

Planning Committee Dated: 26th March 2025

Summary List of Detailed Plans and Applications

Recommendation: Approved with Conditions	
Item:	1
Application No:	DM/0430/24/FULA
Application Type:	Accredit Agnt - Hseholder application
Application Site:	73 Welholme Avenue Grimsby North East Lincolnshire DN32 0PL
Proposal:	Demolition of existing outbuilding and erection of detached single storey outbuilding to rear to form garage/workshop and garden room. Retrospective fence and gate to rear (Amended plans and description)
Applicant:	Susan Croft
Case Officer:	Emily Davidson

Recommendation: Refused	
Item:	2
Application No:	DM/1039/24/FUL
Application Type:	Full Application
Application Site:	5 Peaks Avenue New Waltham North East Lincolnshire DN36 4LJ
Proposal:	Demolish existing detached garage and erect one detached dormer bungalow to include widened access and driveway to front
Applicant:	Mr Steve Moore
Case Officer:	Emily Davidson

Recommendation: Refused**Item:** 3**Application No:** DM/0860/24/FUL**Application Type:** Full Application**Application Site:** 122 Middlethorpe Road Cleethorpes North East Lincolnshire
DN35 9PR**Proposal:** Removal of conifer hedge and erection of 1.8m high boundary
fence to side and front with associated planting**Applicant:** Mr Parkinson**Case Officer:** Lauren Birkwood

PLANNING COMMITTEE - 26th March 2025

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

APPLICATION No: DM/0430/24/FULA

APPLICATION TYPE: Accredited Agent - Household application

APPLICATION SITE: 73 Welholme Avenue, Grimsby, North East Lincolnshire, DN32 0PL

PROPOSAL: Demolition of existing outbuilding and erection of detached single storey outbuilding to rear to form garage/workshop and garden room. Retrospective fence and gate to rear (amended plans and description)

APPLICANT:

Susan Croft
40 St Augustine Avenue
Grimsby
North East Lincolnshire
DN32 0LD

AGENT:

Geoffrey Wagstaff
52 Marlborough Way
Cleethorpes
N E Lincolnshire
DN35 0TR

DEPOSITED: 30th April 2024

ACCEPTED: 16th December 2024

TARGET DATE: 10th February 2025

PUBLICITY EXPIRY: 4th March 2025

AGREED EXTENSION OF TIME DATE: 31st March 2025

CONSULTATION EXPIRY: 11th October 2024

CASE OFFICER: Emily Davidson

PROPOSAL

The proposal is for the demolition of the existing outbuilding and erection of a detached single storey outbuilding to the rear to form a garage/workshop and garden room. It would be finished with rosemary tiles to the roof, facing brick walls and uPVC windows. There would also be a roller shutter garage door included to the side.

The proposal also includes a fence and gate to the rear which is already in situ. The fence would however be finished in vertical timber cladding, painted black.

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

SITE

73 Welhome Avenue is a detached, two storey building consisting of two flats located in the Wellow Conservation area. The rear garden to no. 73 forms the application site. The area is residential in character mostly made up of detached and semi-detached properties.

RELEVANT PLANNING HISTORY

No relevant planning history.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2023)

NPPF12 - Achieving well designed places
NPPF15 - Conserv. & enhance the natural environ.
NPPF16 - Conserv. & enhance the historic environ.

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

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

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

REPRESENTATIONS RECEIVED

Consultee Representations

Highways Officer - Approval, with condition for a construction traffic management plan.

Drainage Officer - Sustainable drainage condition recommended. Details provided and considered to be acceptable.

Heritage Officer - Previous concerns alleviated by receipt of amended plans.

Environmental Protection Officer - Recommend an hours of construction condition.

Trees and Woodlands Officer - No objections.

Cadent Gas - Informative advice given.

Ecology - Confirms de minimis exemption from BNG providing no trees are removed.

Waste Management Officer - Informative advice given on bin collections.

Public Representations

Civic Society - Content with the development providing the materials are sympathetic and the proposal fits in with the status of the conservation area.

Objections received from the following properties:

12 Park Drive, 73a, 42 and 81 Welholme Avenue.

Broadly on the grounds of:

- Retrospective nature of works, visual harm, and intended use of the building.

APPRAISAL

Material Considerations

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

1. Principle of Development

The site is located within the development boundary of Grimsby, therefore Part 1 of Policy 5 of the North East Lincolnshire Local Plan (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.

2. Design and Heritage

Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990 requires planning applications to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas and historic buildings and this is considered in this report.

The proposal includes the demolition of the existing garage and erection of a detached garage and garden room. Also included is a retrospective fence and gate which is proposed to be clad in timber. The flat benefits from a large amenity space at the rear, and should the works be completed; this would still be the case. The site can accommodate works of this size and nature without becoming overdeveloped.

The original proposal was situated in such a way that it segregated off the rear part of the garden. This was considered to be harmful to the wider character of the conservation area. An alternative proposal was put forward which relocated the garage to the rear corner of the garden space, in a similar position to the existing garage, which addresses the harm and is now considered to be a more sympathetic location. The scale of the building would be in keeping with the character of the area which does feature large outbuildings of this kind. The materials would be akin to the main building opposite which would be acceptable.

