

Planning Committee Dated: 27th November 2024

Summary List of Detailed Plans and Applications

Recommendation: Approved with Conditions	
Item:	1
Application No:	DM/0450/24/FUL
Application Type:	Full Application
Application Site:	Weelsby Hall And Stables Weelsby Road Grimsby North East Lincolnshire
Proposal:	Refurbishment of grade II Weelsby Hall for use as a training centre and to convert and extend the stables for use as residential care in association with main site
Applicant:	Mrs Valerie Waby
Case Officer:	Emily Davidson

Recommendation: Approved with Conditions	
Item:	2
Application No:	DM/0451/24/LBC
Application Type:	Listed Building Consent
Application Site:	Weelsby Hall And Stables Weelsby Road Grimsby North East Lincolnshire
Proposal:	Listed building consent for refurbishment of grade II Weelsby Hall with internal alterations for use as a training centre and to convert and extend the stables for use as residential care in association with main site
Applicant:	Mrs Valerie Waby
Case Officer:	Emily Davidson

Recommendation: Approved with Conditions	
Item:	3
Application No:	DM/1242/23/FUL
Application Type:	Full Application
Application Site:	Highfield House Stallingborough Road Immingham North East Lincolnshire
Proposal:	Erect single storey convenience store with creation of access, car parking and associated hard and soft landscaping (amended site plan)
Applicant:	Matthew Wilkinson
Case Officer:	Richard Limmer

Recommendation: Approved with Conditions	
Item:	4
Application No:	DM/0769/22/FUL
Application Type:	Full Application
Application Site:	Land Between The Willows Caravan Park And 'The Copse' Barton Street Laceby North East Lincolnshire
Proposal:	Construction of new foul sewer and associated works (amended routing plans July 2024)
Applicant:	Mr Chek Whyte
Case Officer:	Richard Limmer

Recommendation: Refused	
Item:	5
Application No:	DM/0752/24/FUL
Application Type:	Full Application
Application Site:	1 - 2 Great Coates Road Healing North East Lincolnshire DN41 7QW
Proposal:	Erection of 2 detached dwellings with solar panels and roof lights, alterations to existing vehicular access and associated works
Applicant:	Mr M Peterson
Case Officer:	Lauren Birkwood

Recommendation: Approved with Conditions	
Item:	6
Application No:	DM/0846/24/ADV
Application Type:	Advertisement Consent
Application Site:	Former St John Fisher RC Church Waltham Road Grimsby North East Lincolnshire
Proposal:	Retrospective installation of 1 internally illuminated lozenge sign
Applicant:	Mr Matthew Wilkinson
Case Officer:	Lauren Birkwood

Recommendation: Approved Conditions and signing of S106

Item: 7

Application No: DM/0182/24/OUT

Application Type: Outline Application

Application Site: R/O 38 Humberston Avenue Humberston North East Lincolnshire DN36 4SP

Proposal: Outline application to erect up to two dwellings with access to be considered (revised plans/description including footpath to Humberston Avenue)

Applicant: Mr George Newton

Case Officer: Jonathan Cadd

Recommendation: Approved with Conditions

Item: 8

Application No: DM/0373/23/FUL

Application Type: Full Application

Application Site: Land At Louth Road New Waltham North East Lincolnshire

Proposal: Variation of Condition 2 (Approved Plans) pursuant to DM/1240/21/FUL to allow for repositioning of plots, amendments to plot numbering, changes to house types resulting in the amended layout of plots and parking to accommodate foul water easement and highways details (Amended Description, Amended Plans and further information provided, received October 2024)

Applicant: Mr Ash Newton

Case Officer: Bethany Loring

Recommendation: Approved with Conditions	
Item:	9
Application No:	DM/0782/24/ADV
Application Type:	Advertisement Consent
Application Site:	Willys High Cliff Road Cleethorpes North East Lincolnshire
Proposal:	Display one internally illuminated fascia sign
Applicant:	Mr Bill Parkinson
Case Officer:	Lauren Birkwood
Recommendation: Approved with Conditions	
Item:	10
Application No:	DM/0772/24/TPO
Application Type:	Works to a tree with a TPO
Application Site:	4 Queens Parade Cleethorpes North East Lincolnshire DN35 0DF
Proposal:	T1 Sycamore: Reduce the lateral spread of the east side (car park of the waterfront only). Reduce from 9m to 4m from the main stem. Blend the reduced side into the top and other sides cutting back to viable secondary growth points and following natural flowing lines. Pigeons are defecating continuously into the carpark causing paintwork damage to the cars
Applicant:	Waterfront Residents Association
Case Officer:	Paul Chaplin

PLANNING COMMITTEE - 27th November 2024

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

APPLICATION No: DM/0450/24/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Weelsby Hall And Stables, Weelsby Road, Grimsby, North East Lincolnshire, DN32 9RU

PROPOSAL: Refurbishment of grade II Weelsby Hall for use as a training centre and to convert and extend the stables for use as residential care in association with main site

APPLICANT:

Mrs Valerie Waby
Linkage Community Trust Charity
Linkage Community Trust
Weelsby Road
Grimsby
North East Lincolnshire
DN32 9RU

DEPOSITED: 7th May 2024

AGENT:

Aiden Bell
Anotherkind Architects Ltd
Suite 5 Bingham Enterprise Centre
Mercia Court
Bingham
NG13 8QX

ACCEPTED: 7th May 2024

TARGET DATE: 2nd July 2024

PUBLICITY EXPIRY: 25th November 2024

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 6th June 2024

CASE OFFICER: Emily Davidson

PROPOSAL

The proposal is for the refurbishment of the listed grade II Weelsby Hall for use as a training centre and to convert and extend the stables for use as residential care in association with main site. Eight flat units would be created.

Weelsby Hall will be converted to house office and training spaces in association with the site use as a whole and with the Linkage charity. It will include amendments to the internal layout, accessible adjustments to the building as well as repair works to the building itself including installation of traditional rainwater goods, stone cleaning, repairs to ground floor windows and bay windows, repairs to balustrades, repointing of chimneys

reconfiguration of downpipes, redundant aperture repaired and other minor repairs.

The Stables extension would be constructed from materials which would match that of the main stable building. It would include some removal of trees.

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

SITE

Weelsby Hall is a Grade II listed building located off Weelsby Road. It is set within a large area of land and neighbours Weelsby Woods. The wider area has a mixed character of public open space, residential dwellings and commercial buildings. The site is secured with a large fence to the front.

RELEVANT PLANNING HISTORY

Associated Listed Building Application DM/0451/24/LBC - Listed building consent for refurbishment of grade II Weelsby Hall with internal alterations for use as a training centre and to convert and extend the stables for use as residential care in association with main site.

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)

PO3 - Settlement hierarchy
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

Highways Officer - Recommends a construction traffic management plan condition.

Drainage Officer - Sustainable drainage condition recommended.

Heritage Officer - Overall positive view of proposal. Recommends conditions:

- Doors and window details for stables
- Brick and mortar sampling for both stables and main building
- Details of amendments to bay windows on main building
- Details of lift installation in main building
- Details of ramp to client area of main building
- Details of banister of main building
- Internal details of main building

Trees and Woodlands Officer - Further details provided and deemed sufficient with justification. Tree statement received and considered to be acceptable with a condition recommended to secure the details within it as well as full details of a replanting scheme.

Ecology Officer - Protected species and habitat detail acceptable. Conditions recommended. Advice provided on Bio Diversity Net Gain. Requested further details of the ecology of the site. Is content that BNG can be achieved on site

Environmental Protection Officer - Recommends hours of construction and construction management plan.

Police Secure By Design Officer - Content with application following receipt of further details. Recommends development is carried out in accordance with secured by design guidelines.

Neighbour Representations

Objections were received from:

Full Application: 4, 13, 14 Brunel Close, 166 Weelsby Road.

Additional Comments on associated Listed Building Application: 12, 15, 16 Brunel Close. (considered in this report as the comments are relevant to the full application)

Broadly on the grounds of:

Loss of privacy, noise disturbance, odour issues from drainage, impacts/loss to ecology and trees, impacts from flooding, potential subsidence if trees removed, poor fencing, increase in traffic, impact to well being.

Support comments were received from:

Within North East Lincolnshire: 27a Parker Street, 36 Minshull Road, 1 Suggitts Lane, 12 Princes Road, 149 Lord Street, 32 Connaught Avenue, 74a St Peters Avenue, 8 Whimbrel Way, 53 Westbury Road.

Outside of North East Lincolnshire: 8 Bain Rise, Market Rasen. Jasmine Cottage, North End, Goxhill. Akina Keddington Road, Louth.

Broadly on the grounds of:

The positive inclusion of bird feeding stations, preserving and recording features during works, the facility the charity and property provide, a wish that the building was more accessible for the public.

APPRAISAL

Planning Considerations

1. Principle of Development
2. Design and Heritage
3. Amenity
4. Landscape and Trees
5. Ecology and Biodiversity Net Gain (BNG)
6. Flood Risk and Drainage
7. Highways

Principle of Development

The site is located outside the development boundary of Grimsby as defined by the North East Lincolnshire Local Plan (NELLP) 2018. In this case the site is sustainably located due to its proximity to Grimsby and the development boundary is one which seeks more to protect the sensitive open character of the wider landscape area which includes the Listed Hall, other listed buildings and the wider Weelsby Woods area. Moreover, outside of development boundaries Policy 5 does allow in principle developments which promote the retention and development of local services and community facilities.

The site itself is for use as a specialist centre for people with specialist learning needs and offers various facilities primarily in education and support. The proposal would add to this offering by providing a training unit in the main Weelsby Hall house providing courses

in the charities' specialist area as well as much needed sensory rooms again in connection with the main use. The proposal would also seek to change the use of and extend the existing stables into specialist care units to accommodate people with complex needs as well as on site carers to offer a degree of independence to the users but with on hand support.

The development also proposes the reuse of existing buildings though acknowledging the new extension at the former stable block which will support the longer-term viability of the Listed Buildings.

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

Design and Heritage

Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990 requires applications to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas and historic buildings. Policy 39 of the North East Lincolnshire Local Plan 2018 also applies along with advice in Section 16 of the NPPF.

Weelsby Hall and its associated buildings are Grade II listed. Therefore, the sensitive nature of the site has been taken into account. The scheme is made up of two parts. 1. The main Weelsby Hall site and its change of use and alterations and 2. The change of use and extension of the stables and associated works.

Starting with the main hall, Weelsby Hall is a Grade II listed building built in 1890 for George Sleight. The proposal would change the use of the building to accommodate a training centre to facilitate the training needs of the charity who own and operate from the larger site. It would include various repair, and alteration works both internally and externally. Any works that are undertaken to restore a listed building are always welcomed and seen as a positive providing that they are carried out in the correct manner. Overall, this is a well-considered and much needed project, the repairs are sympathetic and appropriate. There are some changes within the main hall which will have more impact on the historic fabric, such as reconfiguration, However, these are minimal, and are considered to be outweighed by the benefits of getting this building back into full use. Further, specific details must be provided prior to any works taking place to ensure works are carried out in the most sympathetic manner. The Council's Heritage Officer is accepting of the proposal.

Moving to the stables, these works would involve the change of use of this building from a learning centre for animal care to specialist residential care units. It would include an extension as well as associated parking and landscaping. The building is currently unused as it was no longer fit for its previous purpose which has relocated to a different part of the site. The building is in need of some attention before it falls into a state of disrepair. This proposal would result in the reuse and restoration of this building ensuring

its protection. Whilst the starting point is for historical buildings to be used for their intended purpose, the original use of this building has long since ceased.

The use of the building for residential accommodation maintains the original form in the most part. The stables are currently underutilised and so the bringing back of these buildings into full use is positive for historic buildings. The restoration works to the building generally would be sympathetic to its historical value. The proposed extension to the existing stables is the most significant development but overall is limited in size and is considered acceptable. The design is in harmony with that of the existing structure and materials should match that of the existing building as closely as possible. A condition is recommended to secure this along with the overall specifics such as window details and mortar mixes. Following negotiations chimneys have been retained. The proposal would include some amendments to the existing parking arrangements to provide adequate spaces for the properties. Visually, this would have little impact.

When considering the impact to the heritage asset, both elements of the proposal offer an overall positive benefit and play a strong part in the successful retention of these protected assets.

Overall, the proposal is considered to respect and enhance the Listed Buildings in accordance with Policy 39 of the NELLP 2018 and advice in the NPPF.

When considering the proposals impact to the wider character and street scene, the main Weelsby Hall is well set back within the site. This along with the minimal external changes to the proposal would mean this element of the proposal would have little impact on the street scene. The stable buildings are located closer to the main road and may be partially visible through the existing boundary treatments of hedging and railings. However, the proposal seeks to make positive changes to the buildings, and this would be a positive impact to the street scene.

Overall, the proposal would have a positive impact on the street scene, area character and historic nature of the site and is considered in accordance with Policy 5, 22 and 39 of the NELLP 2018.

Amenity

When considering the stables, they are located closest to numbers 11-16 Brunel Close to the east and numbers 151-757 Weelsby Road to the north. The main Weelsby Hall building is well separated from neighbours, however, the main site borders St Hugh's Hospital, the sports ground on Peaks Lane and several residential properties on Brunel Close and Welholme Road and No.166 Weelsby Road with Weelsby Park Riding School beyond. Several neighbour comments have been received both in support and objection to the proposal. These comments are addressed in the relevant sections of this report.

When considering the main hall, the proposal is mainly renovation and repair and coupled with physical separation from neighbours there would be no negative impacts in terms of

massing and overshadowing. When considering the use, it is again well spaced from neighbours which means any additional footfall would not be detrimental to neighbours in terms of noise and disturbance. In terms of disturbance from any additional traffic generated, it is considered again that due to separation there would be no adverse amenity issues. Furthermore, the overall site is already well utilised by the applicant with the Hall sharing the same access arrangement.

Turning to the stables, the properties to the north of the proposal on Weelsby Road would be well spaced with a busy road in between. Any impacts in terms of massing, overlooking, overshadowing and footfall would be minimal.

The stable conversion would include an extension which is located to the rear of the stables facing the boundary with Brunel Close. There is a reasonable degree of separation from this boundary and the building would be single storey, matching the height of the existing building in which it adjoins. There is also existing shrubbery and trees in this location. Whilst there may be some reduction in the landscaping in this area, the majority of this will remain and provide screening. There would be windows and doors proposed on this elevation but as the existing building and the extension are single storey and reasonably separated from the site boundary there will be no adverse overlooking. Nor will there be any adverse massing or overshadowing.

It is noted that some concerns have been raised with regard to the garden spaces to be created, particularly adjacent to the shared boundary with Brunel Close. However, it is clearly not unusual to have residential curtilages bordering each other and whilst in this case the use is more care related it still involves the creation of individual units with their own amenity space. The intensity of development is low and there remains landscaping and boundary treatments between the proposed units and the neighbours. It is not considered that there will be any adverse noise and disturbance to the existing neighbours.

The changes to the car parking area would be well spaced from neighbours and does not cause concern in relation to impacts to residential amenity.

When considering the amenity of future occupiers, the units offer a reasonable size of living accommodation and good access to amenity spaces both private and shared with the wider site. Some rear amenity space will be within the trees, but this is considered reasonable for the accommodation being provided. The Police Crime Reduction Officer has considered the locational assessment in relation to the sites position and raises no objection.

The Council's Environmental Protection Officer has recommended an hour of construction and a construction management plan condition which would help to protect the amenity of nearby neighbours during any build phases that may occur.

Having regard to the above it is considered that there would be no adverse impact on the surrounding neighbouring amenities and the amenity of the future occupiers would be

acceptable. The application is considered in accordance with Policy 5 of the NELLP 2018.

Landscape and Trees

The site itself is not covered by Tree Protection Orders. However, landscape and tree protection is still a material consideration. The area is characterised by its woodland characteristics with areas of green space. The Council's Trees and Woodlands Officer requested further clarification around which trees were to be removed and asked that the application be informed by a tree report. This is particularly relevant to the works at the stable block. The additional detail has been received, and this document sets out the trees which would be removed. It is considered that the tree works are justified and there will be no adverse impacts as a result on the wider visual amenity of the area or the setting of the Listed Buildings.

The proposal is considered in accordance with Policy 39 and 42 of the NELLP 2018.

Ecology and Biodiversity Net Gain (BNG)

The site will be subject to BNG requirements. The proposal illustrates that the proposal would supply an "on-site" provision which is the most preferable option. The Council's Ecologist notes that there may be the need to further detail the BNG metric, but it is considered that this can be done through the discharge of the biodiversity net gain condition prior to works commencing.

In terms of protected species and habitats the Council's Ecologist has assessed the documentation received including revisions and is content that matters have been addressed. A condition is recommended to ensure the works are carried out in accordance with the supplied reports and ensures any recommendations in these reports are carried out.

The proposal is considered in accordance with Policy 41 of the NELLP 2018 in terms of ecology.

Flood Risk and Drainage

The site is mainly outside of flood risk areas. There is a small part of the site near the stables close to Weelsby Road that fall into flood Zone 2, however, this area would be left as a landscaped area. The site is situated outside of flood risk on the Council's SFRA maps. Comments raised the potential of an increased flood risk given the loss of trees. Given the verdant nature of the wider site and the replanting of trees, it is considered that this would not cause concern. The Council's Drainage Officer recommends a sustainable scheme of drainage is implemented with the proposal. This would ensure surface water drainage is handled in the proper way. A condition is recommended to secure this. The proposal is considered in accordance with Policy 33 and 34 of the NELLP 2018.

Highways

The Council's Highways Officer has assessed the application and considers there would be no undue impacts to the highway network or highways safety as a result of the overall proposal and recommends a condition for a construction traffic management plan to ensure there are no negative implications during any build stages. The proposal is considered in accordance with Policy 5 of the NELLP 2018.

CONCLUSION

The proposal would enhance the listed buildings and will sustain their long term viability by providing an updated use. It will also support the provision of community services by the Linkage Group which is also positive. Matters in relation to historic character, residential amenity and trees and ecology have all been considered in detail and it is considered that the proposal is in accordance with Policy 3, 5, 22, 33, 34, 39, 41, 42 of the NELLP 2018. It 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 - 23038-00-001_P1

Existing Topographical Survey - 23038-02-001_P 1

Block Plan - 23038-00-002_P1

Proposed Site Master Plan - 23038-70-003_P 1

The Stables Block Plan - 23038-70-001_P1

The Main Hall Block Plan - 23038-70-002_P1

Existing Weelsby Hall Basement, Ground, First Floor Plans - 23038-02-002_P1

Existing Weelsby Hall Second and Roof Floor Plans - 23038-02-003_P1

Existing Weelsby Hall Elevations - 23038-02-004_P1

Existing Stables Floor Plans - 23038-02-005_P2

Existing Stables Elevations - 23038-02-006_P2
Proposed Weelsby Hall Basement, Ground and First Floor Plans - 23038-20-001_P1
Proposed Weelsby Hall Second and Rood Floor Plan - 23038-20-002_P1
Proposed Weelsby Hall Elevations - 23038-21-001_P1
Proposed Stables Floor Plans - 23038-20-003_P1
Proposed Stables Elevations - 23038-21-002_P1

Reason

For the avoidance of doubt in the interests of proper planning and in accordance with Policies 3, 5, 22, 33, 34, 39, 41, 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(3) Condition

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

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

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

Reason

To ensure adequate access facilities are provided during construction for highway safety reasons and in the interest of residential amenity to accord 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 and a scheme for foul drainage has been submitted to and approved in writing by the Local Planning Authority. The development shall then be built out in accordance with the approved details and the drainage implemented prior to occupation of the residential care units.

Reason

To prevent an increased risk of flooding by ensuring the provision of a satisfactory means

of surface and foul water disposal in accordance with Policy 5, 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(5) Condition

Before the following are installed or constructed, final details of their design, material and finish shall be submitted to and approved in writing by the Local Planning Authority.

- Window and door details including cross-sections, profiles and details at a scale of 1:10, including any headers, lintels or sills for new and replacement windows and doors on the stables.
- Mortar mix sample for both Weelsby Hall and stables.
- A sample panel of brickwork for the stable extension 750mm by 750mm shall be constructed on site. Also, brick samples for the repairs of Weelsby Hall.
- Weelsby Hall bay window amendment details including cross-sections, profiles and details at a scale of 1:10 including and headers, lintels or sills.
- Weelsby Hall lift installation including elevational and cross-section drawings at a scale of 1:100 or 1:50.
- Weelsby Hall ramp details including a cross-section and any fixings to a scale of 1:10.
- Weelsby Hall banister including a cross-section and any fixings to a scale of 1:10.

Once approved, the development shall proceed in strict accordance with the agreed details.

Reason

This condition is imposed in the interests of protecting the character and interest of the Listed Buildings in accordance with Policy 39 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(6) Condition

The works shall be carried out in accordance with the submitted Tree Survey received 08/11/2024 including the recommendations on page 18 of the document. Within one year of commencement of construction of the stable building extension, or within such longer time as may be agreed in writing with the Local Planning Authority, the new trees shall be planted. Any trees that die shall be replaced with those of the same standard.

Reason

In the interest of visual amenity to accord to Policy 5, 22 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(7) Condition

The development must be carried out in line with the recommendations identified in the Habitats and Protected Species Report dated October 2024 including the recommendations stated on page 22 and in accordance with the Bat Survey dated September 2024 including the recommendations stated in section 5 of the report unless otherwise agreed in writing with the Local Planning Authority.

Reason

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

(8) Condition

No construction, alteration or 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 in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (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. These are listed below. It is the applicant or developers responsibility to make sure that they are complying with the requirements of this legislation. Please read the published officers report for the Council's

views on this matter.

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 require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

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 works are acceptable for the listed building on which they are being carried out. 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 3, 5, 22, 33, 34, 39, 41, 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 details to alleviate the need for a condition.

3 Informative

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

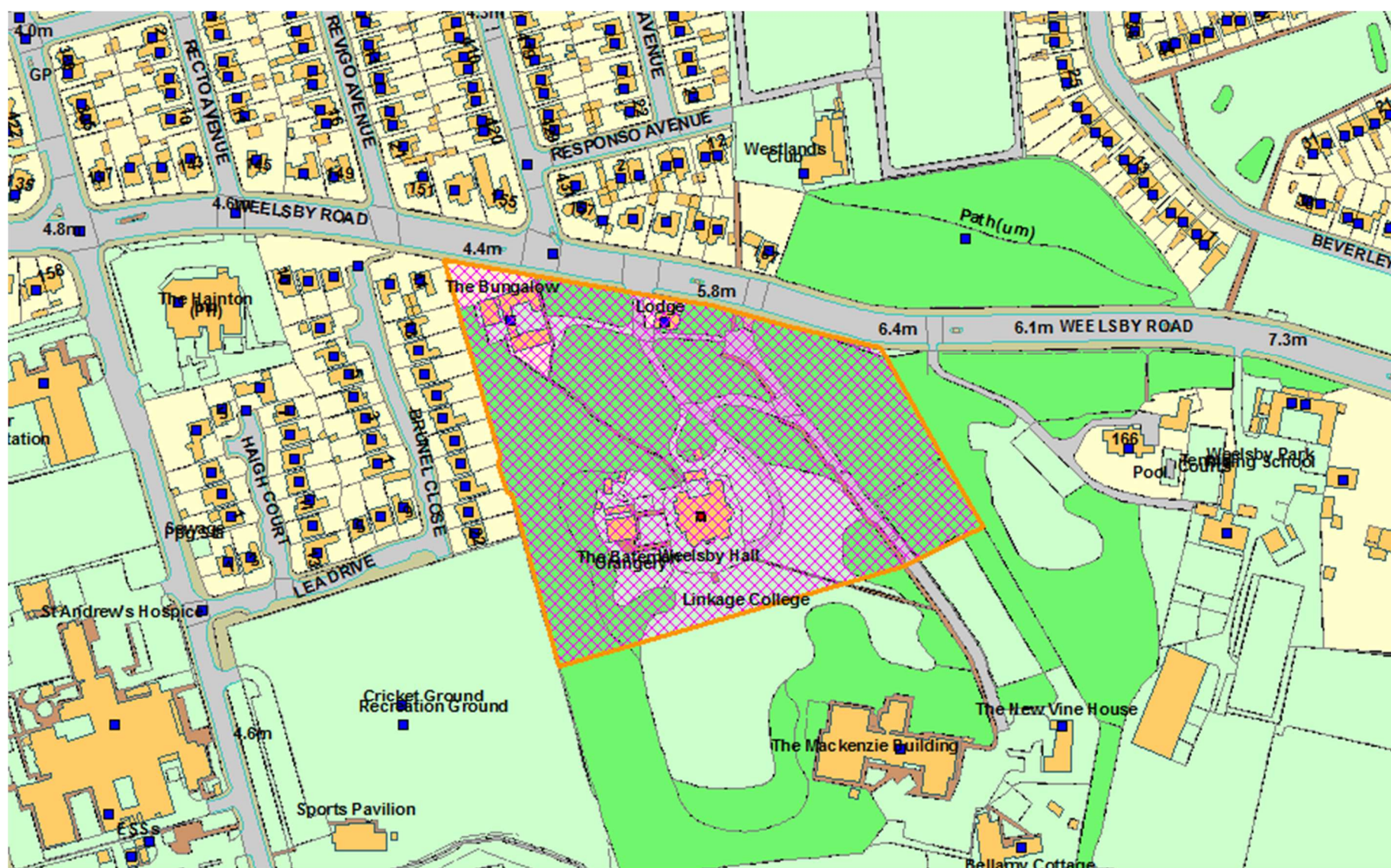
4 Informative

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

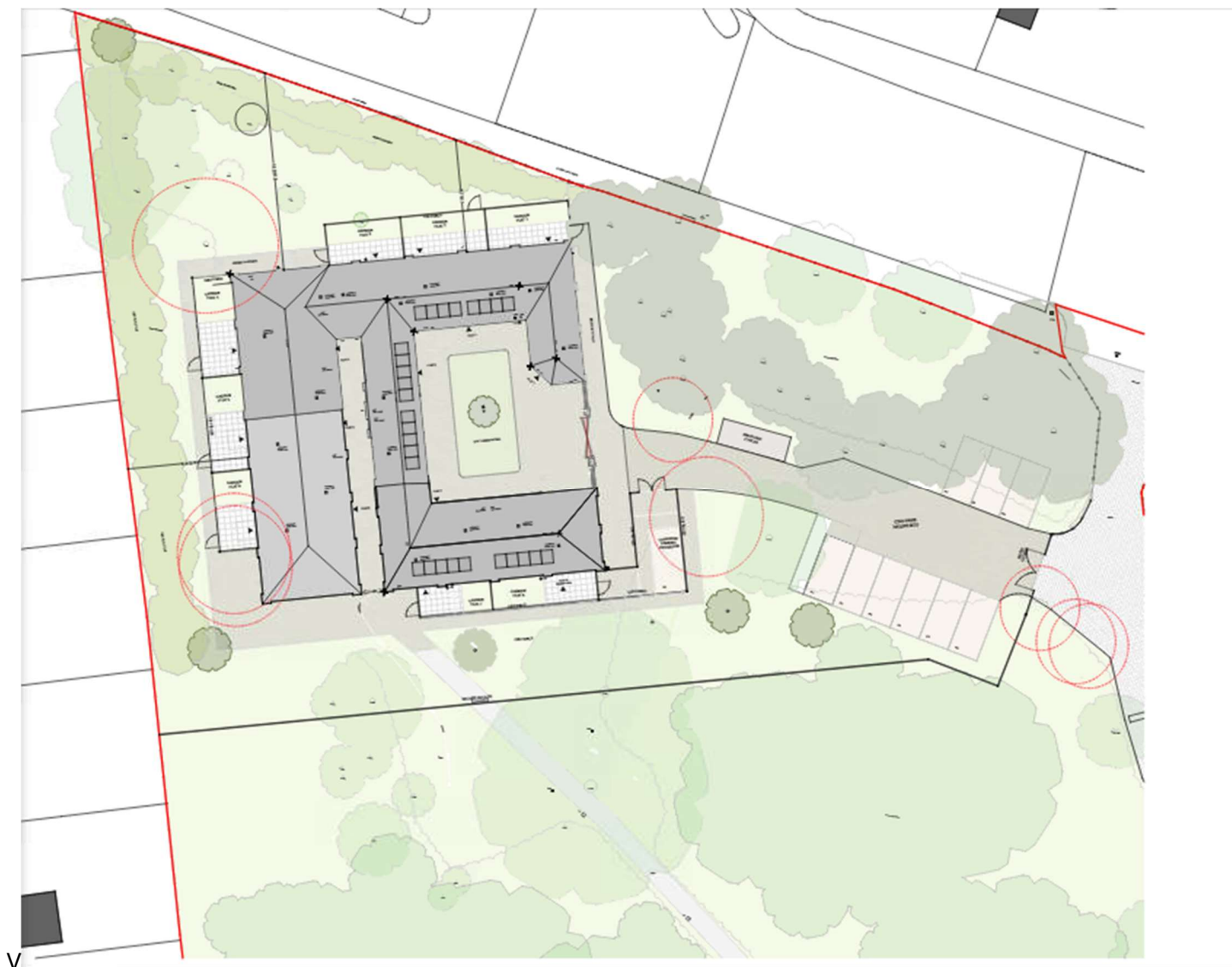
5 The proposal should take into account Secured by Design principles.

