

Planning Committee Dated: 31st January 2024

Summary List of Detailed Plans and Applications

	Recommendation: Prior Approval Granted
Item:	1
Application No:	DM/1088/23/PAT
Application Type:	Prior Approval - Telecom
Application Site:	Thorpe Park Holiday Camp Anthony's Bank Road Humberston North East Lincolnshire
Proposal:	Prior approval to erect 23.14m mast and associated ancillary equipment
Applicant:	Freshwave Facilities Ltd
Case Officer:	Bethany Loring

	Recommendation: Conditions Complied With
Item:	2
Application No:	DM/0353/23/CND
Application Type:	Discharge Condition
Application Site:	Land Off (Kia Cars) North Moss Lane Stallingborough North East Lincolnshire
Proposal:	Details in Discharge of Condition 1 (Lighting Details) attached to planning appeal ref: APP/B2002/C/22/3302724
Applicant:	KIA UK Limited
Case Officer:	Richard Limmer

	Recommendation: Refused
Item:	3
Application No:	DM/0928/23/FUL
Application Type:	Full Application
Application Site:	Land Rear Of 37 - 39 Peaks Avenue New Waltham North East Lincolnshire
Proposal:	Erect a detached bungalow to include driveway/parking area to front with associated works (Amended Plans received 30th November 2023 to revise design of frontage and tree details)
Applicant:	Mr Lee Standland
Case Officer:	Bethany Loring

	Recommendation: Refused
Item:	4
Application No:	DM/1126/23/FUL
Application Type:	Full Application
Application Site:	Rear Of 99 Queens Parade Cleethorpes North East Lincolnshire DN35 0DQ
Proposal:	Resubmission of DM/0327/23/FUL change of use of garage to self contained dwelling to include alterations to windows and doors, installation of boundary treatments
Applicant:	Mr Peter Foster
Case Officer:	Emily Davidson

Recommendation: Approved with Conditions

Item: 5

Application No: DM/0108/23/FUL

Application Type: Full Application

Application Site: 17 Tetney Road Humberston North East Lincolnshire DN36 4JE

Proposal: Retrospective application to erect single storey extension to rear of existing garage to create garden room

Applicant: Mr Andrew Ryan

Case Officer: Owen Toop

Recommendation: Approved with Conditions

Item: 6

Application No: DM/1175/23/OUT

Application Type: Outline Application

Application Site: Ingleside Waltham Road Brigsley North East Lincolnshire

Proposal: Outline application to erect a dwelling with access to be considered

Applicant: Mr W Browning

Case Officer: Bethany Loring

PLANNING COMMITTEE - 31st January 2024

ITEM: 1 **RECOMMENDATION: Prior Approval Granted**

APPLICATION No: **DM/1088/23/PAT**

APPLICATION TYPE: **Prior Approval - Telecom**

APPLICATION SITE: **Thorpe Park Holiday Camp , Anthonys Bank Road,
Humberston, North East Lincolnshire, DN35 0PW**

PROPOSAL: **Prior approval to erect 23.14m mast and associated ancillary
equipment**

APPLICANT:

Freshwave Facilities Ltd
Level 1
50 Cowcross Street
London
EC1M 6AL

AGENT:

Jack Taylor
Fuller Long
1 Waverley Lane
Farnham
GU9 8BB

DEPOSITED: 8th November 2023

ACCEPTED: 21st November 2023

TARGET DATE: 16th January 2024

PUBLICITY EXPIRY: 24th December 2023

AGREED EXTENSION OF TIME DATE: 2nd
February 2024

CONSULTATION EXPIRY: 16th December
2023

CASE OFFICER: Bethany Loring

PROPOSAL

This application seeks prior approval for the installation of a 23.14 metre high mast with associated ancillary equipment. The mast would be galvanised steel painted green and all cabinets would be painted green.

Prior approval applications under Part 16 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) are required to be determined within 56 days of submission unless an extension of time is agreed. An extension of time on this application has been agreed until 2nd February 2024. On 21st December 2023, it was confirmed by the Council that Prior Approval is required for the works for the siting and appearance of the proposed telecommunications installation.

The application is brought to planning committee following the number of objections received from neighbours, including a petition and due to the objection from Humberston Village Council.

SITE

The site is within the main complex of Thorpe Park Holiday Park which is located in Humberston. The wider site is host to a holiday park which includes caravans, lodges, tenting and touring facilities for the visitors as well as varied leisure activities associated with the overall use. The mast would occupy an existing grass verge along the main entrance road into the site close to the main reception area of the holiday park and holiday facilities. The immediate area is made up of mature trees that surround the area of works. Humberston Fitties lies to the east which is a designated conservation area.

RELEVANT PLANNING HISTORY

No relevant planning history.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2023)

- NPPF10 - Supporting high quality communications
- NPPF12 - Achieving well designed places
- NPPF15 - Conserv. & enhance the natural environ.
- NPPF16 - Conserv. & enhance the historic environ.

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

- PO5 - Development boundaries
- PO22 - Good design in new developments
- PO35 - Telecommunications
- PO39 - Conserve and enhance historic environ
- PO41 - Biodiversity and Geodiversity

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

REPRESENTATIONS RECEIVED

Highways Team - Approval no conditions.

Environment Team - No comment.

Drainage Team - No comment.

Heritage Officer - No input required.

Humberston Village Council - Objects due to proximity to residential development and positioning.

NELDB - No drainage implications.

Ecology Officer - No impacts expected.

Neighbour Representations

In total 35 letters of objection have been received. In some cases, multiple letters from the same address have been received. Objections received from:

4 Clayfield Avenue, Mexborough

80 Clee Road

Dulands Farm, Ashborne

11 Eddy Road, Aldershot

33 Fairfax Road

38 Faulding Way

54 Henley Drive, Surrey

32 Humberston Fitties

34 Humberston Fitties

38 Humberston Fitties

85 Humberston Fitties

87 Humberston Fitties

113 Humberston Fitties

148 Humberston Fitties

165 Humberston Fitties

252 Humberston Fitties

253 Humberston Fitties

255 Humberston Fitties

259 Humberston Fitties

263 Humberston Fitties

266 Humberston Fitties

284 Humberston Fitties

301A Humberston Fitties

313 Humberston Fitties

105 Lambert Road
31 Lindsey Drive, Holton Le Clay
Little Stoke, Church Road, Witham
11 New Road, Derby
146 Paston Lane, Cambridgeshire
49 Robert Pearson Mews
17 St Johns Gate, Tetney
25 St Marys Road, Doncaster
The School House, Giles Street
2 Watt Avenue, Colsterworth
61 Worcester Crescent, Derby

Broadly on the grounds of:

- Visual impacts
- Location and siting
- Overall height
- 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
- Impacts to conservation area and heritage
- Environmental impacts
- Ecological impacts
- Questions referring to acts, statutes and regulations for suffering loss, harm or injury
- Reference to local and national planning policy
- Reference to legal cases

A petition including 65 signatures has also been submitted objecting to the development.

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. Ecology and Highways
5. 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 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 the holiday park itself. The central location has been considered most appropriate in order to provide the best connection for the wider site and all occupiers of the holiday park. 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. Mast sharing can therefore not apply in this case. Overall, this site would provide new coverage for this area and the case for a new mast at this location is sequentially accepted.

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 23.14 metres to include the mast itself and associated antennas. It is acknowledged that the mast in this case is not one of a slim line design and is wider but it is of a mono pole design. The mast and its associated cabinets would all be painted in green. At 23.14 metres high it would be of a greater height than the mature trees that surround the immediate area however, the holiday site reduces the visual impacts of the mast height by assimilating it into the landscape. 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, specifically in relation to the Humberston Fitties Conservation Area. However, it is considered that there is sufficient separation from the conservation area, and the chalets within this area. Whilst visible, the consideration is whether the proposal would detract from the character of the area or present detrimental visual impacts to the conservation area. With its positioning within an established holiday park, the proposal is not considered to cause any adverse visual impacts to the conservation or elsewhere. It is well assimilated into the existing holiday park. It should be noted that the Heritage Officer has no objections to the scheme.

Having considered the above, the proposal accords with Policies 5, 22, 35 and 39 of the NELLP. Moreover it is acceptable under Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990.

4. Ecology and Highways

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. Furthermore, the Ecology Officer has also reviewed the details and confirms that there would be no ecological impacts as a result of the proposal. There will be no impact on the protected Humber Estuary. The proposal accords with Policy 5 and 41 of the NELLP.

