

Planning Committee Dated: 9th August 2023

Summary List of Detailed Plans and Applications

	Recommendation: Approved with Conditions
Item:	1
Application No:	DM/0355/23/FUL
Application Type:	Full Application
Application Site:	Kingsway Club 3 Kingsway Cleethorpes North East Lincolnshire
Proposal:	Variation of Condition 2 (Limited Period) and 6 (Hours of Operation) pursuant to DM/0554/21/FUL to extend limited period and increase hours of operation up to 12 am (Management Plan received 10th July 2023 to detail mitigation methods for rear beer garden)
Applicant:	Mr David Oglesby
Case Officer:	Bethany Loring

	Recommendation: Approved with Conditions
Item:	2
Application No:	DM/0558/23/FUL
Application Type:	Full Application
Application Site:	23 Sterling Crescent Waltham North East Lincolnshire DN37 0DW
Proposal:	Variation of Condition 2 (Approved Plans) as granted on DM/0897/22/FUL to amend the location of the extension, addition of rooflights to the rear extension and other minor windows changes
Applicant:	Mr G Krebs
Case Officer:	Emily Davidson

Recommendation: Prior Approval Granted

Item: 3

Application No: DM/0573/23/PAT

Application Type: Prior Approval - Telecom

Application Site: Land West Of Winchester Avenue Grimsby North East Lincolnshire

Proposal: Prior approval for proposed telecommunications installation for 15.0m high slim line Monopole mast and associated ancillary works

Applicant: CK Hutchinson Networks (UK) Ltd

Case Officer: Owen Toop

Recommendation: Prior Approval Granted

Item: 4

Application No: DM/0597/23/PAT

Application Type: Prior Approval - Telecom

Application Site: Land Outside Of Lindsey Hall Nursing Home Clee Road Cleethorpes

Proposal: Prior approval for 15m monopole, 2no. equipment cabinets with associated meter cabinet and ancillary development

Applicant: Three UK Limited

Case Officer: Owen Toop

Recommendation: Approved with Conditions

Item: 5

Application No: DM/0324/23/FULA

Application Type: Accredited Agent - Homeholder application

Application Site: 21 Church Lane Humberston North East Lincolnshire DN36 4HZ

Proposal: Alterations and extensions to include two storey rear extensions, first floor side extension with car port below, two storey extension to side and two storey extension to front. Loft conversion with roof lights and alterations to roof. Alterations to driveway and new landscaping to front and side boundary

Applicant: Ms Nicola Curtis

Case Officer: Owen Toop

Recommendation: Approved with Conditions

Item: 6

Application No: DM/0152/23/FUL

Application Type: Full Application

Application Site: Mariners Service Station 196 Waltham Road Grimsby North East Lincolnshire

Proposal: Demolition of car wash and plant room and the creation of car charging zones, including erection of EV chargers and erection of canopy, sub-station enclosure and associated forecourt works (amended plans)

Applicant: Motor Fuel Group

Case Officer: Jonathan Cadd

Recommendation: Refused

Item: 7

Application No: DM/0508/23/OUT

Application Type: Outline Application

Application Site: Land Off Habrough Road Immingham North East Lincolnshire

Proposal: Outline application for the erection of 7 dwellings with associated access and landscaping (All matters reserved)

Applicant: Mr and Mrs Midgley

Case Officer: Jonathan Cadd

Recommendation: Approved with Conditions

Item: 8

Application No: DM/0444/23/OUT

Application Type: Outline Application

Application Site: 153 Humberston Avenue Humberston North East Lincolnshire DN36 4SX

Proposal: Outline application for the erection of 3 dwellings with access to be considered

Applicant: Dr A Kumar

Case Officer: Bethany Loring

Recommendation: Approved with Conditions

Item: 9

Application No: DM/0690/22/FULA

Application Type: Accredited Agent - Homeholder application

Application Site: 182 Humberston Fitties Humberston North East Lincolnshire DN36 4HE

Proposal: Demolish existing conservatory, erect single storey rear extension with cladding, install decking with access ramp to side and various associated alterations

Applicant: Mrs Jean Bradley

Case Officer: Owen Toop

	Recommendation: Approved with Conditions
Item:	10
Application No:	DM/0137/23/FULA
Application Type:	Accredit Agnt - Hseholder application
Application Site:	2 Humberston Avenue Humberston North East Lincolnshire DN36 4SJ
Proposal:	Erect single storey home gym with associated works - amended block plan received 4th July 2023
Applicant:	Mrs Sarah Mcquillan
Case Officer:	Becca Soulsby

	Recommendation: Approved with Conditions
Item:	11
Application No:	DM/0530/23/FUL
Application Type:	Full Application
Application Site:	Flat 5 1 - 5 Corporation Road Grimsby North East Lincolnshire
Proposal:	Retrospective application to erect first floor side extension with associated internal and external works
Applicant:	Mrs Tanya Brasted
Case Officer:	Bethany Loring

PLANNING COMMITTEE - 9th August 2023

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

APPLICATION No: DM/0355/23/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Kingsway Club, 3 Kingsway, Cleethorpes, North East Lincolnshire, DN35 8QU

PROPOSAL: Variation of Condition 2 (Limited Period) and 6 (Hours of Operation) pursuant to DM/0554/21/FUL to extend limited period and increase hours of operation up to 12 am (Management Plan received 10th July 2023 to detail mitigation methods for rear beer garden)

APPLICANT:

Mr David Oglesby
The Kingsway Club Ltd
Kingsway Club
3 Kingsway
Cleethorpes
North East Lincolnshire
DN35 8QU

AGENT:

DEPOSITED: 17th April 2023

ACCEPTED: 3rd May 2023

TARGET DATE: 28th June 2023

PUBLICITY EXPIRY: 3rd August 2023

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 27th May 2023

CASE OFFICER: Bethany Loring

PROPOSAL

The application seeks planning permission to vary condition 2 (Limited Period) and 6 (Hours of Operation) pursuant to DM/0554/21/FUL to extend limited period and increase hours of operation up to 12am.

The application had been presented to Planning Committee due to the number of objections received in June 2023. However, the application was deferred for further discussions relating to the rear beer garden. Since then, negotiations have taken place and a Management Plan has been produced to help address the concerns raised.

SITE

3 Kingsway, known as the Kingsway Club in Cleethorpes is a mid-terraced, two storey mixed use property. The ground floor of the property is an office and the implemented bar. The upper floor of the property is a members club but is part of the single premises licence. The property is located adjacent to the Cleethorpes Central Seafront Conservation Area. Adjacent properties are varied in use and include drinking establishments, retail shops and cafes. There are also some first floor residential flats.

RELEVANT PLANNING HISTORY

DM/0037/19/FUL - Change of use from office at ground floor to create a deli/bar and members club at first floor to bar/restaurant with alterations to front elevation and associated works including outside seating to the front. Withdrawn.

DM/0554/21/FUL - Partial change of use at ground floor from office to bar, alterations to doors and windows and creation of outdoor seating area to front with associated works - Approved Limited Period

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

Environment Team - No issues with frontage seating with condition relating to the removal of the seating by 11pm. Happy to accept extended hours given the use at first

floor. Management plan acceptable.

Drainage Team - No drainage comments.

Heritage Officer - No input required.

Highways Team - Approval no conditions.

Environment Agency - No objection.

Neighbour Representation

3 Brighton Street (x2) - Objects based on concerns relating to noise and disturbance, smoke nuisance, aggressive behaviour and use of rear beer garden.

Leaking Boot Restaurant, 2 Kingsway (x2) - Objects based on concerns relating to noise and anti-social behaviour.

4-5 Kingsway - Objects based on concerns relating to noise, smoke and anti-social behaviour.

First Floor, 4-5 Kingsway - Objects based on concerns relating to noise, smoke and parking.

Second Floor, 4-5 Kingsway - Objects based on concerns relating to noise, smoke and parking.

7 Kingsway - Objects based on concerns relating to noise and parking.

First Floor, 7 Kingsway - Objects based on concerns relating to noise, parking and privacy.

9 Kingsway Court - Supports application for increased hours.

Flat 4, Kingsway - Objects based on concerns relating to smoke and noise and anti-social behaviour of patrons.

APPRAISAL

Principal of Development

The application site is within the development area of Cleethorpes (policy 5) and is currently a bar. The premises is located close to the resort area (policy 12) and Cleethorpes Town Centre (policy 23). It is not unusual to see outdoor seating associated with drinking establishments in this area as well as the wider resort.

The planning history is as noted and includes the previous permission for the use of the site as a bar subject to opening hours. It also included the use of the frontage for outside seating but subject to a temporary approval. The application seeks to renew the permission for the seating on a permanent basis removing the temporary nature of the siting of the seating to the front and to extend the hours of opening for the premises to 12am, an increase of one hour.

Visual Character and Heritage

The external seating area comprises of non-permanent furniture, which would be removed from the frontage each night. The impacts of it are therefore reversible and transient. The nature of the seating, tables and barriers are not an uncommon form of street furniture seen elsewhere in the resort and so, are not considered to be out of character.

The site is within Cleethorpes Central Conservation Area. The Heritage Officer has reviewed the details and raises no objections.

Therefore, it is considered that the proposal accords with policies 5, 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) in relation to design and heritage.

Highways

The seating area does project from the front of the building but provides sufficient footpath to allow the free flow of pedestrian movement. The seating would not be on the adopted highway and on this basis the Highways Officer raises no objections.

It is noted that some neighbours have raised some concerns relating to parking and obstruction. However, this cannot be controlled by the planning process nor is this relevant to the application. It must be noted that the use of the premises as a bar has already been approved and been implemented.

Therefore in highway terms it is considered that it accords with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

Residential, Holiday and Business Amenities

There have been numerous objections from neighbours surrounding the site along Kingsway and Brighton Street. These largely relate to noise and disturbance, smoke nuisance, anti-social behaviour, use of rear beer garden and frontage area, parking and privacy.

The extended hours of operation would see the premises open for an additional hour. It is important to note that the existing licensed premises above operates to 12 am already and that this is accessed via the ground floor for entry and exit. The premises operates

under one premises license also and the bar is not separate in licensing terms. Moreover there are other licensed premises in the locality which open to this time. Having regard to the close physical and operating relationship with the upstairs and the location of the premises it is not considered that there are grounds to object to the extended opening hours. The Councils Environmental Health Officer raises no objection.

With regards to the external seating area to the front this is a common occurrence at licensed premises in the resort. Again licence premises in close proximity have external seating areas. Having regard to the advice of the Environmental Health Officer no objections are raised to the retention of the frontage area though it is considered that this should have a 11.00pm limit after which chairs and tables shall be removed.

It is noted that the Environment Team have received some complaints relating to the rear beer garden and this has been investigated previously. As a result, some management and mitigation measures have been agreed and adopted for the site to include restricting the use of the rear beer garden after 9pm in order to reduce noise and disturbance to residents. It should be noted that whilst the ground floor premises can access this area it is an area which was already established and did not form part of the planning permission granted for the downstairs area. It is not therefore controlled by the permission which relates to this site.

Further to the initial committee meeting, the application was deferred for further discussions surrounding the concerns relating to the rear beer garden. A meeting was held with the applicant, Environment Health Officers and Planning Officers in order to establish whether mitigation relating to smoke and noise nuisance from the property was possible. The applicants have provided an additional management plan which relates to the rear of the premises and in particular states that this area will not be used as an outside seating area between 9.00pm and 12 noon the following day. They also confirm that they are happy for this to be a condition of this approval providing additional controls which were not previously imposed. In planning terms this provides betterment.

The Environmental Health Officer have reviewed the document and confirmed that they are happy with the details. It is therefore considered that the proposal includes further mitigation methods in order to reduce the impacts of smoke and noise to occupiers of nearby accommodation.

Having regard to the above it is considered that subject to conditions that the proposal accords with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) in relation to amenity.

CONCLUSION

The proposal would be in-keeping with the existing property, wider area and adjacent Conservation Area. The proposal would also not give rise to adverse impacts in terms of residential and business amenity. The application can therefore be approved 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 2021, subject to a number of safeguarding conditions.

RECOMMENDATION

Approved with Conditions

(1) Condition

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

As approved under DM/0554/21/FUL;

Site Location Plan, Block Plan, Proposed Floor Plans and Elevations - 21022.010 REV B

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).

(2) Condition

There shall be no loudspeakers or amplified entertainment used at anytime in any external location.

Reason

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

(3) Condition

The premises shall not be open for trading outside the hours of 9am and 12am on any day.

Reason

Using the premises outside these hours would be detrimental to residential amenity by virtue of noise and disturbance and in the interests of character in accordance with policy 5, 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(4) Condition

The outside seating area, tables and associated screens and items hereby approved shall be removed from the frontage, and stored inside the premises, between 11pm and 9am the following day.

Reason

In the interests of protecting local amenity in terms of noise and disturbance and in the interests of crime prevention and safety and to accord to Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(5) Condition

The rear beer garden shall operate in strict accordance with the submitted Management Plan, received 10th July, by Dave and Denise Oglesby (The Kingsway Club Ltd) including the mitigation measures outlined at all times unless otherwise agreed with the Local Planning Authority.

Reason

In the interests of protecting local amenity in terms of noise and disturbance and to accord to 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 determining the application in a timely manner.

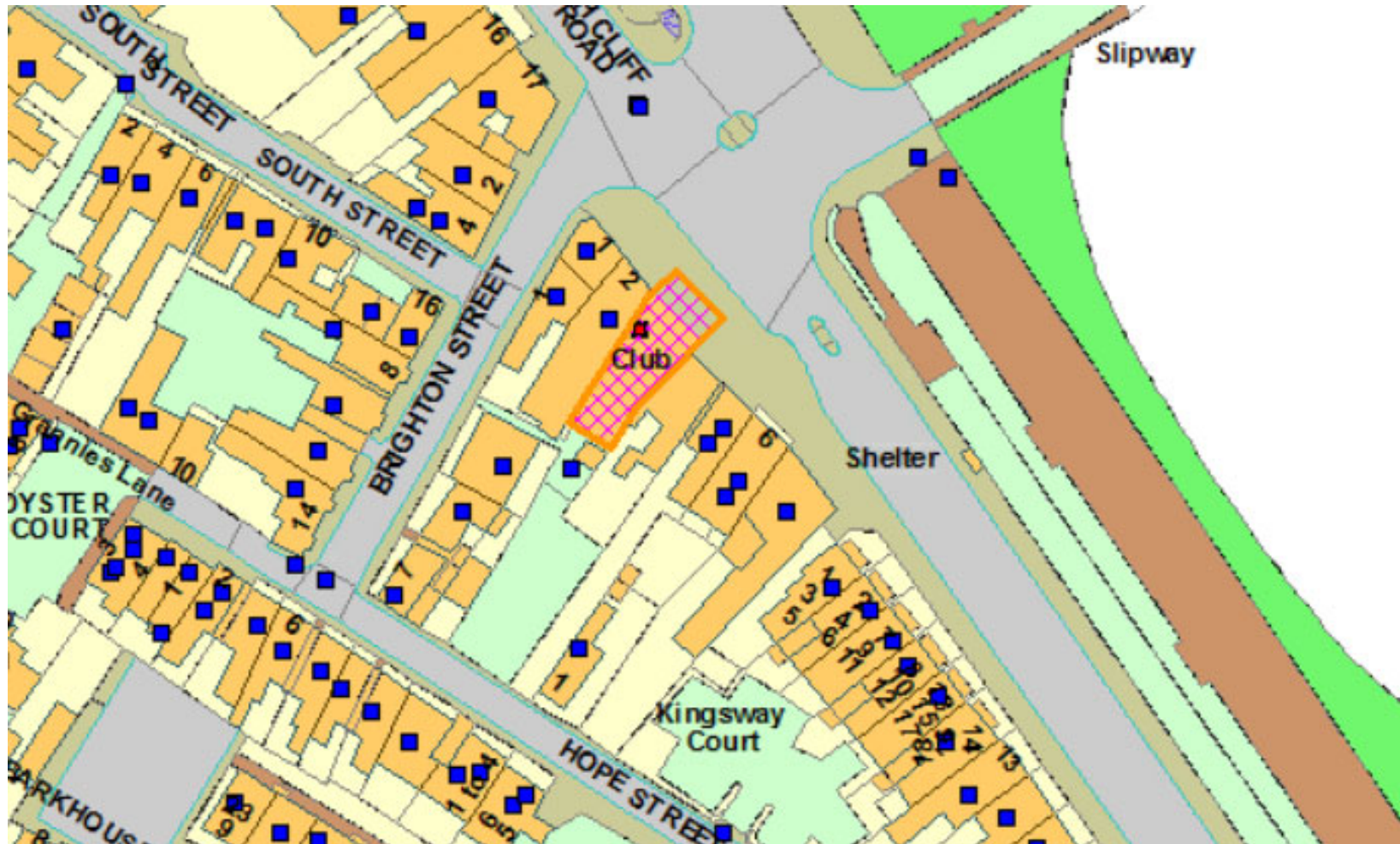
3 Informative

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 outdoor seating must not be placed on the adopted highway at any time.

DM/0355/23/FUL – KINGSWAY CLUB, 3 KINGSWAY, CLEETHORPES



DM/0355/23/FUL – KINGSWAY CLUB, 3 KINGSWAY, CLEETHORPES



PLANNING COMMITTEE - 9th August 2023

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

APPLICATION No: DM/0558/23/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: 23 Sterling Crescent, Waltham, North East Lincolnshire, DN37 0DW

PROPOSAL: Variation of Condition 2 (Approved Plans) as granted on DM/0897/22/FUL to amend the location of the extension, addition of rooflights to the rear extension and other minor windows changes

APPLICANT:

Mr G Krebs
23 Sterling Crescent
Waltham
North East Lincolnshire
DN37 0DW

DEPOSITED: 9th June 2023

AGENT:

Dave Hickinson Architecture
20 Staniwells Drive
Broughton
DN20 0BD

ACCEPTED: 14th June 2023

TARGET DATE: 9th August 2023

PUBLICITY EXPIRY: 4th August 2023

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 8th July 2023

CASE OFFICER: Emily Davidson

PROPOSAL

The proposal is for the variation of Condition 2 (Approved Plans) as granted on DM/0897/22/FUL. The proposal is to amend the location of the extension and to add two rooflights to the rear extension along with some other minor window changes.

The application is presented to Planning Committee due to an objection from Waltham Parish Council.

SITE

23 Sterling Crescent is a detached bungalow located on the corner of the road. The area surrounding the host dwelling is residential in nature made up of mostly detached dwellings. The property is secured at the front with low picket fences.

