

Planning Committee Dated: 1st February 2023

Summary List of Detailed Plans and Applications

	Recommendation: Approved with Conditions
Item:	1
Application No:	DM/1002/22/FUL
Application Type:	Full Application
Application Site:	1, 3, 4, 5, 6 And 7 Anita Grove (former Tynedale, Cheapside) Waltham North East Lincolnshire DN37 0BW
Proposal:	Variation of Condition 1 (Approved Plans) as granted on DM/0857/21/FUL for revision to the approved boundary treatments to plots 1,3, 4, 5, 6 and 7 (Re-submission of DM/0208/22/FUL)
Applicant:	Mr Paul Glover
Case Officer:	Bethany Loring

	Recommendation: Approved with Conditions
Item:	2
Application No:	DM/0979/22/FUL
Application Type:	County Council Regulation 3
Application Site:	Freshney Place Friargate Freshney Place Shopping Centre Grimsby
Proposal:	Regulation 3 application to partially demolish and redevelop western element of Freshney Place shopping centre to create new market and food hall, new commercial units, construction of cinema and a leisure use building, and improvements to the public realm space with associated highways and landscaping works
Applicant:	North East Lincolnshire Council
Case Officer:	Cheryl Jarvis

Recommendation: Approved with Conditions

Item: 3

Application No: DM/0824/22/FUL

Application Type: Full Application

Application Site: 40-42 High Street Cleethorpes North East Lincolnshire DN35 8JN

Proposal: Change of use of ground floor from bank to take-away and restaurant, installation of flues with associated internal alterations (Bin store details added to proposed plans)

Applicant: Mr Timothy Finbow

Case Officer: Emily Davidson

Recommendation: Approved with Conditions

Item: 4

Application No: DM/0950/22/FUL

Application Type: Full Application

Application Site: Unit B1 Goldbank Business Park Wilton Road Humberston

Proposal: Change of use from pet supplies warehouse to administrative offices to first floor and ground floor studio, stock room, click and collect counter for online business with ancillary facilities to include storage and distribution with various internal and external alterations

Applicant: Bruno Hickson

Case Officer: Bethany Loring

	Recommendation: Approved with Conditions
Item:	5
Application No:	DM/1005/22/FUL
Application Type:	Full Application
Application Site:	Land Off Habrough Road Immingham North East Lincolnshire
Proposal:	Erect 5 detached bungalows and 4 semi-detached dormer bungalows with garages to include access, landscaping and attenuation pond and various associated works
Applicant:	Mr D Taff
Case Officer:	Jonathan Cadd

	Recommendation: Refused
Item:	6
Application No:	DM/1043/22/OUT
Application Type:	Outline Application
Application Site:	Yarborough Farm 16 Great Coates Road Healing North East Lincolnshire
Proposal:	Outline application to erect detached dormer bungalow and associated works with all matters reserved
Applicant:	Mr Ross Jones
Case Officer:	Emily Davidson

	Recommendation: Approved with Conditions
Item:	7
Application No:	DM/0365/22/OUT
Application Type:	Outline Application
Application Site:	Grove Farmhouse Station Road Waltham North East Lincolnshire
Proposal:	Outline application to erect 8 detached dwellings and associated garages with all matters reserved and demolition of existing garage - amended plans and archaeological information
Applicant:	Mr And Mrs Bailey
Case Officer:	Richard Limmer

Recommendation: Approved with Conditions

Item: 8

Application No: DM/0897/22/FUL

Application Type: Full Application

Application Site: 23 Sterling Crescent Waltham North East Lincolnshire DN37 0DW

Proposal: Demolish existing conservatory and detached garage, erect single storey rear extension, raise roof height, erect two storey side extension to include garage at ground floor and front and rear dormers at first floor, install roof light, install Juliet balcony at first floor and various associated internal and external works

Applicant: Mr Gary Krebs

Case Officer: Emily Davidson

PLANNING COMMITTEE - 4th January 2023

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

APPLICATION No: DM/1002/22/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: 1, 3, 4, 5, 6 And 7 Anita Grove (former Tynedale, Cheapside), Waltham, North East Lincolnshire, DN37 0BW

PROPOSAL: Variation of Condition 1 (Approved Plans) as granted on DM/0857/21/FUL for revision to the approved boundary treatments to plots 1,3, 4, 5, 6 and 7 (Re-submission of DM/0208/22/FUL)

APPLICANT:
Mr Paul Glover
Tynedale
Cheapside
Waltham
North East Lincolnshire
DN37 0HU

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

DEPOSITED: 9th November 2022

ACCEPTED: 10th November 2022

TARGET DATE: 5th January 2023

PUBLICITY EXPIRY: 11th December 2022

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 5th December 2022

CASE OFFICER: Bethany Loring

PROPOSAL

The application seeks to vary condition 1 (approved plans) pursuant to DM/0857/21/FUL, which was a variation of an earlier approval following the original approval for the demolition of an existing dwelling and erection of 5 detached houses and one pair of semi-detached houses to include garaging, landscaping and access. This amendment relates to the revision of the approved boundary treatments to plots 1, 3, 4, 5, 6 and 7. This is resubmission of the previously refused application under reference DM/0208/22/FUL.

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

Parish Council. It was deferred at the 4th January Planning Committee meeting for a site visit to take place.

SITE

The site is located off Cheapside in Waltham. The site was formerly a single bungalow with large grounds. Following the approval of planning permission in 2016 the bungalow was demolished and the site is now being redeveloped. The majority of the plots have now been built and occupied.

RELEVANT PLANNING HISTORY

DM/0420/16/FUL - Demolish the existing bungalow and erect 7 dwellings - Approved with Conditions

DM/0235/17/CND - discharge of conditions attached to DM/0420/16/FUL - Conditions Complied With

DM/0308/20/FUL - Variation of condition 2 (Approved Plans) following DM/0420/16/FUL (Demolish existing dwelling and erect 5 detached houses and one pair of semi-detached houses to include garaging, landscaping & access) to amend site layout, the design of plots 4, 5 and 6 including dormer windows and rooflights (amended roof designs on plots 4 and 6 - September 2020) - Approved with Conditions

DM/0857/21/FUL - Variation of Condition 1 (Approved Plans) as granted on DM/0308/20/FUL to amend layout, scale and appearance of plot 5 (Amended Plan to show removal and replacement of tree) - Approved with Conditions

DM/0208/22/FUL - Variation of Condition 1 (Approved Plans) as granted on DM/0857/21/FUL to revise approved boundary treatments to plots 1,3, 4, 5, 6 and 7 - Refused

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2021)

NPPF5 - Delivering a sufficient supply of homes

NPPF12 - Achieving well designed places

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

PO5 - Development boundaries

PO22 - Good design in new developments

PO33 - Flood risk

PO34 - Water management

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

REPRESENTATIONS RECEIVED

Drainage Team - Supports application due to ditch maintenance arrangements.

Heritage Officer - No heritage input required.

Trees and Woodlands Officer - No objection.

Waltham Parish Council - Recommends refusal on the grounds that it represents a departure from the original application and the original planned fence would provide security to a neighbouring property.

Highways Team - Approval no conditions.

Environment Team - No comment.

Last Mile - Plans provided of assets. Not considered to be affected by the works.

Neighbour Representations

6 Anita Grove (x3) - Supports application. Enclosure would prevent ditch maintenance.

7 Anita Grove - Supports application and considers this to be in-keeping. Enclosure would prevent ditch maintenance.

29 Peaks Lane - Supports application to allow for ditch maintenance, natural surveillance provided and management responsibility.

The Old Nurseries, Cheapside - Objects based on concerns relating to security and privacy, noncompliance with previously approved plans and health and safety concerns with children being able to access the ditch.

APPRAISAL

Material Planning Considerations

1. Principle and planning history

2. Nature of the change

3. Design

4. Amenity and drainage

1. Principle of Development

The application seeks to vary condition 1 (approved plans) of an earlier approval to allow for amendments to the boundary treatments at Plots 1, 3, 4, 5, 6 and 7. The principle of the development has already been established under the original permission and the considerations of this application are merely those relating to the impacts arising from the proposed amendments to the boundary treatments.

The application is effectively a resubmission of DM/0208/22/FUL (Variation of Condition 1 (Approved Plans) as granted on DM/0857/21/FUL to revise approved boundary treatments to plots 1,3, 4, 5, 6 and 7) which was refused at Planning Committee on 15th June 2022 for the following reasons;

'The development by virtue of the omission of the proposed close boarded fence along the north west boundary with the open land beyond would be detrimental to the amenity and security of the adjacent land owner contrary to Policy 5 of the North East Lincolnshire Local Plan 2013-2032.'

2. Revisions

The amendments to the boundary treatments are as follows;

Plot 1 approved as a 1.8-metre-high brick wall however the revision seeks to retain the 1.8-metre-high close boarded fence.

Plot 3 approved as a 1.8-metre-high close boarded fence however the revision seeks to retain the 1.8-metre-high brick wall, along the frontage of the access road, also with a revision to the positioning to be along the side elevation and the street scene.

Plot 4 approved as a 1.8-metre-high brick wall, between Plots 4 and 5 and adjoining a fence, however the revision seeks to retain the 1.8-metre-high close boarded fence also with a revision to the positioning to align along the side elevation on a revised position. A small section, between the dwelling and garage, was approved as a 1.8-metre-high brick wall and this seeks to retain the removal of this.

Plot 5 approved as a 0.9-metre-high brick wall, to the front of the garage, and a 1.8-metre-high brick wall, to the side boundary along access road, however the revision seeks to retain the 1.8-metre-high close boarded fence to the entire side boundary. This would also adjoin the side boundary of Plot 6 however would divert.

Plot 6 approved as 1.8-metre-high brick wall, to side, however the revision seeks to retain 1.8-metre-high close boarded fence. The approved 1.8-metre-high wall to the front, adjoining the side, seeks to retain the removal of this.

Plot 7 approved as 1.8-metre-high wall, between dwelling and garage, and 1.8-metre-high close boarded fence to the side and front boundaries with a 1.2 metre high close boarded fence with 0.6 metre high trellising to the rear, however the revision seeks to retain 1.8-metre-high close boarded fence, between dwelling and garage, and to the front with a Lincolnshire post and rail fence to the side and rear boundaries.

The expanse of the northwest boundary is approved as a 1.8-metre-high close boarded fence, from the side of Plot 7 to the rear of Mount Royal, however the revision seeks to leave this open.

3. Design

Visually, the proposal would not substantially alter the design concept. Although the changes would alter the visual appearance with the development site, this is not considered to be significantly different to what was approved. The treatments are considered typical of a residential environment consisting of close boarded fences, post and rail fencing and walling. Indeed the omission of the 1.8 metre fence along the length of the boundary from Plot 7 to the rear of Mount Royal could be considered a visual enhancement. There are no issues with regard to protected trees.

4. Impact to Neighbours and drainage

The amended boundary treatments are not considered to present additional impact in relation to the neighbours especially as these are mostly contained within the site. The scheme was originally approved and deemed acceptable. The amendment is considered to be typical of a residential development. The overall works are not considered to present any additional impact to the area or neighbours.

It is noted that there have been two objections relating to security and privacy, planning obligations/control and ditch maintenance, specifically to the adjacent neighbour at The Old Nurseries. This includes an objection from the Old Nurseries.

The original approval included a 1.8-metre-high close boarded fence along the northwest boundary covering an expanse of 103.5 metres. The amendment would see this remaining open beyond the side boundary of 7 Anita Grove. The adjacent land is open grassland and undeveloped, and a dyke runs along this boundary. It is felt that leaving this boundary line open is more visually pleasing to both occupiers on the site and to those seeing the development. In relation to security and privacy, the boundary is not adjacent to garden land and therefore would not result in overlooking or inappropriate access to private residential curtilage. Indeed it is considered that it would be more the usual occurrence that the boundary is left open as opposed to being enclosed with a

close boarded fence.

In addition, an enclosure could prevent maintenance of the dyke for residents at Anita Grove which could have flooding implications. The Drainage Officer has visited the site in relation to this resubmitted application and has confirmed that it would be more appropriate for the boundary to remain open to allow for sufficient maintenance of the ditch in order to prevent any issues relating to flooding. It has been concluded that access from Anita Grove is easily available and access from the other side is more difficult due to the mature trees and wire fencing present. It is a common theme for requests relating to poorly maintained ditches to be referred to the Drainage Team which is usually as a result of difficult access. The amendment would see that this does not cause an obstruction in relation to future maintenance and furthermore help prevent any future issues relating to flooding if blocked.

Having regard to the above it is not considered that the omission of the main boundary fence along the access road from Plot 7 to the rear of Mount Royal would result in any amenity issues in relation to neighbouring land, that it would enhance the visual amenity of the locality and would help to secure future maintenance of existing ditch to help prevent future flooding issues. It is therefore considered that the amendment is acceptable under policies 5, 22 and 33 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

CONCLUSION

This application seeks to modify an earlier approval, which sought to demolish an existing dwelling and erect 5 detached houses and one pair of semi-detached houses to include garaging, landscaping and access. The development has been completed. The modifications proposed in this application are considered to be of a minor scale and nature and do not fundamentally alter the original design concept or create any significant additional impacts to the character of the area or to neighbours. It is acknowledged that the revision proposed was refused by Planning Committee in June 2022 but it is considered that this resubmission is acceptable on amenity grounds. It is recommended that planning permission be granted.

RECOMMENDATION

Approved with Conditions

(1) Condition

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

Proposed Boundary Treatments - 16-500-101 Rev D

The following plans approved under DM/0857/21/FUL;

Site Location Plan and Block Plan - 16-500-100L
Proposed Plans and Elevations for Plot 5 - 16-500-203H

The following plans approved under DM/0406/21/FUL;

Proposed Plans and Elevations for Plot 7 - 16-500-205F

The following plans approved under DM/0308/20/FUL;

Proposed Plans and Elevations for Plot 4 - 16-500-202D
Proposed Plans and Elevations for Plot 6 - 16-500-204H

The following plans approved under DM/0420/16/FUL;

1567/001
Proposed Drainage Plan - EWE/1987/01 Rev A
Proposed Plans and Elevations for Plots 1 and 2 - 16-500-200 Rev A
Proposed Plans and Elevations for Plot 3 - 16-500-201 Rev A
Proposed Plans and Elevations for Garages - 16-500-206 Rev A

Reason

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

(2) Condition

The development shall be built out in accordance with the surface water drainage details approved under DM/0235/17/CND.

Reason

In the interests of sustainable drainage and flood risk in accordance with Policy 33 of the North East Lincolnshire Local Plan 2013-2032.

(3) Condition

The development shall be built out in accordance with the highway construction details approved under DM/0235/17/CND.

Reason

In the interests of sustainable drainage and flood risk in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032.

(4) Condition

The development shall be built out in accordance with the Construction Management Plan approved under DM/0235/17/CND.

Reason

In the interests of sustainable drainage and flood risk in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032.

(5) Condition

The development shall be built out in accordance with the external construction materials approved under DM/0235/17/CND.

Reason

In the interests of sustainable drainage and flood risk in accordance with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032.

(6) Condition

The development shall proceed in accordance with the details and recommendations set out in the Arboricultural Report dated April 2016 as supplied in DM/0420/16/FUL.

Reason

In the interests of tree protection and landscape importance in accordance with Policy 42 of the North East Lincolnshire Local Plan 2013-2032.

(7) Condition

The development shall be built out in accordance with the landscaping scheme approved under DM/0235/17/CND.

Reason

To protect the character and appearance of the area in accordance with Policy 42 of the North East Lincolnshire Local Plan 2013-2032.

(8) Condition

The scheme of landscaping and tree planting required through condition 7 of this approval 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 42 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, 22, 33 and 34.

