

## Planning Committee Dated: 8th January 2025

### Summary List of Detailed Plans and Applications

<b>Recommendation: Approved with Conditions</b>	
<b>Item:</b>	<b>1</b>
<b>Application No:</b>	DM/0402/24/FUL
<b>Application Type:</b>	Full Application
<b>Application Site:</b>	Land On Former Garage Site Great Coates Road Grimsby North East Lincolnshire
<b>Proposal:</b>	Demolition of former filling station kiosk and drive thru car wash buildings. Erection of drive thru coffee shop with indoor seating area and utility yard, detached health care unit (Dentist - use class E (e)), air conditioning units, substation and installation of (EV) electric vehicle charging points. Creation of new pedestrian access, erection of 2.5m and 3m high noise barrier fences to sides and rear, landscaping, car parking arrangements and associated works (amended use for unit 1 and associated transport statement)
<b>Applicant:</b>	McFadden
<b>Case Officer:</b>	Jonathan Cadd
<b>Recommendation: Approved with Conditions</b>	
<b>Item:</b>	<b>2</b>
<b>Application No:</b>	DM/0803/24/FUL
<b>Application Type:</b>	Full Application
<b>Application Site:</b>	21 Signhills Avenue Cleethorpes North East Lincolnshire DN35 0BU
<b>Proposal:</b>	Retrospective application to erect single storey rear extension with roof lantern and infill existing side window with associated works (amended plans received December 2024 to reflect the as built situation)
<b>Applicant:</b>	Mr And Mrs Moorcroft
<b>Case Officer:</b>	Becca Soulsby

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<b>Recommendation: Approved with Conditions</b>	
<b>Item:</b>	<b>3</b>
<b>Application No:</b>	DM/0751/24/FULA
<b>Application Type:</b>	Accredit Agnt - Hseholder application
<b>Application Site:</b>	26 Swales Road Humberston North East Lincolnshire DN36 4UQ
<b>Proposal:</b>	Demolition of existing porch and conservatory, create living accommodation at first floor with the erection of two storey extension to side and roof lift including roof lights and dormer window with Juliet balcony to the rear, and amendments to window openings (amended plans and description to retain existing garage October 2024)
<b>Applicant:</b>	Mr Martin Overal
<b>Case Officer:</b>	Becca Soulsby

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<b>Recommendation: Approved with Conditions</b>	
<b>Item:</b>	<b>4</b>
<b>Application No:</b>	DM/0949/24/OUT
<b>Application Type:</b>	Outline Application
<b>Application Site:</b>	37 Westkirke Avenue Grimsby North East Lincolnshire DN33 2HS
<b>Proposal:</b>	Outline application to erect a detached dwelling and garage including formation of a new vehicle access with access to be considered
<b>Applicant:</b>	Mr Paul Willis
<b>Case Officer:</b>	Bethany Loring

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<b>Recommendation: Approved with Conditions</b>	
<b>Item:</b>	<b>5</b>
<b>Application No:</b>	DM/0172/24/FUL
<b>Application Type:</b>	Full Application
<b>Application Site:</b>	Manor Golf Course Barton Street Laceby North East Lincolnshire
<b>Proposal:</b>	Variation of Condition 4 (Occupancy) pursuant to DM/1113/21/FUL - to vary the condition to allow extended occupancy
<b>Applicant:</b>	Mr R Burnett
<b>Case Officer:</b>	Richard Limmer

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<b>Recommendation: Approved with Conditions</b>	
<b>Item:</b>	<b>6</b>
<b>Application No:</b>	DM/0757/24/FULA
<b>Application Type:</b>	Accredit Agnt - Hseholder application
<b>Application Site:</b>	Greenlands Old Main Road Barnoldby Le Beck North East Lincolnshire
<b>Proposal:</b>	Creation of second floor to create additional living accommodation to include roof reinstatement and installation of 3 rear facing dormers, increase in height of chimney and various associated works (amended description September 2024)
<b>Applicant:</b>	Mr Mark Cannon
<b>Case Officer:</b>	Becca Soulsby

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<b>Recommendation: Approved with Conditions</b>	
<b>Item:</b>	<b>7</b>
<b>Application No:</b>	DM/0708/24/FULA
<b>Application Type:</b>	Accredit Agnt - Hseholder application
<b>Application Site:</b>	10 Station Road Stallingborough North East Lincolnshire DN41 8AY
<b>Proposal:</b>	Erect extension to side to create garage at ground floor and first floor storage in the roof space to include dormer to front with associated works
<b>Applicant:</b>	Mr Ashley Budworth
<b>Case Officer:</b>	Becca Soulsby

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<b>Recommendation: Approved with Conditions</b>	
<b>Item:</b>	<b>8</b>
<b>Application No:</b>	DM/0841/24/FUL
<b>Application Type:</b>	Full Application
<b>Application Site:</b>	83 Peterson Drive New Waltham North East Lincolnshire DN36 4GZ
<b>Proposal:</b>	Erect single storey rear extension, install double door to side elevation of garage, replacement windows and doors to front and side elevations, install additional fence panel and double gates and associated works
<b>Applicant:</b>	Mr Dixon
<b>Case Officer:</b>	Becca Soulsby

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**PLANNING COMMITTEE - 8th January 2025**

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

**APPLICATION No: DM/0402/24/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: Land On Former Garage Site , Great Coates Road, Grimsby, North East Lincolnshire, DN34 4EY**

**PROPOSAL: Demolition of former filling station kiosk and drive thru car wash buildings. Erection of drive thru coffee shop with indoor seating area and utility yard, detached health care unit (Dentist - use class E (e)), air conditioning units, substation and installation of (EV) electric vehicle charging points. Creation of new pedestrian access, erection of 2.5m and 3m high noise barrier fences to sides and rear, landscaping, car parking arrangements and associated works (amended use for unit 1 and associated transport statement)**

**APPLICANT:**

McFadden  
McFadden Developments Ltd  
4 Redcote Lane  
Leeds  
LS4 2AL

**AGENT:**

Ms Racheal Bamford  
ADS Design  
4 Granville Court  
Granville Mount  
Otley  
LS21 3PB

**DEPOSITED: 22nd April 2024**

**ACCEPTED: 30th May 2024**

**TARGET DATE: 25th July 2024**

**PUBLICITY EXPIRY: 29th November 2024**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY:**

**CASE OFFICER: Jonathan Cadd**

**PROPOSAL**

This application seeks permission to redevelop the former Shell filling station site at Toothill roundabout into a coffee shop drive through and a dentist with associated access, 36 x car parking spaces (incorporating 6 x EV charging points, 3 x disabled drivers spaces), 4 cycle spaces and a small substation. The proposal is to redevelop the whole site, some 0.28 ha in area.

The coffee shop and drive thru would be 192.99 m<sup>2</sup> in area (when measured externally) and would be positioned to the west of the site whilst a smaller unit 1 (dentist) would be to the east. This unit would have a floor area of 124.46 m<sup>2</sup> (when measured externally). The site would be bounded by 2 - 3 m high acoustic fencing to the north east and west and 3m high acoustic fencing to the north.

Access to the site would be only possible from the eastern most access point from Yarborough Road. The western access point to the roundabout would be used for exit only. Both are existing junctions onto/ from the roundabout, albeit not used regularly for many years.

The site would be landscaped with a particular focus to the south western side of the site with more limited planting to the front and rear. To the eastern side, an angular wedge of planting is proposed, this would widen closest to the adjoining house at 278 Yarborough Road to between 2.5 - 3.5m wide. To the front of the site a 0.6m high kick rail is proposed.

The application is brought to planning committee due to the number of objections received.

## **SITE**

The site is the former Shell filling station immediately adjoining Toothill roundabout. The site is 0.28 ha in area and is irregular in shape. The filling station structure has recently been demolished and the site levelled. Whilst the site is roughly the same level as the roundabout, ground levels have been historically increased to create a plateau some 1 to 1.5m higher than land to the north, east and west. The site is known to include contamination from its former use, albeit extensive remediation has already occurred. The site is currently fenced off with 1.8m high 'hit and miss' fencing with metal gates to the eastern access.

To the east of the site is 278 Yarborough Road, a two storey dwellinghouse. Positioned some 1m to 1.5m from the site boundary, this dwelling has its main outlook to the north and south but has five secondary windows facing the application site at ground and first floor which aids daylight levels at this property.

To the rear of the site, north, is the Northern Power substation and a large vacant and over grown area of land. This land is approximately 1 - 1.5m lower than the application site and it is understood to be now owned by the occupier of 10 Great Coates Road, apart from the substation. Beyond this land is Cherry Tree Crescent, a varied residential area.

To the west of the site, are residential houses fronting Great Coates Road. A narrow access lane to the rear of the vacant land divides 10 Great Coates Road from the application site although, as already stated, this is now owned by no. 10 Great Coates

Road. It is understood this area will form an extended garden area for no. 10 in due course. 10 Great Coates Road itself is a semi-detached house set back from the highway with a large front garden and several windows to the side elevation. As with the other surrounding land in the area, ground levels fall to the rear to be somewhat lower than the application site.

To the south is a wide footpath and the Toothill Roundabout. The existing access and exit that was previously used for the filling station remain extant. Beyond the roundabout are residential properties and the Trawl Public House.

The site is located within the development area of Grimsby but has no specific allocation within the NELLP. It is categorised as Flood Zone 1, the lowest risk category from flooding.

## **RELEVANT PLANNING HISTORY**

DC/1723/04/YAR Removal of 7 underground fuel storage tanks and install 2 new tanks and 3 replacement pumps. Approved 2005.

DC/1308/03/YAR Remove 7 existing and install 5 storage tanks, 3 pumps on pump islands, driver control delivery and petrol interceptor. Refused 2004.

DC/1135/01/YAR Installation of LPG storage vessel in 1.8m high fenced compound and installation of LPG dispenser on forecourt. Refused 2002.

DC/877/01/YAR Erect front/side extension to existing building for installation of automated teller machine (ATM) and form disabled access. Approved 2001.

DC/637/98/YAR Proposed extension of opening hours from 06:00hrs to 00:00hrs. Refused 1998.

DC/1062/97/YAR Proposed 24 hour operation of forecourt and sales building. Refused 1998.

## **RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS**

### **National Planning Policy Framework (2023)**

- NPPF6 - Building a strong, competitive economy
- NPPF7 - Ensuring the vitality of town centres
- NPPF8 - Promoting healthy and safe communities
- NPPF11 - Making effective use of land
- NPPF12 - Achieving well designed places
- NPPF14 - Climate, flooding & coastal change
- NPPF15 - Conserv. & enhance the natural environ.