5. 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 would be situated at a location away from neighbours within Humberston Fitties. It is not expected to cause any adverse impacts on these chalets with regard to visual intrusion from massing or overshadowing due to the significant separation. 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 in objection include health concerns, as well as reference to planning and legal procedures. It is considered that matters have been addressed. It is recognised that health has been raised as a significant concern referencing the impact of 5G technology and radiation exposure in general. Health impacts are referred to within section 2 of this report.

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

CONCLUSION

The mast's siting and appearance would not have a detrimental impact on the character and appearance of the immediate or wider area. Moreover, its siting and appearance would not have a detrimental impact on local amenity or Humberston Fitties Conservation Area. The relevant ICNIP certificate has been submitted in relation to health. It is therefore recommended that Prior Approval be granted.

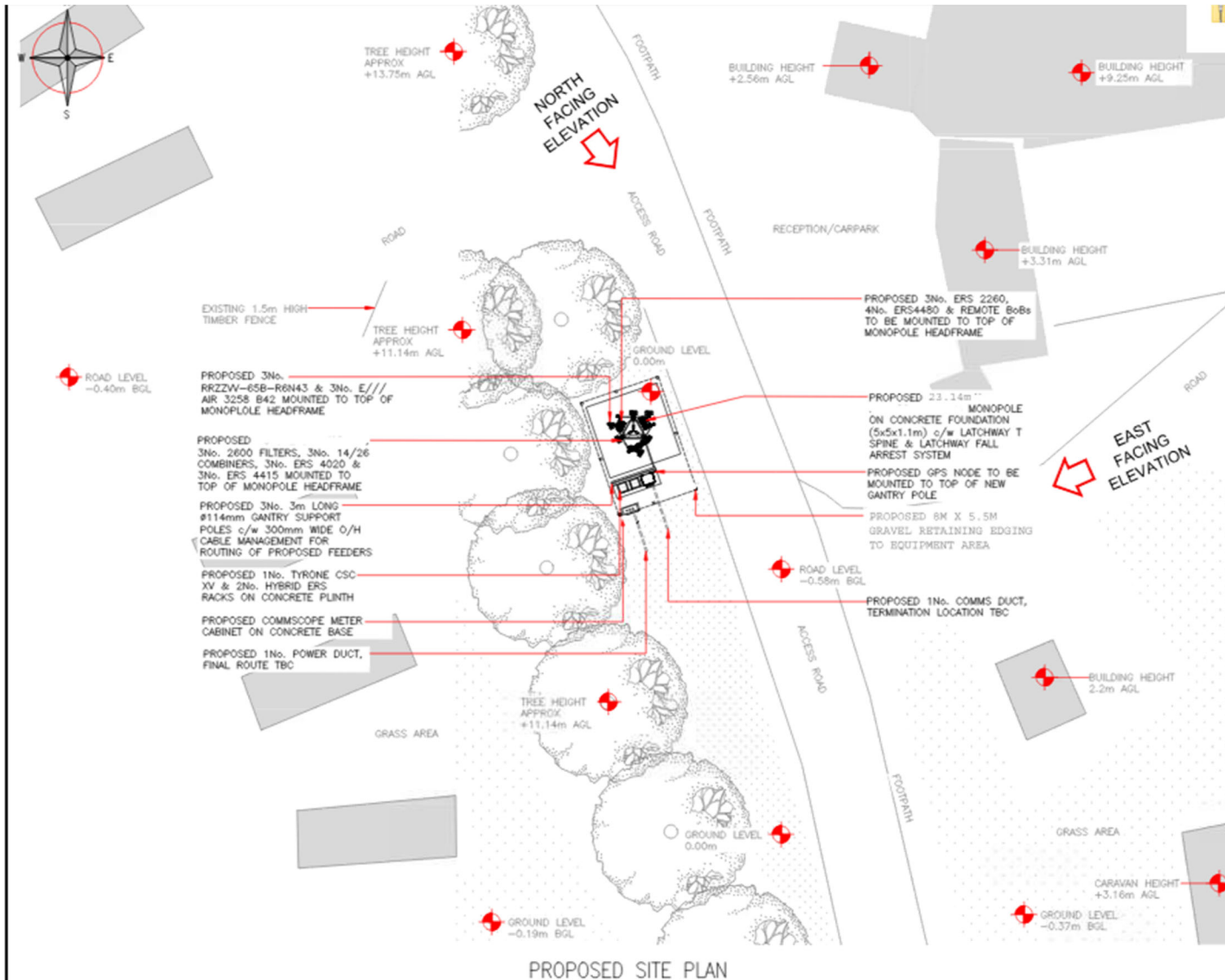
RECOMMENDATION

Prior Approval Granted

DM/1088/23/PAT – THORPE PARK HOLIDAY CAMP,
ANTHONY'S BANK ROAD, HUMBERSTON



DM/1088/23/PAT – THORPE PARK HOLIDAY CAMP, ANTHONY'S BANK ROAD, HUMBERSTON



PLANNING COMMITTEE - 31st January 2024

ITEM: 2 **RECOMMENDATION: Conditions Complied With**

APPLICATION No: DM/0353/23/CND

APPLICATION TYPE: Discharge Condition

APPLICATION SITE: Land Off (Kia Cars), North Moss Lane, Stallingborough, North East Lincolnshire

PROPOSAL: Details in Discharge of Condition 1 (Lighting Details) attached to planning appeal ref: APP/B2002/C/22/3302724

APPLICANT:

KIA UK Limited
c/o Knights
Olympic House
995 Doddington Road
Lincoln
LN6 3SE

AGENT:

Mr Ollie Clawson
Knights
Olympic House
995 Doddington Road
Lincoln
LN6 3SE

DEPOSITED: 17th April 2023

ACCEPTED: 18th April 2023

TARGET DATE: 13th June 2023

PUBLICITY EXPIRY: 14th January 2024

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 18th May 2023

CASE OFFICER: Richard Limmer

PROPOSAL

This application relates to the details of discharge of a condition in relation to a permission granted on an appeal against an enforcement notice. Condition 1 (Lighting Details) attached to planning appeal ref: APP/B2002/C/22/3302724. Condition 1 relates to the actual lighting units on the masts, it states:

The lighting units hereby permitted shall not be switched on or operated until a scheme detailing:

- i. which lighting units may be operated;
- ii. the intensity and colour balance of the lighting; and

iii. the installation of shields to control any light spill beyond the site boundary.

has first been submitted to, and approved in writing by, the local planning authority. Thereafter, the lighting units shall not be switched on or operated other than in strict accordance with the approved scheme.

This is the application to discharge that condition.

This application has been called into Planning Committee by Councillor Swinburn.

SITE

The site is located to the north of North Moss Lane in Stallingborough. It is a large vehicle storage area for imported cars. The site itself is surfaced with tarmac and the boundaries all have 2.4m high metal fencing. Within the site there are the lighting columns allowed under the appeal ref: APP/B/2002/C/22/3302724 and security buildings. Access to the site is taken from North Moss Lane.

RELEVANT PLANNING HISTORY

Planning Enforcement Notice Appeal Ref: APP/B/2002/C/22/3302724 against the installation of 13 lighting columns and associated lighting units on the land. - The appeal was allowed

DC/511/10/IMM - outline change of use of land for B1, B2 B8 business park - approved

DM/0147/16/FUL - works to create car park area for car imports - approved

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2023)

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

PO5 - Development boundaries

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

REPRESENTATIONS RECEIVED

Highways Officer- no objections

Environmental Health - no objections

Trees and Woodlands Officer - no objections

Heritage Officer - no objections

Drainage Board - no objections

Anglian Water - no objections

Ecology Officer - no objections

Lincolnshire Wildlife Trust - no objections

Drainage Officer - no objections

Environment Agency - no objections

Neighbours

Poplar Farm - objects due to the impact on residential amenities, animal welfare, security, ecology, visual amenity and safety.

APPRAISAL

Planning Considerations

1. Principle of Development
2. Impact on Neighbours
3. Impact on Highway Safety and Amenity
4. Impact on Ecology

1. Nature of the Application and Principle of Development

The principle of the lighting columns on the site was established through Planning Permission DM/0147/16/FUL however the approved lighting scheme was not implemented as approved. Instead the developer installed a different scheme of 13 lighting columns. These lighting columns were subject to a Planning Enforcement Notice which the developer appealed. The appeal was allowed and planning permission granted for the columns subject to a condition for final details of the actual lighting units. The principle of flood lighting on the site is therefore established and this application deals with the discharge of the condition for the details of the lighting.