2 Informative

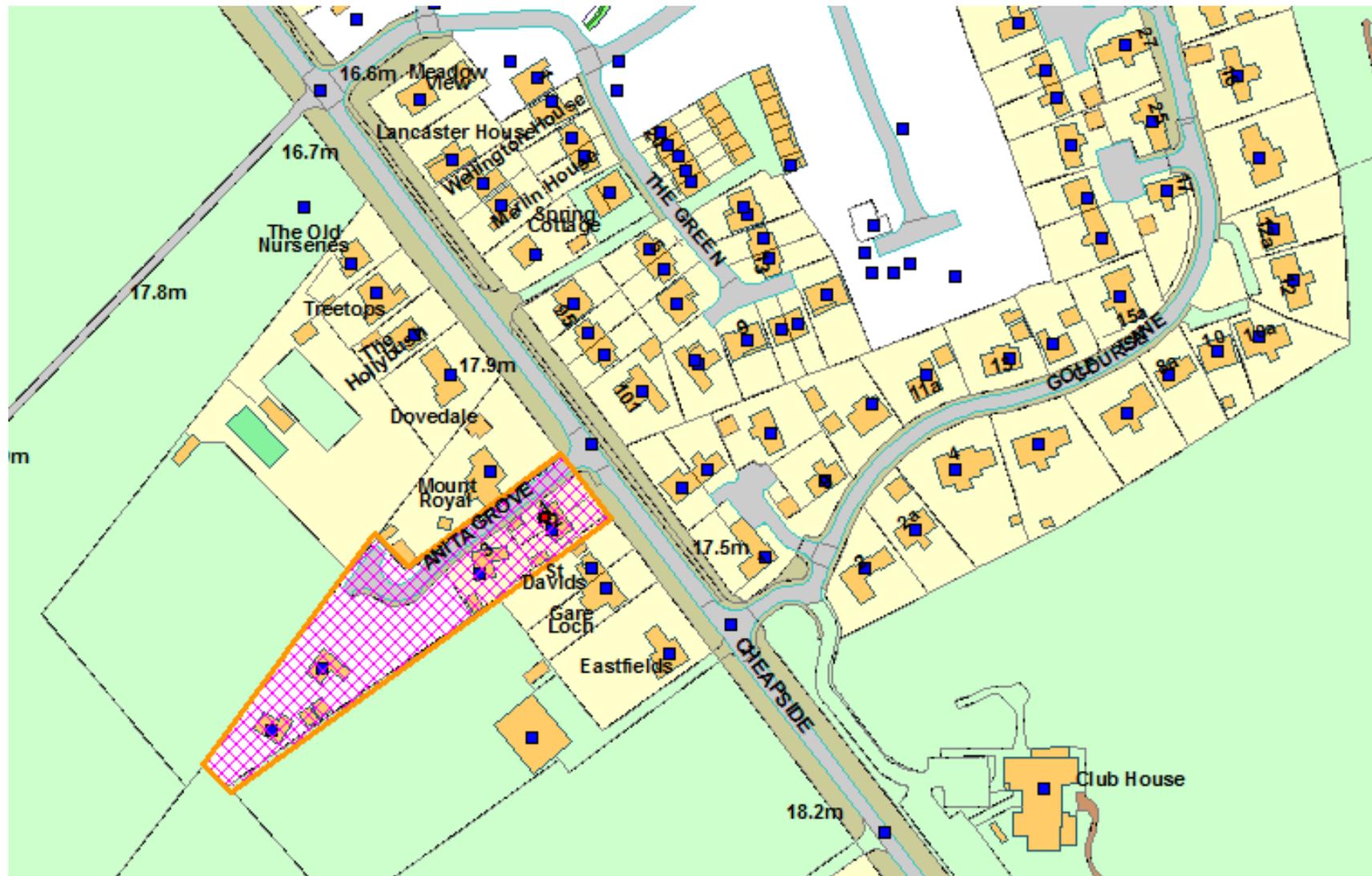
Article 31(1)(cc) Statement - Positive and Proactive Approach

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

3 Informative

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

DM/1002/22/FUL - 1, 3, 4, 5, 6, 7 ANITA GROVE (FORMER TYNEDALE, CHEAPSIDE) WALTHAM



DM/1002/22/FUL - 1, 3, 4, 5, 6, 7 ANITA GROVE
(FORMER TYNEDALE, CHEAPSIDE) WALTHAM



PLANNING COMMITTEE - 1st February 2023

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

APPLICATION No: DM/0979/22/FUL

APPLICATION TYPE: County Council Regulation 3

APPLICATION SITE: Freshney Place, Friargate, Freshney Place Shopping Centre, Grimsby, North East Lincolnshire,

PROPOSAL: Regulation 3 application to partially demolish and redevelop western element of Freshney Place shopping centre to create new market and food hall, new commercial units, construction of cinema and a leisure use building, and improvements to the public realm space with associated highways and landscaping works

APPLICANT:
North East Lincolnshire Council
C/O Agent

AGENT:
Mr Jamie Wallace
DLP Planning Ltd
V1 Velocity
2 Tenter Street
Sheffield
S1 4BY

DEPOSITED: 31st October 2022

ACCEPTED: 10th November 2022

TARGET DATE: 9th February 2023

PUBLICITY EXPIRY: 10th January 2023

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 4th December 2022

CASE OFFICER: Cheryl Jarvis

PROPOSAL

This application seeks full planning permission for the part demolition of the western side of Freshney Place Shopping Centre and the redevelopment of it to provide a new entrance, reconfigured retail space, new commercial units, 5 screen cinema, leisure unit, new market hall and market square.

Improvements are also sought to the public realm, highway and parking areas and landscaping. The proposals show provision for outdoor seating.

In terms of how the site would be laid out, two new commercial units are proposed to the west alongside Devonshire House. The leisure unit would follow as the building extends northwards leading to the cinema complex and concession foyer. The new entrance to Freshney Place would sit next to the new cinema entrance which can be accessed independently or through the shopping centre. This more central space reconfigures existing retail provision. Moving eastwards and extending southwards is the proposed market square and new market which would sit next to the former House of Fraser Building.

The proposals would extend between two and three storeys in height utilising a range of roofs, fenestration and material finishes.

The application is brought to committee following a call in from Councillor Holland.

SITE

The application site sits to the western end of Freshney Place Shopping Centre. Encompassing the current market, parts of the internal retail space (Flottergate Mall and Market Square) and the former Pound Land/BHS building. It forms a key node into the Shopping Centre at this end of town accessed predominantly via Old Market Place, Victoria Street and Bull Ring Lane.

Commercial development associated with the town centre extends to the north, east and south predominantly. Devonshire House and St James Hotel are to the west of the site, bounded by Frederick Ward Way in a westerly direction. Freshney Place car park is north of the site.

Victoria Street provides an important pedestrian and highway link through the town centre. Bull Ring Lane connects to St James and via the underpass to more residential areas of the town. Old Market Place is a key route linking taxi and rail connections to the site.

In terms of building form and character, there are no defining characteristics per se, but a number of buildings in the immediate area are either locally listed or listed buildings. Part of the site is also within the Central Conservation Area.

RELEVANT PLANNING HISTORY

Various unrelated planning history relating to the shopping centre.

Riverhead Square DM/0715/17/FUL - Redevelopment of redundant former bus station site to provide a 9 screen multiplex cinema and 7 Class A3 units together with associated alterations to adjacent shopping centre, remodelling of existing vehicular access from Frederick Ward Way, infilling to part of riverhead and hard and soft landscaping works. Approved 2017.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2021)

- NPPF2 - Achieving sustainable development
- NPPF6 - Building a strong, competitive economy
- NPPF7 - Ensuring the vitality of town centres
- NPPF11 - Making effective use of land
- NPPF12 - Achieving well designed places
- NPPF14 - Climate, flooding & coastal change
- NPPF15 - Conserv. & enhance the natural environ.
- NPPF16 - Conserv. & enhance the historic environ.

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

- PO5 - Development boundaries
- PO6 - Infrastructure
- PO22 - Good design in new developments
- PO23 - Retail hierarchy and town centre develop
- PO29 - Social and cultural places
- PO33 - Flood risk
- PO34 - Water management
- PO36 - Promoting sustainable transport
- PO38 - Parking
- PO39 - Conserve and enhance historic environ
- PO41 - Biodiversity and Geodiversity
- PO42 - Landscape

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

REPRESENTATIONS RECEIVED

Trees and Woodlands - Comments on the landscape strategy and in particular tree species, planting beds and soil volume. Updated plans have been provided which confirm utility locations. No in principle objections but confirms final details will be required.

Ecology - Satisfied with the reports and the mitigation measures outlined. Considers there would be no adverse impacts on designated areas given the position of the site and

the surrounding infrastructure.

Heritage Officer - Recommends a scheme of archaeological works. Questions the nature of materials and requests a full schedule be provided. Considers the buildings to be of an appropriate scale and mass. The design is supported and will result in improvement to the Conservation Area.

Designing out Crime/Police - Confirms the requirement for full security details to be provided. Provides recommendations relating to activity and cycle shelters.

Highways - Given amended plans providing clarity and ensuring no obstructions to the highway, no objections on highway grounds are raised. Conditions required for final surface details.

Public Rights of Way Officer - Confirms there is no impact on any public right of way.

Humberside Fire and Rescue - Provide informative advice on water supplies and access for firefighting.

Environmental Health - Advise conditions relating to ground contamination, remediation and verification, working hours, submission of a CMP, plant equipment details, restrictions on outdoor events, EV charging, demolition management and an informative relating to asbestos.

Environment Agency - No comments to make.

Historic England - Is not offering advice in this instance.

West Lindsey District Council - No objections.

Anglian Water - No objections raised. Confirms existing systems have the capacity to receive the flows arising from the development. The surface water strategy relevant to Anglian Water is acceptable. Informative advice on trade effluent given.

Drainage - No objections, the maximum discharge rate from the development is as previously agreed. Advises that although the public sewerage system is combined, the use of sustainable drainage has other benefits so should be used as far as practicable in the surface water drainage scheme for the development. Condition for final details.

Civic Society - Cautiously support the proposal with comments pertaining to regulation of outside space and busker's, impact on retail provision, rents and usability and safety of the cinema.

Planning Casework Unit - No comments to make.

Support

6 Abbey Park Road - The town needs a fresh start and is supportive of the application as a local resident and a nearby business owner.

7 Newstead Road - Supports the proposal, considers shopping centres need to change to keep up with changing times. Leisure will change the profile of the shopping centre. Supports the new market and considers the application will support more local jobs and better services for people.

10 Victoria Street - Welcomes the proposals to transform the town centre, the surrounding landlords of empty shops will improve their properties to attract new businesses. A number of points are raised on the need to tackle antisocial behaviour, unwanted amplified music and control over cycling. Suggestions on creating a quiet area are made.

Neutral

27a Parker Street - Comments made in relation to the design of the main shopping entrance and questions the need for the signage. Suggestions made in regards to potential ecological benefit.

Objections

35 Ropery Street - Whilst the plans look encouraging, objections are raised on the basis of the provision of a cinema. Consider the cinema would not thrive and there are problems with antisocial behaviour. Advise there is also unreliability in public transport and question if this will be improved.

69 Welholme Road - Considers the proposal is a missed opportunity. A number of alternative suggestions are provided.

Councillor Holland - Concerns over the viability of a cinema and the speculative nature of the leisure unit. Concerns also raised over the new market and the impact this could have on Freeman Street market and the impact on health of further fast food outlets.

APPRAISAL

The material considerations relevant to this application are:

1. Principle of Development
2. Character, Design and Heritage
3. Local Amenity
4. Highways and Parking
5. Flood Risk and Drainage
6. Designing out Crime

- 7. Ecology
- 8. Other Matters

1. Principle of Development

The site is within the development boundary for Grimsby. Policy 5 of the NELLP is the overarching policy which seeks to support development provided that the site specific impacts of doing so are acceptable to the area, to neighbours and to the environment. Such matters are detailed within the remainder of this report.

Importantly, the site is for development within the town centre. Policy 23 of the NELLP is the overarching town centre policy. It requires that in such areas development supports and enhances the individual role of the centre and which extends the range and quality of facilities and services offered. This proposal relates to a mixed-use development of retail, leisure and food which supports the aspirations of Policy 23 in that it would add to the town centre vitality and viability by extending the range of offer to a broad spectrum of the Borough's population; and add to the evening economy. In recent years, town centres have evolved and in some instances have declined. Town centres need resilience if they are to remain functional, attractive and competitive. The nature of the development would go some way to adding this resilience, both during the day but into the evenings. Such matters are discussed in the NPPF, noting that proposals should respond to economic changes adding that new dimensions are needed to achieve long term success.

It is considered that this significant investment in the redevelopment of the town centre would boost the local and visitor economy, moreover it will create jobs and employment opportunities for local people. Thus, there is overarching support from Policies 5 and 23 in principle and it falls to judge the application on the site-specific impacts discussed below.

2. Character, Design and Heritage

Policies 5 and 22 of the NELLP seek to ensure good design that is innovative but which respects local character and context. Policy 39 seeks to protect and enhance the Borough's heritage with Policy 42 seeking to protect and enhance the natural environment.

The design rationale is explained in detail in the Design and Access Statement. It explains the site context and the various character zones and takes note of the sites history and heritage, recognising key local buildings of importance.

The design proposed is contemporary but has characteristics which link to the areas' history. The approach to each building is slightly different, responding to its position and use. Buildings in the area are typically between two and three storeys with the exception of Devonshire House which is in excess of five storey's. This development follows a similar scale and massing which gives it a degree of prominence without detracting from

key buildings nearby. A wide pallet of materials have been chosen which will give some distinctiveness and character, whilst raising the quality and finish of the build. The design approach is considered to be well thought out and sympathetic, the visuals provided are considered to highlight the positive visual contribution the buildings would make to the local area.

The cinema in particular will have less openings but this is accepted give the use of the building. The overall design and materials would reduce the mass of what would otherwise be a relatively blank facade. The scheme additionally offers a good degree of variation in roof typologies and the main market building with its tall arched windows are welcoming and impactful.

The Heritage Officer has confirmed support for the proposal noting that the buildings are of appropriate scale and mass and that the proposed design is supported and will be an improvement to the Conservation Area. Historic England have confirmed they do not wish to make representation in this instance.

Opportunities are outlined for external seating. No details have yet been provided but to ensure quality and ensure this does not result in visual clutter, final details will be needed. A full scheme of public realm works are proposed directly outside of the building areas and an initial landscape scheme has been provided. This seeks to formalise the area and create an active focal point as well as improve the natural setting through landscaping. This also looks at accessibility through the site levels to add interest to the hard landscaping and utilise the space more creatively. The Tree Officer raises no objections to the principles of the landscaping scheme but again final details will be needed.

From an archaeological perspective, the Heritage Report confirms the position with regards to archaeological potential, noting that much of this area has been disturbed over the years. The Heritage Officer has recommended a condition with regards to recording.

Whilst conditions remain required for the final finishes in particular, the scheme offers the opportunity to greatly upgrade and enhance the local area and environment. In turn, this improves the setting of key important buildings and the wider Conservation Area in accordance with Policies 5, 22, 39 and 42 of the NELLP.

3. Local Amenity

Policy 5 of the NELLP seeks to protect neighbouring land users from the impacts of development.

In terms of the site context many of the operators in the immediate vicinity are of a commercial nature. Once open and operational, increased footfall and activity is likely to benefit those existing businesses. The design includes active and welcome frontages which are designed to promote natural surveillance and security.

Undoubtedly, neighbours would experience a change in their visual outlook. Notwithstanding this, the proposed buildings and structures are between 2-3 storeys in height; so relatively comparable in scale to neighbouring buildings and so would not be unduly dominating or overbearing. Openings are expected and are not invasive. A Daylight and Sunlight Assessment accompanies the application and this confirms that impacts to neighbouring buildings as a result of the proposed scale and mass would not be adverse.

The proposal includes the provision of external seating. A Noise Impact Assessment has been provided and this considers noise from the cinema as well as noise from plant equipment and from any potential outdoor events. The report confirms that due to the design of the building, the cinema would not cause any adverse effects at the nearest sensitive noise receptor. In regards to plant equipment, the report confirms that if the measures in the report regarding noise levels are adhered to there will be low impacts. As such a condition securing details of any future plant to ensure noise levels remain acceptable, is recommended. In regard to outdoor events, whilst it is identified these are likely, no details are provided through this submission. The report suggests a noise management plan will be required to manage events to ensure noise limits are not exceeded. Planning would only relate to any physical structures that would facilitate such events, and none form part of this submission. A number of external events can be undertaken outside of the formal planning system under permitted development. As a result, informative advice on this specific matter is recommended to the applicant.

The main impacts are considered to be those during the demolition and construction phases where noise and nuisance are more likely. A Construction Management Plan and Demolition Management Plan are considered to be necessary to manage these temporary impacts and put measures in place to ensure any impacts are set at accepted levels.

Subject to further details through conditions, the proposal would not be detrimental to local amenity and the proposal accords with Policy 5 of the NELLP.

4. Highways and Parking

Policy 5 of the NELLP seeks to ensure accesses are safe and suitable, with Policy 36 encouraging sustainable travel and Policy 38 seeking to ensure that proposals for parking are justified.

Highway access via Victoria Street would be retained. This would allow neighbouring businesses to continue to service their existing premises under existing agreements. A Transport Assessment (TA) accompanies the application.

The cinema is proposed to be serviced to the north from the existing access off Frederick Ward Way. The existing service road to the west would be used and this would extend southwards behind the leisure and commercial units adjacent to Devonshire House. A substation is located here and a number of parking spaces along with van spaces are

proposed alongside the service road.

Largely this development will utilise the existing parking arrangements within the main Freshney Place car park, but the benefit of the parking alongside the access and service road are noted. The loss of spaces at roof level serving the old BHS building are noted. The TA confirms that existing car parks would continue to operate within capacity should the development go ahead. In regards to any increases in levels of traffic and the impacts on the wider network, the impact is identified as low.

The site is within a sustainable location with bus, cycle and rail links close by. A Framework Travel Plan has been provided which seeks to promote sustainable travel. Whilst many of the actions are listed, final details will be required upon the appointment of a Travel Plan Co-ordinator. A condition to secure final details is recommended.

The Highways Officer considers the amended plans to be acceptable which retain access for vehicles. No objections are raised to the nature of the development or the changes in parking proposed and the conclusions of the TA are accepted. Final details are required in relation to surface materials.

Subject to conditions, the proposal accords with Policies 5, 36 and 38 of the NELLP.

5. Flood Risk and Drainage

Policy 33 of the NELLP seeks to reduce the risk and impact of flooding with Policy 34 seeking appropriate water management.