The fence and gate are already in situ and are a metal palisade style. These are considered in their current form to be visually harmful to the area character, though it is accepted there is limited visibility of them. It is proposed that they would be clad in timber. This would make their appearance acceptable and would soften their current industrial appearance and assimilate them better in this residential setting.

The Council's Heritage Officer is content with the proposals in their amended form.

The proposal would not harm the character and appearance of the area or wider conservation area and is considered in accordance with Policies 5, 22 and 39 of the NELLP 2018 in this regard.

3. Neighbouring Amenity

Number 73 shares the building with 73a which is the second flat within the property. The garden to number 73 is at the rear (and forms the site). The site borders No.'s 71 and 75 Welholme Avenue to the sides. No.'s 40 and 42 Welhome Avenue are situated opposite and No's 12 and 13 Park Drive and 9 Weelsby Road are situated to the rear. Comments have been received from neighbours in objection to the proposal which are addressed in the relevant sections of this report. The comments regarding the retrospective nature of the development are noted however, the planning system allows for proposals of such a nature. In addition, comments have been made with regard to the potential use of the unit for residential purposes. The proposal is not for separate residential use, and should a change occur, a new planning application would be required and any potential impacts of

a residential unit in this location would be considered at such a time. A condition restricting the use is recommended.

The fence is in such a location that it does not cause negative impacts in terms of massing and overshadowing of any of the surrounding properties. Neighbour comments were received in relation to the visual impact of the fence causing issues to amenity, however, the spacing and location of the fence does not cause concern and the cladding to be added and painted would greatly improve the visual appearance of this element, ensuring no detrimental impacts.

No.73a shares the host property. The rear amenity space however as stated is part of the curtilage of No.73. The proposed building would be situated well away from no. 73a. This would reduce any adverse impacts in terms of massing and overshadowing. There would be windows facing back towards the neighbour, however, given the ground floor nature of these and the existing use as a residential garden, there would be no adverse impacts in terms of overlooking. A similar arrangement occurs currently.

The proposal is located closest to No.75 Welholme Road and No.9 Weelsby Road. In the case of No.9 Weelsby Road, the proposal would be located close to a small section of their rear amenity space and would be close to an existing outbuilding within this property. This would reduce any adverse impacts in terms of massing and overshadowing. There would be no windows facing this property which would ensure the impacts in terms of overlooking would remain unchanged. When considering No.75 Welholme Avenue, the proposal would be located close to the fence, however, it would be of a single storey nature with a pitched roof which slopes away from the boundary. This would ensure there would be no undue impacts in terms of massing and overshadowing. There would be no windows proposed facing this property which would ensure there would be no additional impacts in terms of overlooking.

The remaining properties are of a separation which would ensure there would be no undue effects in terms of massing, overlooking and overshadowing.

The Council's Environmental Protection Officer recommends an hours of construction condition. This has been conditioned.

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

4. Ecology

The development is considered to be de minimis as the proposal would not affect more than 25 square metres of onsite habitat and there is no requirement for Biodiversity Net Gain (BNG) to be applied. The Council's Ecology Officer raises no issues with the proposal in this regard. The proposal is considered in accordance with Policy 41 of the NELLP 2018 in this regard.

5. Highways

The Highways Officer has requested that a construction traffic management plan is secured by condition. This is recommended. The proposal is considered in accordance with Policy 5 NELLP 2018.

6. Other Considerations

The Council's Trees and Woodlands and Waste Management Officers raised no concerns in relation to the application. Cadent Gas have provided informative advice which has been noted.

The Council's Drainage Officer recommended a sustainable drainage condition. This was alleviated by the receipt of a sustainable drainage scheme which was approved by the Officer. The application is considered in accordance with Policy 34 of the NELLP 2018 in this regard.

The building is located in flood zone 2. A Flood Risk Assessment has been provided. The proposal is considered compatible in this location and the use of the building has been restricted via condition. The proposal accords with Policy 33 of the NELLP 2018.

CONCLUSION

The proposed 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, 34, 39, 41 and 42 of the NELLP 2018 and is recommended for approval.

RECOMMENDATION

Approved with Conditions

(1) Condition

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

Reason

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

(2) Condition

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

- Site Location Plan - Uploaded 28th November 2024
- Proposed Floor Plan GW/KC/WA/1
- Proposed Elevations and Block Plan GW/KC/WA/2

Reason

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

(3) Condition

The water butts shown on plan GW/KC/WA/1 shall be installed and fully connected available for use before the outbuilding is brought into use. They shall be retained as approved thereafter, unless an alternative is submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of ensuring suitable drainage to prevent flood risk concerns in accordance with Policies 5, 33 and 34 of the North East Lincolnshire Local Plan (Adopted 2018).

(4) Condition

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

Reason

To protect the amenities of nearby residents and in accordance with Policy 5 of the North East Lincolnshire Local Plan (Adopted 2018).