RELEVANT PLANNING HISTORY

DM/0441/22/FUL - Demolish existing conservatory and detached garage, erect single storey rear extension with roof lights, raise ridge height, install side dormer at first floor, erect two storey side extension with front and rear dormers at first floor, addition of roof lights and various internal and external alterations. Approved.

DM/0897/22/FUL - Demolish existing conservatory and detached garage, erect single storey rear extension, raise roof height, erect two storey side extension to include garage at ground floor and front and rear dormers at first floor, install roof light, install Juliet balcony at first floor and various associated internal and external works. Approved at Planning Committee.

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

Consultee Representations

Highways Officer - Approval, no conditions.

Drainage Officer - Drainage plan acceptable subject to percolation test results.

Heritage Officer - No heritage input required.

Waltham Parish Council - Objects due to the intensification of the site.

Neighbour Representations

3 Chestnut Close - Objects due to overlooking and loss of privacy.

APPRAISAL

Material Considerations

1. Design
2. Neighbouring Amenity
3. Other Considerations

1. Design

The application seeks to vary the approved plans of application DM/0897/22/FUL to amend the location of the proposed extension and include two rooflights to the roof of the rear extension. There are also some minor changes made to various windows. In terms of design, the proposal would not pose any more of an impact on the area than the previously approved application. It is noted that an objection has been received from Waltham Parish Council on the grounds of over intensification of the site. The proposal would not increase the size of the development already approved, simply relocate it within the site. Thus, it is considered that the level of development on the site remains acceptable. It is therefore considered that the application is in accordance with Policies 5 and 22 of the NELLP 2018 in relation to design.

2. Neighbouring Amenity

Representations were received from No.3 Chestnut Close objecting to the application on the grounds of overlooking and loss of privacy. The extension would be located slightly closer to No.3 Chestnut Close, however, there would still be a reasonable degree of separation between the properties themselves. The relationship and extent of impact is not considered to be greater than what might reasonable occur between dwellings in residential areas in terms of overlooking. It is considered that there would be no additional affects in terms of overlooking to any of the other adjoining neighbours from the amended proposal including from the additional rooflights given their position within the roof and the presence of existing boundaries.

When considering massing and overshadowing, the footprint of the building would not increase from that of the approved plans. The position is shifted slightly within the site and this is acknowledged but this does not give rise to undue impacts. Given the minor nature of the changes to the windows, this would also not cause any undue impacts for neighbours.

The variation of the approved plans does not give rise to undue impacts on the neighbouring properties and remains acceptable. The application is considered in accordance with Policy 5 of the NELLP 2018 in relation to neighbouring amenity.

3. Other Considerations

The Council's Heritage and Highways officer do not raise any concerns with the proposal. The Council's Drainage Officer notes that the drainage is still acceptable with a condition for a percolation test. The application is considered in accordance with Policy 34 of the NELLP 2018.

CONCLUSION

The amended proposal does not cause undue harm to the street scene or neighbouring amenity and is considered in accordance with Policies 5, 22 and 34 of the NELLP 2018. The application is recommended for approval.

RECOMMENDATION

Approved with Conditions

(1) Condition

The development hereby permitted shall begin by 03/02/2026.

Reason

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

(2) Condition

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

Site Location Plan, Existing and Proposed Block Plan - 715 22 02 D

Existing and Proposed Floor Plans and Elevations - 715 22 01 C (Received 09/06/2023)

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

Before construction commences final details of all external materials to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. Once approved development shall be carried out in strict accordance with the agreed details 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 Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(4) Condition

No development shall commence until a final scheme for the sustainable provision of surface water drainage, following percolation tests, has 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 and the drainage implemented prior to use of the extensions.

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, 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

Informatives

1 Reason for Approval

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

2 Added Value Statement

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

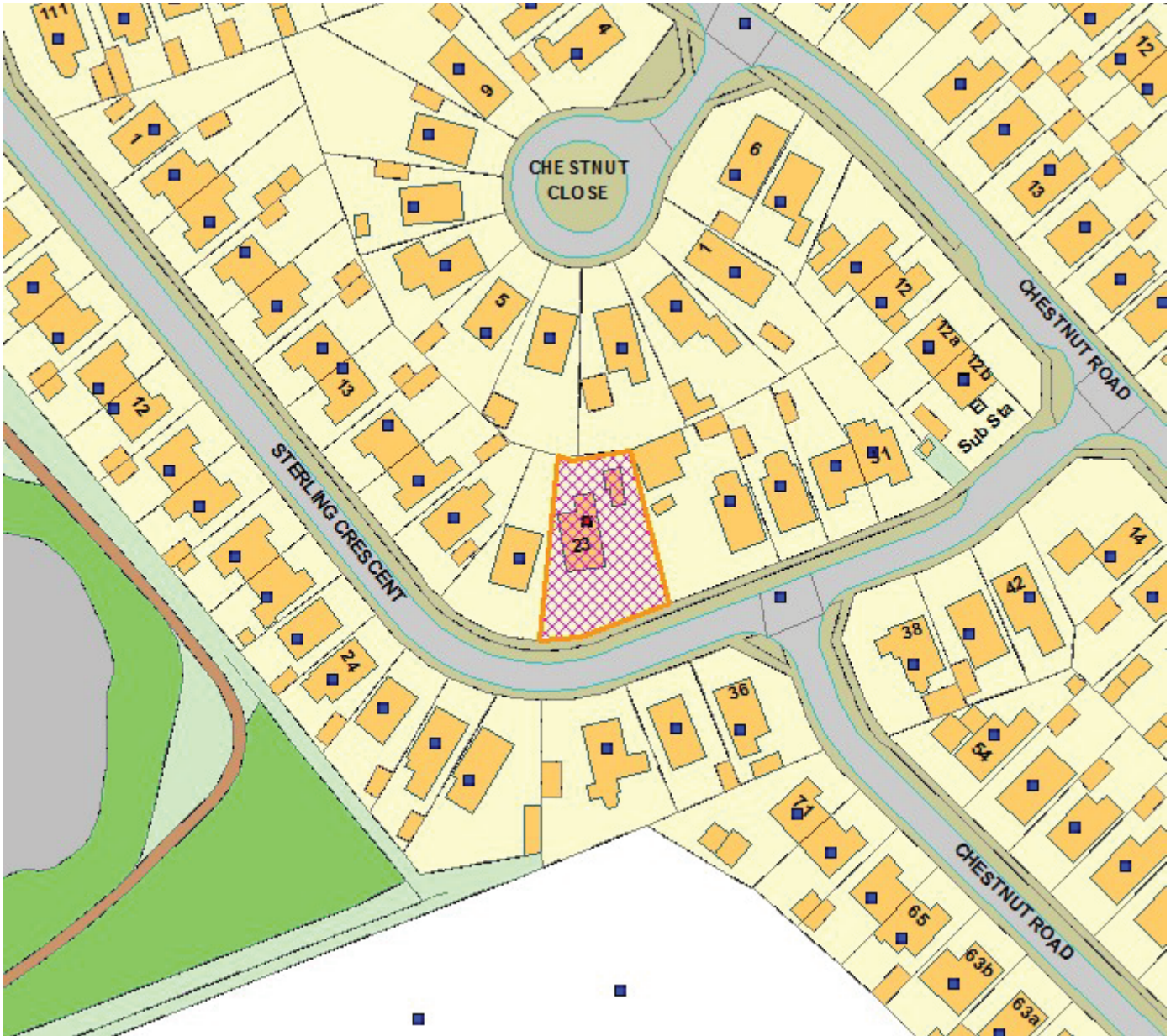
In accordance with paragraph 187 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to problems arising, by adding conditions.

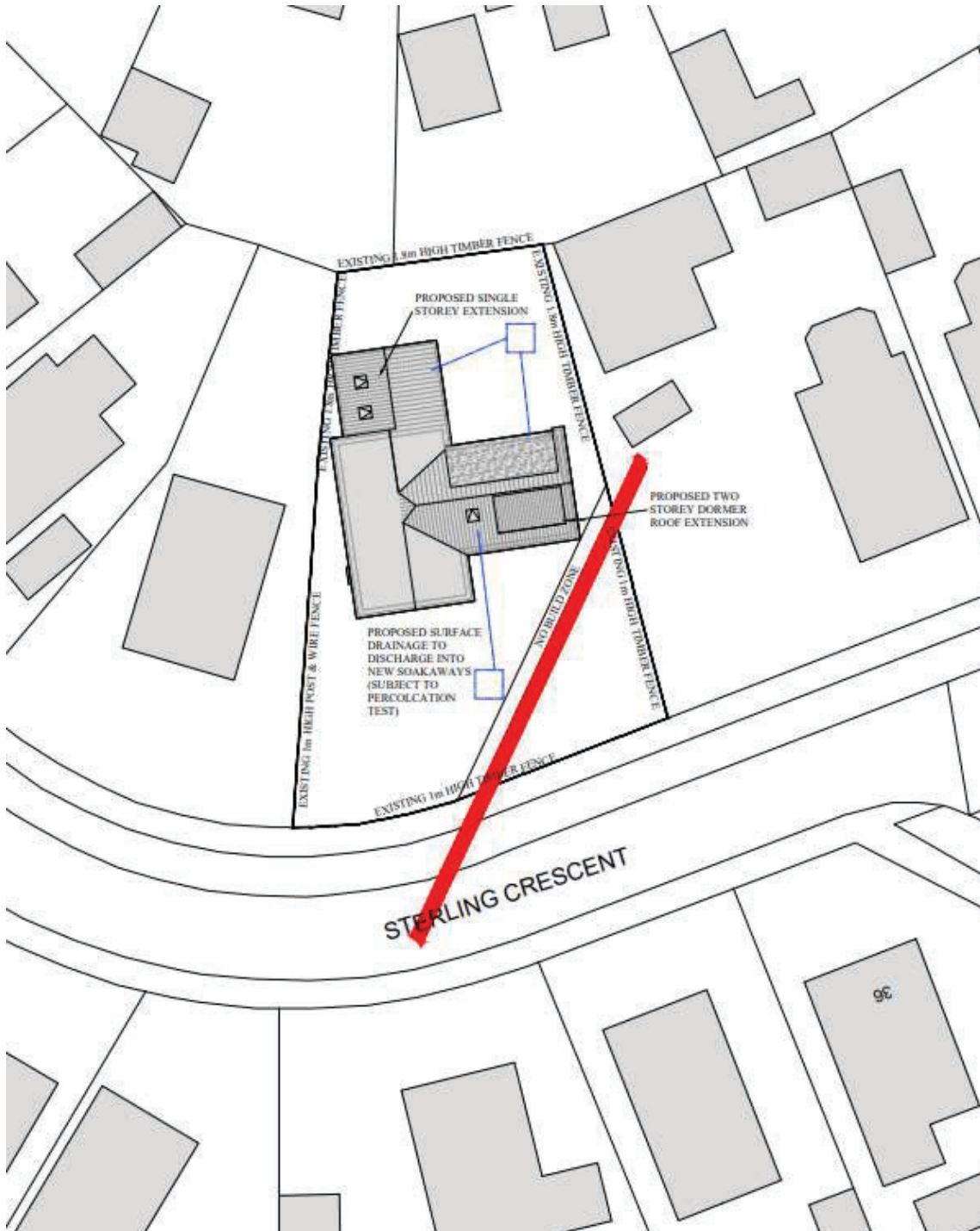
3 Informative

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.





PLANNING COMMITTEE - 9th August 2023

ITEM: 3 **RECOMMENDATION: Prior Approval Granted**

APPLICATION No: DM/0573/23/PAT

APPLICATION TYPE: Prior Approval - Telecom

APPLICATION SITE: Land West Of, Winchester Avenue, Grimsby, North East Lincolnshire,

PROPOSAL: Prior approval for proposed telecommunications installation for 15.0m high slim line Monopole mast and associated ancillary works

APPLICANT:

CK Hutchinson Networks (UK) Ltd
450 Longwater Avenue
Reading
RG2 6GP

AGENT:

Mr Alan Osborne
WHP Telecoms Limited
Unit 6 Building 8
Carryduff Business Park
Comber Road
Carryduff
BT8 8AN

DEPOSITED: 14th June 2023

ACCEPTED: 16th June 2023

TARGET DATE: 11th August 2023

PUBLICITY EXPIRY: 31st July 2023

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 21st July 2023

CASE OFFICER: Owen Toop

PROPOSAL

This prior approval application seeks approval for a monopole telecommunications mast approximately 15 metres in height with three associated cabinets. The mast would be situated on the west side of Winchester Avenue, adjacent to land currently used as open space.

Prior approval applications under Part 16 of the Town and Country Planning (General Permitted Development (England) Order 2015 (as amended)) are required to be determined within 56 days of submission. On the 27th June 2023 it was confirmed that prior approval is required for the siting and appearance of the proposed

telecommunications installation above.

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

SITE

The proposed telecommunications works are proposed to be located to the west of Winchester Avenue in Nunsthorpe, Grimsby. The proposal is adjacent to land used as open space and owned by the Council. Opposite the road to the east are residential properties at Winchester Avenue, as well as the junction to Toynton Road which is also a residential street.

RELEVANT PLANNING HISTORY

DM/1027/21/PAT - Erect 20.0m phase 8 monopole C/W wrapround cabinet at base and associated ancillary works - Footpath at Winchester Avenue. Refused on 1st December 2021.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2021)

NPPF10 - Supporting high quality communications
NPPF12 - Achieving well designed places

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

PO5 - Development boundaries
PO22 - Good design in new developments
PO35 - Telecommunications

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

Environmental Health - Recommends hours of construction condition.

Heritage - No input required.

Highways - No objections following clarification of plans.

Drainage - No comments.

Estates - No response.

Public Representations Received.

Objections from:

21 Neville Street - Objects and comments on lack of signed safety report.

25 Warwick Avenue - Objects on health grounds with regard to radiation emissions.

80 Clee Road - Objects to the application and requests that applications for telecommunications development be put on hold to allow for updated data.

38 Faulding Way - Multiple letters have been received from this address and objections received broadly on the grounds of:

- Exposure to adverse health effects of 5g technology, with website hyperlinks submitted to various websites, including articles.
- Lack of documentation within the application, namely health and safety risk assessment, environmental impact analysis, health impact analysis and insurance policy.
- Visual impacts.
- Environmental impacts.
- Devaluation of property.
- Questions referring to acts, statutes and regulations for suffering loss, harm or injury.
- Reference to local and national planning policy.
- Reference to legal cases.

APPRAISAL

The material considerations are as follows:

- 1) Principle of Development, Mast Sharing and Site Selection
- 2) Emissions in Accordance with the ICNIRP
- 3) Design, Character and Appearance
- 4) Public Objections and Representations, and Impact of the Proposal on Neighbouring and Local Amenity

- 1) Principle of Development, Mast Sharing and Site Selection

Policy 35 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) [NELLP] supports proposals for telecommunications development across the borough, including

consideration of prior approval applications. It sets out the criteria for permitting telecommunications development. The development should be appropriate in terms of siting and appearance, having regard to technical and operational constraints, and should not intrude or detract from the landscape or urban character of the area. The policy also requires that applicants demonstrate a sequential approach for site selection to show that development cannot be accommodated with less visual intrusion; on an existing building, mast or other structure; or, on a site that already contains telecommunications equipment; before new sites can be considered. In this instance, the applicant notes that the nature of the 5G network is such that signal coverage is significantly less than previous generations of mobile network and as a result a greater number of new masts will be needed. No other sites have been identified in the site selection process as a result as there are no other nearby existing sites. Mast sharing can therefore not apply in this case. The applicant also states within the Site Supplementary Information that there is lack of coverage at this location and provides a map of nearby telecommunications sites. As such, this site would provide coverage for this area of Nunsthorpe and the case for a new mast at this location is sequentially supported.

In principle the location of the proposal is acceptable. The proposal may only be supported however provided that there are no adverse impacts in terms of visual design to accord with Policies 5 and 22 of the NELLP. There also must be no adverse impact on neighbouring residential and local amenity, specifically Policy 5 states this as the impact upon neighbouring land uses by reason of noise, air quality, disturbance or visual intrusion. Moreover with regard to non-ionising radiation from the development, the development must accord with paragraph 117 and 118 of the NPPF.

2) Emissions in Accordance with the ICNIRP

All UK mobile phone network operators must follow UK Health Security Agency guidance and applications for telecommunications projects should include a certificate of compliance with guidelines produced by the International Commission of Non-Ionising Radiation Protection (ICNIRP). These are guidelines on limiting exposure to electromagnetic fields to protect public health.

Paragraph 118 of the National Planning Policy Framework (NPPF) states that local planning authorities when making decisions must determine applications on planning grounds only. Indeed, they should not seek to question the need for an electronic communications system or set health safeguards different from ICNIRP guidelines for exposure. The applicant has provided an ICNIRP statement confirming that the telecommunications infrastructure individually and cumulatively accords with the international emissions limits, as required by Paragraph 117 of the NPPF. The public interest with regard to this application is acknowledged and is discussed further within Section 4 of this committee report.

Also as required by Paragraph 117 of the NPPF, the operator has contacted the Sevenhills Academy and Oasis Academy. No responses have been received. Similarly the LPA has contacted both schools and no responses have been received.

3) Design, Character and Appearance

With regard to the visual design, the mast proposed would have a height of approximately 15 metres. The mast and its associated cabinets would all be painted in green. The mast has been designed to be slimline which does reduce its imprint on the character of the area. At 15 metres high it is a reduction from the 20 metre high proposal that was refused on the other side of Winchester Avenue. The mast is situated adjacent to land currently used as non-designated green space which is earmarked for development. The mast would be seen within the context of three storey dwellings and this green space and this is considered important in the softening of its impact on the character of the area.

It is acknowledged that if approved it would be visible within the street scene but it would not detract from the character of the area.

With regards to the siting, it should be acknowledged that the highways team have reviewed the proposal as part of the consultation of this application. No objections have been raised on highways grounds and the applicant will be required to liaise with the highways streetworks team in advance of the construction period.

Having considered the above, the proposal accords with Policies 5, 22 and 35 of the NELLP.

4) Public Objections and Representations, and Impact of the Proposal on Neighbouring and Local Amenity

Policy 5 requires consideration upon the impact upon neighbouring land uses by reason of noise, air quality, disturbance or visual intrusion. The mast is situated at a location away from residential receptors who are located across the road on Winchester Avenue to the east which reduces its dominance on them. It is not expected to cause any adverse impacts on adjacent properties with regard to visual intrusion, by virtue of overshadowing or massing. With regard to noise, air quality and disturbance, again the proposal is not expected to cause any adverse impacts in this regard and the Environmental Health Team have no issues to raise on these grounds.

It is recognised that as part of the public consultation for this application, multiple letters of objection have been received. The letters have been considered and full regard has been given to the content of these. The comments of objection to the proposal are largely in relation to health concerns, as well as planning and legal protocols and procedures.