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

PO3 - Settlement hierarchy  
PO5 - Development boundaries  
PO6 - Infrastructure  
PO12 - Tourism and visitor economy  
PO22 - Good design in new developments  
PO23 - Retail hierarchy and town centre develop  
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**

Northern Powergrid - No objection provided that their statutory functions are not affected. Also provide detail showing mains power cables running through the site from the substation, site frontage and to former kiosk. Covenants are in force on site. Request advice notes.

Cadent Gas - Close to medium and low-pressure assets but no objection. Advice notes recommended.

Environment Agency - The site is a known contaminated site and poses a risk to controlled waters. Due to the knowledge of the site, it is considered that the phase 1 risk assessment is suitable, but that further intrusive investigations are required to ensure the results of the historic 2018 assessment remain valid. Various conditions related to contamination and risk mitigation are required if the proposal is to be supported. This includes conditions requiring intrusive ground investigations, remediation and verification conditions, unexpected contamination, piling and boreholes and no infiltration drainage without approval. Additional information provided is still not sufficient to meet concerns with respect to controlled waters and additional work is still required. This can be conditioned.

Environmental Protection - Recommend conditions relating to construction/demolition management, hours of construction and demolition, piling, external extraction and ventilation, implementation of noise mitigation measures, HGV delivery noise management, limitations on levels of illumination and contaminated land conditions. Also requests asbestos advice note.

Drainage - Originally requested drainage be based on ground water infiltration but accepted that due to contamination this is not ideal and drainage should be discharging to the combined sewer albeit with attenuation.

Trees and Woodlands - No objection to the principle of development, but requires further detail to the rear and front of the site. Following additional detailed amendments the scheme is now deemed acceptable.

National Highways - No objections.

Highways - Originally raised issued with the scheme in relation to the single point of access and exit. However the scheme redesign, including the use of the existing in and out points is acceptable. The design of the exit will assist to direct traffic onto the roundabout in the correct manner. In terms of the transport documentation provided, the applicant has demonstrated that the proposal will result in acceptable levels of traffic within the AM and PM peak. The nature of the coffee drive thru is such that it is expected that the majority of these trips will be pass by (i.e they will already be using the network) so that there would be a negligible impact on the capacity of the highway network. It is accepted that the access/exit points which exist have not been used for approximately 20 years but the submission is presented in an appropriate way. The change in use of unit 1 is noted and will reduce anticipated movements in the scheme. Recommend conditional approval. Conditions recommended for construction traffic management and completion of vehicle accesses, manoeuvring and parking spaces. Also request informatives.

Ecology Manager - Originally raised concerns re protected species and BNG but following submission of further details is content with conditions. Landscape design should take account of native rich species scrub and grassland to compensate for the loss of existing grassland and bat foraging. The proposed landscaping scheme is deemed acceptable but the location of the totem sign could create issues. Compulsory bat enhancement is required including materials, bat boxes and a lighting scheme to avoid adverse impacts to bats. A predevelopment badger survey is required along with construction environmental management plans including badgers but also breeding birds, hedgehogs, amphibians and reptiles. A non-native invasive species report and assessment is required including mitigation measures. The landscaping scheme submitted is deemed acceptable in terms of providing replacement biodiversity but with off site units being obtained to make up the full net gain requirement. This is deemed acceptable.

Heritage Officer - No heritage input required.

## Public Representations and Site Notice

Grimsby and Cleethorpes Civic Society - Although concerned that work has started through demolition, the redevelopment of the site is welcomed. Signage to direct traffic leaving the site will be critical, however, it is not deemed that the designs are sufficient to guide traffic onto the roundabout safely.

## Object

278 Yarborough Road, 9, 10 (also owns rear land), 12 Great Coates Road, 23, 25, 29 Cherry Tree Crescent, 19 Littlecoates Road, 20 Stroykins Close, 67 Ridgeway. In most cases multiple letters from the same addresses have been provided. Objections broadly on the following grounds:

- Noise from cars, machinery and people
- Noise and associated impacts from intended hours of operation
- Potential odours from bins
- Increase in traffic and congestion
- Impacts on safety (cars, people and bikes)
- Impacts on amenity, which are heightened due to differences in ground level
- Loss of privacy
- Dominant nature of the proposal relative to neighbours
- Inaccuracies in the information provided
- Lack of need for the proposed uses
- Impact on the access for the substation which is not clear
- Loss of landscaping
- Demolition has already occurred
- Contamination and asbestos concerns
- Concerns over adverts and levels of illumination
- Implications of flood risk which has not been considered
- Impacts arising from cumulative developments nearby

## Support

16 Great Coates Road

The proposal will bring food and drink outlets not just for use by motorists but by locals. It will be a good use of the site.

## **APPRAISAL**

### Main Issues

- 1) Principle and policy considerations
- 2) Amenity
- 3) Highway safety and parking
- 4) Contamination

- 5) Design and character
- 6) Biodiversity and landscaping
- 7) Drainage

## Appraisal

### 1) Principle and policy considerations

The site is located within the defined development area of Grimsby but is otherwise unallocated. Policy 3 is supportive, in principle, of development within Grimsby and Cleethorpes. Policy 5 is a general development policy, but which requires proposals to be considered as to their suitability and sustainability having regard to, but not exclusively provision of services. Policy 23 provides guidance on the retail hierarchy and town centre development. Toothill is not located within any centre and should be considered an out of centre location. The scheme, however, is not required to be assessed sequentially under Policy 23 as the drive thru coffee shop is not deemed to be a town centre use by its very nature, it is a drive through operation. For the same reason it is not required to be assessed in terms of its impact on the vitality and viability of these centres. Nonetheless the applicant has submitted a sequential assessment of local centres within the area and has concluded there are no suitable premises/sites available which could accommodate the drive thru.

Since submission the application has been modified with what would have been the additional retail unit, unit 1, into a health care facility notably a dentist surgery. Whilst such a facility could be determined as a town centre use under Policy 23, most similar facilities are located within their communities. As a facility under 200m<sup>2</sup> there is also no requirement under Policy 23 to assess, sequentially, sites within the town centre, edge of centre, local centres and then finally out of centre locations on good transport routes. It is equally noted that Policy 6 (F) supports the growth of health care facilities, and this policy does not include any specific spatial requirements.

The site is also a former petrol filling station. Whilst no longer operational, with the removal of its tanks 20 years ago and more recent demolition of the remaining structures it nonetheless retained a commercial character until recently. The site is also an unattractive vacant brownfield site, and its reuse would accord with Policy 3 of the NELLP in principle.

In principle therefore, there are no policy reasons to prevent support of the development submitted and indeed it is noted that a large number of responses from local residents seek the positive redevelopment of this site.

### 2) Amenity

The site is located at a busy roundabout and is opposite a popular public house. Nevertheless, the site is located within a residential area with houses located immediately adjoining the site on two sides and close by to the north and south east. The site's previous use is noted, but that has not operated for more than 20 years and the infrastructure to support its operation has gone. As such there is no fall-back use to

consider and any assessment of impact has to be compared to present day conditions based on a vacant site.

The operation of the site would generate activity in terms of vehicle movements, noise and activity from ordering and collection of drinks and food from the drive thru, deliveries, vehicle charging and people using the site and from the dentists. The site layout is constrained by the position of the access and exit points to the site, the need to ensure queuing traffic could be contained, as far as is possible, within the site and the Northern Power Grid's 11kv and lower voltage lines which run centrally through the site. These constraints have the effect of pushing development to either side of the site and closer to neighbouring properties to the east and west.

The applicant has noted that ground levels to adjoining plots are below that of the main site and has sought to overcome neighbours' concerns over the scale, massing and impacts on light and sunlight to 10 Great Coates Road and 278 Yarborough Road. This has led to unit 1 being pulled away from the boundary so that it would be 6m from the side wall of no. 278. Due to differences in ground levels this single storey unit would, at its highest be just above eaves height of the adjoining property. It would also project forward from the front of no. 278 by 3.6m. Although the owner of no. 278 has approximately 5 windows within the western side flank wall of the dwelling, to aid light into rooms, these are still considered to be secondary windows. As such whilst unit 1 would screen these windows, the main outlook to this property is to the north and south which would be maintained. Similarly, the proposed screen fencing adjoining no. 278 would be limited to 2m. This would therefore provide screening without being overly dominant.

To the west, the coffee drive thru building would be located within 5.7m of the site boundary to the extended garden area of 10 Great Coates Road. The canopy area would be 2.5m off of the site boundary with the driveway being a minimum of 1.5m from the same boundary. The adjoining site was previously a driveway to a backland area and the Northern Power substation, but this has been sold to 10 Great Coates Road who has indicated that this area will be developed into an extended garden area. This garden area is also approximately 0.6m lower than the application site in the vicinity of the dwelling (with levels falling further to the north). To limit the impact on the occupier of 10 Great Coates Road the site would be bounded by a solid 2.5m fence. It is also noted that the drive thru itself would be approximately 10m from the dwelling at no. 10 further limiting the impacts of scale and massing. To the rear of the site 3m high fencing is proposed to limit impacts on this area in terms of movements and activity.

It is noted that a noise assessment has been undertaken which indicates current background levels are such that with the proposed mitigation measures (hours of operation, noise management and acoustic fencing) there would be no unreasonable impacts on neighbours in terms of noise and nuisance. Similarly, a lighting report has been provided outlining lighting levels on site and light spill. It also notes details of all lighting positions, columns and heights. This is based on lighting columns, in general, being 4m in height (5m to the centre of the site). Lighting cowls are also proposed to the outer columns to limit the impact on neighbours. This shows that impacts on neighbours,



subject to conditions could be deemed acceptable. A condition is required, however, to ensure that the most up to date alterations to the site layout are taken account of. The Environmental Protection team has also indicated that they are content with the scheme subject to conditions.

### 3) Highway safety and parking

The site is located on Toothill roundabout, with access and egress via the existing in and out arrangement that was previously utilised by the Shell filling station. The layout of the site has been directed by the access/ egress points along with the position of the high voltage cables. It has been particularly important to ensure that vehicles utilising the site can access and potentially queue for service or parking spaces within the site rather than queuing on the roundabout. The layout has a design capacity for 7 vehicles queuing for coffee. It is also proposed that 36 car parking spaces are provided of which 6 are EV charging points and 3 are to disabled drivers standard. This is deemed acceptable standard for a coffee drive thru and dentist. This would accord with Policy 38 of the NELLP.