(5) Condition

The materials to be used in the construction of the outbuilding and the recladding of the fencing shall be as specified on the approved plans. The fence shall be reclad and painted as specified within the application within 6 months from the date of this permission, unless an alternative is submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of design and heritage and in accordance with Policies 5, 33 and 34 of the North East Lincolnshire Local Plan (Adopted 2018).

(6) Condition

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

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

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

Reason

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

(7) Condition

The proposed outbuilding shall be used as a garage and garden room only ancillary to no. 73 Welholme Avenue only, and shall not be used for any other purpose whatsoever including sleeping accommodation or any business or industrial purposes.

Reason

To protect the character of the area, heritage and in the interests of flood risk and in accordance with Policies 5, 33 and 39 of the North East Lincolnshire Local Plan (Adopted 2018).

(8) Condition

No trees/hedges on the site shall be wilfully damaged, cut-down, up-rooted, pruned felled or destroyed.

Reason

To protect the character of the area and to ensure the de minimus criteria for Biodiversity Net Gain continues to be met and in accordance with Policies 5, 41 and 42 of the North East Lincolnshire Local Plan (Adopted 2018).

(9) Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission, would be North East Lincolnshire Council, or the Secretary of State (where they have determined under sections 62A, 76A or 77 of the Town and Country Planning Act 1990 (as amended) that such applications must be made to them) or the Planning Inspectorate or Secretary of state where they have so specified in determining an appeal under s 78 of the Town and Country Planning Act 1990 (as amended).

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. It is the applicant or developers responsibility to make sure that they are complying with the requirements of this legislation.

Where this permission has the effect of requiring or permitting the development to proceed in phases, the modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

In Summary: Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply. It is considered that exemption number 4.2 applies.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition can be found at <https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

- (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
- (ii) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- i) the application for planning permission was made before 2 April 2024;
- ii) planning permission is granted which has effect before 2 April 2024; or
- iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

* "original planning permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

4.2 Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as

defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.5 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

Informatives

1 Reason for Approval

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

3 Informative

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

4 Informative

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

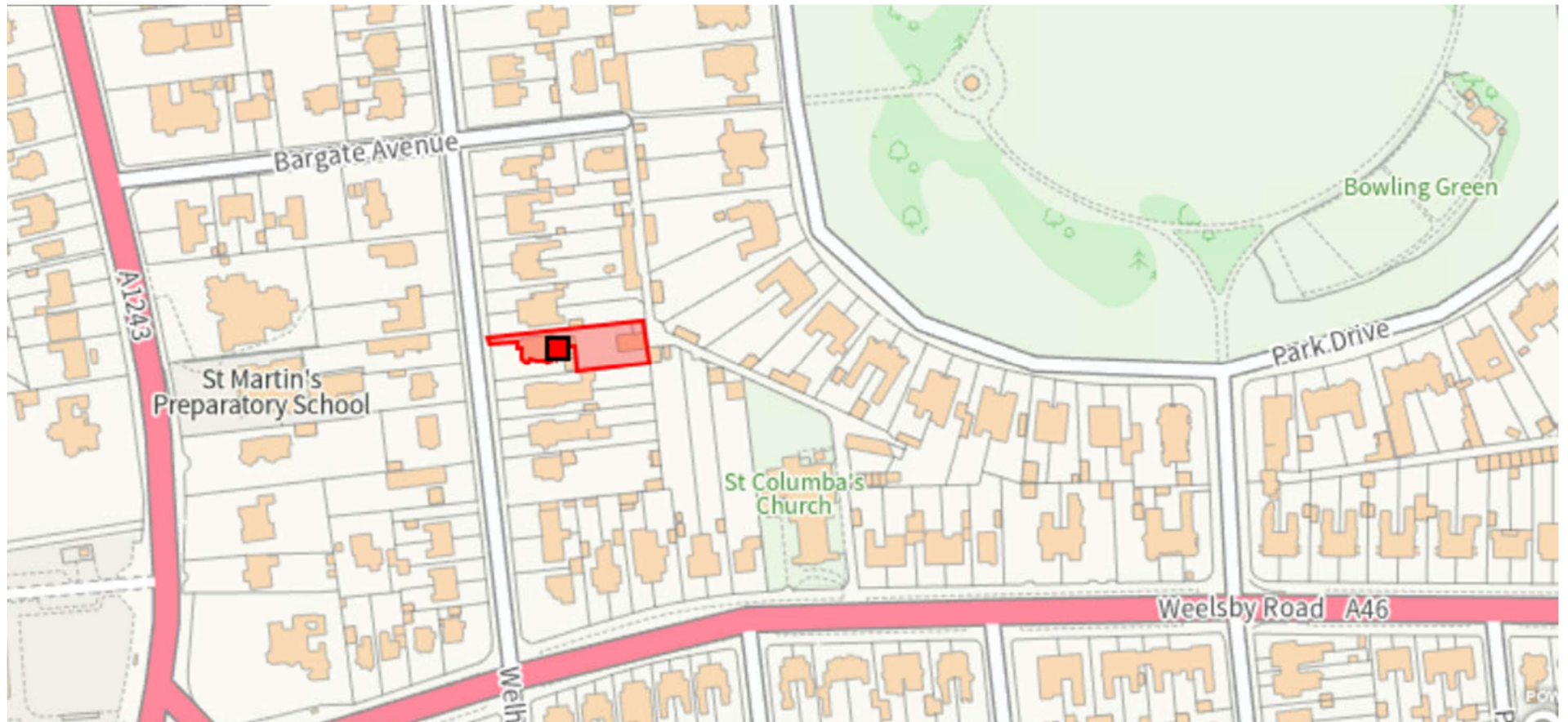
5 Informative

Please note the informative advice from Cadent Gas and the Council's Ecologist which can be viewed under this application number on the Council's website.