<https://www.securedbydesign.com/images/HOMES%20GUIDE%20May%202024.pdf>

DM/0450/24/FUL – WEELSBY HALL AND STABLES, WEELSBY ROAD, GRIMSBY



DM/0450/24/FUL – WEELSBY HALL AND STABLES, WEELSBY ROAD, GRIMSBY



DM/0450/24/FUL – WEELSBY HALL AND STABLES, WEELSBY ROAD, GRIMSBY



PLANNING COMMITTEE - 27th November 2024

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

APPLICATION No: DM/0451/24/LBC

APPLICATION TYPE: Listed Building Consent

APPLICATION SITE: Weelsby Hall And Stables, Weelsby Road, Grimsby, North East Lincolnshire, DN32 9RU

PROPOSAL: Listed building consent for refurbishment of grade II Weelsby Hall with internal alterations for use as a training centre and to convert and extend the stables for use as residential care in association with main site.

APPLICANT:

Mrs Valerie Waby
Linkage Community Trust Charity
Linkage Community Trust
Weelsby Road
Grimsby
North East Lincolnshire
DN32 9RU

DEPOSITED: 7th May 2024

AGENT:

Aiden Bell
Anotherkind Architects Ltd
Suite 5 Bingham Enterprise Centre
Mercia Court
Bingham
NG13 8QX

ACCEPTED: 7th May 2024

TARGET DATE: 2nd July 2024

PUBLICITY EXPIRY: 9th June 2024

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY:

CASE OFFICER: Emily Davidson

PROPOSAL

The proposal is for the refurbishment of the grade II Listed Weelsby Hall for use as a training centre and to convert and extend the stables for use as residential care in association with main site. Eight flat units would be created.

Weelsby Hall will be converted to house an office and training spaces in association with the site use as a whole and with the Linkage charity. It will include amendments to the internal layout, accessible adjustments to the building as well as repair works to the building itself including installation of traditional rainwater goods, stone cleaning, repairs to ground floor windows and bay windows, repairs to balustrades, repointing of chimneys

reconfiguration of downpipes, redundant aperture repaired and other minor repairs.

The Stables extension would be constructed from materials which would match that of the main stable building. It would include some removal of trees.

There is an associated planning application reference DM/0450/24/FUL

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

SITE

Weelsby Hall is a Grade II listed building located off Weelsby Road. It is set within a large area of land and neighbours Weelsby Woods. The wider area has a mixed character of public open space, residential dwellings and commercial buildings. The site is secured with a large fence to the front.

RELEVANT PLANNING HISTORY

Associated Planning Application DM/0450/24/FUL - Refurbishment of grade II Weelsby Hall for use as a training centre and to convert and extend the stables for use as residential care in association with main site.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2023)

NPPF12 - Achieving well designed places

NPPF16 - Conserv. & enhance the historic environ.

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

PO5 - Development boundaries

PO22 - Good design in new developments

PO39 - Conserve and enhance historic environ

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

REPRESENTATIONS RECEIVED

Heritage Officer - Overall positive view of proposal. Recommends conditions:

- Doors and window details for stables
- Brick and mortar sampling for both stables and main building
- Details of amendments to bay windows on main building
- Details of lift installation in main building
- Details of ramp to client area of main building
- Details of banister of main building
- Internal details of main building

Neighbour Representations

Objections received from:

In relation to associated Full Application DM/0450/24/FUL: 4, 13, 14 Brunel Close, 166 Weelsby Road, Civic Society (considered in this report as the comments are relevant to the listed building consent as well)

Listed Building Application: 12, 15, 16 Brunel Close.

Broadly on the grounds of:

Loss of privacy, noise disturbance, odour issues from drainage, impacts/loss to ecology and trees, impacts from flooding, potential subsidence if trees removed, poor fencing, increase in traffic, impact to well being.

Support comments were received from:

Within North East Lincolnshire: 27a Parker Street, 36 Minshull Road, 1 Suggitts Lane, 12 Princes Road, 149 Lord Street, 32 Connaught Avenue, 74a St Peters Avenue, 8 Whimbrel Way, 53 Westbury Road.

Outside of North East Lincolnshire: 8 Bain Rise, Market Rasen. Jasmine Cottage, North End, Goxhill. Akina Keddington Road, Louth.

Broadly on the grounds of:

The positive inclusion of bird feeding stations, preserving and recording features during works, the facility which the charity and property provides, a wish that the building was more accessible for the public.

APPRAISAL

Design and Heritage

Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990 requires 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. Policy 39 of the North East Lincolnshire Local Plan 2018 also applies along with advice in Section 16 of the NPPF.

Weelsby Hall and its associated buildings are Grade II listed. Therefore, the sensitive nature of the site has been taken into account. The scheme is made up of two parts. 1. The main Weelsby Hall site and its change of use and alterations and 2. The change of use and extension of the stables and associated works.

Starting with the main hall, Weelsby Hall is a Grade II listed building built in 1890 for George Sleight. The proposal would change the use of the building to accommodate a training centre to facilitate the training needs of the charity who own and operate from the larger site. It would include various repair and alteration works both internally and externally. Any works that are undertaken to restore a listed building are always welcomed and seen as a positive providing that they are carried out in the correct manner. Overall, this is a well-considered project, the repairs are sympathetic and appropriate. There are some changes within the main hall which will have more impact on the historic fabric, such as reconfiguration, However, these are minimal, and are considered to be outweighed by the benefits of getting this building back into full use. Further, specific details must be provided prior to any works taking place to ensure works are carried out in the most sympathetic manner. The Council's Heritage Officer is accepting of the proposal.

Moving to the stables, these works would involve the change of use of this building from a learning centre for animal care to specialist residential care units. It would include an extension as well as associated parking and landscaping. The building is currently unused as it was no longer fit for its previous purpose which has relocated to a different part of the site. The building is in need of some attention before it falls into a state of disrepair. This proposal would result in the reuse and restoration of this building ensuring its protection. Whilst the starting point is for historical buildings to be used for their intended purpose, the original use of this building has long since ceased.

The use of the building for residential accommodation maintains the original form in the most part. The stables are currently under utilised and so the bringing back of these buildings into full use is positive for historic buildings. The restoration works to the building generally would be sympathetic to its historical value. The proposed extension to the existing stables is the most significant development but overall is limited in size and is considered acceptable. The design is in harmony with that of the existing structure and materials should match that of the existing building as closely as possible. A condition is recommended to secure this along with the overall specifics such as window details and

mortar mixes. Following negotiations chimneys have been retained. The proposal would include some amendments to the existing parking arrangements to provide adequate spaces for the properties. Visually, this would have little impact.

When considering the impact to the heritage asset, both elements of the proposal offer an overall positive benefit and play an important part in the successful retention of these protected assets.

Overall, the proposal is considered to respect and enhance the Listed Buildings in accordance with Policy 39 of the NELLP 2018 and advice in the NPPF.

CONCLUSION

The proposal would enhance the listed buildings and will sustain their long term viability by providing an updated use. The proposal is considered in accordance with Policy 39 and is recommended for approval.

RECOMMENDATION

Approved with Conditions

(1) Condition

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

Site Location Plan - 23038-00-001_P1

Existing Topographical Survey - 23038-02-001_P 1

Block Plan - 23038-00-002_P1

Proposed Site Master Plan - 23038-70-003_P 1

The Stables Block Plan - 23038-70-001_P1

The Main Hall Block Plan - 23038-70-002_P1

Existing Weelsby Hall Basement, Ground, First Floor Plans - 23038-02-002_P1

Existing Weelsby Hall Second and Roof Floor Plans - 23038-02-003_P1

Existing Weelsby Hall Elevations - 23038-02-004_P1

Existing Stables Floor Plans - 23038-02-005_P1

Existing Stables Elevations - 23038-02-006_P1

Proposed Weelsby Hall Basement, Ground and First Floor Plans - 23038-20-001_P1

Proposed Weelsby Hall Second and Rood Floor Plan - 23038-20-002_P1
Proposed Weelsby Hall Elevations - 23038-21-001_P1
Proposed Stables Floor Plans - 23038-20-003_P2
Proposed Stables Elevations - 23038-21-002_P2

Reason

For the avoidance of doubt in the interests of proper planning and in accordance with Policy 39 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(3) Condition

Before the following are installed or constructed, final details of their design, material and finish shall be submitted to and approved in writing by the Local Planning Authority.

- Window and door details including cross-sections, profiles and details at a scale of 1:10, including any headers, lintels or sills for new and replacement windows and doors on the stables.
- Mortar mix sample for both Weelsby Hall and stables.
- A sample panel of brickwork for the stable extension 750mm by 750mm shall be constructed on site. Also, brick samples for the repairs of Weelsby Hall.
- Weelsby Hall bay window amendment details including cross-sections, profiles and details at a scale of 1:10 including and headers, lintels or sills.
- Weelsby Hall lift installation including elevational and cross-section drawings at a scale of 1:100 or 1:50.
- Weelsby Hall ramp details including a cross-section and any fixings to a scale of 1:10.
- Weelsby Hall banister including a cross-section and any fixings to a scale of 1:10.
- Weelsby Hall internal elevations of all internal changes to a scale of 1:100 along with detailed plans and cross sections, profiles and details at a scale of 1:10 for doors, architraves, plaster work and skirtings.

Once approved, the development shall proceed in strict accordance with the agreed details.

Reason

This condition is imposed in the interests of protecting the character and interest of the Listed Building in accordance with Policy 39 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

Informatives

1 Reason for Approval

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The works are acceptable for the listed building on which they are being carried out and will support their long term use and preservation. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular Policy 39.

2 Added Value Statement

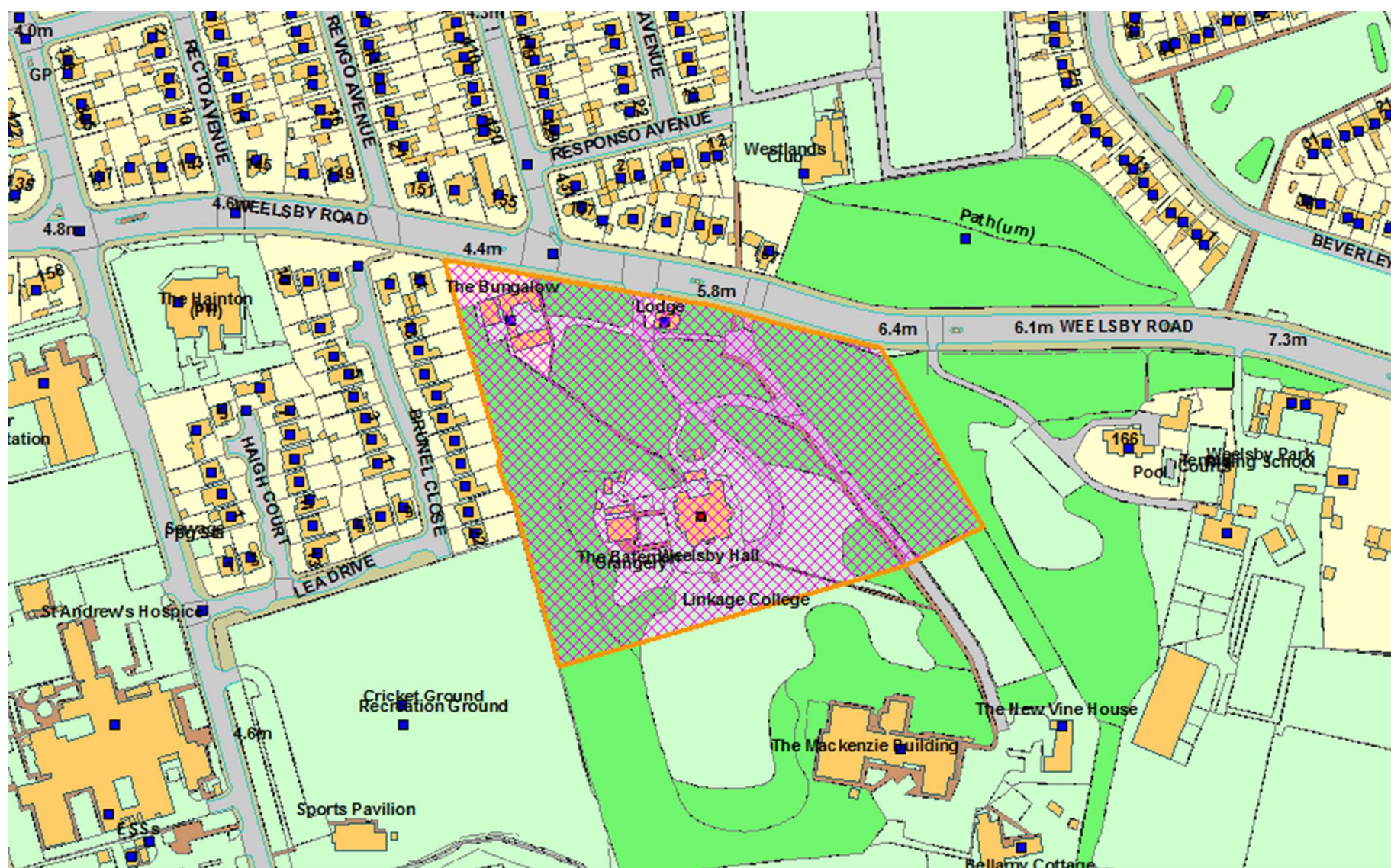
Article 31(1)(cc) Statement - Positive and Proactive Approach

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 amended details to alleviate a concern.

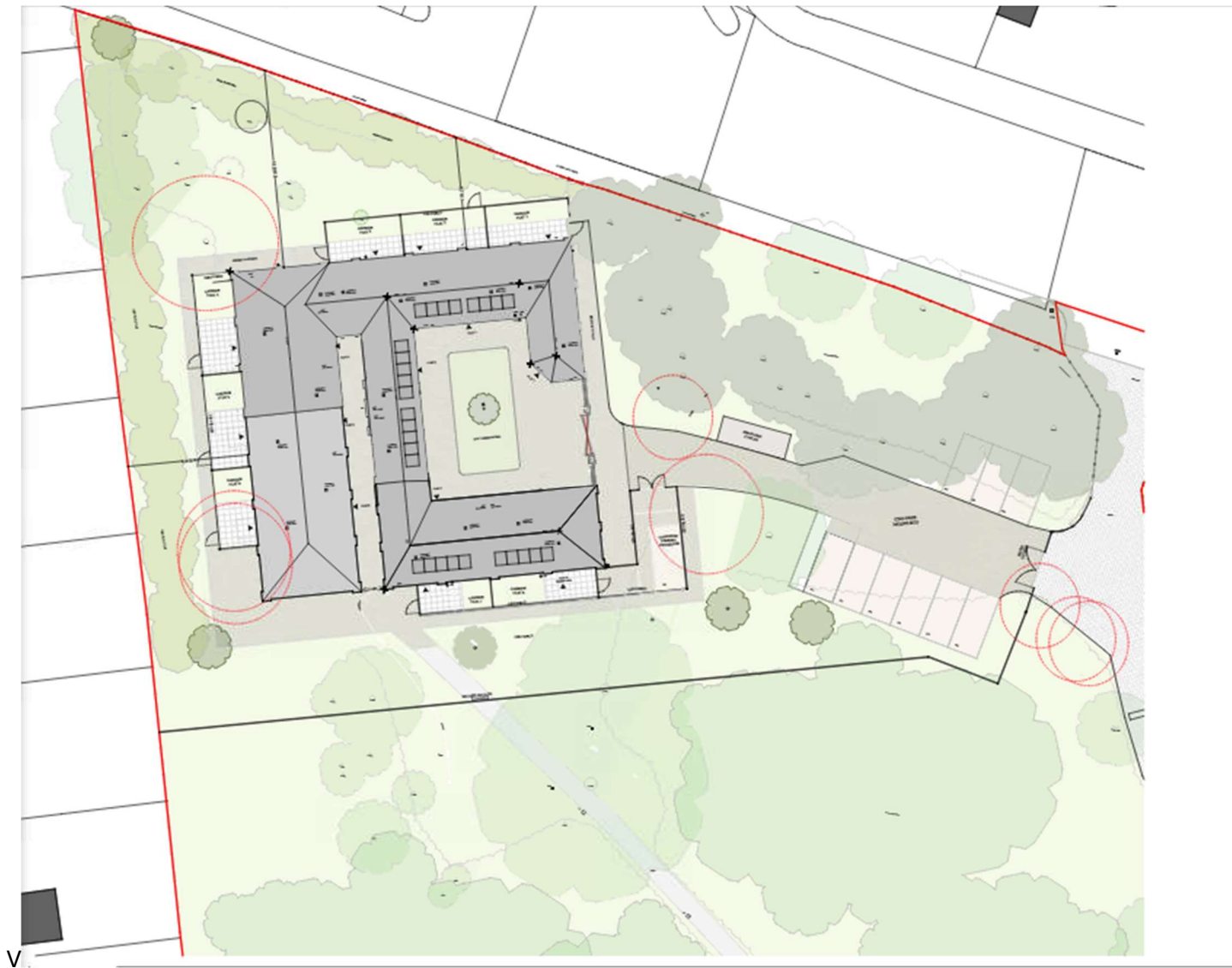
3 Informative

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/0451/24/LBC – WEELSBY HALL AND STABLES, WEELSBY ROAD, GRIMSBY



DM/04501/24/LBC – WEELSBY HALL AND STABLES, WEELSBY ROAD, GRIMSBY



DM/0451/24/LBC – WEELSBY HALL AND STABLES, WEELSBY ROAD, GRIMSBY



PLANNING COMMITTEE - 27th November 2024

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

APPLICATION No: DM/1242/23/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Highfield House, Stallingborough Road, Immingham, North East Lincolnshire, DN40 1SW

PROPOSAL: Erect single storey convenience store with creation of access, car parking and associated hard and soft landscaping (amended site plan)

APPLICANT:

Matthew Wilkinson
Lincolnshire Co-operative Limited
Stanley Bett House
15-23 Tentercroft Street
Lincoln
LN5 7DB

AGENT:

Sam Winton
Framework Architects
3 Marine Studios
Burton Lane End
Burton Waters
Lincoln
LN1 2UA

DEPOSITED: 21st December 2023

ACCEPTED: 21st December 2023

TARGET DATE: 15th February 2024

PUBLICITY EXPIRY: 15th April 2024

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 17th February 2024 **CASE OFFICER: Richard Limmer**

PROPOSAL

The proposal is to erect a single storey convenience store with creation of access, car parking and associated hard and soft landscaping. The proposed store would provide 280 square metres of retail space. There would be a delivery area to the side of the building. A total of 21 parking spaces would be provided two of which would be designated as disabled spaces. The edges of the parking area is to be landscaped and a small community garden area provided.

SITE

The site is located off Stallingborough Road on the edge of Immingham and forms part of the wider Highfield Farm housing site. The wider site benefiting from full planning permission for 525 dwellings. The site itself is 0.2ha of agricultural land, it is relatively flat and has no existing boundary treatments.

RELEVANT PLANNING HISTORY

DM/0728/18/OUT - outline permission for 525 dwellings and a 60 bed care home - approved

DM/1019/23/REM - reserved matters permission for 525 dwellings and associated infrastructure - approved

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2023)

NPPF5 - Delivering a sufficient supply of homes

NPPF12 - Achieving well designed places

NPPF14 - Climate, flooding & coastal change

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

PO5 - Development boundaries

PO22 - Good design in new developments

PO33 - Flood risk

PO23 - Retail hierarchy and town centre develop

PO41 - Biodiversity and Geodiversity

PO39 - Conserve and enhance historic environ

PO13 - Housing allocations

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

REPRESENTATIONS RECEIVED

Drainage Officer - no objections, condition to secure scheme.

Highways Officer - no objections, conditions to secure details.

Environmental Health Officer - no objections, conditions to secure details.

Heritage Officer - no objections, conditions to secure archaeological investigation.

Immingham Town Council - no response to consultation.

Neighbours

Oban Court - object to the proposed development as it is not wanted.

APPRAISAL

Material Planning Considerations

1. Principle of Development
2. Impact on Neighbours
3. Impact on Character of the Area and Provision of Services
4. Highways
5. Drainage and flooding
6. Bio Diversity Net Gain

1. Principle of Development

The site is located within the development area boundary for Immingham on the NELLP Inset Maps and within the Housing Allocation HOU006 which benefits from planning permission under DM/0728/18/OUT and DM/1019/23/REM. Policy 23 of the NELLP sets out the Retail Hierarchy for the borough and sets out that proposals for more than 200 metres square of retail floor space must be suitably justified through a detailed Retail Impact Assessment (RIA).

A detailed RIA has been supplied and in turn the Council has been out to specialist consultants to review the RIA. The initial review concluded that further detail and clarification was required. This was provided and following that the consultant has confirmed that the proposed development would not compromise the existing retail provision and town centre offer in Immingham. The advice concludes that having reviewed the RIA and ARIA submitted in support the convenience store and carried out our own analysis on behalf of the Council it is considered that the proposed development is acceptable in town centre/retail planning policy terms.

With regard to the sequential test and taking onto account the advice provided it is accepted that there are no existing premises or sites within Immingham Town Centre or Immingham's Local Centres that are suitable and available to accommodate the proposed food store once the required flexibility has been applied to the proposals. Equally it is considered that the retail impacts of the proposed food store would not be

significantly adverse on the vitality and viability of Immingham Town Centre and the Pelham Road (East) and Pelham Road (West) Local Centres. Accordingly, the proposed development is considered to have passed the sequential and impact tests.

It is recommended that there is a condition that restricts the retail floor space to 280 metres square as proposed and to a convenience store and with the inclusion of this condition it is considered that the proposed development accords with Policies 5 and 23 of the NELLP and is acceptable in principle. As this is the case the proposal is not considered to be a departure from the Local Plan in this regard.

The other consideration relates to the sites allocation for housing in the NELLP and to this end the loss of the small area of land allocated for housing is not considered detrimental. Detailed approval has been given for the sites residential development which will provide a substantial supply of housing for Immingham and the wider Borough and indeed the appropriately scaled retail offer will support the community to be developed. This is considered to further support the case for the retail offer at this site. Whilst the site is on a small area of land allocated for housing it is considered that the planning grounds for this departure from the Local Plan are well justified.

2. Impact on Neighbours

The proposed retail store is located on the edge of Immingham on a site that is yet to be built out. It has been designed to work with the approved development which in turn that has been designed with this proposal in mind. Future occupants of the development are well separated and measures have been put in place to protect these immediate neighbours from noise associated with deliveries in the form of a 2.2m high brick wall. However, to ensure that this is appropriate mitigation the Environmental Health Officer has recommended a condition is included for a Noise Impact Assessment to be submitted and agreed.

There are other neighbours to the site on the other side of Stallingborough Road and Willows Court. These neighbours are well separated from the development in terms of distance but also by Stallingborough Road itself. Given the scale of the development it is considered that these neighbours would not be unduly affected and as such the proposed development would be in accordance with Policy 5 of the NELLP.

3. Impact on the Character of the area.

The proposed retail store would essentially form part of the wider residential development and has been designed as such in regard to its position and orientation. It has been designed to be an entrance feature of the estate and is in itself of acceptable design with landscaping around the car park. A condition is recommended for the construction materials and final landscaping design and management to ensure that the development is finished as envisaged. With the inclusion of these conditions, it is considered that the development would not harm the character and appearance of the area in accordance with Policies 5 and 22 of the NELLP.

4. Highways

The proposed development would be accessed off Stallingborough Road and utilise the access for the residential development. The Highways team have reviewed the proposal and have not raised any concerns in regard to highway safety or amenity. They have recommended conditions for construction details and construction traffic management plan. It is noted that 2 disabled parking spaces and cycle storage are proposed. It is therefore considered that the proposed development is in accordance with Policies 5, 36 and 38 of the NELLP.

5. Drainage

The application has been submitted with a detailed drainage scheme that has been amended to address the comments of the Drainage Officer and is now considered acceptable. The proposed scheme ties into the drainage scheme for the wider housing development. The proposal is in accordance with Policy 33 of the NELLP.

6. Bio Diversity Net Gain

The application was submitted prior to the statutory Biodiversity Net Gain requirement coming into force and is considered to be one which will not require the approval of a biodiversity gain plan before development is begun.

CONCLUSION

In conclusion, it is considered that the proposed development is acceptable in principle and has been considered in depth in regard to retail impact. The proposed development would not result in a harmful impact in regard to retail impact, highway safety and amenity, residential amenity, drainage or the visual character of the area. The loss of the small area of land allocated for housing is not detrimental and indeed will support the large scale residential development proposed by providing an appropriately sized retail offer which will support the community. The proposal is therefore in accordance with Policies 5, 22, 33, 36, 38, 39 and 42 of the NELLP and is recommended for approval. Having such a convenience amenity on the development site is also likely to aid the overall delivery of housing on the site.

