

Planning Committee Dated: 7th September 2022

Summary List of Detailed Plans and Applications

Recommendation: Approved with Conditions	
Item:	1
Application No:	DM/0872/20/FUL
Application Type:	Full Application
Application Site:	Cloverdale Residential Home Butt Lane Laceby Grimsby
Proposal:	Erection of 1 detached and 6 semi detached dwellings with garages, new access and landscaping - additional land contamination information
Applicant:	Mrs A Khurana
Case Officer:	Richard Limmer
Recommendation: Refused	
Item:	2
Application No:	DM/0367/22/FUL
Application Type:	Full Application
Application Site:	Rear Of 132 Campden Crescent Cleethorpes North East Lincolnshire
Proposal:	Erect two dwellings with associated works
Applicant:	Mr K Fuller
Case Officer:	Owen Toop

Recommendation: Approved with Conditions	
Item:	3
Application No:	DM/0202/22/FUL
Application Type:	Full Application
Application Site:	Poplar Road Business Units Cleethorpes North East Lincolnshire
Proposal:	Demolish existing stores, erect 16 mixed use (B2 / B8 / E(g)) industrial units, alterations to existing office block, install 38 storage containers, alterations to road layout with new access and various associated works - amended access design and heights of building units to St Heliers Road
Applicant:	North East Lincolnshire Council
Case Officer:	Jonathan Cadd

Recommendation: Approved with Conditions	
Item:	4
Application No:	DM/0700/21/FUL
Application Type:	Full Application
Application Site:	31 Gibraltar Lane Laceby North East Lincolnshire DN37 7AU
Proposal:	Change of use from garage to children's nursery with associated works (amended plans and information dated 4.07.2022 detailing proposed management arrangements)
Applicant:	Mrs Karen Hudson
Case Officer:	Owen Toop

Recommendation: Approved with Conditions	
Item:	5
Application No:	DM/0393/22/OUT
Application Type:	Outline Application
Application Site:	Land Adj Old Nursery Cheapside Waltham North East Lincolnshire
Proposal:	Outline application to erect 9 dwellings with access to be considered (amended access details and additional illustrative plans received 7th July 2022)
Applicant:	Mrs Hannah Haigh
Case Officer:	Bethany Loring

Recommendation: Prior Approval Granted	
Item:	6
Application No:	DM/0549/22/PNCOM
Application Type:	Prior approval-Com,business to dwelling
Application Site:	40 St Peters Avenue Cleethorpes North East Lincolnshire DN35 8HL
Proposal:	Prior approval for the partial change of use of ground floor, first floor and roof space of building (Use Class E) to provide 5 self contained flats (Use Class C3) (Amended Description) in accordance with applicant's agent email dated 24th August 2022 omitting the top flat (flat 6).
Applicant:	Mr Daniel George
Case Officer:	Bethany Loring

Recommendation: Approved with Conditions	
Item:	7
Application No:	DM/0305/22/FUL
Application Type:	Full Application
Application Site:	Morrisons Hilmore Road Laceby North East Lincolnshire
Proposal:	Erection of coffee shop with drive-thru facility (amended plans and documents dated 27.07.2022 detailing internal highways re-configuration)
Applicant:	Trilogy Leamington Spa Ltd
Case Officer:	Owen Toop

PLANNING COMMITTEE - 7th September 2022

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

APPLICATION No: DM/0872/20/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Cloverdale Residential Home, Butt Lane, Laceby, Grimsby, North East Lincolnshire, DN37 7AH

PROPOSAL: Erection of 1 detached and 6 semi detached dwellings with garages, new access and landscaping - additional land contamination information

APPLICANT:

Mrs A Khurana
Dryband One Ltd
Cedars
Aylesby
Laceby
North East Lincolnshire
DN37 7AW

AGENT:

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

DEPOSITED: 13th October 2020

ACCEPTED: 13th October 2020

TARGET DATE: 8th December 2020

PUBLICITY EXPIRY: 19th August 2022

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 8th November 2020 **CASE OFFICER: Richard Limmer**

PROPOSAL

The proposal is to erect 7 dwellings in the rear amenity space of the Cloverdale care home on Butt Lane Laceby. The proposal includes a new site access to the side of the Cloverdale care home and to the rear of dwellings on Aspen Lane and Apple Tree Lane. Detached garages are proposed to plots 1 and 6.

This application has been brought to Planning Committee for consideration as the site sits outside the development boundary in the Local Plan, it has been called in by Cllr Hasthorpe, Laceby Parish Council have objected and due to the number of neighbour objections.

SITE

The site is located to the rear of the Cloverdale care home on Butt Lane in Laceby. The site area is some 0.33ha there is little change in levels across the site. To the north are new dwellings on Aspen Lane and Apple Tree Lane which have a 2m high boundary fence. To the east is a high hedge and then open countryside. To the south is an area of unmaintained open space and to the west is the host property.

RELEVANT PLANNING HISTORY

No relevant history

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2021)

NPPF1 - Introduction
NPPF2 - Achieving sustainable development
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)

PO3 - Settlement hierarchy
PO4 - Distribution of housing growth
PO17 - Housing density
PO5 - Development boundaries
PO22 - Good design in new developments
PO33 - Flood risk
PO34 - Water management
PO41 - Biodiversity and Geodiversity
PO43 - Green space and recreation

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 - No objections, conditions for contamination and construction management.

Environment Agency - No objections, conditions for contamination.

Drainage Officer - No objections.

Heritage Officer- No comments.

Public Rights of Way Officer - No comments.

Natural England - No comments.

Ecology Officer - No objections, condition to implement ecology report recommendations.

Civic Society - Objects due to over intensification.

Laceby Parish Council - Object on the following grounds:

- Location of development outside of the settlement boundary;
- Drainage and flood risk;
- Site being an old landfill;
- Loss of Ecology

A further objection has been received from Laceby PC following the updated contamination information being submitted, the objection centres around the contamination issues.

Cllr Hasthorpe - Calls the application into committee and supports the concerns of local residents in terms of adverse impact on Cloverdale and local residents.

Neighbours

6 and 9 Maple Walk

45 Larkspur Avenue

8, 9, 10, 11, 12, 13, 14 Apple Tree Lane

1, 2, 3, 4, 5 Aspen Lane

2 Church Lane

Church Cottage

The above neighbours objected to the proposed development with the following concerns:

- Loss of privacy;
- Dominance;

- Drainage and flood risk;
- Location outside the settlement boundary;
- Loss of ecology and landscaping
- Old Landfill and contamination
- Highway safety.
- Adverse impact on Cloverdale due to loss of land and disturbance.

Further objections have been received from the following properties expressing concerns over the latest contamination reports and the risk of the development. Previous concerns reiterated.

2 Aspen Lane
10, 11 and 12 Apple Tree Lane
Dundalk, Little Beck

APPRAISAL

Planning Considerations

1. Principle of Development
2. Impact on Neighbours
3. Impact on Character of the Area
4. Drainage and Flood Risk
5. Highways
6. contamination
7. Ecology

1. Principle of Development

The site is located outside of the defined settlement boundary on the NELLP Inset Maps. However, NELC have recently published their up to date 5-year housing supply figure, of only 4.2 years and therefore below the level of supply required by the National Planning Policy Framework for all authorities to deliver sufficient homes (paras 68 & 74 of the NPPF). As such under paragraph 11 of the NPPF the Local Plan housing supply policies are now considered to be out of date and the tilted balance in favour of sustainable housing development is activated. The authority must now consider increasing the supply of housing by looking beyond allocated housing sites and to sites which may fall outside of the defined development area boundaries on the NELLP Inset Maps. However, the golden thread of the NPPF must still be followed which is to support sustainable development and to still comply with other relevant Local Plan Policies. Policy 4 of the NELLP is clear that Laceby is a sustainable level 2 settlement capable of accommodating substantial numbers of housing to meet need, within but also at the fringes of the 'arc' settlements. Part 3 of Policy 5 is of particular importance and requires special regard to the distinctive open character, landscape quality and the role the site plays in the setting of that particular settlement. This Policy is still relevant.

It is therefore considered that, subject to the site-specific impacts of the development and taking account of the significant weight that should be afforded to the lack of a 5-year supply, the proposed development is considered to be acceptable in principle.

2. Impact on the Character of the Area

Policies 5 and 22 of the NELLP require consideration to be given to the impact of the proposed development on the visual character of the immediate and wider area. It is also a key consideration given the location of the proposed development outside of the development boundary for Laceby. In this regard it should be noted that the development boundary runs just off the rear of the care home and then along the northern boundary of the site. However, as the Council cannot demonstrate a 5-year supply, in accordance with the NPPF, being beyond the development area boundary no longer makes development unacceptable as a matter of principle.

The proposed development sits with built development to the north and west and most prominent public views would be from the open space to the south and public footpath to the east. Both of these views are framed by the new housing to the north and care home to the west. The proposed development would therefore not cause a visual intrusion into the open countryside but would be well related to the built form of this part of the village. It would not appear disconnected or out of character. This assimilation is aided by the small size of the development.

Plots 1-5 back onto the open space which mimics the existing situation presented from the housing to the north and other neighbours on Butt Lane that back onto it. It is therefore considered that the proposed development would not unduly harm the character of the open space to the south.

The proposed dwellings have been reduced down to dormer style bungalows from full two storey houses. This change reduces the wider potential views and brings the scale down to that of the host care home. So, whilst there may be some views through from Butt Lane to the proposed dwellings these views would be glimpsing and not significantly detrimental.

It is therefore considered that the proposed development would not be unduly harmful to the immediate or wider character of the area in accordance with Policies 5 and 22 of the NELLP.

3. Impact on Neighbours

Policy 5 of the NELLP requires regard to be had to protecting the amenities of neighbouring properties. The objections received from the neighbours have been considered and the scheme has been amended to address those concerns. Two storey houses have been reduced down to dormer bungalows with minimal openings facing towards the neighbours at first floor. Plot 1 has a single first floor dormer window facing to

the neighbours north, however, the neighbour opposite has a side elevation facing the plot with no habitable windows. Plots 2-7 have first floor rooflights that face north are no lower than 1.69m above the floor level and so the opportunity to overlook the neighbours would be minimal. The proposed development would be visible to these neighbours and the access road would run along the site boundary however the impacts would not be significant. It must also be stated that the intervening distances between the proposed structures and existing dwellings are deemed sufficient to maintain an acceptable outlook and privacy and not cause adverse massing or dominance.

The positioning of the driveway to the rear of properties at Aspen and Apple Tree Lane is noted but these are protected by 1.8m high boundary fences and in the main part of the development site a landscaped strip is proposed limiting noise and nuisance to acceptable levels. Similarly, to the main part of the development site the dwellings would be sufficient distance to Cloverfields care home with a 1.8m high fence proposed to protect amenity. A condition is also proposed to agree boundary treatment to the access drive to further protect occupant's amenities. The small size of the development is also acknowledged in terms of likely noise and disturbance.

It is therefore considered that the amendments to the proposed development address the concerns raised and the impacts towards neighbours would not be detrimental. The proposal therefore accords with Policy 5 of the NELLP.

4. Drainage

Policies 5 and 33 of the NELLP seek to ensure that new development does not increase the risk of flooding either on the site or off it. Many of the comments received from neighbours and the Parish Council raise concerns with the potential of increased risk of flooding. The application has been submitted with a drainage strategy and plan to ensure that the development can be built out without increasing the risk of flooding either on the site or to adjacent properties. The Drainage Team have confirmed that the approach taken is acceptable. It is therefore considered that in principle the site can be developed without increasing the risk of flooding either on or around the site. The proposed development therefore accords with Policies 5 and 33 of the NELLP.

5. Highways

Policy 5 of the NELLP requires regard to be had to the impact of proposed development in regard to highway safety and amenity. The proposed development seeks a new vehicular access off Butt Lane that would run between the care home and the neighbouring properties on Aspen Lane and Apple Tree Lane. The access would be 5m wide for the first 25m to allow cars to easily pass and then narrow to 3.7m alongside the care home and then to 5m around the actual driveways to the properties. Each property would have a driveway with parking for at least 2 cars and plots 1 and 6 also have detached garages.

In terms of traffic generation, the proposed development is for 7 dwellings and as such it

would not create significant traffic generation and so the impacts on the amenities of the occupiers of the care home and the neighbours to the north would not be unduly affected. The access point onto Butt Lane provides sufficient visibility in both directions ensuring that the access point is acceptable in highway safety terms. The proposal therefore accords with Policy 5 of the NELLP.

6. Contamination

Policy 5 of the NELLP requires consideration to be had towards contamination and health and safety as a result of the development. The site is located on an historic landfill site. There have been extensive discussions with the applicant involving the Councils Environmental Health Officer on this matter which has resulted in detailed investigation being undertaken. Trial bore holes, gas monitoring and a full Phase 2 Ground Investigation Report have been submitted by the applicant. One exceedance for raised levels of lead and arsenic from trial holes were found but no other contaminant exceedances were found. No asbestos was encountered in the samples. Gas migration was not found in the tests taken. As a result of the findings the report recommends that any contamination can be mitigated with a 600m soil cover system across all soft landscaped areas of the development. As a precautionary measure a gas membrane is recommended by the Environmental Health Officer.

NELC Environmental Health Team and the Environment Agency have considered the information submitted. Neither body have objected to the proposed development but have recommended safeguarding conditions. With the inclusion of these conditions, it is considered that the proposed development is acceptable and accords with Policy 5 of the NELLP.

7. Ecology

Policy 41 of the NELLP requires consideration to be had to ecology and biodiversity. Neighbours and the Parish Council have raised concerns over the impact and loss of ecology on the site. The application has been submitted with a detailed Ecology Report which assesses the site and provides recommendations for ecological enhancements alongside the development. This report has been assessed by the Council Ecology Officer who raises no objections to the proposal and recommends that the report is subject to a condition to its implementation. It is therefore considered that the proposed development would not unduly harm the ecology and biodiversity on the site and the proposal accords with Policy 41 of the NELLP.

CONCLUSION

Having regard to the issues discussed above it is considered that the proposed development would not cause any significant harm in terms of impact on neighbours, the character of the area, drainage, flood risk, highway safety and amenity, ecology or contamination. As the Council cannot demonstrate a 5 year supply of housing the

balance weighs heavily in favour of the development and as the assessment of this application has not raised any significant issues it should be approved under policies 5, 22, 33 and 41 of the NELLP 2018 and advice in the NPPF.

RECOMMENDATION

Approved with Conditions

(1) Condition

The development hereby permitted shall begin within 18 months 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:

RD4526-01A site location plan

RD4526-02 existing site plan

RD4526-05A proposed block plan

RD4526-10A garages

RD4526-11 proposed plans and elevations plot 1

RD4526-12A proposed plans and elevations plots 2-7

Reason

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

(3) Condition

Development shall not begin until details of all external materials to be used in construction of the buildings 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.

Reason

To ensure the development has an acceptable external appearance and is in keeping with the visual amenity and character of the area in accordance with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(4) Condition

No development shall commence until:

- (a) A scheme of landscaping showing the details of the number, species, sizes and planting positions of all trees and shrubs to be planted;
- (b) A plan including details of all trees to be retained, any to be felled, hedgerows to be retained, any sections of hedgerow or trees to be removed;
- (c) Measures for the protection of trees and hedges during construction work

have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure a satisfactory appearance and setting for the development and protection of existing features in the interests of local amenity in accordance with Policy 43 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(5) Condition

The scheme of landscaping and tree planting required through condition 4 of this planning permission shall be completed within a period of 12 months, beginning with the date on which development began or within such longer period as may be first agreed in writing by the Local Planning Authority. All planting shall be adequately maintained for 5 years, beginning with the date of completion of the scheme and during that period all losses shall be replaced during the next planting season.