2. Impact on Neighbours

It is acknowledged that concerns have been raised by neighbours in regard to the lighting at the site. The documentation received from neighbours also highlights the issues that the lighting caused when it was installed and operational without permission. One of the key elements raised was that the original information submitted with the application failed to properly assess the lighting impact on Poplar Farm. Following those concerns being raised the applicant has provided further assessment and mitigation.

The updated information has been considered by the Environmental Health Team. With the lighting units angled at 0 degrees and the cowling attached, the assessment shows that there would be an increase of light by up to 0.76 lux at the property of Poplar Farm and 0.58 lux at the property of Grassmere. These being the most affected neighbours. The Environmental Health Team have reviewed this detail and have confirmed that it is considered that these levels would not cause detrimental harm to the adjacent residential properties amenities in accordance with Policy 5 of the NELLP.

3. Impact on Highway Safety and Amenity

Concerns have been raised that the glare from the lights causes harm to highway safety. This is from the lights as they were installed without permission. The proposal is to angle the light units down to 0 degrees and cowling attached to the units, this is to remove glare from the lights. Based on this proposed mitigation the Highways Officer has confirmed that they have no objection. The proposal therefore accords with Policy 5 of the NELLP.

4. Impact on Ecology

The lights as originally installed caused excessive light to spill out from the site and over the Habitat Mitigation SHIP (South Humber Inward Investment Programme) to the south of the site. The proposed measures to reduce the angle of the light units to 0 degrees and add cowling reduces this impact to 0.75 lux. The Council Ecologist has confirmed that this is acceptable and would not cause harm to the habitat mitigation site in accordance with Policies 5 and 41 of the NELLP.

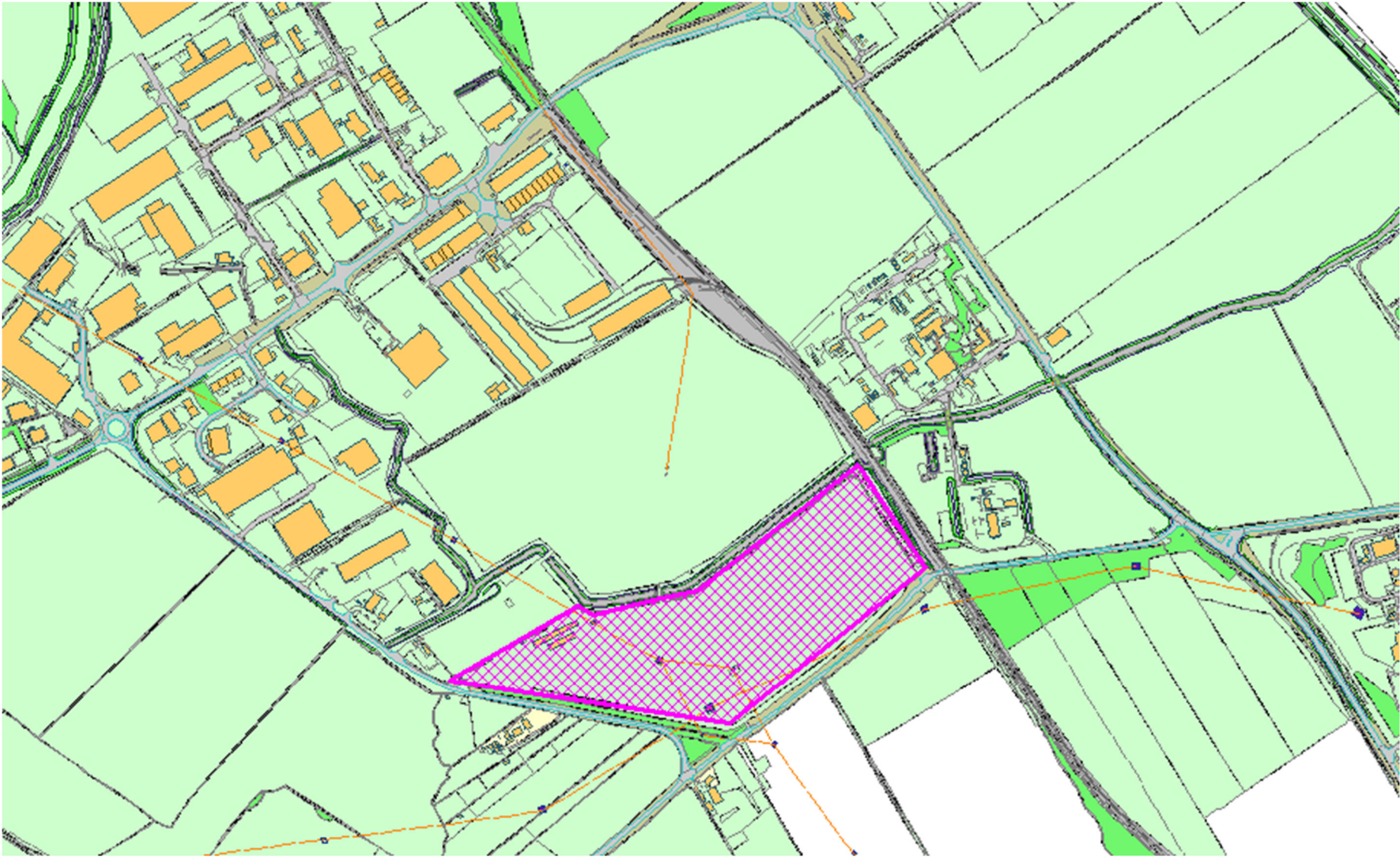
CONCLUSION

Having regard to the lighting details now provided it is considered that the scheme is acceptable and that the discharge of the relevant condition in relation to APP/B2002/C/22/3302724 should be approved on the basis that the lights be installed in accordance with that detail.

RECOMMENDATION

Conditions Complied With

DM/0353/23/CND - LAND OFF NORTH MOSS LANE (KIA CARS), STALLINGBOROUGH



DM/0353/23/CND - LAND OFF NORTH MOSS LANE (KIA CARS), STALLINGBOROUGH

Luminaire layout plan



PLANNING COMMITTEE - 31st January 2024

ITEM: 3 **RECOMMENDATION: Refused**

APPLICATION No: DM/0928/23/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Land Rear Of, 37 - 39 Peaks Avenue, New Waltham, North East Lincolnshire,

PROPOSAL: Erect a detached bungalow to include driveway/parking area to front with associated works (Amended Plans received 30th November 2023 to revise design of frontage and tree details)

APPLICANT:

Mr Lee Standland
C/O Agent
Unit 2 Cleethorpes Business Centre
Jackson Place
Wilton Road
Grimsby
DN36 4AS

AGENT:

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

DEPOSITED: 20th September 2023

ACCEPTED: 25th September 2023

TARGET DATE: 20th November 2023

PUBLICITY EXPIRY: 21st December 2023

**AGREED EXTENSION OF TIME DATE: 31st
January 2024**

CONSULTATION EXPIRY:

CASE OFFICER: Bethany Loring

PROPOSAL

The application seeks to erect one detached bungalow to include driveway/parking area to front with associated works.

The application is brought to planning committee following a call in request from local ward councillors.

SITE

The site is currently made up of vacant land which sits to the rear of properties along Peaks Avenue however the frontage is positioned along Wayside Drive. There is a vehicle access point off Wayside Drive with an existing timber gate. The area is predominately residential with properties surrounding the site.

RELEVANT PLANNING HISTORY

DC/225/11/HUM - Erection of a pair of semi detached chalet bungalows and 1 detached chalet bungalow and associated external works - Refused. Appeal Dismissed. (site adjacent)

DM/0069/14/FUL - Erect a pair of semi detached dwellings with attached garages with external alterations - Approved with Conditions. (site adjacent)

DM/0973/22/FUL - Erect a detached bungalow to include driveway/parking area to front with associated works, creation of a new pedestrian/vehicular access off Wayside Drive and replacement tree planting to front (Amended Description and Plans received 15th February 2023 to reduce height and roof design of bungalow and location of replacement tree included) - Withdrawn

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2023)

- NPPF5 - Delivering a sufficient supply of homes
- NPPF12 - Achieving well designed places
- NPPF15 - Conserv. & enhance the natural environ.

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

- PO5 - Development boundaries
- PO22 - Good design in new developments
- PO33 - Flood risk
- PO34 - Water management
- PO42 - Landscape

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

REPRESENTATIONS RECEIVED

Trees and Woodlands - Objections raised. Reference to unauthorised removal of protected tree and loss of the visual amenity value. Concerns regarding the establishment of the replacement tree due to size of site, lack of details provided to demonstrate the establishment of the replacement tree and concerns relating to the future pressure that will be put on the tree as a result of the development.