A Flood Risk Assessment accompanies the application. The site is largely within flood zone 1 but there is a small area of the site within flood zone 2 and 3 to the north. The proposed uses are 'less vulnerable' in flood risk terms. From a sequential perspective the site is brownfield land and is allocated for the uses proposed. No formal mitigation is outlined but flood risk management is recommended and a condition for this is recommended. The Environment Agency raise no concerns in relation to the application.

In regards to surface water drainage, the Drainage Officer confirms the discharge rates are as previously agreed and are acceptable. No in principle concerns are raised to the use of attenuated storage. Further detail on the sustainability for the final surface water scheme is required and a condition for this detail is recommended.

Anglian Water have raised no objections and confirm existing systems have the capacity to accommodate the development. Informative advice on trade effluent is given and an informative is recommended.

Subject to final details secured via condition, the proposal would accord with Policies 5, 33 and 34 of the NELLP.

6. Designing out Crime

Policy 22 of the NELLP seeks to ensure good design which promotes natural surveillance and safety and reduces the fear and opportunity for crime.

There is a need to respond to concerns over antisocial behaviour. Inherently the proposal will increase activity and this in turn will increase vibrancy in the area. A full scheme of security measures will be required in line with the Secured By Design Officer recommendations, although it is noted that he acknowledges improvements made to the scheme and the detail provided in the Design and Access Statement.

The buildings themselves offer active frontages which face out onto the public realm. Materials will again be a key factor in ensuring resilience to the buildings and a condition for this is already recommended.

Furthermore, public realm and associated furniture needs careful consideration both from an aesthetic point of view but also from a resilience and safety perspective. This needs to be captured alongside the approach to the site in any final details.

Subject to conditions securing final security measures and materials, the proposal accords with Policy 22 of the NELLP.

7. Ecology

Policy 41 of the NELLP seeks to protect and indeed, enhance ecology and biodiversity.

An Ecological Assessment accompanies the application. No species were found during the survey work, but given the potential for ecology a number of precautionary measures are outlined in the report both for demolition and construction. The Council's Ecologist agrees with the report findings and the recommendations and has concluded that there would be no adverse impacts either locally or to designated sites.

Subject to a condition requiring implementation of the recommendations, the proposal accords with Policy 41 of the NELLP.

8. Other Matters

An Air Quality Report accompanies the application and considers potential impacts arising during demolition, construction and operation. Best practises are recommended and with these proposed, no adverse impacts are identified. The Environmental Health Officer concurs with the report findings. A condition is recommended.

An Unexploded Ordnance Risk Document has been provided, which assesses the potential of finds during the demolition and construction period given its location and history. It categorises the potential as 'low'. A number of mitigating working practices are recommended in the interests of safety and a condition securing this is recommended.

Reports relating to the ground conditions (Geo-Environmental Desk Study including Phase 1 Report) and potential impacts during any piling (Piling Technical Note) have been provided. As a result recommendations for further survey work are recommended in addition to securing foundation details of the structures. Conditions in this regard are recommended.

CONCLUSION

This high quality development would result in a significant investment in Grimsby Town Centre. The proposal would benefit local residents as well as support the wider visitor economy and local businesses. The development is an integral part to enhance the vitality and viability of Grimsby town centre going forward.

The proposal is considered to be of good design that will result in a major regeneration of this key western end of the town centre. Key views and historic assets have been considered to ensure no undue impact to them. Collectively the different elements of the development will enhance the setting of the area and improve the overall quality of the environment.

The development is considered to be acceptable and conditions can be used to mitigate any identified impacts to an acceptable level.

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 - 3830-LJA-Z1-00-DR-A-00200 Rev P03

Proposed Block Plan - 3830-LJA-Z1-00-DR-A-00301 Rev P02

Demolition Plan Level 00 - 3830-LJA-Z1-00-DR-A-09300 Rev P06

Demolition Plan Level 01 - 3830-LJA-Z1-01-DR-A-09301 Rev P06
Demolition Plan Level 02 - 3830-LJA-Z1-02-DR-A-09302 Rev P06
Proposed Sections (Market) - 3830-LJA-Z1-XX-DR-A-00600 Rev P02
Proposed Sections (Leisure) - 3830-LJA-Z1-XX-DR-A-00601 Rev P02
Proposed Sections (Cinema) - 3830-LJA-Z1-XX-DR-A-00602 Rev P02
Proposed Elevations - 3830-LJA-Z1-XX-DR-A-00720 Rev P02
Proposed Elevations - 3830-LJA-Z1-XX-DR-A-00721 Rev P02
Proposed Elevations - 3830-LJA-Z1-XX-DR-A-00722 Rev P02
Proposed Elevations - 3830-LJA-Z1-XX-DR-A-00723 Rev P02
Proposed Elevations - 3830-LJA-Z1-XX-DR-A-00724 Rev P02
Proposed Floor Plans Level 00 - 3830-LJA-Z1-00-DR-A-00310 Rev P02
Proposed Floor Plans Level 01 - 3830-LJA-Z1-01-DR-A-00311 Rev P02
Proposed Floor Plans Level 02 - 3830-LJA-Z1-02-DR-A-00312 Rev P02
Proposed Roof Plan - 3830-LJA-Z1-R1-DR-A-00313 Rev P02
Sections - 2275-EXA-00-00-DR-L-00501
Sections - 2275-EXA-00-00-DR-L-00502
Stopping Up Plan - FP-ACM-C-XX-00-DR-C-002
Landscape General Arrangement Plan with Services - 2275-EXA-00-00-DR-L-00102 Rev P03
Landscape General Arrangement Plan - 2275-EXA-00-00-DR-L-00100 Rev P04

Reason

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

(3) Condition

Before construction commences, final details of all external finishes and materials shall be submitted to and approved in writing by the Local Planning Authority. This shall also include all solar PV and details of all external tables, chairs and barriers. Once approved development shall proceed in strict accordance with the agreed details unless otherwise submitted to and agreed in writing by the Local Planning Authority.

Reason

In the interests of good design and visual amenity in accordance with Policies 5, 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(4) Condition

Final details of the surface water drainage scheme including a schedule for implementation shall be submitted to and approved in writing by the Local Planning Authority before construction commences. Once approved, the development shall proceed in strict accordance with the agreed details with drainage thereafter retained as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of ensuring a satisfactory drainage scheme and to reduce the risk of

flooding in accordance with Policies 5, 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(5) Condition

No construction shall take place until a Construction Management and Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include:

1. Contact details of the person with responsibility for the implementation of the Plan;
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.).
8. Details of the control measures that will be employed to control the impact of noise, vibration and dust during the construction phase (inclusive of operating hours).

The approved Plan and control measures it contains shall be implemented throughout the construction phase. The noise assessment must comply with the requirements of British Standard 5228 unless otherwise approved. No burning of demolition/construction waste material shall take place on site. The measures shall be applied as agreed and adhered to throughout the construction period.

Reason

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

(6) Condition

A final hard and soft landscaping scheme (inclusive of green roof and public realm features) and including a schedule of maintenance and implementation shall be submitted to and approved in writing before construction works commence. Once approved, development shall proceed in strict accordance with the agreed details.

Reason

In the interests of good urban design and an acceptable landscape scheme in accordance with Policies 5, 22, 39 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(7) Condition

Prior to the commencement of any demolition works a detailed method statement outlining the method of demolition and measures to prevent pollution to the environment and nuisance from noise and dust to neighbours shall be submitted to and approved in writing by the Local Planning Authority. Demolition shall only thereafter be undertaken in accordance with the approved method statement.

Reason

In the interests of public health and to protect the amenities of neighbours in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(8) 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 9-11 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 12 has been complied with in relation to that contamination.

Reason

To deal with any contamination appropriately and in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(9) 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 before construction commences. 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 Agencys Model Procedures for the Management of Land Contamination, CLR 11.

Reason

To deal with any contamination appropriately and in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(10) 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 before construction commences. 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 deal with any contamination appropriately and in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(11) Condition

The approved remediation scheme must be carried out in accordance with its terms prior to construction commencing, 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 deal with any contamination appropriately and in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(12) Condition

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 9, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 10, 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 11. The development then shall progress as set out.

Reason

To deal with any unconsidered contamination appropriately and in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(13) Condition

All demolition and construction works shall accord with the recommendations set out in the Ecological Report (November 2022) by RammSanderson.

Reason

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

(14) Condition

Before the buildings are brought into use, a final Travel Plan which builds on the principles of the Framework Travel Plan by Aecom and includes details of the Travel Plan Coordinator shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall be occupied and managed in accordance with the details approved thereafter.

Reason

In the interests of sustainability and in accordance with Policies 5 and 36 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(15) Condition

The mitigation measures detailed within the Air Quality Assessment by Omnia shall be adhered to at all times throughout the demolition and construction phases.

Reason

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

(16) Condition

All demolition and construction work shall adhere to the Unexploded Ordnance Risk measures outlined in the Geoenvironmental Desk Study by Aecom, including the RPS UXO Study within it.

Reason

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

(17) Condition

No development shall commence until the applicant has:

- (i) Submitted a Written Scheme of Investigation or Specification for Works, for a programme of archaeological work, to the Local Planning Authority.
- (ii) Received written approval of the Written Scheme of Investigation for a programme of archaeological work from the Local Planning Authority.
- (iii) Implemented or secured implementation of the Written Scheme of Investigation for a programme of archaeological work.

Occupation or use of the development shall not take place until the applicant has:

- (iv) Published, or secured the publishing of the findings resulting from the programme of archaeological work within a suitable media.
- (v) Deposited, or secured the deposition of the resulting archive from the programme of archaeological work with an appropriate organisation.

Reason

The site contains a Historic Environment Asset which requires recording prior to alteration or destruction in accordance with Policy 39 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(18) Condition

Before any plant or extraction equipment is installed, final details of it and its acoustic performance to comply with the recommendations set out in the Noise Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the plant shall be installed as approved.

Reason

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

(19) Condition

Before construction commences, final details of all security measures for the buildings, open space and site approach shall be submitted to and approved in writing by the Local Planning Authority. This should follow the principles set out in the Design and Access Statement. Included shall be a scheme for maintenance and implementation. Once agreed, the proposal shall be implemented as approved.

Reason

In the interests of designing out crime and safety and in accordance with Policy 22 of the

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

(20) Condition

Full details of the specifications and positions of any lighting to be provided shall be submitted to and approved in writing by the Local Planning Authority before they are installed. Once approved, all lighting shall be installed as approved.

Reason

In the interests of good design, heritage, security and neighbours and in accordance with Policies 5, 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(21) Condition

The Flood Risk Management Measures identified in the Flood Risk Assessment at Section 7 shall be implemented before occupation or use of any building occurs. All measures shall be retained throughout the lifetime of the development.

Reason

In the interests of flood risk management and in accordance with Policy 33 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(22) Condition

Construction 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) details of all materials proposed within the adopted highway;

(b) details of all areas of adopted highway to be stopped up;

(c) details of all landscaping within the adopted highway;

(d) the proposed locations of street lighting columns, all services and ducts for services, within the adopted highway;

(e) management arrangements for any carriageways, footways and/or landscaped areas not to be adopted by the local authority;

Once approved, development shall be undertaken and maintained in strict accordance with the approved details.

Reason

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

(23) 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.

Reason

To protect neighbours and the underlying aquifer and in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

Informatives

1 Reason for Approval

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would support the town centre regeneration with high quality buildings and public realm without harm to the local area, neighbours or the environment. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 5, 6, 22, 23, 29, 33, 34, 36, 38, 39, 41 and 42.

2 Added Value Statement

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

In accordance with paragraph 187 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to problems arising, by securing additional information to address consultee comments and by imposing conditions in the interests of safety, the environment and neighbours.

3 Informative

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

4 Informative

Please note the informative advice from Anglian Water in regards to their assets, used water network and trade effluent which can be viewed on the Council website.

5 Informative

Please note the informative advice provided by Humberside Fire and Rescue with regards to access and provision of water supplies for firefighting which can be viewed on the Council's website.

6 Informative

Please note the advice from Environmental Health with regards to any outdoor events which fall outside the scope of this planning application.

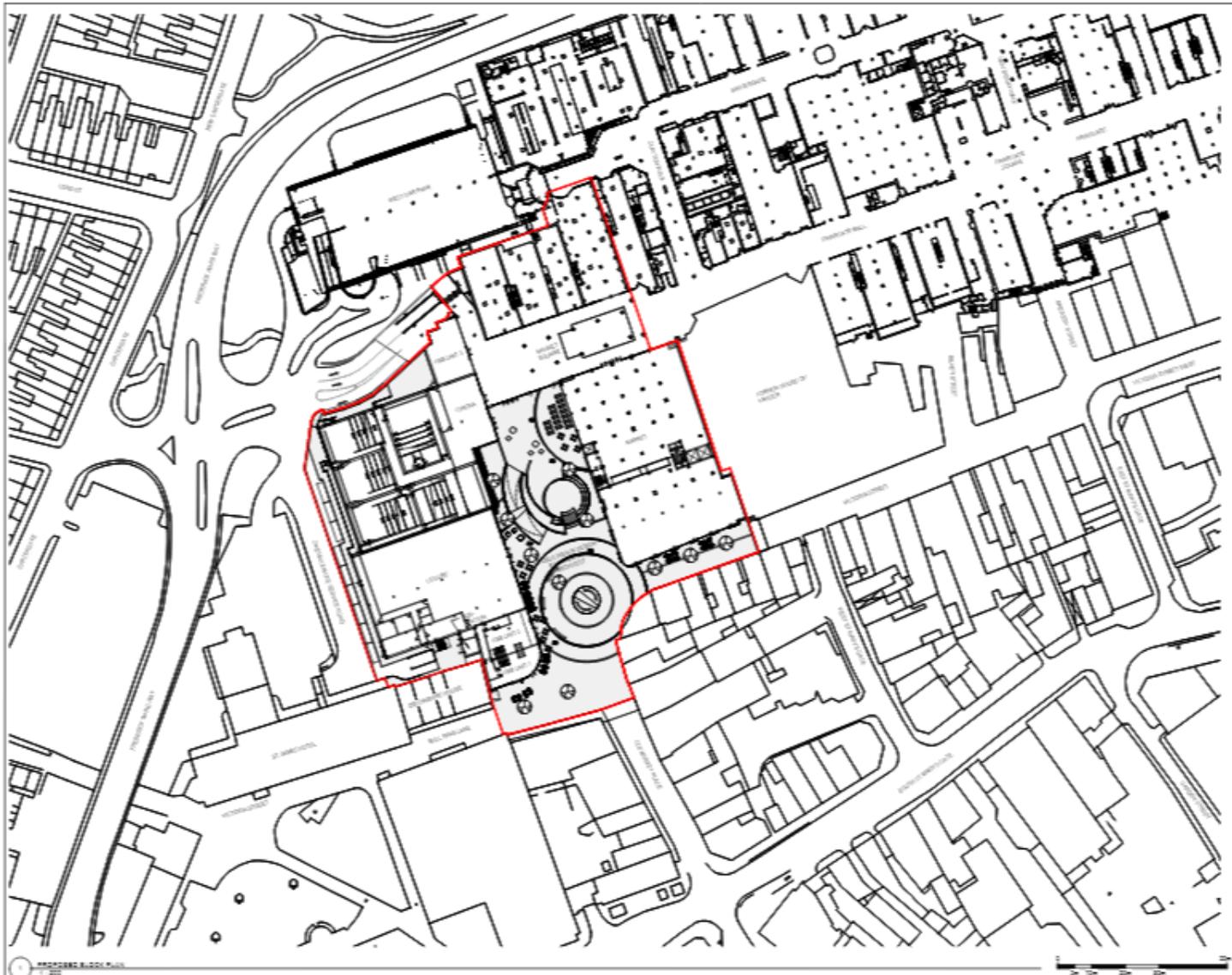
7 Informative

As works are required within the existing Highway, you are required to contact the Highways Management Team at least six months in advance of the commencement of works (Tel: 01472 324431).

8 Informative

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

DM/0979/22/FUL – FRESHNEY PLACE, FRIARGATE, FRESHNEY PLACE SHOPPING CENTRE, GRIMSBY



PLANNING COMMITTEE - 1st February 2023

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

APPLICATION No: DM/0824/22/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: 40-42 High Street, Cleethorpes, North East Lincolnshire, DN35 8JN

PROPOSAL: Change of use of ground floor from bank to take-away and restaurant, installation of flues with associated internal alterations (bin store details added to proposed plans)

APPLICANT:

Mr Timothy Finbow
C/O Agent
Unit 2 Cleethorpes Business Centre
Jackson Place
Humberston
Grimsby
North East Lincolnshire
DN36 4AS

AGENT:

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

DEPOSITED: 9th September 2022

ACCEPTED: 1st November 2022

TARGET DATE: 27th December 2022

PUBLICITY EXPIRY: 6th February 2023

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 2nd December 2022

CASE OFFICER: Emily Davidson

PROPOSAL

The proposal is to change the use of ground floor from bank to a restaurant and takeaway, installation of flues with associated internal alterations. There would be no other external alterations considered with the application.

The application is presented to Planning Committee due to the application being called in

by a Councillor.

SITE

40-42 High Street is a two-storey building with commercial use at the ground floor and flats above. The building was formally used as a bank. It is located within a prominent location in the entrance to the resort of Cleethorpes and it is within the town centre.