It should be noted that this recommendation can only relate to the proposal at hand and can only be determined on material planning considerations, as stated clearly within the NPPF, which is the framework for decision-making. It is recognised that health has been raised as a significant concern referencing the impact of 5g technology and radiation exposure in general. In planning terms, the material considerations for telecommunications planning and prior approval applications surrounding health impacts

are referred to within section 2 of this report. The application complies with these requirements.

With regard to the legal cases and legislation, ultimately this is not a material consideration of this application and cannot be factored into this recommendation. The proposal is recommended in line with national planning policy as is required.

Visual impacts of the development have been considered in section 3.

Devaluation of property is not a material planning consideration.

Having considered the above, the proposal accords with Policy 5 of the NELLP.

CONCLUSION

It is accepted that the mast would fall within the required emission standards for telecommunications apparatus required through guidance within the NPPF, as evidenced by the applicant signing the required ICNIRP documentation. It is also considered that the mast's siting and appearance would not have an unduly detrimental impact on the character and appearance of the streetscene of Winchester Avenue at this location or wider area. Moreover, its siting and appearance would not have a detrimental impact on residential amenity or highway safety.

Prior approval under Part 16, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) is therefore granted for the mast and associated equipment in accordance with the following plans and details:

- Site Location Plan - NEL22669_M002 B
- Proposed Site Plan - NEL22669_M002 B
- Proposed Elevations - NEL22669_M002 B

The mast and associated equipment to be painted Fir Green (RAL6009).

RECOMMENDATION

Prior Approval Granted



DM/0573/23/PAT- LAND WEST OF WINCHESTER AVENUE, GRIMSBY



PLANNING COMMITTEE - 9th August 2023

ITEM: 4 **RECOMMENDATION: Prior Approval Granted**

APPLICATION No: DM/0597/23/PAT

APPLICATION TYPE: Prior Approval - Telecom

APPLICATION SITE: Land Outside Of, Lindsey Hall Nursing Home, Clee Road, Cleethorpes, North East Lincolnshire, DN35 8AF

PROPOSAL: Prior approval for 15m monopole, 2no. equipment cabinets with associated meter cabinet and ancillary development

APPLICANT:

Three UK Limited
Star House
20 Grenfell Road
Maidenhead
SL6 1EH

AGENT:

Mr Samuele Graziano
WHP Telecoms Ltd
Building 8, Unit 6
Carryduff Business Park
Comber Road
BT8 8AN

DEPOSITED: 21st June 2023

ACCEPTED: 21st June 2023

TARGET DATE: 16th August 2023

PUBLICITY EXPIRY: 31st July 2023

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 21st July 2023

CASE OFFICER: Owen Toop

PROPOSAL

This prior approval application seeks approval for a monopole telecommunications mast approximately 15 metres in height with three associated cabinets. The mast would be situated on the south side of Clee Road and north east of Lindsey Hall Care Home main building.

Prior approval applications under Part 16 of the Town and Country Planning (General Permitted Development (England) Order 2015 (as amended)) are required to be determined within 56 days of submission. On the 27th June 2023 it was confirmed that prior approval is required for the siting and appearance of the proposed telecommunications installation above.

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

SITE

The proposed telecommunications works are all located at the south side of Clee Road within the footpath. The footpath itself is approximately 3.3 metres wide and the works are set back towards the boundary of Lindsey Hall Care Home. Clee Road is a main route into Cleethorpes, a Classified Road, and the area is predominantly residential in nature. The Lindsey Hall Care Home building, which is locally listed, is located to the south west of the proposed works. To the north and opposite the road are existing residential properties. These properties are set back from the main road. The closest protected trees are located at Beacon Avenue but there are no Tree Preservation Orders within or adjacent to the site area.

RELEVANT PLANNING HISTORY

None relevant.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2021)

NPPF16 - Conserv. & enhance the historic environ.
NPPF10 - Supporting high quality communications
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
PO35 - Telecommunications

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

Environmental Health - Recommends hours of construction condition.

Highways - No objections.

Heritage - No heritage input required.

Trees and Woodlands - No objections.

Northern Powergrid - Standard comments provided detailing their assets for the attention of the applicant.

Neighbour Representations

In total 67 letters of objection have been received.

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

3 Beacon Avenue

9 Beacon Avenue

24 Beacon Court

20 College Street

80 Clee Road

90 Clee Road

92 Clee Road

96 Clee Road

99 Clee Road

67 Elliston Street

38 Faulding Way

8 Giles Street

Lindsey Hall Care Home (and an additional representation from a relative of a resident residing here)

21 Neville Street

6 Stokesley Walk

Broadly on the grounds of:

- Visual impacts
- Residential amenity impacts
- Impact on footway and safety
- Impacts on existing trees
- Exposure to adverse health effects of 5g technology, with website hyperlinks submitted to various websites, including articles
- Lack of documentation within the application, namely health and safety risk assessment,

environmental impact analysis, health impact analysis and insurance policy

- Environmental impacts
- Devaluation of property
- Questions referring to acts, statutes and regulations for suffering loss, harm or injury
- Reference to local and national planning policy
- Reference to legal cases

APPRAISAL

The material considerations are as follows:

- 1) Principle of Development, Mast Sharing and Site Selection
- 2) Emissions in Accordance with the ICNIRP
- 3) Design, Character and Appearance
- 4) Public Objections and Representations, and Impact of the Proposal on Neighbouring and Local Amenity

- 1) Principle of Development, Mast Sharing and Site Selection

Policy 35 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) [NELLP] supports proposals for telecommunications development across the borough, including consideration of prior approval applications. It sets out the criteria for permitting telecommunications development. The development should be appropriate in terms of siting and appearance, having regard to technical and operational constraints, and should not intrude or detract from the landscape or urban character of the area. The policy also requires that applicants demonstrate a sequential approach for site selection to show that development cannot be accommodated with less visual intrusion; on an existing building, mast or other structure; or, on a site that already contains telecommunications equipment; before new sites can be considered. The applicant has provided a detailed Supplementary Statement which refers to the site selection process. In this instance, the applicant notes that the nature of the 5G network is such that signal coverage is significantly less than previous generations of mobile network and as a result a greater number of new masts will be needed for areas that are not covered, such as that part of the Croft Baker Ward. The applicant has identified no nearby existing sites that are suitable for the specific technical requirements of this proposal, which seeks to provide coverage for the mobile network operator, 3. Mast sharing can therefore not apply in this case. Overall, this site would provide new coverage for this area of Cleethorpes and the case for a new mast at this location is sequentially supported.

In principle, the location of the proposal is acceptable. The proposal may only be supported however provided that there are no adverse impacts in terms of visual design to accord with Policies 5, 22 and 35 of the NELLP. There also must be no adverse impact on neighbouring residential and local amenity, specifically Policy 5 states this as the impact upon neighbouring land uses by reason of noise, air quality, disturbance and visual intrusion. Moreover with regard to non-ionising radiation from the development, the development must accord with paragraph 117 and 118 of the NPPF.

2) Emissions in Accordance with the ICNIRP

All UK mobile phone network operators must follow UK Health Security Agency guidance and applications for telecommunications projects should include a certificate of compliance with guidelines produced by the Internal Commission of Non-Ionising Radiation Protection (ICNIRP). These are guidelines on limiting exposure to electromagnetic fields to protect public health.

Paragraph 118 of the National Planning Policy Framework (NPPF) states that local planning authorities when making decisions must determine applications on planning grounds only. Indeed, they should not seek to question the need for an electronic communications system or set health safeguards different from ICNIRP guidelines for exposure. The applicant has provided an ICNIRP statement confirming that the telecommunications infrastructure individually and cumulatively accords with the international emissions limits, as required by Paragraph 117 of the NPPF. The public interest with regard to this application is acknowledged and is discussed further within Section 4 of this committee report.

3) Design, Character and Appearance

With regard to the visual design, the mast proposed would have a height of approximately 15 metres. The mast and its associated cabinets would all be painted in green. The mast has been designed to be slimline which does reduce its imprint on the character of the area. At 15 metres high it would be a similar height to the mature trees to the south within the grounds of Lindsey Hall Care Home. As part of the public consultation, the visual appearance of the mast has been noted as a concern and that it would not be in keeping with area. There is sufficient separation away from neighbouring properties, as the Nursing Home is set back from the main street as it is, and so are the properties opposite the proposal at Clee Road. Whilst visible, the consideration is whether the proposal would detract from the urban character of the area. With its positioning adjacent to a busy and wide road, adjacent to high mature trees, the proposal is not considered to cause any adverse visual impacts.

It is acknowledged that if approved it would be visible within the street scene but it would not detract from the character of the area. The Lindsey Hall Care Home is locally listed, and it should be noted that the heritage officer has no objections to the scheme.

With regards to the siting, it should be acknowledged that the highways team have reviewed the proposal as part of the consultation of this application. No objections have been raised on highways grounds and the applicant will be required to liaise with the highways streetworks team in advance of the construction period.

Having considered the above, the proposal accords with Policies 5, 22, 35 and 39 of the NELLP.

4) Public Objections and Representations and Impact of the Proposal on Neighbouring and Local Amenity

Policy 5 requires consideration in relation to the impact of the proposal on neighbouring land uses by reason of noise, air quality, disturbance and visual intrusion. The mast is situated at a location away from residential receptors of the Lindsey Hall Care Home (adjacent) and of neighbours at Clee Road (opposite). It is not expected to cause any adverse impacts on these properties with regard to visual intrusion from massing or overshadowing. With regard to noise, air quality and disturbance, again the proposal is not expected to cause any adverse impacts in this regard and the Environmental Health Team have no issues to raise on these grounds.

It is recognised that as part of the public consultation for this application, multiple letters of objection have been received. The letters have been considered and full regard has been given to the content of these. The comments of objection are largely in relation to health concerns, as well as reference to planning and legal procedures. It is considered those which reference visual concerns have already been addressed above.

It should be noted that this recommendation can only relate to the proposal at hand, not other telecommunications sites, and can only be determined on material planning considerations, as stated in the NPPF. It is recognised that health has been raised as a significant concern referencing the impact of 5g technology and radiation exposure in general. In planning terms, the material considerations for telecommunications planning and prior approval applications surrounding health impacts are referred to within section 2 of this report. The application complies with these requirements.

With regard to the legal cases and legislation, ultimately this is not a material planning consideration of this application and cannot be factored into this recommendation. In response to the concerns, the proposal is recommended in line with national planning policy.

Devaluation of property has been raised as a concern, but this is not a material planning consideration.

With regard to the concerns raised about the proposal blocking the footway for pedestrians, it should be noted that the highways team have reviewed the scheme and have no objections. The mast and the associated infrastructure would allow an accepted width for pedestrians to be retained. Also, with regard to impacts on the highway network in terms of traffic, the proposal would not present any detrimental impacts in this regard and adequate visibility for the access of Lindsey Hall Care Home would be retained.

Concerns have been raised with regards to existing trees. The existing trees are within the Lindsey Hall Care Home; of particular relevance is the existing mature tree directly adjacent to where the mast and cabinets are proposed to be sited. The applicant has confirmed that it is not necessary to regularly manage the tree in order to ensure adequate coverage for the pole. The tree officer has been consulted and as the tree is

within private land and is not protected, there are no objections. Objections refer to the removal of the tree but in this regard, the proposal does seek to remove it and as the tree is within private land, the applicant has stated that 3UK does not have the authority to trim it.

Having considered the above, the proposal accords with Policy 5 of the NELLP.

CONCLUSION

It is accepted that the mast would fall within the required emission standards for telecommunications apparatus required through guidance within the NPPF, as evidenced by the applicant signing the required ICNIRP statement. Similarly, the mast's siting and appearance would not have an unduly detrimental impact on the character and appearance of the streetscene of Clee Road or wider area. Moreover, its siting and appearance would not have a detrimental impact on residential amenity or highway safety.

Prior approval under Part 16, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) is therefore granted for the mast and associated equipment in accordance with the following plans and details:

Site Location Plan - NEL098_66239_DN0729_M002 Rev B

Proposed Site Plan - NEL22666_M002 Rev B

Proposed Elevations - NEL22666_M002 Rev B

The mast and associated equipment to be painted Fir Green (RAL6009).

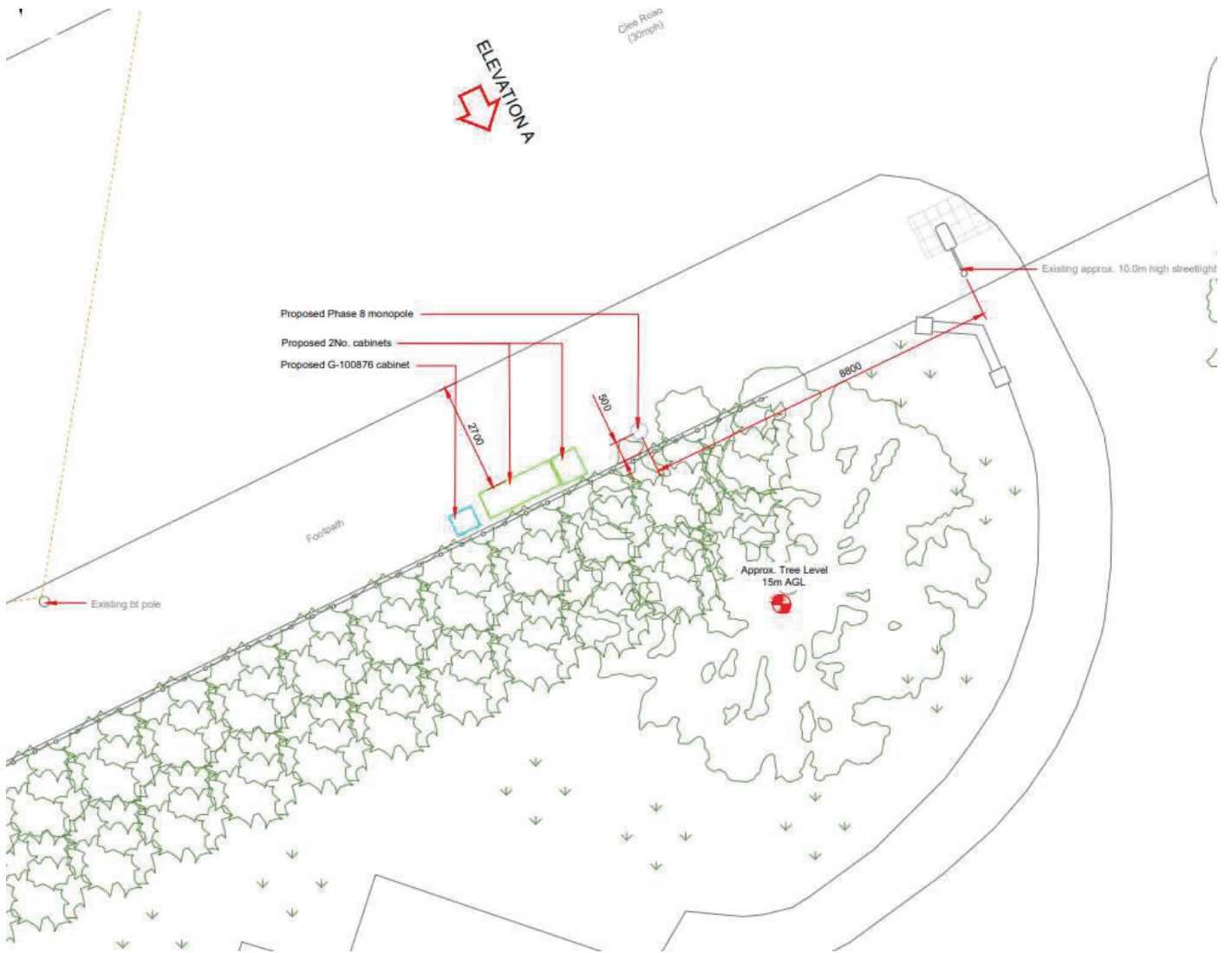
RECOMMENDATION

Prior Approval Granted

DM/0597/23/PAT – LAND OUTSIDE LINDSEY HALL NURSING HOME



DM/0597/23/PAT – LAND OUTSIDE LINDSEY HALL NURSING HOME



PLANNING COMMITTEE - 9th August 2023

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

APPLICATION No: DM/0324/23/FULA

APPLICATION TYPE: Accredited Agent - Homeholder application

APPLICATION SITE: 21 Church Lane, Humberston, North East Lincolnshire, DN36 4HZ

PROPOSAL: Alterations and extensions to include two storey rear extensions, first floor side extension with car port below, two storey extension to side and two storey extension to front. Loft conversion with roof lights and alterations to roof. Alterations to driveway and new landscaping to front and side boundary.

APPLICANT:

Ms Nicola Curtis
21 Church Lane
Humberston
North East Lincolnshire
DN36 4HZ

AGENT:

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

DEPOSITED: 10th April 2023

ACCEPTED: 12th April 2023

TARGET DATE: 7th June 2023

PUBLICITY EXPIRY: 14th May 2023

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 6th May 2023

CASE OFFICER: Owen Toop

PROPOSAL

This proposal relates to various alterations and extensions at 21 Church Lane, an existing detached two storey residential property located in the village of Humberston. The works include two storey rear extensions, a first floor side extension with a car port below, a two storey extension to the other side and a two storey extension to the front. Additionally, the works include a loft conversion with roof lights and alterations to the roof, as well as alterations to the driveway and new landscaping to the front and side boundary.

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

SITE

The proposal is located at an existing detached property which is established within a residential street. There are a range of designs when it comes to the surrounding residential properties; including a mix of two storey properties and bungalows. The site is also situated adjacent to the Humberston Conservation Area, which is located directly to the west and south of the proposal.

To the west of the proposal is the residential cul-de-sac of The Cloisters, as well as 19A Church Lane. To the east is 23 Church Lane and to the north and rear are properties at Midfield Place, a residential street.

RELEVANT PLANNING HISTORY

None directly relevant to this proposal.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2021)

NPPF12 - Achieving well designed places
NPPF14 - Climate, flooding & coastal change
NPPF16 - Conserv. & enhance the historic 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
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 - Accepts the sustainable drainage strategy included as part of this application.

Heritage - No heritage input required.

Highways - Recommends a Construction Traffic Management Plan condition.

Humberston Village Council - Objects to the proposal, broadly on the grounds of:

- dominance and over-intensification of the plot
- detrimental impacts to neighbouring properties

Public Representation

In total 3 letters of objection have been received, from the following addresses:

- 19A Church Lane

Concerns raised regarding existing privet hedge at the boundary, in relation to the two storey side extension and its construction and its potential to impact on the hedge and wall at this boundary. Concerns also raised with regards to the two storey rear extension, and the overall scale of the works, as being dominant and visually detracting from the character of the area and conservation area.