Highways Team - Approval no conditions.

New Waltham Parish Council - Objects to application following removal of protected tree with request for a 'like for like' tree replacement and highway concerns raised.

Environment Team - Hours of construction/demolition condition.

Drainage Team - Surface water condition. Ground level informative.

Heritage Officer - No input required.

Civic Society - Objects to application due to design not being sympathetic with dwellings in the area.

Cllr Shreeve and Cllr Harness - Call in request following objections from the village council and the applicant wishing committee to counter these and have the committee hear his position.

Neighbour Representations

Objections have been received from the following addresses broadly on the grounds of removal of protected tree, loss of amenity, restrictions to the development of the replacement tree, not in keeping with the character of the area, additional traffic, noise and disturbance and narrow site.

37 Peaks Avenue
37A Peaks Avenue
63 Peaks Avenue
17 Wayside Drive

Comments of support have been received from the following addresses broadly on the grounds of good design, historic anti-social behaviour, shortage of housing and site currently being an eyesore.

39 Peaks Avenue
1 Wayside Drive

APPRAISAL

The material considerations are;

1. Principle of Development
2. Protected tree and visual amenity.
3. Design
4. Highways
5. Drainage
6. Impact on Neighbouring Properties

1. Principle of Development

The application site is located within the development area of New Waltham, and as such policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) applies.

According to this policy the principle of residential development is acceptable, and it is the site-specific implications which need to be considered. In this case the impact on a tree protected by a Tree Preservation Order (TPO), design and residential amenity and highway safety.

2. Protected Tree and Visual Amenity

The site has a tree on it which is subject to a TPO which was made in 2008. The TPO related to three trees, a cedar, purple maple and horse chestnut on land rear of 39 Peaks Lane, New Waltham. The application site has the Cedar on it. The presence of the TPO's influenced the planning decisions on the development of land adjacent this site which is referenced in the planning history.

In 2022 the protected cedar tree was felled without permission and a subsequent enforcement case was opened. This has been investigated and a replacement tree has been planted of a position and standard which is considered acceptable. It should be acknowledged that prior to the unauthorised removal of the cedar tree, its size and form was already a significant feature within the residential landscape. Measurements of this tree were taken during an unrelated site visit in relation to an application to carry out remedial pruning works. At this time, around June 2018, the tree had a height of approximately 13m and a canopy spread of 12m and a stem diameter of 67cm. The tree by virtue of its form and character provided good landscape to the residential environment to the benefit of the areas visual amenity.

Whilst a replacement has been secured, the tree is currently in its infancy, and this will take some time to flourish and establish to a scale which replicates that of the one removed. In addition, this requires specific management and maintenance, in order to reach its potential, to include soil volume and hydrology.

The proposal is for the development of a residential bungalow. Therefore, consideration

must be given to the future pressure on the tree as a result of the sites physical development and following the occupation of the bungalow in relation to the potential inconvenience and nuisance that could be presented.

The Trees and Woodlands Officer has reviewed the details and concluded that the development of the plot would impact the ability for the replacement tree to full establish and it would be difficult to effectively manage and maintain this. Furthermore, the future pressure for the replacement tree to be felled or undergo excessive works in the future is of serious concern.

There is no doubt that the hydrology to this site will change should development take place. It is well documented that the species, Atlas Cedar, will not tolerate waterlogging. In order to ensure successful establishment, the soil conditions need to be 'well drained'. Nothing within this development proposal has been presented that will demonstrate the growing conditions around the cedar tree will be acceptable. The application is supported by a 'Tree Planting Plan' which details some measures that would be put in place, but this does not provide the reassurance that the tree can successfully establish and develop. The applicants state that the tree would have to be managed in any event due to the relationship with existing neighbours is noted but this relationship and orientation is considered to be different. The closest neighbouring property to the tree at 39 Peaks Avenue is bounded by a fence and its nearest closest projection is blank.

It is accepted that the tree would have to be managed as trees are routinely done in residential environments. However, the height of the dwelling structure is around 3.5m and the tree would grow much higher than this and spread well within the footprint of the proposed dwelling which would only be some 5 metres away. The tree would dominate the property presenting anxiety for future occupiers. Other forms of nuisance that should be considered is falling debris such as needles and cones, staining from corrosive leachate and honeydew and bird droppings. There would also be shading and loss of light to the property though it is acknowledged that the scheme seeks to respond to this by placing bedroom accommodation at the front. The inconvenience and nuisance this tree may cause to future residents is an extremely important factor to consider when looking to reinstate long-term amenity to the local area. It is important to visualise the development of the tree over the next 20yrs, or until a time that the tree is of a size comparable to that of the original tree. Despite statutory protection, as a result of development taking place, will this tree become a nuisance and inconvenience to the extent that there will be pressure to severely manage it or remove it and this would be difficult to resist. Excessive works or removal would result in the potential loss of a tree which is important to the visual amenity and character of the area, as it grows and matures. This is not justified by the site's development for one dwelling. The proposal is therefore considered to be contrary to Policy 5, 22 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

3. Design

Policy 5 of the North East Lincolnshire Local Plan requires an assessment on the impact

to the character of the area and visual amenity with Policy 22 setting out the requirements for 'good design'. The National Planning Policy Framework (NPPF) states that a high standard of design should always be secured with a good level of amenity for existing and future occupiers of land and buildings.

The proposal is for one detached bungalow located on the vacant land positioned to the rear of properties along Peaks Avenue however fronting Wayside Drive. The property would be accessed from the existing access point which adjoins Wayside Drive and into the site. In view of the predominant character, the proposal would represent a similar density to other plots in the locality which are typically a mix of two storey dwellings and bungalows. The principle of one detached bungalow on this plot would not be seen as out of character in this context as Wayside Drive and Peaks Avenue both have a diverse character, of varied scale and design, which would be reflected in the design of the proposed dwelling.

The bungalow would be of a single storey scale, adopting an 'L' shaped footprint, to include a bay window protrusion to the front to serve Bedroom 1. This would include flat roofs with a chimney to the rear. A series of openings would be installed to all elevations however the side profile of Bedroom 2 would be blank. A terrace area would be included to the rear garden space. The bungalow would sit at around 3.6 metres in height to highest flat roof element, with the chimney at 1.3 metres, totalling 4.5 metres in maximum height, and would adopt a differing flat roof elements with a maximum eaves height of around 3.3 metres. Two rooflights would be installed to the middle and rear flat roof elements. This would be constructed of light facing brickwork, and black timber cladding in parts, and a typical GRP arrangement for the flat roof elements with timber fascia detailing. The windows and doors would utilise black framing.

The materials are considered to present a modern, contemporary design whilst adopting features to reflect the existing character of the area. The overall design and finish are considered to be modern and due to its position and modest scale would be assimilated into the street scene.

The scheme does include sufficient outside amenity space, as part of their domestic curtilage, positioned to the front and rear. This would provide ample external amenity space for the occupiers and would include pathways surrounding the property with a terrace area to the rear. A driveway would also provide parking.

It is therefore considered that the design of the dwelling is acceptable under Policy 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) but in overall visual terms the development would be harmful to the area due to the impact on the TPO tree.

4. Highways

Access to the site would be taken from an existing access point with a driveway to the frontage. The Highways Officer has reviewed and accepted the details and considers that

there would be no highway safety impact. The comments of the Parish Council are noted on their initial objection, but it is considered that the access to the site from Wayside is acceptable.

It is therefore considered to be in accordance with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) in terms of highway safety and amenity.

5. Drainage

Policy 34 of the Local Plan relates to water management within a site. The proposal includes an increase to the built form on the site and results in further appreciable alteration to the drainage or surface water drainage of the site. As such, the Council's Drainage Officer has requested details of surface water drainage methods.

Details relating to water reuse are also required and this could be conditioned along with a condition relating to surface water drainage.

Therefore, it is considered that this would be in accordance with policies 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and the guidance in section 14 of the NPPF 2021.

6. Impact on Neighbouring Properties

Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) requires an assessment on the impact on neighbouring land properties and users.