Reason

To ensure a satisfactory appearance and setting for the development and continued maintenance of the approved landscaping in the interests of local amenity in accordance with Policy 43 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(6) Condition

No development shall commence until a scheme for the provision of surface water 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.

Reason

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

(7) Condition

The development shall be built out in accordance with the recommendations within the Ecology report by CGC Ecology dated September 2020 and the recommendations fully implemented within 12 months of the first occupation of the site.

Reason

In the interests of ecology and bio-diversity in accordance with Policy 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(8) Condition

Prior to the development commencing, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in accordance with the approved details. The plan shall contain:

- Working hours;
- Visitor and contractor parking areas;
- Materials storage area;
- Wheel cleaning facilities;
- Noise, vibration and dust mitigation measures (both during demolition and construction);
- Construction traffic management plan.

Reason

In the interests of highway safety and to protect the residential amenities of the neighbouring properties in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2018 (adopted 2018).

(9) Condition

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

Reason

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

(10) Condition

Development shall not begin until details showing the location, layout, design and method of construction of the new altered vehicular access have been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the details approved and the access and drive widths and in plot parking and turning areas shall be provided prior to the occupation of the dwelling and shall thereafter be so retained.

Reason

To ensure adequate parking and turning facilities are provided within the site for highway safety reasons in accordance with Policy 5 of the North East Lincolnshire Local Plan

2013-2032 (adopted 2018).

(11) Condition

Prior to the commencement of construction works on site detailed specifications of the type of piling/ground improvement/foundations to be used to support the buildings/structures shall be submitted to the Local Planning Authority for approval. Included shall be a scheme to mitigate the effects of the design with particular regard to noise and vibration to the surrounding premises and pollution to the underlying chalk aquifer, site, buildings and adjoining land. The foundations shall be carried out/constructed in accordance with the approved details unless variations are approved in writing by the Local Planning Authority.

Reason

To protect the amenities of nearby residents, human health, buildings, adjoining property, ecology and to ensure the integrity of the underlying aquifer is not compromised in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(12) Condition

No development approved by this planning permission shall commence until a final detailed remediation strategy to deal with the risks associated with contamination of the site and surroundings and to follow the principles established in the Phase 2 (ground investigation) report by Humberside Labs in relation to capping and gas mitigation , has been submitted to, and approved in writing by, the local planning authority.

Reason

To ensure that the site is suitably remediated in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032.

(13) Condition

The approved remediation scheme, required through condition 12 of this planning permission, must be carried out in accordance with its terms prior to the occupation of any dwelling. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority prior to the occupation of any dwelling.

Reason

To ensure that the site is suitably remediated in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032.

(15) Condition

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason

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

(16) Condition

Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any statutory amendment thereto), no development under Schedule 2 Part 1, Class A, B, & E, shall be permitted within the curtilage of the dwellings.

Reason

To protect residential amenity and the visual character of the area and in the interests of any future contamination considerations in accordance with policies 5 and 22 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

(17) Condition

Prior to the commencement of development full details of all boundary treatments on the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall then be installed in accordance with the approved details prior to the occupation of any dwelling on the site or such phasing as agreed in writing with the Local Planning Authority.

Reason

In the interests of protecting 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 the risks caused by the contamination of the site fully considered. The development would also assist in the delivery of housing in a sustainable

location in accordance with the National Planning Policy Framework 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 3, 5, 22, 33, 34 and 41.

2 Added Value Statement

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

In accordance with paragraph 187 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to problems arising, by resolving issues as they arose through the planning process in relation to layout and design and contamination.

3 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.

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 325959).

5 Informative

In relation to contamination the developer is reminded that there is a responsibility for safe development and secure occupancy of the site.

DM/0872/20/FUL – CLOVERDALE RESIDENTIAL HOME, BUTT LANE, LACEBY



DM/0872/20/FUL – CLOVERDALE RESIDENTIAL HOME, BUTT LANE, LACEBY



PLANNING COMMITTEE - 7th September 2022

ITEM: 2 **RECOMMENDATION: Refused**

APPLICATION No: DM/0367/22/FUL

APPLICATION TYPE: Full Application

**APPLICATION SITE: Rear Of , 132 Campden Crescent, Cleethorpes, North East
Lincolnshire, DN35 7UQ**

PROPOSAL: Erect two dwellings with associated works

APPLICANT:

Mr K Fuller
Foresight
C/O Agent
Unit 2 Cleethorpes Business Centre
Wilton Road Industrial Estate
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: 26th April 2022

ACCEPTED: 4th May 2022

TARGET DATE: 29th June 2022

PUBLICITY EXPIRY: 19th June 2022

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 2nd June 2022

CASE OFFICER: Owen Toop

PROPOSAL

This application relates to the erection of 2 dwellings with associated works to the rear of Campden Crescent, Cleethorpes. The proposal is for sheltered housing associated with the charity Foresight, providing for the needs of people with disabilities.

The application is presented to Planning Committee due to members of the council having significant roles with the applicant and associated company, Foresight and due to the call in by Ward Councillors. There are also objections from local residents.

SITE

The site to the rear of properties on the south-west side of Campden Crescent, a residential street in Cleethorpes. The surrounding properties are a mix of terraced and semi-detached. Within the site is an existing community hall with associated car parking and grassed area. The proposal consists of the erection of 2 dwellings which are proposed on the grassed area to the north west adjacent to the hall.

To the north and north east of the site are residential properties at Campden Crescent. To the west of the site is the Carr Lane Allotments, to the south and south east are residential properties at Reynolds Street and further to the east and north east are residential properties at Campden Crescent.

The site consists of an existing access situated between 132 and 134 Campden Crescent and known to be used in conjunction with the existing community hall and associated car parking area. The existing boundary treatments are as follows: the north and north east boundaries bordering the rear gardens of properties at Campden Crescent consists of walling and fencing, the west boundary with the Carr Lane Allotments consists of mature hedging, the south and south east boundary bordering the rear gardens of properties at Reynolds Street consists of walling and fencing, and the east and north east boundary treatments bordering the rear gardens of the other properties at Campden Crescent also consist of walling and fencing.

RELEVANT PLANNING HISTORY

238/61 - Construction of Senior Citizens recreation centre approved in 1961.

DC/645/99/PCL - Extension to form entrance lobby at front of club in 1999.

DM/0089/21/FUL - Refused for residential development at planning committee 28th April 2021.

No other 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

PO17 - Housing density

PO33 - Flood risk

PO34 - Water management
PO36 - Promoting sustainable transport
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 Officer - The access is not considered suitable and the application is recommended for refusal.

Environment Agency - No objections subject to Flood Risk Mitigation methods.

Environmental Health Officer - Recommends that a construction method statement be secured by condition in the event of approval, and recommends the hours of construction standard condition. Comments also relate to an informative for electric vehicle charging points to conform with building regulations.

Heritage Officer - No input required.

Trees and Woodlands Officer - No comments.

Ecology Officer - No response.

Police Crime Reduction Officer - No response.

NELC Drainage Officer - No objections in principle to the provided drainage information.

Humberside Fire and Rescue - Provides standard response in relation to access standards required.

Neighbour and Public Consultation:

In some cases multiple letters from the same address have been provided from commenter's. Letters of objection received from the following addresses:

120 Campden Crescent

122 Campden Crescent
132 Campden Crescent
40 Reynold Street

Broadly on the grounds of:

- surface water drainage impacts due to flooding and land quality.
- flood risk
- fire risk in relation to existing area and uses.
- noise and disturbance from construction work and site access, and from future occupants.
- loss of privacy
- impacts of over-intensification and heights of dwellings.
- traffic congestion
- overlooking onto gardens and rooms
- inadequacy and safety issues of proposed site access for residential use
- security
- out of character with existing uses
- concerns relating to bin collection
- concerns relating to noise and impact of community hall on future occupiers.
- comments on planning procedure and responses to comments made by councillors.
- reference to previous planning decision.

Call in from Councillor Green - Insufficient access to the site in the event of an emergency, Raising of floor levels which will be unacceptable for disabled users. Construction access could be through the allotments resulting in loss of hedges and wildlife.

Call in from Councillor Freeston - Lack of disabled housing in the area highlighted.

APPRAISAL

The material considerations are as follows:

- 1) Principle of Development;
- 2) Design and Impact to the Character and Appearance of the Area;
- 3) Impact on Immediate Neighbours;
- 4) Drainage;
- 5) Highways safety;

- 1) Principle of Development;

The proposal site is located within the development area of Cleethorpes as designated in Policy 5 of the North East Lincolnshire Local Plan, 2013-2032 (NELLP) and relates to the erection 2 dwellings with associated works. Whilst the site is within the urban area and well located in terms of the services that Cleethorpes provides, the principle of

development also relates to the consideration of flood risk. The site is located within Flood Zone 3 on the Environment Agency maps and a severe risk in the Strategic Flood Risk Assessment (SFRA).

Any development must pass the sequential test and in this case throughout the Borough there are substantial areas outside of flood risk which can provide housing. One potential justification to considering whether or not new residential development should occur in flood risk areas can be the case for wider regeneration benefits, but this would not apply to this curtilage area for an existing and active community centre. As the sequential test is not passed the principle of residential development is not acceptable under Policies 5 and 33 of the NELLP and under advice in the NPPF.

The Environment Agency have considered the proposed development alongside the submitted FRA and have no objections to the proposal subject to the mitigation measures being secured by condition. Nevertheless, the Environment Agency has previously acknowledged the need for development at this location to pass the sequential test, which it does not.

2) Design and Impact to the Character and Appearance of the Area;

The two dwellings are situated directly to the north west side of the community centre. The dwellings are one and a half stories though they need to be raised in height for flood risk reasons which in turn accentuates their height. They will sit back from the street scene reducing their visual appearance but will be seen from neighbouring properties, surrounding land and those visiting the community centre. The designs are simple with pitched roofs and a brick and tile finish. Rooms will be in the roofspace facilitated by dormers and rooflights.

For such modest properties the designs are considered acceptable. However, two units are proposed and this is intensive for the site and results in a poor layout in terms of the dwellings being close and in awkward proximity to the existing community centre and to neighbouring boundaries including landscaped boundaries. The development would appear cramped and overdeveloped. It would be a poor layout and is not good design.

The plans submitted also lack detail as to how the properties would be accessed and relate to associated parking facilities.

Policy 22 of the NELLP and the NPPF requires good design in new developments and this is not demonstrated by the scheme.

3) Impact on Immediate Neighbours

Policy 5 of the NELLP requires for an assessment on the impact of new development upon neighbouring land uses by reason of noise, air quality, disturbance or visual intrusion. Given the nature of the development for two residential dwellings, the potential detrimental impacts to residential properties can amount from issues of overlooking and massing and noise and disturbance. This is compounded by the need to raise the floor

and ground levels to respond to flood risk. The proposal is considered to present a detrimental impact to neighbours in terms of physical build and adverse massing and noise and disturbance. In particular the massing presented with regards to 120 and 122 Campden Crescent would be detrimental to those neighbours.

The intensity of the development generally does impact on neighbouring amenity. With regard to loss of privacy the scheme is sensitive to neighbours in the position and orientation of first floor windows. The impact on neighbours also relates to the likely additional comings and goings along the very narrow access point which is close to the respective neighbours on Campden Crescent. Whilst the proposal is for more sheltered accommodation there will be visitors and deliveries, and this has the potential to cause noise and disturbance. With regard to the construction of the development the scheme fails to demonstrate how such a constrained site could be developed without detriment to local amenity. Mention has been made of the use of the adjacent allotments but full details have not been submitted to show how this could be achieved.

With regard to the amenity of the future of the properties this is likely to be less than satisfactory due to the cramped layout and proximity to the existing community facility. Again, the very narrow access is a concern as to how satisfactory access can be achieved to the dwellings by service and emergency vehicles.

Having regard to the above the development would have an adverse impact on both existing and future residents and the development is contrary to Policy 5 of the NELLP.

4) Drainage

Policy 5 and 33 of the NELLP also requires development to consider the potential for flooding from surface water. At such a constrained site it is considered that whilst the final details on drainage are necessary these matters could be covered by condition if necessary.

5) Highways

Policy 5 also requires assessment with regard to suitability and sustainability when considering access and traffic generation. To this end, the Council's Highways Officer has raised an objection to the proposal. Neighbour representations also highlight the frequency of access as a concern when associated with the proposed residential use.

The Highway Officer notes that the access road up to the development is 2.6m wide.

Whilst it is accepted that the access is an existing one, the Highway Officer is not content with adding to the intensification of the site. It is acknowledged that the applicants have stated that the proposed end user of the development will be unlikely to own a car. However, this cannot be conditioned through the planning process and therefore there is no guarantee that this would be the case for the lifetime of the development. It should also be noted that there would be associated vehicular trips with visitors to the

development, deliveries being made and there is the need for acceptable emergency vehicle access. Due to the narrowness of the access vehicles will not be able to pass and there is likely to be access problems from Campden Crescent. This will be to the detriment of highway safety contrary to Policy 5 of the NELLP.

CONCLUSION

The proposal relates to the erection of 2 dwellings with associated works to the rear of Campden Crescent. The site is located within an area of flood risk and accessed by a narrow access. There are flood risk and highway safety concerns. The layout is cramped and poorly designed and will result in a poor residential amenity and adverse impact on the amenity of neighbouring property. There are clear and justified planning objections against the development as it fails to accord with Policies 5, 22, 33, 34 or 42 of the North East Lincolnshire Local Plan and advice in the National Planning Policy Framework. It is therefore recommended for refusal.

RECOMMENDATION

Refused

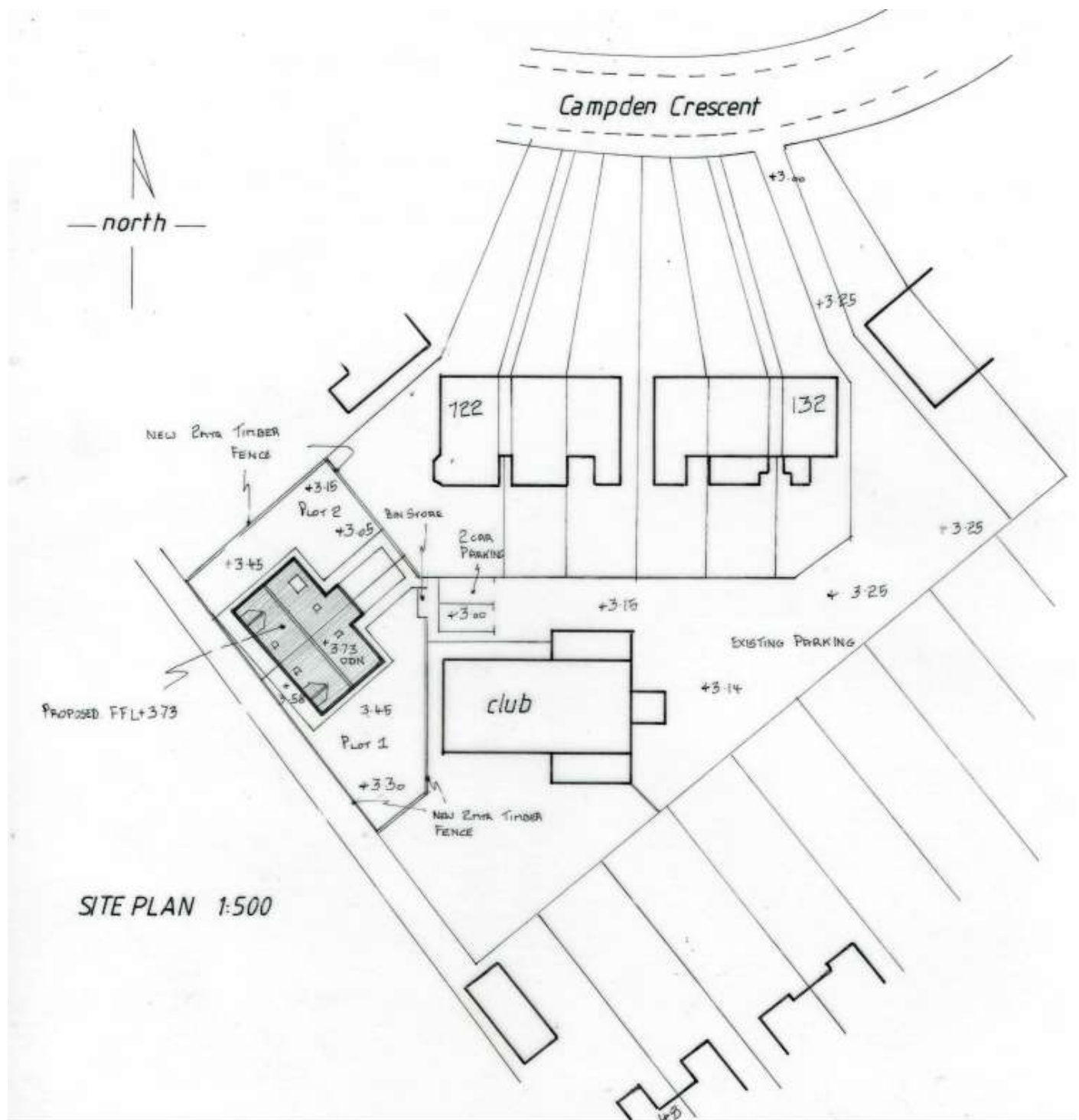
(1) The proposal would result in an inappropriate and unjustified development within an area at risk of flooding and would fail the sequential test which requires development to be located in areas at the lowest risk of flooding. As such, it is contrary to Policies 5 and 33 of the North East Lincolnshire Local Plan, 2013-2032 and advice in the National Planning Policy Framework.