It is recognised that in peak periods, the roundabout is heavily used, particularly within the evening peak, leading to extensive queuing. With this in mind, and concerns over capacity and highway safety, the applicant has undertaken Transport Assessment. This indicates that, in overall terms, the development would generate approximately 643 movements per day (in and out) critically, however, this would breakdown to 60 peak hour movements (in and out) between 8:00 and 9:00 in the morning and 34 such movements during the evening (17:00 to 18:00). The applicant has also assessed the nature of drive thru coffee shops and has identified that such trips are generally diversion trips (vehicles are already on the network rather than being new dedicated trips to visit the coffee shop). As such, these movements would not actually increase the number of vehicles using the local highway network. That is not to say there would not be additional movements on and off the highway as a result of the development and the highway team has assessed the proposal in terms of safety and capacity. The highways team has also consulted safety colleagues and required the applicant to undertake a safety assessment. It has been concluded that the levels of traffic generated could safely access and exit the roundabout at this point without significant impact to other road users including pedestrians and cyclists. This includes the provision of adequate sightlines, crossing points but also an alignment to the exit to assist vehicles to enter the roundabout in the correct manner. In many ways, the exit would simply be a new arm onto the roundabout. The access, however, is noted just at the Yarborough Road exit of the roundabout. Despite this, it is noted that this is a wide access point where turning vehicles have priority over internal circulation as far as possible, reducing the likelihood of vehicles queuing upon the highway.

In addition to this, the applicant indicates 4 stands for up to 8 cycles. The details of these are not yet clear and a condition is recommended to ensure these matters are fully considered. Pedestrian access is also shown allowing safe access and exit from the site. The site is also located upon bus routes (nos. 4 and 5S). Such a development would therefore accord with Policies 5 and 36 of the NELLP.

#### 4) Contamination

The site is known to be the historic source of considerable contamination of the wider area and principal aquifer due to leakage from petrol tanks. These tanks were removed a considerable time ago and intensive remediation was completed to render the site safe in its current form. Nevertheless, the site still has potential for contamination if the ground is disturbed. Although additional investigations have been undertaken the Environment Agency and Environmental Protection Teams continue to require further investigations at the site and potentially remediation. Due to the likely significant sums of money such investigations will cost, the Agency has agreed that it would be unreasonable to request such work without the benefit of a planning permission. As such conditions are recommended.

#### 5) Design and character

The site has been derelict for a considerable period of time, which has detracted from the character of the area. The proposal would create a commercial operation on site. Although the buildings proposed would be single storey only the difference in ground levels would ensure that any building would be of a similar height to the two storey dwellings either side. Given the history of the site as a filling station with its commercial character and indeed that of the public house opposite, the creation of a small commercial area to this busy roundabout would not appear out of keeping with the area. The corporate design of the coffee shop/ drive thru is noted but this would not detract from the area and would use attractive wood cladding and render which would soften the design. Similarly, unit 1 would be of a brick design which would be similar to other materials within the area.

The structures would also be set back within the site so that the landscaping and even car parking would assist to further soften the impact of the scheme on the surrounding area creating an acceptable appearance in accordance with Policies 5 and 22 of the NELLP.

#### 6) Biodiversity and landscaping

The site has been cleared including the removal of trees and landscaping which previously grew at the site. Recognising this, the applicant has sought to create an attractive copse of trees to the western side of the site with a feature Oak tree to its frontage. Equally the site is fronted by attractive species adding some height and colours to the boundary. A smaller number of trees are also proposed to the side and rear of the site.

As the site had been cleared it is unknown whether the building or trees accommodated any protected species. As a result of this, there has been a requirement to accommodate a number of features to provide facilities/accommodation for bats and birds on site. This scheme has been agreed with the Ecology Manager.

The site is required to meet a biodiversity net gain of 10% and a design has been provided to show that the majority of the requirements could be met on site but with the

remaining provision being provided off site. The applicant has provided details of this, and the Council's Ecology Manager has agreed this. Whilst there is a sequential approach to providing BNG on site first, if this cannot be realistically accommodated the legislation/guidance does allow for offsite provision to be provided. The applicant has confirmed that the offsite credits will be purchased from a Registered Site BNG site and that details would be confirmed at discharge of the BNG condition stage. Equally the on site habitat will be controlled through conditions including a Habitat Management Plan. This would accord with Policies 5, 41 and 42 of the NELLP.

#### 7) Drainage

The site is located within flood zone 1, the least vulnerable classification for flooding, and as such the site is suitable for developing in the manner suggested.

The site is known to be contaminated and there is a concern that more sustainable methods of drainage could increase the potential for spreading contamination into the water system and therefore the aquifer. Taking a precautionary approach, required by the Environment Agency, an engineered solution for drainage is proposed with connection to the existing combined sewer within Yarborough Road. The use of a 98.8 litre attenuation tank located below ground is proposed with onward flows restricted from the site at 5l/s. This represents a 50% reduction in estimated flows from the original filling station design. This has been accepted by the drainage team. A condition is recommended, however, to agree a final design based on this approach to take account of changes to the layout but this does not alter the acceptability of the overall approach. As such the proposal would accord with Policies 5, 33 and 34 of the NELLP.

### CONCLUSION

The application site has been vacant for almost two decades and is known to be contaminated, having been a petrol filling station. Its redevelopment therefore is deemed to be a considerable benefit to the area. Similarly, as a drive thru coffee shop and dentist, the proposal would provide new amenities for the local area without harm to the vitality and viability of the town centre or other local centres. The design of the development whilst unashamedly commercial would not harm the character of the area, which already has other commercial elements within the area. It would also be softened by the proposed landscaping at the site which would also assist to meet the BNG requirements. It is noted that the development of the site would introduce additional physical structures, activity, noise and light into an area that has been unused for many years. Despite this, subject to siting of acoustic barriers, landscaping and management conditions, these impacts are not deemed unreasonable. Similarly, the development would be located within a sustainable location but would lead to increased traffic movements at the roundabout which is already heavily utilised. Whilst accepting some additional traffic would be generated, evidence has been provided to show that traffic would, more often than not, divert into the site instead of passing by the roundabout so that it would not represent new traffic using the area. Equally, the access and exit to the site is deemed safe.

In overall terms therefore, it is considered that subject to conditions the development would accord with Policies 5, 6, 22, 23, 33, 34, 36, 38, 41 and 42 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

## **RECOMMENDATION**

### **Approved with Conditions**

(1) Condition

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

Reason

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

(2) Condition

Development shall not begin until details of the materials for the exterior walls and roof of the buildings have been submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall be carried 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 and in accordance with Policies: 5 and 22 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

(3) Condition

Notwithstanding the details submitted, no development shall commence until an updated surface water drainage scheme (and management document), based on the conclusions of the Flood Risk Assessment and Drainage Strategy Report P15728-DSR-01 rev A by Goodson Associates, have been submitted to and approved in writing by the Local Planning Authority. In particular, surface water flows from the site into the combined sewer at Yarborough Road shall not exceed 5 litres/second. Once approved, the scheme shall be implemented in full before any part of the development is first brought into use and the drainage shall be retained and maintained as approved thereafter.

Reason

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

(4) Condition

Development shall not begin until details showing the location, layout, design and method of construction of any new or altered vehicular access, parking and manoeuvring space, including any necessary piping or culverting of any ditch or watercourse, have been submitted to and approved in writing by the Local Planning Authority, and before any part of the development hereby permitted is brought into use the vehicular access, parking and manoeuvring spaces 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 in accordance with Policies: 5, 36 and 38 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

(5) Condition

No works related to the development hereby approved shall begin 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 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. Confirmation of avoidance of deliveries to the site at specified peak hours, including 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;
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 wheel washing facilities (locations, types etc.);
7. Measure to prevent dust and nuisance;
8. Measures to deal with noise and vibration (The noise assessment must comply with the requirements of British Standard 5228 unless otherwise approved);
9. Confirmation that no fires will be lit at the site, and;
10. Measures to deal with and limit waste.

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

Reason

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

(6) Condition

Prior to work commencing details of the height and the exact location of acoustic fencing (including ground levels on which the fences will be erected) shall be submitted to and approved in writing by the Local Planning Authority. The fencing approved by the Local Planning Authority shall be fully erected and completed before the any part of the development is first brought into use. The fencing shall be maintained and retained as such thereafter.

Reason

To limit noise nuisance and maintain amenity in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013 -2032 (adopted 2018).

(7) Condition

The scheme of landscaping and tree planting shown on drawing no. 5540 -01 rev B approved by the Local Planning Authority shall be completed within a period of 12 months, beginning with the date on which development began or within such longer period as may be first agreed in writing by the Local Planning Authority. All planting and biodiversity features shall be adequately maintained for 30 years, beginning with the date of completion of the scheme and during that period all losses shall be replaced during the next planting season.

Reason

To ensure a satisfactory appearance and setting for the development, biodiversity and amenity and in accordance with Policies: 5, 22, 41 and 42 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

(8) Condition

No development shall commence until details of:

(a) a Biodiversity Enhancement and Management Scheme (based on the Eco 360 Bat Survey and Landscape Plan ref. no. 5540.01B) setting out, but not exclusively:

- detailed measures for habitat creation and management;
- a detailed dark corridor lighting strategy to site boundaries (in accordance with the Institute of Lighting Guidance Note 8 Bats and Artificial Lighting);
- a statement setting outlining the timescales for implementation of the approved measures, management responsibilities and on-going maintenance schedules for all features created or retained;

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

The development shall be undertaken and completed in strict accordance with the approved Landscaping scheme and the Biodiversity Enhancement and Management Plan and be retained as such thereafter.

Reason

To maintain biodiversity, ecology and to ensure a satisfactory appearance and setting for the development and protection of existing features in the interests of local amenity and in accordance with Policies: 5, 22 and 41 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

(9) Condition

Notwithstanding the details provided and before development commences, a scheme of secure covered cycle parking facilities shall be submitted to the Local Planning Authority for approval in writing. Such approved scheme shall be completed prior to occupation of any part of the development and thereafter retained.

Reason

To ensure appropriate facilities are provided for cyclists as part of the development and in accordance with Policies: 5 and 36 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

(10) Condition

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 11 to 13 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 14 has been complied with in relation to that contamination.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution or contamination in line with paragraph 180 of the National Planning Policy Framework and Policies 5 and 34 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

(11) Condition

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

- (i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

human health,

property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

adjoining land,

groundwaters and surface waters,

ecological systems,

archaeological sites and ancient monuments;

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

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

#### Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution or contamination in line with paragraph 180 of the National Planning Policy Framework and Policies 5 and 34 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

#### (12) Condition

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

#### Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution or contamination in line with paragraph 180 of the National Planning Policy Framework and Policies 5 and 34 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

#### (13) Condition

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



#### Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 180 of the National Planning Policy Framework. Additionally, to include any changes to groundwater conditions that might be detected during development and in accordance with Policies 5 and 34 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

#### (14) Condition

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 11, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 12, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 13.