The site is bound by typical 1.8-metre-high fencing all of which would be retained. The design includes openings to all the elevations which would be adjacent to residential properties to the east, south and west. The plot would sit close to the boundaries with its neighbours, specifically 1 Wayside Drive and 37, 37A and 39 Peakes Avenue, however this is a common theme in this area. The scale of the bungalow is considered acceptable in relation to the relationship with the layout with the immediate neighbours. The openings would be screened by the existing boundary treatments. Furthermore, the side elevations of the bungalow would be adjacent to side and rear elevations of the neighbours. It is considered that the impact of these openings would not negatively affect the privacy of these neighbours or present an unacceptable arrangement in relation to overlooking given the separation, arrangements of the layouts of the properties and boundary treatments. Moreover, due to the sensitive design of the dwelling with a low height and overall reduced scale there should be no adverse massing. In relation to other neighbours, these are considered to be separated and screened by existing boundary treatments.

Given that the area is host to a number of residential properties, the Environment Team has suggested that issues with regard to construction could be controlled through an hours of construction condition.

Having regard to the above it is considered that the proposal would accord with policy 5 of the North East Lincolnshire Local Plan 2013-32 (Adopted 2018) in terms of residential amenity.

CONCLUSION

It is not considered that the site can be developed without compromising the replacement tree on the site subject to a Tree Preservation Order. The tree is likely to be impacted on by the construction of a dwelling and it would cause such nuisance to future occupiers of the proposed dwelling that there would be the high likelihood for future pressure to fell or cut it back to a detrimental level. This would have an adverse impact on the visual amenity of the area.

The application is therefore recommended for refusal, as it fails to accord with Policies 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

RECOMMENDATION

Refused

(1) The proposal by virtue of the limited size of the site and position of the dwelling would represent adverse impact to a tree protected by a Tree Preservation Order which could result in its future loss or adverse works. This would be detrimental to the character of the area and is not justified. The proposal is therefore considered to be contrary to the requirements of Policies 5, 22 and 42 of North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and the core principles as set out in the National Planning Policy Framework.

Informatives

1 Informative

This application has been considered in line with the following plans;

Site Location Plan - 1434-0001

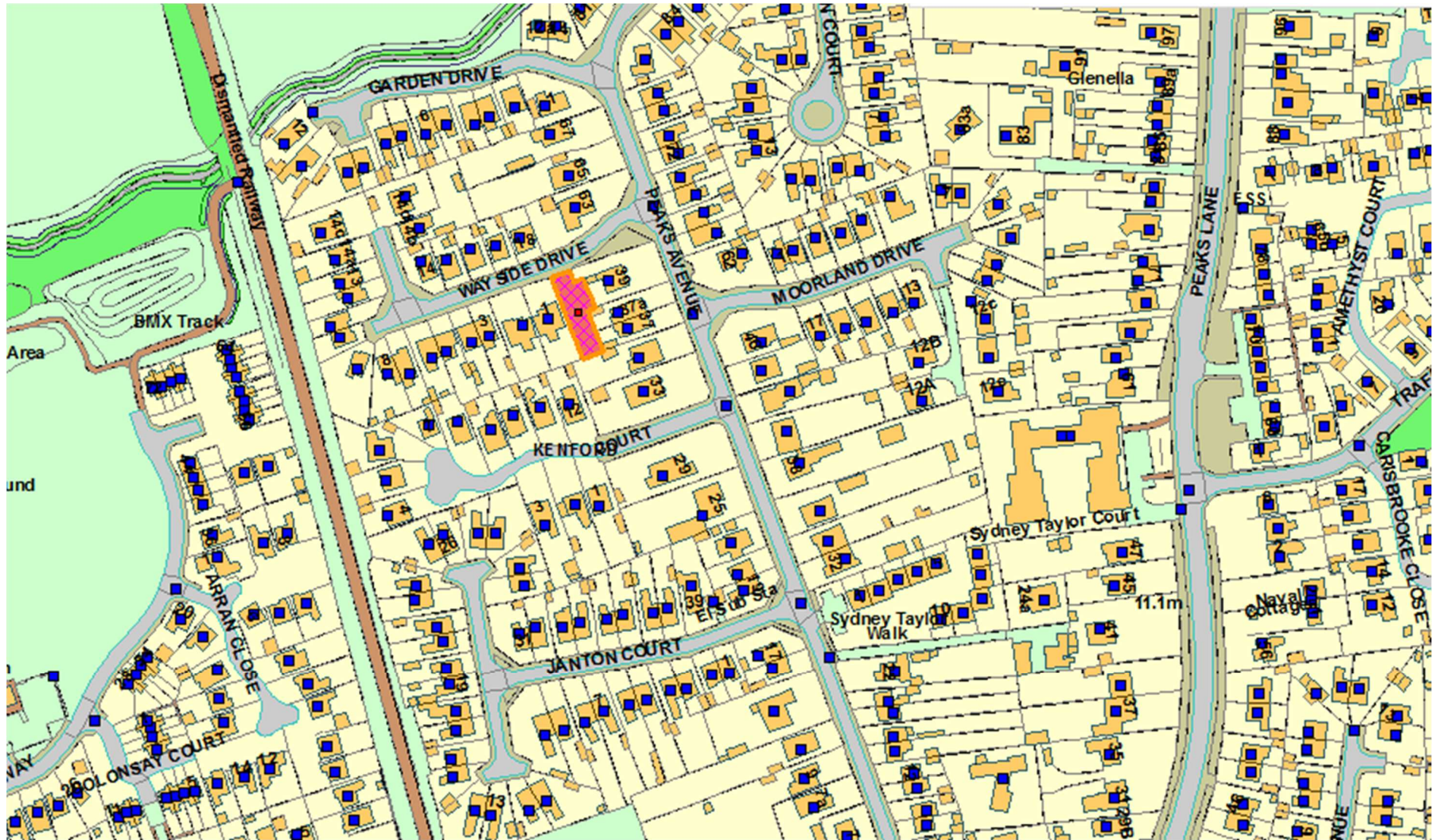
Existing and Proposed Block Plans - 1434-002B

Proposed Site Plan - 1434-004C

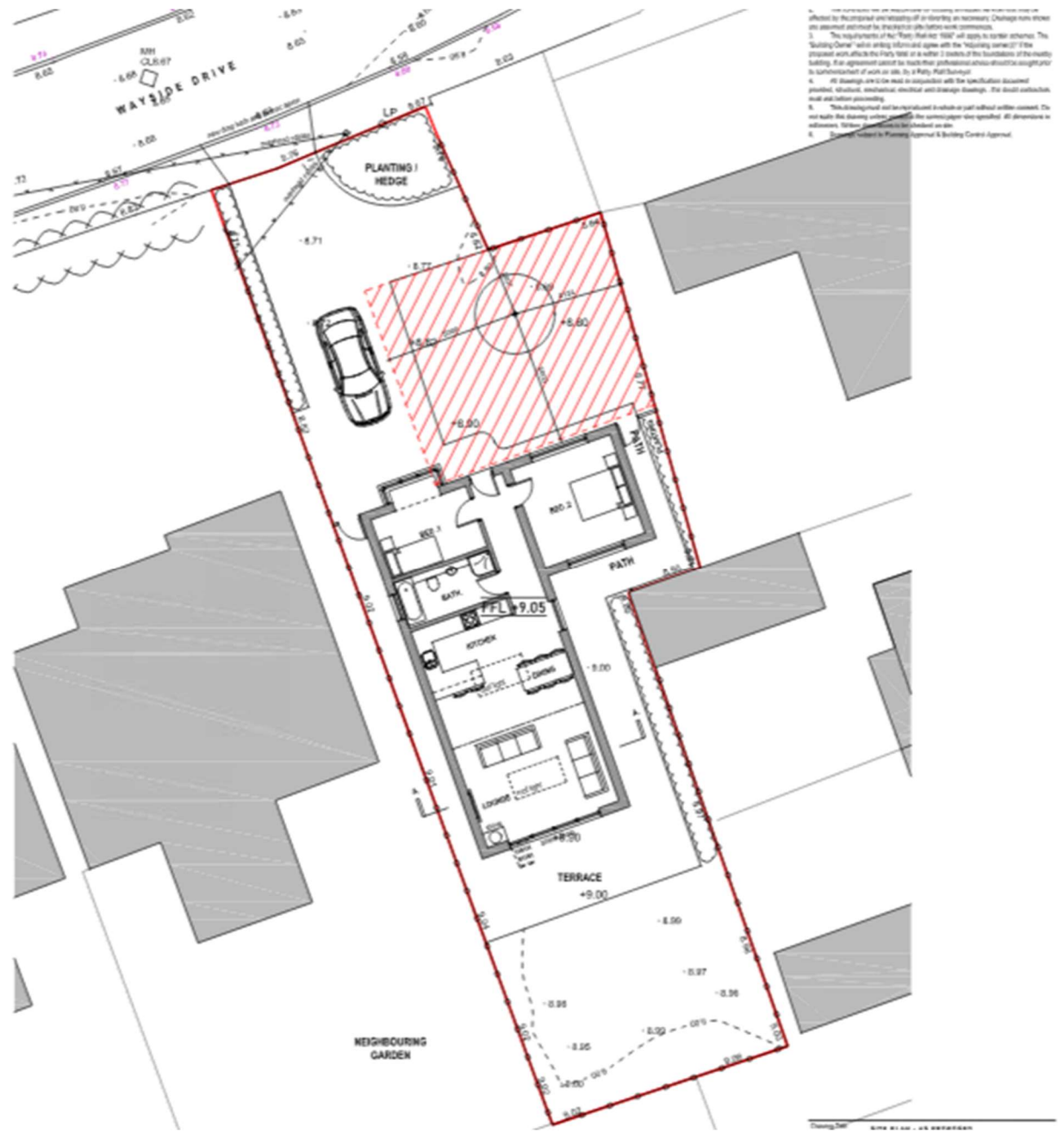
Proposed Floor Plan, Elevations and Roof Plan - 1434-005C