(2) The proposed development would result in an over intensification of the site that would be detrimental to the residential amenity of neighbouring dwellings at Campden Crescent, by reason of massing and dominance to rear gardens and private amenity areas and potential noise and disturbance. Adverse massing and amenity impacts are compounded by the need to raise ground and floor levels the impact of which has not been satisfactorily addressed. Moreover, it would result in an unacceptable amenity for occupiers of the proposed development. As such, it is contrary to Policies 5 and 33 of the North East Lincolnshire Local Plan, 2013-2032 and advice in the National Planning Policy Framework.

(3) The proposal by reason of its over intensive nature and its poor layout would have an adverse impact on the character and appearance of the area contrary to Policy 5 and 22 of the North East Lincolnshire Local Plan, 2013-2032 and advice in the National Planning Policy Framework.

(4) The proposed development would result in an adverse impact on highway safety, both road and pedestrian safety, by reason of an unsuitable access by nature of its narrow width and poor arrangement. Moreover, the proposal fails to demonstrate an acceptable construction access. As a result, the proposal is contrary to Policy 5 of the North East Lincolnshire Local Plan, 2013-2032 and the provisions of the National Planning Policy Framework.





PLANNING COMMITTEE - 7th September 2022

ITEM: 3 **RECOMMENDATION: Approved with Conditions**

APPLICATION No: DM/0202/22/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Poplar Road Business Units, Cleethorpes, North East Lincolnshire,

PROPOSAL: Demolish existing stores, erect 16 mixed use (B2 / B8 / E(g)) industrial units, alterations to existing office block, install 38 storage containers, alterations to road layout with new access and various associated works - amended access design and heights of building units to St Heliers Road

APPLICANT:

North East Lincolnshire Council
Municipal Offices
Town Hall Square
Grimsby
DN31 1HU

AGENT:

Jack Davey
Equans - Technical Design Team
New Oxford House
George Street
Grimsby
North East Lincolnshire
DN31 1HB

DEPOSITED: 8th March 2022

ACCEPTED: 9th March 2022

TARGET DATE: 8th June 2022

PUBLICITY EXPIRY: 22nd August 2022

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 7th April 2022

CASE OFFICER: Jonathan Cadd

PROPOSAL

This application seeks to redevelop part of the Poplar Road Business Centre site and vacant former Poplar Road Depot site accessed off Conyard Road, and Poplar Road Cleethorpes. The proposal includes the demolition and replacement of the existing industrial brick and pitched roof buildings to the north western boundary of the site with 16 modern industrial units. These units would be single storey, albeit at an industrial scale (4.6m to eaves rising to 5.1m) with mezzanine floors within them for associated office space. Similar industrial units would also form an L shaped block to the rear of the

existing industrial units at Poplar Road Business Park and a further unit to the rear of Cleethorpes Fire Station. In total, 2156 m² of floor area would be created. In addition to this, the existing two storey buildings (formerly an NHS practice) would be refurbished to create a further area of 229.5m² of office space.

Each of the industrial units would be served by a manoeuvring area to the front with associated parking (90 spaces including 5 disabled drivers' standard spaces).

The final part of the build scheme is the positioning of 9.75 x 12m (32 x 40ft) containers and 1.8 x 6m (6 x 20ft) containers to the eastern boundary of the site close to properties on Grimsby Road. These will be self service storage units.

All elements of the site would be linked by a loop road, connecting to the existing Poplar Road Business Park and access and parking area along with the container storage and Conyard Road. In addition, new gates and footpath would be erected to the site at Conyard Road but also Poplar Road entry, the latter being of narrower width to promote larger vehicles using Conyard Road. Associated landscaping is also proposed.

The application has been brought to the committee at the request of the ward Councillor to consider the impact on the dance school and the level of objection from neighbours.

SITE

The application site is part of the former council depot at Poplar Road/Conyard Road but also the Poplar Road Business Centre site. The main area to be redeveloped is made up of a number of brick industrial buildings with pitched roofs to the northern boundary which back onto the gardens of St Helier's Road (largest 4.2m eaves rising to a ridge of 6.3m with a run of smaller buildings 3m at eaves rising to 5m at ridge with a pitched roof). Within the centre of the site is a two-storey office block most recently used as an NHS practice which is surrounded by large areas of rough hard surfacing which extends to Conyard Road and the existing business units at the Poplar Road Business Park. Also, part of the application site to the extreme north eastern corner is a tarmac lorry turning circle. This backs onto both St Helier's Road and Saunby Grove.

As noted the site adjoins the existing buildings at Poplar Road Business Park and these are modern industrial units to the north east and south east with a variety of uses, including carpenters, vehicle repairs garages and printers. Within the western corner of the site close to the access to Conyard Road is a collection of single storey buildings including a substation but also a dance studio with hard surfaced gated forecourt.

Further to the south west are a collection of residential and commercial buildings (with residential above). These structures either back onto the site or are divided from it by detached but private garden areas.

To the south east is a variety of commercial buildings but also the fire and ambulance station buildings accessed off Poplar Road.

RELEVANT PLANNING HISTORY

The application site has historically been a Council depot with various applications relating to such uses. The site also includes parts of the Poplar Road Business Centre site which has had much more recent applications for development including light industrial units to the southern and eastern areas of the site.

Application site

122/49 Highways garage. Approved 1949

231/55 Workshop store and office. Approved 1956

291/58 Extension to garage. Approved 1958

143/64 Motor Repair Shop. Approved 1964

466/66 Extension to street lighting store. Approved 1967

334/70 Six bay garage. Approved 1970

42/74 Twelve garages. Approved 1974

8/199/76 Erect central motor repair workshop

1197/79 Joiners Workshop. Approved 1980

8/194/82 DLO Workshop Electric and Highways. Approved 1982

08/91/0609 Application for deemed consent under Reg 4 of the Town & Country Planning General Regulations 1976 to Erect DSO offices. Approved 1991

08/95/0468 Erection of CMRS Office. Approved 1995

DC/783/99/CRB External alterations to workshop units in association with refurbishment. Approved 2000

In recent years, various applications have been determined for industrial uses for the main business centre site beginning in 1986 with the approval of application no. 8/331/86 for the conversion of various existing garages and sheds to class B1 Beehive units. Following this, approval of greater redevelopment of the site through new stand alone units in 1999 and 2001 (DC/783/99/CRB & DC/991/01/CRB respectively) again for class B1 (now Class E(G) uses), provide the template to the current application.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2021)

NPPF15 - Conserv. & enhance the natural environ.
NPPF16 - Conserv. & enhance the historic environ.
NPPF6 - Building a strong, competitive economy
NPPF7 - Ensuring the vitality of town centres
NPPF9 - Promoting sustainable transport
NPPF11 - Making effective use of land
NPPF12 - Achieving well designed places
NPPF14 - Climate, flooding & coastal change

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

PO1 - Employment land supply
PO3 - Settlement hierarchy
PO5 - Development boundaries
PO6 - Infrastructure
PO7 - Employment allocations
PO8 - Existing employment areas
PO10 - Office development
PO22 - Good design in new developments
PO33 - Flood risk
PO34 - Water management
PO36 - Promoting sustainable transport
PO38 - Parking
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

Environmental Protection: Request conditions re hours of demolition and construction, no external manufacturing, contaminated land and remediation, pilling, management plan for containers and hours of use.

Air quality assessment has been provided and has been accepted by the Environmental Protection Team.

Revised details are noted but until Land Gas Addendum Report is provided it is recommended original land quality conditions are imposed as previously stated. Hours of construction and construction management plans are acceptable subject to adherence to details.

Environment Agency: Do not object subject to the imposition of conditions and advice notes relating to: flood risk mitigation, (although an evacuation plan is required), piling condition (to protect aquifer) and advice notes re removal of contaminated soils.

Highways: (in summary) Welcomes use of Conyard Road, with Poplar Road used as a secondary access. The Highway Authority is content that the proposals do not significantly impact on the adjacent highway network. Also welcomes that construction traffic will utilise Conyard Road not Poplar Road. Approval no conditions.

Anglian Water: Both the foul water network and treatment centre have capacity for the anticipated flows.

Originally, the surface water proposal to drain water into the combined sewer was deemed unacceptable as the last option in the sustainable drainage hierarchy. Anglian Water now appreciate the contamination on site makes a full sustainable drainage system unreasonable, and accept the attenuation scheme in principle. They remain opposed, however, to the discharge rate of 63 l/s into their system as this would remain significantly above the 13 l/s recommended. Despite further discussions and justification to support the claim that the proposal would represent a 30% betterment above current flows from the site, Anglian Water retain its concern but request a specific surface water condition to allow further negotiations with the developer to continue whilst allowing the application to be determined.

Drainage: (in summary) Original drainage proposals were unacceptable due to higher levels of discharge (99 l/s) proposed and outfall would need to be agreed with Anglian Water. The revised drainage strategy, within the flood risk assessment, to reduce existing surface water runoff from the site by 30% is deemed acceptable. The areas of landscaping within the site should be utilised as sustainable drainage features to provide further betterment to the surface water discharge from the site.

Cadent Gas: No objection but require informative.

Heritage: No input required.

Ecology Officer: Is satisfied with the Ecology and Habitat Report and wish to see all recommendations made within Section 5 Discussions and Recommendations implemented.

Trees & Woodlands: Large Lombardy Poplar at Conyard Road access will probably have to be removed. Given its age, size and general condition this should not be considered a

material constraint. The site includes no meaningful landscape plan but this could be conditioned.

Police: No comment.

Humberside Fire & Rescue: Provide advice on fire appliances and water supplies.

Sites Notices/ Neighbours:

27a Parker Street - Requests that the applicant submits a landscaping scheme to enhance the appearance of the site but also trees and shrubs to provide foraging and breeding habitat for song birds, butterflies and other wildlife. These have been provided at other business parks such as Europarc. Nest boxes have limited use if there is no plant life. Unfortunate that surveys have been undertaken in March as later could have generated greater number and variety of bird species.

Objection - Clee Academy of Dance, 18 Poplar Road. 58 St Helier's Road - The entrance used since 1999 is at the entrance to Conyard Road, shared with the development. The demolition of the buildings next to the dance studio (building A on plans) will cut off water supply to that property. Once building has gone there will be no boundary to Academy reducing security and pupil safety. Access to the development during hours of use of the academy with children and parents dropping children off will increase safety concerns.

Access along Poplar Road is narrow, with limited parking, if large areas of the existing parking to the current Poplar Road access road is lost to building this could lead to additional parking on Poplar Road which would be unacceptable and impact on residents.

The new buildings to the rear of St Helier's Road will dominate gardens. Dependant on proposed uses, it will lead to noise nuisance at the site. Question how security will be maintained once existing building are demolished. Advise that drainage already overflows and this will make it worse.

APPRAISAL

Main issues

- 1) Principle of use of this site for employment and storage
- 2) Design, layout and amenity
- 3) Highway safety and capacity
- 4) Flood risk and drainage
- 5) Other issues

Appraisal

1) Principle of use of this site for employment and storage

Although the main part of the site is vacant, it has clearly operated as a Council depot in the past with a quasi-industrial type nature although very much reduced in recent years. This can be seen through the planning history of the site and map regression within the Design and Access Statement. Note must also be taken of the existing class B1 (now class E(g)) business units and workshops, within the current Poplar Road Business Centre which forms a small part of the current application site and adjoins the main part of the application site to the south east. This site, approved in the late 1980's and then further expanded with modern units in the late 1990s/early 2000s appears to operate well, is popular with occupiers and does not appear to have an undue detrimental impact on nearby residential properties. Within the NELLP policy 1 the requirement of employment land to seek to grow the NE Lincolnshire economy is noted with large areas of land allocated as existing and proposed employment land - policies 7 and 8. Poplar Road is not allocated as such and simply falls within the urban area of Cleethorpes (policy 5). Policies 7 & 8 seek to direct major business development to the allocated areas and para 12.10 of the NELLP states there is no evidence of market demand nor significant developer interest in bringing further sites forward in the south of the Borough; consequently, the focus of the employment land provision remains around the South Humber Bank. Demand and a waiting list for available units at Poplar Road indicates however, this site could be usefully considered for additional employment units. The policy also does not specifically preclude development elsewhere, subject to other policy requirements of the plan being met. Indeed, policy 5 of the NELLP in general promotes sustainable development within the development area of Cleethorpes.

The existing two storey office building at the site would be refurbished and re-let. At 229m² this would not be required to be sequentially tested re town centre locations (policy 10) but would in any case be ancillary to the main industrial uses on site and be less than 10% of the floor area of the proposal and is an existing use. It would however also be close to Cleethorpes Town Centre, approximately 400m away, this is considered to be reasonable walking distances for most and allows access to all facilities of the town centre.

As such it is considered that the scheme would in principle accord with policies: 5, 7 and 10 of the NELLP although further detailed assessment through other policies is required.

2) Design, layout and amenity

The development proposed is mainly for modern industrial designed mono-pitched roof units with breeze block walls (with sections of profiled steel sheeting to fronts and sides and roof). Each unit would have an eaves height of 4.6m leading to a ridge of 5.1m. Such a design would not be out of character with the area and the existing employment units on the wider site. It would also represent an enhancement of the site in character and appearance. The layout is also such that the development is inward looking providing a

positive courtyard type appearance when viewed from the main entrance to the site from Conyard Road.

