders on which bound the site perimeter. At present temporary cones are used to direct cars and to provide an indication of parking areas. Whilst this is the case there is no restriction in being able to park anywhere on the site. The proposal would formalise the car park through a new hard surface and marking out of bays which includes land to the south and west. Some of the parking bays are located close to the protected trees and essentially would sit underneath the trees canopies which are relatively low.

Discussions have taken place with the Tree Officer which has resulted in a number of spaces being removed from the scheme. The Tree officer agrees that in relation to the wider resurfacing, an arboricultural method statement would be necessary to ensure tree roots are not damaged during works. The Tree Officer however remains concerned about the longer term impacts of the car park by allowing parking bays close to the trees. The

removal of spaces has greatly assisted in this regard. It is accepted that there remains a risk to cars parking close to the underneath of these trees, as there is in many developments, from leaf litter, branches etc. This however, would be the choice of the car driver to choose whether or not to park in these locations, doing so at their own risk in the knowledge that the trees are there. Furthermore, whilst there could be pressure for TPO applications for work in the future, this does not mean that the Tree Officer has to support them if the works are considered harmful or excessive. Whilst these concerns are recognised, it is considered that in this instance where the land use is a car park (and not say someone's private garden), the risks are lower and indeed can be captured through other routes should the need arise.

Thus, with the condition highlighted, the proposal is seen to accord with Policy 42 of the NELLP.

CONCLUSION

To conclude it is considered that the permanent use of the site as a car park would not prejudice the site's allocation for housing and as a result of the proposed changes brings about positive visual enhancements to the character of the area and to neighbours. Matters relating to drainage and trees can be conditioned.

It is recommended for approval.

RECOMMENDATION

Approved with Conditions

(1) Condition

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

Reason

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

(2) Condition

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

- 1982.102 - P01 Proposed Floor Plans
- 1982.103 - P01 Proposed Elevations
- Landscape Plan - 1982.103 Rev P02

Approved under DM/0168/20/FUL:

- Site Location Plan, Block Plan and Site Plans - 1982.P201

Reason

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

(3) Condition

Drainage shall be installed as shown on Drg DR-C-0100 rev P1. All drainage shall be installed and be fully connected before the car park is brought back into use. Following installation, the drainage system shall be managed and maintained in accordance with the Surface Water Drainage Maintenance and Management Schedule - 22758 in perpetuity unless otherwise submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure adequate surface water drainage measures are in place and to accord with Policies 5, 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(4) Condition

Before any works to the car park are commenced the following shall be submitted to and approved in writing by the Local Planning Authority:

- Tree constraints plan;
- Tree protection plan;
- Arboricultural method statement, which accounts for any changes in ground level;
- landscape management plan; and
- Final landscaping plan.

All tree protection shall be installed as agreed before works on site commence. The scheme of landscaping as approved 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. The landscaping shall be managed as approved thereafter.

Reason

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

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 local amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 5, 22, 33, 34, 38, 39 and 42.

2 Added Value Statement

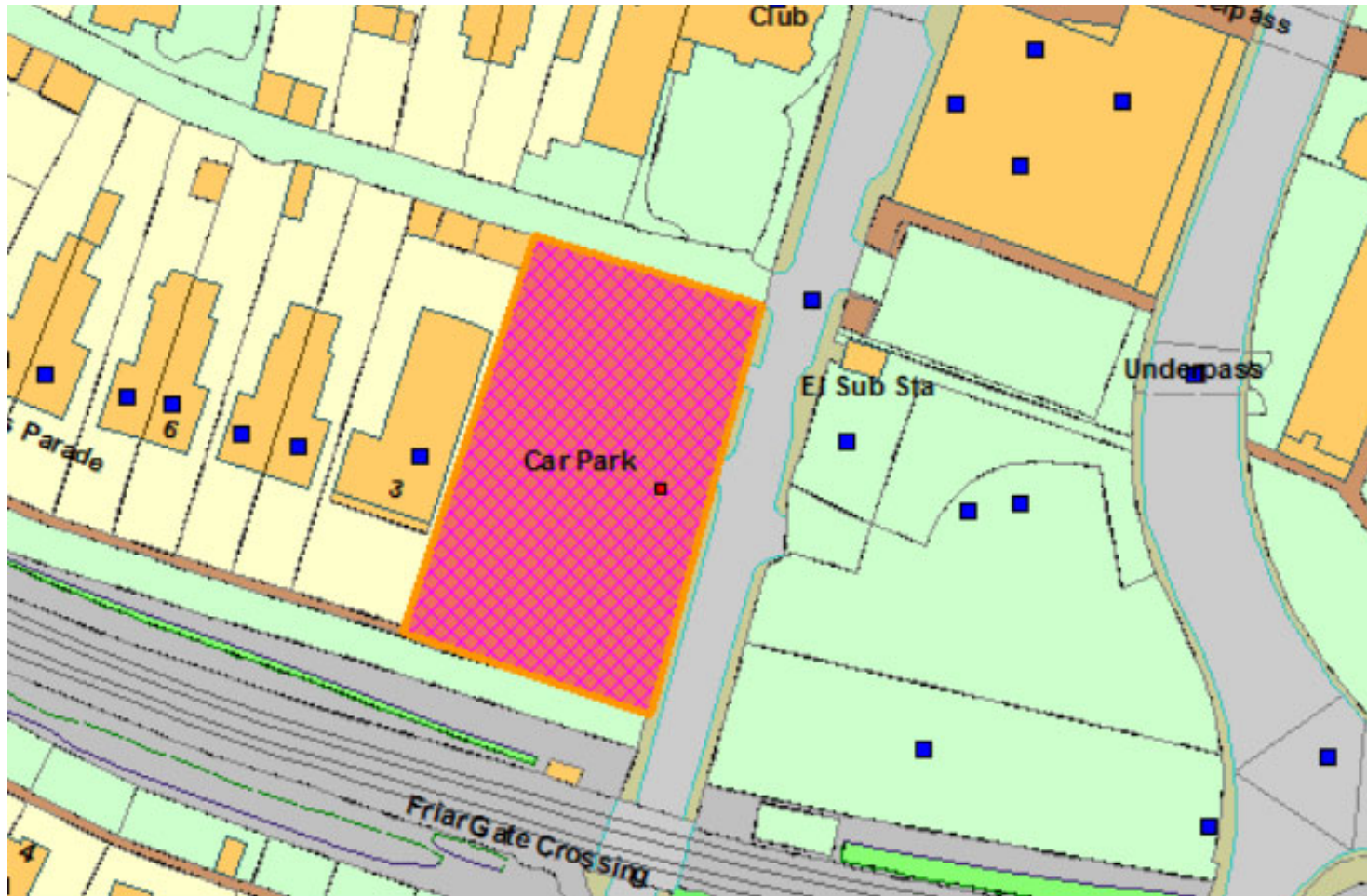
Article 31(1)(cc) Statement - Positive and Proactive Approach

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

DM/0745/21/FUL – CARTERGATE CAR PARK, CHANTRY LANE, GRIMSBY



[illegible]