- 23 Church Lane

Concerns raised with regards to the first floor side extension and car port, referring to impacts of overshadowing and dominance, and lack of privacy and impact on the neighbours side windows.

- 14 The Cloisters

Concerns raised with regards to the impact of the proposal on the neighbouring property, referring to loss of daylight and overshadowing. Concerns raised with regards to removal of existing shrubs/hedge on site and impacts of loss of privacy as a result of new rear bedroom windows. Concerns raised with regards to surface water drainage and run-off.

APPRAISAL

The material considerations are:

- 1) Principle of Development
- 2) Design, Heritage and Impact on the Character of the Area
- 3) Impact on Neighbours
- 4) Other Considerations

1) Principle of Development

The proposal is located within the development boundary of Humberston as defined within Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) [NELLP] and relates to various alterations and extensions to an existing two storey detached property, 21 Church Lane. The principle of development is acceptable and the proposal may be supported in accordance with the NELLP but only on the provision that there would be no adverse impacts with regards to visual design and heritage (Policies 5, 22 and 39) and neighbouring residential amenity (Policy 5).

Furthermore, under the NELLP there is a requirement under Policy 34 to incorporate Sustainable Drainage Systems (SuDS) into new developments where required. In this case the Council's Drainage Officer has reviewed the submitted information, which includes a strategy of water butts as well as a gravel driveway, and no objections are raised. With regards to sustainable surface water drainage, the proposal accords with the requirements of Policy 34 of the NELLP.

2) Design, Heritage and Impact on the Character of the Area

The proposal includes multiple works to the existing property. With regards to extensions and alterations to the existing building, the majority of the works are located to the rear and to the sides. Notably the width of the property would increase as a result of the two side extensions. Moreover the length of the property would increase as a result of the extensions to the rear and the bay window projecting from the front elevation. The overall footprint undeniably would increase.

The proposal is located within a large residential plot which extends some 30 metres to the rear. The existing house is set back from the main street, as are other properties at Church Lane. With regards to the footprint, the works are considered to be in keeping with the character of the area and are not considered to be an over-intensification in terms of design as a result. It is noted that the proposal enlarges the property, but the changes themselves would remain sympathetic when viewed from the street.

The application site is located adjacent to the Humberston Conservation Area and the applicant has provided a Heritage Statement as part of this application. The proposal would follow the original overall design with steep roof slopes and matching external materials. Details such as the original corbelled eaves are carried over in the new design. The Heritage Officer has been consulted as part of this application and no objections have been raised.

It is acknowledged that as part of the public consultation, concerns have been raised with regards to the visual design and impact on the character and conservation of the area. However as mentioned above, the design of the proposal is sympathetic to the existing house, the plot is large enough to accommodate the extensions and the Heritage Officer has raised no objections on conservation grounds. Considering this and the above, the proposal accords with Policies 5, 22 and 39 as there would be no adverse impacts in this

regard.

3) Impact on Neighbours

The proposal is located within an established residential area. The proposal includes a number of extensions and alterations to the existing property, as well as groundworks to the front and rear to create hardstanding and gravel. The public objection to this application is noted, as is the objection from the Humberston Village Council.

Policy 5 allows for an assessment into the impacts of new development on neighbouring land uses. In this regard, the closest neighbouring residential properties impacted would be those who have objected: 14 The Cloisters (to the west), 19A Church Lane (also to the west) and 23 Church Lane (to the east). Furthermore, neighbours also impacted who adjoin the site are 13 the Cloisters (to the north-west) and 20 and 21 Midfield Place (to the north). There are also those neighbours to consider who are south of the proposal, across Church Lane, and these are 20 and 22 Church Lane.

With regards to 19A Church Lane and the 14 Cloisters, the key concerns raised pertain to the two storey side extension and rear extensions. In terms of the new side window, this would be obscured and so there are no adverse impacts to either of these neighbours provided a condition is applied. It is acknowledged that the two storey side extension would bring the property closer to both neighbours, however the extension would not exceed the height of the existing house. With this in mind there would be no adverse impacts with regards to massing or overshadowing.

19A Church Lane has raised concerns with regards to the existing hedge and wall, as well as the removal of existing hedges on site and ecological concerns. The ecological issues are important, and the applicant should be mindful of the ecological legislation surrounding the removal of hedges. Replacement hedges are proposed and this is supported, but it is not something that is required for the development to occur, nor should the loss of existing hedges relate to the assessment at hand, which ultimately is the impact of the new built form on existing neighbours. With regards to the existing wall and hedge, the concerns raised are in relation to civil party wall issues. These are outside the scope of this planning consideration and a Party Wall Act informative is recommended to be included for the attention of the applicant.

14 The Cloisters has raised concerns in relation to the rear bedroom windows of the rear extensions. Moreover concerns relate to the two storey projections, with concerns raised in relation to loss of daylight and overshadowing. The comment is noted. Considering the scheme, there are existing rear windows at the host properties rear elevation which where part of the inherent design of the property. New rear windows would not ordinarily require planning permission. Similarly, two storey rear development is ordinarily permitted where it does not exceed 3 metres in depth. The project does exceed 3 metres, but the permitted development for rear extensions, and rear windows, is an important factor in the consideration of proposals that do require planning permission. Considering this the two storey extensions and the associated windows do not pose any adverse impacts to

the neighbour. It would be visible but ultimately the harm is not considered to be detrimental with regards to the material planning considerations aforementioned.

23 Church Lane has raised concerns pertaining to overshadowing and loss of privacy as a result of the first floor side extension and associated car port. In this manner an existing overshadowing study has been provided alongside a proposed one by the applicant. The study shows that there is already an existing level of overshadowing. This is an important consideration into the overall impact of the proposal on the neighbour. Also it should be factored into account the existing windows on the neighbouring property. Where there are more than one window serving the same room, i.e. where there are both rear and side windows, the impact is lessened of a new development on them. It is noted that the proposed first floor extension to the side and its car port would bring the proposal up to the property boundary line. The proposal has been designed to reduce its impact at this side by incorporating a hip into the extension. Given this proposed design, and the existing situation and relationship between the two properties, it is therefore considered that there are no adverse impacts with regards to overshadowing and massing to this neighbour.

In relation to this neighbour, it should be acknowledged that the guttering has been amended as part of this application so that it does not overhang the neighbouring property.

No comments have been received from 13 The Cloisters. The proposal is closer to number 14 than this neighbour. The considerations are in relation to overlooking, massing and overshadowing. The proposal is not considered to cause any adverse impacts with regards to this neighbour in relation to these matters.

With regards to neighbours to the rear (to the north) and across the front to the road (to the south) no objections have been received. Moreover, the proposal is well separated from these neighbours and so there are no adverse impacts in regards to massing, overshadowing or overlooking.

Having considered the above, the proposal accords with Policy 5 of the NELLP.

4) Other Considerations

The highways team have reviewed the proposal and have recommended that there be a condition for a construction traffic management plan. The applicant has agreed to this being provided and so in this regard the proposal accords with Policy 5 of the NELLP.

CONCLUSION

In conclusion, having considered the proposal in detail, there would be no detrimental impacts to the character of the area and streetscene. Moreover, it is considered that there would be no detrimental impacts with regards to neighbouring residential amenity. With a surface water drainage condition, the proposal is acceptable with regards to surface

water drainage considerations. As such, it is recommended that the proposed development should be supported as it accords with Policies 5, 22, 33, 34 and 39 of the NELLP.

RECOMMENDATION

Approved with Conditions

(1) Condition

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

Reason

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

(2) Condition

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

Site Location Plan - RD: 5360 / 05

Proposed General Arrangement Site and Block Plan - RD: 5360 / 04 A

Proposed General Arrangement Elevations - RD: 5360 / 03 B

Reason

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

(3) Condition

The proposed development shall be constructed using materials specified within the submitted application form, 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, 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(4) 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).

(5) Condition

The development shall be carried out in accordance with the Sustainable Surface Water Drainage details supplied within the drawing: RD:5360 / 04 A and the drive shall be constructed of gravel as identified. The approved details shall be implemented in their entirety prior to the use of the development, unless otherwise agreed in writing with the Local Planning Authority.

Reason

In the interests of sustainable water management and to accord with policies 5, 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(6) Condition

The two window panes at first floor on the Side (W) Elevation plan, Drawing Number RD: 5360 / 03 B shall be fully obscured to a minimum level of 3 on the Pilkington Scale prior to the use of the room in which they serve. They shall then be retained at this level of obscurity for the lifetime of the development.

Reason

In the interest of protecting neighbouring residential amenity and to accord with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(7) Condition

No development 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

In the interests of highway safety 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 39.

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 amended plans and imposing conditions to protect amenity and manage surface water disposal from the development.

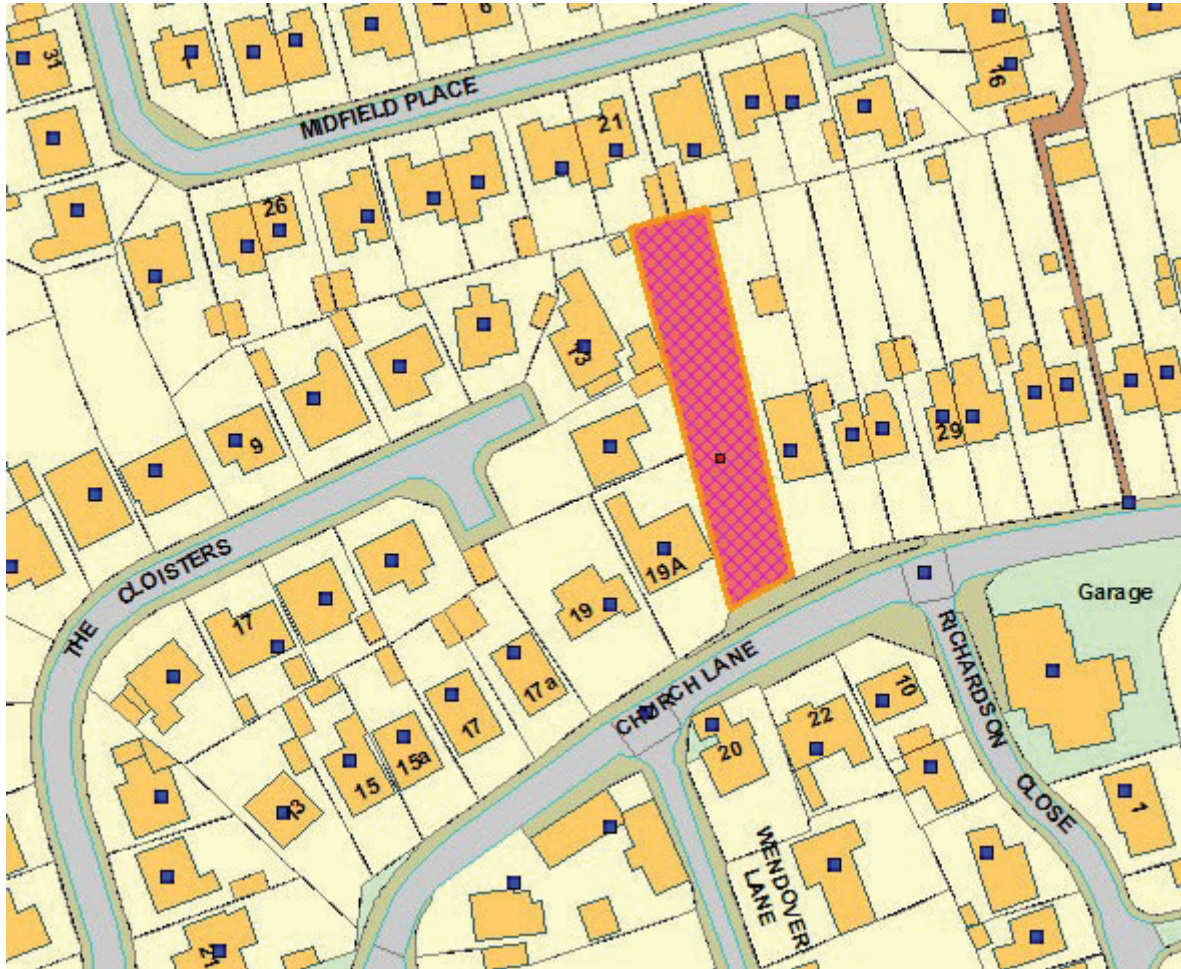
3 Informative

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).

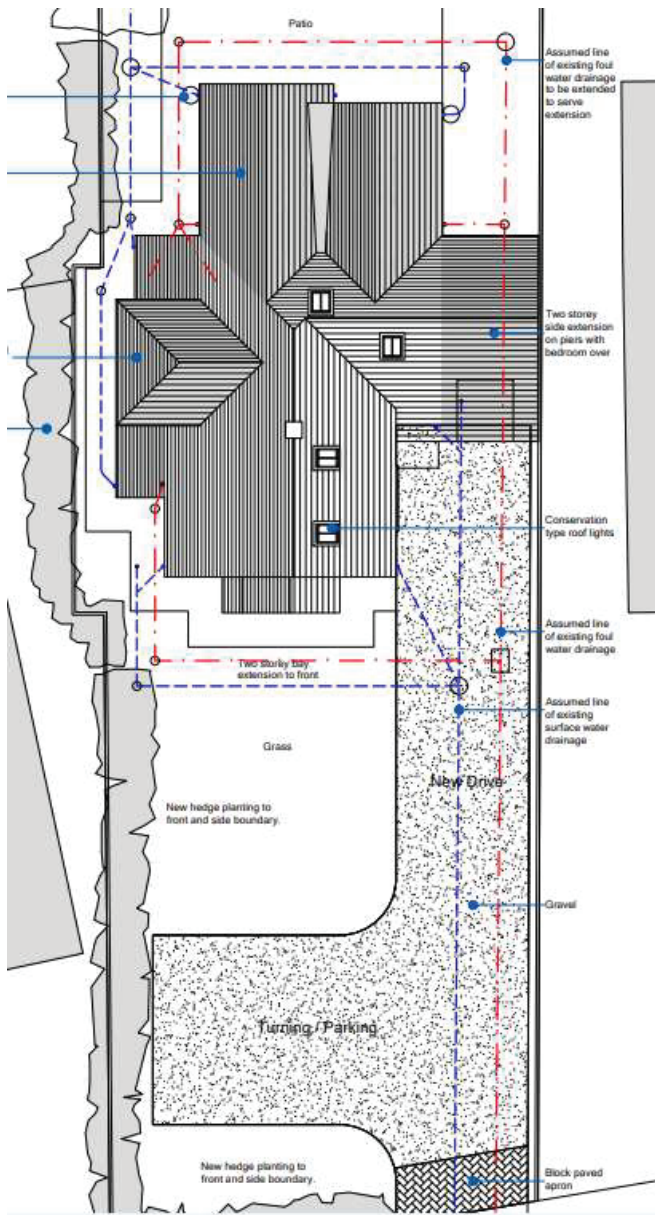
4 Informative

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/0324/23/FULA - 21 CHURCH LANE, HUMBERSTON



DM/0324/23/FULA - 21 CHURCH LANE, HUMBERSTON



PLANNING COMMITTEE - 9th August 2023

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

APPLICATION No: DM/0152/23/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Mariners Service Station, 196 Waltham Road, Grimsby, North East Lincolnshire, DN33 2PZ

PROPOSAL: Demolition of car wash and plant room and the creation of car charging zones, including erection of EV chargers and erection of canopy, sub-station enclosure and associated forecourt works (amended plans).

APPLICANT:

Motor Fuel Group
Gladstone Place
36-38 Upper Marlborough Road
St Albans
AL1 3UU

AGENT:

Miss Rahma Dwimunali
CarneySweeney
Brunel House
2 Fitzalan Road
Cardiff
CF24 0EB

DEPOSITED: 24th February 2023

ACCEPTED: 1st March 2023

TARGET DATE: 26th April 2023

PUBLICITY EXPIRY: 14th July 2023

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY:

CASE OFFICER: Jonathan Cadd

PROPOSAL

This application seeks permission to install 5 electric vehicle (EV) charging points with canopy and lighting and an associated substation and enclosure. As part of the proposals an existing detached car wash and facilities building would be demolished.

The scheme originally sought 8 EV charging points, associated canopies and lighting, plus two new jet wash bays but has been reduced and amended following discussions.

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

SITE

Existing petrol filling station know as Mariners Filling Station at 196 Waltham Road. The site is well maintained and is characterised by multiple petrol filling pumps with large illuminated canopy over, pay kiosk and shop, detached enclosed car wash building and facilities structure and two external jet wash machines. A large Leylandi hedge exists to the rear close to the boundaries with houses to Adelphi Drive and several areas of grassed open space are found to the rear, sides and front of the filling station. Access and exit is from Waltham Road via two access points. The site is bounded by fencing and walls to the north and west and to a lesser extent south.

Residential housing surrounds the site on all sides but in particular houses are close to properties to the north - Wood Close, West - Adelphi Drive, south - 198a Waltham Road and east - Markham's Orchard. With the exception of Markham's Orchard all have garden areas that abut the application site.

RELEVANT PLANNING HISTORY

41037 Redevelopment of petrol filling station. Approved 1996 - various conditions but none limit operations at the site e.g. hours.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2021)

NPPF6 - Building a strong, competitive economy
NPPF8 - Promoting healthy and safe communities
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)

PO42 - Landscape
PO6 - Infrastructure
PO36 - Promoting sustainable transport
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

Waltham Parish Council: Makes no comment on the application.

Heritage officer: No input required.

Northern Power: Provide advice and maps of infrastructure.

Cadent Gas: Do not object but recommend advice notes.

Drainage: Increase in hard surfacing requires drainage - recommend surface water drainage condition. The revised scheme does not increase the hard surface footprint so no need for additional drainage.

Highways: Support additional infrastructure and no objection to works on basis of impact on highway safety and capacity.

Petroleum Officer: (in summary) The electrical infrastructure appears outside of any hazardous areas which are classified within a filling station.

Environmental Protection: Request construction management plan (including hours), unexpected contamination and hours of use (jet wash).

The revised scheme, reducing EV charging points and relocation of substation and noise assessment is that the impact on neighbouring properties even during the night is low.

Police: (in summary) Operations should be positioned where they can be seen and the site covered by CCTV 24 hours. Jet washes should be disabled after certain time to stop anti-social behaviour. Concerns raised over lateness of operations close to houses.

National Highways - No objections.

Neighbours/ Site Notice

Support:

7 Orchards Croft

- Loss of car wash off set by additional EV infrastructure which is supported.