The replacement and construction of new workshop buildings to the rear of St Helier's Road would increase physical impact on dwellings and their gardens along this road. Positioned to the south of these properties some additional over shadowing would occur. The present traditional pitched roof buildings on this part of the site have a range of ridge heights of 6.1m and 5.1m. The proposed units would therefore have similar or lower overall heights to the current structures albeit it must be noted that the mono-pitched design (to aid security and surface water drainage) would lead a change from eaves heights of 4.1 and 3.1m rising to a full 5.1m ridge height immediately adjoining the 1m wide alley to the rear of gardens. Shadow plans have been provided showing similar impacts to the properties although it is again recognised that the mono-pitch design would increase dominance to the rear gardens of these properties, although not to a level that would justify a recommendation for refusal. The situation to the rear of 72 to 84 St Helier's Road is slightly different as they presently have no structures to the rear. Therefore, it must be noted that the new buildings in this area would represent quite a significant change in terms of dominance and over shadowing. Benefits here, however, would include the screening of these properties by the new units from traffic, noise and nuisance within the existing Poplar Road Business Centre.

The positioning of utilitarian storage containers to the south western boundary of the site is such that they would be screened in the main by existing dwellings and buildings to Grimsby Road but also the proposed unit 39. However, they would be visible to the entrance to the site on both from Conyard Road and to a lesser extent Poplar Road. Equally, they would be visible from adjoining dwellings. Screen fencing and gates are proposed to the north western frontage. Given the nature of the current use of the site, it would not be unreasonable to consider that utilitarian structures could be erected in this area, plant or machinery parked up or stored here and so containers if painted correctly would not appear particularly out of character. It is nevertheless recommended that fencing is erected in this area to reduce the visual impact of this area to neighbours' properties.

The layout of the proposed development would make the most of the site and would allow for free movement of vehicles and users. It would also work well with the existing development and would provide screening for housing at St Helier's Road from the proposed land uses and associated activity. Parking areas and public spaces would be overlooked aiding security. Through the layout, the access to Conyard Road would also have a much greater potential role as the main access point reducing activity and pressure on Poplar Road itself. This would be a benefit to neighbours on that street. The Conyard Road access is existing and could be reused for a main access without any permission at any time. The increase in activity would impact on the adjoining properties, 457a and 459 Grimsby Road. No. 459 is a commercial operator that operate 'escape rooms' so the impact on amenity from traffic, noise and nuisance would be limited. No.457 is a dwelling, with windows facing into the road increasing potential nuisance to this property. Whilst recognised, the property already has significant noise and nuisance

from Grimsby Road for substantial parts of the day and evening and as the site access is existing it could be used at any time in any event, limiting any justification to resist the proposal on amenity grounds. It is also noted through experience on site, that evening traffic and activity at the business centre is much reduced, further limiting concerns.

The revised layout also seeks to accommodate the neighbour's concerns with respect to safe access to the dance school through provision of a footpath for users of the Academy, but also pedestrians accessing the main site too. Full details will be required on this issue and it can be conditioned. Similarly, fencing to the boundary of this site can also be conditioned.

Consideration is required in relation to residential amenity as the site adjoins residential properties at St Helier's Road but also Grimsby Road. Noise and nuisance from commercial activity is a concern. The existing business park at Poplar Road is limited to class B1 (now class E(g) type uses, i.e. those business uses which can be located within a residential area without harm to neighbours amenities. It is suggested therefore that the scheme be limited to Class E(g) uses again, which would include: research and development of products or processes and; industrial processes. To do so, however, would dismiss the current, albeit vacant, Council depot use which would fall within Class B2 General Industry, if this were to recommence there would no limitations on activity. It is considered therefore that class B2 uses could be justified, if carefully managed. Environmental Protection have not objected to such a use but have requested conditions to reduce noise and nuisance such as no manufacturing outside, approval of external flues and extract and/or air conditioning units. Class B8 could generate significant noise and nuisance re movements but this would be mainly to the front of the buildings proposed, screening activity from most residential areas. Conditions ensuring that all manufacturing and storage occur inside buildings and suitable insulation is installed is recommended. Similarly, conditions will require extract and ventilation systems be agreed before installation.

Whilst each industrial unit would have its own internal refuse area, two walled central refuse points would also be created to enhance recycling and refuse removal and ease of use by tenants.

The public storage facility also has the potential for noise and nuisance being close to residential boundaries to dwellings on Grimsby Road. This could be general activity but also noise and nuisance from banging of container doors etc. To limit this impact, a management plan has been submitted and the Environmental Protection Team have agreed this, limiting hours of use of the containers to 08:00 - 20:00. Conditions for fencing in this area would also assist to limit nuisance.

The demolition of the existing buildings close to St Helier's Road would require careful consideration to ensure residential amenities are protected. A draft demolition and construction management plan have been submitted but through conditions should be enhanced to provide suitable mitigation and protection measures for residents.

As such it is considered subject to conditions the scheme will accord with policies: 5, 8 and 22 of the NELLP.

3) Highway safety and capacity

The application seeks to utilise an existing site access to Conyard Road which has its junction with Grimsby Road. This is a 6.5m wide carriageway with two 2m wide pavements either side. The road itself is controlled through double yellow lines on both sides. The application seeks to retain the Poplar Road access, but an internal access road (suitable for HGVs) would link both the older and newer sections of the business centre together. This would allow all traffic to access Conyard Road which is deemed a safer, more appropriate access than Poplar Road. Although not closing, the access to Poplar Road would be reduced in width to 3m. This would limit access to the site for larger vehicles to Conyard Road, improving the highway situation along Poplar Road. In addition to this, Grimsby Road already has a lengthy right turn ghost lane ensuring queuing vehicles are less likely to obstruct passing traffic at this point. As an access and exit to/from Grimsby Road it is preferable to Poplar Road itself.

A Transport Statement has been provided and indicates that flows from the proposed development can be accommodated safely within the highway network. It is predicted that additional morning flows at peak periods (08:00 - 09:00) would amount to 21 additional two way trips whilst in the evening peak (17:00 - 18:00) this would amount to 12 two way trips. It is noted that the container storage is unlikely to generate significant traffic during peak periods as the public are likely to avoid travel in the peak preferring travel at quieter times. When combined, the existing and proposed traffic accessing/exiting the site during the morning peak would amount to 45 two way trips and 27 in the evening. Over the day this would amount to 441 two way vehicle trips. The highway authority considers this acceptable and would not detract from the capacity of the highway. Similarly, these levels and the current layout at Grimsby Road/ Conyard Road junction would not detract from safety at Grimsby Road.

It is noted that the dance academy has raised material concerns over the access due to the lack of paving within the site which without change would bring young children into conflict with traffic. The applicant has therefore modified the access design to accommodate a 2m wide footpath into the site from Conyard Road to access the Academy but also aid sustainable access from the development site itself.

Parking is an important consideration to ensure that the development would not lead to on street parking in adjoining residential streets. Parking is based on percentage levels provided within the existing part of the business park and would amount to an additional 90 spaces (of which 5 would be to disabled driver's standards, three would be for electric charging points (with a further 9 wired for later installation) and two would be for motorcycle parking). In addition to this, all but one unit would have a 7m long private forecourt to aid loading and unloading but also to provide parking for trade and service vehicles. Such levels and arrangements work well within the current business park and the highway authority have not raised an objection subject to the works being completed

in accordance with the approved plans. In addition to this, whilst cycle storage would be anticipated within each unit, conditions are recommended for the provision of secure covered cycle spaces.

As such it is considered subject to conditions the scheme will accord with policies: 5, 36 and 38 of the NELLP.

4) Flood risk and drainage

The site is located within Flood Zone 3 and as a result a Flood Risk Assessment (FRA) - including sequential test has been provided. As an existing brownfield site, albeit a vacant Council depot adjoining the existing business park serving Cleethorpes the use would be the most suitable location for such employment generating uses which are complementary to the existing offer and would therefore meet the requirements of the sequential test. Similarly, as a 'less vulnerable use', industry is deemed acceptable in this location, subject to a flood risk assessment and suitable mitigation. Each unit would have a mezzanine floor above flood water levels as a refuge for staff awaiting rescue whilst construction materials would allow a swift return to service following any catastrophic flood event. The Environment Agency have considered the plans and deem them suitable. Conditions re flood warning and evacuation plans are also recommended to ensure that the impacts of flooding on business, people and the emergency services can be minimised as far as possible.

As the site would be mainly hard surfaced (either through buildings or external hard surfacing) the potential for increased surface water flows is an important consideration. Natural drainage through soakaways and or existing natural water features is not possible on this site due to potential contamination, clay subsoils and lack of natural features. The applicant has considered this issue with drainage colleagues and recommends that a series of attenuation tanks be placed under the central car park area to contain excess flows during extreme weather events. This would limit flows into the main Anglian Water sewer to 63l/s. Whilst a large volume of water, it represents a 30% betterment on current flows from the site if it were to remain as is. Anglian Water remain concerned at such volumes and seek further reductions in surface water flows into their system. Despite this they recommend a condition to allow further negotiations to take place. These negotiations are on-going at the time of writing and a verbal update will be provided at committee, but a condition would allow approval of this application.

It is noted that issue of a water connection has been outlined by one objector. This is a landlord issue and is being dealt with outside the planning process.

As such it is considered subject to conditions the scheme will accord with policies: 5, 33 and 34 of the NELLP.

5) Other issues

The site is located partially over a former tip and contamination is a known concern. The

applicant has provided a detailed assessment of the ground conditions on site and the potential issues arising. The Environmental Protection team have considered this and have not objected but have sought conditions requiring further detailed assessment of ground conditions to ascertain the full extent of contamination on site and the need for remediation/ mitigation. The applicant has anticipated this and has already recommended gas mitigation measures but is willing to accept pre commencement conditions.

It should also be noted that the site, would not be the Council's depot as outlined by some concerned residents and would be used as outlined previously; small industrial units and a self-storage facility.

In respect to ecology, an Ecological Report has been provided. This has been further added to with a bat emergence report. The Council's Ecologist is satisfied with the recommendations and suggests these be conditioned.

CONCLUSION

The proposed development would provide a range of modern small and medium sized industrial units which would assist to expand the successful Poplar Road Business Centre and grow the economy of NE Lincolnshire. It would provide additional employment for local people in a sustainable central Cleethorpes location. This should be given significant weight within the planning balance.

Whilst, industrial uses could generate noise and nuisance, their position backing onto dwellings at St Helier's Road (without openings) and conditions requiring all manufacturing to take place within the buildings, plus a noise management plan is such that this is not deemed to be a significant concern and has not raised an objection from Environmental Protection. In addition, the buildings themselves would screen activity from neighbours. Finally, hours of use would be imposed on the self service storage areas to maintain reasonable levels of activity during the day and evening whilst allowing them to be commercially viable. The scale of buildings close to boundaries would in some areas decrease but in others increase, reducing light and sunlight to garden areas at certain times of the day reducing amenity. This would weigh against the scheme within the planning balance, but to a lesser degree.

Traffic levels would increase but would be acceptable from a capacity and safety perspective. Equally, the focusing of activity towards Conyard Road which is deemed a preferable and safer option for traffic than the current Poplar Road access would be reduced in importance enhancing amenity and safety in this area. The impact on neighbours at Conyard Road is noted but is not deemed so negative that it would justify a reason for refusal. Similarly, parking and sustainable modes of transport are jointly promoted enhancing access to the site in a sustainable manner. This includes measures to secure safe access to the adjoining dance school at the site.

Finally issues surrounding surface water drainage and contamination are noted but are deemed suitably controlled through conditions.

Within the planning balance whilst noted the impacts of the scheme, it is considered that the benefits of the scheme would outweigh these issues and subject to conditions the scheme would accord with policies: 5, 8, 22, 33, 34, 36, 38, 41 and 42 of the North East Lincolnshire Local Plan 2012 - 2013 (adopted 2018).

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:

A001: Site Location Plan and Block Plan
A003: Existing Layout Showing Demolition
A020 rev P2: Proposed Site Layout Plan
A021: Proposed Drainage Strategy
A022 rev A: Proposed Fences and Gates
A025 rev A: Proposed Plan and Elevations Units 23 - 31
A026 rev A: Proposed Plan and Elevations Units 32 - 38
A027 rev B: Proposed Plan and Elevations Units 39
A029 Proposed Container Plan and Elevations
A030: Existing and Proposed Site Section
A050: Proposed Ground Levels Area 1
A051: Proposed Ground Levels Area 2
A055: Proposed Landscaping
A057: Proposed Fire Hydrant Locations
A060: Proposed Cross Section Units 23 - 32 & St Helier's Road Properties
0359/10/001: Topographical & Utilities Survey (Sheets 1 of 2 and 2 of 2) (Existing)

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

All demolition and construction works shall be carried out in accordance with the ecological recommendations set out in the Preliminary Ecological Appraisal (March 2021) and the CGC Ecology Bat Emergence Survey of Building B and D Poplar Road, Business Park (10th June 2022).

Reason

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

(4) Condition

Prior to demolition/ construction commencing, construction details of an enhanced pavement and lighting scheme from the site to fully connect the northern pavement to the side of Conyard Road shall be submitted to and approved in writing by the Local Planning Authority. Construction of the approved pavement shall be completed before any unit is first occupied. In addition to this, before any unit is first occupied details of covered cycle parking shall be submitted to and approved in writing by the Local Planning Authority. These facilities shall be completed before any unit is first occupied or within another specified time scale agreed in writing with the Local Planning Authority. The Travel Plan (January 2022) and its requirements shall be implemented in full prior to the first occupation of any unit and shall be adhered to at all times thereafter.

Reason

In the interests of sustainable travel, safety of pedestrians and to accord with policies 5 and 36 of the North East Lincolnshire Local Plan 2013 -2032 (Adopted 2018).

(5) Condition

The development shall only operate in strict accordance with the Noise Management Plan (TD052-20). The containers hereby approved shall not be used outside the hours of 08:00am to 20:00pm Mondays to Sundays.

Reason

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

(6) Condition

Prior to demolition of any building a Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority, it shall include (but not exclusively): working hours, noise and dust reduction measures (to a recognised standard), a scheme of temporary site security fencing, location of temporary compound for material storage, wheel wash, contractor car parking, route for safe pedestrian access from Conyard Road to the Clee Dance Academy, delivery hours, drop off zone, routing and a timetable for implementation. All demolition and construction shall thereafter accord

with the approved Construction and Demolition Management Plan unless otherwise agreed with the Local Planning Authority.

Reason

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

(7) Condition

No construction works shall commence until a final drainage scheme, following consultation with Anglian Water, has been submitted to and approved in writing by the Local Planning Authority. Once approved, the drainage shall be fully connected and be available for use before any unit is first occupied.

Reason

In the interests of drainage and in accordance with policies 5, 33 and 34 of the North East Lincolnshire Local Plan 2013 -2032 (Adopted 2018).

(8) Condition

A landscaping scheme, based on preliminary landscape drawing: A055, but including details of the size, species and position or density of all trees, hedges and plants to be planted, shall be submitted to and approved in writing by the Local Planning Authority. Included within the scheme shall be details of a planting and bat box scheme to meet the recommendations of the Bat emergence survey of Buildings B & D, carried out 8th June 2022. Within the submission shall be a management plan for the long term maintenance for all the landscaping. All landscaping and associated features shall be completed within a period of 12 months, beginning with the date on which development began or within such longer period as may be first agreed in writing by the Local Planning Authority. All planting shall be adequately maintained for 5 years, beginning with the date of completion of the scheme and during that period all losses shall be replaced during the next planting season.

Reason

To ensure a satisfactory appearance and setting for the development and continued maintenance of the approved landscaping in the interests of local amenity and ecology in accordance with policies 5, 41 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(9) Condition

The precautionary measures outlined in the Phase 2 Intrusive Ground Investigation Report shall be adhered to throughout all demolition and construction works.