#### Reason

To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 180 of the National Planning Policy Framework. Additionally, to include any changes to groundwater conditions that might be detected during development and in accordance with Policies 5 and 34 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

#### (15) Condition

Prior to the commencement of any works details of piling and investigation boreholes using penetrative methods and/or ground improvement works/ foundations shall be submitted to and approved in writing with the Local Planning Authority. Included shall be a scheme to mitigate the effects of the design with particular regard to noise and vibration to the surrounding premises and pollution to the underlying chalk aquifer. The development shall be carried out in accordance with the approved details.

#### Reason

To ensure that any piling or site investigation boreholes/ foundations do not harm groundwater resources and residential amenity in accordance with Policies 5 and 34 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018) and paragraph 180 of the National Planning Policy Framework (2024).

(16) Condition

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason

To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 180 of the National Planning Policy Framework and Policies 5 and 34 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

(17) 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).

(18) Condition

Prior to the uses 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 or uses commencing and shall thereafter be so retained.

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).

(19) Condition

No activities shall take place at the premises outside of the following hours:

Monday to	Saturdays	05:00am	to	22:00pm
Sundays		06:00am	to	21:00pm

#### Reason

Using the premises outside these hours would be detrimental to residential amenity by virtue of noise or disturbance and in accordance with Policy 5 of North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

#### (20) Condition

No works shall proceed beyond damp course level until final details of the proposed lighting scheme (based on the Lighting Report by Bever Dialux ADS Grimsby External V1-EBU20240228) have been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall thereafter be implemented in strict accordance with the approved plans and retained as such thereafter unless otherwise agreed in writing with the Local Planning Authority.

In addition, the approved lighting at the site shall not operate outside of the following hours:

Monday to Saturdays	05:00am	to	22:30pm
Sundays	06:00am	to	21:30pm

#### Reason

To ensure that lighting is suitable for the area to maintain safety, residential amenity and the character of the area in accordance with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

#### (21) Condition

No development beyond damp course level shall occur until a Delivery Noise Management Plan has been submitted to and approved in writing by the Local Planning Authority. The delivery noise management plan shall include, (but not exclusively): vehicle movements, unloading and loading, use of reversing aids and refrigeration units. In addition, no deliveries to the premises shall occur outside of 08:00am and 19:00pm Monday to Friday and 08:00am to 13:00pm on Saturdays. No deliveries shall occur on Sundays. The Delivery Noise Management Plan shall thereafter be implemented in full and adhered to at all times thereafter.

#### Reason

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

#### (22) Demolition Condition

Prior to the commencement of any demolition works (including removal of foundations) a detailed method statement outlining the method of demolition and measures to prevent pollution to the environment and nuisance from noise and dust to surrounding occupiers shall be submitted in writing to the local authority for its written approval. Demolition shall

only thereafter be undertaken in accordance with the approved method statement.

**Reason**

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

**(23) Condition**

The proposed uses shall be restricted to a drive thru coffee shop and dentist and for no other purpose, including any other use falling within Class E of the Town and Country Planning (Use Classes) Order 1987, (or any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order with or without modification), unless a change of use is granted planning permission by the Local Planning Authority.

**Reason**

The Local Planning Authority wishes to retain control of future changes of use to protect the amenities of nearby residents and highway safety and capacity in accordance with Policies: 5 and 38 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

**(24) Condition**

Prior to the uses being first brought into use, a management plan to maintain security, limit nuisance from users and general anti-social behaviour, litter and light pollution shall be submitted to and agreed in writing by the Local Planning Authority. This should include measures to secure the EV charging points when they are not in use and refuse areas; and a scheme of CCTV to cover the full site but not neighbouring properties. The approved management plan and any measures required shall be implemented in full before any of the uses first commence and shall thereafter be maintained in full unless otherwise agreed in writing by the Local Planning Authority.

**Reason**

To maintain residential amenity and security and in accordance with Policies: 5 and 22 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

**(25) Condition**

The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan and including:

- (a) A non-technical summary;
- (b) The roles and responsibilities of the people or organisation(s) delivering the HMMP;
- (c) The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain

Plan;

- (d) The management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and;
- (e) The monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the Local Planning Authority

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

Additionally, notice in writing shall be given to the Local Planning Authority when the:

- (a) HMMP has been implemented; and;
- (b) Habitat creation and enhancement works as set out in the HMMP have been completed.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP. Monitoring reports shall be submitted to the Local Planning Authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason

To ensure the development delivers biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policies: 5 and 41 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

(26) Condition

The development shall not be carried out except in complete accordance with the approved plans and specifications. The approved plans/ documents are as follows:

2080 - 1 Site Location Plan  
2080 - 8 rev O Proposed Site Plan  
2080 - 9 rev A Drive Through Coffee Shop Plans and Elevations  
2080 - 14 rev C Proposed Unit 1 Floor Plans and Elevations  
2080 - 18 Proposed Site Sections  
2080 - 11 Electric Meter Kiosk ET6 Type  
5540.01 rev B Planting Plan  
J7/01043 Jakoustic Fencing System.  
06 J7/04172 (1 of 3) Section Through Acoustic Fencing System - Various Heights  
001\_01 rev A Alpitonic HYC 300  
002\_10 rev A 4 Way Schneider Pillar  
002\_12 rev A Substation TR18  
500A Drainage Layout Plan  
501A Impermeable Area Plan  
ADS102/T00 Topographical Survey  
DTP-3701724-ATR001- rev F - Proposed Site Layout with Swept Paths  
2080-13 rev C - Proposed Elevations

Broxap - Sheffield Cycle Stand  
Bat Activity Survey by 230 ECO Ltd  
Flood Risk Assessment & Drainage Strategy P15728-DSR-01 rev A  
Jakoustic Reflective - Jacksons Fencing  
Infinity Acoustics - Noise Assessment - A120KP - Ver 002  
ADS Grimsby External Lighting Report - V2-EBU20240508 by Bever Innovations

#### Reason

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

#### (27) 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 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 proposal would not harm the area character, the vitality of the town centre, highway safety and capacity, nor subject to conditions biodiversity or residential amenity, drainage and contamination and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies: 5, 6, 22, 23, 33, 34, 36, 38, 41 and 42 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

### **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 amendment to the design and layout to aid highway safety, residential amenity, design and biodiversity and landscaping.

### **3 Informative**

You are advised to read the Environment Agency's consultee response to the planning application (dated 25th June 2024) in full for further advice on discharging the contamination conditions imposed on this grant of permission. Their consultee comment can be found on the North East Lincolnshire Local Plan Planning Web page for this application ref. No. DM/0402/24/FUL.

You should also note:

#### **Advice to the applicant**

Land contamination: risk management and good practice.

It is recommended that developers should:

- Follow the risk management framework provided in Land Contamination: Risk Management, when dealing with land affected by contamination.

- Refer to the Guiding principles for land contamination for the type of information that the Environment Agency require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health.
- Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed.
- Refer to the contaminated land pages on gov.uk for more information.

#### 4 Informative

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

#### 5 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](http://cadentgas.com/diversions)

Prior to carrying out works, including the access points, please register on: [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

#### 6 Informatives

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

If the footway or carriageway is damaged as a consequence of any excavation or any other operations relating to the development, the Highway Authority may make good the damage and recover expenses reasonably incurred. You are required to contact the Highway Management Team at least 4 weeks prior to commencement of works to arrange for a highway pre-condition inspection (Tel: 01472 324431).

## 7 Informative

You should be aware that the site is crossed by High and Low Voltage Cables owned and operated by Northern Power Grid. You should read their advice in full and make sure you understand the plans submitted (outlining the location of the cables) provided by Northern Power Grid dated the 6th November 2024. Their consultee comments can be found on the North East Lincolnshire Local Plan Planning Web page for this application ref. No. DM/0402/24/FUL. In particular however you should note:

You are advised to read and take account of: Health Safety Executive's publication HS(G) 47 "Avoiding Danger From Underground Services" which emphasises that: The position of any services in or near the proposed work area should be pinpointed as accurately as possible using a detecting device in conjunction with up-to-date service plans and other information which provides a guide to the possible location of services and help interpret the signal.

Excavation work should follow safe digging practices. Once a detecting device has been used to determine position and route, excavation may proceed, with trial holes dug as necessary, to confirm the position of any detected services. A cable is positively located only when it has been safely exposed.

Cable depths are not generally indicated on our records and can vary considerably even when shown.

Great caution must be exercised at all times when using mechanical plant. Careful trial digging should always be carried out on the whole route of the planned excavation to ascertain no cables exist.

The Health Safety Executive publication GS6 "Avoidance of Danger from Overhead Electric Lines" must be consulted if your work is near overhead power lines. Both of these documents provide comprehensive guidance for observance of statutory duties under the Electricity at Work Regulations 1989 and the Health Safety at Work Act 1974. Our provision of these records is based upon the assumption that people using them will have sufficient competence to interpret the information provided. Any damage or injury caused will be the responsibility of the organisation or individual concerned who will be charged for any repairs.

Please note ground cover must not be altered either above or below our cables or below overhead lines. In addition, no trees should be planted within 3 metres of existing underground cables or 10 metres of overhead lines. All our apparatus is legally covered by a wayleave agreement, lease or deed or alternatively provided under the Electricity Act 1989. Should any alteration / diversion of Northern Powergrid's apparatus be necessary to allow your work to be carried out, budget costs can be provided by writing to Network Connections, Alix House, Falcon Court, Stockton On Tees, TS18 3TU. Tel: 0800 0113433.

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](mailto:snn@nelincs.gov.uk) to discuss the creation of new addresses.