Objection:

1, 2 and 3 Wood Close and 9, 10 and 11 Adelphi Drive - In summary the issues raised include:

- Loss of landscaping - additional visual intrusion - already gaps in hedge

- Light and noise nuisance 24/7 - currently closed after 10pm - already noisy during the day
- Loss of wildlife habitat
- Loss of landscaped character detracts from streetscene
- Loss of privacy
- Noise not just from cars but from people talking, anti-social behaviour and increased litter
- No need for infrastructure (cars charged at home now)
- Substation is an eyesore

Revised scheme comments

Objections: 9, 10 & 11 Adelphi Drive:

- Trees between housing and petrol station should be properly maintained unlike now. Hedge gaps lead to noise now.
- Whole operation should close at a reasonable time in evening to avoid noise at unsocial times.
- Amended plans show noisiest equipment and activity would remain closest to no. 9 and do nothing to mitigate noise.
- There is no privacy as the hedge is not solid and people look in gardens when getting air or tankers arrive.

Neutral: 3 Wood Close

- It appears the applicant has listened to residents, do not think there is a better arrangement.

APPRAISAL

Main issues:

- 1) Principle and planning issues
- 2) Design and character
- 3) Residential amenity
- 4) Highway safety and drainage

- 1) Principle and planning issues

The filling station is an existing facility within the development area of Grimsby, as such the proposal accords in principle with policy 5 of the NELLP. In addition to this, the inclusion of electric vehicle infrastructure could be deemed to accord with policy 6 of the NELLP but certainly policy 36 (E) which actively promotes electric charging facilities.

Subject to detailed considerations, therefore, the proposal would accord with policies 5, 6 and 36 of the North East Lincolnshire Local Plan 2013 -2032 (adopted 2018).

2) Design and character

The development proposed has been reduced down considerably from that previously submitted, in response to neighbours and officers' concerns. The new EV charging points would be positioned on the site of the current car wash behind the main filling station canopy limiting its appearance to Waltham Road. Similarly, the sub station has also been relocated to a position to the rear of the main kiosk/ sales building limiting impacts.

Similarly, for neighbours the visual impact on neighbours would be lessened by the retention of the majority of the current landscaping to the site. Views of the proposals would also be screened by the leylandii hedge but also 2 - 2.5m high boundary fences/ walls. This would reduce the impact of the EV screens on neighbours which would in any case be seen in the context of the main service station.

The proposal therefore would accord with policies 5 and 22 of the NELLP.

3) Residential amenity

The biggest objection to this scheme is on the basis of impact on residential amenity. Many of the objections submitted related to the increase in activity at the site as a result of the proximity of the EV points to neighbours and the noise from the two new jet wash booths but since then the scheme has reduced down so that only 5 EV points are proposed on the site of the old car wash building (a minimum of 5.5m from the site boundary), the two jet wash booths have been dropped from the scheme and much of the existing landscaping on site will now be retained. In addition to this, the substation has been relocated to the rear of the sales building. All of this would limit the impact on neighbours.

Notwithstanding these details the operation of the EV points will still generate some nuisance and the applicant requires their use 24 hours 7 days a week. Given the retention of the landscaping and 2 - 2.4m high walls and fences to the site, the impact particularly during the day when the current filling station is operational would be minimal. After 11pm and until 6am the following day, however, the present filling station would usually be closed. The applicant has provided an acoustic survey of the site showing that noise levels at residential properties during the night and this shows levels to be low, including the substation. The actual use of the chargers at night is not expected to be significant and would be operated by a phone app, limiting the need for cash or card transactions hastening operations. Nevertheless, it is noted at other sites that such locations have been used as places to meet up whilst charging leading to noise from people perhaps just chatting, doors opening and closing but which has caused nuisance to neighbours if late at night or early in the morning. Given this experience elsewhere and the proximity to adjoining properties it is considered that the proposals should be limited to present operating hours of 06:00 am - 11:00pm at night (except Sunday 07:00 - 22:00). This is notwithstanding the noise assessment submitted by the applicant.

It should be noted that the present filling station is not conditioned in a manner that limits

hours of use, as such it could operate 24 hours a day if the applicant wanted, but the situation is that it is not operated as such.

Similarly, some lighting at the site would also be required to be kept on for the full extent of the night. The applicant's retention of landscaping to the site boundaries and indeed the 2 - 2.4m high boundary wall and fences at the site would assist to reduce the impact of the lighting on neighbours. The application scheme, however, also includes a canopy and rear screen to the EV points which if covered in an opaque screen would further reduce light pollution to neighbours. Nevertheless after 11pm the illumination would affect amenity and appear somewhat unreasonable. Again, although the overall site has no overall hours of use conditions, which would limit its operational hours, the applicant has indicated, that the main wet pump canopy lights at the site are not left on when the site is closed so that the additional lighting at the site, despite canopies would still cause some nuisance if left on overnight.

The potential for noise and nuisance also underlines concerns for anti-social behaviour and litter. The applicant has proposed to utilise a management plan to seek to limit impacts on neighbours through general use and anti-social behaviour as well as extended CCTV, to cover the new development. Whilst the creation of additional lit areas may increase loitering/ anti-social behaviour, the site is visible to the street and its potential use by drivers at any time is likely to put off anyone loitering in the area.

4) Highway safety and drainage

The scheme has been amended, and the nature and scale of the development has reduced. Neither the original iteration nor amendment attracted an objection from the highways team. In addition to this, the applicant has provided a vehicle tracking plan to show that vehicles can access and exit the EV charging points without hampering the operation of the main filling station.

Similarly, the relocation of the substation, again opens up the visibility splays of the main access and exit to the site. As such the proposal would accord with policies: 5 and 36 of the NELLP.

CONCLUSION

The provision of electric charging points in this part of Grimsby is an important development in encouraging sustainable electric car travel within the area and is directly supported by NELLP planning policy 36.

The amended and reduced development of 5 EV charging points on the site of the existing car wash, and the relocation of the proposed substation to the rear of the sales kiosk is such that the retention of the existing landscaping on site is now possible. The reduced scheme, screening and presence of the existing filling station is such that it would maintain the visual appearance and character of the site but also assist to protect neighbours' amenities. The concerns over the operation of the site 24 hours a day is

noted and to limit impacts on neighbouring properties a condition is recommended to not allow the use of the chargers outside of 06:00 - 23:00 Monday to Saturday and 07:00 to 22:00 on Sunday.

Similarly, safe access and drainage is possible, and it is considered that the development would accord with policies: 5, 6, 22, 34, 36 and 42 of the NELLP.

RECOMMENDATION

Approved with Conditions

(1) Condition

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

Reason

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

(2) Condition

The EV charging points shall not be operational between the hours of 23:00 to 06:00 the following morning Monday to Saturday except on a Sunday when they shall not be operational between the hours of 22:00 and 07:00 and not at all at any other times.

Reason

To prevent noise and nuisance to neighbours in accordance with policies: 5 and 22 of the North East Lincolnshire Local Plan 2013 -2032 (adopted 2018).

(3) Condition

Notwithstanding the details approved, the EV charging canopy screen wall and roof shall be constructed of a solid non transparent material before the EV points are first available for use and shall be retained as such thereafter.

Reason

To limit light nuisance to adjoining residential properties and in accordance with policies: 5 and 22 of the North East Lincolnshire Local Plan 2013 -2032 (adopted 2018).

(4) Condition

Prior to the EV charging points being first brought into use, a management plan to limit noise and nuisance from users, anti-social behaviour, litter and light pollution shall be submitted to and agreed in writing by the Local Planning Authority. The approved

management plan shall thereafter be implemented in full unless otherwise agreed in writing by the Local Planning Authority.

Reason

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

(5) Condition

No machinery shall be operated, no process shall be carried out and no deliveries to be taken in or dispatched from the site in connection with the demolition of the existing car wash nor construction of the development hereby approved outside the hours of 8.00 am to 6.00 pm Monday to Friday, 8.00 am to 1pm Saturday and not on Sundays or Bank Holidays or any other time unless agreed in writing with the Local Planning Authority.

Reason

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

(6) Condition

A demolition and construction method statement including details of noise and dust reduction measures to be employed during the course of demolition of the car wash and construction of the proposed EV points shall be submitted to and agreed in writing with the Local Planning Authority prior to commencement of any development. In addition, no burning of demolition/construction waste material shall take place on site and no amplified music shall be played. The techniques shall be applied as agreed for the full extent of demolition and construction works.

Reason

To ensure that noise levels and dust emissions arising from the development are within acceptable levels, and in the interests of amenity and in accordance with policy 5 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

(7) Condition

Prior to any demolition/ construction works commencing, details of tree and hedge protection measures shall be submitted to and agreed in writing with the Local Planning Authority. The approved scheme/ details shall be implemented in full before works commence on site and shall be maintained for the full extent of demolition/ construction works unless otherwise agreed in writing by the Local Planning Authority.

Reason

To maintain the health of trees and hedges on site and to retain residential amenity in accordance with policies: 5, 22 and 42 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

(8) Condition

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

Reason:

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

(9) Condition

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

- Site Location Plan 13664 - MARINERS - LP-1 - 218
- Block Plan - 13664 - MARINERS - BP-1 - 218
- Substation Enclosure Details -13664-218-23
- EV Canopy and Charger Details -13664-218-22
- Proposed Site Plan - 13664-218-21
- Vehicle Swept Path - 13664 - FS218 218-27

Reason

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

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 provide important sustainable transport infrastructure without harm to the area character or, subject to conditions, residential amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies: 5, 6, 34, 36 and 42 and the provisions of the National Planning Policy Framework.

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 reducing the scale of development and relocating EV points closest to the main filling station to reduce nuisance.

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. 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.

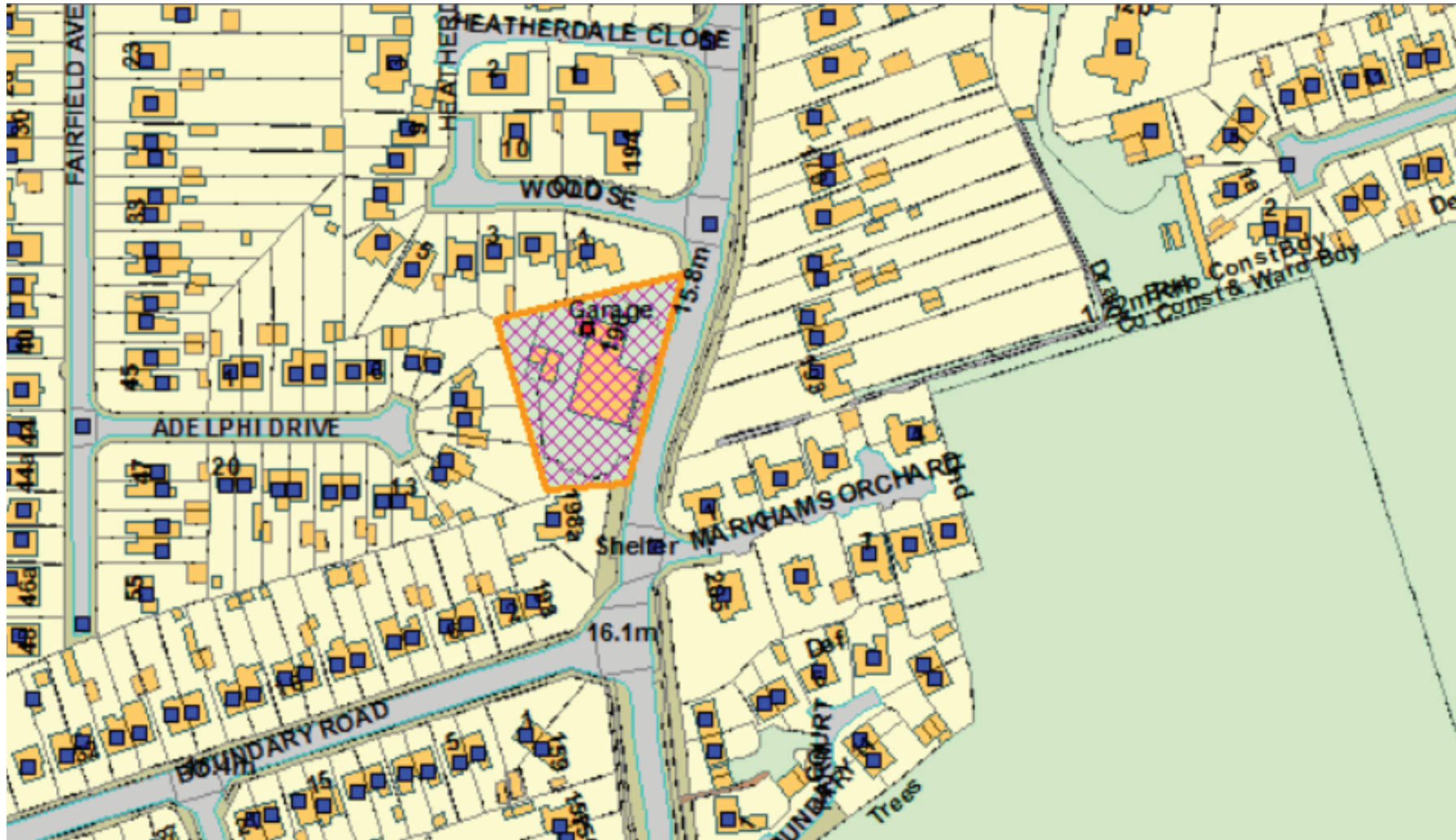
5 Informative

It should be noted that there are live electrical cables within the site and its vicinity and great care should be taken during development to avoid these. The developer is recommended to read to the advice contained within the Northern Powergrid response to the planning application which can be found in full on the planning application file as shown on the North East Lincolnshire Council planning website which can be viewed at:

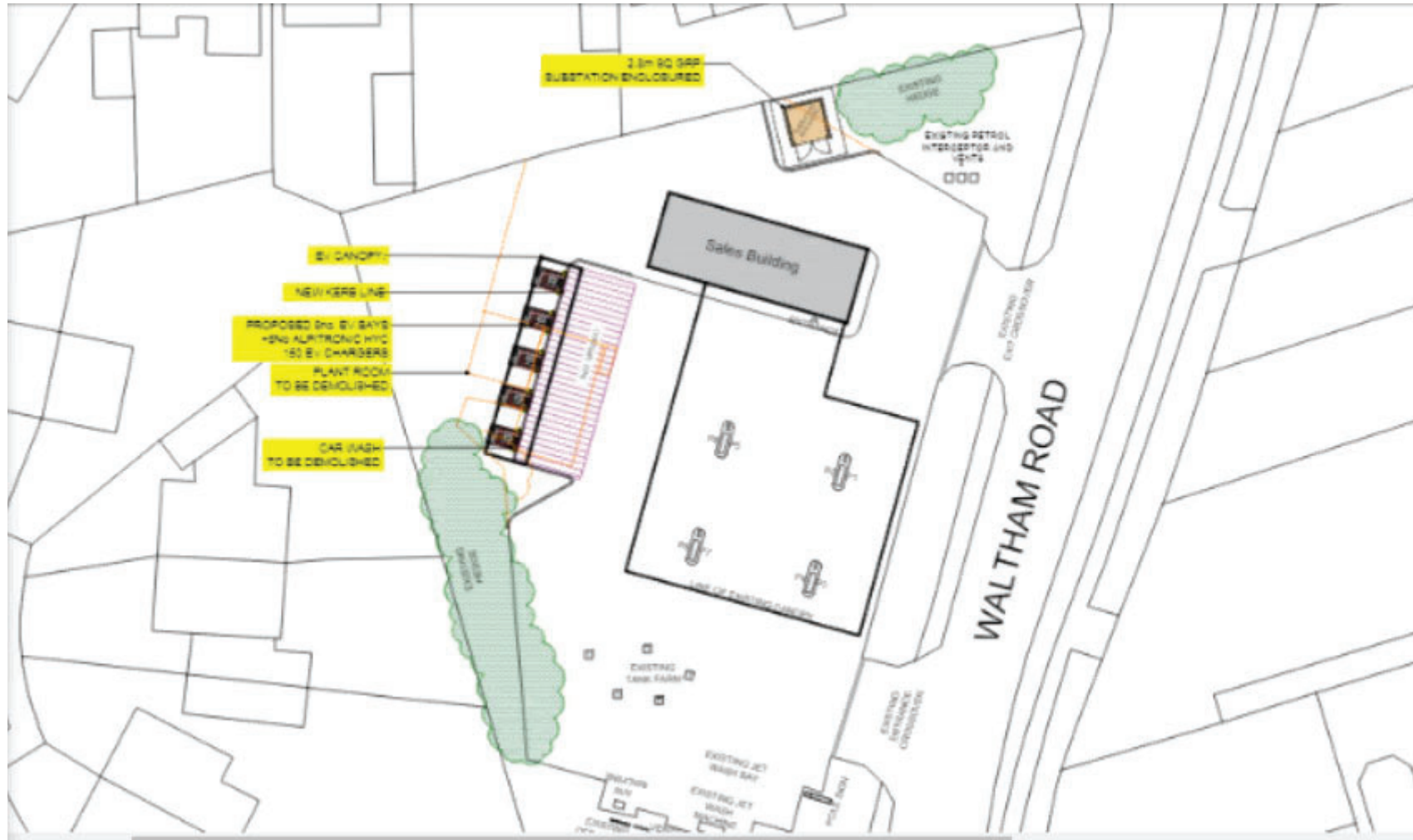
<https://www.nelincs.gov.uk/planning-and-building-control/planning-applications/>

You will then need to search for the application using the following ref: DM/0152/23/FUL.

DM/0152/23/FUL – MARINERS SERVICE STATION, 196 WALTHAM ROAD, GRIMSBY



DM/0152/23/FUL – MARINERS SERVICE STATION, 196 WALTHAM ROAD, GRIMSBY



PLANNING COMMITTEE - 9th August 2023

ITEM: 7 **RECOMMENDATION: Refused**

APPLICATION No: DM/0508/23/OUT

APPLICATION TYPE: Outline Application

**APPLICATION SITE: Land Off, Habrough Road, Immingham, North East
Lincolnshire,**

**PROPOSAL: Outline application for the erection of 7 dwellings with associated
access and landscaping (All matters reserved)**

APPLICANT:

Mr and Mrs Midgley
Greentech Homes Ltd
18 Station Road
Grasby
Barnetby
DN38 6AP

AGENT:

Kate Kelly
Kelly & MacPherson Architects
Unit 3 Caistor MUC
19 South Street
Caistor
LN7 6UB

DEPOSITED: 26th May 2023

ACCEPTED: 30th May 2023

TARGET DATE: 25th July 2023

PUBLICITY EXPIRY: 8th July 2023

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY:

CASE OFFICER: Jonathan Cadd

PROPOSAL

This outline application is for the erection of seven bungalows with all matters reserved.