RELEVANT PLANNING HISTORY

DM/1154/21/FUL - Change of use of ground floor from bank to take-away and restaurant, installation of flues to rear elevation and internal alterations - Withdrawn

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2021)

NPPF16 - Conserv. & enhance the historic environ.

NPPF12 - Achieving well designed places

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

PO5 - Development boundaries

PO22 - Good design in new developments

PO23 - Retail hierarchy and town centre develop

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

REPRESENTATIONS RECEIVED

Consultee Representations

Highways Officer - Approval, no conditions.

Drainage Officer - No drainage comments.

Heritage Officer - No heritage input required.

Environmental Protection - Information is considered acceptable. Conditions

recommended to ensure the works are carried out in accordance with the details supplied in relation to ventilation/extraction, sound proofing, hours of operation, and waste storage.

Cllr Sophia Farren - with comments regarding sound proofing, mitigation measures are not enforceable and other authorities have specific requirements for hot food takeaways.

Neighbour Representations

38 High Street - have raised objections on the grounds that there are no opening hours proposed and possible disturbance including noise implications, anti-social behaviour from the takeaway element and odour concerns.

42 High Street - Planning consultants on behalf of 42 High Street have raised objections on the grounds that the Council has a duty to ensure that the amenity of existing residents is not impaired in any way by this development. It is noted that the applicant is opening a takeaway with unlimited opening hours in an area of residences with a long established pattern of daytime only use of the ground floor. It is considered that the application should be refused on the grounds of noise, disturbance and odour. It is considered that the odour report is inconclusive failing to cross reference EMAQ guidance versus the specified equipment and Government guidance. Moreover, the impact of potential noise has not been addressed. Lack of information on sound proofing and waste management is also highlighted. The speculative nature of the proposal is also raised as a concern.

2 The Spinney - Neutral on the proposal but raises concerns that the Conservation Area boundary is not correctly defined in the Heritage Statement. This needs to be amended before a formal view can be offered.

APPRAISAL

Material Considerations

1. Principle of Development
2. Design
3. Neighbouring and Local Amenity
4. Other Considerations

Principle of Development

The application is for the change of use of the building from a bank to a take-away and restaurant. It is noted that the change from a bank to a restaurant is within the same use class and that element would not require planning permission. Both uses proposed are considered as acceptable when located within a town centre within Policy 23 of the North East Lincolnshire Local Plan (NELLP) 2018. This Policy also requires applications for takeaways consider the impact to neighbouring amenity, highways safety, the relationship

with schools within 400m and whether the proposal would not result in an unacceptable concentration of hot food takeaways in the area. Given the proposals location there is ample parking available. The Council's Highways Officer also raises no concerns. There are no schools located within 400m. There are a number of other takeaways within the area which are expected given the location. There are however other types of business in the area and the takeaway would also include a restaurant. It is not considered that the application would result in an undue concentration of hot food takeaways. The acceptability in terms of impacts to residential amenity will be discussed below. The application is considered acceptable in principle subject to the site-specific details discussed below.

Design

The area in which the proposal would be located is mostly commercial in nature. The building is currently vacant and has been for some time. It is located in a prominent location in the town centre of Cleethorpes. The reuse of a vacant building is often a positive to an area. This would be no exception. The use would provide an additional amenity to the town centre. The application includes the installation of a flue which would be located within a courtyard area of the property. This ensures it is less visible from the street scene which is preferable. There are no external alterations proposed to the front elevations. The alteration being the provision of the flue to the rear. Overall, the appearance of this attractive building will be retained and there will be no adverse impact under Policy 22 of the Local Plan. The Heritage Officer notes that there will be no impact on the setting of the nearby Central Cleethorpes Conservation Area under Policy 39.

Neighbouring and Local Amenity.

The host property and some of the neighbouring properties have residential flats at the first floor. The majority of the properties in the area are commercial in nature. Objections have been received from 42 High Street above the premises and the neighbouring bar at 38 High Street. Their objections included odour control, potential anti-social behaviour, no opening hours provided, impact on the character of the area, the proposal is considered a waste of the site and impact on the character of the area.

Concerns have been raised by a resident in the flats above the property in relation to the potential impacts on their amenity from both noise and odour. There are 2 flats. Further detail has been secured in relation to the odour control and the Council's Environmental Protection Officer considers that the method proposed would not have an undue impact in this regard. This is due to the location and of the flue and the nature of the equipment to be installed. When considering noise, the Environmental Protection Officer acknowledges that the property will be sound proofed to the standards required by building regulations. The location of the proposal also has to be considered. The area has established businesses in the area which include a vibrant nightlife of pubs and clubs and other night-time economy. Indeed, the neighbouring property is a bar. There is already an established footfall in the area at all hours. The proposal would not dramatically increase this existing footfall over and above what would be considered acceptable.

The proposal does not include any other external works other than the flue which is discussed above. Thus, there would be no additional physical impact on amenity for example from massing or overlooking. Given the nature of the commercial properties, there would be no concerns in regard to their amenity. All other elements have been assessed above and found to be of an acceptable level with conditions to ensure this such as a waste management plan and the control of opening hours. A bin storage area is shown on the plans to the rear of the site but it is considered that a management plan is required. It is considered that there would not be an adverse impact on neighbouring amenity.

Having regard to the above the application is considered in accordance with Policy 5 of the NELLP 2018.

CONCLUSION

The application would make use of a prominent vacant building within the town centre of Cleethorpes. This is considered to be of benefit to the town centre and area character. With mitigation and conditions in place, this would ensure there would not be undue impacts on the amenity of neighbours. The application is considered in accordance with Policy 5, 22 and 23 of the NELLP 2018 and is recommended for approval.

Additional publicity for the application is due to expire on the 6th February 2023. It is therefore recommended that following the expiry of this date and providing that no further material planning considerations are raised, that the application be delegated back to the Assistant Director for Housing, Highways and Infrastructure to allow the decision to be issued.

RECOMMENDATION

Approved with Conditions and subject to no further material planning considerations being received due to the publicity of the application not expiring until the 6th February 2023. It is recommended that the application be delegated back to the Assistant Director for Housing, Highways and Infrastructure to allow the decision to be issued.

(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 - 1432-001

Block Plan - 1432-002

Existing Plans and Elevations - 1432-003

Proposed Plans and Elevations - 1432-004 Received 16/11/2022

Reason

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

(3) Condition

No conversion 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 and in accordance with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(4) Condition

No business activities must take place at the premises outside of the hours specified below:

Monday - Sunday (including bank holidays) - 08:00 - 23:00

Reason

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

(5) Condition

The odour control, extraction and ventilation of the restaurant shall be carried out in accordance with the details provided on the following documents:

- Specification and EMAQ Report (received 09/09/2022)
- Odour Control Advice (received 09/09/2022)
- V4.1 Floor Plan (received 09/09/2022)
- Tech Motor Data Sheet (received 16/11/2022)
- Blauberg SD Silencer (received 16/11/2022)
- Extraction Systems Specifications (received 16/11/2022)

- HNU Cowl Data Sheet (received 16/11/2022)
- Spiral Duct Data Sheet (received 16/11/2022)

All extraction and ventilation shall be installed in accordance with these approved details prior to the use commencing and they shall be retained as such unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure satisfactory ventilation/extraction systems are provided to protect surrounding residents from the adverse effects from cooking smells, noise and vibration in accordance with policy 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(6) Condition

Prior to the commencement of the use, a waste management plan detailing frequency of collections, hours of operation and storage shall be submitted to and agreed in writing by the Local Planning Authority and shall thereafter be adhered to unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure the amenity of neighbouring properties and resort character 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 neighbouring amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 5, 22, 23 and 39.

2 Added Value Statement

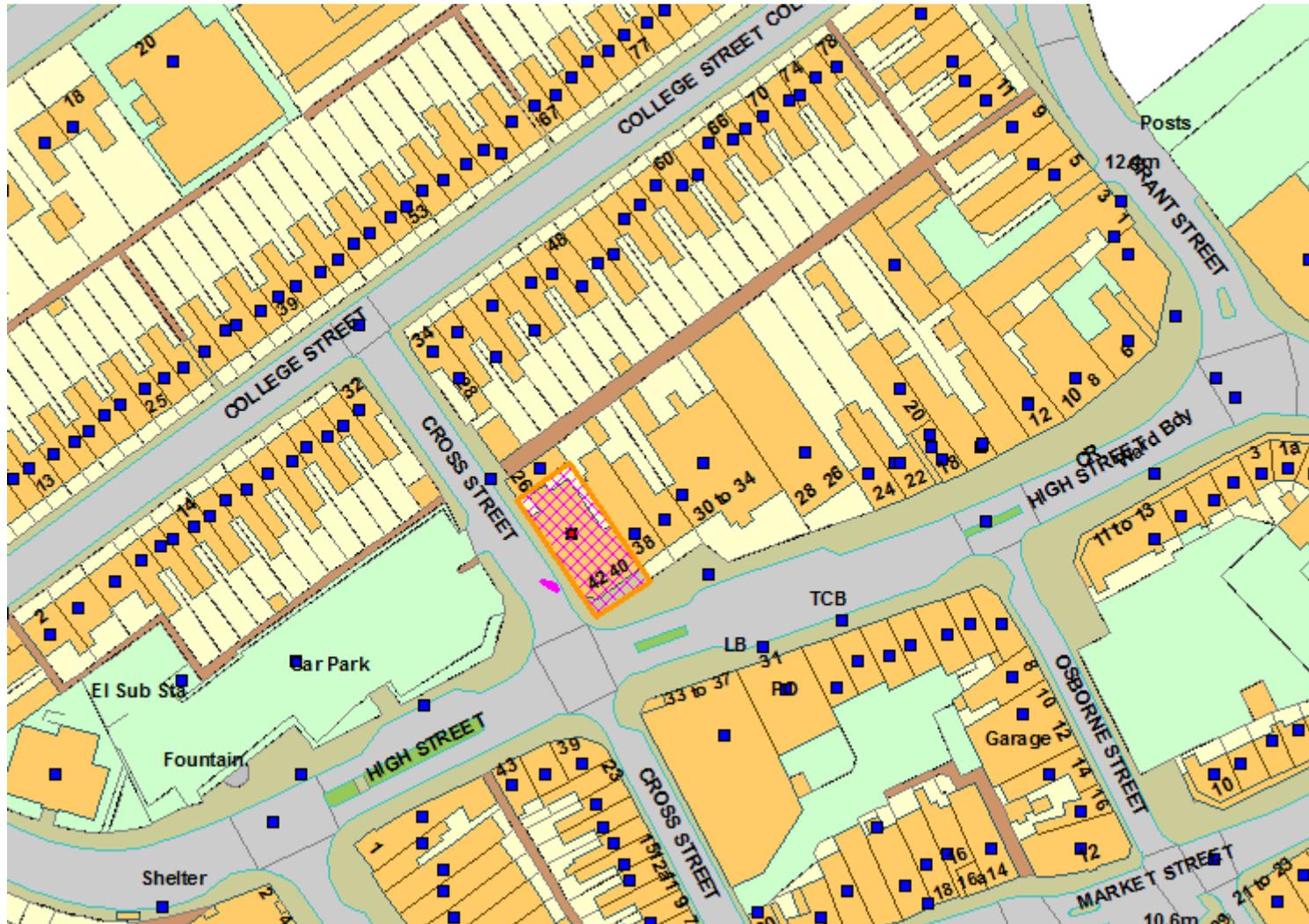
Article 31(1)(cc) Statement - Positive and Proactive Approach

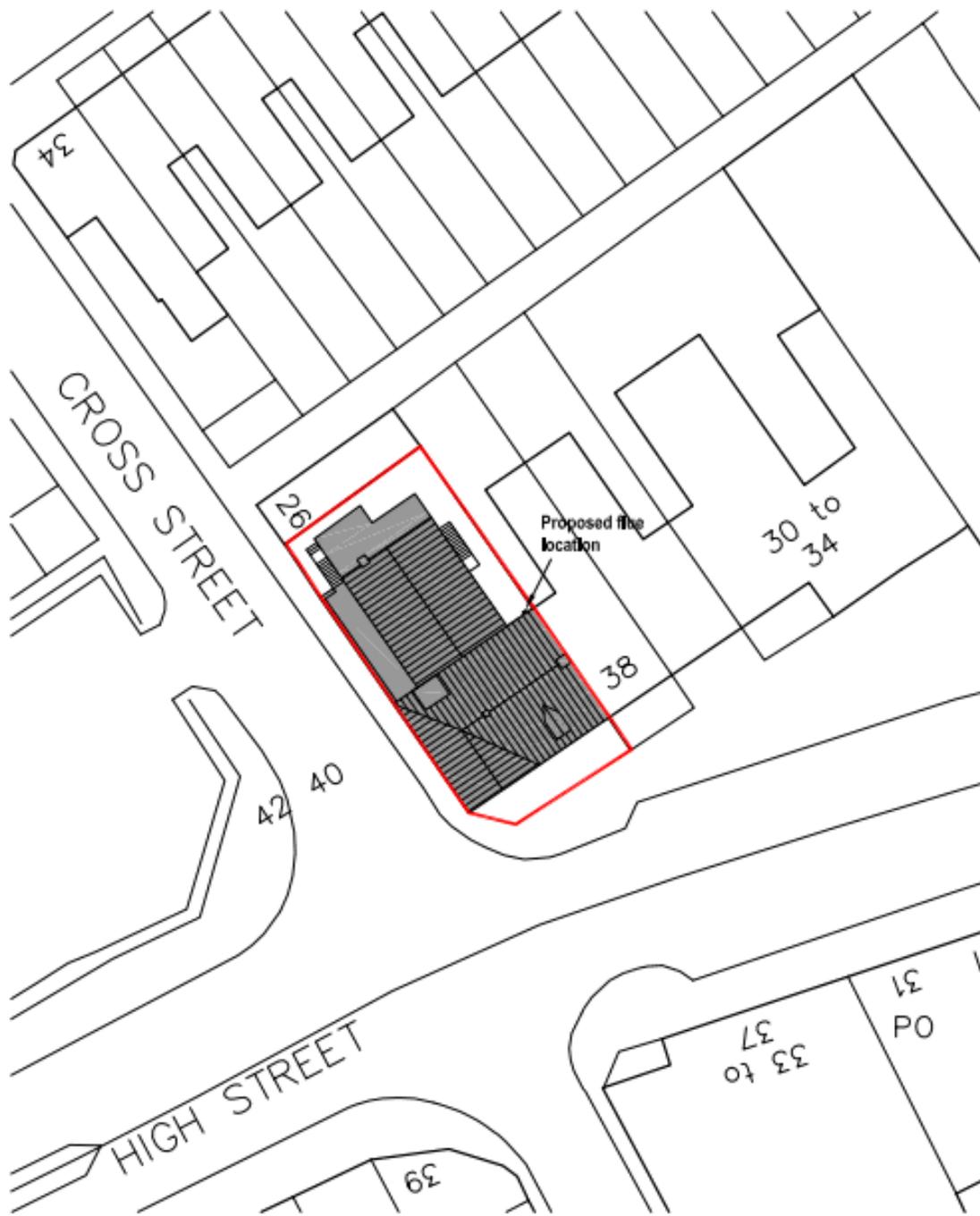
In accordance with paragraph 187 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to problems arising, by securing additional information to satisfy concerns raised.

3 Informative

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

DM/0824/22/FUL – 40-42 HIGH STREET, CLEETHORPES





PROPOSED BLOCK PLAN

Scale - 1:500

PLANNING COMMITTEE - 1st February 2023

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

APPLICATION No: DM/0950/22/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Unit B1, Goldbank Business Park, Wilton Road, Humberston, North East Lincolnshire, DN36 4AW

PROPOSAL: Change of use from pet supplies warehouse to administrative offices to first floor and ground floor studio, stock room, click and collect counter for online business with ancillary facilities to include storage and distribution with various internal and external alterations

APPLICANT:

Bruno Hickson
Tillett Property Ltd
Unit 4 Premier Business Park
Wilton Road
Humberston
North East Lincolnshire
DN36 4AW

DEPOSITED: 24th October 2022

AGENT:

Mr Bruno Hickson
Hickson Project Management Ltd
Walnut Cottage
School Lane
East Ravendale
DN37 0RX

ACCEPTED: 10th November 2022

TARGET DATE: 5th January 2023

PUBLICITY EXPIRY: 18th December 2022

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 10th December 2022

CASE OFFICER: Bethany Loring

PROPOSAL

The application seeks to change the use of the site from a pet supplies warehouse to administrative offices to first floor and ground floor studio, stock room, click and collect counter and ancillary facilities to include storage and distribution with various internal and external alterations all in connection with an online clothing business

The application is brought to planning committee following a request from a local ward councillor.

SITE

The property is situated on the west side of Wilton Road, to the far end of the industrial estate in Humberston. The property is a semi-detached building located centrally within its setting. The site benefits from a private forecourt with typical palisade fencing to the site boundaries. There are no residential properties within close vicinity to the property. The building is of a typical industrial design and finish, specifically in relation to the materials.

RELEVANT PLANNING HISTORY

No relevant planning history.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2021)

NPPF12 - Achieving well designed places

NPPF14 - Climate, flooding & coastal change

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

PO5 - Development boundaries

PO8 - Existing employment areas

PO22 - Good design in new developments

PO33 - Flood risk

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

Heritage Officer - No input required.