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:

J2340-101 Rev B - site location plan
J2340-104 Rev B - proposed site plan
J2340-103 Rev A - block Plan
J2340-105 Rev A - proposed site sections
J2340-106 Rev A - proposed plans
J2340-107 Rev A - Proposed elevations
J2340-109 Rev A - proposed boundary treatments

Reason

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

(3) Condition

The hereby approved development shall have no more 280 square metres of retail floor space and shall be for convenience retail only.

Reason

In the interest of retail hierarchy and vitality in accordance with Policy 23 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(4) Condition

Development shall not begin until details of all external materials to be used in construction of the building has been submitted to and approved in writing by the Local Planning Authority. The development shall then be built out in accordance with the approved details.

Reason

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

(5) Condition

The development shall be built out in accordance with the Surface Water Drainage scheme detailed in document ref: Surface Water Drainage Strategy Rev A and plan Ref: 7186-100-P1-SW, unless otherwise approved in writing by the Local Planning Authority. The drainage scheme shall be implemented as approved prior to the use of the site.

Reason

In the interest of reducing flood risk in accordance with Policy 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.

(i) 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 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;

Reason

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

(7) Condition

No development shall commence until a Construction Management Plan (CMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The approved CMP shall be adhered to throughout the construction period. The CMP shall provide for:-

- a. The routing of heavy construction vehicles,
- b. Parking of vehicles of site operatives and visitors within the site,
- c. Loading and unloading of plant and materials,
- d. Storage of plant and materials used in constructing the development,
- e. Erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate,
- f. Wheel washing facilities,
- g. A management plan to control the emission of dust and dirt during construction identifying suitable mitigation measures,
- h. A scheme for recycling/disposing of waste resulting from construction works, and

precluding burning of materials on site.

i. A scheme to control noise during the construction phase,

j. Details of lighting to be used during the construction period.

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

Reason

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

(8) Condition

The premises shall operate as follows:

- The premises shall be closed outside of the hours 07:00hrs to 23:00hrs Monday to Sunday

- Hours of deliveries to the premises shall only be between 07:00hrs to 19:00hrs Monday to Friday and 08.30hrs to 18:00hrs on Saturdays. 10.00hrs and 16:00hrs Sundays and Bank Holidays.

Reason

In the interest of residential amenity in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(9) Condition

Prior to commencement of development a Noise Impact Assessment to assess the development in relation to the adjacent approved residential development, shall be submitted to and approved in writing by the Local Planning Authority. The submitted Noise Impact Assessment shall set out any mitigation that may be required and that mitigation shall be fully installed prior to the development first coming in to use.

Reason

In the interest of amenity in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013 to 2032 (adopted 2018).

(10) Condition

Prior to the use hereby permitted commencing details shall be submitted to and approved in writing by the Local Planning Authority of all external ventilation and extraction equipment including their acoustic performance and, where applicable, the method of odour control. Such a scheme as approved shall be implemented in its entirety prior to the use commencing and shall thereafter be so retained.

Reason

In the interest of local amenity in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(11) Condition

No fixed external lighting shall be erected or installed until details of the location, height, design, sensors, and luminance have been submitted to and approved in writing by the Planning Authority. Details shall include mitigation to prevent light pollution. The lighting shall thereafter be erected, installed, and operated in accordance with the approved details.

Reason

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

(12) Condition

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

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).

(13) Condition

No development shall commence until:

- (a) A scheme of landscaping showing the details of the number, species, sizes and planting positions of all trees and shrubs to be planted;
- (b) A Management and Maintenance Plan for the landscaping scheme;
- (c) Details for the implementation for the approved landscaping scheme.

have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be carried out in accordance with the approved details including the timeframe for implementation.

Reason

To ensure a satisfactory appearance and setting for the development and protection of existing features in the interests of local amenity in accordance with Policies 5 and 41 of

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

(14) Condition

No development shall take place 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.

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

In the interest of historical understanding in accordance with Policy 39 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(15) 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 considered to apply. In particular it was submitted prior to mandatory requirements coming in.

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>.

The application for planning permission was made before 12 February 2024.

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

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.

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).

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.

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).

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).

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, 23, 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 gaining specialist advice in regard to retail impact.

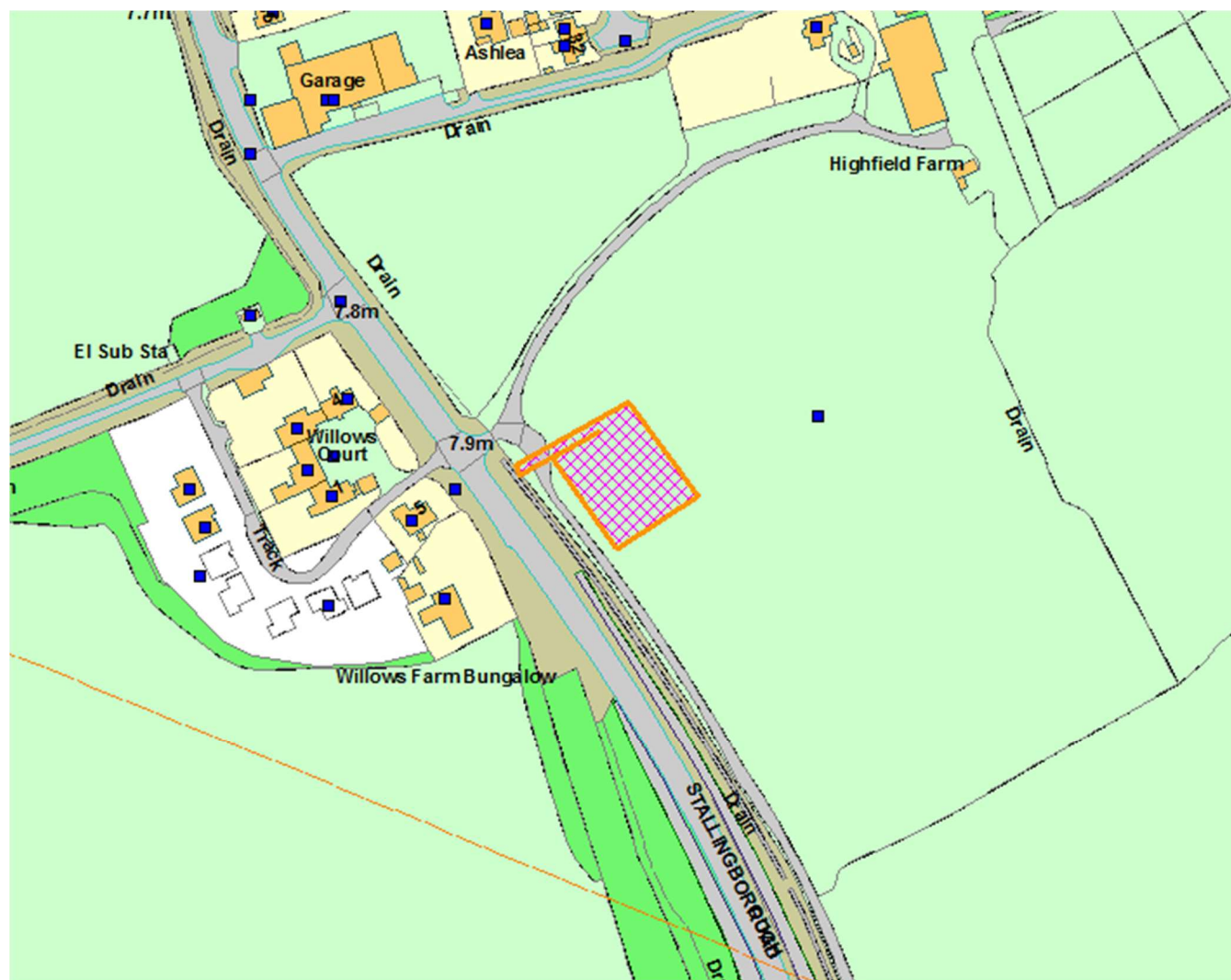
3 Informative

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

4 Informative

As highways within the site are to be adopted by the Council, please contact Highway Management Team on 01472-324484 well in advance of works commencing.

DM/1242/23/FUL – HIGHFIELD HOUSE, STALLINGBOROUGH ROAD, IMMINGHAM



STALINGBOROUGH ROAD

EXISTING DEAN

PROPOSED CONVENIENCE STORE
CAR PARK
21 NO. CUSTOMER
PARKING (INC. 2 NO.
DISABLED)

PROPOSED CONVENIENCE STORE
SALES AREA
STOCK
AREA

BACK OF HOUSE
ROOM
TOILETS

ADJACENT RESIDENTIAL
DEVELOPMENT (10/12/10)

PROPOSED CONVENIENCE STORE AT
140-142 HIGH ROAD, BUNTINGFORD
FOR THE UNIONFARM CO-OPERATIVE

Drawn By: [Redacted]
Date: [Redacted]
Scale: 1:1000
Planning: [Redacted]

Framework

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Page 2 of 2

Ref:	Refuser name		
		PROPOSED CONVENIENCE STORE AT: HIGHFIELD FARM, BIRMINGHAM, FOR THE UNDISBURSED CO-OPERATIVE	
		Drawn by DJH	Issue PLANNING
		PROPOSED LAYOUT	

PLANNING COMMITTEE - 27th November 2024

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

APPLICATION No: DM/0769/22/FUL

APPLICATION TYPE: Full Application

**APPLICATION SITE: Land Between The Willows Caravan Park, And 'The Copse'
Barton Street, Laceby, North East Lincolnshire,**

**PROPOSAL: Construction of new foul sewer and associated works (amended
routing plans July 2024)**

APPLICANT:

Mr Chek Whyte
Chi Investments
Queens Offices
Arkwright Street
Nottingham
NG2 2GD

AGENT:

Lewis Smith
Robert Doughty Consultancy Ltd
32 High Street
Helpringham
Sleaford
Lincolnshire
NG34 0RA

DEPOSITED: 24th August 2022

ACCEPTED: 15th July 2024

TARGET DATE: 9th September 2024

PUBLICITY EXPIRY: 24th October 2024

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 1st January 2023

CASE OFFICER: Richard Limmer

PROPOSAL

The proposal is to construct a new foul water sewer from The Willows, a holiday park with lodges and caravans, to the main Anglian Water sewer adjacent to the Oaklands Hotel and Garden Centre entrance. The proposed sewer runs along the access track to the caravan park and then along the A18.

The application has been brought to Planning Committee due to an objection from Laceby Parish Council.

SITE

The site follows the route of the proposed sewer from the Willows Caravan Park to adjacent to the entrance of the Oaklands Hotel and Garden Centre. This is firstly alongside the entrance track to the Willows, which for the westerly section is also a bridleway. The site then runs along the eastern side of the A18 within the adopted highway.

RELEVANT PLANNING HISTORY

DM/0076/20/FUL - site 31 lodges and managers accommodation - approved
DM/0909/22/FUL - vary DM/0076/20/FUL to change layout, lodge design and address conditions - approved
DM/0861/23/FUL - site an additional 34 lodges and amend design of managers accommodation - under consideration
DM/0510/23/FUL - discharge condition 10 (foul water) and 12 (biodiversity) - under consideration
DM/1049/14/FUL - change of use to caravan site for 30 touring caravans - allowed at appeal

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2023)

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
PO33 - Flood risk
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

Drainage Officer- no objections, recommend conditions for the pumping station.

Anglian Water - no objections, recommend conditions for surveying.

Cadent Gas - no objections.

Ecology Officer - no objections, recommend conditions for great crested newts.

Environmental Health Officer - no objections, recommend conditions for working hours.

Highways Officer - no objections, recommend conditions.

Heritage Officer - no objection, recommend conditions.

Public Rights of Way Officer - no objections, recommend conditions for bridleway bridge.

British Horse Society - object due to lack of information on time the bridleway would be closed for.

Tree and Woodlands Officer - no objections

Laceby Parish Council - Object to the proposal due to the additional pressure on the foul network through Laceby Village which is already at capacity and floods regularly. Having reviewed the updated information Laceby Parish Council maintain their objection.

Neighbours

Laceby Manor Golf Club - object as the proposal goes on their land, ecological impact, lack of tree survey, impact on hedgerow, impact on sewer network and adverse impact on the A18 (which serves their business) during construction.

APPRAISAL

Material Planning Considerations

1. Principle of Development
2. Impact on Neighbours
3. Impact on Character of the Area
4. Highways
5. Drainage and flooding
6. Ecology, Trees and Public Rights of Way

1. Principle of Development

The proposed development is located outside of any defined settlement boundary and is considered to be in the open countryside. The proposed sewer is required to support the Willows which has permission for caravans and lodges, a use which requires an open countryside location. Policy 5 of the NELLP allows for developments that support rural leisure and tourism. As the proposed development supports this approved use it is considered to be acceptable in principle and in accordance with Policy 5 of the NELLP.

2. Drainage

The proposal has come about due to the scale of the enterprise at the Willows. The Environment Agency have indicated that the number of lodges approved and proposed should be served by the sewerage network rather than by package treatment plant to reduce the risk of impacts to the environment.

The proposal to construct a sewer to connect to the publicly adopted sewer near to the Oaklands. This has raised concerns with Laceby Parish Council due to the additional flow and pressure on the existing sewer network. The Parish Council detail that the existing sewer network through the village is over capacity and suffers from flooding. Part of this issue is due to connections from surface water drains which in high rainfall events overflow the sewer network.

Anglian Water are the responsible authority for the public sewer network and have been consulted and actively engaged with as part of this planning application process. They have confirmed that they have no objection to the proposed development and that the existing public sewer and treatment station has capacity of the proposed flows and subject to conditions being included for surveys to demonstrate that it is a fully sealed system.

The Councils Drainage Officer has also reviewed the proposal and has recommended that the proposed system has storage capacity at the pumping station for 40,000 litres and operates with a telemetry system so that in high rainfalls events and when the public sewer is at capacity the pumping station stops, so as to not add to the flows, and only carries on once the levels have dropped. This detail has been supplied by the applicant and the Drainage Officer has confirmed that they have no objections subject to a condition for the final details and the installation of the approved system.

With the inclusion of the conditions proposed by both Anglian Water and the Drainage Officer it is considered that the proposal is acceptable in accordance with Policies 5 and 33 of the NELLP.

3. Impact on Neighbours

The proposed development benefits from few residential neighbours. The closest being The Lodge close to the Oaklands and Laceby Manor Resort as a business. The

proposed development is for a foul sewer which would be underground and so would not cause any physical or visual impacts to the nearby properties or businesses. The proposal also includes a pumping station that sits within the main Willows site and close to the boundary with the Laceby Manor Golf Club and one of their own lodge areas. The pumping station would be underground and a sealed unit, there would not therefore be undue impact upon the neighbouring lodges or wider complex. The proposal would therefore be in accordance with Policy 5 of the NELLP.

There is the potential for impacts through the construction of the sewer, the Environmental Health Officer has recommended a condition for working hours and the Highway Officer a Construction Traffic Management Plan. These conditions should be included to ensure any impacts from construction are minimal.

Ownership issues have been raised by Laceby Manor Resort but the works will be within the adopted highway or on the applicants site.

4. Impact on the Character of the area.

The proposed development is for an underground sewer with a pumping station. None of the proposed development would be readily visible once constructed. The proposal would therefore not offer harm to the visual character of the area in accordance with Policy 5 of the NELLP.

5. Highways

The proposed sewer would run along the A18, within the adopted highway, for approximately 1.4km. There would not be any impacts on the highway network outside of the construction period. The Highway Officer has confirmed no objections to the proposed development but have requested a Construction Traffic Management Plan to be submitted by condition. This is considered necessary to ensure the safe and smooth running of the highway network. The proposal is therefore considered to be in accordance with Policy 5 of the NELLP.

6. Ecology, BNG, Trees and Public Rights of Way

The objections from Laceby Manor Golf Club in regard to ecology and trees have been noted and considered.

The Councils Ecology Officer has noted the potential for Great Crested Newts to be on site. In order to make sure that appropriate mitigation is in place prior to works commencing an updated survey and mitigation measures will be required to be submitted and approved. No wider ecological issues have been raised as it is noted that the majority of the works would take place within the adopted highway.

The application was submitted prior to the statutory Biodiversity Net Gain requirement coming into force and is considered to be one which will not require the approval of a

biodiversity gain plan before development is begun.

In regard to trees and hedges the Tree Officer has reviewed the updated plans and has no objections to the proposed works. The majority of the works take place within the adopted highway and whilst close to hedges, which are not protected, it is not considered that the works would cause undue harm.

It is noted that the British Horse Society have sent a holding objection to the application seeking confirmation as to how long the bridleways would have to be closed for during construction. However, they have not responded to further consultation. Consultation has also been undertaken with the Council Public Rights of Way Officer and no objections to the proposed works have been raised. The requirement to close the rights of way during works is noted and advice provided to the applicant. Part of the works also pass by a bridleway bridge, to ensure that the works in this area do not damage the bridge a condition is proposed that requires final details of the construction in this area to be submitted and approved.

With the inclusion of the aforementioned conditions it is considered that the proposed development accords with Policies 5, 41 and 42 of the NELLP.

CONCLUSION

In conclusion, it is considered that the proposed development is required to support rural leisure and tourism and is therefore acceptable in principle. It would not bring rise to concerns over ecology, impact on adjacent land uses, trees and hedges, drainage and flood risk. The proposal therefore accords with Policies 5, 33, 41 and 42 of the NELLP and is recommended for approval subject to safeguarding conditions.

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:

C3935-HSP-xx-xx-dr-5001-P08 site location plan

C3935-HSP-xx-xx-dr-5002 Sheet 1

C3935-HSP-xx-xx-dr-5003 Sheet 2

C3935-HSP-xx-xx-dr-5004 Sheet 3

C3935-HSP-xx-xx-dr-5005 Sheet 4

C3935-HSP-xx-xx-dr-5006 Sheet 5

C3935-HSP-xx-xx-dr-5007 Sheet 6

C3935-HSP-xx-xx-dr-5008 Sheet 7

C3935-HSP-xx-xx-dr-5009 Sheet 8

C3935-HSP-xx-xx-dr-5010 Sheet 9

C3935-HSP-xx-xx-dr-5011 Sheet 10

C3935-HSP-xx-xx-dr-5012 Sheet 11

Reason

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

(3) Condition

Prior to development commencing final details of the foul water pumping station and operating telemetry system shall be submitted to and approved in writing by the Local Planning Authority. The approved system will have a minimum of 40,000 litres of storage capacity. The approved pumping station and operating telemetry system shall be fully installed and made operational prior to the sewer coming into use and thereafter maintained and in operation.

Reason

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

(4) Condition

Prior to its first use the existing foul drainage on-site network must be proven to be a fully sealed system. CCTV and sir testing surveys need to be carried out on the foul network during the wet weather season, October - March. Methodology and results need to be submitted to and approved by the local planning authority, in consultation with Anglian Water. Should the surveys present negative results, details of mitigation and a schedule for implementation shall be submitted to and approved in writing by the Local Planning Authority prior to its use. Mitigation shall be installed prior to the use of the foul drainage system and shall thereafter be retained.

Reason

To prevent sewer flooding in accordance with Policy 33 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(5) Condition

Prior to its first use the onsite surface water network, including storage tanks, must be proven to be a fully sealed system, with effective prevention of reverse flow from the receiving ditch. CCTV and sir testing surveys needs to be carried out on the surface water network during the wet weather season, October - March. Methodology and results need to be submitted to and approved by the local planning authority, in consultation with Anglian Water. Should the surveys present negative results, an alternative approach will be required to manage surface water drainage, details of this and a schedule for implementation shall be submitted to and approved in writing by the Local Planning Authority prior to installation. It shall be installed as approved with the method of surface water drainage retained thereafter.

Reason

To prevent sewer flooding in accordance with Policy 33 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(6) Condition

No development shall take place 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.

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

In the interest of understanding and recording the historic environment in accordance with Policy 39 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(7) Condition

Development shall not begin until full and final comprehensive engineering and construction details of all works within the Highway have been submitted to and approved by the Local Planning Authority. The development shall then be installed in accordance with the approved details.

Reason

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

(8) Condition

Prior to any development commencing a scheme for the protection of footpath/bridleway Nos. 168A, 124 and 97 shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in its entirety throughout the construction process and the footpath/bridleway kept protected at all times during the construction period.

Reason

To ensure the integrity of footpath/bridleways is maintained at all times in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(9) Condition

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

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

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

Reason

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

(10) Condition

Prior to any development commencing an up to date Great Crested Newt survey and construction mitigation plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with the

approved details.

Reason

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

(11) 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. In particular it was submitted prior to mandatory requirements coming in.

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 Informative

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

2 Informative

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).

3 Informative

To close the Public Right of Way will require prior authorisation from the Public Rights of Way Mapping Officer, with at least 4 weeks before commencement. A charge of £500 will be levied to the applicant to cover the Council's costs in arranging the legal closure order and any extensions to this Order. A formal application must be submitted to the Public Rights of Way Mapping Officer via email to prow@nelincs.gov.uk or by telephoning 01472324789.

4 Informative

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

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

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

5 Added Value Statement

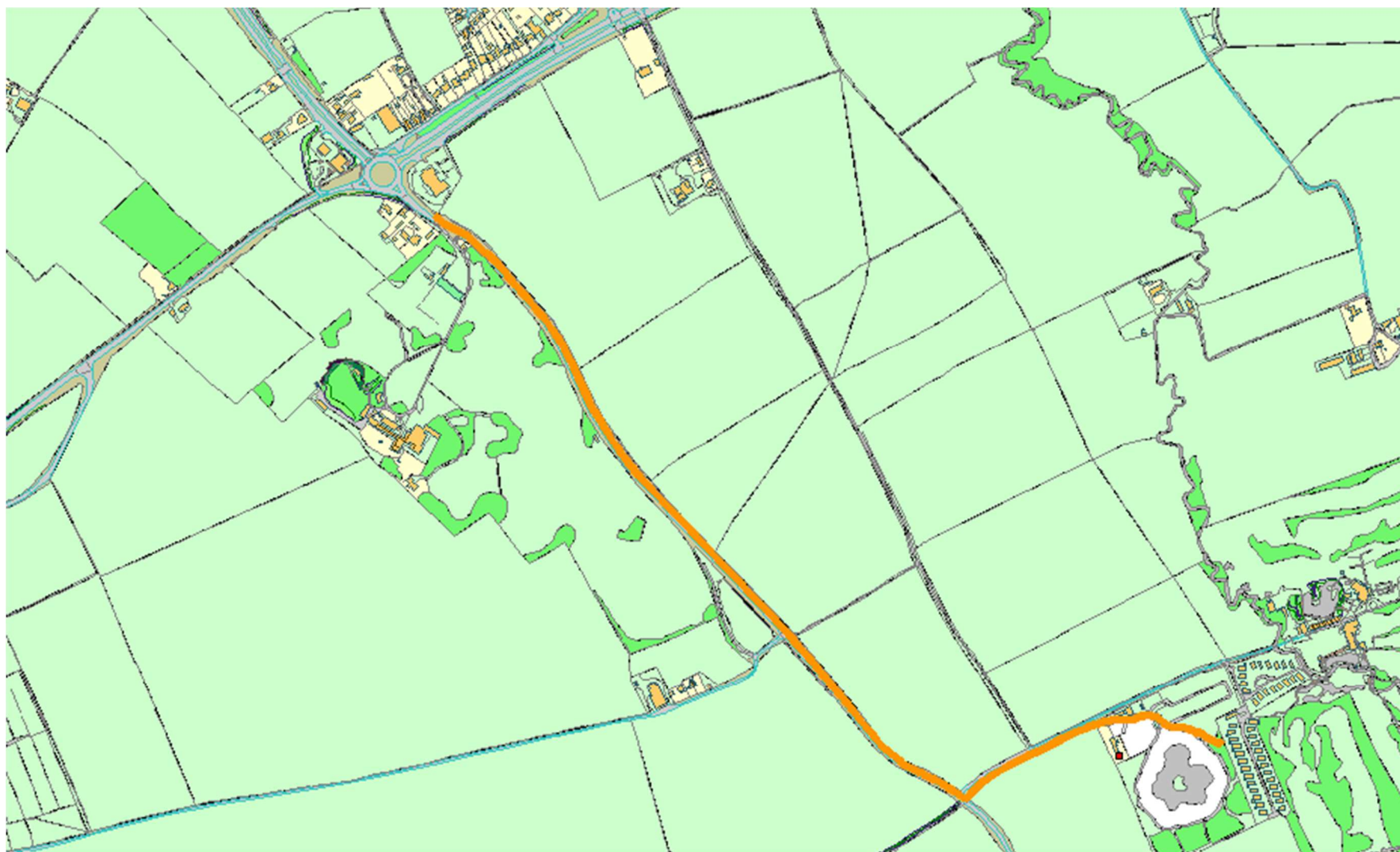
Article 31(1)(cc) Statement - Positive and Proactive Approach

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 liaising with the applicant to reduce conditions.