Although the application is in outline form an indicative plan has been submitted and shows the positioning of six bungalows in a line along Habrough Road frontage and one to the rear close to Fern Lea. A vehicle access would be formed to the western side of the site one bungalow in from the adjoining house School Cottage. An access road would lead to the rear of the site to serve the bungalows to limit the need for access drives to Habrough Road. An attenuation pond and tree planting/ landscaping is shown positioned to the rear of the site.

This application is presented to planning committee at the request of the ward councillor, Councillor Swinburn.

SITE

The planning application site is currently an agricultural field which fronts Habrough Road roughly halfway between Immingham and St. Margaret's church Habrough. The site is roughly rectangular in shape although it is slightly wider to the west than the east. In addition, a rectangular section of the frontage falls outside of the application site as this is part of an existing bungalow and property known as Rosedene. The application site is roughly flat with boundary hedging to the road frontage and to existing properties of Fern Lea and School Cottage to the west. Further landscaping exists to the eastern side of the site which adjoins Luxmore Farm. Site has an area of 0.885ha.

Adjoining the site to the south is Habrough Road (B1210) a classified road with a narrow pavement to the application site side and with street lighting to the west beginning outside of School Cottage. Midway across the site frontage the speed limit for the road changes from 40 mph to the national speed limit towards Immingham.

Opposite the site to the south, across the B1210, are open agricultural fields which extend to the A180. To the west, the site adjoins a small group of three dwellings which congregate around the former school house namely the two storey estate type dwellings of School Cottage and 1 School Cottage whilst to the rear is the more modern (1980's designed Fern Lea) a detached bungalow set to the rear of School Cottages. School Cottage has various windows which face the site but also has a side driveway and garden area adjoining the site. To the north is open fields, whilst to the east is Luxmore Farm, a traditional brick farm yard complex, albeit extended with modern structures. This complex is set within a large copse of trees as is the associated original farm house further west. Finally, as noted above, within the site frontage and almost dissecting the site is Rosedene a residential bungalow and detached garage. This property has a number of rooms which face the site to the rear and side and is not part of the application site.

The site is not allocated within the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018) (NELLP). The site falls within Environment Agency flood zone 1.

RELEVANT PLANNING HISTORY

None.

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.
NPPF16 - Conserv. & enhance the historic 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
PO17 - Housing density
PO22 - Good design in new developments
PO33 - Flood risk
PO34 - Water management
PO36 - Promoting sustainable transport
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

Immingham Town Council: Objects - outside the development boundary, effect on wildlife, loss of historic value, loss of residential amenity and highway safety.

British Pipeline Agency Limited: The Prax Fina pipeline is not affected.

Cadet Gas: No objection but request advice note.

Orstead: Note that infrastructure is located close by (opposite the B1210) and that safety advice notes are recommended.

Viking CCS Pipeline: (in summary) Raises an objection to the scheme - layout and route has been subject of substantial consultation since 2022 and is now at an advanced stage. The proposed scheme is not compatible with this nationally significant infrastructure. Their route has been chosen to avoid housing and cannot be built over, not even trees can be allowed to be planted over it. The proposal would risk damage to pipeline and restrict access in the operational phase.

Also raise issues with respect to policy, location out of development area, impact on character of countryside and strategic green corridor.

Penspen: The proposal does not affect Harbour Energy Assets.

Heritage Officer: (In summary) notes the potential for ridge and furrow on the site, whilst once common it is less so now. Any loss is not mitigated by recording before destruction. Given the nature of ridge and furrow it indicates that there was a settlement nearby. It could also indicate finds underneath the ridge and furrow are a possibility. As a result if permission is granted an archaeological assessment is required. Separately, the development would harm the open setting and significance of Luxmore Farm an isolated historic farmstead by making it part of a ribbon of development.

Environmental Protection: Request construction management plans, electric charging points and hours of construction.

Grimsby & Cleethorpes Civic Society: The development will increase the possibility of the joining of Habrough and Immingham with no distinctive gap between them. The archaeology needs full investigation.

Drainage: Full sustainable drainage scheme is required - condition requested to this effect.

Highways: The site is within an unsustainable location and so will be heavily reliant on car travel. Adequate visibility splays have been provided. No objections.

Site Notice/Neighbours:

Objections: School Cottage, 2 School Cottages, Rosedene, 31 Kesteven Court

Broadly on the grounds of:

- Loss of open countryside losing open gap piecemeal from Immingham to Habrough
- Out of character with rural location
- Loss of character to Luxmoor Farm and the Old School House
- To support housing need it would be better to extend Peter Ward Homes as already built up
- Loss of residential amenity through noise and nuisance, loss of privacy
- Better if houses accessed off Habrough Road
- Located on Viking Carbon Capture Pipeline route
- Loss of wildlife, however can developing the site be considered a betterment, a pond and few trees and bushes will not mitigate loss by development
- Jobs will be minimal and short term during building only
- If offered to older people fine, but population shrinking so no need for houses on greenfield sites

- Should be left as farm land
- Loss of value
- Profit before wildlife and countryside

APPRAISAL

Main Issues

- 1) Planning policy considerations, character and sustainability.
- 2) Design and layout.
- 3) Access and parking.
- 4) Residential amenity.
- 5) Ecology.
- 6) Drainage.
- 7) Infrastructure.

Appraisal

- 1) Planning policy considerations, character and sustainability.

The North East Lincolnshire Local Plan 2013 - 2032 (adopted 22nd March 2018) NELLP - seeks to promote sustainable residential development and meet the housing needs of the Borough. The locations and scale of development is directed through policies 3 and 4 and seeks to be commensurate to the scale, services and facilities within existing settlements (development area) and indeed connections to the wider area. The application site, however, is located within open countryside approximately 600m (access road) from the edge of the development area of Immingham at Brocklesby Avenue. Policies 3 and 4 of the NELLP do not justify general housing in the open countryside.

The NPPF requires local planning authorities to provide a 5-year supply of housing land. The published position, April 2023 (North East Lincolnshire Five Year Housing Land Supply Assessment 2023 published in April 2023) is that NE Lincolnshire has 13.1 years' worth of deliverable housing sites and as such the tilted planning balance in favour of sustainable housing development is not activated. As such the 2023 five-year supply assessment demonstrates a supply far in excess of the five-year housing requirement and no additional houses are required to meet need and any development should therefore be determined in accordance with NELLP policies.

As stated Policies 3, 4 and 5 in the NELLP play a key role in defining the spatial strategy. Of these, Policy 5 says that development beyond a development boundary will only be supported where it recognises the distinctive open character, landscape quality and role these areas play in providing the individual settings for independent settlements, and where it falls under one of five criteria. These are: rural diversification; development of local services and community facilities; leisure and tourism; affordable housing to meet specific local needs; or development specifically identified through a neighbourhood planning process.

The proposal for market dwellings would not meet any of the relevant criteria of Policy 5, and in this respect, there would be conflict with the spatial strategy of the development plan.

2) Design and layout.

The character of the application site is very much one of open countryside. When driving from Immingham, the urban area is very much left behind once Brocklesby Avenue is passed. The open fields and wooded copse surrounding Luxmore Farm enhance how this open rural landscape is experienced. Along Habrough Road it is recognised that there are sporadic isolated dwellings and small groupings of structures/ dwellings within this open countryside environment. On the whole these are individual former agricultural workers properties or small distinct groups of buildings formed loosely around historic features such as St Margaret's Church, a farmyard or in the case of the application site, the old school building. These areas are very small and distinct from each other with countryside surrounding and in between them to maintain the overall open rural character of the wider countryside. It is this character, however, which also represents its vulnerability to change as development can easily link up these sporadic groups and buildings cumulatively changing the character of the area.

The proposal seeks to erect seven bungalows on site with six fronting Habrough Road joining up the small distinct group of houses around the old School, in ribbon fashion, with that of Rosedene and then Luxmore Farm beyond to create a much greater area of development. Such a ribbon of development along Habrough Road would urbanise the area and would be wholly incongruent with the present character. The proposed retention of the existing hedge could not disguise the visual intrusion of development into the countryside. What will be diminished is the sense of open countryside both visually and in terms of how the site and its surroundings are experienced. This would be experienced not just along Habrough Road but also from Mill Lane which connects to a public footpath.

The Town Council and existing residents indicate that the site would erode the open countryside gap between Immingham and Habrough, assisting to merge the two distinct settlements. Whilst not large enough to physically link these two areas, it would certainly start to diminish that feeling of having left the developed area for the countryside particularly due to the scale and nature of the proposal but also its proximity to other, hither to, isolated clusters along this road frontage. This would be experienced mainly whilst traversing along Habrough Road.

The site also adjoins Luxmore Farm a locally listed asset, such a development was designed to be within an open countryside environment, where access to fields and crops defines its existence. The development of a residential development of bungalows fronting along the highway would erode this experience and character eroding its significance. It is also noted that the area of ridge and furrow would also be lost further damaging the environments link to the past. It will be noted below, however, that this may

already be under threat as a result of a proposed pipeline.

As such it is considered that the proposal would detract from the character and appearance of the countryside and the significance of locally listed heritage assets contrary to policies: 5, 22 and 39 of the NELLP 2018.

The site as noted above is divorced (600m) from the development area of Immingham (as defined as sustainable within the NELLP 2018). In addition, the houses would be around 2km from the Kennedy Way shopping centre and Oasis Academy, 1.3km to the closest primary schools and local shops with the closest public house being 1.4km away. Although no set standards have been established it is generally considered (Manual for Streets) that a walkable neighbourhood equates to around 800m walking distance, a comfortable 10 minute walk and although distances can be greater (distances of less than 2km) it is also a case that the attractiveness of a walking route is a key determinate for actual use. In this case, although the site is linked to Immingham by public footpath, large parts are unlit and relatively narrow and have passing traffic including HGV's travelling at up to 60mph. As such it is far from an ideal environment which to encourage residents to walk to facilities in Immingham. The notion of a bus stop is noted but presently no service buses use this route and only a school bus passes the site. Such provision is unacceptable and falls some way short of the standard required for sustainable living and would lead to an inevitable reliance on private motor vehicles for most day-to-day requirements.

It is indicated that the applicant has ascertained a need for bungalows to accommodate senior citizens, although this has not been justified by evidence. If this is the case, the distance and lack of sustainable alternatives to access facilities and services required will also create greater issues for future residents if they are no longer able to access a motor vehicle. Such an approach would be contrary to policy 16 of the NELLP which seeks easy access to facilities and services for development that is specific to older residents.

It has been indicated that the proposed development would/could use building materials which are highly sustainable zero carbon bio-based materials - Hempcrete. If utilised this would clearly be a positive benefit to the scheme. It should be given some weight in any determination. Its use, however, whilst positive is not unique and has been utilised elsewhere. Whilst positive it would not remove the impacts on the environment of the unsustainable location of the proposed houses and their reliance on motor vehicles to access most day-to-day activities and needs. It would be an argument, which if supported could be utilised time and time again in other unsustainable locations. Conversely, however, in a more sustainable location, such as the development area identified in the Local Plan it would expand the sustainable benefits of development substantially in all facets of the development not just build materials and would receive significant support from officers. In this location, however, any benefits of the material would be reduced simply by its inappropriate and unsustainable location.

As such it is considered that the site is unsustainable contrary to policies: 5, 16 and 36 of the NELLP.

3) Access and parking.

Although access is not a matter for consideration in this outline application, an assessment of the acceptability of the land use requires a realistic prospect of a suitable connection to the highway. The indicative site plan shows a single junction with Habrough Road which would allow connection to all seven bungalows. The Highways team have considered this access and following the submission of additional information consider it suitable and safe, subject to conditions relating to verge and hedge management to ensure suitable visibility splays can be achieved. Similarly, the layout plan provides a suitable road layout to ensure all properties can be adequately served from a highway perspective. This includes the provision of two turning areas which would be suitable for service and emergency vehicles. These matters, however, could be determined at reserved matters stage.

The indicative plan shows each plot would have suitable parking for at least two vehicles which is not deemed unreasonable in such a situation. Vehicles would, however, have to reverse out onto the estate road or reverse in from it, but this is not considered unreasonable in such a situation. Equally plots would be sufficient to accommodate secure cycle parking at each property.

In this regard, the proposal would comply with policies 5 and 38 of the NELLP 2018.

4) Residential amenity.

The outline nature of the application makes any meaningful assessment of residential amenity somewhat academic. Nevertheless, the indicative plan shows that seven bungalows could be accommodated on the site with perhaps limited impact on residential amenity. Spacing between potential properties and indeed existing properties (Rosedene, Fern Lea and School Cottage) is considered as acceptable in terms of light, outlook and privacy. Perhaps the greater concern would be the positioning of the estate road to the front of the properties proposed as this would introduce vehicle noise to both sides of the bungalows, the rear already experiencing noise from passing higher speed traffic on Habrough Road. In stating this, it is noted that many (but not all) of the properties have side garden areas which, would assist to limit noise but not remove the nuisance completely.

Objections have also been received from Rosedene in terms of overlooking and activity from the proposed estate road which at its closest point would be some 3.8 metres from the rear boundary of this existing bungalow. The rear of Rosedene faces north, and the garden is partially covered by a detached garage with the remainder of the area being formed of a small patio garden area. Various windows including kitchen but also those to a hallway and bedroom face northwards onto the site. The main garden to this property however is the western side of the bungalow and front. Landscaping is proposed to provide suitable screening from the access road which would provide an entry point to the final two bungalows proposed. Whilst accepting an increase in nuisance and

acknowledging traffic noise from Habrough Road, this would be less than experienced to the west where the proposed road would serve greater numbers of properties.

5) Ecology.

The site was until recently used as an agricultural field with an arable crop, as such the majority of the site has a more limited ecological value. The area of most interest is the existing field hedge and sporadic trees to the site frontage. The applicant has indicated that it is their intention to retain this hedge both for ecological reasons but also to maintain the character of the area. Comments in the objections are noted, but the Council's ecology manager has considered the scheme and has not raised an objection to it. Similarly, it is not allocated or designated as being of particular ecological merit within the Local Plan. The indicative layout shows a number of biodiversity areas on site although it is unclear whether these would remain within what appears to be individual garden areas making their retention and maintenance more problematic. Should the scheme be considered acceptable it is recommended that conditions relating to the formation of such areas but also their future maintenance is attached to any permission to ensure any benefits proposed are not lost.

6) Drainage and flood risk.

The site is located within flood zone one and is therefore suitable for residential properties without mitigation. Similarly, the site area is less than one hectare and so a flood risk assessment is not required.

Nevertheless, any application needs to show that drainage proposals are suitable and the applicant has indicated that surface water at the site will be dealt with in a sustainable manner with the use of attenuation basins but also discharge at greenfield rates into an existing ditch. No details of this have been provided but the drainage team have not objected and instead seek a suitably worded condition for drainage details should permission be recommended.

7) Infrastructure.

The site is located on the route of the Viking Carbon Capture & Storage Pipeline (by Harbour Energy). The scheme is likely to be a nationally significant infrastructure project (which will require a DCO) and seeks to capture Carbon Dioxide from industry on the Humber bank and then transfer it via a pipeline to Theddlethorpe (East Lindsey) before being pumped into depleted gas wells in the North Sea for storage. This will reduce carbon emissions within the area significantly.

A large proportion of the site falls within the preferred route and deviation limit of the pipeline. Viking CCS has indicated that the routing of the pipeline has reached an advanced stage. The development of housing on this site could therefore cause harm to this important project as building over the pipeline could cause damage to it, indeed not even trees should be located over the top of the pipeline for that reason. Building over it

would also make access to the pipeline, once operational, difficult potentially compromising its operation and maintenance. They have objected on this basis. The proposal would therefore be contrary to policies: 5 and 6 of the NELLP 2018.

CONCLUSION

This application would provide seven open market bungalows potentially utilising highly sustainable building materials which is positive.

The site, however, is within an open countryside location where they would harm the character and appearance of the area, and begin to urbanise the gap between Immingham and Habrough. It would also detract from the setting of local heritage assets of value. North East Lincolnshire has a more than sufficient five year supply of housing sites and the proposal does not seek to meet any exceptional circumstances for allowing additional homes within the countryside. In addition to this, the proposal would be highly unsustainable and would rely almost wholly on the use of motor vehicles for all day to day needs of residents.

Access to the site by motor vehicles would however, be possible and subject to conditions could be deemed safe. Similarly, whilst some loss to ecology would occur it this is not deemed significant subject to further suitable conditions protecting the existing hedgerows and formation of landscaped and ecological improvement areas.

Drainage, to the site is proposed to focus on sustainable drainage within the upper levels of the SUDs hierarchy. This is positive, but is not supported by any detailed justification. Whilst possibly acceptable therefore, without evidence, a precautionary approach is recommended resisting development until suitable evidence can be provided.

Finally, the site is known to be located upon the route of the Viking CCS pipeline and development of the nationally important infrastructure project could be jeopardised or made more difficult by this proposal contrary to policies: 5 and 6 of the NELLP.

Whilst the benefits of the scheme are noted these are considered to be wholly overridden by the detrimental impacts of the scheme and as such the proposal is considered contrary to policies: 3, 4, 5, 6, 22, 36 and 39 of the North East Lincolnshire Local Plan 2013 -2032 (adopted 2018).

RECOMMENDATION

Refused

(1) The proposed development is located outside of the development area of Immingham and Habrough within open countryside without exceptional justification. The proposal is located unsustainably away from facilities and services with limited

connections to access Immingham. As such the proposal would lead to a reliance on private motor vehicles to access/ support most daily activities contrary to policies: 3, 4, 5, 16 and 36 of the North East Lincolnshire Local Plan 2013 -2032 (adopted 2018).