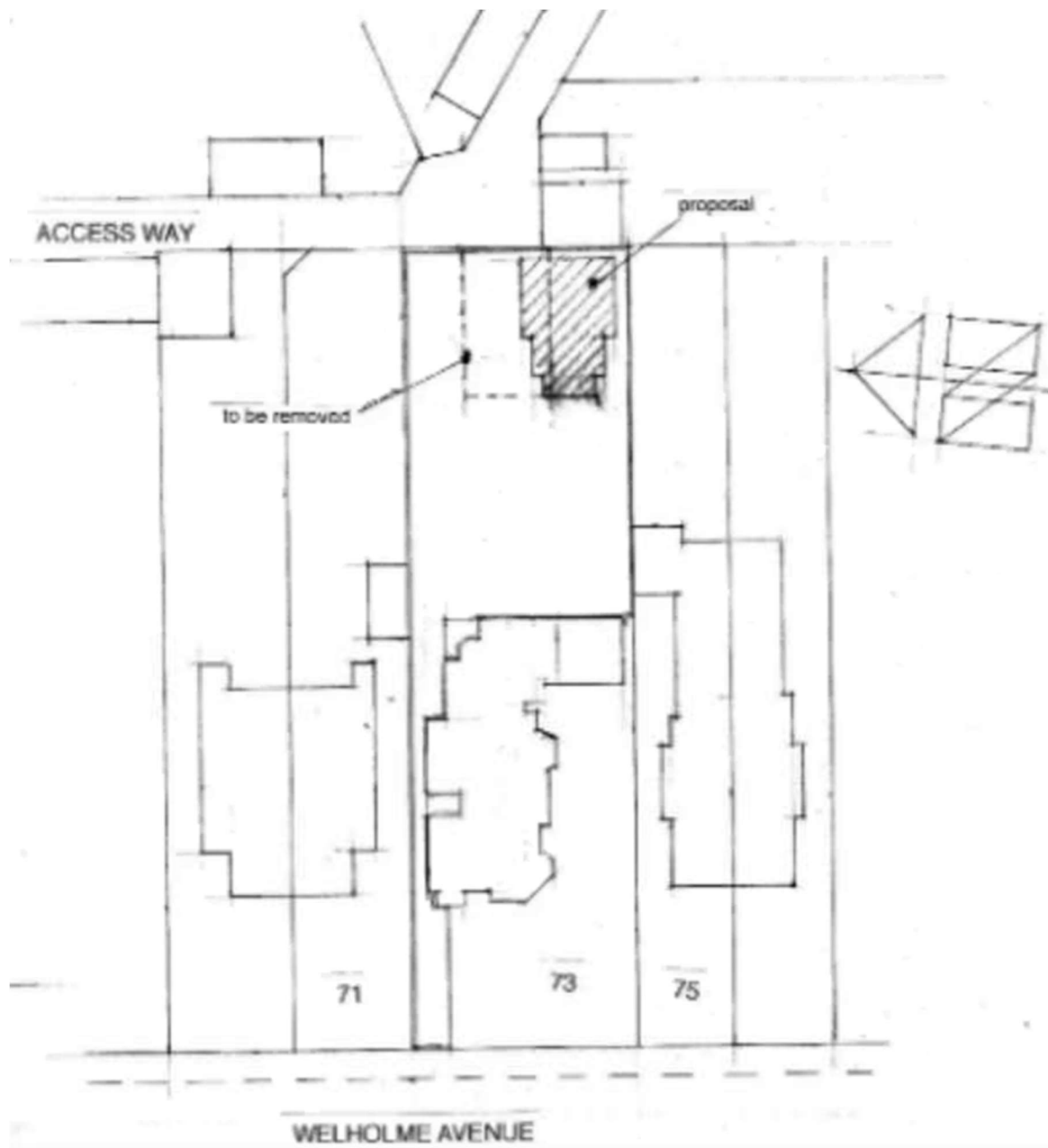
6 Informative

Existing ground levels must remain as existing.