Reason

In the interests of human health and in accordance with policy 5 of the North East

Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(10) Condition

The development shall be carried out in accordance with the submitted flood risk assessment (March 2021/ Project No. 20-1957.02/ Delta-Simons) and the following mitigation measures it details, in sections 4 and 7:

- An area of safe refuge to be provided in each unit
- A Flood Warning and Evacuation Plan
- Flood resilience and resistance measures to be incorporated into the proposed development as stated

These mitigation measures shall be fully implemented prior to occupation and shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

To reduce the risk of flooding to the proposed development and future occupants and in accordance with policies 5 and 33 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(11) Condition

No industrial activities or storage shall take place other than within the buildings hereby approved.

Reason

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

(12) Condition

The containers hereby approved shall be used for storage only, and for no other use including within Class B8. All materials shall only be stored within the containers themselves and not outside or on top of any container at any time.

Reason

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

(13) Condition

Prior to the commencement of construction works on site detailed specifications of the type of piling/ground improvement/foundations to be used to support the buildings/structures shall be submitted to the Local Planning Authority for approval. Included shall be a scheme to mitigate the effects of the design with particular regard to noise and vibration to the surrounding premises and pollution to the underlying chalk

aquifer. The foundations shall be carried out/constructed in accordance with the approved details unless variations are approved in writing by the Local Planning Authority. The details shall accord with the recommendations set out in the submitted Ground Investigation Reports.

Reason

To protect the amenities of nearby residents and to ensure the integrity of the underlying aquifer is not compromised and in accordance with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(14) Condition

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 15 to 17 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 18 has been complied with in relation to that contamination.

Reason

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

(15) Condition

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service
 - lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

Reason

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

(16) Condition

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason

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

(17) Condition

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason

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

(18) Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 15, and where remediation is necessary a remediation scheme must be prepared in accordance with the

requirements of condition 16, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 17.

Reason

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

(19) Condition

Notwithstanding the information provided, 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 proceed in strict accordance with the approved details.

Reason

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

(20) Condition

In respect to Unexploded Ordnance, the recommendations set out in the Design and Access Statement Section 11 shall be adhered to during all ground investigation and ground works as stated.

Reason

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

(21) Condition

Before any unit is occupied, or storage container provided (whichever is soonest) details of all means of enclosure and security measures to be erected or installed including (but not exclusively) location, type, materials and boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The scheme approved shall be installed before any unit is occupied, or container brought into use or, within an alternative timescale as to be agreed in writing with the Local Planning Authority and shall be retained as such thereafter.

On completion of the internal loop road connecting the original Poplar Road Business Centre to the Conyard Road entrance the gating of the Poplar Road entrance shall be completed in accordance with the approved details and retained thereafter.

Reason

In the interests of safety, amenity and designing out crime and in accordance with

policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(22) Condition

The access, parking and turning areas must be completed and ready for use before any units are occupied. Once installed they shall be retained thereafter.

Reason

To ensure safe access and in the interests of highway safety and amenity and in accordance with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(23) Condition

The Industrial units shall be used for Use Classes B2, B8 and E(g) of the Town and Country Planning Use Classes Order (As Amended) only and for no other uses, including (for the purposes of Class E) any other within the same use class.

Reason

To clarify the use and in the interests of flood risk and amenity and in accordance with policies 5, 7, 8 and 33 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(24) Condition

Before any air conditioning, external ventilation and extraction equipment is installed, details shall be submitted to and approved in writing by the Local Planning Authority including details of emission levels and acoustic performance and a timetable for implementation. The approved scheme shall be completed, in strict accordance with the approved details and shall thereafter be so retained.

Reason

To ensure satisfactory ventilation/extraction systems are provided to protect surrounding residents from the adverse effects from noise, odours and smoke and in accordance with policy 5 of the North East Lincolnshire Local Plan 2013 - 2032 (Adopted 2018).

(25) Condition

Before development commences, a scheme of soundproofing shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be completed prior to any unit being first occupied and shall thereafter be so retained.

Reason

To provide acceptable noise attenuation measures to protect residential amenity and in accordance with policy 5 of the North East Lincolnshire Local Plan 2013 - 2032 (Adopted 2018).

Informatives

1 Informative

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, local amenity, highway safety or ecology and is acceptable under all other planning considerations including flood risk. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

2 Informative

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 resolving issues as they arose through the planning process.

3 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.

4 Informative

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

5 Informative

Please note that you may also require Building Regulations. You are advised to contact them in advance of work on site commencing (Tel: 01472 325959).

6 Informative

Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team

for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact the Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

7 Informative

Please note the detailed advice from the Environment Agency with respect to waste and contamination on the Planning Homepage for this application.

8 Informative

Please note the comments from Humberside Fire and Rescue with regards to water supplies and access for fire fighting.

9 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.

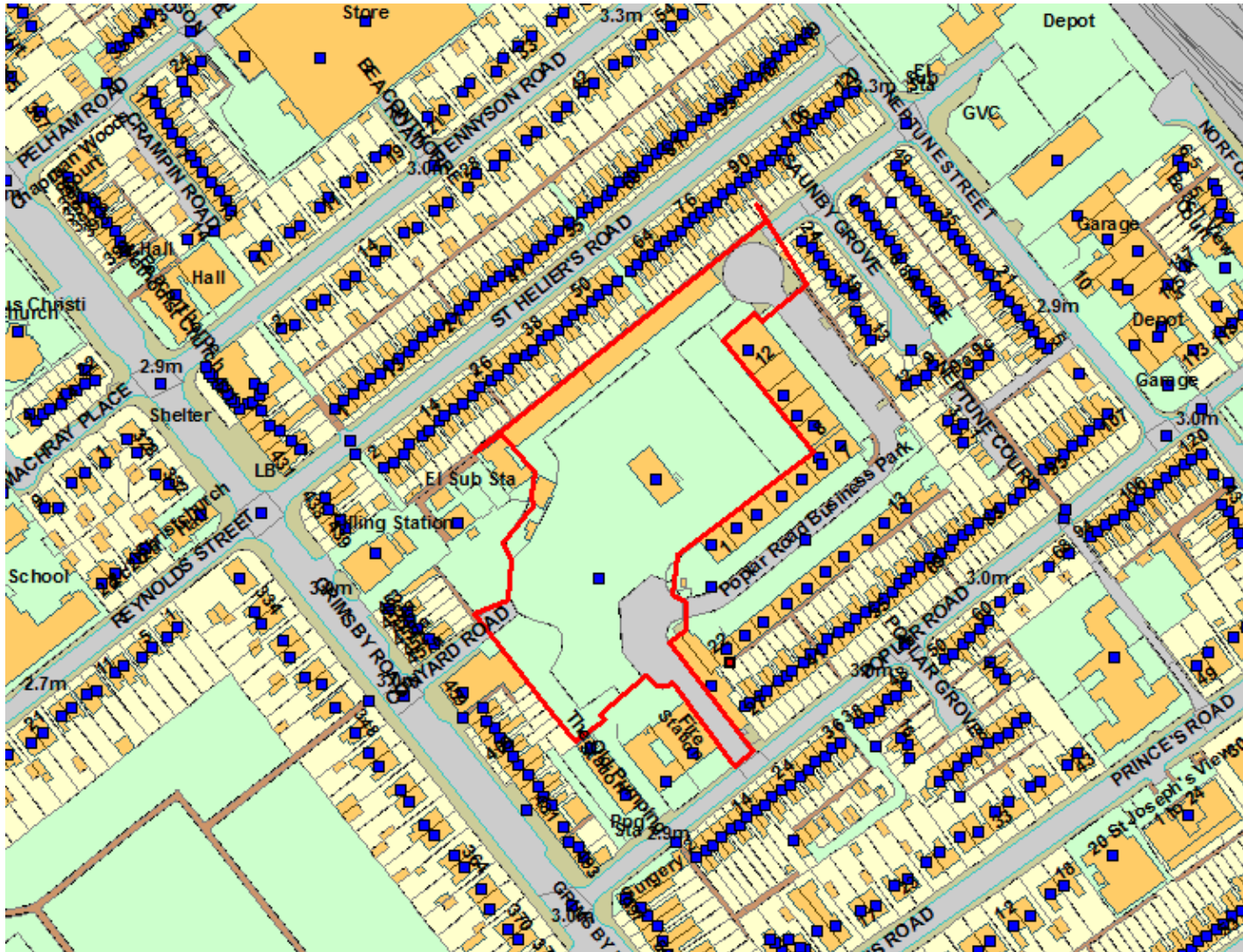
If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

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

10 Informative

Consideration should be given to the installation of electric vehicle charging points within the main car park as shown on approved plans.

DM/0202/22/FUL – POPLAR ROAD BUSINESS UNITS, CLEETHORPES



DM/0202/22/FUL – POPLAR ROAD BUSINESS UNITS, CLEETHORPES



PLANNING COMMITTEE - 7th September 2022

ITEM: 4 **RECOMMENDATION: Approved with Conditions**

APPLICATION No: DM/0700/21/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: 31 Gibraltar Lane, Laceby, North East Lincolnshire, DN37 7AU

PROPOSAL: Change of use from garage to children's nursery with associated works (Amended plans and information dated 4.07.2022 detailing proposed management arrangements)

APPLICANT:

Mrs Karen Hudson
31 Gibraltar Lane
Laceby
North East Lincolnshire
DN37 7AU

AGENT:

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

DEPOSITED: 9th July 2021

ACCEPTED: 14th July 2021

TARGET DATE: 8th September 2021

PUBLICITY EXPIRY: 19th September 2022

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 7th August 2021

CASE OFFICER: Owen Toop

PROPOSAL

This proposal relates to the change of use from a domestic garage into a children's nursery. The proposal includes minor alterations to the front elevation of the garage to replace the garage door with glazed doors surrounded by cedar cladding. It also includes installation of two new windows on the side elevation and a window to the rear.

The application is brought to planning committee due to the number of neighbour objections received. It has also been called in by the ward councillor for this area.

SITE

Gibraltar Lane is a residential street accessed from a number of routes. The south entrance to Gibraltar Lane is from Cooper Lane which is the single route in and out for vehicles. The north entrance allows pedestrian and cycle access via footpaths from the surrounding residential streets; Burley Close to the north west, and Hawerby Road to the north east.

31 Gibraltar Lane consists of an existing residential dwellinghouse. The site is also used in part as a nursery for young children, including after school care. There exists to the rear of the dwelling an existing outbuilding used for the existing nursery. To the front of the dwellinghouse is an existing garage with two floors to which this current application relates.

The area is an established residential setting, however in the wider area at Cooper Lane to the south east is the Stanford Junior and Infants School.

RELEVANT PLANNING HISTORY

DM/0537/17/FUL - Erection of detached double garage - Approval with conditions.

DM/0422/18/CND - Details in discharge of Conditions 2 (provision of surface water) and 3 (Construction management Plan) pursuant to application DM/0537/17/FUL (Erection of a double garage) - Conditions complied with.

DM/0234/20/CEU - Certificate of lawfulness application to retain the use of mixed use site consisting of a children's nursery only in the area shown edged red on the Plan 757-1 dated May 2020 and use incidental to the enjoyment of the main dwellinghouse - Granted.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2021)

NPPF12 - Achieving well designed places

NPPF2 - Achieving sustainable development

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

PO5 - Development boundaries

PO6 - Infrastructure

PO22 - Good design in new developments

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under

the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the area is comprised of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

REPRESENTATIONS RECEIVED

Environmental Health Team - content with management plan provided, and as a result does not recommend a noise impact assessment.

Police Crime Reduction Officer - no response.

Highways Team - no objections.

Drainage Officer - no comments.

Heritage Officer - no input required.

Laceby Parish Council - The Parish Council originally objected to this application in relation to concerns of noise, disturbance, road safety, intensification of use and made reference to the planning history of the site. Following a reconsultation with the Parish Council after receiving additional information to the application, the Parish Council has withdrawn their objection.

Neighbours and Public Consultation

In some cases multiple letters from the same address have been provided. Objections received from the following addresses:

10 Burley Close
7 Gibraltar Lane
9 Gibraltar Lane
17 Gibraltar Lane
21 Gibraltar Lane

Broadly on the grounds of:

- setting precedents for other properties at Gibraltar Lane if approved
- impacts of noise and disturbance
- concerns over future uses/intensification of use
- increased traffic congestion and impact to road safety
- domestic garage previously approved was built with the intent to use it as a nursery, referencing to visual features and layout of garage being uncharacteristic of a typical garage

- previous planning history and enforcement concerns

Letters of support received from the following addresses:

16 Apple Tree Lane
12 Arnold Close
102 Broadway
40 Blyth Way
57 Blyth Way
130 Caistor Road
142 Caistor Road
38 Church Lane
14 Gibraltar Lane
11 George Butler Close
12 Goring Place
65 Haverby Road
21 Heneage Road
8 Keith Crescent
10 Lauridson Close
17 Lealand Close
20 Saint Francis Grove

Broadly on the grounds of:

- benefit to community
- comments refer to lack of congestion from current site
- there would be no intensification.

Call in request by Councillor Hasthorpe on the grounds of the building being erected as a "garage" with planning consent for that and it has not been built in any way as a garage. Residents have raised concerns over noise and traffic.

APPRAISAL

The material considerations are:

- 1) Principle of Development
- 2) Physical Changes and Impact on Visual Amenity
- 3) Impact on Neighbours
- 4) Traffic and Highway Safety

- 1) Principle of Development

The proposal is located within the development boundary of Laceby as defined within policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and relates to the change of use of a existing domestic garage to be used as a children's nursery.

Currently the site is split into two uses, one for the domestic use of 31 Gibraltar Lane, and two for the use of a former stables and play area for the children's nursery. The proposal seeks to rescind the use of the stables and utilise the garage building to the front of the property for the children's nursery use.

The proposal will only be acceptable, provided that there are no detrimental impacts as a result of the change of use on visual amenity, neighbouring residential amenity and traffic and highway safety in order to accord with local and national planning policy.

2) Physical Changes and Impact on Visual Amenity

The proposal includes minor changes to the front, rear and side elevations of the garage. There would be no increase in footprint. The changes include replacing the garage door with a more conventional door to enable access into the building. On the side elevation (facing to the west) there would be an additional two windows and to the rear there would be one new window. These changes, due to their minor scale, are not considered to cause any detrimental impacts in terms of design or on visual amenity. The proposal therefore accords with policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) in this regard.

3) Impact on Neighbours

The proposal relates to the change of use of the existing domestic garage, to be used as a children's nursery. The existing site is already used as a nursery and it should be noted that the nursery has been deemed lawful under a separate certificate of lawfulness application.

This current application as a result of ongoing negotiations has required additional information from the applicant to respond to concerns surrounding the intensity of the use, particularly with regards to the closest residential neighbours and noise and disturbance impacts. To this end, a site management plan, as well as an amended site plan has been provided by the applicant with the intention of demonstrating how the site can be appropriately managed to avoid adverse harm to neighbouring properties. The plan has been considered by the Environmental Health Officer and Planning Officer, and it is considered that if controlled through planning condition that the proposed use of the garage as a nursery would not cause detrimental impacts in terms of noise and disturbance.

It is acknowledged that significant neighbour and public representations have been received, as part of the planning application consultation processes. Some comments focus on noise and disturbance from the building, whilst for others parking and highways are concerns. Comments have also referred to the construction of the garage without planning permission.

With respect to noise and disturbance, the resultant site management plan shows how the landscaped area closest to 10 Burley Close would be retained as domestic, private

garden use, and not used for the children's nursery. Indeed, the site would continue to the use existing play area to be used in conjunction with the proposed nursery building. The applicant has confirmed that the number of children and staff would not increase. It is considered necessary to control this aspect through the planning conditions which are recommended in this report.

The external changes to the building are minor in nature and would not cause adverse overlooking given their position on the site.