Environment Team - No comment.

Drainage Team - No drainage comments.

Humberston Village Council - No objections.

Highways Team - Approval no conditions.

Environment Agency - No comments. Does not meet criteria.

Neighbour Representation

Remedial Solutions UK, Unit 3-4 Athena Drive, Grimsby, 94 Willingham Street, Grimsby and 168 North Sea Lane - Support the application broadly on the grounds of;

- Economic success of the local area
- Benefits of a larger unit for the use and parking
- Creation of employment
- Location of proposal
- Complement existing uses and business surrounding the area
- Supports growth of the existing business

APPRAISAL

Principle of Development

The site is allocated in the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) as an Existing Employment Area. The application seeks to change the use from pet supplies warehouse to administrative offices to first floor and ground floor studio, stock room, click and collect counter for online business with ancillary facilities to include storage and distribution with various internal and external alterations.

The use is as a Headquarters for Tillets who are an online clothing company. This includes administration and business functions to the first-floor and ground floor studio for photography shoots in relation to the online business and support facilities for online delivery with ancillary click and collect counter.

The applicant has provided a plan to show the nature of the usage of the ground floor to demonstrate the extent of the differing uses within the property following discussions relating to the use and in particular in relation to retailing. This was required to define the actual use of the ground floor as concerns were raised at the potential use of the ground floor area mainly as retail. This plan shows that the majority of the ground floor as a set and studio for online promotion and with ancillary fitting rooms, photography area and kitchen set up for homeware products. Other facilities include a click and collect counter, entrance, service facilities and stairways to the upper floor. It is therefore considered that the proposal is in relation to an existing and growing Internet based business and these new premises will support its growth and economic performance to the benefit of local employment and the vitality of the Wilton Road business park.

In relation to the principle of development, the proposal is in accordance with Policy 5, 8 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

Design and Impact to the Character of the Area

The works include alterations to the front elevation to include the installation of a new window to the first-floor and replacement of the existing, to serve the open plan office area in grey uPVC. The central roller shutter would be removed with glazing, to include doors and windows surrounding, in the existing opening. The plans indicate new signage to the frontage however this would be subject to a separate advertisement consent application.

The building would be mostly retained as existing however the alterations would be complementary to the new use as required to facilitate the proposal. The alterations are minor in nature and would not cause harm in this instance. The materials would retain the industrial design and finish of the property and therefore would not cause any impacts to the character of the area.

The proposal is acceptable is in accordance with policy 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and section 12 of the NPPF.

Impact on Neighbouring Properties

The proposal relates to an existing commercial business however would be occupied by new operators. In terms of impact, the proposal would not be expected to create any significant impacts on neighbours due to its position in an already established area of commercial and industrial businesses.

There are no residential properties located within proximity to the site and therefore this is not considered to cause harm to residential amenity.

There have been no neighbour objections received. Wider representations have been received which support the proposal.

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

Flood Risk

The proposed development is not located within an area identified as having high flood risk by the Environment Agency's flood maps or the Council's Strategic Flood Risk Assessment 2011 (low to moderate hazard area).

The NELC Drainage Team and Environment Agency have confirmed no comments.

It is therefore considered that the proposal is in accordance with Policy 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and section 15 of the NPPF.

CONCLUSION

In conclusion, it is considered that the proposed development would facilitate the expansion of an existing local business on the business park according with policy 5, 8, 22, 33, 34 and 38 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and sections 1, 12 and 14 of the NPPF. The application is therefore recommended for approval.

RECOMMENDATION

Approved with Conditions

(1) Condition

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

Reason

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

(2) Condition

The development will be carried out in accordance with the following plans and documents:

Site Location Plan - received 15th November 2022

Block Plan - 12513-06 Rev A

Proposed Floor Plans - 12513-02 Rev C

Proposed Elevations - 12513-05 Rev A

Proposed Layout and Usage Plan - 1213-02 Rev F

Reason

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

(3) Condition

The development hereby permitted shall be laid out and used in strict accordance with approved Proposed Layout and Usage Plan - 1213-02 Rev F.

Reason

To define the permission to ensure an acceptable business use for this employment site by not facilitating a retail use to accord to Policy 23 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(4) Condition

The proposed development shall be constructed using materials as specified within the email received 11th January 2023 unless otherwise first approved in writing by the Local Planning Authority.

Reason

This condition is imposed in the interests of design considerations in the context of the existing buildings in order to comply with policy 5 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, 8, 22, 33, 34 and 38.

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 resolving policy issues with the proposal.

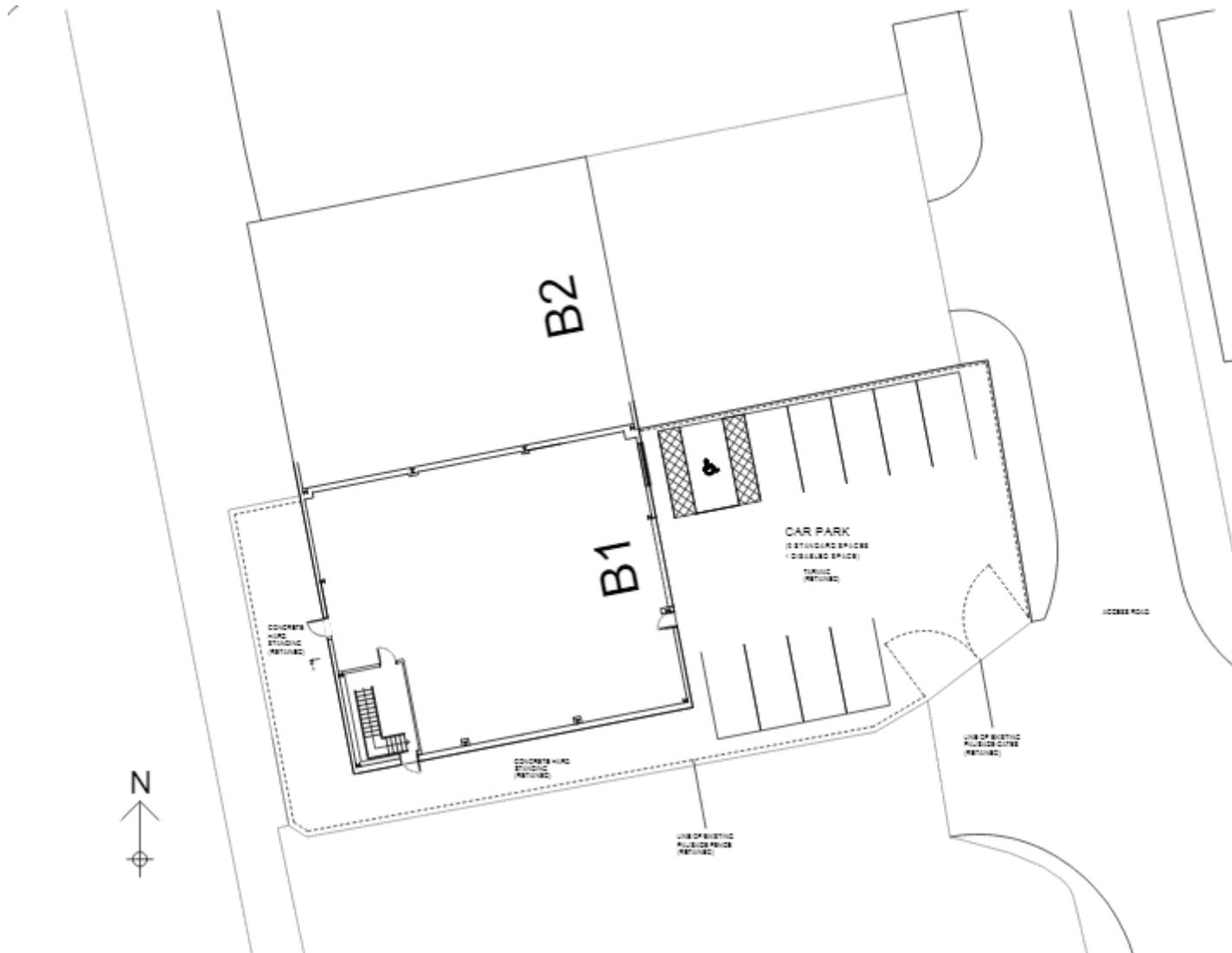
3 Informative

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

DM/0950/22/FUL – UNIT B1, GOLDBANK BUSINESS PARK, WILTON ROAD, HUMBERSTON



DM/0950/22/FUL – UNIT B1, GOLDBANK BUSINESS PARK, WILTON ROAD, HUMBERSTON



PLANNING COMMITTEE - 1st February 2023

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

APPLICATION No: DM/1005/22/FUL

APPLICATION TYPE: Full Application

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

**PROPOSAL: Erect 5 detached bungalows and 4 semi-detached dormer bungalows
with garages to include access, landscaping and attenuation pond and various
associated works**

APPLICANT:

Mr D Taff
31 Connaught Avenue
Grimsby
North East Lincolnshire
DN32 0BS

AGENT:

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

DEPOSITED: 11th November 2022

ACCEPTED: 22nd November 2022

TARGET DATE: 17th January 2023

PUBLICITY EXPIRY: 6th February 2023

AGREED EXTENSION OF TIME DATE:

**CONSULTATION EXPIRY: 16th December
2022**

CASE OFFICER: Jonathan Cadd

PROPOSAL

This application seeks full permission for a residential development of 9 bungalow and dormer bungalows with access from Habrough Road. The development seeks to front the highway but with an attractive landscaped frontage to the north and west. All properties have at least two car parking spaces and the applicant offers EV charging points with each property. The development includes full SUDs drainage with swales to the highway frontage, porous built driveways and an attenuation ponds, capable of limiting flows into the adjoining water course. Access would be to Habrough Road requiring a portion of hedge to be removed and slight lines managed.

The site is presented to committee as it represents a departure from the local plan, it being located outside of the development boundary of Immingham.

SITE

Rectangular paddock to the western side of Immingham which fronts Habrough Road, the B1210. The site is located outside of, but adjoining the development boundary of Immingham. The site has an area of 1.07 ha and is relatively flat grass land used to graze horses. Two smallish shed/ stable type structures are located on site to provide shelter and storage for horses and or tack. To the northern boundary of the site is a tall dense hedge, although this is predominantly made up of semi mature Ash trees. This hedge is part of the highway frontage and verge. Further field hedges can be found to a greater or lesser extent to the southern and western boundaries of the site with a post and wire fence to the east. Access to the site from Habrough Road is possible via the adjoining paddock to the east.

To the west and predominantly south are agricultural fields whilst to the south east are residential gardens of properties fronting Stallingborough Road. To the east is a horse paddock and to the north, opposite across Habrough Road is the Calder Close and Steeping Drive housing estate which has attractive landscaped grounds to the main road frontage.

RELEVANT PLANNING HISTORY

None

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2021)

- NPPF5 - Delivering a sufficient supply of homes
- NPPF8 - Promoting healthy and safe communities
- NPPF9 - Promoting sustainable transport
- NPPF11 - Making effective use of land
- NPPF12 - Achieving well designed places
- NPPF15 - Conserv. & enhance the natural environ.

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
- PO19 - Rural exceptions
- PO22 - Good design in new developments
- PO33 - Flood risk

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

Immingham Town Council: No response received

Rights of way: None affected

Heritage Officer: No input required

Grimsby & Cleethorpes Civic Society: (in summary) Concern raised about increase in traffic creating a danger to pedestrians, cyclists turning into off Haborough Road. Also lack of facilities following loss of post office and bank - this should be addressed before expansion of town allowed.

Environment Agency: Does not wish to make comment and scheme does not meet criteria for consultation.

N E Lindsey Internal drainage Board: (in summary) Recommends condition re details of surface water drainage scheme before development commences. Also advice note on requirement for consent for works to Board's water courses.

Environmental Protection Team: Request conditions - Construction management, hours of construction, and electric vehicle charging.

Drainage: (in summary) Scheme in general is acceptable and provides suitable sustainable drainage but the NE Lindsey Drainage Board consent will be needed (although discharge rate of 1.4l/s/ha is likely to be acceptable). Further details though will be required re the culverted ditch. It may be that the existing culvert and ditch alongside and down stream of development will need to be detailed and a scheme for it to be cleared out to make the outfall functional.

Highways: (In summary) The scheme is deemed acceptable and maintains safety including sight lines and pedestrian crossing points (tactile drop kerbs). Recommends conditions re highway design details, hedge maintenance and construction traffic management plan. Additional informatives requested.

Trees & Woodlands: As the hedge to the road frontage is predominantly Ash, it will be subject to dieback and therefore the long term nature of the hedgerow needs to be considered. The proposed landscaping scheme to the Habrough Road frontage is positive but further detail is required. Welcome the proposed hedge to the southern boundary - minimum heights and width will need to be stipulated. A landscaping scheme should be required to the western edge of the site and to wrap round the site to the front due to the loss of the front hedge as noted due to dieback. This will require the loss of plots 8 & 9.

Revised scheme submitted provides a good level of landscaping but greater detail is required that can be achieved through conditions.

Site notice, publicity and neighbours: Object - 12 Stallingborough Road, 1, 5 Steeping Drive and 22 Kishorn Court.

Difficult to ascertain the access point but concerned about relationship to Calder Close road entrance and accidents due to conflicting movements and extra traffic. At busy times here are traffic queues down the road making access and exit difficult. Will lead to more houses and there a lack of facilities in town limiting sustainability - doctors surgery, schools shops etc. Concerns also raised at loss of light and sunlight, views and wildlife including foxes and badgers and the rescue horse on the site.

APPRAISAL

Main issues

- 1) Planning Policy Issues
- 2) Design and character
- 3) Residential amenity
- 4) Highways safety
- 5) Drainage and landscaping

Appraisal

- 1) Planning Policy Issues

The North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018) NELLP - seeks to promote sustainable residential development and meet the housing needs of the Borough. The locations and scale of such development are directed through policy 3 to be commensurate with existing settlements (development area). The town of

Immingham (policy 3 - level 2 settlement) is a key local service centre offering a good range of basic services and amenities combined with accessibility to wider services within the wider area. Policy 3 notes development will principally be focused upon greenfield sites adjacent to but within the defined settlement boundary with 5 - 10% of new homes expected to be constructed in and on the fringes of the town (policy 4).

The current application is located on an unallocated site outside of but adjoining the development area of Immingham (across Habrough Road but also to the southern corner). As such the housing would be located outside the development boundary within open countryside where development is generally restricted, and the proposed speculative nature of the housing would not meet any of the exception criteria required for housing in such locations as outlined with policy 5 (3. A - E). The NPPF, however, requires local planning authorities to provide a 5-year supply of housing land. The published position is that NE Lincolnshire has 4.2 years' worth of housing and as in line with para 11 of the NPPF and as such 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. A proposal for 9 residential units would therefore assist, in a minor way, to meeting housing need within NE Lincolnshire. In stating this, other policies of plan remain up to date and any proposal must accord with them to gain support.

Policy 5 in general states that 1. Development boundaries are identified on the Policies Map. All development proposals located within or outside of the defined boundaries will be considered with regard to suitability and sustainability, having regard to:

- A. the size, scale, and density of the proposed development;
- B. access and traffic generation;
- C. provision of services (education, healthcare, community, retail and recreation);
- D. impact upon neighbouring land uses by reason of noise, air quality, disturbance or visual intrusion;
- E. advice from the Health and Safety Executive;
- F. flood risk;
- G. the quality of agricultural land;
- H. measures to address any contamination of the site; and,
- I. impact on areas of heritage, landscape, biodiversity and geodiversity value, including open land that contributes to settlement character

As noted, Immingham is a sustainable location which can support substantial numbers of houses. The site directly adjoins existing residential areas on two sides (albeit across a road and a small paddock) and is within 1 km of the Kennedy Way shopping centre and Oasis Academy and closer to primary schools (300m) and local shops (360m) and other local amenities (public house 48m) which are within suitable walkable distances (Kennedy Way/ Oasis Academy - cycling distance) for future residents. Equally bus stops are also available on Habrough Road and Pelham Road for public transport users providing a regular bus service to Grimsby and the wider area. As such despite being outside of the development area, the site is considered sustainable.

The character of the development will be considered in greater detail below but in overall terms the site is located at an attractive entrance to Immingham and is one which successfully transitions from open rural area to urban area in a relative short distance. Much of this is achieved by the sensitive layout and landscaped character of Calder Close/ Steeping Drive which softens the urban area through a landscaped strip to the roadside of the B1210. The application site adds to this character by being generally screened by a mature frontage hedge which has become somewhat overgrown with semi-mature trees within it but with fleeting views of the paddock behind and beyond to further housing and gardens to properties on Stallingborough Road to the south east. Despite the site being a paddock the nature of this area is definitely one with an urban character where further small scale residential development could be assimilated into the area without harm.

The development itself is of a limited density of 8.4 dwelling per ha., this compares to 20 - 25 dwellings/ ha for Immingham and 10 - 20ha guidance for rural areas (villages) but policy 17 states that the density of each site should be addressed on an individual basis. In this instance, the site is outside but adjoining of the town of Immingham and is considered to a transitioning area from the wider open countryside to an urban character and as such a low density development could assist to create an attractive transition area.