DM/0430/24/FULA - 73 WELHOLME AVENUE, GRIMSBY



DM/0430/24/FULA - 73 WELHOLME AVENUE, GRIMSBY



PLANNING COMMITTEE - 26th March 2025

ITEM: 2 **RECOMMENDATION: Refused**

APPLICATION No: DM/1039/24/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: 5 Peaks Avenue, New Waltham, North East Lincolnshire, DN36 4LJ

PROPOSAL: Demolish existing detached garage and erect one detached dormer bungalow to include widened access and driveway to front

APPLICANT:

Mr Steve Moore
5 Peaks Avenue
New Waltham
North East Lincolnshire
DN36 4LJ

AGENT:

Mr Richie Tutill
RT Architects
45 Aspen Drive
Barnoldby Le Beck
North East Lincolnshire
DN37 0ZA

DEPOSITED: 12th December 2024

ACCEPTED: 31st December 2024

TARGET DATE: 25th February 2025

PUBLICITY EXPIRY: 30th January 2025

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY:

CASE OFFICER: Emily Davidson

PROPOSAL

The proposal is to demolish an existing detached garage and erect one detached dormer bungalow with works to include widening of the access and driveway to the front of the property.

The dwelling would be finished with brick and cladding, a pantile roof and uPVC doors and windows. The driveway would be block paved and timber fencing would be installed.

The application is presented to Planning Committee due to a call in from Councillors Shreeve and Harness.

SITE

5 Peaks Avenue is a detached dwelling located on the west side of the road. The area is predominantly residential in character with mostly detached housing. There are dwellings and gardens to all boundaries. The property has timber fencing securing its rear boundaries and it has an open frontage.

RELEVANT PLANNING HISTORY

No relevant planning history.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2023)

NPPF12 - Achieving well designed places

NPPF15 - Conserv. & enhance the natural environ.

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

PO3 - Settlement hierarchy

PO5 - Development boundaries

PO20 - Self-build and custom build homes

PO22 - Good design in new developments

PO34 - Water management

PO41 - Biodiversity and Geodiversity

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

REPRESENTATIONS RECEIVED

Consultee Representations

Highways Officer - Recommends approval with construction traffic management and access details conditions along with an informative regarding highways licensing.

Drainage Officer - A sustainable drainage condition is recommended.

Heritage Officer - No heritage input required.

Environmental Protection Officer - Recommends hours of construction and construction method statement conditions and an asbestos informative.

Ecology Officer - Confirms exemption to BNG given the application is for a self-build dwelling. An informative for safe working practices in relation to bats and birds is recommended.

Trees and Woodlands Officer - No comments.

Waste Officer - Raises no objections.

Councillor Harness and Shreeve - Call in to Planning Committee as it is considered that this novel application enjoys support of neighbours on all sides but there are some reservations by planning officers. It is requested that Planning Committee be the arbiter on this matter.

Neighbour Representations

Comments were received from 7 and 7a Peaks Avenue neither objecting nor supporting the application. Comments made broadly on the grounds of potential disruptions to existing water supplies and concerns with regard to overlooking/loss of privacy, the height of the proposal, and that it is not in keeping and is over development.

APPRAISAL

Planning Considerations

1. Principle of Development
2. Design
3. Residential Amenity
4. Ecology
5. Other Considerations

Principle of Development

The site is located within the development boundary of New Waltham and therefore Policy 5 of the North East Lincolnshire Local Plan (NELLP) 2018 applies. New Waltham is a level 2 settlement which is well serviced and connected and therefore residential development in this area is sustainable in line with Policy 3 of the NELLP 2018. The proposal is defined as a self-build property of which the NELLP 2018 is particularly supportive of under Policy 20. The principle of development is acceptable and it falls to judge the site-specific issues.

Design and Layout

The proposal consists of the erection of one dormer bungalow located within the side garden space of the host property currently occupied by a garage. The area is small in size, particularly to accommodate the dwelling proposed. The resultant plot would be very small and because of this it is not considered that it could accommodate a dwelling without appearing cramped in the street scene. The overall site would appear over developed which would negatively affect the wider area character. Moreover whilst the area is residential in nature and the existing street scene has a mixed character with varying house types, it is considered that the proposed design by virtue of its roof style and form would be incongruous.

Negotiations were sought to explore more suitable solutions such as a pair of semis (including the host dwelling) which would be more in keeping; however, the applicant did not wish to pursue this option.

Having regard to the above it is considered that the proposal would harm the area character given its unsympathetic layout and form and is contrary to Policy 5 and 22 of the NELLP 2018.

Neighbouring and Future Amenity

The host property borders No.3 and 7 Peaks Avenue to the sides, No.2 Anningson Lane sits to the rear and No.4 and 4a Peaks Avenue sit opposite. Comments have been received from neighbours as documented in the report.

The proposal would be located closest to No.7 Peaks Avenue and the host property No 5 Peaks Avenue. In terms of No 7 Peaks Avenue this property has outbuildings along this boundary which would reduce massing and overshadowing. There would be windows proposed at a first-floor level, however, these face front and rear and not towards this dwelling. In terms of No 5 Peaks Avenue the proposal is smaller in built form and lines up with it. There would be no adverse massing or overlooking.

The host property adjoins a garden space for No.2 Anningson Lane. There would be a window facing this property at a first floor level, however due to layout and character of the area there would be no undue impacts in terms of overlooking. The proposal would be sufficiently spaced from the rear boundary to ensure any impacts in terms of massing and overshadowing are negated.