Having considered the above, provided the noise management plan is in place and that planning conditions are used to control the development, the proposal accords with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

4) Traffic and Highway Safety

Concerns from neighbours relate to a potential increase in traffic as a result of the change of use.

It has been confirmed by the applicant that the proposal will not result in any additional trips or material changes to what is already in existence for the nursery. Parking on site would remain as per existing arrangements. The Highways Officer raises no objections. Therefore it is considered that the proposal will not result in any adverse highway or safety impacts and that it accords with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

CONCLUSION

Having considered the proposal, it is considered that there would be no detrimental impacts in terms of visual amenity, neighbouring amenity and highway safety. The proposal is considered acceptable in terms of noise and disturbance based on the management plan provided and its control.

The proposal is recommended for approval with conditions in accordance with policies 5, 6 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) with the issue of the decision delegated to the Assistant Director of Housing, Highways, Transportation and Planning on the expiration of a period of notification ending 20th September 2022 subject to no new significant planning issues being raised.

RECOMMENDATION

Approved with Conditions, with the issue of the decision delegated to the Assistant Director of Housing, Highways, Transportation and Planning on the expiration of a period of notification ending 20th September 2022 subject to no new significant planning issues being raised.

(1) Condition

The development hereby 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 Plans - 757-1

Proposed Floor Plans - 793-2A

Proposed Elevations Only - 793-1

Reason

For the avoidance of doubt and in the interests of proper planning in accordance with policies 5, 6 and 22 of the North East Lincolnshire Local Plan 2013-2032.

(3) Condition

The proposed development shall be constructed using materials, as detailed on the approved plans and as described in the application form, or to match the existing garage and house in appearance.

Reason

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

(4) Condition

Prior to the use of the approved development occurring, the existing former stables building used for the children's nursery shall cease operation and shall only be used in conjunction with and ancillary to the residential house, 31 Gibraltar Lane. The former stables building shall not be used at any time as part of the children's nursery or as a childminders whatsoever.

Reason

In the interest of protecting neighbouring residential amenity and managing highway safety as to accord with policy 5 of the North East Lincolnshire Local Plan 2013-2032.

(5) Condition

Notwithstanding The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 the use hereby permitted shall be as a children's nursery only, and for no other purpose within Schedule 2, Part A, Class E.

Reason

To retain control over the future use and in the interest of residential and highway amenity to accord with policy 5 of the North East Lincolnshire Local Plan 2013-2032.

(6) Condition

The development shall be carried out in strict accordance with the management plan, including:

- The area marked as the homeowners private garden within the plan and within the site plan 757-1 shall not be used in conjunction with the children's nursery whatsoever.
- The use of the existing play area shall only be accessed through the existing site, as demonstrated within the plan 757- 1.
- The area of use of the children's nursery shall only include the approved garage building, the parking and turning area, the pathway to the play area and the play area itself.
- The number of children within the above defined area of use shall not exceed a maximum of 18 children per day.
- The development shall be not used on bank holidays or weekends, and on weekdays shall be not used outside the hours of 7am to 6pm.
- Staffing levels of the development shall not increase beyond that of the existing use.

Reason

In the interest of protecting residential amenity and managing highway safety as to accord with policy 5 of the North East Lincolnshire Local Plan 2013-2032.

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, 6 and 22.

2 Added Value Statement

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

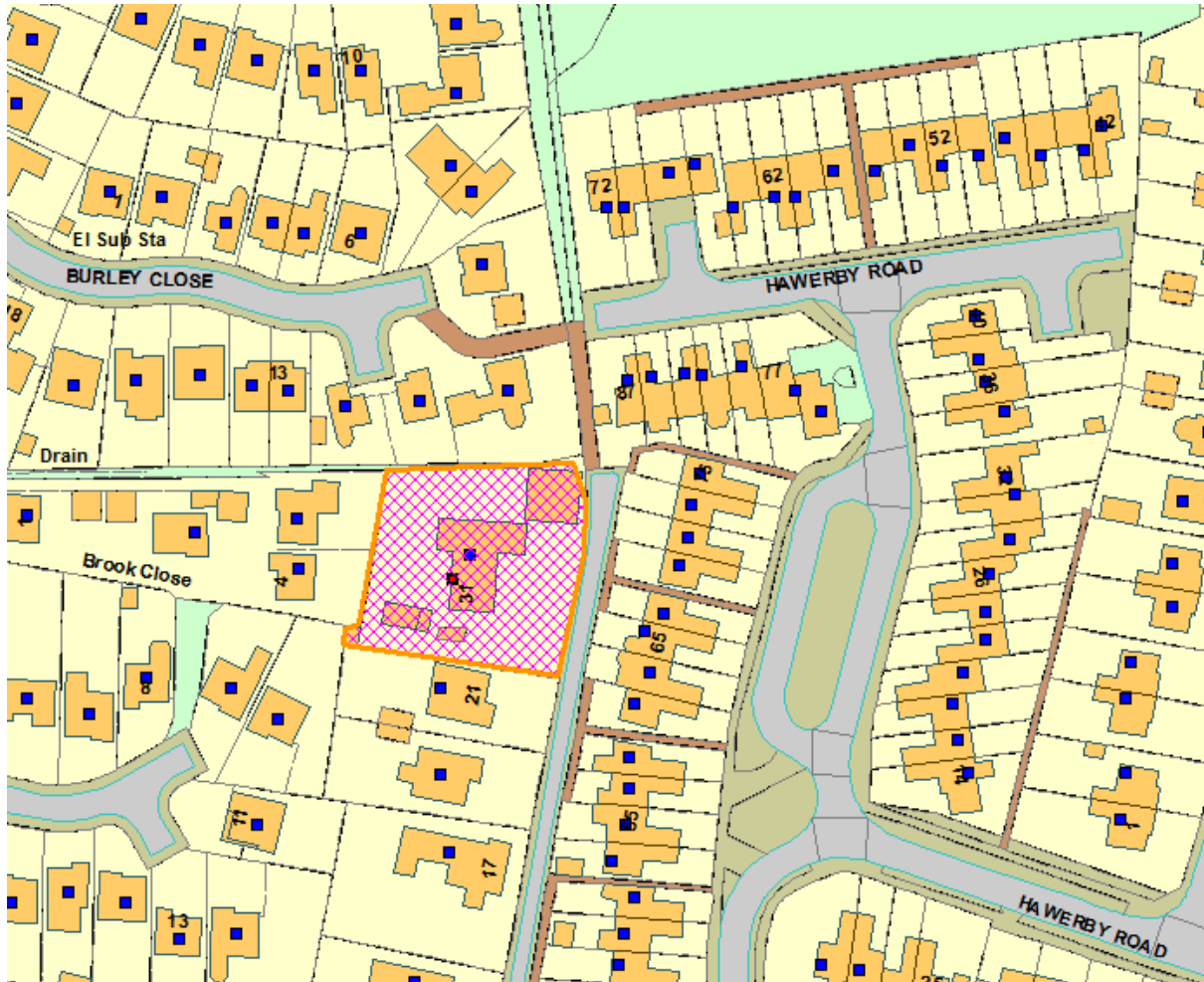
In accordance with the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to

problems arising, by seeking solutions to protect residential amenity and manage highway safety.

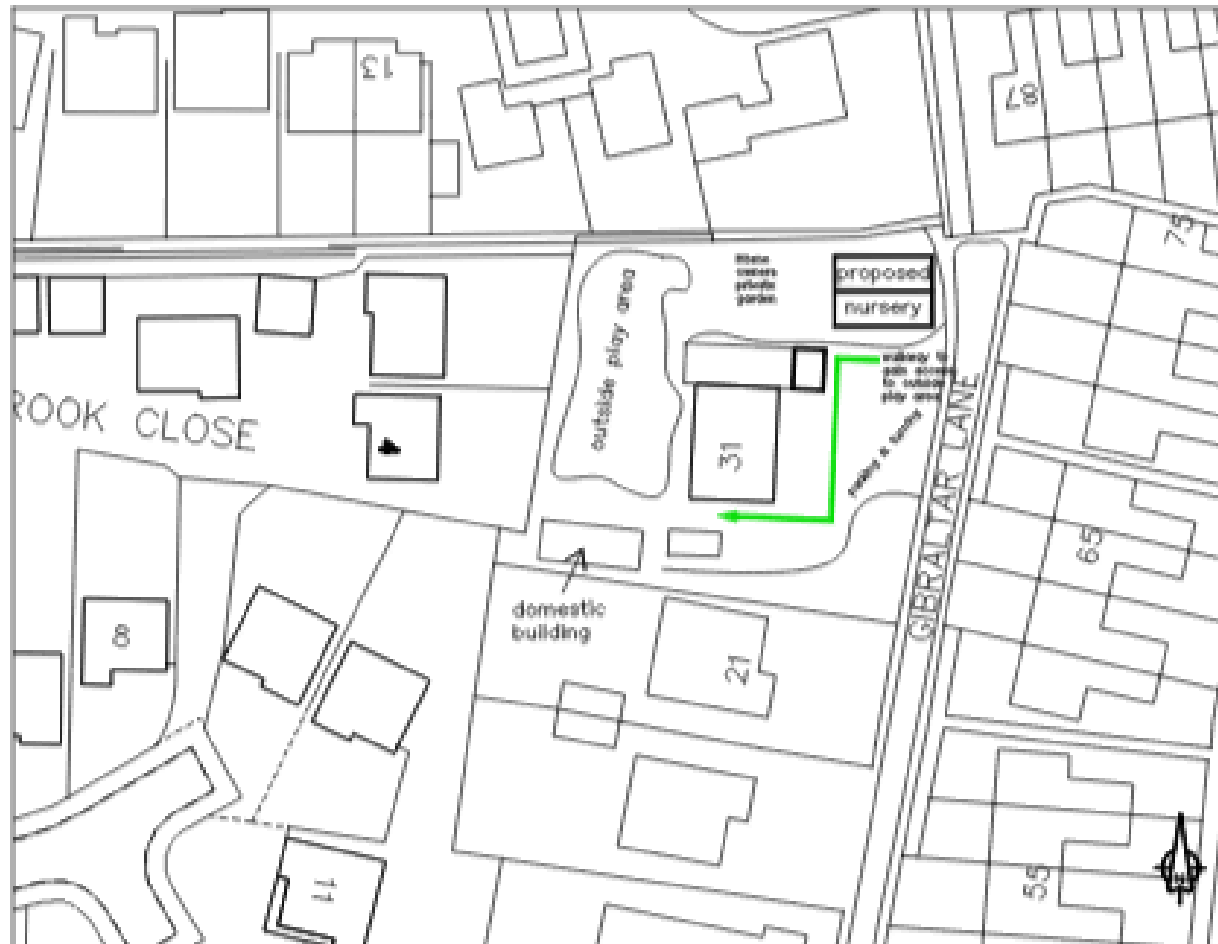
3 Informative

Please note that you may also require Building Regulations. You are advised to contact them in advance of work on site commencing (Tel: 01472 325959).

DM/0700/21/FUL – 31 GIBRALTAR LANE, LACEBY



DM/0700/21/FUL – 31 GIBRALTAR LANE, LACEBY



Site Plan - 1:500

PLANNING COMMITTEE - 7th September 2022

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

APPLICATION No: DM/0393/22/OUT

APPLICATION TYPE: Outline Application

APPLICATION SITE: Land Adj Old Nursery, Cheapside, Waltham, North East Lincolnshire,

PROPOSAL: Outline application to erect 9 dwellings with access to be considered (Amended access details and additional illustrative plans received 7th July 2022)

APPLICANT:

Mrs Hannah Haigh
Grainsby Farms Ltd
The Estate Office
Grainsby
Grimsby
DN36 5PU

AGENT:

Ms Caroline Chave
Chave Planning
Enterprise Centre
Bridge Street
Derby
DE1 3LD

DEPOSITED: 3rd May 2022

ACCEPTED: 3rd May 2022

TARGET DATE: 28th June 2022

PUBLICITY EXPIRY: 29th August 2022

AGREED EXTENSION OF TIME DATE: 9th September 2022

CONSULTATION EXPIRY: 29th May 2022

CASE OFFICER: Bethany Loring

PROPOSAL

The application seeks outline planning permission, with access to be considered, to erect 9 dwellings with garages on land adjacent to The Old Nursery, Cheapside, Waltham.

The application comes to Planning Committee as the application is a departure to the North East Lincolnshire Local Plan 2018 and there is an objection from Waltham Parish Council.

SITE

The application site is a rectangular piece of land; approximately 0.45ha in area, that sits

to the south-west side of Cheapside in Waltham. The land is part of an agricultural field. Some development exists to the east and south including a recent housing development adjacent. The site is just under a mile away from Waltham village centre.

The area has a varied character and where development exists, it includes single and two storey buildings. There is no set uniformity, and the density of development is particularly low.

RELEVANT PLANNING HISTORY

DM/0362/17/OUT - Outline application to erect 9 dwellings and garages with all matters reserved - Refused

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2021)

NPPF11 - Making effective use of land
NPPF12 - Achieving well designed places
NPPF15 - Conserv. & enhance the natural environ.
NPPF5 - Delivering a sufficient supply of homes

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

PO2 - The housing requirement
PO3 - Settlement hierarchy
PO5 - Development boundaries
PO15 - Housing mix
PO17 - Housing density
PO22 - Good design in new developments
PO33 - Flood risk
PO34 - Water management
PO41 - Biodiversity and Geodiversity
PO42 - Landscape

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

REPRESENTATIONS RECEIVED

Highways Team - Approval with conditions for highways details, access, footways, CTMP and informatives.

Environment Team - Hours of construction/demolition condition, CMP condition and EV charging informative.

Drainage Team - Surface water drainage condition and discharge rates restricted to greenfield rates.

Waltham Parish Council - Objects in relation to not being a designated site and erosion of the open countryside.

Trees and Woodlands - Further details required for landscaping. Landscaping to be revisited at the detailed stage.

Heritage Officer - No input required.

Northern Powergrid - Cables informative.

Anglian Water - No comment due to development size.

Neighbour Representations

The Old Nurseries, Cheapside - Objects based on concerns relating to loss of rural nature of the area, difficulty of maintenance, road safety, misinformation and impacts to wildlife.

Mount Royal, Cheapside - Objects based on concerns relating to increase in housing development, traffic, mis-information and danger for road users.

APPRAISAL

Principle of Development

The site falls outside of the development boundary and is not allocated for housing in the Adopted 2018 North East Lincolnshire Local Plan (NELLP).

Under Policy 5 of the NELLP it states that:

'Beyond the development boundaries land will be regarded as open countryside. Development will 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:

A. supports a prosperous rural economy, particularly where it promotes the development

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

The proposal for 9 new dwellings at this location would therefore fail to meet those exceptions listed in A-E of Policy 5. However, the Council have recently published their 5-year housing supply figures, and this highlights that the council is unable to demonstrate a 5-year supply (and additional 20% buffer for persistent under delivery) of deliverable housing land. This engages the 'tilted balance'. The NPPF indicates that in such a position planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

The site is directly adjacent the existing settlement boundary and it is acknowledged that Policy 3 of the NELLP directs development to these parts of the Borough.

In regards to sustainability the site has good access to existing facilities for daily convenience, including the local centre in Waltham village centre. There are also schools in the local area. It must also be acknowledged that the site is opposite a relatively large allocation for housing in the Local Plan which is currently under construction.

This application is made in outline form with access to be considered. Appearance, Landscaping, Layout and Scale are being held for a further reserved matters submission. As such, the consideration for this submission is in relation to the principle of residential development at the site. The application is supported by an indicative detail, which shows how the properties could be accommodated within the site; however, this is supplied for illustrative purposes only.