Tree Planting Plan - AWA5504

DM/0928/23/FUL – LAND REAR OF 37-39 PEAKS AVENUE, NEW WALTHAM



DM/0928/23/FUL – LAND REAR OF 37-39 PEAKS AVENUE, NEW WALTHAM



PLANNING COMMITTEE - 31st January 2024

ITEM: 4 **RECOMMENDATION: Refused**

APPLICATION No: DM/1126/23/FUL

APPLICATION TYPE: Full Application

**APPLICATION SITE: Rear Of 99 Queens Parade, Cleethorpes, North East
Lincolnshire, DN35 0DQ**

**PROPOSAL: Resubmission of DM/0327/23/FUL change of use of garage to self
contained dwelling to include alterations to windows and doors, installation of
boundary treatments**

APPLICANT:
Mr Peter Foster
97 Queens Parade
Cleethorpes
DN35 0DQ

AGENT:
Mr M Vernam
RMV Design Ltd
20 The Meadow
Caistor
Market Rasen
Lincolnshire
LN7 6XD

DEPOSITED: 21st November 2023

ACCEPTED: 21st November 2023

TARGET DATE: 16th January 2024

PUBLICITY EXPIRY: 31st December 2023

**AGREED EXTENSION OF TIME DATE: 5th
February 2024**

CONSULTATION EXPIRY:

CASE OFFICER: Emily Davidson

PROPOSAL

The proposal is for the change of use of garage to self-contained dwelling to include alterations to windows and doors, installation of boundary treatments.

The application is brought to Planning Committee at the request of a Ward Councillor on the grounds that the scheme appear acceptable and there have been no residents objections.

SITE

99 Queens Parade is a semi-detached property. Queens Parade itself is a street of mostly residential character made up of a mixture of detached, semi-detached and terraced properties. There is flat complex opposite the proposed works on Hardy's Road and a hairstylist's next door to the host dwelling. The proposed works would adjoin properties on Queens Parade, Bradford Avenue and Hardy's Road. Bradford Avenue Conservation Area is to the rear of the site.

RELEVANT PLANNING HISTORY

DM/0239/20/FUL - Detached domestic garage with home office above. Approved.

DM/0327/23/FUL - Change of use of garage to self-contained dwelling to include alterations to windows and doors, installation of boundary treatments and other associated works. Refused.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2023)

NPPF5 - Delivering a sufficient supply of homes
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
PO38 - Parking
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

Consultee Representations

Highways Officer - Approval with conditions. Recommends condition for the removal of

redundant vehicular access and suggests cycle storage should be included in the scheme.

Drainage Officer - No comments.

Heritage Officer - No heritage input required.

Trees and Woodlands Officer - No comments.

Environmental Protection Officer - No comments.

Civic Society - No objections. However, bearing in mind previous objections in regard to the design, we ask that the conversion is sympathetic to the surrounding buildings.

Neighbour Representations

No neighbour representations received.

APPRAISAL

Planning Considerations

Principle of Development

Design and Future Occupier Amenity

Highways

Neighbouring Amenity

Other Considerations.

Principle of Development

The site is located within the development boundary of Cleethorpes, 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. The site is in flood zone 1 which is sequentially preferable for housing development.

It is therefore considered in principle that the proposed development is acceptable subject to the site-specific impacts discussed below.

Design and Future Occupier Amenity

The proposal was previously submitted and refused under application DM/0327/23/FUL. The current application does not offer any significant improvements on the previous application. Note should be taken of the technical housing standards of which the overall floor area falls short of as well as a good proportion of the head height in the upstairs areas. The structure of the proposal is already in place and forms a garage for the host dwelling which has approval under application DM/0239/20/FUL. The proposal would change the use of this structure from a domestic garage to a single dwelling. The area in which the proposal is situated is residential in nature, the principle of a dwelling in this location would not be out of character of the area. However, the property would have a small, heavily overlooked garden area with limited windows which does not demonstrate good design for the amenity of future occupants. To achieve the small garden area, the

proposal projects eastwards into the garden space of No.97, thus also reducing the amenity space of that property. In addition, the proposal would change the front of the current garage style finish to something more akin with a dwelling, removing the garage door. This is not considered a harmful change and in design terms there are no impacts on the setting of the Conservation Area. Local Plan Policy 39 applies. Overall, the application fails to comply with Policies 5 and 22 of the NELLP 2018 in relation to its design and impact upon future occupants.

Highways

The Council's Highways Officer recognises the lack of parking in the area, particularly in the peak summer season, however, notes that the proposal is close to sustainable transport links. As a betterment, cycle storage should be included in the scheme. Amended plans were received showing this detail. The officer recommends a condition for the removal of the redundant vehicular access. The proposal is considered in accordance with Policy 5 of the NELLP 2018 in relation to highways amenity.

Neighbouring Amenity

The proposed works would adjoin No.99 (Evies Hair Salon) to the north, No.95 to the east, No 98 Bradford Avenue to the south and Maritime Court (retirement homes) to the west. It is noted that no neighbour representations have been received, however, the applicant has submitted signed responses from No.'s 93 and 95 raising no objections.

When considering the change of use of the unit, given that the area is already residential in nature, there would be minimal negative impacts to neighbouring dwellings in this regard.

The proposal is acceptable in terms of massing and overshadowing as the structure itself is already approved. The nature of the commercial hair salon and the distance from the retirement home opposite would ensure there would be no negative impacts in terms of overlooking from the proposed dwelling.

The scheme has few windows proposed with rooflights at the first floor. This would limit the impact of overlooking. There would be a first floor window to the front but the separation would ensure this would not cause concern.

All considered, there would be no adverse impact on the surrounding neighbouring amenities and the application is considered in accordance with Policy 5 of the NELLP 2018 in relation to neighbouring amenity.

Other Considerations

The Council's Environmental Protection, Drainage and Heritage Officers raised no concerns in relation to the application.

CONCLUSION

The proposal represents poor design and would not offer an acceptable living space for future occupiers. The application is considered contrary to Policy 5 and 22 of the NELLP 2018 and is recommended for refusal.