Similarly, although biased towards larger dwellings, this small scheme would provide a mix of 2 x three (22%) and 7 x four-bedroom (78%) bungalows in a mix of detached and semi-detached bungalow and dormer bungalow designs. This again though would provide a less dense approach with larger gardens justified to assist to transition from open countryside to urban areas in a similar fashion to the existing larger gardens at many properties to Stallingborough Road.

Together therefore it is considered that the development would represent a sustainable location, which, subject to further assessment below would maintain the character of the area and entrance to Immingham and would assist, in a limited way, to meet housing need in NE Lincolnshire.

2) Design and character

Any development is expected to be suitable with regard to its size, scale and density and of a high standard of sustainable design which appreciates the site's context (built and natural environment and the social and physical characteristics), policies: 5, 17 and 22 of the NELLP.

The site extends into the countryside to the southern side of Habrough Road but is parallel to the large housing estate opposite at Calder Close/ Steeping Drive and would in many ways be comparable in depth with the extended back land development which projects out behind traditional frontage properties to the south off Stallingborough Road. As such the character of the area and the actual physical extension of the built form into the open countryside would not appear out of character due the site's surroundings. As noted above the development proposed is a low-density development of dormer

bungalow and bungalow designs with large areas of landscaping and gardens. Such an arrangement matches that of the surrounding residential area to the south and east which is a mixture of bungalows interspersed with a small number of houses. Similarly, the extensive landscaping and gardens to properties at Stallingborough Road is mimicked in this development. Together these elements blend the development with those in the surrounding area but also the additional landscaped frontage opposite. The open space proposed also follows the landscaped approach to Calder Close and Steeping Drive with housing facing the public viewpoints in an attractive manner.

The frontage hedge is an important feature to the road and will be maintained albeit reduced at the entrance to maintain visibility splays. The hedge, however, is a large number of Ash trees within it which are likely to suffer from Ash Dieback disease. To maintain the character of the hedge therefore the applicant has agreed with the tree officer to remove the Ash and gap plant alternative species. As a result of this, whilst the short term would lead to a reduced hedge line it would maintain it in a healthy state for the long term. Additional planting of trees and hedges within the site to the northern frontage and to the west would equally assist to blend the proposal in with its surroundings by providing height to mitigate the loss of the Ash trees to the existing front hedge. Conditions are however recommended to ensure the size width of hedging and landscaped areas going forward due to their importance to the character of the area for the longer term.

3) Residential amenity

The site's position is such that whilst it adjoins existing residential areas, it is divided from them by either landscaping, roads or extensive gardens on site (proposed) or adjoining it (existing). As such the neighbour's amenities in terms of light and sunlight and outlined would not be unacceptably impacted upon. Similarly, future occupier's amenities would be equally protected through the layout and spacing proposed in accordance with policy 5 and 22 of the NELLP.

4) Highways safety

The access to the site would be from Habrough Road with a new junction formed approximately 44m from the existing paddock access and 50m from the turn into Calder Close. Despite objector concerns, highway officers have not objected to such an arrangement in terms of safety or capacity. Conditions would be required, however, to ensure the existing hedge is cut back to maintain correct visibility splays for a 30mph road speed.

The adopted access would be 5.5m wide with a footpath to one side only. Such an access would aid access and allow two HGVs to pass each other which would limit the need for vehicles to wait on the main carriageway for access to the site. A tactile drop kerb is proposed to the proposed access footpath at the entrance junction along with a corresponding kerb opposite to Habrough Road to allow easy access to the wider footpath network. Conditions are recommended to ensure this occurs. The main access

and estate road would be an adopted shared driveway, which highway officers have confirmed as acceptable and would slow traffic down and make pedestrian use safer. Smaller area of private road (block paved) would serve a maximum of 5 houses. Tracked paths for refuse and service vehicles are shown so that such vehicles can adequately access and leave the estate in a forward gear. Subject to construction details, the highway designs are deemed acceptable.

Car parking would be a minimum of two spaces per unit, albeit with units 1 - 3 have greater capacity. Garages are provided at all properties. EV charging facilities are proposed at all dwellings.

5) Drainage and landscaping

The site falls within Environment Agency flood zone 1 and is sequentially acceptable for housing development. The application is drained through a combination of SUDs type surface water drainage features including swales to the discharge road water and an attenuation basin to the site frontage to form a storage area in the event of a storm event, with water discharging into an existing culverted water course. House roofs would discharge into more traditional pipes before also being directed to the attenuation basin. Porous paving is proposed to the driveways which would then be connected to the drainage to the attenuation pond. Water flows would ultimately discharge to a further watercourse to the west of the site. This falls within the responsibility of the NE Lindsey Internal Drainage Board who have indicated that the ditch can accommodate the flows. Some works clearance works will, however, be required to the frontage drain to ensure it is fit for purpose and would cause no flooding issues elsewhere.

Conditions are required to agree a management and maintenance regime for this work, but both the drainage section and NE Lindsey Internal Drainage Board have not objected to the scheme, though have requested conditions.

Much of the landscaping proposed has been discussed and would form a softer more natural boundary to the site when viewed from Habrough Road but also from the west and to a lesser extent from the south. Minimum heights of hedge are shown on the layout plan along with proposed plans to gap plant and thicken existing hedging. Tree planting to the widened western side landscaping is proposed. Specific details have not been provided and as a result conditions securing the hedge heights and actual planting and maintenance regime are required.

As noted, the frontage hedge which falls between the highway verge and the applicant's site is mature and screens the site from Habrough Road and is an important feature. As such any removal of Ash Trees needs to be achieved in a manner that will allow swift replanting to allow species to grow up to whilst maintaining the character of the area. Conditions are therefore recommended as to how this will be achieved to ensure the Ash is acceptably removed and replaced without the full loss of hedging.

The site has been assessed in terms of its ecological value and has been found to have

only limited ecological value, albeit the frontage hedge is shown to be the site's greatest asset. Although within 2km of the SSSI the site, is of limited value to protected species as it is used as a horse paddock. The applicant has also submitted an ecology report which does not raise specific issues. However, a number of recommendations are proposed however, and these are to be conditioned. The Council's ecology manager has not raised any concerns over the scheme, but conditions are recommended to detail a scheme more fully.

The trees and woodland officer, however, supports the proposals subject to these more detailed planting schedules are required.

6) Other issues

The questions over the ownership of the site have been raised and the applicant has confirmed in writing that they own the site fully.

CONCLUSION

The proposed development is located outside but adjoining the development area of Immingham. The housing proposed would not meet any of the exceptions criteria for housing within the open countryside. The proposed location is deemed sustainable due to its relationship to the town and its facilities and transport links. The development would also assist in a small way to NE Lincolnshire meeting its housing need. The current lack of a 5 year housing supply initiates the titled balance in favour of sustainable housing development as required by the NPPF. The design and location of development is such that the character and appearance of the development would not unacceptably impact on the area assisting the assimilating the proposal into the urban fringe in an attractive manner. Residential amenity and highway safety, subject to conditions, can be maintained. The site is located within flood zone 1 and can, subject to conditions, be adequately drained without risk of flooding. Landscape plans have been bolstered and enhanced and would assist to meet both the character and ecological requirements of NELLP. It is considered therefore that when all the issues are balanced the benefits of this development outweigh any harm of the sites location outside the development area and the proposal would, subject to conditions accord with policies: 3, 5, 17, 22, 33, 36, 38 and 41 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

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 not be carried out except in complete accordance with the approved plans and specifications. Approved plans have drawing nos. and reports.

Site Location Plan: RD4639-01

Block and Layout plans: RD4639-02, RD4639-04 rev D, RD4639-12 rev B

Plans and Elevations: RD4639-05, RD4639-06 rev B, RD4639-07, RD4639-08, RD4639-09 rev A, RD4639-10 rev B, , RD4639-13, 11

Landscape, external works and drainage: 1115-2209-CIV-SP01-P1, 1115-2209-CIV-DS10-P1

Reports: Design and Access Statement, 1115-2209-A - Drainage Strategy, CGC Ecology Report

Reason

To ensure the development is in accordance with the approved details and results in a satisfactory form of development.

(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.

Reason

To ensure the development has an acceptable external appearance and is in keeping with the visual amenity and character of the area and in accordance with policies: 5 and 22 of the North East Lincolnshire Local Plan 2013 - 2022 (adopted 2022).

(4) Condition

Notwithstanding the details provided development shall not commence until a full scheme for the provision of detailed sustainable surface water drainage including proposals for the provision, implementation maintenance and future replacement have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the first residential unit is first occupied and shall be maintained as such thereafter.

Reason

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

(5) Condition

No development shall take place within 3 metres of either side of the centre line of the sewer/water main shown on the approved plan RD:4639-04 rev D and confirmed on site by Anglian Water Ltd.

Reason

To protect the existing sewer/water main from potential damage and to ensure an appropriate maintenance strip is provided and in accordance with policies 5 and 33 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018)

(6) Condition

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

Detailed plans to a scale of at least 1/500 showing:-

- (a) the 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 all 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) the pedestrian drop kerbs to both sides of Habrough Road.

The development shall thereafter proceed in strict accordance with the approved plans and no dwelling shall be occupied before the approved highway works have been completed in full and are available for use.

Reason

To ensure that the proposed access roads are made up as soon as possible and in the interests of public safety and in accordance with policies 5 and 36 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

(7) Condition

Notwithstanding the details submitted development shall not 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 (including details of gap planting to Habrough Road frontage following managed felling of Ash trees - see (b) below);
- (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; (including details of the managed felling of Ash within the Habrough Road frontage hedge and gap planting and on going management of hedge).
- (c) measures for the protection of trees and hedges during construction work including timescales for implementation - and these measures shall thereafter be implemented in accordance with the agreed details.
- (d) management plan for the long term maintenance of the hedge frontage to Habrough Road and to the western boundary of the site (including managed heights and widths of hedging).
- (e) a scheme of ecological enhancement.
- (f) timetable for the implementation of (a) - (e) above.

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

The scheme of landscaping and tree planting shown approved by the Local Planning Authority to be completed within the period agreed within (f) above or within another period as may be first agreed in writing by the Local Planning Authority. The Habrough Road frontage hedge and western boundary landscaping treatment as approved shall be retained for the life time of the development in accordance with the details approved. All other 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 protection of existing features in the interests of local amenity and in accordance with policies: 5, 22 and 41 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

(8) Condition

No development shall take place until a Construction Management Plan (CMP) including Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP/CTMP shall include details of:

- a) Control measures that will be employed to control the impact of noise, vibration and dust during the construction phase (inclusive of operating hours). The noise assessment must comply with the requirements of British Standard 5228 unless otherwise approved.
- b) Confirmation that no burning of demolition/construction waste material shall take

place on site.

- c) Contact details of the person with responsibility for the implementation of the CMP/CTMP;
- d) The expected number, types and size of vehicles during the entire construction period;
- e) The proposed daily hours of operation during the construction period;
- f) Details of on-site parking provision for construction related vehicles;
- g) Details of on-site storage areas for materials, if required;
- h) 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
- i) Details of wheel washing facilities (locations, types etc.

The approved CMP/CTMP and control measures it contains shall be implemented throughout the construction phase. No burning of demolition/construction waste material shall take place on site.

Reason

In the interests of public health and to protect the amenities of nearby residents, highway safety and in accordance with policies: 5, 22 and 41 of the North East Lincolnshire Local Plan 2013- 2032 (adopted 2018).

(9) Condition

No dwelling shall be occupied until the driveway and vehicular access to it (and parking and garaging facilities serving it) have been completed in accordance with the approved plans.

Reason

To ensure adequate parking and turning facilities are provided within the site for highway safety reasons and in accordance with approved policies 5, 22 and 36 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

(10) Condition

No works shall commence on site until the visibility splays have been achieved as shown on the approved plans. Authority. Once achieved, through the cutting back of the current hedge, nothing shall at any time be erected or allowed to grow over 1.05 metres in height above the carriageway level of the adjoining highway.

Reason

In the interests of road safety and in accordance with policies: 5 and 36 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

(11) Condition

No machinery shall be operated, no process shall be carried out and no deliveries to be

taken in or dispatched from the site in connection with the construction of the development hereby approved outside the hours of 8.00 am to 6.00 pm Monday to Friday, 8.00 am to 1pm Saturday and not on Sundays or Bank Holidays or any other time unless agreed in writing with the Local Planning Authority.

Reason

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

(12) Condition

No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 2015 or not (other than Class 9 of the Order), shall take place within any service strip adjacent to any A4 Shared Accessway, and any planting or landscaping within this service strip shall be of species which shall be first agreed in writing with the Local Planning Authority.

Reason

In the interests of road safety and in accordance with policies 5 and 36 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

(13) Condition

The scheme of screen walls and fences shown on approved drawing: RD:4639-12 rev B shall be completed at each dwelling to which it relates before it is first occupied and the scheme completed in full before any of the last three dwellings are first occupied and shall thereafter be so retained.

Reason

To ensure a satisfactory appearance for the development, ecology and to safeguard residential amenity and in accordance with policies 5, 22 and 41 of the North East Lincolnshire Local Plan 2013 - 2032.

(14) Condition

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any statutory amendment thereto), no development under Schedule 2, Part 2, Class A shall be permitted within the front curtilage of the dwelling(s).

Reason

To preserve the open plan nature of the development and in accordance with policies 5 and 22 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

Informatives

1 Reason for Approval

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would provide additional dwellings in a sustainable location assisting to meeting housing need. The not harm the area character, residential amenity and highway safety 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, 17, 22, 33, 36 and 41 of the North east Lincolnshire Local Plan 2013 - 2032 and the provisions of the National Planning Policy Framework (2021).

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 amending designs, housing sizes, drainage and highway details and landscaping matters.

3 Informative

Under the terms of the Land Drainage Act. 1991 the prior written consent of the Board is required for any proposed temporary or permanent works or structures within any watercourse including infilling or a diversion. Including the outfall from the site.

4 Informative

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

5 Informatives

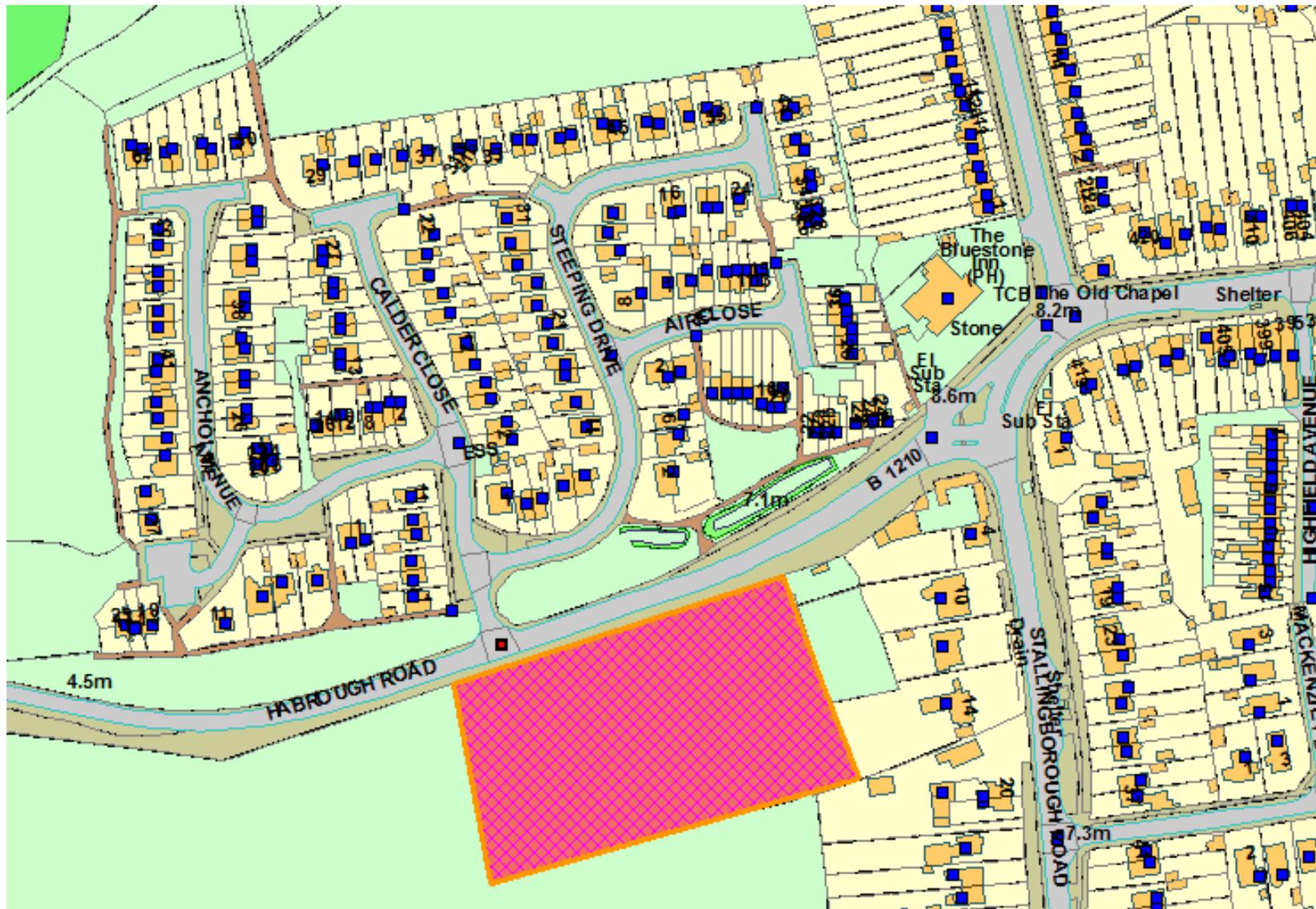
If the highways within the site are to be adopted by the Council, in accordance with Section 38 of the Highways Act 1980, please contact the Highway Management Team six months in advance of the commencement of works. (Tel: 01472 324505).