Having regard to these policies and location, the principle of development is therefore acceptable provided it does not give rise to significant issues. For example, in terms of residential amenity, and that the proposal is in accordance with policies 2, 5, 15, 17, 22, 33, 34, 41 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and sections 5, 11, 12 and 15 of the National Planning Policy Framework.

Visual Character of the Area and Layout

The proposed development would sit within the vacant land adjacent to the existing residential properties to the southeast, which establishes the street scene. There are also numerous examples within the immediate area similar residential developments specifically to the northeast and southeast. The development itself would offer public views of the access and partially of the dwellings however, these would set back over 26 metres from the footway. The access would sit centrally with the dwellings fronting the road through the site. The design of the access includes the retention of most of the

existing roadside hedge to help screen the view down the proposed access way. Cheapside has been subject to numerous applications, both large and small scale, in recent years. The continuation of housing is considered to form the established character of the area. The density would not be at odds with that character. Therefore, it is considered that the additional dwellings can be achieved on site without detriment to the visual character of the area.

The proposal would therefore accord with Policy 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

Highways

The proposal would include the installation of new access and roadway to facilitate the development. The plans indicate that the existing roadside hedge would mostly be retained with a small section removed to allow for the access point. The access details have been amended in accordance with the recommendations made by the Highways Officer to widen the access. Subject to conditions the Highways Officer raises no objections.

The proposal would therefore accord with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

Drainage

The proposal site is located within an area at the lowest risk of flooding according to the North East Lincolnshire Strategic Flood Risk Assessment and Environment Agency maps. The Council's Drainage Team have commented to request a drainage condition with discharge rates to be controlled to greenfield rates. A condition has been included to reflect this.

The proposal would therefore accord with Policies 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

Landscaping

There are some existing landscaping features on the site which are indicated to be retained. The Trees and Woodlands Officer has commented to say that detailed plans should be submitted at the Reserved Matters stage and this is covered by planning condition. The proposal can meet policies 41 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

Impact on Neighbouring Properties

The application has attracted objections from Waltham Parish Council and some neighbours within close proximity to the application site.

The main impact of this development would be to The Old Nursery, by means of the plots along the eastern boundary of the rear of the site. This neighbour has objected to the scheme on the basis of concerns relating to loss of rural nature of the area, difficulty of maintenance, road safety, misinformation and impacts to wildlife.

The development would be a continuation of the residential built form present in this area with the adjacent property indicated as a bungalow. The Proposed Street Scene demonstrates the arrangement between the neighbour and the closest plot to the property. The details in relation to the design of the plots will be subject to a reserved matters application where the final details will be indicated and assessed appropriately at that stage.

The neighbour has raised concerns in relation to the loss of rural land, road safety and impacts to wildlife. The use of land outside the development boundary and highway issues are addressed above. With regard to ecology and biodiversity the application is supported by reports and no issues to prevent the sites development are highlighted. In relation to the comment relating to maintenance, the plans show there is to be a separation between the boundaries which would allow for room for maintenance between the sites.

Whilst the layout is indicative, it shows how an acceptable relationship with neighbours could be achieved, concerning separation and orientation, in particular. The plots themselves would be orientated to face into the site rather than outwards which would limit the level of activity and the degree of any overlooking towards neighbouring boundaries. The Proposed Block Plan shows that the dwellings and extended vehicular access would sit reasonably within the site. Whilst this is an outline application with access to be considered, it demonstrates how the dwellings could be sited as to prevent adverse massing and overlooking and provide appropriate amenity space for the dwellings. Other matters will be assessed at the detailed planning stage.

Matters relating to the exact layout, scale and appearance are reserved and the impacts would be assessed at such a time a reserved matters application is submitted. None of these factors affect the suitability of the site in principle for housing.

It is therefore considered that the development is acceptable in residential amenity terms under Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

CONCLUSION

The proposal for 9 dwellings on this development site are acceptable in this area and would contribute to local housing need. There are no significant issues that would outweigh the need for housing on this area of land which is not allocated and outside of the development boundary.

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 2, 5, 15, 17, 22, 33, 34, 41 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and sections 5, 11, 12 and 15 of the National Planning Policy Framework.

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 - 1395-001

Proposed Site Plan - 1395-003A

Proposed Indicative Plans and Elevations - House Type A - 1395-005

Proposed Indicative Plans and Elevations - House Type B - 1395-006

Proposed Indicative Plans and Elevations - House Type C - 1395-007

Proposed Indicative Plans and Elevations - House Type D - 1395-008

Proposed Indicative Plans and Elevations - House Type E - 1395-009

Proposed Indicative Plans and Elevations - Garages - 1395-010

Proposed Indicative Street Scene Views - 1395-011

Reason

For the avoidance of doubt and in the interests of proper planning and to accord with policies 5 and 22 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 including details of discharge rates 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 development shall commence until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Construction Method Statement shall provide details for:-

- wheel washing facilities,
- means of suppressing dust and noise.
- location of site cabins, compound and storage of materials to include phasing of construction

The development shall only thereafter be undertaken in accordance with the approved details.

Reason

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

(8) Condition

Development shall not begin until the following details have been submitted to and approved in writing by the Local Planning Authority.

- (i) Detailed plans to a scale of at least 1/500 showing:-
 - (a) the junction and access to the site and proposed layout of the carriageways and footways on the development;
 - (b) the wearing course materials proposed for the carriageways and footways;
 - (c) cross sections;
 - (d) the highway drainage system;
 - (e) the proposed locations of street lighting columns, all services and ducts for services, within the carriageways and footways;
 - (f) the number, location and layout of the vehicle garaging and/or parking facilities within the site to serve the proposed development;
 - (g) management arrangements for any carriageways, footways and/or landscaped areas not to be adopted by the local authority;
 - (h) swept path analysis demonstrating turning manoeuvres for emergency vehicles on all carriageways (adopted and private), and refuse vehicles on all adopted carriageways;
 - (i) pedestrian footways and tactile crossings
 - (ii) A Stage 1 and 2 Road Safety Audit (RSA) must be provided. The RSA should take into consideration the new access point. The Road Safety Audit must be undertaken by a fully qualified independent Road Safety Auditor.

Reason

To ensure that the proposed access roads are made up as soon as possible and in the interests of public safety in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(9) Condition

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

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

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

Reason

To ensure adequate access facilities are provided during construction, and for highway safety reasons in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(10) Condition

Prior to commencement of the development, details of a scheme for the provision of vehicle electric recharge points shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be provided prior to the occupation of the dwelling to which they relate and shall be retained at all times thereafter.

Reason

In the interest of air quality to accord to Policy 2 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

Informatives

1 Reason for Approval

The Local Planning Authority has had regard to development plan policies and especially

those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or residential amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 2, 3, 5, 15, 17, 22, 33, 34, 41 and 42.

2 Informative

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

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

3 Informative

The applicant's attention is drawn to the comments made by the Environment Team, received 16th May 2022, relating to electric vehicle charging points.

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 325959).

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

At least 6 months before works begin on site, you must contact Highways Management Team on 01472-324532 about forming a vehicular access within the existing highway.

7 Informative

If the highways within the site are to be adopted by the Council, in accordance with Section 38 of the Highways Act 1980, please contact the Highway Management Team six months in advance of the commencement of works (Tel: 01472 324505).

8 Informative

As works are required within the existing highway, in accordance with Section 278, Highways Act 1980, in order to enable the development to take place, please contact the Highway Management Team at least 6 months in advance of the commencement of works (Tel: 01472 324505).

9 Informative

The applicant's attention is drawn to the comments received from Northern Powergrid on 28th July 2022 relating to cables.



DM/0393/22/OUT – LAND ADJACENT OLD NURSERY, CHEAPSIDE, WALTHAM

NOTES

1. Prior to the commencement of work, the contractor and client are to check on site all external dimensions, boundary positions and details to verify and agree same. Any errors, omissions or design changes should be reported immediately to enable amended plans to be prepared and submitted for approval.
2. The contractor will be responsible for securing all relevant approvals that may be affected by the proposal and stopping off or diverting as necessary. Drainage is shown as assumed and must be checked on site before work commences.
3. The requirements of the 'Party Wall Act 1999' will apply to certain schemes. The 'Building Owner' will in writing inform and agree with the 'Neighbouring Owner' if the proposed work affects the Party Wall or is within 3 meters of the foundations of the nearby building. If an agreement cannot be made then professional advice should be sought prior to commencement of work on site, by a Party Wall Surveyor.
4. All drawings are to be read in conjunction with the specification document provided, structural, mechanical, electrical and drainage drawings. If in doubt contractors must ask before proceeding.
5. This drawing must not be reproduced in whole or part without written consent. Do not scale this drawing unless printed at the correct paper size specified. All dimensions in millimetres. Written dimensions to be checked on site.
6. Drawings subject to Planning Approval & Building Control Approval.



PLANNING COMMITTEE - 7th September 2022

ITEM: 6 **RECOMMENDATION: Prior Approval Granted**

APPLICATION No: DM/0549/22/PNCOM

APPLICATION TYPE: Prior approval-Com,business to dwelling

APPLICATION SITE: 40 St Peters Avenue, Cleethorpes, North East Lincolnshire, DN35 8HL

PROPOSAL: Prior approval for the partial change of use of ground floor, first floor and roof space of building (Use Class E) to provide 5 self contained flats (Use Class C3) (Amended Description) in accordance with applicants agent email dated 24th August 2022 omitting the top flat (flat 6).

APPLICANT:

Mr Daniel George
StPeterSave Ltd
506A London Road
Westcliff On Sea
SS0 9LD

AGENT:

Mr Jonathon Benson
Benson Planning Studio
C4DI @ TheDock
31-38 Queen Street
Hull
HU1 1UU

DEPOSITED: 14th June 2022

ACCEPTED: 17th June 2022

TARGET DATE: 12th August 2022

PUBLICITY EXPIRY: 9th August 2022

AGREED EXTENSION OF TIME DATE: 9th September 2022

CONSULTATION EXPIRY: 14th July 2022

CASE OFFICER: Bethany Loring

PROPOSAL

The application seeks a determination as to whether the prior approval of the Local Planning Authority is required for the partial change of use of the ground floor, first floor and roof space of a former retail shop (Class E) to provide 5 self-contained flats (Class C3).

The application is made under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - specifically, Schedule 2, Part 3, Class MA. Detailed plans are included with the application showing the building converted.

The application is presented to Planning Committee due to the number of objections received.

SITE

The site is within a designated Town Centre within Cleethorpes and a Primary Shopping Frontage as defined in the North East Lincolnshire Local Plan 2013 to 2032 (adopted 2018).

The site is a former retail shop located along St Peters Avenue which is a busy high street within central Cleethorpes. The building is two storeys, with rooms in the roof space, and built in the traditional terraced format, albeit with the commercial use at ground floor. Part of the ground floor is proposed to be converted with the entire first floor into residential accommodation.

The site adjoins an existing retail store, known as Value for Money, 38 St Peters Avenue, to the north and a former show shop to the south which is currently vacant however does include a residential flat above.

The area is comprised of a mix of uses, including various shops, takeaways, betting shops, mostly at ground floor, and residential properties, mostly at first floor.

RELEVANT PLANNING HISTORY

No relevant planning history.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2021)

NPPF6 - Building a strong, competitive economy

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

PO5 - Development boundaries

PO23 - Retail hierarchy and town centre develop

PO26 - Primary shopping frontages

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 Officer - No drainage comments.

Heritage Officer - No heritage input required.

Environment Team - Hours of construction/demolition and soundproofing conditions.

Highways Team - Approval no conditions.

Neighbour Representations

Ivy House, 2 Elm Avenue - Objects based on concerns relating to traffic and parking, overlooking, loss of privacy and loss of retail use.

8 Elm Avenue - Objects based on concerns relating to traffic and parking, overlooking, loss of privacy and potential tenants.

10 Elm Avenue - Objects based on concerns relating to loss of retail use, loss of privacy, overlooking, use of residential accommodation, tenants and frequency of change, noise and disturbance and parking.

38 St Peters Avenue - Concerns relating to parking to the rear, bin storage and impact to commercial operation and deliveries.

APPRAISAL

The material planning considerations are:

- 1) The type of application
- 2) Considerations;
- 3) Public consultation

- 1) Application Type;

The application is made under the permitted development rights introduced as part of the 'GPDO'. The change of use of commercial, business and service uses (Class E) to dwelling houses (Class C3) is deemed to be permitted development subject to a developer seeking a determination as to whether the prior approval of the Local Planning Authority is required as to:

MA.2. (2) (a) transport impacts of the development, particularly to ensure safe site access;

MA.2. (2) (b) contamination risks in relation to the building;

MA.2. (2) (c) flooding risks in relation to the building;

MA.2. (2) (d) impacts of noise from commercial premises on the intended occupiers of the development;

MA.2. (2) (e) where— (i) the building is located in a conservation area, and (ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;

MA.2. (2) (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;

MA.2. (2) (g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses;

MA.2. (2) (h) where the development involves the loss of services provided by— (i) a registered nursery, or (ii) a health centre maintained under section 2 or 3 of the National Health Service Act, the impact on the local provision of the type of services lost and;

MA2. (2) (i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

A letter was sent on the 18th July 2022 confirming prior approval was required.

2) Considerations;

In determining whether prior approval should be granted, consideration can only be given to the above criteria, as set out in MA. 2. (2) (Schedule 2, Part 3, Class MA of the GPDO).

With regard to transport and highways impacts (a), the highways officer raises no objections. The site is within walking distance to local amenities with good access to local sustainable transport modes. Parking is available on the public highway with access to public car parks also within close proximity to the site. A cycle storage area is also included with the plans. Parking concerns have been raised in representations received but it is not considered that the change of use would have a material impact on the highway network.

With regard to (b) contamination risks, the site is not within an area of industrial activity and there is nothing raised to suggest that there is an increased risk of contamination on or near to the proposal site. The Environmental Protection Team has made no comments in respect of this matter. They have recommended conditions relating to hours of construction/demolition and soundproofing to be to the satisfaction of Building Control

Officers. Building regulation approval will be required.

With regard to flooding risks (c), the site is within Flood Zone 1. The change of use would affect part of the ground floor and upper floors. The proposal does not seek to increase the built footprint and would not increase the run off rate or affect the drainage of the site. As such the Drainage Officer makes no comment.

With regard to (d) whilst there are commercial premises within the wider area, the ones operating at later times of the day are located away from the proposal site. The closest operating properties have uses which are more daytime usage. As such it is considered that there are no adverse issues and the Environmental Health Officer raises no objections.

With regard to (e), the site is not within a conservation area.

With regard to (f), further details have been requested and provided in the form of a Sunlight and Daylight Test Report. This has evaluated the adequacy of light provision and states that this is acceptable.

With regard to (g) as noted the site is within a town centre, and residential uses are acceptable in principle. There are no objections in this regard. The area is not one of heavy industry.

With regard to (h), the current use class is as a retail shop however it has not been in use for sometime and has been marketed. The use was specifically used as a charity store associated with the Rock Foundation. There are a number of other retail shops in the area which could accommodate for the small loss in service in this location. A number of other charity stores are present along this street. In any case a retail use is retained to the frontage.

With regard to (i), the proposal does not involve a building that meets the height criteria.

Having regard to the above the proposal is acceptable and meets the requirements set out in the GPDO.

3) Public consultation

As part of this application to determine whether prior approval will be required, a public consultation has taken place where a site notice has also been displayed for wider publicity. Some letters of objection have been received from the residents along Elm Avenue and a further representation from the adjoining commercial property at 38 St Peters Avenue, known as Value for Money.

The comments relate to the loss of the retail use, loss of privacy, overlooking, use of residential accommodation, tenants and frequency of change, noise and disturbance, traffic and parking and impacts to the existing commercial operation of the adjoining

property.