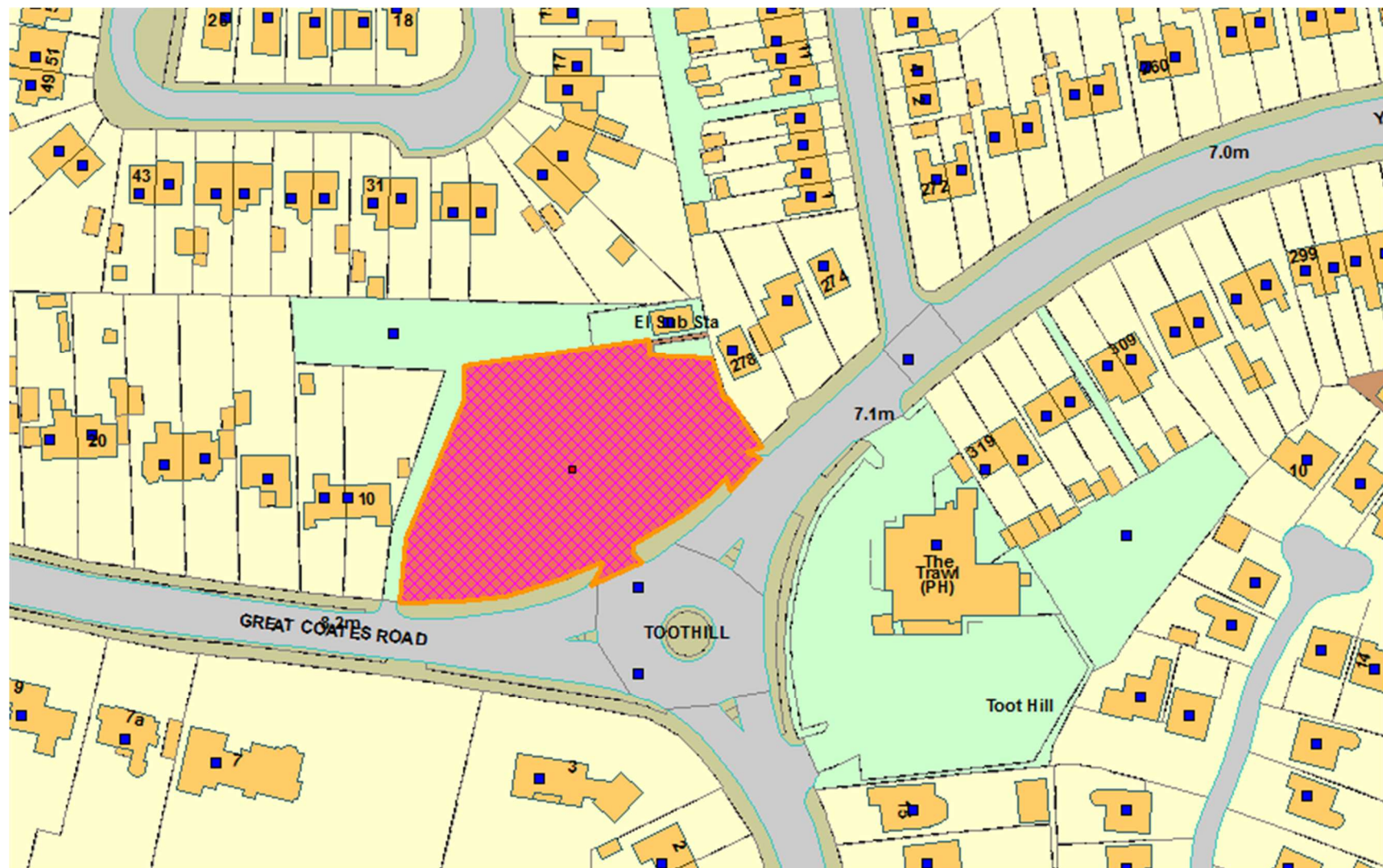
9 Informative

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).

10 Informative

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

DM/0402/24/FUL – LAND ON FORMER GARAGE SITE, GREAT COATES ROAD, GRIMSBY



[illegible]

**PLANNING COMMITTEE - 8th January 2025**

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

**APPLICATION No: DM/0803/24/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: 21 Signhills Avenue, Cleethorpes, North East Lincolnshire, DN35 0BU**

**PROPOSAL: Retrospective application to erect single storey rear extension with roof lantern and infill existing side window with associated works (amended plans received December 2024 to reflect the as built situation)**

**APPLICANT:**

Mr And Mrs Moorcroft  
21 Signhills Avenue  
Cleethorpes  
North East Lincolnshire  
DN35 0BU

**AGENT:**

Mr Danny Flintoft  
Paul Flintoft Building Surveyors  
132 Tranby Lane  
Anlaby  
Hull  
HU10 7EJ

**DEPOSITED: 18th September 2024**

**ACCEPTED: 20th September 2024**

**TARGET DATE: 15th November 2024**

**PUBLICITY EXPIRY: 24th December 2024**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 14th October 2024**      **CASE OFFICER: Becca Soulsby**

**PROPOSAL**

The application is for the erection of a single storey rear extension with a roof lantern, infilling of an existing side window with associated works. The works subject to this application have been undertaken and are almost complete.

The application is brought to planning committee due to a call in request from Councillor Parkinson.



## **SITE**

21 Signhills Avenue is located to the southeast side of the road. The area surrounding the property is residential in nature, with a combination of detached, semi-detached and terraced properties within the immediate vicinity of the application site.

## **RELEVANT PLANNING HISTORY**

No relevant planning history.

## **RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS**

### National Planning Policy Framework (2023)

NPPF14 - Climate, flooding & coastal change

NPPF12 - Achieving well designed places

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

PO5 - Development boundaries

PO22 - Good design in new developments

PO34 - Water management

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

## **REPRESENTATIONS RECEIVED**

Ecology - The proposal is for a development which is the subject of a householder application, within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order (2015) and is exempt from the mandatory bio-diversity net gain condition.

Highways - Approval no conditions.

Heritage - No heritage input required.

Drainage - An informative has been requested in relation to the use of sustainable drainage methods.



## Neighbours

Objections have been received from 19 Signhills Avenue, broadly on the grounds of:

- Not receiving the planning consultation letter
- Building works having started prior to permission
- Overshadowing and loss of light
- Extension being out of keeping with area and against character of the properties within the street
- Loss of privacy from roof lantern
- Loss of view at the rear
- Scale of the extension
- Concerns over drainage due to gutter being capped off

## APPRAISAL

### Material Considerations

#### Principle of Development

The site is located within the development boundary of Cleethorpes, therefore Part 1 of Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) (NELLP 2018) applies. Policy 5 does not preclude works of this nature in principle within the defined development boundaries. It is therefore considered in principle that the proposed development is acceptable subject to the site-specific impacts discussed below.

#### Design

The extension subject to this application replaces a conservatory and single storey projection at the rear of the property. The extension projects 4.6 metres from the original rear wall of the property, spanning a width of 6.7 metres. The height to the eaves measures 2.8 metres, the height to the flat roof measures 3.1 metres and the height to the top of the roof lantern measures 3.7 metres. The materials used in the extension are facing brickwork up to a 0.8 metre height, with render proposed to the exterior walls above this to match the existing property. White uPVC French doors are present within the rear elevation of the property, as well as a uPVC roof lantern within the flat roof.

A window within the side elevation has been removed and blocked up as part of the works undertaken within this application. The area is proposed to include a rendered finish.

It is important to note that the original design incorporated a small parapet along the roof which was removed to reduce the overall height of the proposal.

The extension is considered to be of a reasonable scale and appearance. Particularly in relation to the plot size and dwelling. Single storey extensions of this nature are a

common feature within residential areas. Due to the extension and alterations being located within the rear aspect of the property, there is considered to be no adverse impact to the street scene or character of the area as it is not visible from the frontage.

To this end, the application is considered to be in accordance with Policies 5 and 22 of the NELLP 2018 in respect of design.

### Neighbouring Amenity

The host property adjoins 19 and 23 Signhills Avenue to the sides, faces onto 20 and 22 Signhills Avenue to the front and adjoins 37 and 39 Cromwell Road at the rear. Various objections have been received from 19 Signhills Avenue, which are discussed below.

Concerns have been raised in respect of the extension being out of keeping with the surrounding area and being against the character of the properties within the street. The concerns are acknowledged and have been discussed within the design section of this report.

Concerns over the loss of the view at the rear of the property as well as loss of light are acknowledged, however they do not constitute material planning considerations.

Further concerns relate to building works having started prior to planning permission being in place. This is acknowledged, and whilst the works are now almost complete, the retrospective nature of the works does not prejudice the assessment of the application or the decision-making process as a whole.

Concerns relating to the drainage of the extension have been raised, as well as concerns over the conservatory gutter at 19 Signhills Avenue being capped off. The concern is acknowledged, with the Drainage Officer having been consulted as a part of the application process. A request for an informative has been made relating to sustainable drainage methods in managing surface water run-off from the extension, which is recommended. The capping off of the gutter at 19 Signhills Avenue would be a private civil matter and would not fall within the remit of the planning process.

Further concerns from 19 Signhills Avenue relate to overshadowing, loss of privacy and the scale of the extension. The extension is adjacent to the side boundary with 19 Signhills Avenue, stepped approximately 0.2 metres in from the boundary treatments separating the properties. It is accepted that the extension is close in proximity to the boundary and conservatory at 19 Signhills Avenue, as well as being of a greater height than the neighbouring conservatory. It is not however considered to be an uncommon relationship between two neighbouring properties, and impacts of overshadowing are considered to be minimal in this regard. The properties also benefit from near south facing gardens. 19 Signhills Avenue raise issues of loss of privacy due to the roof light within the extension; whilst it is accepted that there is some visibility from the roof light to the first floor windows within the rear of 19 Signhills Avenue, the visibility is limited and minimal, and it is not considered to be adverse nor unreasonable in this setting. It is

important to note that the original proposed included a parapet adjacent to the neighbour at 19 Signhills Avenue which was subsequently removed to reduce the overall height and impact towards this neighbour. Whilst noting some impacts from the extension in terms of its projection and height, such impacts are not considered to be adverse in this instance.

The extension is visible from various properties at the rear of the host property, however no adverse impact is posed on neighbouring amenity in respect of the works undertaken given the overall scale, position and levels of separation.

In respect of neighbouring amenity, the proposal is therefore considered to be in accordance with Policy 5 of the NELLP 2018.

#### Other Considerations

The Council's Highways and Heritage Officers raise no objections to the application.

The Ecology Officer confirms that the application is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order (2015) and is exempt from the mandatory bio-diversity net gain condition.

### **CONCLUSION**

The works undertaken are considered to be of reasonable size, scale and appearance. It is considered that the works do not pose an adverse impact to the amenity of neighbouring properties, the street scene or the wider character and appearance of the area. The proposal is considered to be in accordance with Policies 5, 22 and 34 of the NELLP 2018 and is therefore recommended for approval.

### **RECOMMENDATION**

#### **Approved with Conditions**

##### (1) Condition

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

Site Location Plan received 18th September 2024

Block Plan received 25th September 2024

SA/01/24/F - Existing and Proposed Plans and Elevations

##### Reason

For the avoidance of doubt in the interests of proper planning and in accordance with

Policies 5, 22 and 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

## (2) Biodiversity Net Gain

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

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

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

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

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

In Summary: Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply. It is considered that exemption number 4.3 applies.