No.'s 3, 4 and 4a Peaks Avenue would be well separated from the proposal and would not experience negative impacts in terms of massing, overshadowing and overlooking. This is also the case for No.7a Peaks Avenue who made representations.

The Council's Environmental Protection Officer recommends conditions to protect amenity of neighbours during any build phases. This could be conditioned.

It is not considered that the proposal would cause negative impact to neighbouring amenity so as to justify a reason for refusal on this ground under Policy 5 of the NELLP 2018.

Ecology

As the development is considered to be a self-build development, there is no requirement for Biodiversity Net Gain (BNG) to be applied. The Council's Ecology Officer raises no issues with the proposal in this regard. The proposal is considered in accordance with Policy 41 of the NELLP 2018 in this regard.

Other Considerations

The Council's Highways and Drainage Officers recommend that the proposal would be acceptable with conditions for sustainable drainage, access details and a construction traffic management plan.

CONCLUSION

It is considered that the development is unacceptable in that it represents a poor design and layout which would negatively impact on visual character of the area. The proposal is considered contrary to Policy 5 and 22 of the NELLP 2018 and is recommended for refusal.

RECOMMENDATION

Refused

(1) The proposal represents a poor design and layout which would be harmful to visual character and amenity of the area. The application is therefore contrary to Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and section 12 of the National Planning Policy Framework 2024.

Informatives

1 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, but the planning objections could not be overcome.

2 Informative

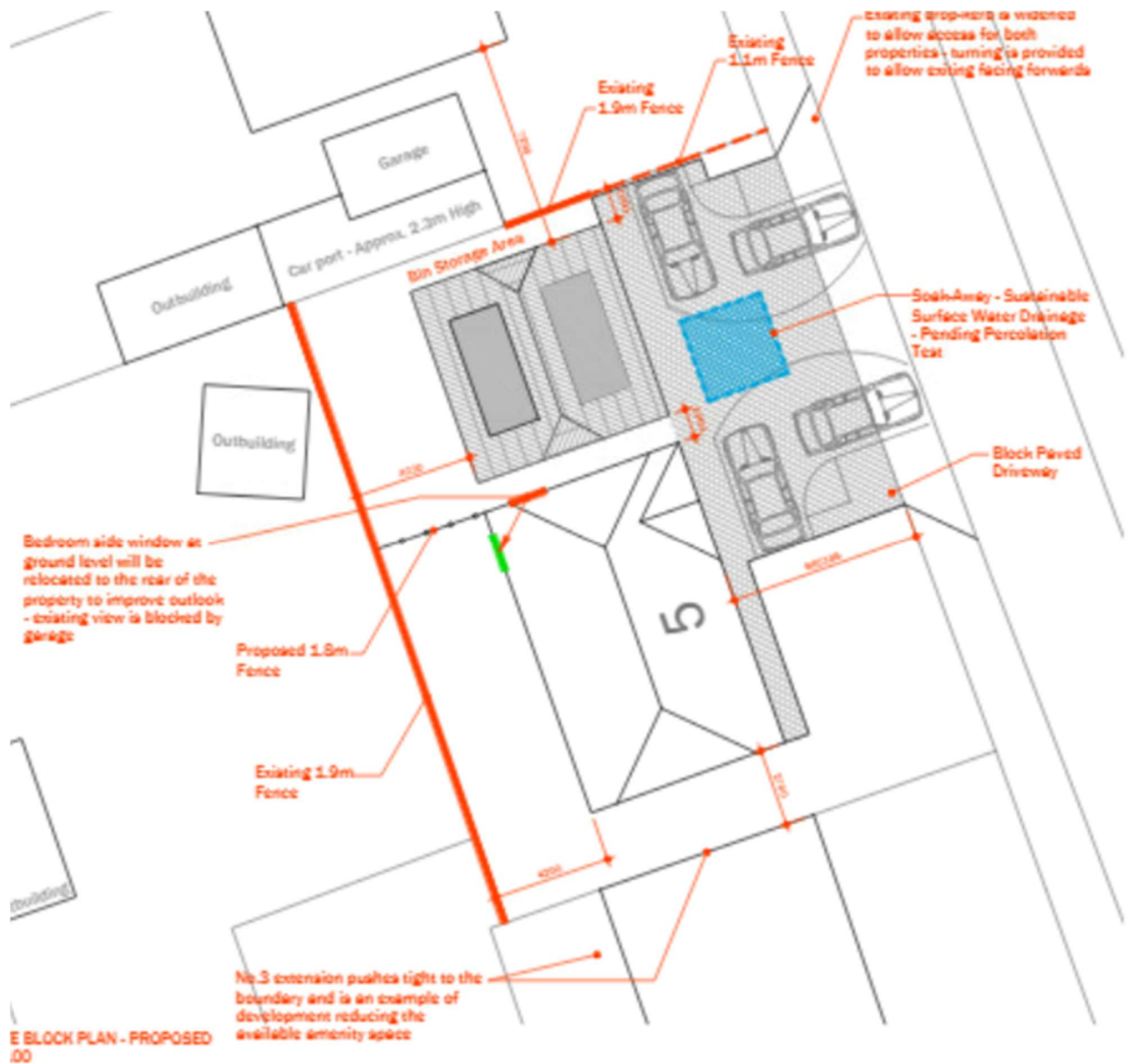
This decision relates to the following plans:

Site Location Plan, Block Plan, Existing and Proposed Plans and Elevations.