RECOMMENDATION

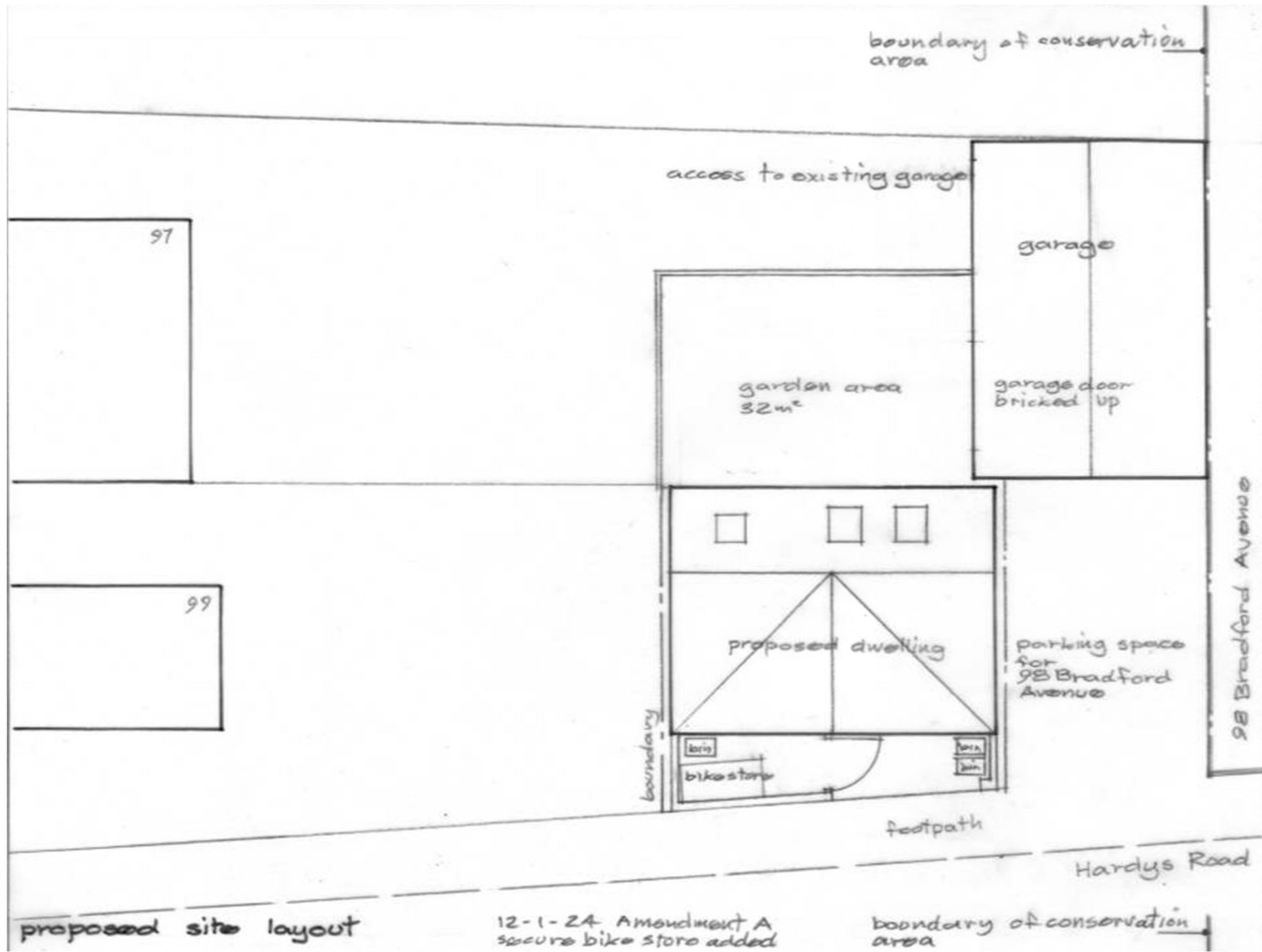
Refused

(1) The proposal represents poor design and would be harmful to the amenity of any future occupiers. The application is therefore contrary to Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

DM/1126/23/FUL – REAR OF 99 QUEENS PARADE, CLEETHORPES



DM/1126/23/FUL – REAR OF 99 QUEENS PARADE, CLEETHORPES



PLANNING COMMITTEE - 31st January 2024

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

APPLICATION No: DM/0108/23/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: 17 Tetney Road, Humberston, North East Lincolnshire, DN36 4JE

PROPOSAL: Retrospective application to erect single storey extension to rear of existing garage to create garden room

APPLICANT:

Mr Andrew Ryan
17 Tetney Road
Humberston
North East Lincolnshire
DN36 4JE

AGENT:

DEPOSITED: 11th February 2023

ACCEPTED: 30th October 2023

TARGET DATE: 25th December 2023

PUBLICITY EXPIRY: 17th December 2023

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 24th November 2023

CASE OFFICER: Owen Toop

PROPOSAL

This proposal relates to the erection of a single storey rear extension with flue to the detached garage in the rear garden of 17 Tetney Road, Humberston. The works have been completed and so this application is retrospective in nature.

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

SITE

The development is located within the rear garden of 17 Tetney Road, a semi-detached property on the east side of the street. The development has been constructed and adjoined to the existing outbuilding. To the north of the site is 15 Tetney Road, to the

south is 19 Tetney Road, the adjoining residential property. To the east and rear of the site are properties that are currently undergoing construction as part of DM/0199/16/FUL and the subsequent variations to the permission.

RELEVANT PLANNING HISTORY

Land to the rear:

DM/0199/16/FUL - Proposed conversion of existing barns into 5 dwellings and erection of 4 new dwellings, including demolition of the modern farm building, parking & landscaping.

Along with various applications to change the plots and the permission.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2023)

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
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

Highways - No objections.

Environmental Health - No comments.

Humberston Village Council - Objects to the development based on the design of the flue, size of the building and the impact on the character of the area.

Trees and Woodlands - No comments.

Heritage - No input required.

Drainage - Advises surface water informative.

Neighbour Representations - None received.

APPRAISAL

The material planning considerations are:

- 1) Principle of Development
- 2) Visual Design, Heritage and Humberston Village Council Objection
- 3) Impact on Neighbours
- 4) Drainage

- 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 the erection of a single storey extension to the rear of an existing garage to create a garden room with flue. Works are now complete. The principle of development is acceptable and the proposal may be supported in accordance with the NELLP provided that there are no detrimental impacts in respect of the material planning considerations. In this case, these are considered to be visual design and heritage (Policies 5, 22 and 39) and the impact of the proposal on neighbouring residential amenity (Policy 5).

- 2) Visual Design, Heritage and Humberston Village Council Objection

It is acknowledged that an objection to the proposal from Humberston Village Council has been received. The letter raises concerns with the design and size of the extension and the flue.

As part of the application, a site visit has taken place. The extension to the outbuilding is located to the rear of the property in the garden and as such is not visible from the main street scene of Tetney Road. The flue itself has a height of 2.5 metres, and the building's ridge height is 2.64 metres (existing garage height 3.34 metres). There are examples of flues within the wider area, particularly in the new development being constructed to the east. Whilst the flue in this case is larger and higher, it is not considered to be overly dominant nor detrimental to the character of the area given its position to the rear.

The extension itself is also considered to be sympathetic to the existing property and character of the area, given its single storey nature and location to the rear. It has been built using materials that are sympathetic to the existing house, using breeze block and

render painted white, white upvc and black guttering.

The Heritage Officer has not raised any concerns in terms of negative impacts to the Conservation Area or heritage buildings to the rear of the site.

Having considered the above, the proposal does not present any detrimental impacts or visual harm to the character of the area or Conservation Area, and in design terms is acceptable and accords to Policies 5, 22 and 39 of the NELLP.

3) Impact on Neighbours

The proposal is located within an established residential area. There are neighbouring properties on all sides of the development, although to the east the dwellings are undergoing construction and are not yet occupied.

The closest neighbours are to the north and south, numbers 15 and 19 Tetney Road respectively. It should be noted that no neighbour representations have been received in objection to the application. The main impacts to assess are in relation to any massing, overshadowing or overlooking to neighbours. In this regard the extension to the outbuilding is of a single storey nature and is located to the rear of the garden. It does not overshadow any neighbours unduly or overlook them as a result. Whilst there has been a visual change in outlook, this in itself is not considered detrimental.

Having considered the above, the proposal does not detrimentally impact neighbouring residential amenity in planning terms and consequently it is considered to accord with Policy 5 of the NELLP.

4) Drainage

The Drainage Officer recommends only an informative relating to drainage, which will be added to the decision in the event of an approval in accordance with Policy 34 of the NELLP.

CONCLUSION

This proposal relates to the erection of a single storey rear extension to the detached garage in the rear garden of 17 Tetney Road, Humberston. The works have been completed and so this application is retrospective in nature.

Having considered the scheme, there are no detrimental impacts in terms of design or in relation to neighbouring residential amenity. The proposal is therefore considered to accord with Policies 5, 22, 34 and 39 of the NELLP and is recommended for approval.

RECOMMENDATION

Approved with Conditions

(1) Condition

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

Proposed Front View Garage Elevation - Uploaded on 31st October 2023

Proposed Right Side Elevation - Uploaded on 31st October 2023

Proposed Rear Elevation - Uploaded on 31st October 2023

Proposed Left Side Elevation - Uploaded on 31st October 2023

Proposed Floor Plan - Uploaded on 16th October 2023

Block Plan - Produced on 3rd March 2023

Site Location Plan - Produced on 10th Feb 2023

Reason

For the avoidance of doubt in the interests of proper planning and in accordance with policies 5, 22, 34 and 39 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 does not harm the area character, heritage 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, 34 and 39.

2 Added Value Statement

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

No problems have arisen during consideration of this application that have required working directly with the applicant to seek solutions.