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

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

applies.

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

(i) the original planning permission to which the section 73 planning permission relates\* was granted before 12 February 2024; or

(ii) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.

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

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

i) the application for planning permission was made before 2 April 2024;

ii) planning permission is granted which has effect before 2 April 2024; or

iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates\* was exempt by virtue of (i) or (ii).

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

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

i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

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

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

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

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

Irreplaceable habitat

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

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

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

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

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

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

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

## **Informatives**

### **1 Reason for Approval**

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

### **2 Added Value Statement**

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

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

### **4 Informative**

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

Please refer to the drainage officers comments.

### **5 Informative**

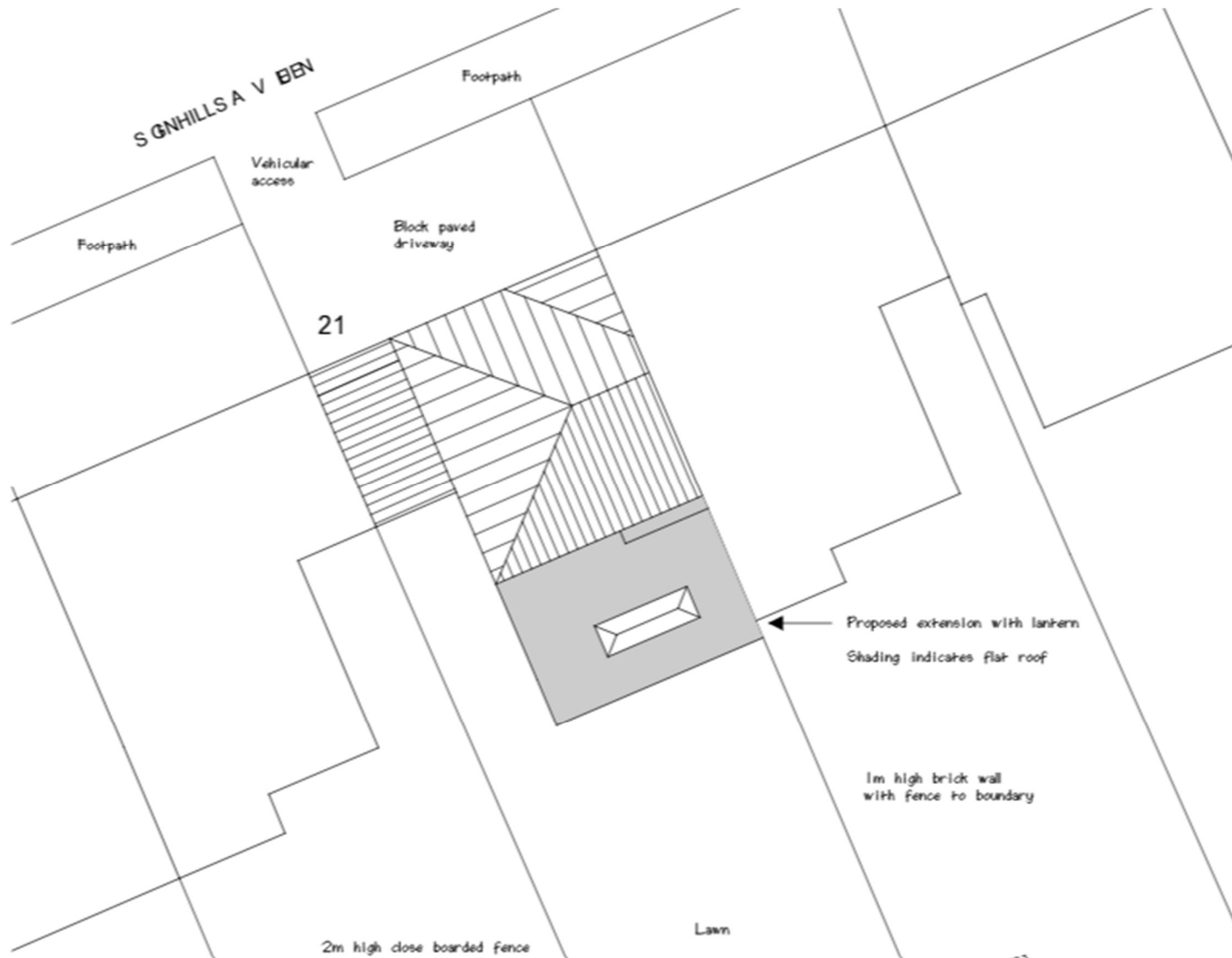
The applicants' attention is drawn to the fact that the requirements of the Party Wall Act may apply and you should seek advice from your agent or suitably qualified person.

DM/0803/24/FUL – 21 SIGNHILLS AVENUE, CLEETHORPES





DM/0803/24/FUL – 21 SIGNHILLS AVENUE, CLEETHORPES



**PLANNING COMMITTEE - 8th January 2025**

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

**APPLICATION No: DM/0751/24/FULA**

**APPLICATION TYPE: Accredited Agent - Homeholder application**

**APPLICATION SITE: 26 Swales Road, Humberston, North East Lincolnshire, DN36 4UQ**

**PROPOSAL: Demolition of existing porch and conservatory, create living accommodation at first floor with the erection of two storey extension to side and roof lift including roof lights and dormer window with Juliet balcony to the rear, and amendments to window openings (amended plans and description to retain existing garage October 2024)**

**APPLICANT:**

Mr Martin Overall  
26 Swales Road  
Humberston  
North East Lincolnshire  
DN36 4UQ

**AGENT:**

Mr Daniel Hyde  
Hyde Architecture Ltd  
1 Westbrook Cottages  
Station Road  
North Thoresby  
DN36 5QS

**DEPOSITED: 2nd September 2024**

**ACCEPTED: 2nd September 2024**

**TARGET DATE: 28th October 2024**

**PUBLICITY EXPIRY: 28th October 2024**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 26th September 2024**

**CASE OFFICER: Becca Soulsby**

**PROPOSAL**

The proposal is for the demolition of the existing porch and conservatory, the creation of living accommodation at first floor with the erection of a two storey extension to the side and a roof lift to include roof lights and the installation of a dormer window with a Juliet balcony to the rear, as well as amendments to window openings. The application is brought before planning committee for determination due to receiving an objection from Humberston Village Council, as well as receiving in excess of three neighbour objections.

## **SITE**

26 Swales Road is a detached bungalow located to the west side of Swales Road. The area surrounding the property is residential in nature, with predominantly detached single storey and two storey properties to the north, east and south, and terraced properties to the west.

## **RELEVANT PLANNING HISTORY**

No relevant planning history.

## **RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS**

### National Planning Policy Framework (2023)

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  
PO34 - Water management

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

## **REPRESENTATIONS RECEIVED**

Consultations

Heritage Officer - No heritage input required.

Ecology Officer - Confirms application meets the exemption criteria for the mandatory biodiversity net gain condition due to being a householder planning application. Informative requested regarding standing advice for bats and birds.

Highways Officer - Approval with a condition requested for the submission of a Construction Traffic Management Plan (CTMP).

Drainage Officer - Provision of water butts is acceptable in managing surface water run-off, with a condition to be attached to the decision for the implementation and retention of the water butts.

Humberston Village Council - Objection to amended plans due to scale of development and impact on neighbouring properties. Development would have a detrimental impact on the privacy of neighbouring properties, being too large and too high in this location.

## Neighbours

Support received from 17 and 24 Swales Road. Comments include that the proposal enhances the street scene and makes better use of the existing plot.

Objections received from 15, 28, 30, 34, 36, 42, 44 Swales Road and 201 Humberston Road broadly on the grounds of:

- Proposal not being in keeping and out of character with surrounding area
- Scale and height of extensions
- Issues of overlooking and loss of privacy from proposed roof lift and Juliet balcony to neighbours rear as well as neighbouring bungalows
- Loss of light in winter months to no. 44 Swales Road

## APPRAISAL

### Principle of Development

The site is located within the development boundary of Humberston; therefore Part 1 of Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) (NELLP 2018) applies. Policy 5 does not preclude works of this nature in principle within the defined development boundaries. It is therefore considered in principle that the proposed development is acceptable subject to the site-specific impacts discussed below.

### Design

The proposal is for various alterations and extensions to the existing single storey dwelling, to create a dormer bungalow with additional living accommodation at first floor. This includes a full roof lift to accommodate the first floor living accommodation, with a proposed ridge height of 6.8 metres, a 2.1 metre increase from 4.7 metres ridge height as existing.

The design of the roof is proposed to change, from a dual pitched roof with gable ends at the side elevations as well as gables present within the front and rear elevations, to a dual pitched roof proposed with a full hip and half hip at the side elevations, retaining the gable to the front elevation with an additional gable proposed above the internal garage. Two rooflights are proposed within the roof along the front elevation, one rooflight is proposed within the roof along the rear elevation as well as a dormer window proposed

within the roof at the rear to include a Juliet balcony window.

A two storey side extension is proposed, spanning a width of 5 metres from the existing side wall. The extension is proposed to project approximately 1.5 metres from the existing stepped in aspect of the front elevation. The extension is to form a larger internal living space as well as incorporating an internal garage. The extension includes various alterations to window and door openings, with a ground floor window and a first floor side window proposed within the north side elevation - both of which are proposed to be obscurely glazed. Additional windows and French double doors are proposed within the ground floor rear elevation to a glazed bay window. The front elevation is proposed to retain the window opening and bay window present within the left portion of the front elevation, with a new front door, window opening and garage door proposed. There are no alterations to the existing window openings within the south elevation.

There are various alterations and extensions proposed within this application. In terms of the street scene and wider character of the area, bungalows are present to the north of the application site along Swales Road, with two storey properties being present to the south of the application site. As the host property adjoins both bungalows and two storey properties to the sides, as well as there being varied property types present within the immediate surrounding area, the alterations and extensions are considered reasonable within the street scene with the two storey properties to the south and the single storey properties to the north with the host property proposed to become a dormer bungalow.

The materials proposed in the extensions and alterations are mainly to match those used in the existing dwelling, with red brickwork to the exterior walls, brown interlocking tiles to the roof, and white uPVC window units proposed. The dormer is proposed to be clad with natural timber, the roof lights proposed to be dark grey units, and aluminium framed Juliet balcony doors with a glazed balustrade and steel handrail proposed.

Whilst the extensions and alterations proposed are acknowledged to be varied it is not considered that there will be an adverse impact in respect of the street scene or wider character of the area. The proposal is therefore considered to be in accordance with Policies 5 and 22 of the NELLP 2018 in respect of design.