(2) The proposed development would have a detrimental impact on the character of the open countryside by creating an uncharacteristic ribbon of development in an area that is predominantly open farmland. This impact would increase when considered in combination with existing sporadic housing urbanising this section of countryside in between Habrough and Immingham. The development would also detract from the rural setting of Luxmore Farm a Locally Listed Building and would damage medieval ridge and furrow. The proposed development would be contrary to policies: 5, 22 and 39 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

(3) The proposed development would compromise a national significant infrastructure project (Viking CCS Pipeline) which assists to reduce carbon dioxide release contrary to polices: 5 and 6 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

Informatives

1 Informative

This decision relates to the following plans:

Site Location Plan - Produced 26th May 2023

Block Plan

Visibility Splay Plan - 532.03 Rev A

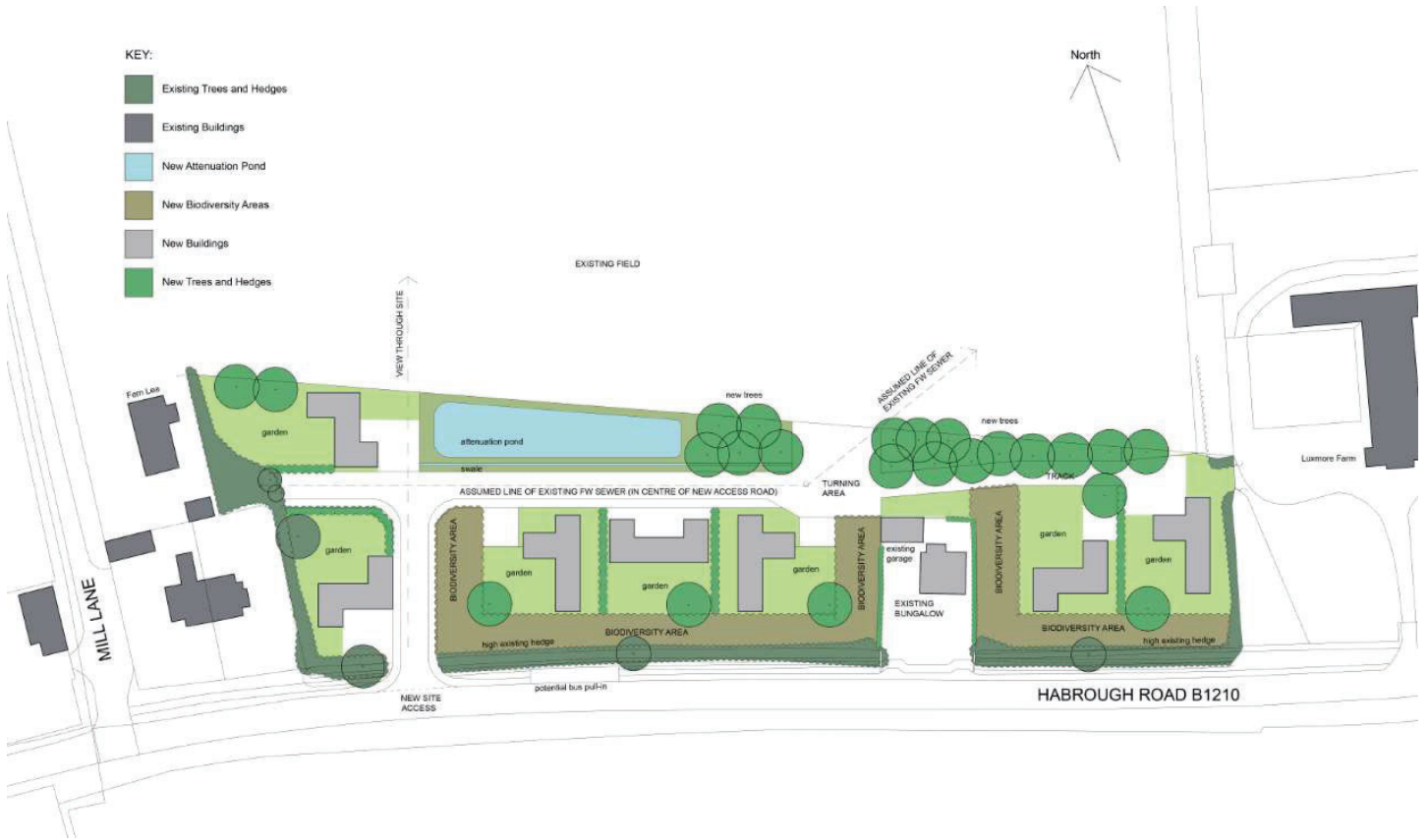
Topographical Survey

Opportunities and Constraints Plan

DM/0508/23/OUT- LAND OFF HABROUGH ROAD, IMMINGHAM



DM/0508/23/OUT- LAND OFF HABROUGH ROAD, IMMINGHAM



PLANNING COMMITTEE - 9th August 2023

ITEM: 8 **RECOMMENDATION: Approved with Conditions**

APPLICATION No: DM/0444/23/OUT

APPLICATION TYPE: Outline Application

**APPLICATION SITE: 153 Humberston Avenue, Humberston, North East
Lincolnshire, DN36 4SX**

**PROPOSAL: Outline application for the erection of 3 dwellings with access to be
considered**

APPLICANT:

Dr A Kumar
153 Humberston Avenue
Humberston
North East Lincolnshire
DN36 4SX

AGENT:

Mr Byron Smith
By Design
47 The Avenue
Healing
Grimsby
North East Lincolnshire
DN41 7NA

DEPOSITED: 9th May 2023

ACCEPTED: 22nd May 2023

TARGET DATE: 17th July 2023

PUBLICITY EXPIRY: 18th June 2023

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 15th June 2023

CASE OFFICER: Bethany Loring

PROPOSAL

The application seeks outline planning permission, with access to be considered, to erect three detached dwellings to the rear of 153 Humberston Avenue, Humberston.

The application is brought to Planning Committee following an objection from Humberston Parish Council.

SITE

The primary site lies to the rear of 153 Humberston Avenue and is part of the garden

area for the host property. The site contains a number of trees and as such a Tree Report has been supplied by the applicant as part of this submission. The site has strong boundary treatments with hedges between 2m and 3m high along with a selection of high trees.

Access to the site would utilise the existing access to the host property directly off Humberston Avenue and a new access would be created for the host property. The existing access runs between the host property and the eastern boundary of the site to a large, detached garage set behind the house. The proposed development would seek to extend this access into the rear garden.

RELEVANT PLANNING HISTORY

DM/0581/15/FUL - Erection of a detached dwelling - Approved (Permission Expired).

DM/1035/16/OUT - Outline application for 1 detached dwelling - Approved (Permission Expired).

DM/0481/18/FUL - Erection of a detached dwelling renewal of DM/0581/15/FUL - Approved (Permission Extant).

DM/0977/19/OUT - Outline application for the erection of three dwellings with access to be considered - Approved (Permission Expired).

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
- PO38 - Parking
- 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 visibility splays, access details, CTMP and bin store conditions. Highways license informative. Visibility splays provided and acceptable.

Environment Team - Hours of construction/demolition and CMS conditions and EV charging informative.

Drainage Team - Surface water drainage condition, no raising of existing ground levels.

Humberston Village Council - Objects in relation to infill policy and affect on the overall character of the area.

Trees and Woodlands - No issues. Previous condition to be included.

Grimsby and Cleethorpes Civic Society - Concerns regarding setting a precedent, viability of the development and that one dwelling would be more acceptable.

Heritage Officer - No input required.

Neighbour Representations

134 Humberston Avenue - Objects relating to concerns regarding overdevelopment, lapse of permission, inability to sell, highway safety, bin storage and pedestrian safety.

APPRAISAL

Material Considerations

Principle of Development

The site is located within the development area boundary for Humberston on the NELLP and forms part of the established residential area of Humberston Avenue. Policy 5 of the NELLP does not preclude new residential development within the defined settlement boundaries.

The planning history of site is noted and this proposal has been approved previously under DM/0977/19/OUT.

It is considered that the principle of the proposed development would not conflict with Policy 5 of the NELLP and would follow the parameters set by the previous planning

application.

Impact on Neighbours

The proposed development would be focused to the rear of the host property 153 Humberston Avenue. The properties either side, 151 and 155 Humberston Avenue, both benefit from very large gardens. These neighbours have not commented on the application.

The proposed development would include the access to the dwellings being located adjacent to the side elevation of 155 Humberston Avenue. In terms of traffic generation, the proposed development would be for 3 dwellings and this would not attract a significant amount of traffic or create a subsequent significant impact on the amenities of this neighbour as a result.

In terms of physical impacts on the adjoining neighbours; both 151 and 155 are set in extensive grounds and would be located a significant distance from the proposed dwellings. It must be remembered that this is an outline planning application with only the means of access to be considered but an indicative plan has been submitted to show how a development of this scale could occur without causing undue impact. The final details and subsequent impacts would be determined at the reserved matters stage. It is therefore considered that, in principle, the site could accommodate 3 dwellings without causing undue impacts to the neighbouring properties. The proposal is therefore in accordance with Policy 5 of the NELLP.

Impact on the Character of the Area and Landscaping

It is noted that the Village Council and a neighbour have raised concerns over the proposed development and how it would have a detrimental impact on the character of the area by its nature as backland or infill development.

Over a number of years backland and infill development has become an intrinsic part of the character of Humberston Avenue. There are numerous examples of very similar developments on both sides of Humberston Avenue along its length with other much larger forms of development also now present. In addition, this site has benefited from previous approvals and, more specifically this particular amount of dwellings in 2019. There is therefore no objection in principle to backland or infill development along Humberston Avenue in accordance with Policies 5 and 22 of the NELLP.

In terms of this outline planning application for 3 dwellings the site specific impacts on the wider character of the area must still be considered. The proposal would see the existing access into 153 Humberston Avenue altered to accommodate the development and a new access to 153 itself created. Numerous dual accesses exist along Humberston Avenue and this proposal would not offer an undue harm to that established character. In terms of visual impact on the area from the actual proposed dwellings, due to the extent of the host property's garden and the position of the dwellings on the indicative plan

provided there would not be any readily available views from the public domain to them. It is therefore considered that the proposed development would not harm the visual character of the area in accordance with Policies 5 and 22 of the NELLP.

The application has been submitted with a Tree Report and Method Statement which the Tree Officer has considered in detail. The Trees and Woodlands Officer has commented to state that there are no fundamental issues given this a resubmission of the previous approval however has requested that the condition relating to the eastern boundary is once again included. It is therefore considered that the development would not harm the longevity of the trees on and adjacent to the site in principle in accordance with Policy 42, subject to the recommendations of the Tree Report being adhered to.

It is therefore considered that the proposed development would not, in principle, harm the established character of Humberston Avenue and would be in accordance with Policies 5 and 22 of the NELLP.

Highways Safety and Amenity

The proposed development has been assessed in detail by the Highways Officer and the scheme includes a new separate access to 153 Humberston Avenue, a wide access point to the highway to allow two vehicles to pass each other, a suitable width to the access road and provision of passing places along the access road. Visibility spays have demonstrated that these can be achieved following a request for this detail. The Highways Officer has requested conditions relating to access construction detail, bin stores and construction traffic management which have been included. A bin store area has been indicatively shown and therefore can be accommodated however the specific detail has been conditioned to be provided at reserved matters stage.

The concerns raised by the neighbour have been considered in detail; the proposed development would not create a significant increase in traffic movements, the indicative layout shows that vehicles can turn within each plot and the proximity of the new access arrangements to the existing bus stop would also be acceptable. It is also noted that domestic accesses close to bus stops are not an unusual situation in residential areas and indeed is common down Humberston Avenue. In terms of parking provision within the site for each plot the indicative site plans shows a detached garage and space for a further 2 cars. Policy 38 requires appropriate levels of parking for the scale of the development. It is considered that a garage and 2 spaces per property is acceptable for this type of development.

It is therefore considered that the proposed development accords with Policies 5 and 38 of the NELLP in terms of highway safety and amenity.

Drainage and Flood Risk

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 and is therefore sequentially preferable for development.

The nature of the proposed application being in outline form means that a detailed surface water drainage scheme cannot yet be designed. As such it is considered that a condition requiring a detailed sustainable surface water drainage scheme to be submitted at the detailed design stage is appropriate. The Drainage Officer has considered this proposal and supports this approach for a condition with additional informatives to include no raising of existing ground levels. It is therefore considered that the proposal is in accordance with Policies 5, 33 and 34 of the NELLP.

CONCLUSION

In conclusion, it must be remembered that this is an outline planning application with only the means of access to be considered. The indicative site plan shows that 3 dwellings can be positioned on the site without causing any significant harm to the neighbouring properties residential amenities, trees and the character and appearance of the area. The proposed access arrangements detailed ensure that there would not be an unduly detrimental impact on highway safety and amenity. The proposal therefore accords with Policies 5, 22, 33, 34, 38 and 42 of the NELLP. The application is therefore recommended for approval subject to conditions.

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) 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 - 21940.01A
Proposed Block Plan - 21940.03F
Topographical Survey - 1609/001

Reason

For the avoidance of doubt and in the interests of proper planning and to accord with policies 5, 22, 33, 34, 38 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(4) Condition

No development shall commence until a final scheme for the sustainable provision of surface water drainage and a scheme for foul drainage has 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 and the drainage implemented prior to occupation.

Reason

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

(5) Condition

No 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

Prior to occupation of the dwellings, 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 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

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

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

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

Reason

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

(8) Condition

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

Reason

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

(9) Condition

The development shall be carried out in complete accordance with the Arboricultural Report (dated 6th March 2020) and Arboricultural Method Statement (dated 9th March 2020). Unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests existing trees in accordance with policy 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(10) Condition

Prior to development commencing full details of the eastern boundary fencing and landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be fully installed prior to the occupation of any dwelling on the site and retained thereafter.

Reason

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

(11) Condition

The visibility splays as shown on drawing no. 21940.03F shall be retained at all times with nothing to be erected or allowed to grow over 1.05 metres in height above the carriageway level of the adjoining highway at any time.

Reason

In the interests of highways safety and amenity 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 5, 22, 33, 34, 38 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

There shall be no raising of the existing ground levels.

4 Informative

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

5 Informative

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

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

7 Informative

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





PLANNING COMMITTEE - 9th August 2023

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

APPLICATION No: DM/0690/22/FULA

APPLICATION TYPE: Accredited Agent - Homeholder application

APPLICATION SITE: 182 Humberston Fitties, Humberston, North East Lincolnshire, DN36 4HE

PROPOSAL: Demolish existing conservatory, erect single storey rear extension with cladding, install decking with access ramp to side and various associated alterations

APPLICANT:
Mrs Jean Bradley
69 Tapton Mill Road
Sheffield
Yorkshire
S10 5GA

AGENT:
Geoffrey Wagstaff
52 Marlborough Way
Cleethorpes
North East Lincolnshire
DN35 0TR

DEPOSITED: 2nd August 2022

ACCEPTED: 9th August 2022

TARGET DATE: 4th October 2022

PUBLICITY EXPIRY: 25th September 2022

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 3rd September 2022

CASE OFFICER: Owen Toop

PROPOSAL

This proposal relates to the demolition of an existing conservatory, the erection of a single storey rear extension, external cladding and the installation of decking with an access ramp to the side.

As part of this application, amended plans have been received to respond to concerns raised with regards to the historic built environment. Clarification has also been sought on external materials and finishes.

This application is brought to the attention of planning committee due to an objection from Humberston Village Council.

SITE

The site is located within the Humberston Fitties Holiday Park and is within the Humberston Fitties Conservation Area. 182 Humberston Fitties is located on the west side of 1st Main Road and is situated on the row of chalets that borders 11th Avenue. The chalet has seen alterations over the years, including the erection of a conservatory to the west and rear elevation.

RELEVANT PLANNING HISTORY

None relevant.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2021)

NPPF12 - Achieving well designed places
NPPF14 - Climate, flooding & coastal change
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

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

Heritage Officer - Following receipt of amended plans and further information, the heritage officer is content with the scheme. The officer would prefer no external cladding so that the existing materials (metal sheeting) remain visible.

Drainage - Accepts the submitted surface water drainage details.

Environment Agency - No objections and have stipulated that the floor levels should be no lower than existing floor levels and flood resistance and/or resilience measures should be incorporated where appropriate, a website link to standing advice is provided.

Highways - No objections.

Humberston Village Council - Objections to the scale of the works and that the proposal would not be in keeping with other chalets in the area. Considers materials are unclear.

Neighbour Representations Received

85 Humberston Fitties - Concerns with the size and appearance of the chalet and reference to other chalets in the area.

185 Humberston Road - Objects to the scale of the alterations and makes reference to the conservation area and article 4 direction.

APPRAISAL

The material considerations are:

- 1) Principle of Development
- 2) Design, Heritage and Impact on the Character of the Area
- 3) Impact on Neighbours and Public Objection

- 1) Principle of Development

The application site is outside of the development area boundary (policy 5) but within the resort area (policy 12) and Humberston Fitties Conservation Area (policy 39). The principle of development is acceptable provided that the proposal does not give rise to detrimental impacts upon design (policies 5 and 22), heritage (policy 39) and neighbouring amenity (policy 5).

- 2) Design, Heritage and Impact on the Character of the Area

The proposal pertains to a flat roof extension to the rear of the chalet, a new access ramp to the side as well as external cladding. The applicant originally sought to increase the overall footprint of the chalet to which the heritage officer raised concerns. It is also recognised that concerns have been raised via public representation and from Humberston Village Council in terms of design, scale and heritage.

To respond to these concerns, the applicant has sought to retain the overall footprint of the chalet (with the exception of the new accessibility ramp and decking). With these modifications the extension would not present a detrimental concern. Notably the conservatory would be replaced with the extension which is of similar size. With regards

to the flat roof of the proposed extension, the applicant has clarified the material will be a 3 ply mineral based felt.

It is acknowledged that the proposed ramp would be a visible feature from First Main Road which is a regularly used route within the holiday park by the public and would be relatively close to the site boundaries. The applicant has provided additional clarification with regard to the balustrade associated with the ramp; the balustrade is open but with hit and miss vertical timber balustrades. Decking, verandas and balustrades are a common feature throughout the holiday park and are supported with the Humberston Fitties Chalet Design Guide. It is considered that whilst the ramp would be close to the site boundaries, there are limited options for its location and it is required for a specific purpose that is considered an exceptional circumstance as it is required for mobility reasons. Given this, whilst the ramp is visible, it would not detract from the main chalet and or cause an adverse impact in terms of visual design and amenity.

It is noted that the existing metal sheeting has been denoted as containing asbestos. With any works to the chalet, the applicant is reminded of their duties under the Control of Asbestos Regulations 2012 and an informative is provided with this recommendation. The applicant has confirmed that the existing external sheeting would be clad over in timber and that there would be no removal of the original sheeting. Whilst the authority would prefer the cladding not to occur, in policy terms, the use of timber cladding is supported within the Humberston Fitties Chalet Design Guide. As the proposal is consistent with the design guide the proposal accords with local heritage policy. Equally, retaining the sheeting under the cladding retains historic significance, in that it can be revealed.

All new windows and doors would be constructed in timber to match the existing windows of the chalet.

Having considered the above, with conditions to control materials it is considered that the proposal accords with policies 5, 22 and 39 of the NELLP.

3) Impact on Neighbours and Public Objection

The proposal is located within an existing holiday park. The closest neighbours are 220 Humberston Fitties to the west, 221 Humberston Fitties to the north west, 180 Humberston Fitties to the north, 219 Humberston Fitties and 184 Humberston Fitties to the south and 171 Humberston Fitties to the east.