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 use of water butts or similar sustainable surface water drainage arrangements such as a soakaway are encouraged on a proposal of this nature.

DM/0108/23/FUL – 17 TETNEY ROAD, HUMBERSTON



DM/0108/23/FUL – 17 TETNEY ROAD, HUMBERSTON



PLANNING COMMITTEE - 31st January 2024

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

APPLICATION No: DM/1175/23/OUT

APPLICATION TYPE: Outline Application

APPLICATION SITE: Ingleside , Waltham Road, Brigsley, North East Lincolnshire, DN37 0RQ

PROPOSAL: Outline application to erect a dwelling with access to be considered

APPLICANT:

Mr W Browning
Ingleside
Waltham Road
Brigsley
North East Lincolnshire
DN37 0RQ

AGENT:

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

DEPOSITED: 4th December 2023

ACCEPTED: 4th December 2023

TARGET DATE: 29th January 2024

PUBLICITY EXPIRY: 7th January 2024

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 29th December 2023

CASE OFFICER: Bethany Loring

PROPOSAL

The application seeks outline planning permission to erect one dwelling with access to be considered to the rear of Ingleside, Waltham Road, Brigsley.

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

SITE

Ingleside is a detached bungalow located to the west side of Waltham Road in Brigsley. The site benefits from a concrete driveway to the front, vehicle access and a grassed

area. The boundaries are established by low fencing with some landscaping features. The property has a spacious rear garden.

RELEVANT PLANNING HISTORY

No relevant planning history.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2023)

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

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

PO5 - Development boundaries
PO22 - Good design in new developments
PO33 - Flood risk
PO34 - Water management
PO42 - Landscape

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

REPRESENTATIONS RECEIVED

Highways Team - Approval, with conditions.

Environment Team - Hours of construction/demolition and construction method statement conditions.

Heritage Officer - No input required.

Drainage Team - Drainage condition and no raising of ground levels.

Trees and Woodlands - Considers RPA encroachment as not extreme and similar to existing arrangements and use of porous materials assists. Requests tree protection and

arboricultural method statement are conditioned.

Brigsley Parish Council - Objects based on concerns relating to over intensification of the plot, impacts to the amenity of existing dwellings, loss of rural feel to the village, scale of property and potential overlooking.

Neighbour Representations

Sunnyside, Waltham Road - Objects based on concerns relating to overlooking and loss of privacy and requests a single storey scale property only.

Fern Lea, Waltham Road - Objects based on concerns relating to loss of light, access, traffic, noise and disturbance, impacts to existing trees, requests a single storey scale property only and concerns regarding garage removal and asbestos.

Vita Nuova, Waltham Road - Objects based on concerns relating to existing housing supply, overbearing nature, loss of privacy, lack of improved local infrastructure, drainage, telecommunications and negative impact to the area. Further comment to request a single storey scale property only, with no windows to overlook and requests sufficient separation distance.

APPRAISAL

The material considerations are;

1. Principle of Development
2. Visual Character of the Area and Layout
3. Highways Safety and Amenity
4. Drainage and Flood Risk
5. Trees and Landscaping
6. Impact on Neighbouring Properties

1. Principle of Development

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

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

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

2. Visual Character of the Area and Layout

The proposal is for one dwelling on a 0.16 hectare site. The principle of one detached property on this plot would not be seen as out of character in this context as Waltham Road is considerably diverse in density, design and appearance.

In terms of visual impact on the area from the actual proposed property, due to the extent of the host property's garden and the position of the dwelling on the indicative plan provided there would not be any readily available views from the public domain to them. Design, appearance and scale are also reserved for future approval.

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

3. Highways Safety and Amenity

The site benefits from an existing access point which would serve the proposed property. However, works to this would need to take place to include an extension of the access road to the new property following the removal of an existing garage. Furthermore, a new access point would be installed to the front boundary which would serve the host property to include a new driveway, turning area and parking. The accesses would be separated to serve one property each.

The plans indicate a 3.8 metre width along the access road up to the proposed property. The new access would achieve a width of 4 metres to the frontage widening as the site is entered within the turning area. Further details of the visibility splay, for the new access, and sufficient turning have been provided to show these are achievable.

The Highways Officer has accepted the details and has commented to say there are no objections however conditions relating to construction traffic management and access details have been requested and therefore included.

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

4. 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.

The Council's Drainage Team has commented to request a surface water drainage condition with additional informative to state that there shall be no raising of existing ground levels. Therefore, a condition to reflect this has been included.

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

5. Trees and Landscaping

The site includes Tree Preservation Orders to the front of the site. An Arboricultural Report has been provided which includes a Tree Constraints Plan and Root Protection Details. The details have identified that the trees are mostly of Category B quality but other categories are also noted. However, one tree, positioned to the rear, has been categorised as a Category A. Some trees, of low quality, would be removed to accommodate for the works which has been deemed acceptable by the Trees and Woodlands Officer.

No in principle objections from the Trees and Woodlands Officer on the indicative layout have been raised, although comments on future amenity are noted. Information will be required at the reserved matters stage in relation to tree protection and will require an Arboricultural Method Statement in relation to the new access point. It is considered that adequate amenity for the proposed dwelling is achievable on the plot.

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

6. Impact on Neighbouring Properties

It is noted that objections have been received from neighbours and the Parish Council. The proposed indicative site plan shows that the dwelling and proposed vehicular access would be close to certain neighbours, specifically Fern Lea. It is important to note that there is an existing access which partially runs along the boundary however it is noted that the proposed access would be extended into the site. Part of the dwelling would be adjacent to the rear garden of Fern Lea at an indicative separation of 20 metres from the rear boundary and over 38 metres to the property itself. The neighbours in this area have modest plots and rear gardens. It is considered that there would be existing boundary treatments separating the access and property from neighbours, and the property would be single storey in height positioned sufficiently within the site. A condition is recommended that the property be limited to single storey only in the interests of protecting neighbours from overlooking or loss of privacy.

The scheme whilst indicative, demonstrates that the dwelling would be centrally positioned within the site, adjacent to rear gardens, preventing massing issues to the neighbours and providing sufficient amenity space for future occupiers. Whilst the application is in outline form with most matters reserved, the proposed site plan provided demonstrates that the plot would be sufficiently separated from neighbours with

landscaping features present to provide additional screening.

It is noted that comments have been received from the adjacent neighbours, Sunnyside, Fern Lea and Vita Nuova, situated to the east and west of the site, with concerns regarding the potential impacts following the development specifically relating to loss of privacy, light, overlooking and trees. The application is in outline form and all matters of detailed design would form part of any future reserved matters considerations. Furthermore, a condition relating to the scale has been included to limit this to single storey only. Other matters are as detailed in other sections of this report and seek to respond to matters also raised by the Parish Council.

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

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

CONCLUSION

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

RECOMMENDATION

Approved with Conditions

(1) Condition

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

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

Reason

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

(2) Condition

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

- (a) the layout, scale and appearance of the development including proposed levels;
- (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 and an arboricultural method statement.

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 - RD5475-01

Proposed Site Plan - RD5475-03 A

Reason

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

(4) Condition

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

Reason

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

(5) Condition

No development shall commence until a final scheme for the sustainable provision of surface water drainage and a scheme for foul drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall then be built out in accordance with the approved details and the drainage implemented prior to any

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).

(6) 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).

(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, if required;
6. Details of expected delivery schedules and how this will be managed to eliminate waiting on the public highway (i.e. call ahead or pre-booking scheduling system), if required;
7. Details of wheel washing facilities (locations, types etc.) and
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 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 layout, design and method of construction of the altered and new vehicular accesses, parking and manoeuvring spaces, including any necessary piping or culverting of any ditch or watercourse, have

been submitted to and approved in writing by the Local Planning Authority, and before the development hereby permitted is brought into use the vehicular access, parking and manoeuvring space serving it shall be constructed in accordance with those approved details and shall thereafter be so retained.

Reason

In the interests of highway safety and amenity in accordance with policies: 5 and 38 of the North East Lincolnshire Local Plan 2013 - 2032 (Adopted 2018).

Informatives

1 Reason for Approval

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

2 Informative

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

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

3 Informative

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

4 Informative

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

5 Informative

Where there may be the possibility of asbestos the applicant is reminded of the duties under 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 outbuilding(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>.

DM/1175/23/OUT – INGLESIDE, WALTHAM ROAD, BRIGSLEY



DM/1175/23/OUT – INGLESIDE, WALTHAM ROAD, BRIGSLEY