### Neighbouring Amenity

The host property adjoins 24 and 28 Swales Road to the sides, 30 and 42 Swales Road to the rear, and faces onto 15 and 17 Swales Road at the front. Comments in support of the application have been received from 17 and 24 Swales Road, with comments in objection to the proposal received from 201 Humberston Road and 15, 28, 34, 36, 42 and 44 Swales Road. Humberston Village Council object to the proposal due to the scale of development, adverse impact on neighbouring properties and privacy, with the proposal considered too large and too high in this location.

All representations are acknowledged and are discussed below.

Neighbours have raised concerns that the proposal is not in keeping and out of character with the surrounding area. The concerns are acknowledged and have been discussed within the design section of this report.

Concerns relating to the scale and height of the extensions have been raised through representations. It is acknowledged that the extensions and alterations, in respect of the roof lift and side extensions proposed, will make the property more dominant than the existing property is. When considering the scale and height of these extensions and alterations in relation to neighbouring properties, the side extension will project towards the side boundary shared by 24 Swales Road, however the side elevation of this extension will be separated from the boundary by a driveway width of 4 metres. This is considered to be acceptable, with no adverse impact posed to this neighbour's amenity in respect of massing, dominance, overshadowing or overlooking. In respect of both the side extension and roof lift proposed, it is accepted that this will be visible from many properties within the immediate vicinity of the application site, however no adverse impact is expected to occur as a result of this.

Further concerns relating to issues of overlooking and loss of privacy have been raised specifically relating to the proposed roof lift and rear dormer, which includes a Juliet balcony. The concerns are acknowledged. It is considered that rear dormers are a common occurrence within residential areas. The rear dormer proposed includes a full length Juliet balcony window which opens inwards to the internal first floor living space. Whilst it is accepted that this may be perceived by neighbours to present more substantial overlooking than a traditional window, it is considered that this is not the case. The size of the opening is considered reasonable. It is also noted that the window is proposed approximately 16 metres from the closest neighbouring boundary at the rear, with the neighbouring property adjoining the application site to the south boundary being a two-storey dwelling with established first floor window openings. To this end, it is not considered that there will be adverse overlooking or loss of privacy.

A concern relating to loss of light has been received, specifically to no. 44 Swales Road. Due to the separation distance from the application site to this neighbour, there is considered to be no adverse impact on neighbouring amenity in respect of loss of light.

It is accepted that the proposed works will be visible to many properties within the immediate vicinity of the application site and there will be a change in outlook however this is not considered to be detrimental in respect of residential amenity and the proposal is considered to be in accordance with Policies 5 and 22 of the NELLP 2018.

#### Other Considerations

The Council's Heritage Officer raises no objections to the application. The Highways Officer recommends approval with a condition requested for the submission of a construction management plan. The Drainage Officer confirms that the provision of water butts is acceptable in managing surface water run-off, with a condition to be attached to the decision for the implementation and retention of the water butts. The Ecology Officer

confirms that the application meets the exemption criteria for the mandatory bio-diversity net gain condition due to being a householder planning application, with an informative requested regarding standing advice for bats and birds.

## **CONCLUSION**

The works proposed are considered to be of reasonable size, scale and appearance. It is considered that the works proposed will not pose an adverse impact to the amenity of neighbouring properties, the street scene or the wider character and appearance of the area. The proposal is considered to be in accordance with Policies 5, 22 and 34 of the NELLP 2018 and is therefore recommended for approval.

## **RECOMMENDATION**

### **Approved with Conditions**

#### **(1) Condition**

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

#### **Reason**

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

#### **(2) Condition**

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

1547-001 - Site Location Plan

1547-002 REV A - Existing and Proposed Block Plans

1547-004 REV A - Proposed Floor Plans and Elevations

1547-005 - Proposed Street Scene

#### **Reason**

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

#### **(3) Condition**

The proposal shall be constructed using materials specified within the application form and on the approved plans received unless otherwise first approved in writing by the Local Planning Authority.

#### Reason

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

#### (4) Condition

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

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

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

#### Reason

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

#### (5) Condition

Surface water drainage shall be via the water butt shown on plan 1547-004 REV A which shall be installed before the extension is brought into use and shall thereafter be so retained unless an alternative is submitted to and approved in writing by the Local Planning Authority.

#### Reason

In the interests of flood risk and drainage and to accord with Policy 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

#### (6) Biodiversity Net Gain

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

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



(b) the planning authority has approved the plan.

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

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

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

In Summary: Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply. It is considered that exemption number 4.3 applies.

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

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
  - (i) the original planning permission to which the section 73 planning permission relates\* was granted before 12 February 2024; or
  - (ii) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
  - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of

the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

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

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

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

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

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

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

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

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

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity

Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

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

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

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

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

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

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

## **Informatives**

### **1 Reason for Approval**

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

2 Added Value Statement

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

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

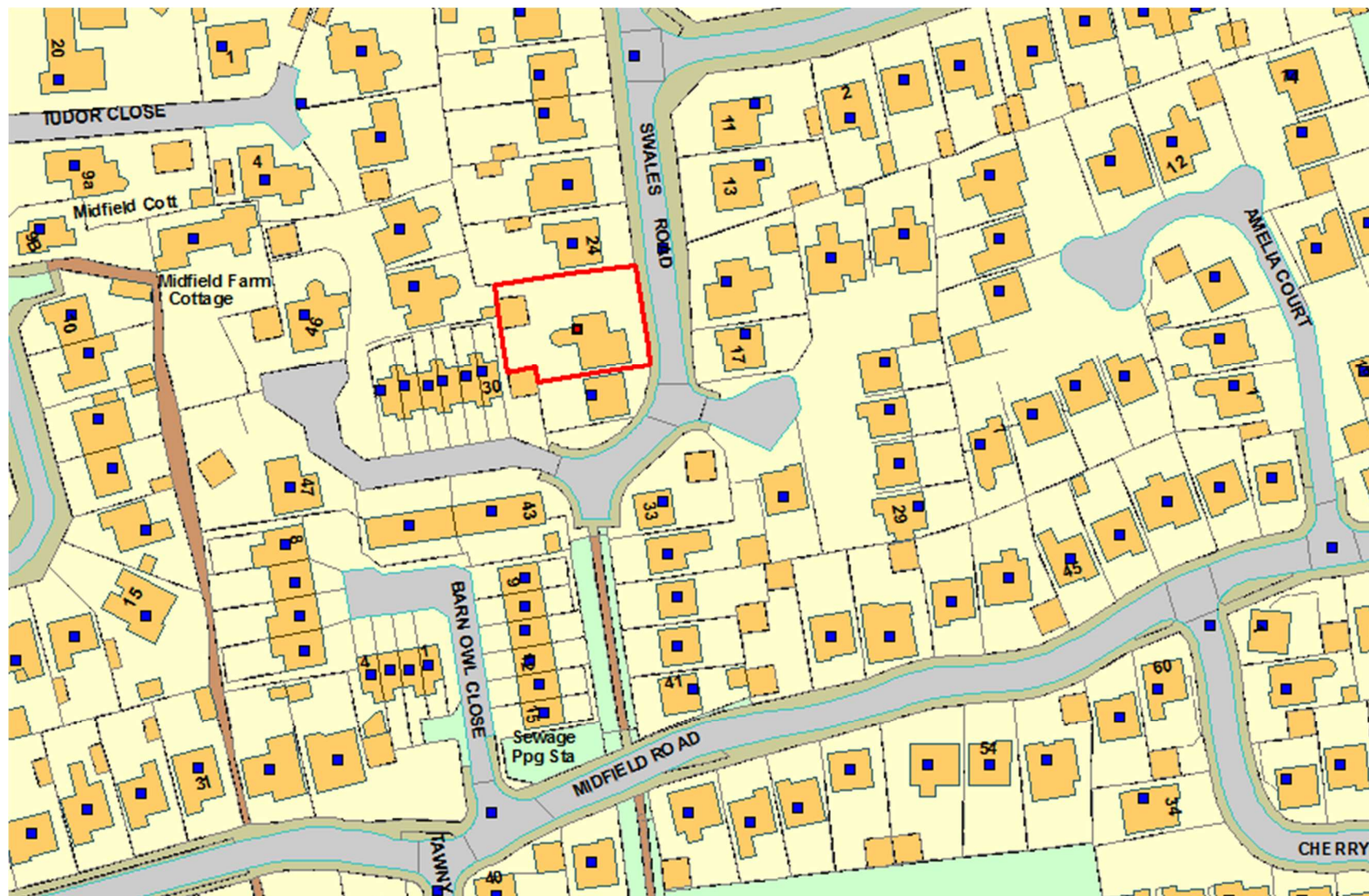
3 Informative

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 the Ecology Officer in respect of standing advice for bats and birds.

DM/0751/24/FULA – 26 SWALES ROAD, HUMBERSTON



DM/0751/24/FULA – 26 SWALES ROAD, HUMBERSTON



**PLANNING COMMITTEE - 8th January 2025**

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

**APPLICATION No: DM/0949/24/OUT**

**APPLICATION TYPE: Outline Application**

**APPLICATION SITE: 37 Westkirke Avenue, Grimsby, North East Lincolnshire, DN33 2HS**

**PROPOSAL: Outline application to erect a detached dwelling and garage including formation of a new vehicle access with access to be considered**

**APPLICANT:**

Mr Paul Willis  
114 Queen Mary Avenue  
Cleethorpes  
North East Lincolnshire  
DN35 7SZ

**AGENT:**

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

**DEPOSITED: 8th November 2024**

**ACCEPTED: 8th November 2024**

**TARGET DATE: 3rd January 2025**

**PUBLICITY EXPIRY: 15th December 2024**

**AGREED EXTENSION OF TIME DATE: 10th  
January 2025**

**CONSULTATION EXPIRY: 8th December 2024**    **CASE OFFICER: Bethany Loring**

**PROPOSAL**

The application seeks outline planning permission, with access to be considered, to erect one dwelling and garage including the formation of a new access, to the side of 37 Westkirke Avenue in Grimsby.

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

## **SITE**

The host property is a detached dwelling located to the northeast side of Westkirke Avenue in Grimsby. The site benefits from a larger plot, than its neighbours, with a paved driveway to the side, vehicle access and grassed area to the front. The boundaries are established by low brick-built walls with some landscaping features to the front, rear and side with fencing to the side with the neighbour. The property has a modest side/rear garden. A public right of way exists to the eastern boundary. The north and east boundaries adjoin Scartho Conservation Area however the site itself does not fall within this.

## **RELEVANT PLANNING HISTORY**

No relevant planning history.