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).

If the footway or carriageway is damaged as a consequence of any excavation or any other operations relating to the development, the Highway Authority may make good the

damage and recover expenses reasonably incurred. You are required to contact the Highway Management Team at least 4 weeks prior to commencement of works to arrange for a highway pre-condition inspection (Tel: 01472 324431).

DM/1005/22/FUL – LAND OFF HABROUGH ROAD, IMMINGHAM



DM/1005/22/FUL – LAND OFF HABROUGH ROAD, IMMINGHAM



PLANNING COMMITTEE - 1st February 2023

ITEM: 6 **RECOMMENDATION: Refused**

APPLICATION No: DM/1043/22/OUT

APPLICATION TYPE: Outline Application

APPLICATION SITE: Yarborough Farm, 16 Great Coates Road, Healing, North East Lincolnshire, DN41 7QS

PROPOSAL: Outline application to erect detached dormer bungalow and associated works with all matters reserved

APPLICANT:

Mr Ross Jones
Yarborough Farm
16 Great Coates Road
Healing
North East Lincolnshire
DN41 7QS

AGENT:

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

DEPOSITED: 29th November 2022

ACCEPTED: 30th November 2022

TARGET DATE: 25th January 2023

PUBLICITY EXPIRY: 12th February 2023

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 26th December 2022

CASE OFFICER: Emily Davidson

PROPOSAL

The proposal is an outline application to erect a detached dormer bungalow with associated works with all matters reserved.

The application is presented to Planning Committee due to it being called in by Councillor Hasthorpe.

SITE

The site is located off a private track off Great Coates Road on an area of land situated

within Yarborough Farm. The land currently has old farm style buildings situated on it. It is just outside of the development boundary for Healing and marks an area which is the start of the open countryside.

RELEVANT PLANNING HISTORY

No relevant planning history.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2021)

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

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

PO5 - Development boundaries
PO15 - Housing mix
PO17 - Housing density
PO22 - Good design in new developments
PO33 - Flood risk
PO34 - Water management
PO42 - Landscape

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

REPRESENTATIONS RECEIVED

Consultee Representations

Highways Officer - Objects as the access does not meet the required standards to the detriment of highway safety.

Drainage Officer - Recommends a sustainable surface water drainage condition.

Heritage Officer - No heritage input required.

Environmental Protection Officer - Recommends hours of construction/demolition condition and asbestos and land quality information.

Healing Parish Council - No objections.

Cadent Gas - Informative regarding assets recommended.

National Grid - No assets affected.

Cllr Hasthorpe - Call in request for committee for a wider debate on the highway issues.

Neighbour Representations

15 and 16a Great Coates Road raise objections to the proposal broadly on the grounds of the safety of the access lane, flooding, planning history of refusals in the area and contaminated land concerns. Boundary issues are also noted.

APPRAISAL

Material Considerations

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

1. Principle of Development

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

2. Design

The design of the proposal has been reserved for future consideration. The design of the property will be important should the proposal progress to reserved matters stage. However, the principle of a dwelling being situated in this location is one that is

considered acceptable given that the site has been previously built on and given its relationship to the surrounding dwellings. This is in accordance with Policies 5 and 22 of the NELLP 2018.

3. Neighbouring Amenity

The specific details for the property have been reserved for future consideration. Given the dwelling's proposed indicative location, it is considered there is potential for a dwelling with the right design to be accommodated in this location without causing detrimental harm to neighbouring amenity. This is in accordance with Policy 5 of the NELLP 2018.

4. Highways

Concerns in relation to the access have been raised by neighbouring properties. The neighbour also raised a previous planning application (DC/132/05/WOL) which was refused, and the refusal upheld at an appeal. One of the reasons for the refusal of the application related to the safety of the access track.

The Council's Highways Officer has reviewed the application and has raised an objection to the proposal on highway safety grounds. This is in relation to the lack of width of the access for its entirety but in particular at the access point off Great Coates Road. Great Coates Road is a well utilised route, and conflict between road users caused by the lack of width would be detrimental to highway safety. Moreover, the narrow width would restrict access by emergency and service vehicles. It is noted that Building Regulations requires a standard minimum of 3.7m for access by emergency vehicles and the proposal fails to demonstrate that this can be achieved and it has not been demonstrated that the access is safe for future occupiers of the proposed dwelling. No alternative means of access is available. Nor has it been demonstrated that it would be possible to mitigate against the significant shortcomings of the access. This therefore results in a proposal which would be detrimental to highway safety and the amenity of the future occupiers of the dwelling in conflict with Policy 5 of the NELLP 2018 which seeks to ensure safe and suitable access.

5. Contaminated Land

It has been raised through neighbour comments that the site may have been contaminated with asbestos. The applicant has confirmed that this is not the case. The Council's Environmental Protection Officer has recommended an informative to ensure that any asbestos on the site is dealt with correctly. However, to ensure the potential risk is fully mitigated, they have recommended a condition to ensure the Council is notified immediately should any contamination be discovered and a suitable method for dealing with it to be provided. This is in accordance with Policy 5 of the NELLP 2018 and could be imposed in the event of an approval.

6. Drainage and Flood Risk

The site is not within a flood risk area as defined by the SFRA or EA flood risk maps and is therefore sequentially preferable under Policy 33 of the NELLP 2018 for residential development.

Flooding was raised as a concern by neighbour representations. The Council's Drainage Officer did not raise any fundamental concerns and recommends a sustainable surface water drainage scheme is submitted to ensure adequate provisions for drainage are implemented. This is in accordance with Policy 34 of the NELLP 2018 and could be imposed in the event of an approval.

7. Other Considerations

The Council's Heritage Officer raised no objections to the proposal. There are no known ecological constraints to developing the site.

CONCLUSION

Whilst the principle of development could be accepted given its location next to the settlement boundary, its spatial context and its contribution to housing supply, there is a fundamental highway safety concern in regards to the access. Thus, the application is contrary to Policy 5 of the NELLP 2018 and is recommended for refusal.

A publicity for the application is due to expire on the 12th February 2023. It is therefore recommended that following the expiry of this date and providing that no further material planning considerations are raised, that the application be delegated back to the Assistant Director for Housing, Highways and Infrastructure to allow the decision to be issued.

RECOMMENDATION

Refused, subject to no further material planning considerations being received due to the publicity of the application not expiring until the 12th February 2023. It is recommended that the application be delegated back to the Assistant Director for Housing, Highways and Infrastructure to allow the decision to be issued and for the reason below:

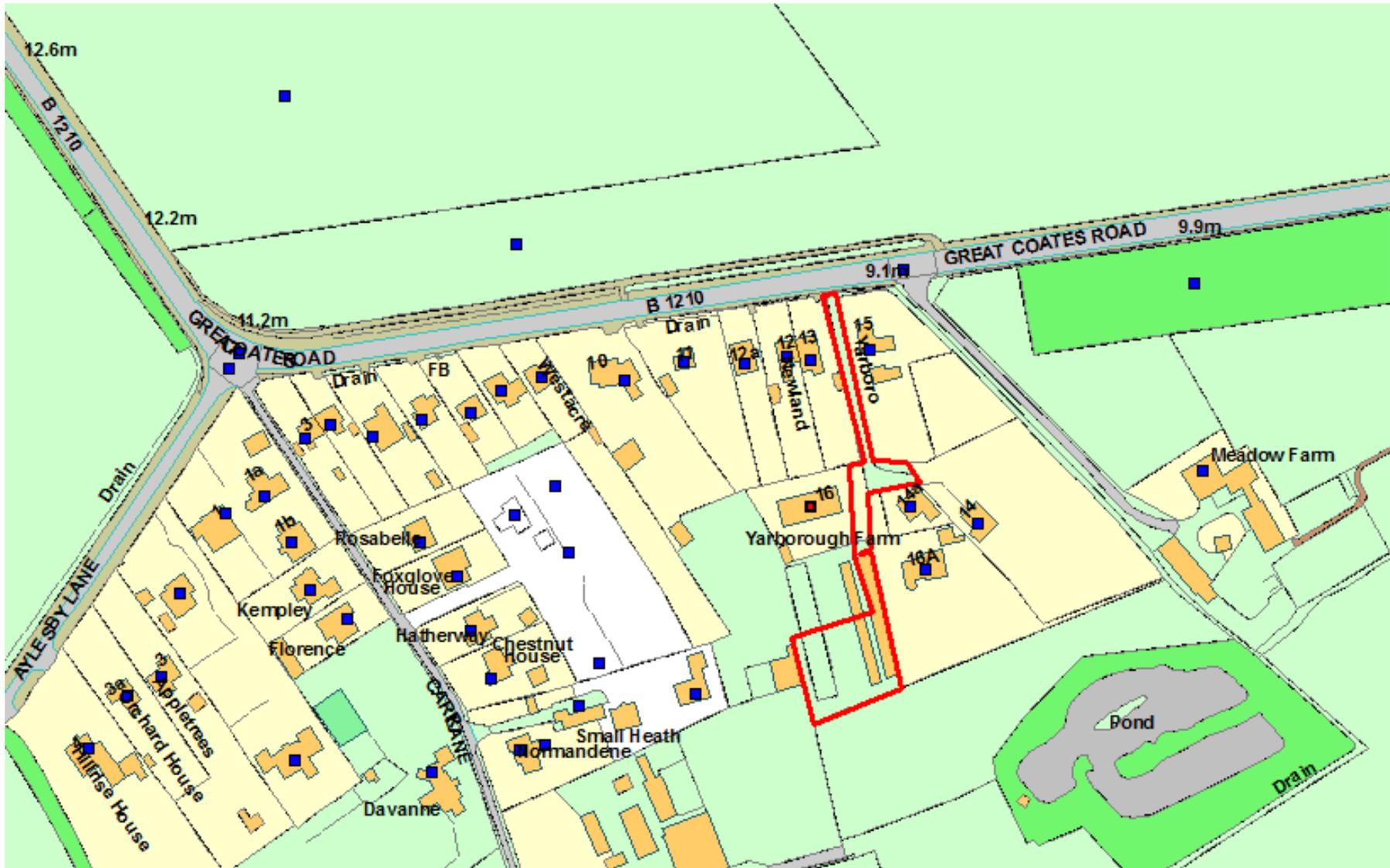
(1) The proposal would result in insufficient access to serve the proposed dwelling as a result of its narrow width along its entirety, particularly at the site entrance off Great Coates Road which would be to the detriment of highway safety. Moreover, the lack of width restricts the ability to access the site adequately and safely by emergency and service vehicles. The application is therefore contrary to Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

Informative

1 Informative

This decision relates to plan RD5330-02 Rev D.

DM/1043/22/OUT – YARBOROUGH FARM, 16 GREAT COATES ROAD, HEALING



PLANNING COMMITTEE - 1st February 2023

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

APPLICATION No: DM/0365/22/OUT

APPLICATION TYPE: Outline Application

APPLICATION SITE: Grove Farmhouse , Station Road, Waltham, North East Lincolnshire, DN36 4RZ

PROPOSAL: Outline application to erect 8 detached dwellings and associated garages with all matters reserved and demolition of existing garage - amended plans and archaeological information

APPLICANT:

Mr And Mrs Bailey
Grove Farmhouse
Station Road
Waltham
North East Lincolnshire
DN36 4RZ

AGENT:

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

DEPOSITED: 25th April 2022

ACCEPTED: 25th April 2022

TARGET DATE: 20th June 2022

PUBLICITY EXPIRY: 16th December 2022

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 23rd May 2022

CASE OFFICER: Richard Limmer

PROPOSAL

The proposal is an outline application to erect 8 detached dwellings and associated garages with all matters reserved with the demolition of the existing garage to allow for access. Amended plans and archaeological information was submitted during the application process to address issues raised.

The application has been brought to Planning Committee as it represents a departure from the North East Lincolnshire Local Plan and there is an objection from Waltham

Parish Council.

SITE

The site forms part of the garden space of Grove Farm House and a paddock to the rear of the property. The site area is some 0.75ha. The site is relatively level with a slight fall to the east. The site is located to the south of the host property with a low fence on the boundary. Buck Beck runs along the eastern boundary of the site with various pieces of vegetation alongside it, beyond the beck to the east is the Barratts development for circa 400 houses. To the southern boundary is a low fence to the open countryside. To the western boundary adjacent to the access is the neighbouring residential property Field House. Other residential properties are located to the north on the far side of Station Road.

RELEVANT PLANNING HISTORY

No relevant planning history on the site.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2021)

- NPPF1 - Introduction
- NPPF5 - Delivering a sufficient supply of homes
- NPPF14 - Climate, flooding & coastal change
- NPPF15 - Conserv. & enhance the natural environ.
- NPPF16 - Conserv. & enhance the historic environ.

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

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

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

REPRESENTATIONS RECEIVED

Trees and Woodlands Officer - no objections, comments on trees and landscaping

Archaeology - following additional information submitted no objections.

Environment Agency - no comments

Highways Officer - no objections

Drainage Board - comments but no objections

Drainage - no objections to the principle of the development but require final drainage scheme to be submitted by condition.

Crime Reduction Officer - advise the reserved matters scheme follows Secure By Design.

Environmental Health - no objections, recommend conditions

Phillips 66 - no objections

Harbour Energy - no objections

New Waltham Parish Council - no objections

Waltham Parish Council - object due to the site not being within the development boundary and within the strategic gap.

Neighbours

17 Muirfield - objects to the proposed development due to location outside the development boundary and potential impact on highway safety.

4 Beverley Crescent - no objections but requests ecological improvements such as swift boxes within new development.

APPRAISAL

Material Planning Considerations

1. Principle of Development
2. Impact on Neighbours Amenities;
3. Impact on the Character of the Area;
4. Drainage
5. Highways

6. Trees and Ecology

1. Principle of Development

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

As the Council is unable to demonstrate a 5-year supply of deliverable housing land, the tilted balance flowing from paragraph 11d)ii of the NPPF is engaged in the assessment of the scheme. With the tilted balance engaged, the NPPF indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

In regard to sustainability the site is located adjacent to the allocated housing site ref:HOU105 in the Local Plan which benefits from planning permission for circa 400 dwellings. To the north east of the site is the Toll Bar secondary school. There are bus stops to the east of the site on the A16/Louth Road approximately 500m from the site. Shops and services are available in both New Waltham and Waltham. The overall location of the site is considered to be sustainable.

It is therefore considered, in principle that the development is acceptable subject to meeting the criteria of policies in the Local Plan which refer to site specific assessment. In this instance namely Policies 5, 22, 33, 34, 41 and 42.

It is noted that the application has been submitted with all matters reserved, however, the indicative site plan has been amended to reflect comments received from consultees and the point of access to the highway is indicated.

2. Impact on Neighbours

The site benefits from limited residential neighbours but the closest neighbour is Field House to the west of the site access. This property is a detached two storey house with front and rear garden space with a vehicle access off Station Road. The property has an attached garage closest to the boundary and it is considered that the access as detailed on the indicative plan could be constructed and utilised without offering a detrimental impact on the neighbours' amenities. The dwellings on the indicative site plan show that 8 dwellings could be constructed on the site and not offer unduly detrimental impacts to the neighbouring properties residential amenities either through noise and disturbance or overlooking or massing.

3. Impact on the Visual Character of the Area

The site is located to the rear of the host dwelling which is a detached two storey house. There is a dwelling to the west of the site access and the Robinson's Farm Shop, which fronts onto Station Road but has associated buildings, a yard and horse menage. To the east of the site is the Barratts housing site which includes an area of open space adjacent to Buck Beck.

The site is located in the open countryside but directly adjacent to the identified development boundary. The indicative site plan shows a scheme based around a farmstead with a detached farmhouse and a series of converted barns. This is a design theme that reflects the setting of the site. The scale of the development is a key aspect to reduce the visual impact of the development and the indicative plans show a way this can be achieved.

The proposed development will offer some views through to Station Road and from the open space within the Barratts development site. However, these views would not be significant and the design theme demonstrated will ensure a rural feel to the development. It is also noted that there is a cluster of similar style farm buildings to the north of Station Road and so this development will assimilate into that same cluster.

It is therefore considered that, with the design theme specified on the indicative plans, the proposed development would not offer undue harm to the character of the area. Moreover for the reasons stated there would be minimal intrusion into the Strategic Green Infrastructure Corridor as identified in the Local Plan between New Waltham and Waltham. In terms of character and landscape the proposal is considered to be in accordance with Policies 5, 40 and 42 of the NELLP.

4. Drainage and Flood Risk

The site is located adjacent to Buck Beck which is one of the main drainage channels in the area and further down stream becomes a main river. At this point Buck Beck does not attract flood zones 2 or 3 and the site is located within flood zone 1.