In response, it should be acknowledged that there are only set criteria as outlined above against which the application can be judged. As a result a number of issues raised would not substantiate grounds for refusal.

The issues relating to traffic and parking has been previously discussed and addressed with Highways Officers raising no issues. The application also includes a cycle storage area within the premises.

It should also be noted that in the event prior approval is not required, or deemed to be required and subsequently granted, then the applicant will still need to comply with any other requirements such as Building Regulations.

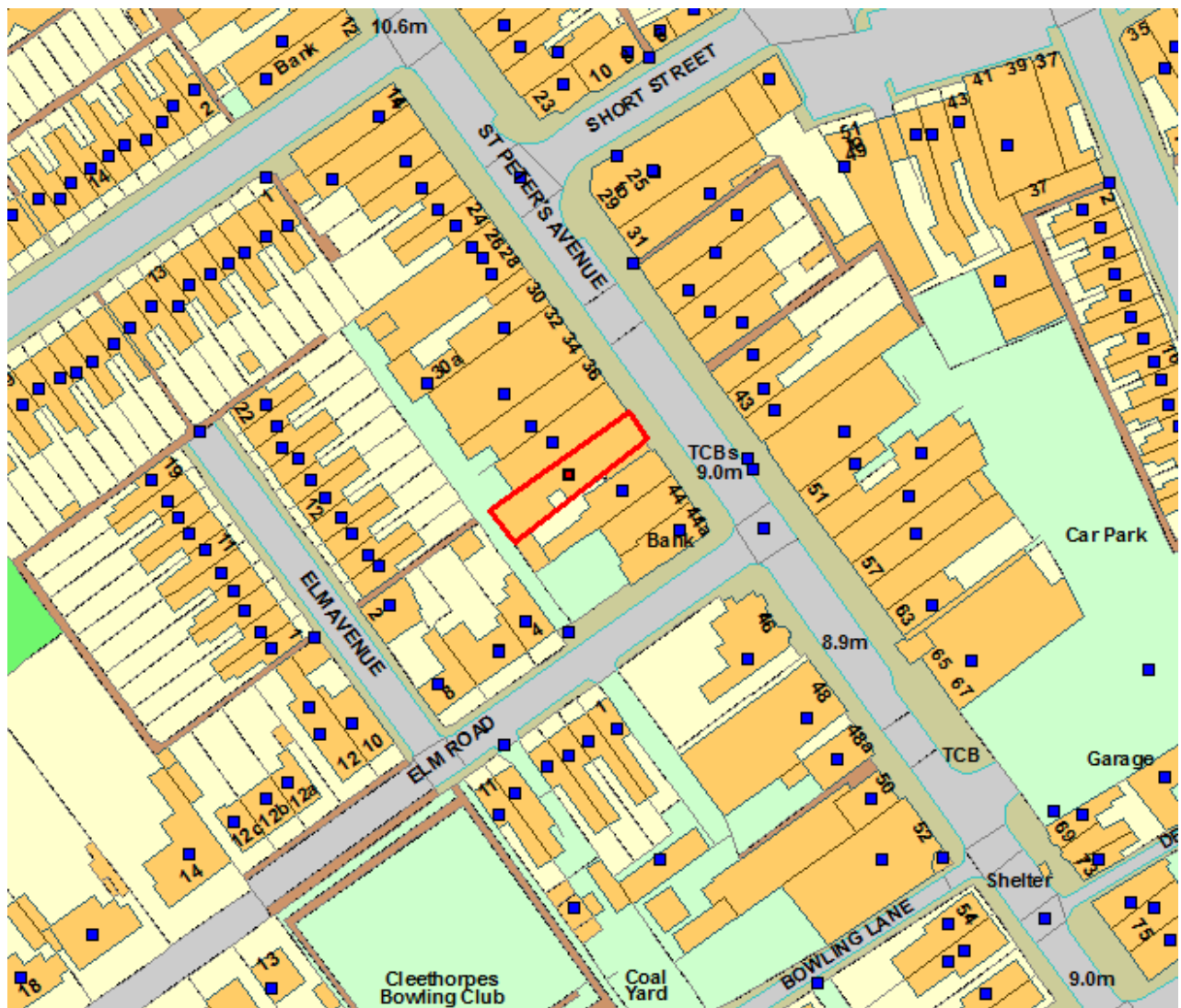
CONCLUSION

The application has been considered in line with the criteria as set under Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - specifically, Schedule 2, Part 3, Class MA. Having considered the criteria set out within the GPDO (as amended) and the representations received, it is concluded that prior approval should be granted.

RECOMMENDATION

Prior Approval Granted

DM/0549/22/PNCOM – 40 ST PETERS AVENUE, CLEETHORPES



DM/0549/22/PNCOM – 40 ST PETERS AVENUE, CLEETHORPES



EXISTING/PROPOSED SITE/BLOCK PLAN 1:200

PLANNING COMMITTEE - 7th September 2022

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

APPLICATION No: DM/0305/22/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Morrisons, Hilmore Road, Laceby, North East Lincolnshire, DN37 7SQ

PROPOSAL: Erection of coffee shop with drive-thru facility (amended plans and documents dated 27.07.2022 detailing internal highways re-configuration)

APPLICANT:

Trilogy Leamington Spa Ltd
Hilmore House
Gain Lane
Bradford
BD3 7DL

AGENT:

Mr Thomas Yule
Peacock and Smith
Central House
47 St Paul's Street
Leeds
LS1 2TE

DEPOSITED: 5th April 2022

ACCEPTED: 12th April 2022

TARGET DATE: 7th June 2022

PUBLICITY EXPIRY: 25th August 2022

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 13th May 2022

CASE OFFICER: Owen Toop

PROPOSAL

This proposal relates to the erection of coffee shop with a drive-thru facility at Hilmore Road, Laceby. The drive-thru coffee shop would be operated by Starbucks, who have similar arrangements in place within the wider borough, including at Park Street in Grimsby.

The proposal would also include associated works such as a proposed drive thru' lane, hardstanding and a utility yard. Access to the premises would be taken from the access shared with Morrisons and McDonalds from Hilmore Road. Furthermore, after ongoing negotiations as part of this application, the application has been revised to also include an internal highway reconfiguration to mitigate concerns of congestion to the A46

(Grimsby Road) dual carriageway and roundabout to the south of the site.

The application is brought to the attention of planning committee due to the number of objections, and because it has been called in by a ward councillor.

SITE

The site lies within the Morrisons store site which is located on the north side of the A46 (Grimsby Road) in Laceby. Currently the site provides car parking for users of the retail site. It is south west of Morrisons, and north west of the petrol station, car washing facility and Mcdonalds. To the west is an open field.

RELEVANT PLANNING HISTORY

DM/0834/18/FUL - Erect drive thru' coffee shop with car parking, drive thru' lane, hard and soft landscaping, refuse area, and associated works - approved 10th January 2019. This application is no longer extant.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2021)

NPPF12 - Achieving well designed places
NPPF2 - Achieving sustainable development
NPPF14 - Climate, flooding & coastal change

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

PO5 - Development boundaries
PO6 - Infrastructure
PO22 - Good design in new developments
PO23 - Retail hierarchy and town centre develop
PO34 - Water management
PO38 - Parking

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

REPRESENTATIONS RECEIVED

Highways - No objections following amendments.

Drainage - Accepts provided drainage details for surface water.

Heritage - No heritage input required.

Environmental Health - Hours of operation and construction conditions recommended, as well as conditions for ventilation and extraction methods and a construction method statement. The hours of operation have also been in negotiation with the applicant.

Trees and Woodlands - No objections.

Laceby Parish Council - The Parish Council originally objected to the application. However, since the latest amendments showing the highway improvements, the objection has been withdrawn.

Neighbour and representations

Call in from Councillor Hasthorpe. Issues raised in relation to traffic in relation to the existing store, impact on residents and that it is a different scheme from last time.

Objections received from the following addresses:

- 4 Victory Way
- 12 Victory Way
- 122 Nelson Way
- Topaz, Grimsby Road
- 12 Hilltop Place
- 19 Rockingham Crescent
- 91 Nelson Way
- 1 Yardley Way
- 6 Harneis Crescent
- 17 Pershore Avenue
- 16 Spratton Court
- Church Cottage, Church Lane, Aylesby
- Cotchy, Grimsby Road, Laceby

broadly on the following grounds:

- no need for coffee shop at this location
- concerns regarding additional traffic on roads within and surrounding the site.
- air pollution
- noise pollution
- light pollution

- litter
- antisocial behaviour
- loss of parking
- comments on validity of traffic assessment within application.

APPRAISAL

The material considerations area:

- (1) Principle of Development
- (2) Character and Layout
- (3) Highways
- (4) Drainage
- (5) Impact to Neighbouring Properties

(1) Principle of Development

The site is within the development area boundary for Grimsby, so policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) applies. The site is within an established retail park which includes the Morrisons supermarket and cafe, a Mcdonalds restaurant, fuel station and a car washing facility. Policy 23 sets out the retail hierarchy for the plan area and proposals for main town centre uses, specifically retail and leisure uses comprising 200m² gross or more, in any location outside the defined primary shopping frontages need to undertake a sequential test. However the proposed use falls below this floor space and so the proposal does not conflict with policy 23 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018). The use is also to serve a transient population and due to its location on a major route at a site which includes such facilities it is considered that the development is acceptable in principle.

It then falls to judge the site specifics such as residential amenity, design, highways and drainage under policies 5, 22, 33 and 42, and sections 6, 12, 14 and 15 of the National Planning Policy Framework. These are considered; as set out in the report.

(2) Character and Layout

The proposal includes the erection of a single storey building to create a drive thru' coffee shop within the grounds of Morrisons on Hilmore Road in Laceby. The site is currently used as a car park for Morrisons and McDonalds.

The premises would be of a modern design with a mixture of materials including brickwork, timber panelling and aluminium fixtures. Buildings nearby include McDonalds and Morrisons which are externally faced in similar materials. In this instance, the building would not be out of character. Further proposed features of the site would include the installation of paving, a 'U' shaped drive thru', cycle facilities and car parking. These are again similar features of those in the adjacent McDonalds development.

It is therefore considered that the proposal would not unduly harm the character of the area, and would accord with policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) in terms of design.

3) Highways

The site is currently used as car parking for the adjoining developments including McDonalds and Morrisons. The proposed coffee shop includes the installation of a 'U' shaped drive thru' surrounding the building, car parking and cycle facilities. The application includes a Transport Assessment which has been considered by the local planning authority. Moreover, as part of ongoing negotiations and concerns, a revised site plan has been provided by the applicant. This demonstrates how congestion can be alleviated internally within the site as to reduce impacts of congestion onto the wider highway network. Provided the plan is implemented prior to the use of the business, it is considered that there would be no detrimental impacts to the wider highway network. As a result of the proposal and the revised internal layout, the overall site will see a net reduction of car parking provision by 74 spaces. Traffic and parking surveys completed at the site during peak periods, highlight that there is adequate parking provision and that the net loss combined with the existing car park occupancy rates will not result in a severe or significant impact on the highway network. In addition, the expected trip generation for the proposal can also be accommodated within the revised parking arrangements. This is also at a worst case scenario assuming that all vehicles will park rather than using the drive-thru element.

Moreover the applicant has agreed to the provision of a construction traffic management plan prior to any construction commencing.

On this basis the proposal accords with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(4) Drainage

The site is not within an area identified as having high flood risk either by the Environment Agency's flood maps or the Council's Strategic Flood Risk Assessment 2011. In terms of a sustainable drainage method, the applicant has provided a strategy which has been considered by the council's drainage team as acceptable. Therefore it is recommended to ensure that this scheme is implemented through by a planning condition.

Having considered the above, the proposal accords with policies 5 and 34 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(5) Impact to Neighbouring Properties

It is noted that objections have been received from neighbouring properties. The

development follows on from a previous approval at this site for a drive-thru coffee shop. This application was approved with conditions that managed issues raised, including hours of operation, delivery, litter management, and methods. This application is situated further from residential neighbours than previous, as it is situated to the west of the site. Previously the site was situated at the east and closer to neighbours at Collingwood Crescent. Notwithstanding this, policy 5 of the North East Lincolnshire Local Plan requires assessment into impacts of noise and disturbance, as well as visual intrusion. It is also noted that the representations comment on the impact on the highway network that the proposal may have, and that there is no need for a new coffee shop at this location.

With regards to both highways concerns, and the need for the business at this location this is addressed above. The comments in relation to concerns surrounding noise and litter from the use have been considered. In terms of noise pollution, it is considered that planning conditions can be in place to control the hours of opening and delivery. Moreover the applicant has agreed to the provision of a construction method statement prior to any construction commencing which will cover aspects such as noise. With regards to litter, a litter management strategy is also recommended. This is recommended to be secured by planning condition. The location of the development well away from residential areas must also be acknowledged. There are no objections from the Police in relation to crime or antisocial behaviour issues. The applicants have agreed to the use of conditions to manage the site.

Having regard to the above the proposal is considered to accord with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) in terms of residential amenity.

CONCLUSION

The application is for a drive thru' coffee shop within an existing commercial area in Laceby. The site can suitably accommodate this type of development without adversely affecting residential amenity, the character of the area or impacting upon highway safety. Moreover given the location of the proposal at existing retail park, and its size and use, the proposal is considered acceptable in line with the retail hierarchy for the borough.

The proposal would also not give rise to negative issues in terms of drainage/flood risk. It is therefore considered that the proposal can comply with the policies within the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and the NPPF, as all technical issues can be suitably and fully dealt with through the use of suitable safeguarding conditions. The application 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 - 075_PL_01 Rev B

Proposed Site Plan - 075_PL_01 Rev D

Proposed Site Plan Incorporating Highway Works - 075_PL_05

Proposed Plans and Elevations - 075_PL_04 Rev A

Reason

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

(3) Condition

No 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).

(4) Condition

Prior to the commencement of the development, a detailed construction method statement shall be submitted to and agreed in writing by the Local Planning Authority including details of noise and dust reduction measures to be employed during the course of construction. The methods shall be applied as agreed thereafter.

Reason

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

(5) Condition

Prior to the use hereby permitted commencing, details and specifications shall be submitted to and approved in writing by the Local Planning Authority of any air conditioning units including their acoustic performance. Such a scheme as approved shall be implemented in its entirety prior to the use commencing and shall thereafter be so retained.

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

The hours of deliveries for the premises shall not be outside the hours of 7am to 7pm Monday to Friday, and 8am to 1pm on Saturdays. There shall be no deliveries on Sundays and Bank Holidays.

Reason

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

(7) Condition

The premises shall not be open for business or trade outside the hours of 6:30am to 11pm on any day.

Reason

To provide an acceptable timeframe allowing the business to trade and to protect the amenities of neighbouring residents in accordance with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(8) Condition

Prior to the proposal being brought into use, a litter management strategy shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the strategy shall be implemented and be adhered to at all times following occupation.

Reason

In the interests of litter management 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 details within the following surface water drainage strategy:

Detailed Drainage General Arrangement - 215-36-501
Beam Consulting Statement and Calculations - 215 - 36 CAL001

The strategy shall be implemented prior to the occupation of the development and retained throughout the lifetime of the development.

Reason

In the interest of managing surface water in a sustainable manner and to accord with policies 5 and 34 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(10) Condition

Prior to the use of the development commencing, the highway improvement works within the site plan: 075_PL_05 shall be implemented. Once implemented the layout shall remain in place for the lifetime of the development.

Reason

In the interest of managing the wider highway network including Grimsby Road as to mitigate congestion from the site and to accord with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(11) Condition

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

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

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

Reason

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

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, 28 and 34.

2 Added Value Statement

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

In 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 agreeing drainage details and a internal highways layout.

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 325959).