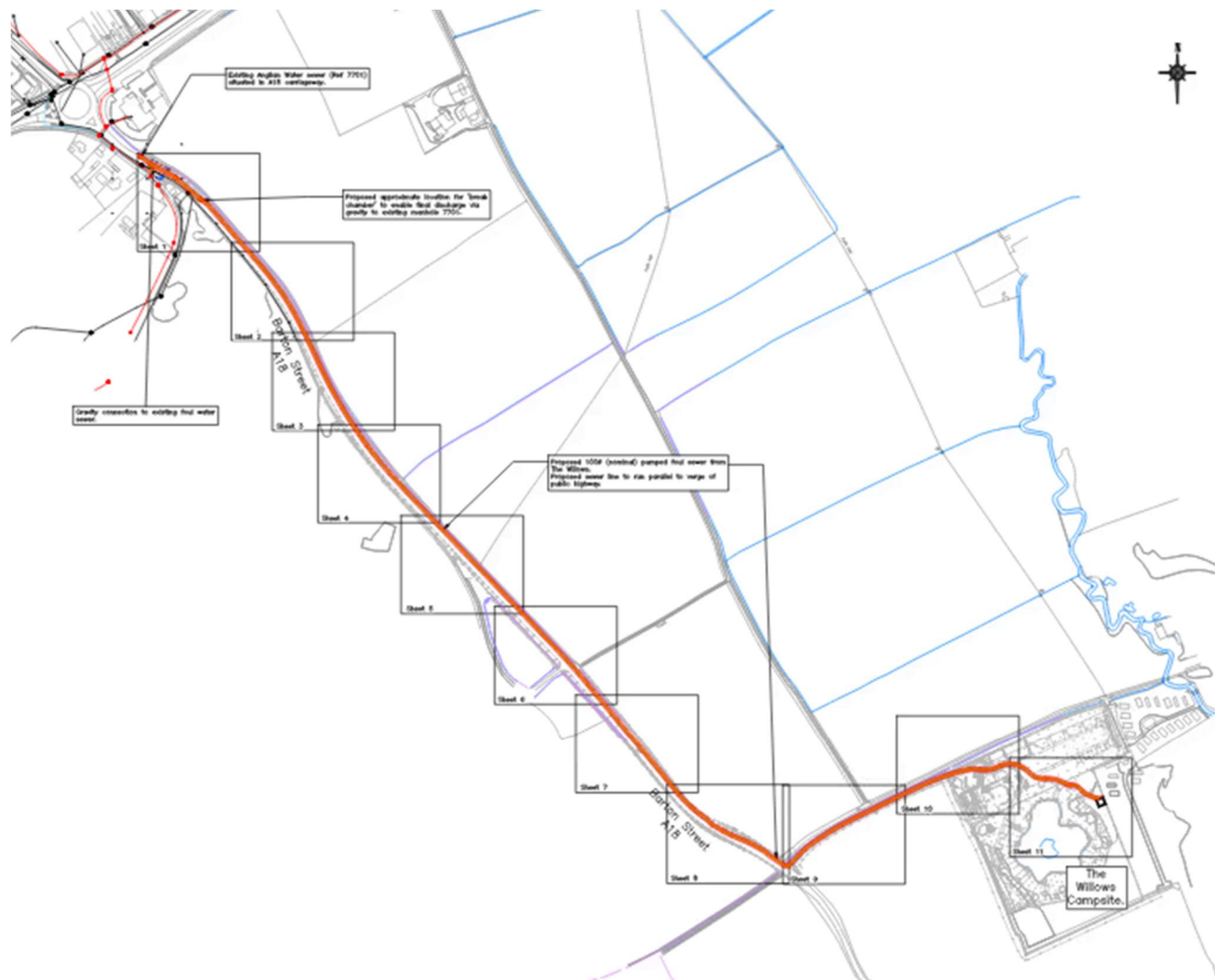
6 Reason for Approval

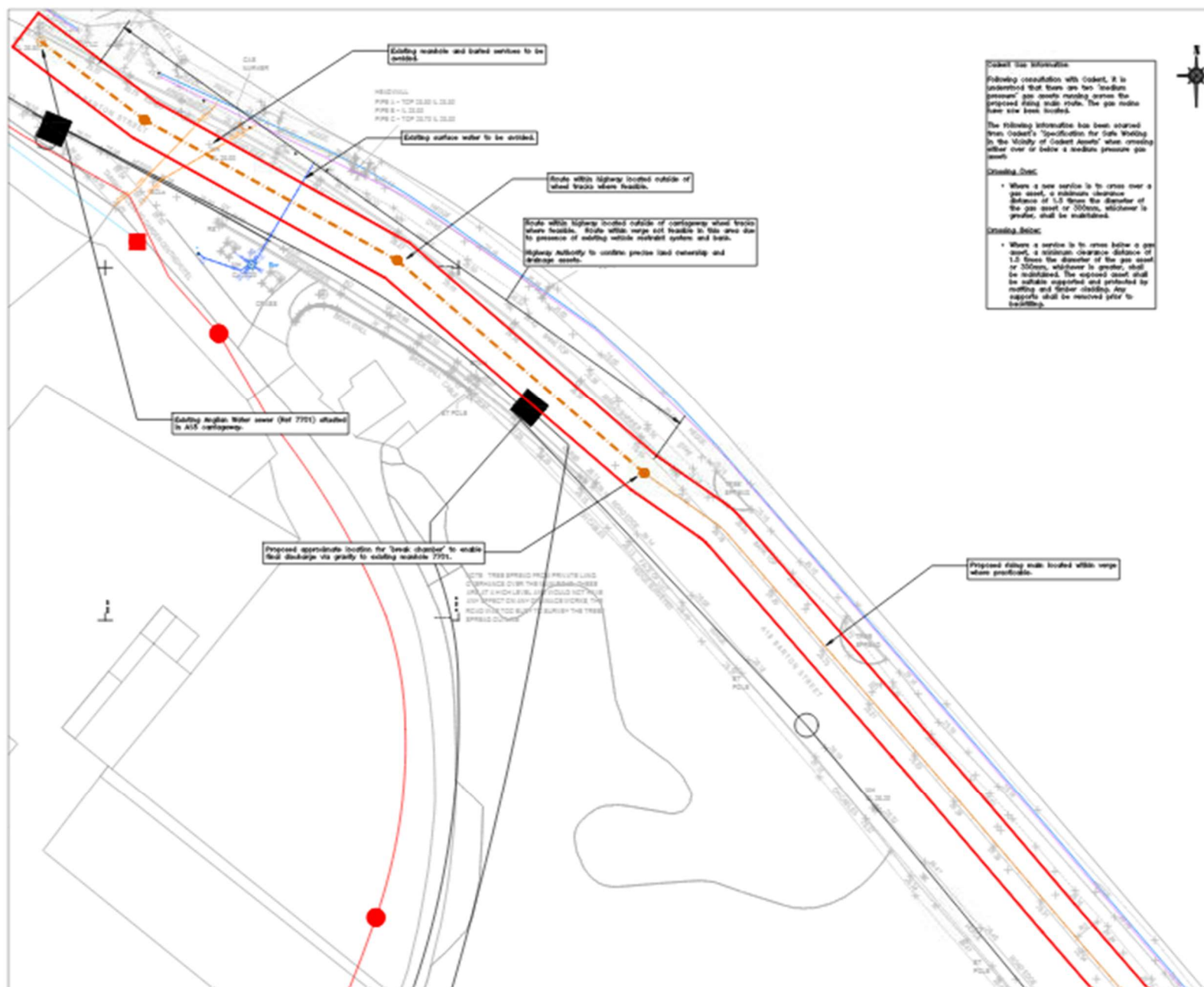
The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or residential amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 5, 33, 41 and 42.

DM/0769/22/FUL – LAND BETWEEN THE WILLOWS CARAVAN PARK AND THE COPSE, BARTON STREET, LACEBY



DM/0769/22/FUL – LAND BETWEEN THE WILLOWS CARAVAN PARK AND THE COPSE, BARTON STREET, LACEBY





Cable Use Information

Following consultation with Cadnet, it is understood that there are two 'medium pressure' gas assets running across the proposed rising side route. The gas mains have not been located.

The following information has been shared from Cadnet's 'Specification for Safe Working in the Vicinity of Gas Assets' when crossing either over or below a medium pressure gas asset.

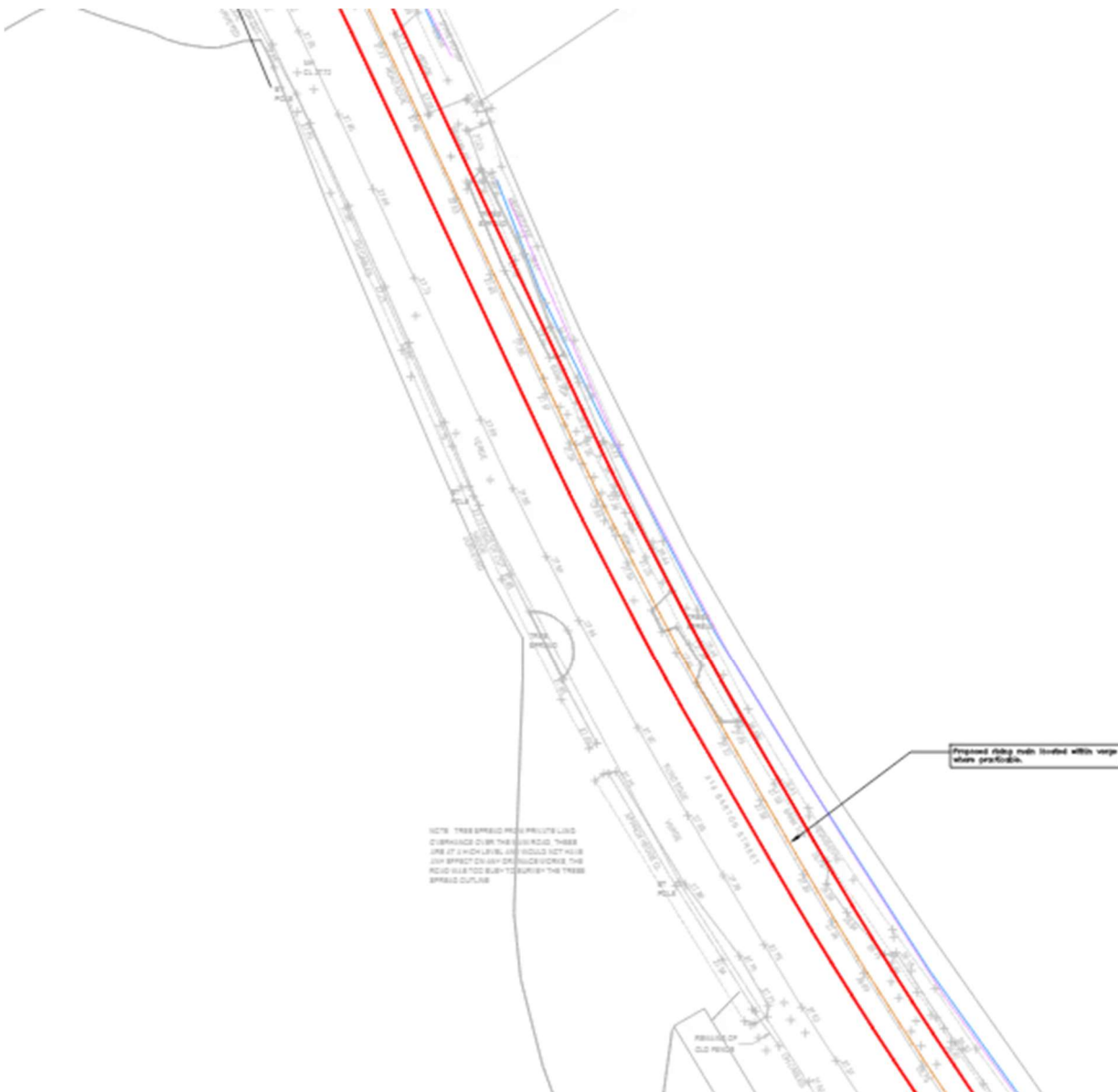
Crossing Over:

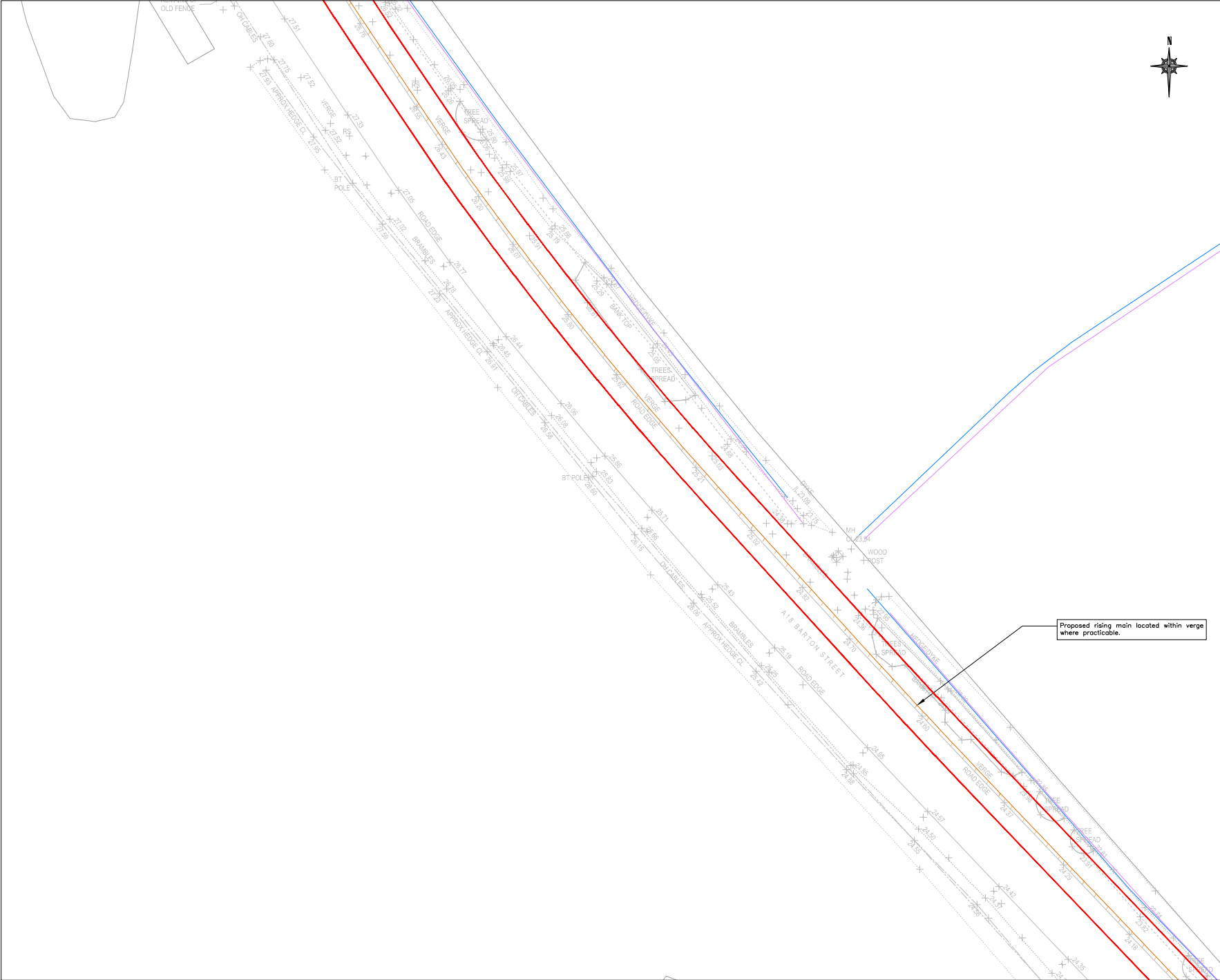
- Where a new service is to cross over a gas asset, a minimum clearance distance of 1.5 times the diameter of the gas asset or 300mm, whichever is greater, shall be maintained.

Crossing Below:

- Where a service is to cross below a gas asset, a minimum clearance distance of 1.5 times the diameter of the gas asset or 300mm, whichever is greater, shall be maintained. The exposed asset shall be suitably supported and protected by racking and other cladding. Any supports shall be removed prior to backfilling.







General Notes

- Do not scale
- The purpose of this drawing is to illustrate the proposed offsite route of foul water drainage to service the proposed development site.
- This drawing is for planning purposes only and does not purport to be a detailed design for construction.
- The information shown is simplified for clarity.
- In brief it is proposed:
 - To provide an outfall to public foul sewer to service the proposed development.
 - The nearest public foul sewer is located approximately 1500 m from the development site.
 - The offsite route is shown schematically for illustration purposes. It is to be located within the highway verge/margin wherever practicable.
 - A foul pumping station will be located on the site. The onsite drainage is the subject of a separate application.
 - Surface water will not be discharged into the public foul sewer.
- To be read in conjunction with planning application documents.
- All utility (with the exception of gas) services mapped have been sourced through online records. The information shown has been reproduced to illustrate what services are present within the locale. Further investigation is required to confirm the precise locations of the services that are in close proximity to the proposed works.
- Following a utility survey conducted by Sub Scan (23/04/24), the locations of the gas mains within Barton Street have been identified and located.
- It should be understood that the utility information shown is only what has been recorded by the respective owners. Unidentified utilities may be present.

Key:

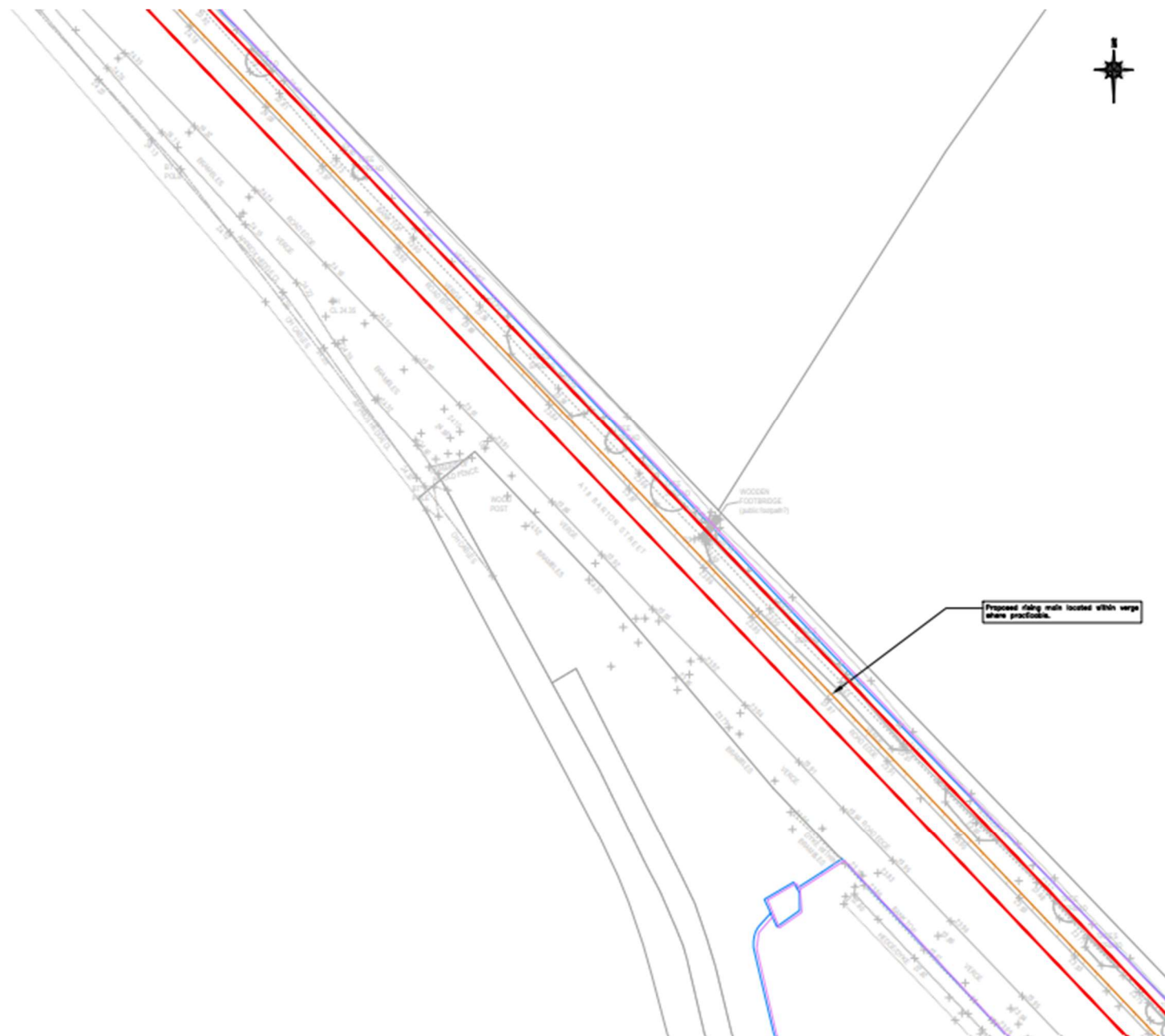
Offsite drainage route

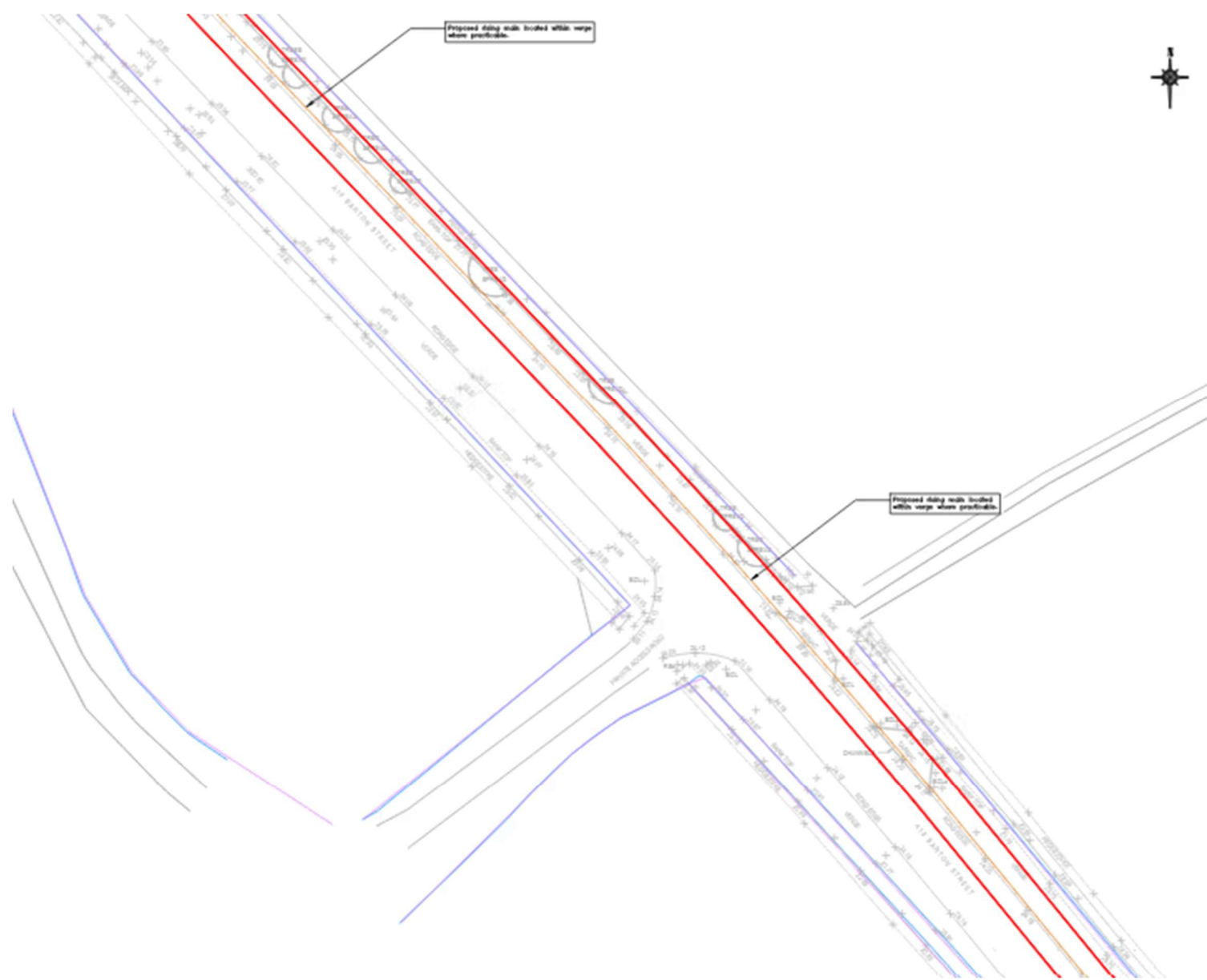
- Rising main
- Gravity
- Red Line Boundary

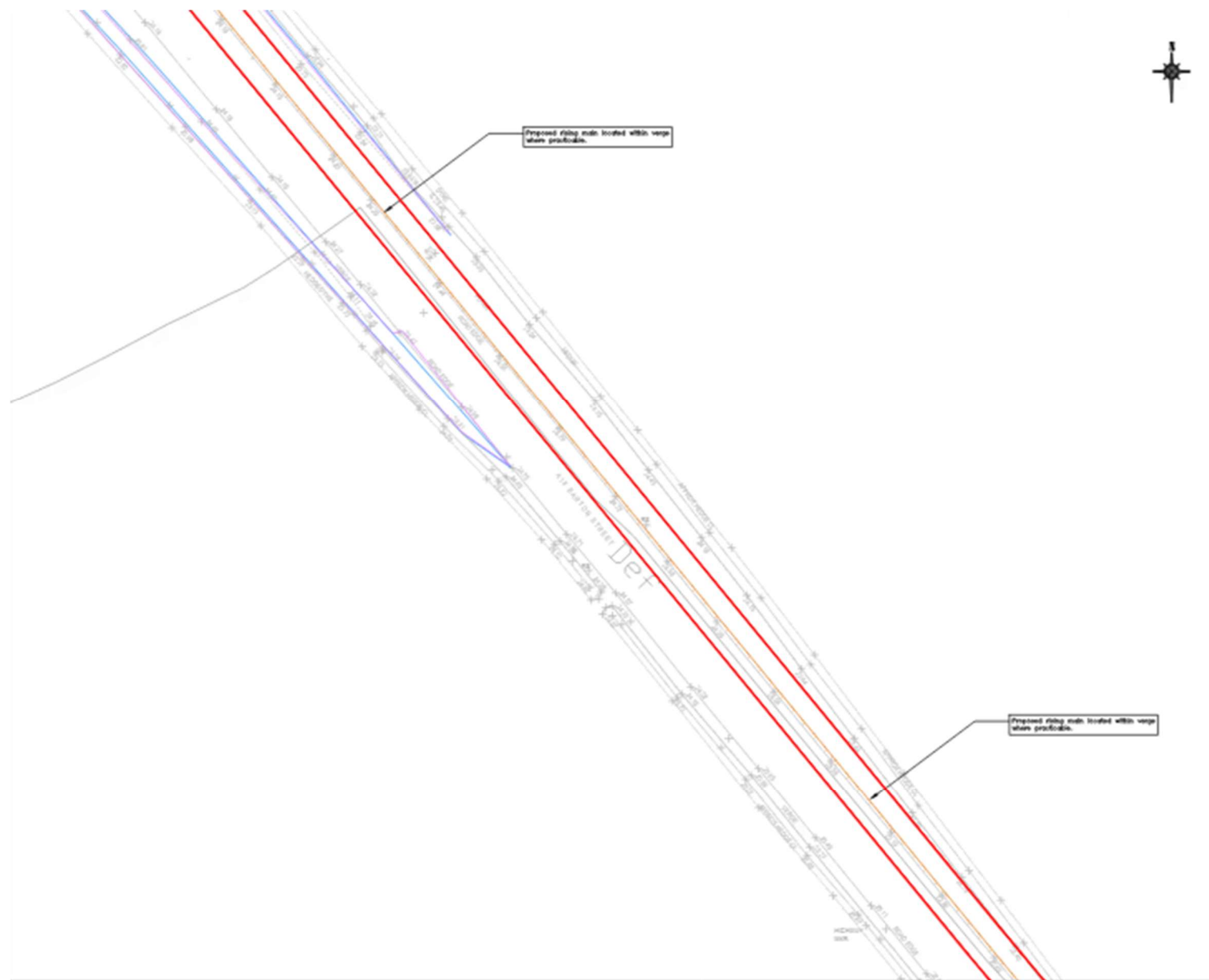
Utility Services:

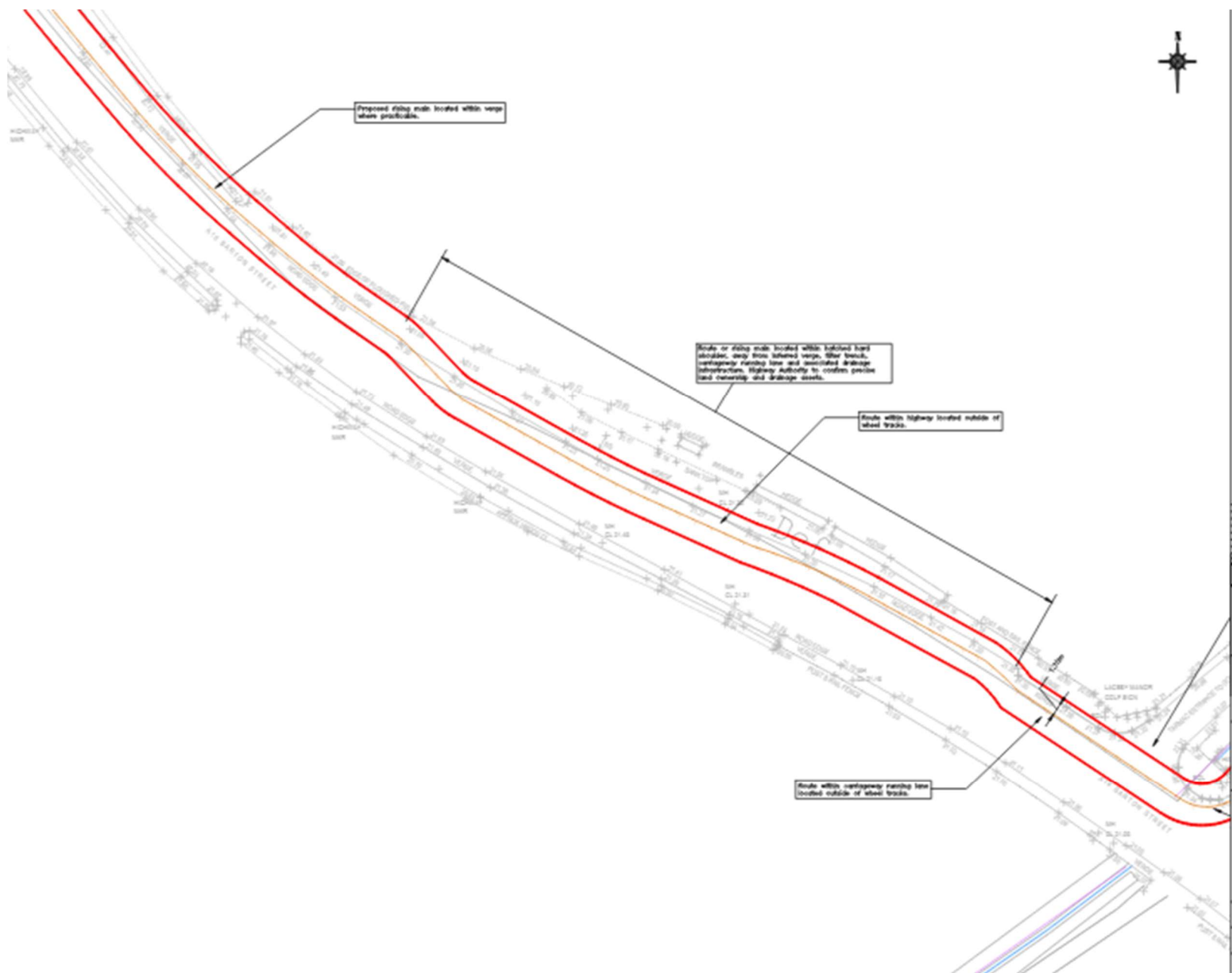
- Electricity (TFR)
- BT Bou/Pole (TFR)
- Telecoms (TFR)
- Water (TFR)
- Gas (GPR)

POS 54	12.07.20	Updated following meeting with Ecobridge/phase authority	PHD	
POS 58	10.04.20	Gas GPR survey included	PHD	
POS 61	20.03.21	Topograph of survey included	PHD	
POS 68	18.02.21	Current information included	PHD	
POS 69	18.01.21	Utility information included	PHD	
POS 69	05.10.20	Amendments following PAs comments	PHD	
POS 69	07.08.20	Amendments following PAs comments	PHD	
REV	BY	DATE	DETAILS	CHKD
STATUS		S2 - INFORMATION		
CLIENT				
Chek Whyte				
PROJECT				
The Willows				
TITLE				
Proposed Site Layout Plan Sheet 4				
<div><div><div>hsp</div><div>consulting</div></div><div>Lawrence House, 6 Meadowsbank Way, Eastwood, Nottingham, NG16 3SB Tel 01173 535555 www.hipposnsi@hsp.com</div></div>				
SCALE	PROJECT NO.	SHEET		
1:250	C3935	SIZE A1		
DATE	DRAWN	CHECKED		
13/02/2023	GI	PHD		
DRAWING NO.		REV		
C3935-HSP-XX-XX-DR-5005		P08		



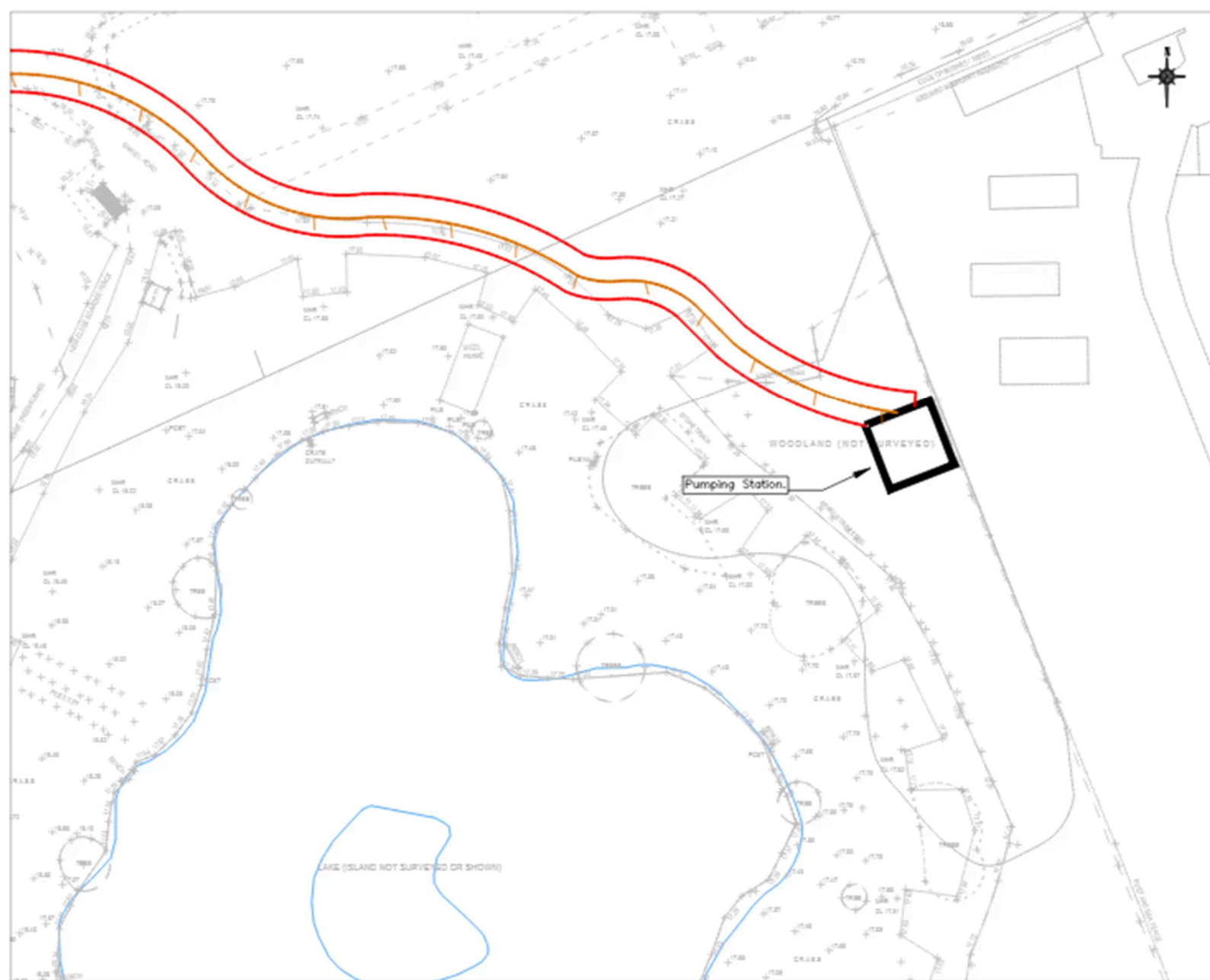












PLANNING COMMITTEE - 27th November 2024

ITEM: 5 **RECOMMENDATION: Refused**

APPLICATION No: DM/0752/24/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: 1 - 2 Great Coates Road, Healing, North East Lincolnshire, DN41 7QW

PROPOSAL: Erection of 2 detached dwellings with solar panels and roof lights, alterations to existing vehicular access and associated works

APPLICANT:

Mr M Peterson
1 - 2 Great Coates Road
Healing
North East Lincolnshire
DN41 7QW

AGENT:

Mr Byron Smith
By Design
47 The Avenue
Healing
Grimsby
N E Lincolnshire
DN41 7NA

DEPOSITED: 29th August 2024

ACCEPTED: 29th August 2024

TARGET DATE: 24th October 2024

PUBLICITY EXPIRY: 20th October 2024

AGREED EXTENSION OF TIME DATE: 29th November 2024

CONSULTATION EXPIRY: 26th September 2024

CASE OFFICER: Lauren Birkwood

PROPOSAL

This application seeks planning permission for the erection of two detached dwellings with solar panels and roof lights on land at 1-2 Great Coates Road in Healing. There would also be alterations to the existing vehicular access from Great Coates Road.

This application is presented to the Planning Committee as it has been called in by a ward councillor.

SITE

The application site is a plot of land between 1 and 2 Great Coates Road and Healing School opposite. The site is generally a flat grassed area and is surrounded on two sides (east and south) by mature field hedges, a three bar fence to the north and a bank of trees to the west which divides it from 1 and 2 Great Coates Road. A number of large mature trees exist on the boundaries of the site. A concrete access drive to numbers 1 and 2 exists along the northern edge of the site.

To the north of the site is a well maintained grassed paddock area, whilst to the east is Great Coates Road (B1210). Beyond this is Healing School along with its access road. To the south is open countryside and the west are dwellings known as 1 and 2 Great Coates Road which is a crescent shaped bungalow.

RELEVANT PLANNING HISTORY

DM/0270/20/OUT - Outline application for the erection of a dwelling and garage with all matters reserved - Approved with Conditions.

DM/0961/22/REM - Reserved Matters application following DM/0270/20/OUT for the erection of a dwelling and garage with access, appearance, landscaping, layout and scale to be considered and discharge of condition 3 drainage - Approved with Conditions.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2023)

NPPF1 - Introduction
NPPF5 - Delivering a sufficient supply of homes
NPPF9 - Promoting sustainable transport
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
PO4 - Distribution of housing growth
PO5 - Development boundaries
PO17 - Housing density
PO19 - Rural exceptions
PO22 - Good design in new developments
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

Council's Environmental Health Officer - No objection. Conditions recommended.

Council's Highways Officer - No objections. Condition and informative recommended.

Council's Drainage Officer - No objections. Condition recommended.

North East Lindsey Internal Drainage Board - No comments.

Council's Heritage Officer - No comments.

Council's Tree Officer - No objections regarding tree report. Raises concerns regarding impact on the character of the area.

Council's Ecology Officer - No objections. BNG not required.

Healing Parish Council - No objections.

Cadent Gas - No objections. Informative recommended.

Councillor Hudson - Call into Committee so as to discuss the merits of the proposed development. In particular its location.

Grimsby, Cleethorpes & District Civic Society - Concerns about the traffic issues. It is close to a sharp bend on the busy main road, and the school entrances. Another concern is the possible "domino" effect, creating other developments along Great Coates Road. Recognise the creative design of the proposed houses, but due to the concerns mentioned, cannot support this application.

No neighbour representations.

APPRAISAL

The key planning material considerations are:

- Principle of Development and Visual Amenity
- Residential Amenity
- Highways and Parking
- Drainage and Flood Risk
- Landscaping and Ecology

Principle of Development and Visual Intrusion

The application site is located outside of the development boundary for Healing as defined in the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018). Healing is noted in Policy 3 of the North East Lincolnshire Local Plan as a Local Service Centre offering a range of basic services and amenities, combined with good accessibility to urban areas. The site is close to several facilities within the settlement and public transport links and could not be considered unsustainable in that regard.

Similarly, Policy 4 also recognises Healing (along with similar designated settlements) as a location for provision for between 30-35% of new homes required in North East Lincolnshire within the Local Plan period. Policy 5, however, provides more specific guidance for development with specific reference to settlement boundaries. It notes that all development will be considered with regard to: 1. Suitability and sustainability but also specifically Part 3 notes that beyond the defined boundaries land will be regarded as open countryside. It notes that within such locations very specific circumstances are required to support development. The development of market housing does not meet the specific circumstances and in principle the development does not accord to the development plan. It is contrary to Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

In particular the proposed development would extend the built form of the village into the countryside. The dwellings would not be closely tied to the rest of the village and as such, the proposal would unacceptably erode the prevailing and pleasant rurality of the area, and particularly the site's role as a transition between the edge of the village and the countryside beyond.

The development would be located opposite Healing School to the east and nos. 1 and 2 Great Coates Road to the west. The settlement edge of Healing is very much read in conjunction with the B1210 road forming the boundary with defined development to the north and east and open space with only minor sporadic development to south and west. This is further underlined by open fields to the south of the site and well-maintained landscaped paddocks to the west and further north west the parkland grounds of Healing Manor. Whilst it is accepted that a small number of residential properties exist on this side of the road they are set back from the road and partially screened, and it is the pleasant green space character which predominates creating an attractive setting and natural progression from defined settlement to open countryside.

When arriving to the village from the south eastern direction on Great Coates Road, despite the school to the east, it is considered that there is no development in a

meaningful way until viewing houses opposite (Pinney's Crescent) to the northern side of the road. Any proposed development on this proposal site would be positioned forward of current property and would create an intrusive built presence when moving towards Healing from the south east. Whilst field hedgerows/trees could screen part of this, it is considered that it would not fully mitigate the presence of such structures and as is often the case, hedges are reduced and cut back for maintenance increasing the visual presence of development on this site of the road where previously an open character predominated.

It is noted that an outline application and reserved matters application for one dwelling has been approved on this site (DM/0270/20/OUT and DM/0961/22/REM). However, it is not considered that this justifies the development and indeed the presence of two detached dwellings on this site would further detract from the attractive open character of the area and setting of the village of Healing.

The proposal would therefore conflict with Policy 5 of the NELLP which, in regard to this main issue, is concerned with the distinctive open character and quality of the countryside, amongst other things.

Residential Amenity

By reason of its somewhat isolated location from the main village, it is considered that any impacts upon existing occupiers' amenities would be minimal. The nearest property would be the applicant's own property. In a similar manner, any future occupier of the new dwellings would be sufficiently protected from noise, nuisance and activity generated by surrounding land uses and Great Coates Road itself due to landscaping surrounding the site. The proposal would therefore accord with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) on such matters.

Highways and Parking

Access to the proposed dwellings will be via an established highway vehicular dropped kerb from B1210 (Great Coates Road). The access is to be widened to 6500mm to enable shared use and so as to not impede the free flow of traffic along the highway. The Council's Highway Officer has confirmed they are satisfied with the proposed access arrangements. Furthermore, they are content that there are turning areas within the curtilage for each dwelling.

In highway terms the proposal is considered to accord with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

Drainage and Flood Risk

The site is not within a flood risk area as identified on the Environment Agency flood maps or within the Council's Strategic Flood Risk Assessment. Therefore, the proposal is considered sequentially acceptable in accordance with Policy 33 of the North East

Lincolnshire Local Plan 2013-2032 (Adopted 2018).

In terms of surface water drainage, the Council's Drainage Officer has reviewed the proposal and has no objections to the development, subject to a condition requesting additional mitigation measures.

Therefore, in regard to drainage and flood risk, the proposal therefore accords with Policies 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

Landscaping and Ecology

There are trees and hedging within the site. The details provided show that the existing landscaping within the site would be retained, apart from part of the boundary hedging to allow the proposed access to be widened. The Council's Tree Officer has reviewed the details and documentation and confirms no objection. The proposal therefore accords with Policy 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

In terms of ecology, the Council's Ecology Officer has no objections. The development is considered to be exempt from the mandatory Biodiversity Gain condition as the development consists of dwellings that are self-build.

CONCLUSION

The site is located outside of the development area boundary (Policy 5) in the North East Lincolnshire Local Plan for the village and would not meet any of the specific exceptions to justify two dwellings in this location.

The development of this site would detract from the open landscaped character of this side of Great Coates Road (the B1210) creating a stronger developed presence away from the defined village which currently is not readily apparent effectively expanding the village southwards. This would be detrimental to its character and setting and be contrary to Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018). It is therefore recommended that planning permission be refused.

RECOMMENDATION

Refused

(1) The proposed dwellings would be located outside of the development boundary established around Healing as defined in the North East Lincolnshire Local Plan. The development of the site for two dwellings and garden areas would constitute a visual intrusion detracting from the pleasant rural setting and the open character of this part of Healing creating an extended grouping of development. There are no exceptional reasons for the proposal and as such it is contrary to Policies 3, 4, 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

Informative

1 Informative

This application has been considered using the drawings referenced:

Site Location Plan - 3806.01

Existing and Proposed Block Plans - 3806.02

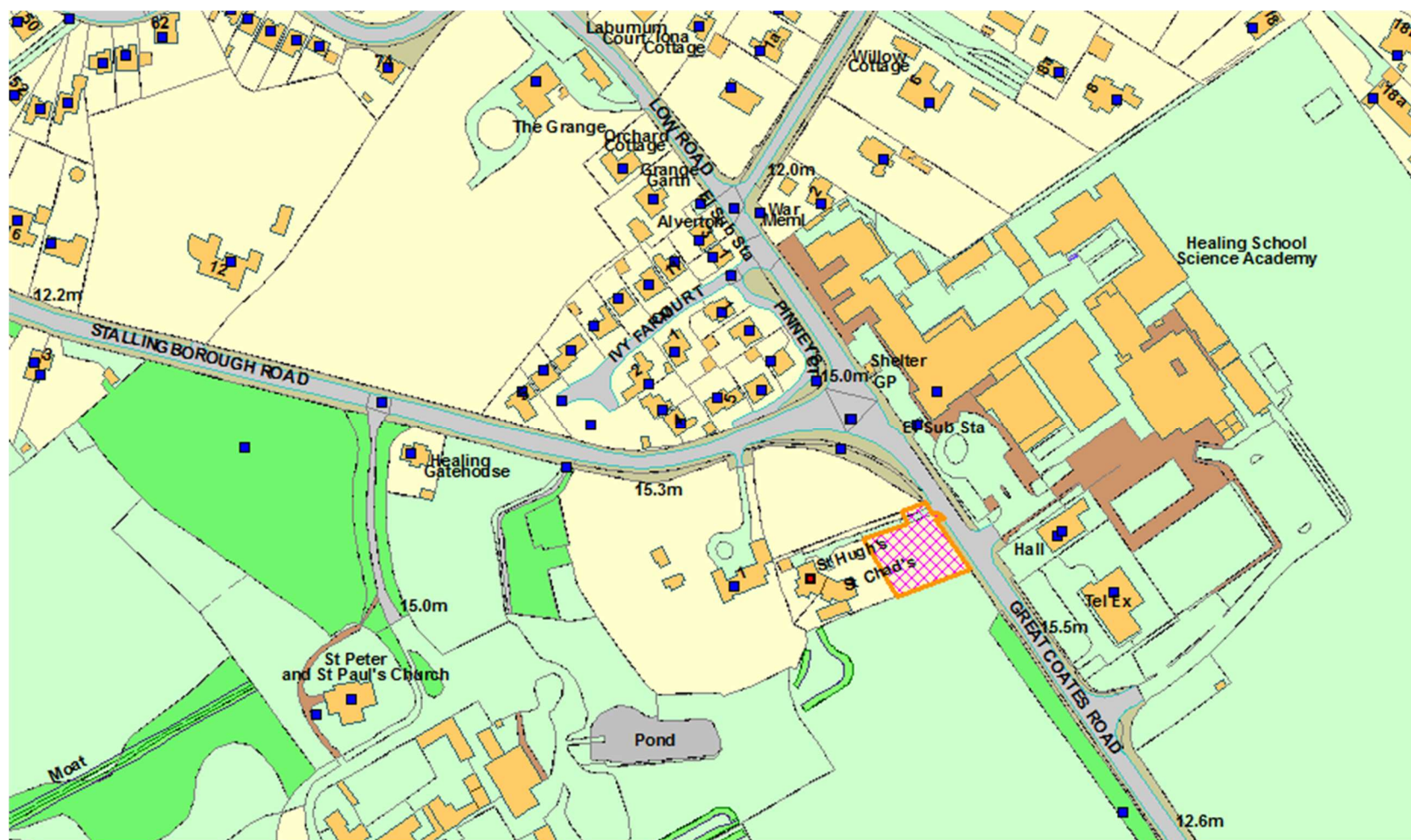
Proposed Site Layout Plan - 3806.05

Proposed Plans and Elevations - Plot 1 - 3806.03

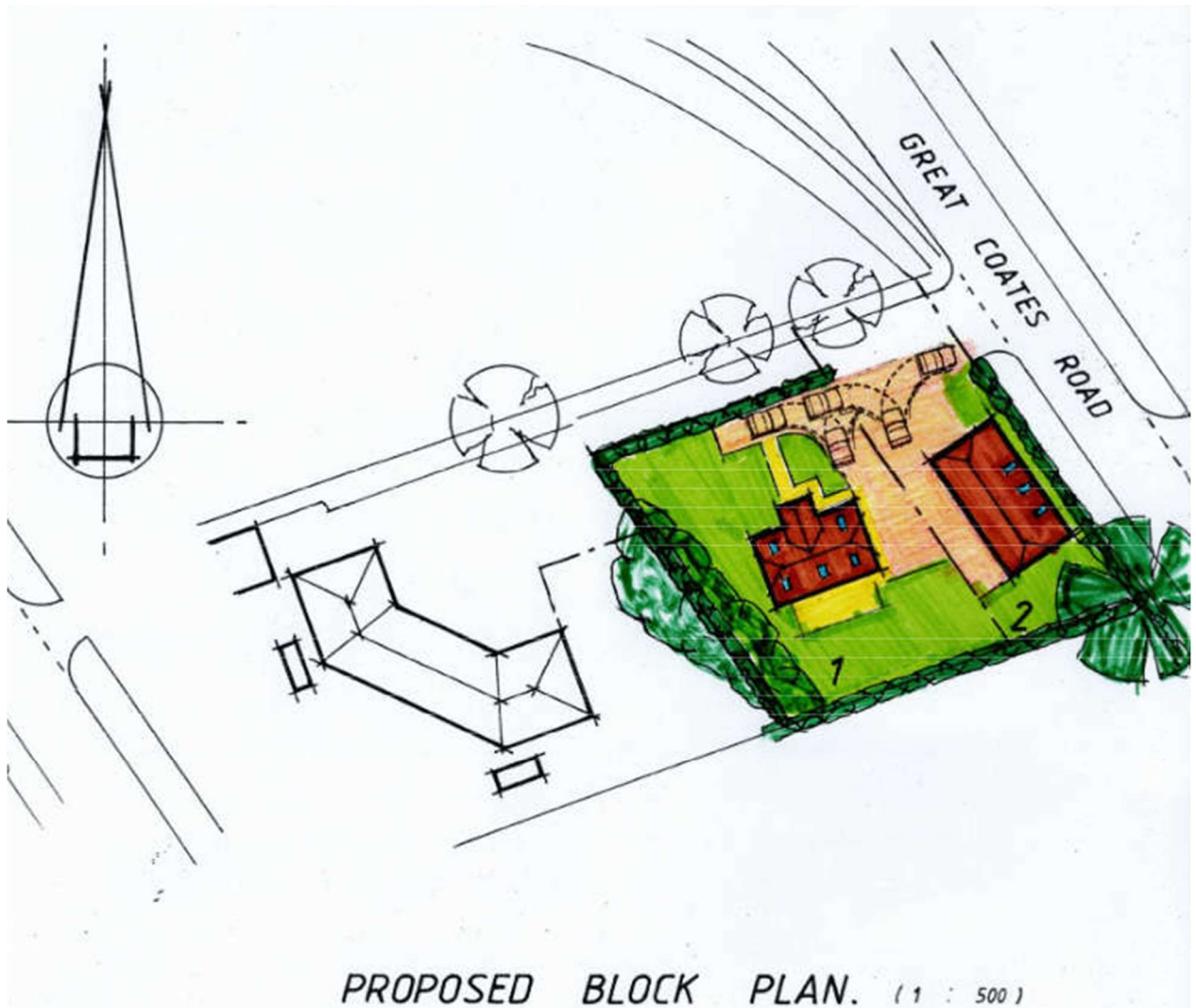
Proposed Plans and Elevations - Plot 2 - 3806.04

Vehicle Crossing Details - 3639.06

DM/0752/24/FUL – 1-2 GREAT COATES ROAD, HEALING



DM/0752/24/FUL – 1-2 GREAT COATES ROAD, HEALING



PLANNING COMMITTEE - 27th November 2024

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

APPLICATION No: DM/0846/24/ADV

APPLICATION TYPE: Advertisement Consent

APPLICATION SITE: Former St John Fisher RC Church , Waltham Road, Grimsby, North East Lincolnshire, DN33 2NA

PROPOSAL: Retrospective installation of 1 internally illuminated lozenge sign

APPLICANT:

Mr Matthew Wilkinson
Lincolnshire Co-operative Limited
Stanley Bett House
15-23 Tentercroft Street
Lincoln
LN5 7DB

AGENT:

James Grogan
Framework Architects
3 Marine Studios
Burton Lane End
Burton Waters
Lincoln
LN1 2UA

DEPOSITED: 26th September 2024

ACCEPTED: 3rd October 2024

TARGET DATE: 28th November 2024

PUBLICITY EXPIRY: 3rd November 2024

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 28th October 2024 **CASE OFFICER: Lauren Birkwood**

PROPOSAL

The application is retrospective and seeks consent for one internally illuminated 'lozenge' sign on a newly constructed convenience store on Waltham Road in Grimsby.

The application is presented to planning committee due to the number of objections that have been received from neighbouring properties.

SITE

The site is located at the former St. John Fisher Church Hall, Waltham Road, Scartho, Grimsby. The proposed convenience store has recently been constructed.