In regard to surface and foul water drainage the proposal is at an outline stage. The Drainage Officer notes this and raises no objections in principle but recommends a condition for a sustainable drainage scheme to be submitted. These comments tie in with the comments from the Drainage Board who also have no objections to the scheme but note that consent will be required if the drainage scheme discharges into Buck Beck.

It is considered that, with the conditions suggested, the proposal would accord with Policy 33 of the NELLP.

5. Highways

Whilst the proposal has all matters reserved the red edge of the site only allows a single

point of access, which is onto Station Road. The Highways Team have noted this and sought to ensure that the indicative access arrangement is acceptable in highway safety and amenity terms. The applicant has provided information regarding visibility sight lines and the Highways Officer has confirmed that it is acceptable. The indicative access can achieve the necessary sight lines of 120m in both directions. It is noted that the site is close to Toll Bar school which attracts a lot of traffic movements and street parking at school drop off and pick up times. However, in this area on the south side of Station Road there is no provision for verge or on street parking which means the aforementioned sight lines are not interrupted. It is therefore considered that the indicative information demonstrates that the site can be developed and not create a highway safety or amenity concern in accordance with Policy 5 of the NELLP.

6. Trees and Ecology

The site has a number of trees on it, mostly around the indicative access area. A detailed Tree Survey has been provided to assess the quality of these trees. The indicative scheme shows that a number of trees need to be removed to make way for the access. However, the trees to be removed have been assessed as 'category c' which means they are of low quality and should not restrict development. The higher category trees have been shown to be retained. The Tree Officer has reviewed the information and has no objections to make.

Landscaping details remain as a reserved matter and will be required as such. However, the indicative plans show a layout that can achieve a good quality landscaping scheme that enhances the visual appearance of the site and biodiversity. An Ecology Survey has been provided and does not raise any specific concerns around the impact of the proposed development on any protected species. It does include recommendations for precautionary measures during construction and biodiversity improvement measures as part of the development. It is considered that these measures should be conditioned to ensure that they are followed through.

With the conditions discussed above included, the proposal would be in accordance with Policies 5 and 41 of the NELLP.

CONCLUSION

The proposal for 8 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 through this development. Whilst outside the development boundary in the Local Plan 2018 having regard to the published lack of 5 year housing supply 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, 40, 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) means of access to the site;
- (c) a landscaping and biodiversity improvement scheme for the site including details of existing trees, hedges and planting to be retained;
- (d) a scheme for sustainable surface water drainage and for foul water drainage.

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 application for reserved matters shall be based on the site design concept detailed on plan ref: 1319-003 Rev A, as a farmstead complex only. The final design of the development shall be based on the Historic England Greater Lincolnshire Farmstead Assessment Framework (published 2015).

Reason

In the interest of good design and respecting the rural character of the area in accordance with Policies 5, 22, and 39 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(4) Condition

The development shall be carried out in accordance with the mitigation measures and recommendations set out in the Preliminary Ecological Appraisal (dated July 2022).

Reason

In the interest of biodiversity protection in accordance with Policy 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(5) Condition

Prior to development commencing an updated Ecology Survey shall be submitted to and approved in writing by the Local Planning Authority. The updated report shall follow the recommendations set out in the Preliminary Ecological Appraisal (dated July 2022) and provide any necessary mitigation measures. The development shall then proceed in accordance with the approved Ecology Report.

Reason

In the interests of ecological improvement and protection in accordance with Policy 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(6) Condition

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

Reason

To ensure that any previously unconsidered contamination is dealt with appropriately in accordance with Policy 5 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 noise control measures must comply with the requirements of British Standard 5228 unless otherwise approved. No burning of demolition/construction waste material shall take place on site.

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

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).

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, 5, 22, 33, 39 and 41.

2 Added Value Statement

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

In accordance with paragraph 187 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to problems arising, by negotiating on issues as they came up through the planning process.

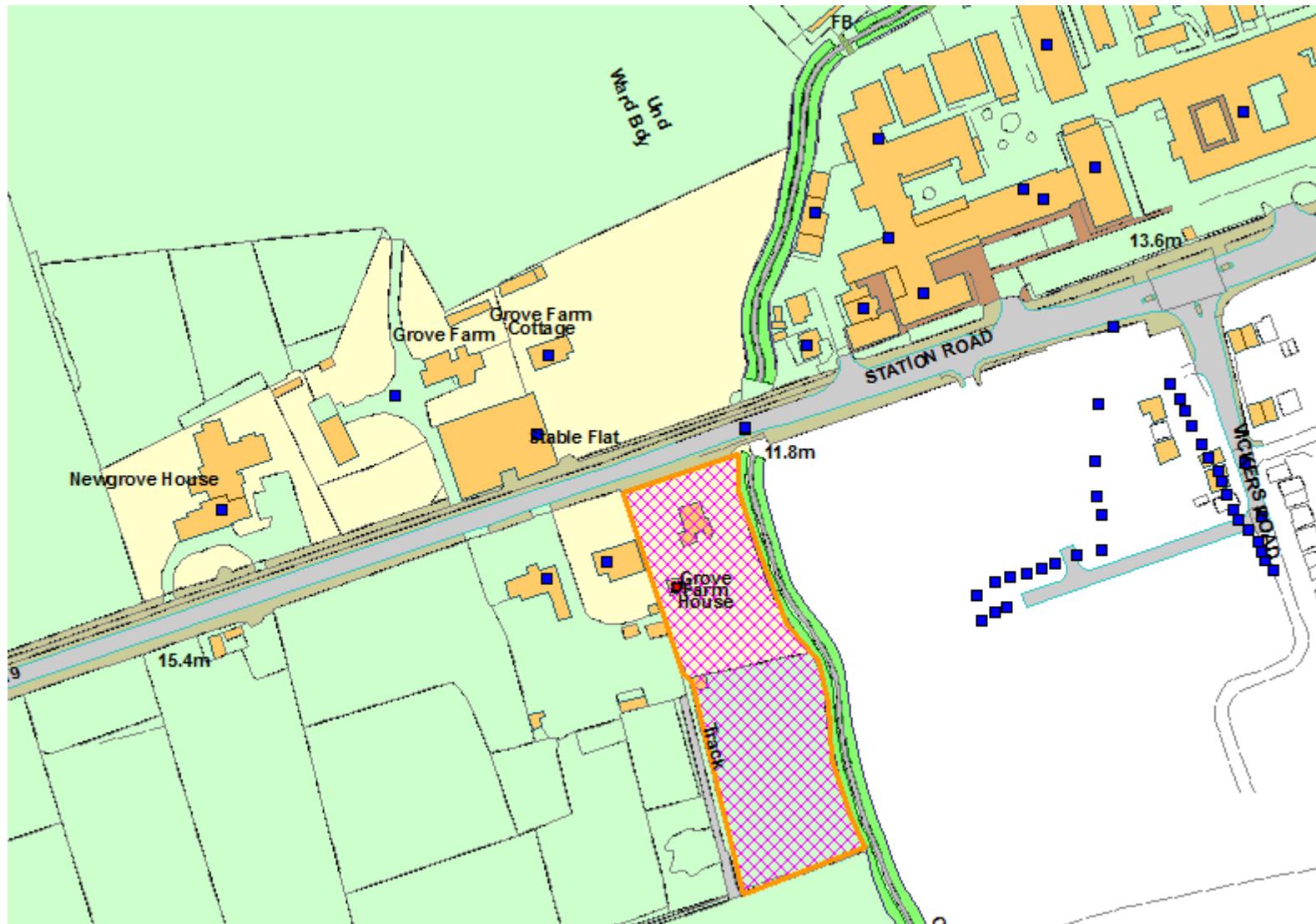
3 Informative

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 326289 - Option 2).

DM/ 0365/22/OUT – GROVE FARMHOUSE, STATION ROAD, WALTHAM



DM/0365/22/OUT – GROVE FARMHOUSE, STATION ROAD, WALTHAM



PLANNING COMMITTEE - 1st February 2023

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

APPLICATION No: DM/0897/22/FUL

APPLICATION TYPE: Full Application

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

PROPOSAL: Demolish existing conservatory and detached garage, erect single storey rear extension, raise roof height, erect two storey side extension to include garage at ground floor and front and rear dormers at first floor, install roof light, install Juliet balcony at first floor and various associated internal and external works

APPLICANT:

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

AGENT:

Mr David Hickinson
David Hickinson Architecture
20 Staniwells Drive
Broughton
Brigg
DN20 0BD

DEPOSITED: 4th October 2022

ACCEPTED: 8th November 2022

TARGET DATE: 3rd January 2023

PUBLICITY EXPIRY: 3rd December 2022

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 3rd December 2022

CASE OFFICER: Emily Davidson

PROPOSAL

The proposal is to demolish the existing conservatory and detached garage and to erect a single storey rear extension, raise the roof height, erect two storey side extension to include garage at ground floor and front and rear dormers at first floor, install roof light, install juliet balcony at first floor and various associated internal and external works. The works would be finished in brick, render, or cladding. The roofs would be tiled to match that of the existing and the windows and doors would be either UPVC or aluminium.

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

SITE

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

RELEVANT PLANNING HISTORY

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

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2021)

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

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

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

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

REPRESENTATIONS RECEIVED

Consultee Representations

Highways Officer - Approval, no conditions.
Drainage Officer - Sustainable drainage condition recommended.
Heritage Officer - No heritage input required.

Waltham Parish Council - Objects to the application based on the scheme being an over-development of the plot and impact on neighbouring amenity.

Neighbour Representations

2 and 3 Chestnut Avenue object to the application broadly on the grounds of flood risk, overlooking implications, impact on property values and unclear plans.

APPRAISAL

Material Considerations

Principle of Development

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

Design

It should be noted that this is a lesser scheme than that which was approved under application DM/0441/22/FUL. Compared to this scheme, there would be fewer dormers and the height of the original property's roof would not be raised in the same manner as before. The proposal would include an additional Juliet balcony that did not form part of the previous scheme. Given the host property's position on the corner, it benefits from generous grounds which would not be negatively reduced by the proposals. The proposal includes dormer windows. Examples of dormers can be seen in the area. Thus, they would remain in keeping with the street scene. The materials proposed are commonplace in residential settings. The extension proposed would have a higher ridge height than that of the original property. Again, there are examples in the area of properties with this higher ridge height which do not look out of character. Overall, the application is considered to not harm the street scene or wider character of the area and is in accordance with Policies 5 and 22 of the NELLP 2018.

Neighbouring Amenity

The host property borders No.'s 21 and 25 to the sides and No.'s 3 and 4 Chestnut Close to the rear. No.'s 32 and 34 sit opposite. Neighbour representations were received from No.s 2 and 3 Chestnut Close, objecting on flood risk grounds, impact to neighbouring amenity, unclear plans and property values. These concerns will be addressed below. Whilst the comments regarding property values are noted, this does not form part of the planning consideration. Detailed plans have been submitted with the application which meet the requirements expected for an application of this type.

No.2 has expressed concerns in relation to overlooking, particularly from the Juliet balcony. Given the angle of the host property and the separation from No.2, it is felt that there would be no undue affects felt in this regard. The Juliet balcony offers a similar vantage to a traditional window as it does not offer a platform on which to stand out on.

There would be additional windows facing north towards No.'s 3 and 4 Chestnut Close. There would be a reasonable degree of separation between the windows and these properties, thus, the affect would not be over and above that which is expected in a residential area such as this. The separation would also ensure overshadowing, and massing are not detrimental.

There would be additional windows facing the properties opposite, however, the separation would ensure there would be no undue harm in terms of overlooking. And again, this would ensure any impacts from massing and overshadowing would be acceptable.

The rear extension is closest to No.21. The roof would be pitched and would be single storey which would reduce impacts from massing and overshadowing. There would be no additional windows facing this property. The remaining elements would not be adverse in relation to massing, overlooking and overshadowing given their positions.

The extension to the side would be closest to No.25. The extension would have a pitched roof and would have dormer windows. Given the size and scale of the extension, there would be no adverse impacts in terms of massing and overshadowing. There would be no additional windows facing this property, however, there would be a door on the rear extension. This would be at ground floor which would ensure there would be no undue impacts in terms of overlooking. The rear extension would have a degree of separation that would ensure massing and overshadowing from this element would not be adverse.

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

Drainage

Objections were raised by No.3 Chestnut Close in relation to flood risk. The Council's Drainage Officer requested a sustainable surface water drainage scheme. This condition is recommended for the application. With the condition, the application is in accordance with Policy 33 and 34 of the NELLP 2018.

Other Considerations

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

CONCLUSION

The works are of a reasonable size, scale and appearance and would not lead to any undue impacts on the neighbouring properties amenities or the character and appearance of the area. The application is therefore considered to be in accordance with Policies 5, 22, 33 and 34 of the NELLP 2018 and is recommended for approval.

RECOMMENDATION

Approved with Conditions

(1) Condition

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

Reason

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

(2) Condition

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

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

Existing and Proposed Floor Plans and Elevations - 715 22 01C

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

Before construction commences final details of all external materials to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. Once approved development shall be carried out in strict accordance with the agreed details unless otherwise first approved in writing by the Local Planning Authority.

Reason

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

(4) Condition

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

Reason

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

Informatives

1 Reason for Approval

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

2 Added Value Statement

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

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

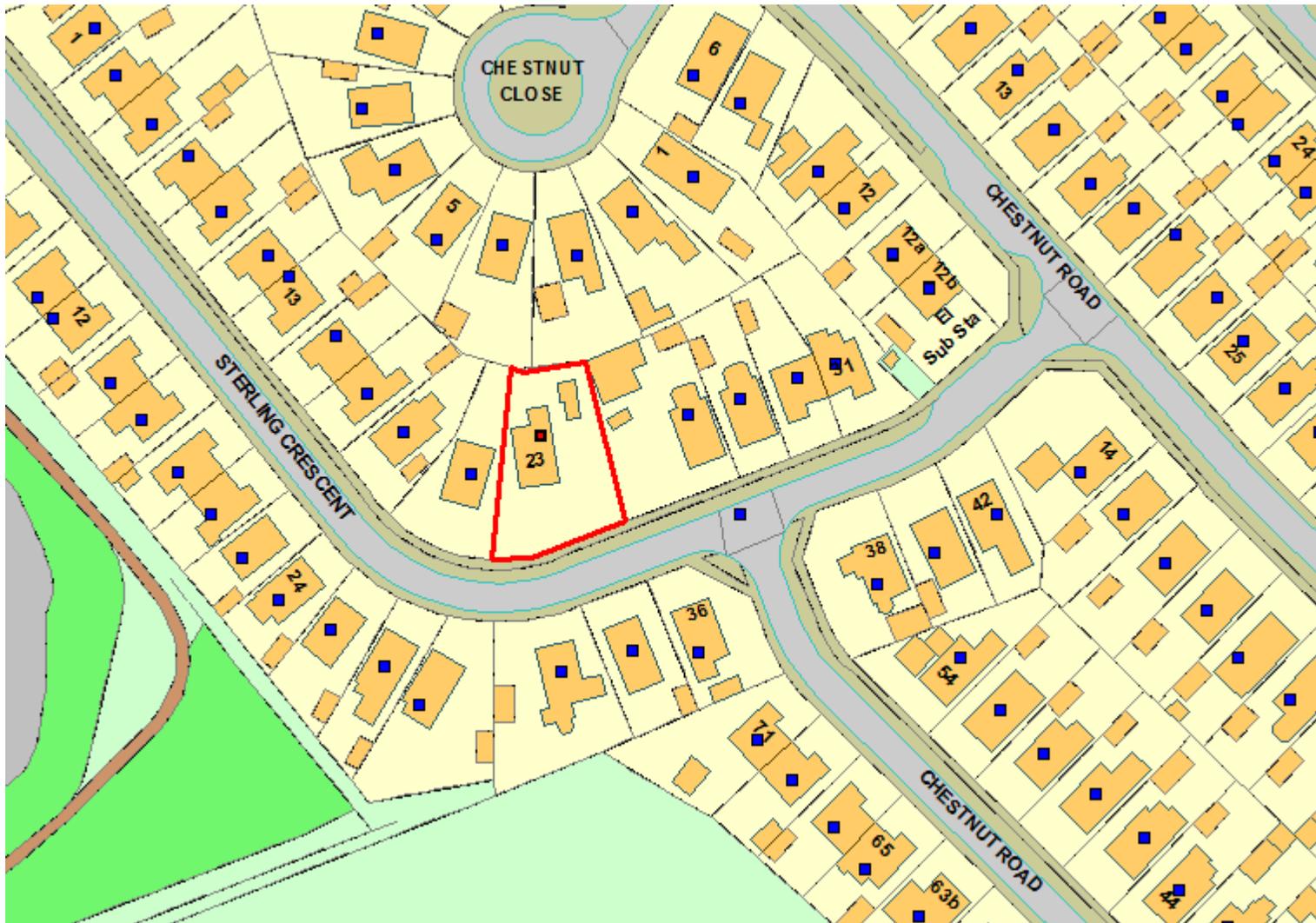
3 Informative

Please note that you may also require Building Regulations. You are advised to contact them in advance of work on site commencing (Tel: 01472 326289 – option 1).

4 Informative

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

DM/0897/22/FUL – 23 STERLING CRESCENT, WALTHAM



DM/0897/22/FUL – 23 STERLING CRESCENT, WALTHAM