DM/1039/24/FUL – 5 PEAKS AVENUE, NEW WALTHAM



DM/1039/24/FUL – 5 PEAKS AVENUE, NEW WALTHAM



PLANNING COMMITTEE - 26th March 2025

ITEM: 3 **RECOMMENDATION: Refused**

APPLICATION No: DM/0860/24/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: 122 Middlethorpe Road, Cleethorpes, North East Lincolnshire, DN35 9PR

PROPOSAL: Removal of conifer hedge and erection of 1.8m high boundary fence to side and front with associated planting

APPLICANT:

Mr Parkinson
122 Middlethorpe Road
Cleethorpes
North East Lincolnshire
DN35 9PR

AGENT:

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

DEPOSITED: 2nd October 2024

ACCEPTED: 2nd October 2024

TARGET DATE: 27th November 2024

PUBLICITY EXPIRY: 7th November 2024

**AGREED EXTENSION OF TIME DATE: 28th
March 2025**

CONSULTATION EXPIRY: 3rd November 2024 **CASE OFFICER: Lauren Birkwood**

PROPOSAL

The proposal is for the removal of hedging and erection of a 1.8m high boundary fence to the side and front boundary with associated planting at 122 Middlethorpe Road in Cleethorpes.

The application is presented to planning committee as the applicant is Councillor Parkinson, an elected member of the Council. The application was deferred at planning committee on the 26th February 2025.

SITE

122 Middlethorpe Road is a detached property located on the corner of Middlethorpe Road and Taylors Avenue in Cleethorpes. The property benefits from off-street parking to the front. To the side is a large garden with a garage. Boundary treatments surrounding the site include brick walls and landscaping. The area is primarily residential; Middlethorpe Road is made up of various dwelling types and designs.

RELEVANT PLANNING HISTORY

No relevant planning history.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2023)

NPPF12 - Achieving well designed places

NPPF15 - Conserv. & enhance the natural environ.

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

PO5 - Development boundaries

PO22 - Good design in new developments

PO41 - Biodiversity and Geodiversity

PO42 - Landscape

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

REPRESENTATIONS RECEIVED

Highways Officer - No objections.

Drainage Officer - No objections.

Heritage Officer - No comments.

Ecology Officer - Biodiversity Net Gain not required. Informatives recommended.

Tree Officer - Objects to the proposal as it would be detrimental to the existing ambience

and character of Taylors Avenue.

No neighbour representations received.

APPRAISAL

The key planning material considerations are:

- Principle of Development
- Impact on Character and Appearance of the Area
- Impact on Residential Amenity
- Other Matters

Principle of Development

The application site is within the development area of Cleethorpes (Policy 5) and relates to the removal of hedging and the erection of a 1.8 metre high boundary fence to the front and side boundary of an existing detached property. The principle of development is therefore acceptable and is subject to the site specific assessment below.

Impact on Character and Appearance of the Area

Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) require that account is taken of the impact of proposals upon the character of the area in which they are sited. This requirement is reflected in the National Planning Policy Framework through the advice found in Section 12 'Achieving Well Designed Places'. The NPPF calls for all development to be of a high quality. Additionally, Policy 42 is the relevant policy where proposals impact on the landscape and natural environment and this is supported by Section 15 of the NPPF.

The introduction of a 1.8 metre high boundary fence would be highly visible from adjoining streets, particularly Taylors Avenue, as well as the adjoining public footway given its prominent position on a corner plot. It is noted that there are fences in the area, however the surrounding area is mostly made up of landscaping which contribute to its pleasant appearance. It is noted that existing hedging on site would be removed. The Council's Tree Officer has expressed concerns that the removal of the hedging in this location would have a detrimental impact to the existing ambiance and character of Taylors Avenue and has objected on this basis. In addition, the fence is considered detrimental to the visual character of the area in this instance by reason of its stark and solid finish and its height. Painting or staining the fence in its current form and as proposed would not mitigate this impact. Equally, whilst planting is proposed behind the fence, this would take time to establish and would do little to mitigate the visual impacts of the fence. Additionally, whilst there are other fences on the other side of the road, their impact is greatly reduced by the verge at these location which step them back substantially from the road, reducing the level of impact.

As such, it is considered that the proposal which includes the removal of the hedge and its replacement with a solid fence would harm the street scene to a significant degree and conflict with both national and local planning policies including Sections 12 and 15 of the NPPF and Policies 5, 22 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

Impact on Residential Amenity

Due to the position of the proposed fence and its overall height, it would not create adverse impacts on the nearby residential properties. It is also noted that no neighbour representations were received during the planning process.

It is therefore considered that the proposal would not have an unacceptable impact on residential amenity in this instance, and accords with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

Other Matters

The Council's Highways and Drainage Officers have reviewed the details provided and have no objections to the scheme.