To the north, south and west of the site are existing dwellings. The east is bounded by perimeter trees within the boundary of the site and Waltham Road, beyond which are existing dwellings facing Waltham Road. To the south and part west the site is bounded by a public footpath, which leads between the subject site and existing residential development to Derry Way to the west.

RELEVANT PLANNING HISTORY

DM/0210/21/FUL - Demolish former St John Catholic Church Hall and erect a single storey building comprising of 1no. convenience store (Use Class E (a)) and 1no. funeral services building (Use Class E (c)(iii) with service yards, hard and soft landscaping, alterations to existing access, creation of additional new access and associated works - Approved with Conditions.

DM/1069/23/CND - Details in Discharge of Condition 4 (CMP/CTMP), Condition 5 (Materials), Condition 6 (Historic Recording), Condition 8 (Lighting), Condition 9 (Access Works), Condition 12 (Noise Mitigation Plan) and Condition 14 (Relocation of Bus Stop) pursuant to DM/0210/21/FUL - Conditions complied with.

DM/0587/24/ADV - Display 1 internally illuminated fascia sign, 1 internally illuminated lozenge sign and 1 internally illuminated totem sign - Approved with Conditions.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2023)

NPPF12 - Achieving well designed places

NPPF16 - Conserv. & enhance the historic environ.

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

PO22 - Good design in new developments

PO39 - Conserve and enhance historic environ

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

REPRESENTATIONS RECEIVED

Highways Officer - No objections. Condition recommended.

Heritage Officer - No comments.

Environmental Health Officer - No comments.

Neighbour Representations

99, 101, 102, 103 and 110 Waltham Road, Grimsby - Objects to the proposal broadly on the following grounds:

- The illuminated sign detracts from this residential area
- It diminishes the newly built building
- It is already installed
- It affects neighbours in terms of lighting into their properties.

APPRAISAL

The material considerations are:

- Visual Amenity
- Public Safety
- Other Matters

Visual Amenity

The proposal is retrospective and is for one internally illuminated 'lozenge' sign on the side elevation of the newly constructed convenience store. The sign follows the branding of 'Co-op', adopting colours and lettering that are consistent with their logo including a blue background with white writing.

The sign is considered acceptable visually, and sits alongside the other signage installed on the site (already approved under DM/0587/24/ADV). It does not result in visual clutter on the building.

The site is located close to the Conservation Area but nonetheless, the Heritage Officer has not raised an objection to the scheme, and as such the sign deemed to accord with Policies 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

Public Safety

The position and type of the sign is deemed to maintain safety both in terms of its height, position and illumination. The Council's Highways Officer has recommended the standard condition. As such, the sign would not obstruct nor prejudice public or highway safety and

is deemed to accord with Policy 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

Other Matters

The comments received from neighbouring properties which relate to the illumination are noted. The sign is adjacent to residents on Taunton Way and Waltham Road. The applicant has agreed that the sign illumination would be switched off when the convenience store closes to limit disturbance. This has now been identified within the application details. A condition to this effect is recommended.

CONCLUSION

In conclusion, the sign does not detract from the overall appearance of the area or adjacent Conservation Area and does not prejudice public safety. The sign is therefore considered acceptable in accordance with Policies 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

RECOMMENDATION

Approved with Conditions

(1) Condition

This express consent shall expire 5 years from the date of the consent.

Reason

To comply with Regulation 14 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

(2) Condition

The advertisement shall be displayed in accordance with the following plans:

Site Location Plan - J2041 00101

Site Layout - J2041 - SK260

Lozenge Sign Detail - J2041 - SK257A

Proposed Sign Elevation - J2041 - SK255A

Reason

For the avoidance of doubt in the interests of proper planning and in accordance with Policies 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(3) Condition

- (i) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- (ii) No advertisement shall be sited or displayed so as to-
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- (iii) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- (iv) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- (v) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason

To comply with Regulation 14 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

(4) Condition

As stated on the approved plans, the illumination associated with the sign shall be switched off when the convenience store is closed. Thus, there shall be no illumination outside the hours of 07:00am-22:00pm Monday to Sunday.

Reason

In the interests of visual amenity and protecting neighbouring properties in accordance with Policy 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

Informatives

1 Reason for Approval

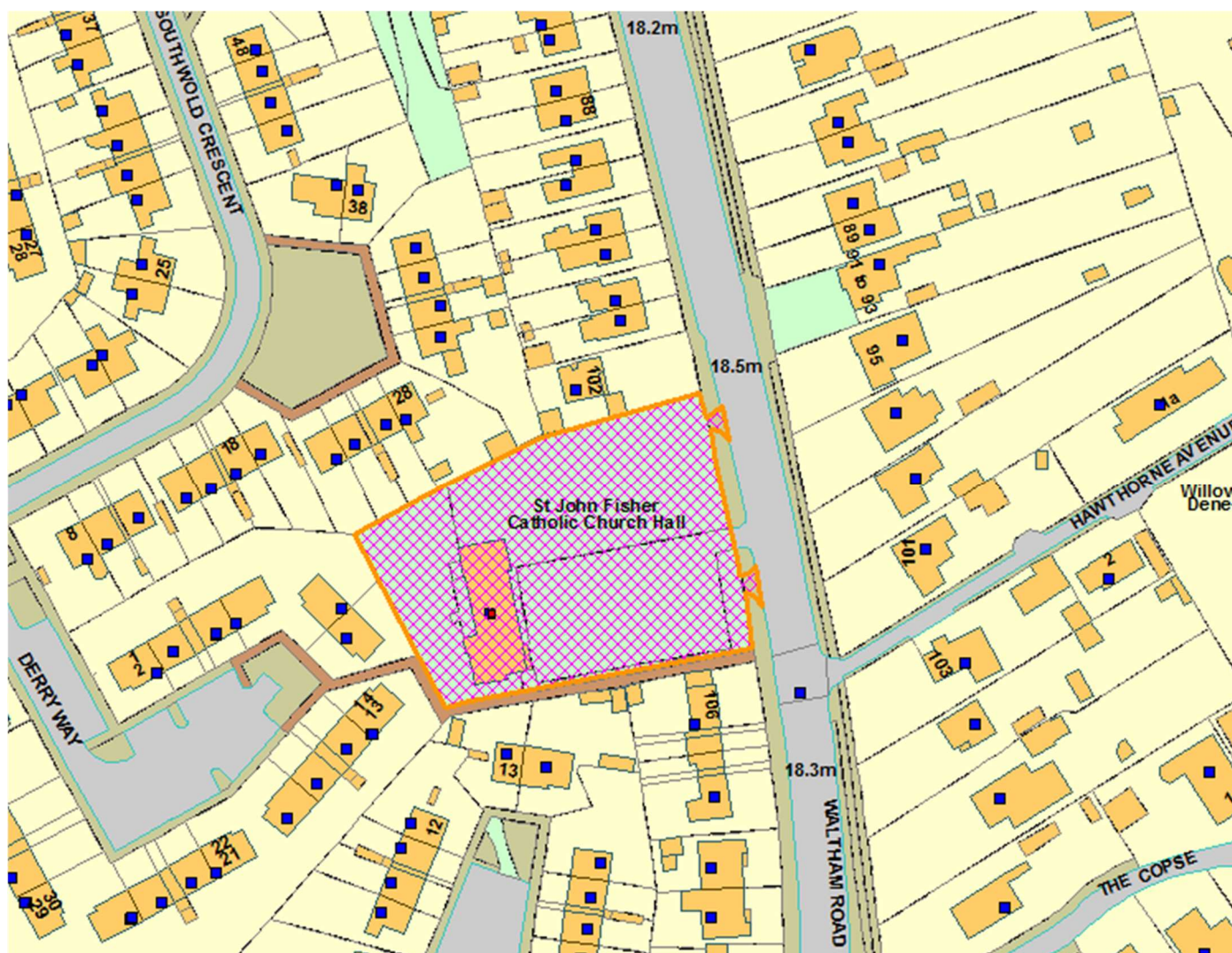
The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal does not harm visual amenity or prejudice public safety and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 22 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 requesting additional information to overcome neighbour concerns.

DM/0846/24/ADV – FORMER ST JOHN FISHER RC CHURCH, WALTHAM ROAD, GRIMSBY



[illegible]

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Phasing plan

- phase 1
Real nation indicators can be the carried out as part of phase 1.
- phase 2
Real nation indicators can be the carried out as part of phase 2.
- Temporary visits
Real nation indicators can be the carried out as part of phase 1 and 2 in preparation for phase 2.

PLANNING COMMITTEE - 27th November 2024

ITEM: 7 **RECOMMENDATION: Approved Conditions and signing of S106**

APPLICATION No: DM/0182/24/OUT

APPLICATION TYPE: Outline Application

APPLICATION SITE: R/O 38 Humberston Avenue, Humberston, North East Lincolnshire, DN36 4SP

PROPOSAL: Outline application to erect up to two dwellings with access to be considered (revised plans/description including footpath to Humberston Avenue).

APPLICANT:

Mr George Newton
38 Humberston Avenue
Humberston
North East Lincolnshire
DN36 4SP

AGENT:

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

DEPOSITED: 19th February 2024

ACCEPTED: 22nd May 2024

TARGET DATE: 17th July 2024

PUBLICITY EXPIRY: 21st June 2024

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY:

CASE OFFICER: Jonathan Cadd

PROPOSAL

This application seeks outline planning permission to erect two dwellings with associated access and parking. All matters are reserved apart from access.

Also proposed is a new footpath to the western side of Parklands Avenue which would extend from the site to Humberston Avenue.

The application is brought to planning committee as a result of the objection from Humberston Village Council and given the number of objections received.

SITE

The site falls within the rear garden of 38 Humberston Avenue. The site is rectangular in shape (24.5m by 32m) and is attractively landscaped with trees, particularly to the eastern frontage of the site, and to the west. Only some of these trees are protected by Tree Preservation Orders. Two metre high fences surround the site except to the north which is presently open to the host property. Of note is the fact that double fences have been erected to the eastern and southern boundaries of the site with an approximate 1m gap in between. The application site is taken as the inner fence line on both of these boundaries. Also part of the site, and under consideration, is a narrow strip of land/ verge to the side of Parklands Avenue.

To the north of the site is the host dwelling, 38 Humberston Avenue, a dormer bungalow type structure with a detached garage accessed from Humberston Avenue. To the east is a narrow verge and Parklands Avenue. Parklands Avenue is one of two access roads to the Millennium Park housing development. The road is currently private and owned by Persimmon Homes but will ultimately be adopted by the Highway Authority. Opposite, across Parklands Avenue, are further residential properties which face onto the site. Immediately to the south is a two storey dwelling with a flank wall facing the application site. A small first floor window within the flank wall faces into the site, which is obscure glazed. To the west, is the former rear garden of 34 and 36 Humberston Avenue, which now appears part of a development site and has permission for 8 dwellings.

The site falls within the development area of Humberston.

RELEVANT PLANNING HISTORY

Rear of 34 and 36 Humberston Avenue

DM/1090/22/FUL Erect 8 detached dwellings with garages and private road to include widening existing access with associated works. Approved May 2023.

Parklands Avenue

The main applications of relevance to this site are:

DM/0565/21/CND Details in discharge of condition 12 (Access/Occupation) pursuant to DC/268/13/HUM. Condition discharged.

DM/0851/15/REM Reserved matters pursuant to planning application DC/268/13/HUM (Hybrid application for the erection of 339 dwellings(C3), a primary school(D1), a community building(D1), allotments, play areas, landscaping, new access & associated on-site infrastructure (Outline). Also the erection of 46 dwellings (C3) with associated landscaping & access (Full)) for 323 dwellings with associated open space and landscaping. Approved.

DC/268/13/HUM Hybrid application for the erection of 339 dwellings(C3), a primary school(D1), a community building(D1), allotments, play areas, landscaping, new access & associated on-site infrastructure (Outline). Also the erection of 46 dwellings (C3) with associated landscaping & access (Full). Refused and allowed at appeal.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2023)

NPPF5 - Delivering a sufficient supply of homes
NPPF8 - Promoting healthy and safe communities
NPPF11 - Making effective use of land
NPPF14 - Climate, flooding & coastal change
NPPF15 - Conserv. & enhance the natural environ.

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

PO5 - Development boundaries
PO17 - Housing density
PO22 - Good design in new developments
PO32 - Energy and low carbon living
PO33 - Flood risk
PO34 - Water management
PO36 - Promoting sustainable transport
PO38 - Parking
PO41 - Biodiversity and Geodiversity
PO42 - Landscape

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

REPRESENTATIONS RECEIVED

All comments in summary:

Humberston Village Council: Objects to any further infill development within Humberston. This is a clear over intensification of the plot. No need for further housing - Refuse.

Trees and Woodlands Officer: The site has a good number of trees within it, a large number will be removed but the best category trees would be retained along with the Yew

protected by a tree preservation order. The large Sycamore noted to be removed is a category C tree and is not justified for retention and protection under a tree preservation order. The footpath alongside of Parklands Avenue is not ideal but can be accommodated but careful consideration of the construction is required including a no dig solution and its ongoing maintenance. Requests conditions.

Ecology Manager: Raises concerns over potential uses of various (but not all) trees for birds and bats and outlines a general requirement for surveys/ timing of works etc.

Drainage: A fully sustainable drainage system is required - conditions recommended, plus no raising of existing ground levels and no surface water drainage onto the adjoining highway.

Highways: Located in sustainable location. Parklands Avenue will be adopted so any access would need to be to adoptable standards. The scheme, subject to conditions would not pose an unacceptable impact to road safety nor to the free flow of traffic. Conditions requested include the design and engineering details of accesses, details of parking and manoeuvring spaces, and requirement for a construction traffic management plan. Footpath along Parklands Avenue is required due to additional houses closer to Humberston Avenue, creating an additional attraction for users. It is already clear that the verge is used as a footpath and this scheme will increase its use. As such for safety purposes this is required. Due to the non-standard nature of the pathway (porous) additional costs will need to be covered due to increased maintenance costs of such a design.

Environmental Protection: Request conditions re construction hours and submission of a construction management plan.

Heritage Officer: No input required.

Cadent Gas: No objection, informative recommended.

Public and Site notices/ Neighbours:

Object: 2 (x4) and 6 Parklands Avenue, 40 Humberston Avenue, 9 Fairway Drive (x3), 22 Albertross Drive, 24 and 45 Clubhouse Way, 3 Green Lane, Humberston and Grimsby and Cleethorpes District Civic Society. Broadly on the grounds of:

- Too many new houses in the area already, it is saturated.
- Have lived on a dusty, dirty building site for 4/5 years - no further development wanted.
- Not sufficient services within the village to cope with further houses - questions what happened to the new school that was supposed to be built on the site.
- Traffic issues in the area due to the narrow width of Parklands Avenue and the high levels of traffic from the estate already. This leads to congestion and cars accessing this road from the application site would make matters worse. Parklands Avenue is used

as a race track by boy racers from the estate.

- The lack of footpath would reduce safety.
- Each house would have at least 2 or 3 cars and there is insufficient parking which would mean parking on Parklands Avenue, which is very busy and will cause an obstruction on this busy main access onto the Millennium Park Estate.
- Construction lorries would not be able to turn into the site without mounting the pavement opposite causing issues. They would also obstruct the free flow of traffic including emergency vehicles.
- Construction would lead to dirt and dust on the roads and ruined pavements, questions who would pay for this.
- Access and safety concerns.
- Loss of green spaces.
- Loss of mature trees.
- Impacts on wildlife.
- Legal boundary concerns.
- Over development.
- To far forward on the plots and will detract from the character of the area.
- Loss of privacy.
- Loss of trees will increase run off into already wet garden areas - water easements should be required as on other parts of the estate. Drainage concerns.
- The future occupants should be made to pay for the green spaces and fencing around the wider estate as they will enjoy the privilege of using them.

Revised plans

- Revisions to designs and pathway do little to assist the situation and concerns raised previously.
- Loss of grass verge will create further drainage issues - gardens are already flooding with the heavy rain.

Neutral

The Limes, Anton Gowt, Boston

- Swifts are in trouble. The UK has seen numbers plummeting with steep declines since the 1990's and there is a real danger of extinction unless action is taken now. Ensuring provision is made for swifts via the planning system is crucial. The applicants should incorporate swift bricks into building plans.

No objection

Owner of land to the rear of 34 and 36 Humberston Avenue.

APPRAISAL

Main issues

- 1) Principle of housing in this location
- 2) Design and character
- 3) Trees and ecology
- 4) Highway safety, accessibility and parking
- 5) Amenity
- 6) Other

Appraisal

- 1) Principle of housing in this location

The development would be located within the rear garden of 38 Humberston Avenue, which falls within the development boundary of Humberston, as outlined within NELLP Policy 5. Humberston is noted within Policy 3 of the NELLP as a Local Service Centre offering a good range of basic services and amenities, combined with good accessibility to the wider services available within the urban area. Policy 4 notes that the arc village (local service centres) could accommodate between 30 - 35% of new homes required within North East Lincolnshire. As such, the provision of two additional houses in this location, in principle, would accord with policies 3, 4 and 5 of the NELLP and in a small way assist to meet housing need within the borough.

- 2) Design and character

The proposal seeks outline permission for two dwellings to the rear of 38 Humberston Avenue. Humberston Avenue has been the subject of development within rear gardens for many years. Concerns over the loss of character are noted, and the potential for this occurring, in this instance, should be assessed. The development site fronts onto Parklands Avenue, one of two main access roads to the Millennium Park Estate. As such, it could be argued, that this site is no longer a traditional backland development as it would have direct access onto what will become an adopted highway. Other development in the area, notably at 2 - 6 Parklands Avenue to the south and 40A Humberston Avenue opposite, also face onto this road creating a transition from Humberston Avenue to the Millennium Park Estate. Similarly, the existing host dwelling fronting Humberston Avenue (no. 38) would still retain an attractive frontage along with the rear garden to maintain the landscaped character of the avenue. It is noted that the remaining garden proposed would not be dissimilar in size to that opposite at 40 Humberston Avenue. Similarly, the density of the proposal is not considered unreasonable, equating to 15 dwellings per hectare, which is within the lowest density range (15 - 40 dwellings/ha) for houses within the arc settlements, as noted in Policy 17 of the NELLP.

The comments from objectors are noted, but despite one wall of the proposed garage being shown on the indicative plan as being against the boundary fence, this is not an unusual situation, indeed the garage at 2 Parklands Avenue is also located on a boundary with its southern neighbour. A single storey garage would also assist to provide space around the main two storey dwelling in a positive manner. Similarly, the dwellings shown on the plans have been moved back into the site to give them a better relationship

with the adjoining properties. This has not led to an objection from the Trees and Woodlands Officer, re the tree to the rear of the site. In any case, the indicative plan is simply that, indicative, and the overall design, scale and position of the dwellings on site would need to be determined at reserved matters stage.

The maintenance of a number of the key trees within the rear garden would also assist to maintain the character further.

The footpath proposed could introduce a more urban feel to the character of the area, but the high kerb already constructed to this side of the street already introduces such a feel so that the proposal would not significantly alter the street character.

3) Trees and ecology

The application site is part of a large rear garden and has been maintained as such. It includes a number of large trees within it. The trees are a mixture of species and sizes and some of them, particularly to the Humberston Avenue and Parklands Avenue frontages are protected under Tree Preservation Orders (TPO). A tree survey has been undertaken and indicates the quality of the trees on site.

This assessment, and the indicative plan show, that whilst a large number of the trees on site would be removed to accommodate the development, the higher-quality and protected trees on site would be maintained, subject to careful design and consideration of the roots. For clarity, one higher quality fir tree, shown in the assessment, has been removed from the site already. This, however, was not protected and no permission was required for its removal. The Trees and Woodlands Officer has not objected to the scheme noting that the remaining trees to be lost would be of lower quality and are not worthy of formal protection. The Officer does, however, require that the higher quality and protected trees remaining on site be protected through conditions. These conditions would require tree protection measures and careful consideration of building foundation designs, access ways and footpaths.

Similarly, extensive negotiations have been undertaken with the applicant and the Highway Authority over the design of the proposed footpath along Parklands Avenue. This would pass over the root protection area of TPO trees to the eastern side of 38 Humberston Avenue. This includes an agreement for a non-standard porous design to protect the roots and provide a suitable footpath surface. This has been agreed with officers of both the Highway Authority and the Trees and Woodlands team.

The comments of objectors are noted, re wildlife, but the site is a fenced garden area where a multitude of works could occur without any permissions required. The Council's Ecology Manager has also not raised specific objections to the scheme but does seek conditions re the timing of tree felling and specific surveys to ensure the safety of any birds and/or bats using this area. These matters can form conditions and advice notes. A condition seeking swallow boxes and bricks is also considered reasonable.

4) Highway safety, accessibility and parking

The access to the site would be from Parklands Avenue, which is one of two main access roads into the large Millennium Park housing estate to the rear of Humberston Avenue. Currently, there are only two domestic access roads onto Parklands Avenue serving three houses. The road is presently unadopted and owned by Persimmon Homes, although adoption is anticipated shortly. The 30mph, 5.5m wide road with paving opposite the application site only has been approved and is deemed sufficient to serve the 340 house estate and the small number of homes directly accessing it. The question, therefore, is whether two additional dwellings, with access drives would have a detrimental impact on highway safety and capacity.

Following negotiations, the application now includes 'access' as a matter under consideration and revised plans have been submitted showing wider access points and parking and even turning areas within both plots. This would allow cars to enter, turn, and leave in a forward gear, reducing the impact on safety. Even if this were not utilised, Parklands Avenue is straight, at this point, providing good visibility of oncoming traffic.

Similarly, whilst some congestion to Parklands Avenue could occur during construction, such as through deliveries to site, this would not be such an unusual situation and could be managed without unreasonable impacts on safety and capacity. It is also noted that a condition is recommended requiring a construction traffic management plan to reduce such impacts.

Car parking provision is noted and would be sufficient to accommodate two cars with a turning area and three without, which is deemed acceptable. Again, this is deemed acceptable by the Highway Authority.

The other aspect to consider is pedestrian access and safety, as no pavement currently extends down the western verge of Parklands Avenue to Humberston Avenue. The Highway Authority requested the current pavement, which finishes at 6 Parklands Avenue, be extended along the verge to link the proposed houses to Humberston Avenue. Such an arrangement would aid access to the houses and increase safety, as the temptation to use the current verge as a footpath would increase. During a site visit school children were using this area to traverse Parklands Avenue, so it is clear that this use would increase as a result of the proposal. As noted above, to limit the impact on the protected trees, adjoining the verge, a non standard permeable design of footpath has been agreed. As this would not be as durable as a standard design, the applicant has agreed to enter into a s106 legal agreement to not only pay for the construction of the footpath but also provide a contribution to offset a reasonable proportion of its initial additional maintenance. This contribution would be payable to the Council to install the footpath before either dwelling is first occupied. In the long term, however, the footpath would be adopted as part of the wider road network and maintained by the Highway Authority. The Highways Authority have not objected to this and neither has the applicant. A Heads of Terms has been received to this affect and the approval of this application is subject to the completion of a s106 legal agreement.

5) Amenity

The proposed design submitted is indicative, and it would be at reserved matters stage that a detailed assessment, in terms of amenity, would take place. Nevertheless, the indicative designs are sufficient to show that two modest dwellings could be placed on the site without unreasonable impacts on the surrounding area, nor neighbours' amenities in terms of privacy, light and sunlight and dominance.

In stating this, the objections from the immediate neighbours are noted but the flank elevation of the house to the south has just two windows (to a bathroom and hall) within it, limiting concerns. The impact on light and sunlight to the side garden of the same property would be limited by the position of the application site to the north of that garden area. Similarly, given the proposed dwellings are likely to have east/west facing windows to the front and rear and are likely to be placed fairly central on each plot, they would be a sufficient distance from neighbours to maintain privacy. Concerns over dominance are noted, and although only indicative plans are provided, the plans show that a garage or lower single storey element could be placed at the sides of the dwellings to reduce impact on adjoining properties. Similarly sufficient rear amenity space to the dwellings would protect neighbours to the west. In any case, these are matters that could be controlled at reserved matters stage.

Access drives for two dwellings would not have a significant impact on amenity in terms of noise and nuisance.

6) Other

It is noted that the ownership of the parts of the application site have been questioned. The applicant, however, has confirmed that they are in control of the site except for those sections which are currently under the control of Persimmon Homes. Agreement to use this land has been received. Much of this land will also form part of the highway when adoption occurs.

It is noted that the application was submitted prior to Biodiversity Net Gain (BNG) was required for minor planning applications. As such BNG is not required.

CONCLUSION

The proposed development would be located within the development area of Humberston which is identified as a suitable and sustainable location for new houses within the NELLP, Policies: 3, 4 and 5. Although additional dwellings to the rear of 38 Humberston Avenue would reduce green space, subject to a reserved matters application, two dwellings would not appear as an over development of the plot and would maintain the character of both Humberston Avenue and Parklands Avenue. Similarly, it would allow the maintenance, subject to conditions, of the health of retained trees within the site for ecology and character purposes. Access to the site from

Parklands Avenue is deemed safe and parking proposals would be sufficient to meet the needs of occupiers. Similarly, although mainly dealt with at reserved matters stage, the indicative plans show that residential amenity could be adequately protected. Finally, subject to a section 106 legal agreement, a footpath and access points could be constructed to maintain highway safety and the health of the trees. As such the proposal would accord with Policies: 3, 4, 5, 22, 33, 34, 36, 38, 41 and 42 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

It is recommended that the application is approved subject to the signing of a Section 106 agreement. It is therefore requested that the application be deferred back to allow the decision to be issued at such a time the S106 is finalised with the decision be delegated to the Assistant Director for Regeneration to allow this to occur.

RECOMMENDATION

Approved Conditions and signing of S106 with the decision delegated to the Director of Economy and Growth - Place

(1) Condition

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

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

Reason

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

(2) Condition

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

- (a) the layout, scale and appearance of the development
- (b) a landscaping scheme for the site including details of existing trees, hedges and planting to be retained, any proposed landscaping and details of tree protection. An arboricultural method statement and construction details in relation to trees shall also be included. Details to be in accordance with BS5827.

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

No development shall commence until a scheme for the provision of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall be implemented before either house is first occupied.

Any scheme should ensure there is no raising of existing ground levels and no surface water discharging onto the adjacent highway.

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

(4) 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, but not be limited to the following:

1. Contact details of the person with responsibility for the implementation of the CMP/CTMP;
2. The expected number, type and size of vehicles during the entire construction period;
3. Details of on-site parking provision for construction related vehicles;
4. Details of on-site storage areas for materials, if required;
5. 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;
6. Details of wheel washing facilities (locations, types etc.);
7. 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 noise assessment must comply with the requirements of British Standard 5228 unless otherwise approved.

In addition, confirmation should be provided that:

No burning of demolition/construction waste material shall take place on site.

Once approved, the CMP/CTMP and control measures shall be adhered to at all times during the construction phase.

Reason

In the interests of highway safety, public health and 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

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).