The changes would build on from an existing concept at the chalet, in that the conservatory would be replaced with a flat roof extension that on the whole would be similar in terms of its footprint. The single storey nature of the works results in there being no detrimental impacts to neighbours identified above.

The recladding itself would be a visual change but it would follow on from examples of other chalets within the area using timber. It is not expected to cause any detrimental

concerns to neighbours. The ramp as well would be a minor alteration to the chalet given its low height and also would not present any detrimental impacts to neighbouring amenity.

It is acknowledged that two objections have been received, one from 85 Humberston Fitties and one from 185 Humberston Road. These comments refer to the size of the chalet and of the Article 4 Direction and were based on the original scheme. Moreover, Humberston Village Council have also objected. This comment was also based on the original scheme and the scheme has since been revised to address these concerns. Whilst the Parish Council maintain their objection, the proposal is seen as an improvement and is supported in policy terms.

Having considered the above, the proposal accords with policy 5 of the NELLP.

CONCLUSION

This proposal relates to the demolition of an existing conservatory, the erection of a single storey rear extension, external cladding and the installation of decking with an access ramp to the side.

As part of this application, amended plans have been received to respond to concerns raised with regards to the historic built environment. Having considered the amended scheme, the proposal would no longer present any detrimental impacts in terms of design or heritage. It also does not pose any detrimental concerns in relation to neighbours. The proposal is therefore recommended for approval with conditions in accordance with policies 5, 12, 22, 33, 34 and 39 of the NELLP.

RECOMMENDATION

Approved with Conditions

(1) Condition

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

Reason

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

(2) Condition

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

Proposed Elevations and Section - GW/JB/FMR/3 amended February 2023

Proposed Ground Floor Plan and Elevation - GW/JB/FMR/2 amended February 2023
Proposed Roof Plan and Typical Wall Section - GW/JB/FMR/4 amended February 2023
Proposed Block Plan - GW/JB/FMR/1 amended February 2023
Site Location - received 2nd August 2022.

Reason

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

(3) Condition

With the exception of the flat roof, the proposed development shall be constructed in strict accordance with the materials specified within the approved plans and the email received by the Local Planning Authority on 14/03/2023 from Geoffrey Wagstaff, unless otherwise first approved in writing by the Local Planning Authority.

The flat roof of the extension hereby approved shall be constructed as per the materials specified within the email received by the Local Planning Authority on 6/05/2023 from Geoffrey Wagstaff, and not as stated on approved plan GW/JB/FMR/3 amended February 2023, 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, 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(4) Condition

Floor levels for the proposed extension must be set no lower than the existing.

Reason

In the interests of flood risk in order to comply with policies 5 and 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 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, 12, 22, 33, 34 and 39.

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 amended plans and negotiating on refusals, as well as applying conditions in the interest of local amenity and heritage.

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

Where there may be the possibility of asbestos in the buildings the applicant, developer, and future occupiers are reminded of the duties under the Control of Asbestos Regulations 2012, or the more general duties under the Health and Safety at Work Act 1974 in relation to any presence of asbestos in the building(s). The Health and Safety Executive can be contacted for further advice and a copy of the Approved Code of Practice is available from their website at <http://www.hse.gov.uk/pubns/books/l143.htm>.

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.

6 Informative

Flood resistance and/or resilience measures should be incorporated into the development where appropriate. Advice on flood risk mitigation can be found at <https://www.gov.uk/guidance/flood-risk-assessment-standing-advice>.





PLANNING COMMITTEE - 9th August 2023

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

APPLICATION No: DM/0137/23/FULA

APPLICATION TYPE: Accredited Agent - Homeholder application

APPLICATION SITE: 2 Humberston Avenue, Humberston, North East Lincolnshire, DN36 4SJ

PROPOSAL: Erect single storey home gym with associated works - amended block plan received 4th July 2023

APPLICANT:

Mrs Sarah Mcquillan
2 Humberston Avenue
Humberston
North East Lincolnshire
DN36 4SJ

AGENT:

Geoffrey Wagstaff
52 Marlborough Way
Cleethorpes
North East Lincolnshire
DN35 0TR

DEPOSITED: 21st February 2023

ACCEPTED: 18th April 2023

TARGET DATE: 13th June 2023

PUBLICITY EXPIRY: 28th July 2023

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 28th July 2023

CASE OFFICER: Becca Soulsby

PROPOSAL

The proposal seeks to erect a single storey home gym with associated works.

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

SITE

2 Humberston Avenue is a large detached property located to the south side of the road. The area surrounding the property is residential in nature, with a combination of detached and semi-detached properties. The site is covered by Tree Protection Order NEL18.

RELEVANT PLANNING HISTORY

No relevant planning history.

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

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

Consultees

Highways - Approval no conditions.

Drainage - Water butts are acceptable.

Heritage - No heritage input required.

Trees and Woodlands - The site is covered by a TPO however the proposal does not impact important trees. No objections to the proposal.

Humberston Village Council - No objections but request that the building be sited more than 1 metre from the boundary.

Neighbours

4 Peaks Lane - Objection received in respect of outbuilding being too close to the boundary and being unable to maintain their outbuilding - this neighbour is located across the road away from the host property, it is assumed this comment is received in error for this application.

4 Humberston Avenue - Comment in support of the application.

1A Fearn Close - Objection querying red edge and the associated works as well as concern in respect of the use of outbuilding and that the building is too close to the boundary.

2 Enfield Avenue - Objection received due to potential disruption throughout construction and concern in respect of the use of outbuilding.

8 Enfield Avenue - Objection received. Outbuilding too large and overbearing, querying information provided on block plan as trees covered by TPO not indicated, concern over red edge not corresponding with red edge on DM/0046/20/FUL and construction access could affect existing trees.

APPRAISAL

Material Planning 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 outbuilding proposed is to be situated within the south-west corner of the rear garden of the property. The outbuilding will create approximately 112 square meters of floor space, measuring at 15.2 metres wide and 7.7 metres deep. The building will measure 3 metres to the eaves and 5.2 metres to the highest point. The materials proposed for the outbuilding are to match the materials of the existing house making the design in keeping with the host property.

There will be limited views of the outbuilding within the street scene due to the location of the outbuilding within the rear garden. The outbuilding will be screened from the road by existing trees and hedges.

The host dwelling is capable of accommodating an outbuilding of this size and scale without becoming overdeveloped. Therefore, it is deemed that 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 4 Humberston Avenue and 304 Station Road to the sides, 1

and 1A Fearn Close to the rear, and 1A and 1B Humberston Avenue to the front. Four neighbour objections have been received in respect of this application, with one comment received in support.

An objection has been received from 1A Fearn Close querying the red edge on the site location plan submitted, as well as querying the use of the outbuilding and stating that the outbuilding is located too close to the boundary. The objection is acknowledged; the red edge has been amended in light of the objection received. In respect of the use of the outbuilding, this is identified as a home gym, this will be conditioned to remain ancillary to the main dwelling. The outbuilding proposed is to be sited approximately 1 metre from either boundary which allows for construction and future maintenance.

An objection from 2 Enfield Avenue was received in respect of potential disruption through the construction of the outbuilding as well as concern with regards to the use of the outbuilding. In response to this, the agent has confirmed that all construction access will be from the sole access point to the property from Humberston Avenue. With respect of the use of the outbuilding, this has been addressed above.

An objection from 8 Enfield Avenue was received due to the scale of the outbuilding proposed, TPO trees not being indicated on the block plan submitted, concern over the red edge not corresponding with another proposal to the south of the site and the impact of construction traffic on the existing trees. In response to this, an amended block plan has been received with this detail added. The issues in respect of scale, design and construction traffic have been addressed above.

An objection from 4 Peaks Lane has been received in respect of the outbuilding being too close to the boundary with this property. Due to the location of this property when compared to the application site, it is believed that the objection has been received in error as 4 Peaks Lane is located across the road away from the host property and therefore the proposal does not adjoin the boundary with this neighbour.

A comment in support of the application was received from 4 Humberston Avenue, this is acknowledged.

The proposal would be visible from 1 and 1A Fearn Close in particular at the rear however it is not deemed to pose a detrimental impact to these neighbours in respect of massing, dominance or overshadowing given its footprint, proximity and single storey height. Openings are proposed facing east only, which would prevent any direct overlooking for neighbours. In relation to all other neighbours, the outbuilding would be suitably screened and separated to ensure no adverse impacts.

The proposal would not be detrimental to neighbouring amenity and is considered in accordance with Policy 5 of the NELLP 2018.

Trees

The application site is covered by Tree Protection Order NEL18. The Trees and Woodlands Officer has no objections to the proposal as the location of the development does not impact on important trees. The proposal is therefore deemed to be in accordance with Policy 42 of the NELLP 2018.

Other Considerations

The Council's Highways and Heritage Officers raised no objections to the application. The Drainage Officers are content with the provision of water butts, with a condition attached to the approval for the implementation of these. Humberston Village Council raised no objections to the proposal, however requested that the outbuilding be sited more than 1 metre from the boundary. Measurements are as detailed.

CONCLUSION

The outbuilding proposed can be accommodated and is of an acceptable size, design and appearance in the position proposed. It is considered that the development would not unduly harm the amenity of the neighbouring properties or the character and appearance of the area. The application is therefore considered to be in accordance with Policies 5, 22, 34 and 42 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:

Site Location Plan - received 19th May 2023
GW/SM/HA/3 - Proposed Block Plan with Tree Detail
GW/SM/HA/1 - Proposed Plans and Elevations
GW/SM/HA/2 - Proposed Roof Plan and Elevations

Reason

For the avoidance of doubt in the interests of proper planning and in accordance with Policies 5, 22, 34 and 42 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 and on the approved plans 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 Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(4) Condition

Surface water drainage shall be via the water butts shown on plan no. GW/SM/HA/1 which shall be installed before the outbuilding 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).

(5) Condition

The outbuilding shall only be used ancillary and incidental to the domestic dwelling at 2 Humberston Avenue.

Reason

To ensure the use is suitable for and in character with the existing residential area and 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 neighbouring amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular Policies 5, 22 , 34 and 42.

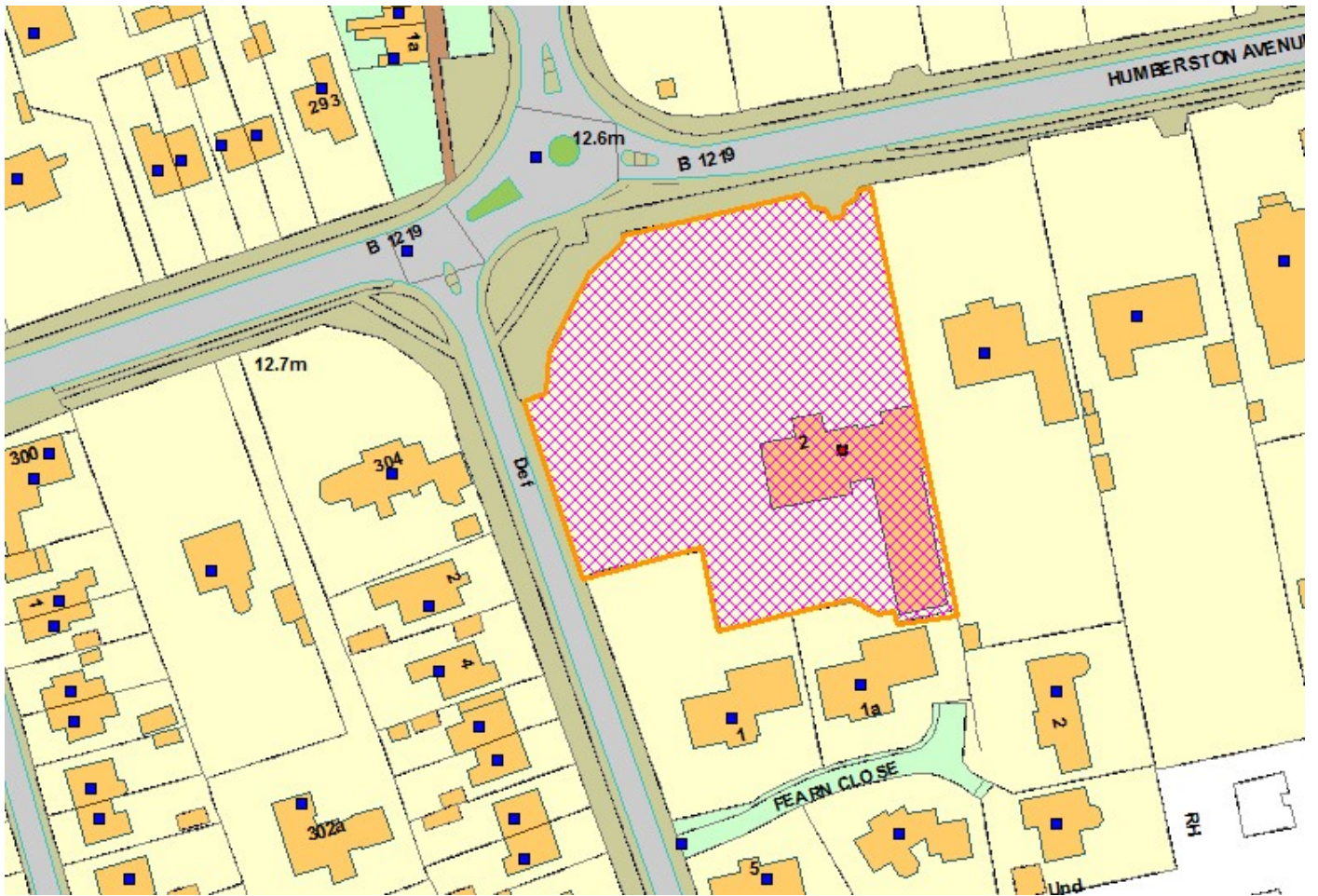
2 Added Value Statement

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 adding conditions for materials, use and drainage.

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).





PLANNING COMMITTEE - 9th August 2023

ITEM: 11 **RECOMMENDATION: Approved with Conditions**

APPLICATION No: DM/0530/23/FUL

APPLICATION TYPE: Full Application

**APPLICATION SITE: Flat 5, 1 - 5 Corporation Road, Grimsby, North East
Lincolnshire, DN31 1UJ**

**PROPOSAL: Retrospective application to erect first floor side extension with
associated internal and external works**

APPLICANT:

Mrs Tanya Brasted
Flat 5
1 - 5 Corporation Road
Grimsby
North East Lincolnshire
DN31 1UJ

DEPOSITED: 5th June 2023

AGENT:

Martyn Shepherd
16 Connaught Avenue
Grimsby
North East Lincolnshire
DN32 0BS

ACCEPTED: 20th June 2023

TARGET DATE: 15th August 2023

PUBLICITY EXPIRY: 14th July 2023

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 14th July 2023

CASE OFFICER: Bethany Loring

PROPOSAL

The application seeks retrospective permission to erect a first floor side extension with associated internal and external works at an existing residential flat.

The application is brought to Planning Committee because the applicant is a Ward Councillor.

SITE

The property is situated on the north side of Corporation Road, Grimsby. The property is a detached building located centrally within an established row of commercial premises. To the east sits Alexandra Retail Park, which hosts many commercial properties and to

the west sits Hartwell, Grimsby. There are a few residential properties to the southeast, which include commercial properties also. The property includes residential flats above the existing commercial property. The works have taken place and is fully constructed.

RELEVANT PLANNING HISTORY

DM/0782/18/FUL - Change of use from florist to childrens nursery, alteration of existing car parking area to create external play area with two parking spaces and the installation of fencing, gates and new access point - Approved with Conditions 20th December 2018

DM/0701/19/CND - Details in discharge of Condition No 5 (Flood Warning and Evacuation Plan) pursuant to DM/0782/18/FUL (Change of use from florist to childrens nursery, alteration of existing car parking area to create external play area with two parking spaces and the installation of fencing, gates and new access point) - Conditions Complied With 6th September 2019

DM/0808/19/ADV - Display non illuminated fascia signs - Approved with Conditions 14th November 2019

DM/0462/21/FUL - Creation of additional storey with roof lift to provide additional bedroom - Approved with Conditions

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

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

Environment Team - No comment.

Drainage Team - No comments.

Highways Team - Approval no conditions.

Heritage Officer - No input required.

Health and Safety Fire Safety - Criteria not met and not necessary to consult.

Neighbour Representation

No neighbour representations received.

APPRAISAL

Principle of Development

The application site is within the development area of Grimsby (Policy 5) and relates to the retention of a first floor side extension with associated internal and external works at an existing residential flat. 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 policy 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and section 12 of the NPPF.

Design

The extension protrudes from the sidewall, at first floor, by 1.3 metres covering a width of 5.4 metres. The eaves height is 5.6 metres and the maximum overall height is 5.8 metres with a flat roof incorporated into the design. This ridge does not exceed the highest point of the differing ridge heights already in situ. It is important to note that the addition is positioned to the side of the building and is entirely screened from the front and rear. This addition provides enlarged room space to the existing flat. This includes two windows to the side elevation.

The extension is constructed of grey PVC cladding with a typical flat roof system, which are similar in appearance to the existing building. Furthermore, the window openings utilise white uPVC.

The works are not visible from the host street due to the position of these though this is visible from the adjoining street, Rendel Street. However, as the main alteration is towards the side it is not considered to be overly significant within the street scene. Its position and layout ensure an acceptable scale and design against the existing building and to neighbours, specifically in relation to the ridge heights. Whilst the works are not

insignificant, they are not unusual to a site in this area. This area of Corporation Road and Rendel Street is mostly commercial in nature with varied designs and materials. Whilst it is noted that some part of the building does sit higher than the other properties within the street scene, it is not considered to present an alien feature within the street scene due to the pitch being lower than the highest part of the existing ridge.

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

Impact on Neighbours

The works alter an existing residential flat connected to a commercial business. In terms of impact, the works do not create a significant impact on neighbours due to its position in an already established area of commercial businesses and an already established use.

In terms of residential amenity, most of the existing residential dwellings are located across a busy road and are considered to be sufficiently separated. The works are to the side, behind the frontage of the building; therefore, sufficiently screened.

There have been no neighbour representations received during the planning process.

The proposal is acceptable is in accordance with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) in relation to amenity.

CONCLUSION

In conclusion, it is considered that the works accord with policy 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and sections 12 and 14 of the NPPF. The application is therefore recommended for approval.

RECOMMENDATION

Approved with Conditions

(1) Condition

The development shall be retained in accordance with the following plans:

Site Location Plan and Block Plan - received 5th June 2023

Proposed Floor Plan and Elevations - received 5th June 2023

Reason

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

(2) Condition

The development shall be retained using materials as specified within the application form received 20th June 2023 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 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. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 5, 22 and 33.

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.