The Council's Ecology Officer has no objections, subject to an informative highlighting the need for works to be carried out outside of the bird nesting season. In terms of Biodiversity Net Gain, this application is exempt as it relates to planning permission for a householder development.

CONCLUSION

In conclusion, it is considered that the proposal would have a detrimental impact to the street scene and wider character of the area and it is therefore recommended that planning permission is refused as the proposal fails to accord to Policies 5, 22 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018), and Sections 12 and 15 of the National Planning Policy Framework.

RECOMMENDATION

Refused

(1) The removal of the existing hedging and erection of fencing at this location would be detrimental to the visual appearance of the street, particularly Taylors Avenue, and general character of the area due to its height, design, prominence and expanse across the side boundary of the property. As such, the proposal is contrary to Policies 5, 22 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and Sections 12 and 15 of the National Planning Policy Framework.

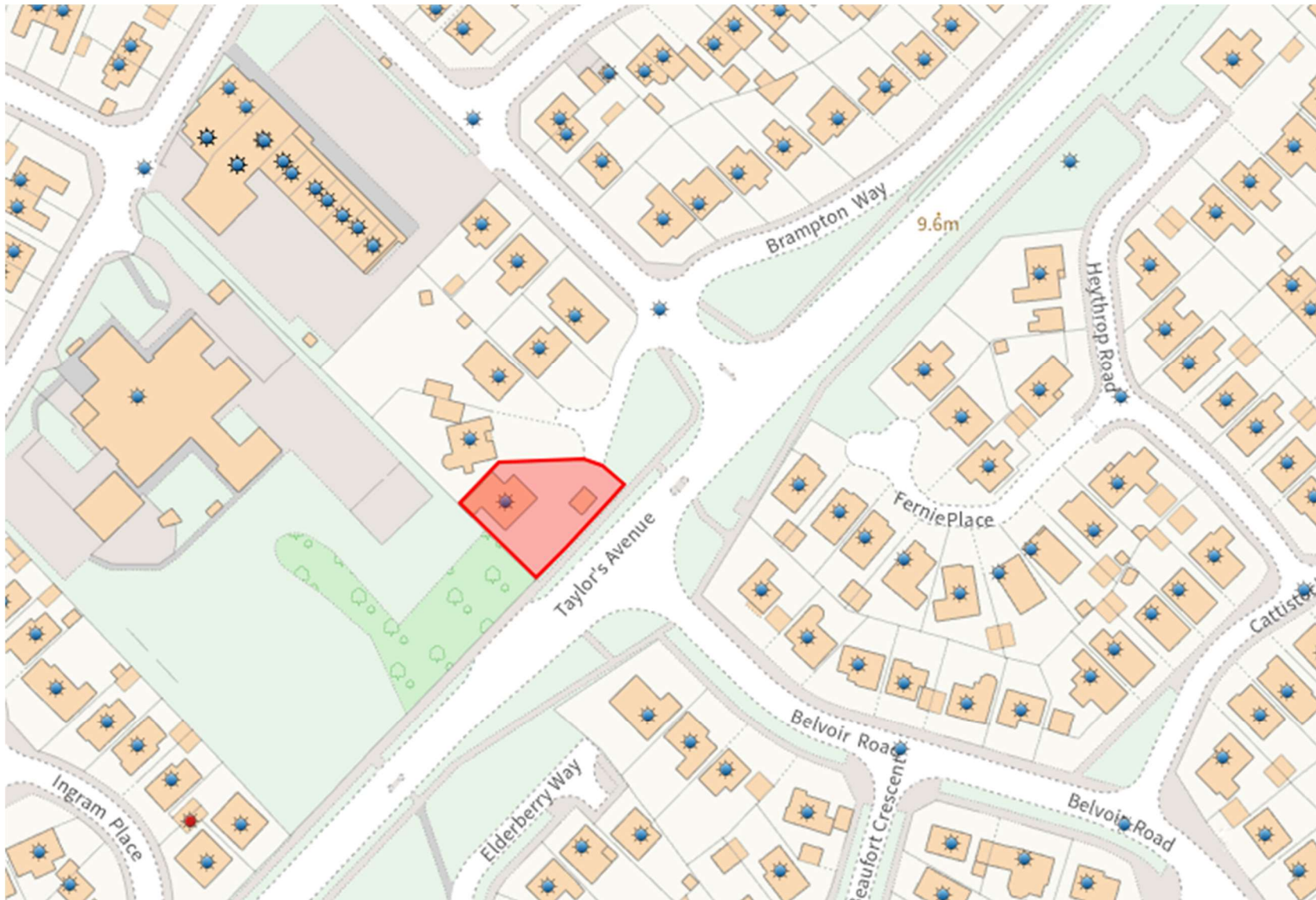
Informative

1 Informative

This application has been considered using the plan referenced:

Site Location Plan, Existing and Proposed Block Plans, Existing and Proposed Elevations
- 900-1A

DM/0860/24/FUL – 122 MIDDLETHORPE ROAD, CLEETHORPES



DM/0860/24/FUL – 122 MIDDLETHORPE ROAD, CLEETHORPES