(6) Condition

The vehicular accesses to the plots shall be completed in accordance with the comprehensive engineering details hereby approved and be completed and ready for use prior to either house hereby approved being first occupied. The approved plans are as follows:

RD:5112-01 rev C Existing and Proposed Site Plans
RD:5112-30 rev A Vehicle Crossover Construction Details

Reason

To ensure that the proposed vehicle accesses are made up 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

Development shall not begin until details showing the location, layout, design and method of construction of any new or altered vehicular driveway, parking and manoeuvring space, including any necessary piping or culverting of any ditch or watercourse, and measures to protect trees on site have been submitted to and approved in writing by the Local Planning Authority. The scheme should include areas of bound, permeable, no dig designs within the root protection areas of the trees to be retained. Before either dwelling is first brought into use, the vehicular driveway, parking and manoeuvring space for each dwelling shall be constructed in accordance with those approved details and shall thereafter be so retained.

Reason

To ensure adequate parking and turning facilities are provided within the site for highway

safety reasons and to ensure the health of trees and in accordance with Policies 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(8) Condition

Prior to either dwelling being first occupied the approved footpath to link the existing footpath adjoining 2 Parklands Avenue to Humberston Avenue (to the western side of Parklands Avenue) shall be completed in strict accordance with the approved designs/plans and shall be retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority. The approved plans are as follows:

RD:5112-01 rev C Existing and Proposed Site Plans
RD:5112-03 rev A Cross Section at Parklands Avenue

Reason

To maintain highway and pedestrian safety, the health of protected trees and the character of the area in accordance with Policies 5, 22, 36 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(9) Condition

No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall set out the details of the works and methodology for tree and vegetation removal with respect to ecology, in particular birds and bats, and how construction can be designed to limit the impact on ecological features of the site and species using it. The plan shall include:

- a) details of the works proposed,
- b) methodology for protecting wildlife and birds during site stripping and construction including, but not exclusively:
 - details of all tree works (including felling) and the timing and procedures for such works (NB trees should be felled outside of bird nesting season. If works are delayed, a nest and activity check will need to be repeated within 48 hours of any rescheduled works. If nests or breeding bird activity is identified, works should stop until the young have fledged. To avoid committing an offence, the check needs to be able to guarantee that no nests or breeding activity are present),
 - a bat roost assessment for all trees on site including mitigation measures required (this should including the timing of the felling of trees to avoid hibernation season and other mitigation measures/ procedures which could be utilised),
- c) measures to support wildlife in the long term (for example bat boxes, bird boxes (including swallow bricks) and,
- d) timescales for implementation and retention of the CEMP works.

The development shall thereafter proceed in accordance with the approved details and CEMP unless otherwise agreed in writing with the Local Planning Authority.

Reason

To maintain biodiversity, ecology and landscaping in accordance with Policies 5, 22 and 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(10) Condition

Before any dwellings are occupied, a scheme for water reuse to achieve a water efficiency demand standard of no more than 110 litres per person per day (for each dwelling) shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented upon first occupation of each dwelling and retained thereafter.

Reason

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

(11) Condition

The development shall not be carried out except in complete accordance with the approved plans and specifications. The approved plans have drawing numbers and titles:

RD:5112-01 rev C Existing and Proposed Site Plans
RD:5112-03 rev A Cross Section at Parklands Avenue
RD:5112-30 rev A Vehicle Crossover Construction Details

Reason

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

(12) 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.

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>.

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.

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 be sustainably located and would not harm the area character or residential amenity, would maintain highway safety and subject to conditions tree and ecological interest 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, 4, 5, 22, 33, 34, 36, 38, 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 amended information in relation to highways, design and tree matters.

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).

5 Informative

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

6 Informative

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

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

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

DM/0182/24/OUT – REAR OF 38 HUMBERSTON AVENUE, HUMBERSTON



[illegible]

PLANNING COMMITTEE - 27th November 2024

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

APPLICATION No: DM/0373/23/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Land At, Louth Road, New Waltham, North East Lincolnshire,

PROPOSAL: Variation of Condition 2 (Approved Plans) pursuant to DM/1240/21/FUL to allow for repositioning of plots, amendments to plot numbering, changes to house types resulting in the amended layout of plots and parking to accommodate foul water easement and highways details (Amended Description, Amended Plans and further information provided, received October 2024)

APPLICANT:

Mr Ash Newton
Barratt Developments PLC
The Quadrant Suite 5
99 Parkway Avenue
Sheffield
South Yorkshire
S9 4WG

AGENT:

DEPOSITED: 20th April 2023

ACCEPTED: 26th May 2023

TARGET DATE: 25th August 2023

PUBLICITY EXPIRY: 8th November 2024

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 3rd July 2023

CASE OFFICER: Bethany Loring

PROPOSAL

The application seeks to vary condition 2 (approved plans) as granted DM/1240/21/FUL to allow for the repositioning of plots, amendments to the plot numbering, changes to the house types resulting in the amended layout of plots and parking to accommodate foul water easement and highways details.

The application is brought to planning committee following an objection from New Waltham Parish Council.

SITE

The site is located at Toll Bar roundabout at the junction of Station Road (B1219) and Louth Road (A16). It extends along Louth Road the site is currently undergoing the construction works for Phase 1 and 2.

There are two pipelines that cut diagonally across the site from southeast to north-west. The presence of the pipelines does not restrict development of the site in terms of them being hazardous installations requiring representation by the HSE but it influences the areas for building which has been previously considered under the original approval.

The site is located to the southwest of New Waltham. There is a well-defined residential area to its northeast, and a car sales and petrol filling station to the east fronting Louth Road. There is a further garage and car wash facility that intersect the eastern boundary of the site. To the north of phase 1 is Toll Bar Academy.

RELEVANT PLANNING HISTORY

DM/0118/15/OUT - Outline application with access to be considered for residential development (of up to 400 dwellings) including the provision of a small corner shop, open space and associated infrastructure - Allowed on Appeal.

DM/1144/19/OUT - Variation application for Condition 3 (Accordance with Design and Access Statement), 4 (Tollbar Roundabout Works), 6 (Offsite Highway Works) and 13 (Approved Plans) and removal of Condition 5 (School Car Park) pursuant to DM/0118/15/OUT (Outline application with access to be considered for residential development (of up to 400 dwellings) including the provision of a small corner shop, open space and associated infrastructure) - Approved with Conditions.

DM/0212/20/REM - Reserved matters application following DM/1144/19/OUT (Variation application for Condition 3 (Accordance with Design and Access Statement), 4 (Tollbar Roundabout Works), 6 (Offsite Highway Works) and 13 (Approved Plans) and removal of Condition 5 (School Car Park) pursuant to DM/0118/15/OUT (Outline application with access to be considered for residential development (of up to 400 dwellings) including the provision of a small corner shop, open space and associated infrastructure) in accordance with highway works clarification plans received by the Local Planning Authority on 17th January 2020) to erect 239 dwellings with associated works - Approved with Conditions.

DM/1103/20/CND - Details in Discharge of Condition 5 (Highway Improvements) pursuant to DM/1144/19/OUT - Conditions Complied With

DM/0059/21/CND - Details in Discharge of Condition 2 (Play Space), 3 (Ecology), 4 (Landscaping), 5 (Materials) and 9 (Boundary Treatment) pursuant to DM/0212/20/REM - Conditions Complied With

DM/0060/21/CND - Details in Discharge of Condition 10 (Drainage) and 11 (Phasing) pursuant to DM/0212/20/REM - Conditions Complied with

DM/0061/21/CND - Details in Discharge of Condition 6 (Temporary Access), 7 (Travel Plan), 8 (Construction Management Plan), 9 (Play Space), 10 (Biodiversity) and 11 (Highway details) pursuant to DM/1144/19/OUT - Conditions Complied With

DM/1240/21/FUL - Erection of 227 dwellings, garaging, creation of new vehicular access on Louth Road, landscaping and associated works (Amended Plans and Description to include 3 additional units) - Approved with Conditions

DM/0126/23/CND - Details in discharge of conditions 3 (Play Space), 4 (Ecology), 5 (Landscaping), 6 (External Materials), 7 (Construction Management Plan), 8 (Surface water drainage), 9 (Phasing), 10 (Highways), 12 (Electric Vehicle Charging), 13 (Water reuse), 14 (Open Space), 15 (Contamination), 17 (Pipeline signage) and 18 (Access) pursuant to DM/1240/21/FUL (Further plans and details provided relating to ecology, landscaping, water reuse, open space management, pipeline signage and highways approval details received 27th February 2024) - Pending Consideration

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2023)

NPPF5 - Delivering a sufficient supply of homes
NPPF12 - Achieving well designed places
NPPF14 - Climate, flooding & coastal change
NPPF16 - Conserv. & enhance the historic environ.

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

PO2 - The housing requirement
PO4 - Distribution of housing growth
PO5 - Development boundaries
PO13 - Housing allocations
PO14 - Development of strategic housing sites
PO15 - Housing mix
PO17 - Housing density
PO18 - Affordable housing
PO22 - Good design in new developments
PO33 - Flood risk
PO34 - Water management
PO38 - Parking
PO41 - Biodiversity and Geodiversity
PO42 - Landscape
PO43 - Green space and recreation

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

REPRESENTATIONS RECEIVED

Sport England - No comment.

East Lindsey District Council - No comment.

Anglian Water - Query relating to 3m easement.

Highways Officer - Approval no conditions.

Heritage Officer - No input required.

Humberside Fire & Rescue - Access and water supplies informative.

Trees & Woodlands Officer - No objection.

Environmental Health - No comment.

Drainage Officer - Details are acceptable.

Environment Agency - No comment.

NELDB - Previously objected. Now satisfied with the details and discharge rate and objection removed.

Waltham Parish Council - Recommends approval.

New Waltham Parish Council - Objects due to concerns regarding infrastructure of the village, number of new builds, impacts to schools and roads.

Neighbour Representations

No neighbour representations received.

APPRAISAL

The material planning considerations are;

1. Principle of Development
2. Revisions and Layout
3. Highways and Parking
4. Landscaping
5. Drainage and Flood Risk
6. Biodiversity Net Gain
7. Section 106

1. Principle of Development

The application seeks to vary condition 2 (approved plans) of the earlier approval to allow for the repositioning of plots, amendments to the plot numbering, changes to the house types resulting in the amended layout of plots and parking to accommodate a foul water easement and highways details.

The principle of the development has already been established under Local Plan allocation for housing and fundamentally the original permission which has been implemented. The considerations of this application are merely those relating to the impacts arising from the proposed amendments.

2. Revisions and Layout

The amendments would include the removal of the approved 'Amber' house type as a result of these house types not being a viable option for affordable housing provision for the future provider. Moreover, this would result in a repositioning of the plots with amendments to the plot numbering. This would alter the layout to accommodate for the amended house types which would be of a differing footprint and orientation. Furthermore, the parking arrangements would also be altered.

The amendments would include alterations to the layout, specifically to the southwest corner of the site, to accommodate for a foul water easement following surveying works. In addition, some changes to the road layout would be made to allow for Section 38 approval. This would result in some changes to the landscaping to this area including the removal of some street trees and verges however the landscaping would largely remain as approved.

Visually, the proposal would alter the design concept; across the site by means of the house type changes. However, the works would be minor in nature as the overall number of units would remain approved. The works would see the road layout and some landscaping features altered or removed to accommodate the foul water easement which is considered essential to the scheme as a whole. The area is to the southwest corner of the site and adjacent to the significant landscaping element of the scheme which would remain unaffected. This area of development is yet to be built out and therefore can be accommodated comfortably. Although the layouts would be changed, the alterations are not considered to present an issue in relation to the principle of the original approval.

Variations of this nature are not unusual on residential new build sites such as this one and no adverse harm to the general area character or visual amenity will occur. The proposal is in accordance with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

3. Highways and Parking

The layout would be amended to reflect the requirements of the Section 38 Highways approval. There have been in-depth discussions with the applicant and Highways Officer to ensure that the details are consistent and acceptable following the granting of Technical Approval.

The Highways Officer has reviewed the details and raises no concern.

It is therefore considered that the amendments accord with Policies 5 and 38 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) in relation to highways safety, amenity and parking.

4. Landscaping

Some landscaping features would be altered as a result of the amendments. This would affect the individual plots affected by the foul water easement and highways alterations.

The Trees and Woodlands Officer has commented to state that they have reviewed the details and have no objections or comments to make following the submission of the specific landscaping details.

It is therefore considered that the amendments accord with Policies 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) in relation to landscaping.

5. Drainage and Flood Risk

The amended layout would see the hardstanding associated with the overall development altered due to the house type alterations but this has no drainage implications.

The Drainage Officer had requested confirmation that the drainage strategy would not change as a result of the amendments. This detail has been provided and confirmed that this would remain as approved.

In addition, NELDB and Anglian Water had queried the discharge rate and easement details. The details have now been confirmed and provided and deemed to be acceptable by NELDB. In regard to Anglian Water, the easement details has been provided to show the required distance and final confirmation from Anglian Water is awaited.

It is therefore considered that the amendments accord with Policies 5, 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) in relation to drainage and flood risk.

6. Bio Diversity Net Gain (BNG)

As a variation application and submitted prior to Mandatory BNG requirements the development is considered exempt.

7. Section 106

The Section 106 requirements with regard to education contributions and affordable housing remain through the original permission.

CONCLUSION

This application seeks to modify an earlier approval, a major development for the erection of 227 dwellings. The modifications proposed in this application are considered to be of an acceptable 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. The technical details have been thoroughly reviewed and deemed acceptable to consultees. The application is recommended for approval.

RECOMMENDATION

Approved with Conditions

(1) Condition

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

Proposed Site Plan - 21:5479:01 Rev S
Landscape Masterplan - 3962/7
Landscape Plan (1 of 5) - 3962/1B
Landscape Plan (2 of 5) - 3962/2B
Landscape Plan (3 of 5) - 3962/3B
Landscape Plan (4 of 5) - 3962/4B
Landscape Plan (5 of 5) - 3962/5B
Proposed Public Greenspace Plan - 21-5479-03B

As approved under DM/1240/21/FUL;

Site Location Plan - 21-5479-02

Proposed Boundary Treatments - 21-5479-06
Proposed Schematic Engineering Plan - ENG-LR-01 Rev C
Proposed Street Scenes - 21-5479-05 Rev B
Wider Context Plan - 21-5479-11
Visibility Splays - 21135/IN/01

Proposed Plans and Elevations for Dwellings and Garages;

Single Garage - BDW-STD-GAR-1000
Double Garage - BDW-STD-GAR-1001
Twin Garage - BDW-STD-GAR-1002
Double Garage - BDW-STD-GAR-1007
Proposed Plans and Elevations - Kingsley - BDW-STD-HT-3190
Proposed Plans and Elevations - Windermere - BDW-STD-HT-3191
Proposed Plans and Elevations - Windermere - BDW-STD-HT-3192
Proposed Plans and Elevations - Ripon - BDW-STD-HT-3193
Proposed Plans and Elevations - Ripon - BDW-STD-HT-3194
Proposed Plans and Elevations - H349 (AS) - BDW-STD-HT-5009
Proposed Plans and Elevations - H349 (OP) - BDW-STD-HT-5010
Proposed Plans and Elevations - H411 (MIL) - BDW-STD-HT-5031
Proposed Plans and Elevations - H411 (OP) - BDW-STD-HT-5032
Proposed Plans and Elevations - H442 (AS) - BDW-STD-HT-5096
Proposed Plans and Elevations - H442 (OP) - BDW-STD-HT-5097
Proposed Plans and Elevations - H470 (AS) - BDW-STD-HT-5113
Proposed Plans and Elevations - H470 (OP) - BDW-STD-HT-5114
Proposed Plans and Elevations - P204 (AS-OP) - BDW-STD-HT-5000
Proposed Plans and Elevations - P204 (AS-AS-OP) - BDW-STD-HT-5001
Proposed Plans and Elevations - P382 (AS-OP) - BDW-STD-HT-5003
Proposed Plans and Elevations - P382 (AS-AS-OP) - BDW-STD-HT-5004
Proposed Plans and Elevations - P382 (AS-AS-OP-OP) - BDW-STD-HT-5006
Proposed Plans and Elevations - P341 (AS) - BDW-STD-HT-5007
Proposed Plans and Elevations - P341 (OP) - BDW-STD-HT-5008
Proposed Plans and Elevations - P341/P382 (AS-OP) - BDW-STD-HT-5035
Proposed Plans and Elevations - P341/P382 (OP-AS) - BDW-STD-HT-5036
Proposed Plans and Elevations - P341W (AS) - BDW-STD-HT-5057
Proposed Plans and Elevations - P341W (OP) - BDW-STD-HT-5058
Proposed Plans and Elevations - SH50 (AS-OP) - BDW-STD-HT-5115
Proposed Plans and Elevations - SH50 (AS-AS-OP) - BDW-STD-HT-5116
Proposed Plans and Elevations - SH50 (AS-OP-OP) - BDW-STD-HT-5117
Proposed Plans and Elevations - SH52 (AS-OP) - BDW-STD-HT-5124
Proposed Plans and Elevations - Amber SH52 (AS-AS-OP) - BDW-STD-HT-5125
Proposed Plans and Elevations - T310 (AS-OP) - BDW-STD-HT-5126
Proposed Plans and Elevations - T310 (AS-OP-OP) - BDW-STD-HT-5127
Proposed Plans and Elevations - H403 (AS) - BDW-STD-HT-5128
Proposed Plans and Elevations - H403 (OP) - BDW-STD-HT-5129

Reason

For the avoidance of doubt in the interests of proper planning and in accordance with Policies 5, 13, 15, 22, 33, 34, 41, 42 and 43 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(2) Condition

Within three months of the date of this permission, full details and timings of the proposed play space and equipment to be installed shall be submitted to and approved in writing by the Local Planning Authority. The play equipment shall be installed in accordance with the details and timings approved and shall thereafter be retained and managed in accordance with the details approved.

Reason

To ensure suitable play space and equipment is delivered in a timely manner in accordance with Policy 43 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(3) Condition

Within three months of the date of this permission, a final protected species checking survey, in accordance with the Smeeton Foreman ecological report dated October 2021, and recommendations of any required mitigation and final details and timings on the implementation of the ecological and biodiversity enhancements to follow the ecological reports by Smeeton Foreman shall be submitted to and agreed in writing by the Local Planning Authority. The mitigation and enhancements shall be carried out in accordance with the details and timings agreed.

Reason

In the interest of local amenity in accordance with Policy 41 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(4) Condition

Within three months of the date of this permission, final details of the scheme of landscaping and tree planting, including all public open space areas, to follow the Landscaping Masterplan (drawing ref: 21-5479-100 Rev M) shall be submitted to and agreed in writing with the Local Planning Authority. Such details shall include the timings and phasing of the landscaping as it relates to each phase of the development and details of trees and hedges to be retained and measures for their protection during the construction period. It shall also include details on the protection of open space areas from compaction during the construction phase. Hedgerows shall thereafter be retained in accordance with the details approved. All planting shall be implemented in accordance with the details and timings approved and shall be adequately maintained for 5 years, beginning with the date of completion of the planting of each phase and during that period all losses shall be replaced during the next planting season. All tree and hedge

protection measures shall be implemented as approved during the construction period.

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 Policies 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(5) Condition

Within three months of the date of this permission, details of all external materials to be used in construction of the buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be built out in accordance with the approved details.

Reason

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

(6) Condition

Within three months of the date of this permission, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in accordance with the approved details. The plan shall contain:

- Visitor and contractor parking areas;
- Materials storage area;
- Wheel cleaning facilities;
- Noise, vibration and dust mitigation measures (both during demolition and construction);
- Construction traffic management plan.
- The expected number, types and size of vehicles during the entire construction period;
- Contact details of the person with responsibility for the implementation of the CMP

Reason

In the interests of highway safety and to protect the residential amenities of the neighbouring properties in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(7) Condition

Within three months of the date of this permission, final details of the surface water drainage scheme to be implemented, which shall be in accordance with the design, layout and strategy shown on Proposed Schematic Engineering Plan (drawing no. ENG-LR-01 Rev C), shall be submitted to and approved in writing by the Local Planning

Authority. Also submitted shall be the final details for foul drainage. All surface and foul water shall be discharged in accordance with the details approved.

Reason

To ensure the satisfactory drainage of the site to accord to Policy 33 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(8) Condition

Within three months of the date of this permission, final phasing details of the provision of infrastructure shall be submitted to and approved in writing by the Local Planning Authority. Such detail shall include the foul and surface water drainage provision and the phasing of the open space provision. Development shall take place in accordance with the phasing approved.

Reason

To ensure the satisfactory phasing of the required infrastructure in the interests of highway safety and amenity and residential amenity in accordance with Policy 5, 22, 33 and 42 East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(9) Condition

Within three months of the date of this permission, the following details shall be submitted to and approved in writing by the Local Planning Authority.

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

- the proposed layout of the carriageways and footways on the development;
 - the wearing course materials proposed for the carriageways and footways;
 - cross sections;
 - the highway drainage system;
 - the proposed locations of street lighting columns, all services and ducts for services, within the carriageways and footways;
 - the number, location and layout of the vehicle garaging and/or parking facilities within the site to serve the proposed development;
 - management arrangements for any carriageways, footways and/or landscaped areas not to be adopted by the local authority;
 - swept path analysis demonstrating turning manoeuvres for emergency vehicles on all carriageways (adopted and private), and refuse vehicles on all adopted carriageways;
 - technical details of the new signalised access onto Louth Road, provision of new lanes and all footway works.
- A Stage 1 and 2 Road Safety Audit (RSA) must be provided. The RSA should take into consideration the new access point. The Road Safety Audit must be undertaken by a fully qualified independent Road Safety Auditor.

The development shall be completed in accordance with the details approved.

Reason

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

(10) Condition

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

Reason

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

(11) Condition

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

Reason

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

(12) Condition

Prior to occupation of any dwelling, final details of how water efficiency of 110 litres per person per day is to be achieved shall be submitted to and agreed in writing by the Local Planning Authority. Once approved, the details shall be adhered to at all times following first occupation.

Reason

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

(13) Condition

Within three months of the date of this permission, full details of the open space management plan including long term design objectives, timing of the works, management responsibilities and maintenance schedules for all the open space and allotments, shall be submitted to and approved in writing by the Local Planning Authority. The public open space and allotments shall then be fully installed and subsequently managed and maintained in accordance with the details as approved through the lifetime

of the development.

Reason

To ensure suitable open space is delivered in a timely manner in accordance with policy 43 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(14) Condition

Within three months of the date of this permission (or as agreed through phasing) details of the remediation of the contamination at the existing agricultural building to be demolished as identified in the report by Lithos dated October 2017 shall be submitted to the Local Planning Authority for approval. Remediation shall be carried out in accordance with the details approved (or as agreed through phasing) and a verification report must be prepared and submitted for approval in writing by the Local Planning Authority prior to the occupation of any dwelling.

Reason

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

(15) Condition

If during redevelopment 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. All remediation shall be carried out in accordance with the details approved.

Reason

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

(16) Condition

Within three months of the date of this permission, details on the pipeline notification signage to be installed to include the timing of installation shall be submitted to and approved in writing by the Local Planning Authority. The signage shall be installed in accordance with the details and timings agreed.

Reason

In the interests of visual amenity to accord to Policy 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(17) Condition

No dwelling on the development hereby approved shall be occupied until a scheme for the vehicular access onto Louth Road, as detailed on plan ref 21-5479-01 Rev S (Proposed Site Layout), has been submitted to and approved by the local planning authority. The new junction shall be implemented in accordance with, and operational in accordance with a programme set out as part of the agreed scheme. No more than 199 dwellings shall be occupied on the site until the 2no. roads connecting with Phase 1 and the Louth Road access have been fully constructed and full access provided to both Station Road and Louth Road, New Waltham.

Reason

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

(18) 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. 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.

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 2, 4, 5, 13, 14, 15, 17, 18, 22, 33, 34, 38, 41, 42 and 43.

2 Informative

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

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

3 Informative

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

4 Informative

The applicant's attention is drawn to the comments made by NELDB, Humberside Fire and Rescue and Harbour Energy, provided under reference DM/1240/21/FUL. Please go to <https://www.nelincs.gov.uk/planning-and-building-control/> to view the comments. You

are advised to contact Harbour Energy prior to the commencement of development.

5 Informative

As 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. Technical Approval must be applied for and granted prior to the discharge of Conditions to ensure all roads are to an adoptable standard prior to construction commencing (Tel: 01472 324505). Moreover 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.

6 Informative

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

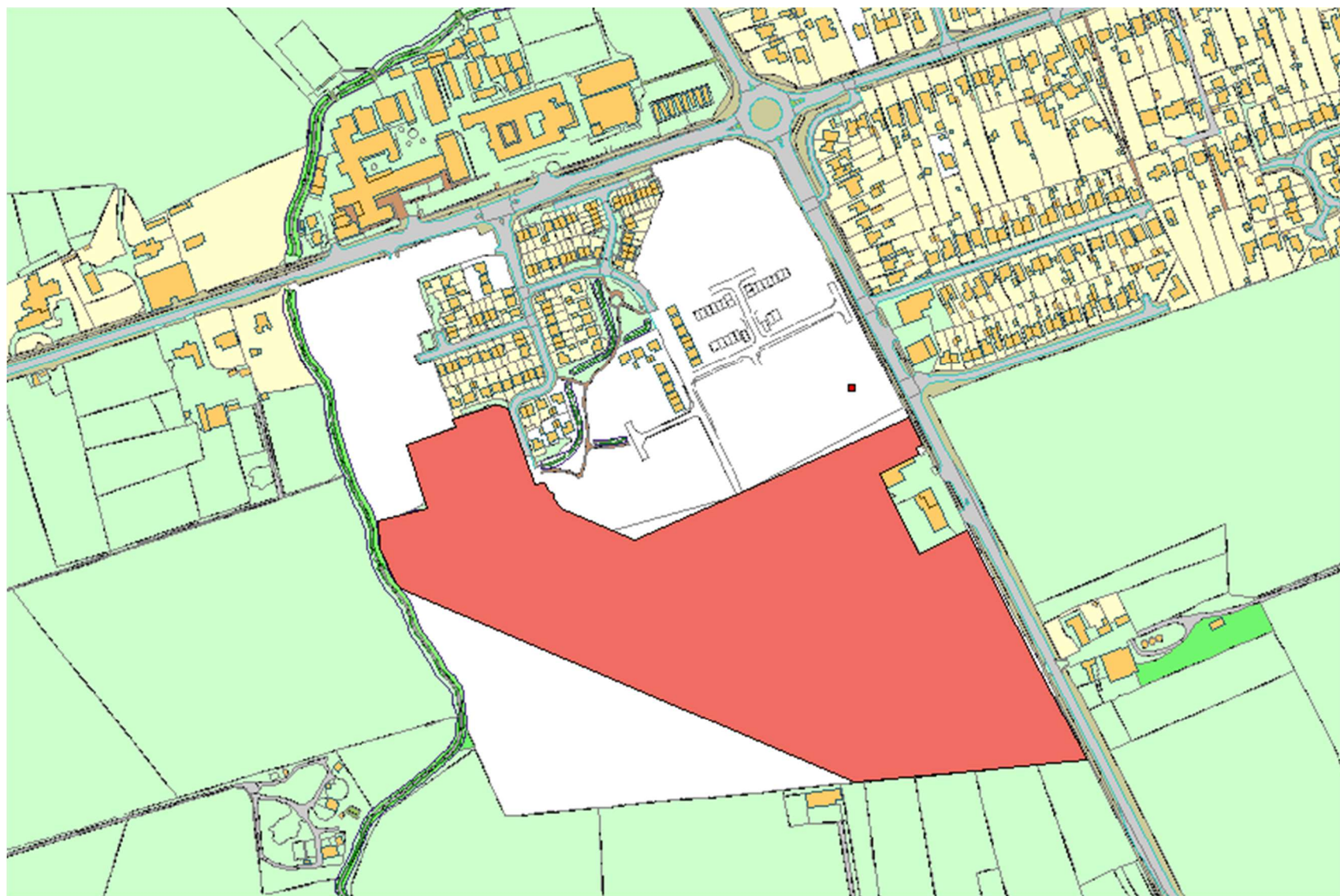
7 Informative

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).

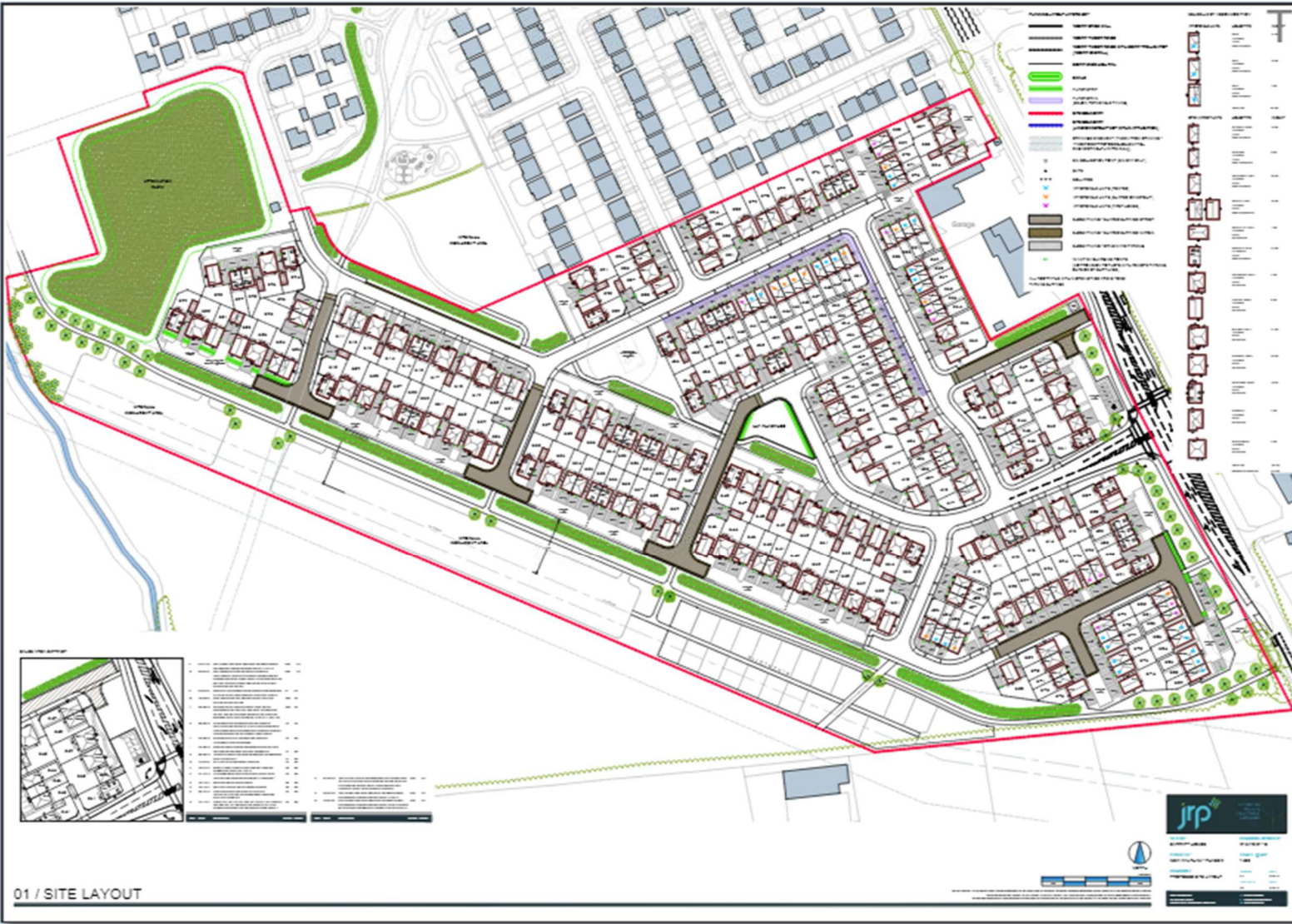
8 Informative

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.

DM/0373/23/FUL – LAND AT LOUTH ROAD, NEW WALTHAM



DM/0373/23/FUL – LAND AT LOUTH ROAD, NEW WALTHAM



PLANNING COMMITTEE - 27th November 2024

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

APPLICATION No: DM/0782/24/ADV

APPLICATION TYPE: Advertisement Consent

APPLICATION SITE: Willys , High Cliff Road, Cleethorpes, North East Lincolnshire, DN35 8RQ

PROPOSAL: Display one internally illuminated fascia sign

APPLICANT:

Mr Bill Parkinson
Willys
High Cliff Road
Cleethorpes
North East Lincolnshire
DN35 8RQ

AGENT:

Mr Jonathan Hendry
Jonathan Hendry Architects
10 Nickerson Way
Peacefields Business Park
Holton-le-Clay
North East Lincolnshire
DN36 5HS

DEPOSITED: 11th September 2024

ACCEPTED: 27th September 2024

TARGET DATE: 22nd November 2024

PUBLICITY EXPIRY: 3rd November 2024

AGREED EXTENSION OF TIME DATE: 29th November 2024

CONSULTATION EXPIRY: 27th October 2024

CASE OFFICER: Lauren Birkwood

PROPOSAL

The application seeks consent to install one internally illuminated fascia sign above a proposed canopy to the front.

The application is presented to planning committee as the applicant is an elected member of the Council.

SITE

The site is a public house, namely Willy's, situated on High Cliff Road in Cleethorpes. The building is situated prominently on the corner adjacent to the Cleethorpes Promenade.

Surrounding the site is a number of mixed uses including residential properties, public houses, retail and café premises. The site is situated within the Cleethorpes Central Seafront Conservation Area.

RELEVANT PLANNING HISTORY

DM/0501/24/FUL - Removal of existing canopy, external alterations to front elevation to include new windows/doors, covered canopy, paving, installation of bollards and associated works - Approved with Conditions.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2023)

NPPF12 - Achieving well designed places

NPPF16 - Conserv. & enhance the historic environ.

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

PO22 - Good design in new developments

PO39 - Conserve and enhance historic environ

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

REPRESENTATIONS RECEIVED

Environmental Health Officer - No comments.

Highways Officer - No objections. Condition recommended.

Heritage Officer - No comments.

Ecology Officer - No comments.

No neighbour representations received.

APPRAISAL

The key planning material considerations are:

- Visual Amenity
- Public Safety

Visual Amenity

The application comprises of the installation of one internally illuminated fascia sign to the front of the existing premises. The sign would be installed above a front canopy that has gained planning permission (under DM/0501/24/FUL) but which has not yet been erected.

The design of the advert would be functional and simple in a white and black colour scheme. The lettering would be black adopting a white background. The sign would be internally illuminated with LED lighting. It would be contemporary in appearance, however the advert is considered to be visually acceptable and would be minor in scale. It would not result in visual clutter.

The site is located within the Cleethorpes Central Seafront Conservation Area. Nonetheless, the Heritage Officer has not raised any objections to the scheme. No harm is expected.

The advert is sympathetic and as such is deemed to accord with Policies 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

Public Safety

The position and nature of the advert is deemed to maintain safety both in terms of its height, position and illumination. The Highways Officer has recommended standard conditions. The advert would not obstruct nor prejudice public or highway safety and as such is deemed to accord with Policy 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

CONCLUSION

In conclusion, the advert would not detract from the overall appearance of the area or the Conservation Area and would not provide a risk to public safety. The proposal is considered acceptable in accordance with Policies 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

RECOMMENDATION

Approved with Conditions

(1) Condition

This express consent shall expire 5 years from the date of the consent.

Reason

To comply with Regulation 14 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

(2) Condition

The advertisement shall be displayed in accordance with the following plans:

Site Location Plan - Received 11th September 2024

Proposed Block Plan - WW_GA_001_B

Proposed Layout Plan - WW_GA_110_C

Proposed Front and Side Elevation and Proposed Layout Plan - WW_GA_100_C

Proposed Front and Side Elevation - WW_GA_200D

Existing and Proposed Side Elevation - WW_GA_201D

Reason

For the avoidance of doubt and in the interests of proper planning and to accord with Policies 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(3) Condition

(i) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

(ii) No advertisement shall be sited or displayed so as to-

(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

(iii) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

(iv) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

(v) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason

To comply with Regulation 14 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

Informatives

1 Reason for Approval

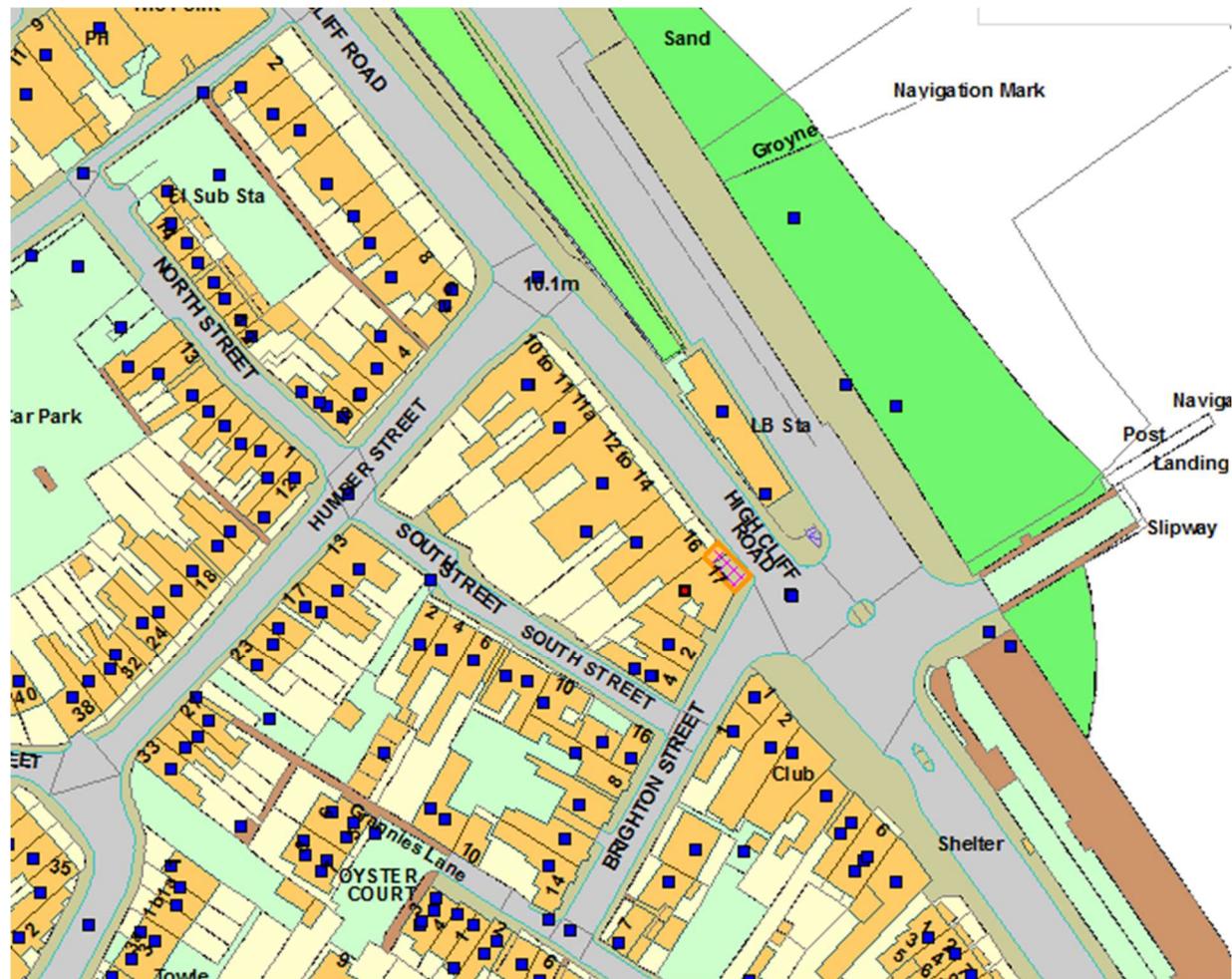
The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or prejudice public safety and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular Policies 22 and 39.

2 Added Value Statement

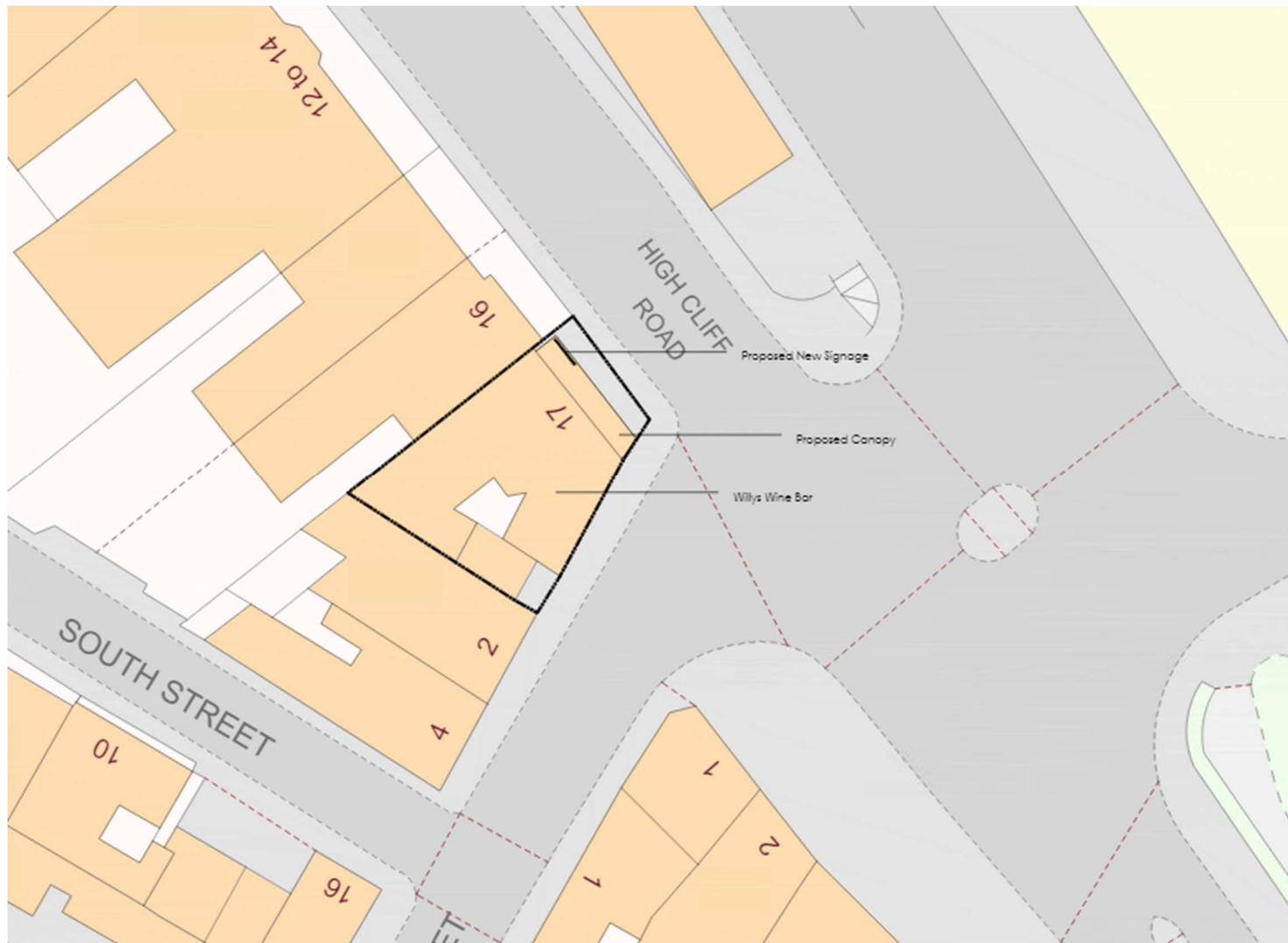
Article 31(1)(cc) Statement - Positive and Proactive Approach

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

DM/0782/24/ADV – WILLYS, HIGH CLIFF ROAD, CLEETHORPES



DM/0782/24/ADV – WILLYS, HIGH CLIFF ROAD, CLEETHORPES



PLANNING COMMITTEE - 27th November 2024

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

APPLICATION No: DM/0772/24/TPO

APPLICATION TYPE: Works to a tree with a TPO

APPLICATION SITE: 4 Queens Parade, Cleethorpes, North East Lincolnshire, DN35 0DF

PROPOSAL: T1 Sycamore: Reduce the lateral spread of the east side (car park of the waterfront only). Reduce from 9m to 4m from the main stem. Blend the reduced side into the top and other sides cutting back to viable secondary growth points and following natural flowing lines. Pigeons are defecating continuously into the car park causing paintwork damage to the cars.

APPLICANT:

Waterfront Residents Association
4 Queens Parade
Cleethorpes
North East Lincolnshire
DN35 0DF

AGENT:

Mr Michael Lawn
Acer Tree Care Ltd
22 Mirfield Road
Grimsby
North East Lincolnshire
DN32 0AW

DEPOSITED: 9th September 2024

ACCEPTED: 9th September 2024

TARGET DATE: 4th November 2024

PUBLICITY EXPIRY:

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY:

CASE OFFICER: Paul Chaplin

PROPOSAL

This Tree Preservation Order application seeks permission to cut back a Sycamore Tree at Queens Parade, Cleethorpes. It is proposed to reduce the lateral spread along the Queens Parade boundary to the street light and maintain a minimum of a 4m radial arc, over the car park of the Waterfront residential complex, from the main stem, cutting back to viable secondary growth points.

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

SITE

The Sycamore tree is situated within the adjacent garden of 4 Queens Parade with it overhanging the Waterfront residential complex. The applicant is the 'Waterfront'.

RELEVANT PLANNING HISTORY

DM/0361/15/TPO - Large Sycamore tree in front corner of 4 Queens Parade. Reduce selected branches back to secondary growth points nearest to the points indicated on the photos. Approved 1st May 2015.

DM/0272/18/TPO - Sycamore overhanging car park, producing excessive amounts of sap and bird mess on cars, reduce back to leave 3m to East and 4m to North from trunk, remove lowest branch on North East side of tree raise crown to 6m from ground. Approved 2nd May 2018.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

BS5837:2012 - Trees in Relation to design, demolition and construction - Recommendations

BS3998:2010 - Tree Work - Recommendations

National Tree Safety Group - Common sense risk management of trees

Department Environment Transport Regions - Tree Preservation Orders, a guide to the law and good practice

North East Lincolnshire Council Adopted Tree Strategy

REPRESENTATIONS RECEIVED

Representations

Objections were received from:

Homestead 4 Queens Parade, 27A Parker Street, 77 Elliston Street Cleethorpes, 6 Wells Road, Healing, 101 Humberston Fitties, Humberston

Broadly on the grounds of adverse impact on the structure of the tree and its visual amenity, adverse impact on protected species, no requirement or justification for the works, alternatives could be implemented such as a car port and the application is not in proper form. Moreover legal issues are raised as the tree is not owned by the applicant and the owner has not been given notice of the works by the Local Authority.

APPRAISAL

The Sycamore tree is situated within the adjacent garden of 4 Queens Parade and the owner has raised objections to the proposed tree works. Besides the owner of 4 Queens Parade there are other objectors as noted in the report.

The reason given for the tree work is in relation to pigeons defecating continuously into the car park causing paintwork damage to the cars. Previous canopy reduction works have been carried out the latest being under approval DM/0272/18/TPO. This again was in order to address the issue of pigeon droppings on car parking spaces.

As for the previous applications it is considered that the reason given, bird droppings on car parking spaces, to be valid and not unreasonable and that the applicant would wish to ameliorate this issue via a reduction of the canopy spread over the affected parking spaces. The issue to be considered is the extent of the proposed canopy reduction and its impact on both the Sycamore tree and the visual amenity of the street scene.

The proposed works have been discussed in detail on site with the applicants agent so as to evaluate the potential secondary growth points to cut back to. In that regard the street light adjacent to the tree situated on Queens Parade has been agreed as a guide to which the line of the canopy would be cut back. This to be then followed around in an arch at a distance of 4m from the base of the tree. It is considered that this would maintain the trees visual amenity value in the street scene as well as address the reasons for the proposed tree work.

It is accepted that there will be successive applications for management canopy encroachment over the parking spaces affected. It is acknowledged that the time between the previous work being carried and this application is approximately 5 years. Given the relationship between the sycamore tree and the adjacent parking spaces a work cycle of 5 years is considered reasonable and would indicate that sympathetic management of the canopy is not an unreasonable compromise and is feasible.

In discussions with the applicant it has been noted that removal of this tree and or excessive canopy reduction works would be unreasonable. However what is proposed is reasonable management for an established tree which will ensure its visual amenity on Queens Parade will be maintained and there are no grounds to refuse this application. The representations received in objection to the application on these grounds have been taken into account.

Issues of ownership have also been raised by objectors but anyone can apply for consent to carry out works to a tree, and further that if the authority grants consent it is for the applicant to get any necessary permission if required (for access to the land, for example) from the owner, before carrying out the work.

Ecological issues have also been raised by objectors in relation to protected species and

again it must be acknowledged that the proposal does not seek the removal of the tree and in any event those undertaking the works will need to adhere to the separate legislation which applies, such as 'The Conservation of Habitats and Species Regulations 2017' and The Wildlife and Countryside Act 1981. It is not considered that there any ecological issues which weigh against the proposal.

CONCLUSION

It is considered that the proposed works to the Sycamore tree are reasonable and indeed follow previous management which has been carried out at the tree. The objections raised have been taken into account but it is considered that the visual amenity of the tree and its structure will be maintained and there will be no adverse impact on the wider amenity of the street scene. The application is recommended for approval.

RECOMMENDATION

Approved with Conditions

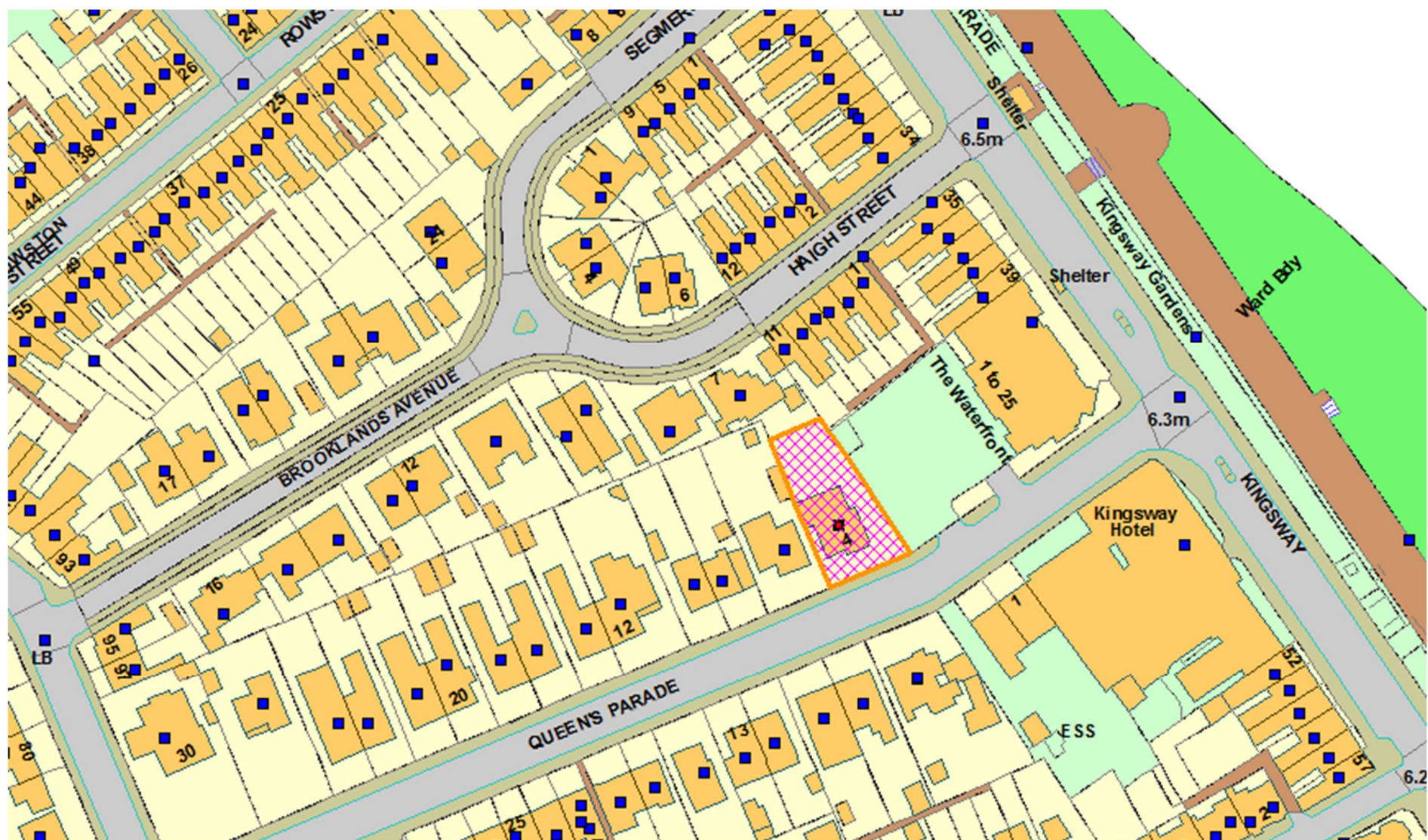
(1) Condition

All work should be undertaken to British Standards 3998: 2010: Recommendations for Tree Work.

Reason

To ensure that the amenity value and health of the tree is maintained in accordance to good arboricultural practice.

DM/0772/24/TPO – 4 QUEENS PARADE, CLEETHORPES



DM/0772/24/TPO – 4 QUEENS PARADE, CLEETHORPES