## **RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS**

### National Planning Policy Framework (2023)

NPPF5 - Delivering a sufficient supply of homes  
NPPF12 - Achieving well designed places  
NPPF14 - Climate, flooding & coastal change  
NPPF15 - Conserv. & enhance the natural environ.  
NPPF16 - Conserv. & enhance the historic environ.

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

PO5 - Development boundaries  
PO22 - Good design in new developments  
PO33 - Flood risk  
PO34 - Water management  
PO39 - Conserve and enhance historic environ  
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**

Ecology Officer - Comment relating to nesting birds and requirement for swift nest box, or



similar, and sparrow next box.

Highways Officer - No objections. Conditions advised.

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

Heritage Officer - No input required.

Drainage Team - Surface water drainage condition recommended.

Trees and Woodlands - No comment.

Cadent Gas - Informative advice.

Public Rights of Way Officer - Does not affect network.

### Representations

Civic Society - Representation received raising concerns of development in regard to traffic, loss of trees and safety of pedestrians using public right of way.

Objections have been received from the following addresses broadly on the grounds of impacts to street scene, property values, increased traffic flows, safety of pedestrians, lack of space, disruption, dangerous access, parking, road safety, drainage, on-street parking, questions regarding the final design.

34 Westkirke Avenue  
35 Westkirke Avenue  
36 Westkirke Avenue  
38 Westkirke Avenue  
39 Westkirke Avenue  
40 Westkirke Avenue

### **APPRAISAL**

The material planning considerations are;

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

## 1. Principle of Development

The application site is located in a residential area in Grimsby, and as such Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) applies. The site is currently a residential garden, attached to 37 Westkirke Avenue. Policy 5 does not prohibit residential development within existing gardens where the site is within the development boundary. Furthermore, the site is not within a high flood risk area and is therefore sequentially preferable for this type of use.

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

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

## 2. Visual Character of the Area and Layout

The proposal is for one dwelling on a 0.02-hectare site. The principle of one detached property on this plot would not be seen as out of character in this context as Westkirke Avenue is considerably diverse in density, design and appearance, with a wide range of materials used within the vicinity of the application site, specifically to the south.

In view of the predominant character, the proposal would represent a similar density and size to other plots in the locality, specifically to that of the host property. The property would be situated along the main street and therefore viewable within the street scene. However, the site is made up of a larger garden space to the side, which would provide a plot on a site that would be reasonably expected in this context given its size and position. Furthermore, the indicative layout details that the plot would be similar to that of the host property which would be considered acceptable in regard to visual amenity. However, final details relating to design, appearance and scale are reserved for future approval.

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

## 3. Highways Safety and Amenity

The site benefits from an existing access point however this would be separated to be used by the host property only. An additional access point would be included to serve the proposed dwelling. This would result in one access per property. The neighbour objections are noted in regard to highways, access and parking which has been addressed below.

The plans indicate that the new access would be around 4.3 metres in width, adjoining the highway, with a 3-metre width into the site. This would allow for access to the new detached garage positioned to the rear of the plot. It is noted that the access would be positioned close to the existing bend along Westkirke Avenue, which is signposted by means of chevron signs, which would be repositioned to remain in situ albeit in a slightly different location. Whilst positioned on the start of the bend, the road is relatively wide at this specific area and the access would achieve the required visibility splays in both directions which would ensure that highways safety is maintained. Furthermore, the pedestrian access, positioned to the east, would also be unaffected and maintained and not impeded by the access point in regard to visibility. Both the host and proposed property would include off-street parking provision within their own curtilage. The existing low wall to the frontage has been indicated to be retained which would assist with the visibility concern however to ensure that this would be maintained, a condition to remove permitted development for boundary treatments has been recommended for this plot.

The Highways Officer has reviewed the details and confirmed that these are acceptable, and the application can be approved with final details to be provided at the reserved matters stage. Conditions are recommended for a Construction Traffic Management Plan, and a highways license informative included. In addition, the Public Rights of Way Officer has confirmed that there would be no impacts to the urban footway network in this instance.

It is therefore in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

#### 4. Drainage and Flood Risk

The proposal site is within Flood Zone 1 on the Environment Agency maps.

The Council's Drainage Team has commented to request a drainage condition. Therefore, a condition to reflect this has been included as well as water reuse condition

It is therefore in accordance with policy 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and section 14 and of the NPPF.

#### 5. Trees, Landscaping and Ecology

The site includes some landscaping features, particularly to the boundaries, which would mostly be retained to the rear. To the eastern boundary, a 2-metre-high close boarded fence would be installed, to replace the existing hedge, which would be typical of a residential dwelling.

The Trees and Woodlands Officer has commented to state that there are no comments to make.

In regard to BNG, the application is considered to be exempt from the requirements as this has been stated to be a self-build.

The Ecology Officer has also reviewed the details and provided comments relating to nesting birds and the removal of vegetation. Whilst exempt from BNG, provision for nesting provision has been included as a condition.

It is therefore in accordance with Policies 41 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and Section 15 and of the NPPF.

## **6. Impact on Neighbouring Properties**

It is noted that objections have been received from neighbours. The proposed site plan shows that the dwelling and proposed vehicular access would be close to the existing urban footway however this would be sufficiently separated from neighbours. It is important to note that there would be a new access point to serve the new plot only. The closest property would sit across the road, at 38 Westkirke Avenue, at over 20 metres from the front of the dwelling and this neighbour. The existing boundary treatments would provide a partial screening to the proposal specifically to 39 Westkirke Avenue.

The scheme, whilst indicative, demonstrates that the dwelling would be centrally positioned within the space, adjacent to the existing right of way, preventing massing issues to the neighbours and providing sufficient amenity space for future occupiers. Whilst the application is in outline form with most matters reserved, the proposed site plan provided demonstrates that the plot would be sufficiently separated from neighbours with landscaping features present to provide additional screening.

Therefore, it is considered a dwelling can be achieved on site without detriment to the host property or to neighbours.

It is therefore in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and section 12 and of the NPPF.

## **CONCLUSION**

The proposal for one dwelling on this site is acceptable in this residential area. It is considered it can be achieved without harm to the character of the area and street scene, and it would not give rise to adverse impacts in terms of residential amenity, highway safety or drainage. Subject to conditions, it is therefore recommended for approval in accordance with Policies 5, 22, 33, 34, 39, 41 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018), and Sections 5, 12, 14 and 15 of the NPPF.

## **RECOMMENDATION**

**Approved with Conditions**

(1) Condition

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

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

Reason

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

(2) Condition

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

- (a) the layout, scale and appearance of the development including proposed levels;
- (b) a landscaping scheme for the site including details of existing trees, hedges and planting to be retained and any to be removed

Reason

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

(3) Condition

The development is approved in accordance with the following plans:

Site Location Plan, Existing and Proposed Site Plans and Street Elevations - RD5744-01A

Proposed Footpath and Crossover Details - RD5744-30

Reason

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

(4) Condition

No development shall commence until a final scheme for the sustainable provision of

surface water drainage and a scheme for foul drainage has been submitted to and approved in writing by the Local Planning Authority. The development shall then be built out in accordance with the approved details and the drainage implemented prior to occupation.

Reason

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

(5) Condition

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

Reason

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

(6) Condition

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 and any construction compound, also relating to trees;
6. Details of expected delivery schedules and how this will be managed to eliminate waiting on the public highway (i.e. call ahead or pre-booking scheduling system), if required;
7. Details of wheel washing facilities (locations, types etc.); and
8. Means of suppressing dust and noise.

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

Reason

To ensure adequate access facilities are provided during construction, and for highway safety reasons and to accord with Policies 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(7) Condition

Prior to commencement, final details of the driveway surface finish shall be submitted and approved by the Local Planning Authority. It shall then be maintained in such hard bound material for the life of the development.

Reason

To reduce the possibility of deleterious material being deposited on the public highway in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(8) Condition

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any statutory amendment thereto), no development under Schedule 2 Part 2, Class A shall be permitted within the curtilage of the dwelling. Nothing shall at any time be erected forward of or be allowed to grow over 1 metre in height above the carriageway level of the adjoining highway to the east of the access within the curtilage of the property as shown on drawing no. RD5744-01A.

Reason

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

(9) Condition

Prior to installation, final details and locations of the integral bird bricks shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall proceed and be occupied in strict accordance with the agreed details.

Reason

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

(10) Condition

Prior to occupation of the dwelling a scheme for water re-use to achieve an efficiency standard of 110 litres per person per day shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the dwelling shall be occupied in strict accordance with the agreed details.

Reason

In the interests of efficient water management and to accord with Policies 5 and 34 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. It is considered that exemption number 4.5 applies.

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

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



was granted before 12 February 2024; or

(ii) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.

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

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

i) the application for planning permission was made before 2 April 2024;

ii) planning permission is granted which has effect before 2 April 2024; or

iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates\* was exempt by virtue of (i) or (ii).

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

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

i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

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

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

4.5 Self and Custom Build Development, meaning development which:

i) consists of no more than 9 dwellings;

ii) is carried out on a site which has an area no larger than 0.5 hectares; and

iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

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

#### Irreplaceable habitat

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

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

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

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

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

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

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

## **Informatives**

### **1 Reason for Approval**

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or residential amenity and is acceptable under all other planning

considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 5, 22, 33, 34, 39, 41 and 42.

2 Informative

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

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

3 Informative

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

4 Informative

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

5 Informative

Please note that at least six months in advance of work commencing on site you are required to contact the Highway Management Team with respect to the formation of a vehicular access within the existing highway. This will enable a S184 licence to be granted within appropriate timescales. No works should commence within the highway boundary until such licence is obtained. (Tel: 01472 325734).

6 Informative

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

7 Informative

The applicant's attention is drawn to the informative advice provided by Cadent Gas.

8 Informative

There shall be no raising of the existing ground levels.

DM/0949/24/OUT – 37 WESTKIRKE AVENUE, GRIMSBY



DM/0949/24/OUT – 37 WESTKIRKE AVENUE, GRIMSBY



**PLANNING COMMITTEE - 8th January 2025**

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

**APPLICATION No: DM/0172/24/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: Manor Golf Course , Barton Street, Laceby, North East  
Lincolnshire, DN37 7LD**

**PROPOSAL: Variation of Condition 4 (Occupancy) pursuant to DM/1113/21/FUL - to  
vary the condition to allow extended occupancy**

**APPLICANT:**

Mr R Burnett  
Laceby Manor Resort Limited  
Laceby Manor Golf Course  
Barton Street  
Laceby  
North East Lincolnshire  
DN37 7LD

**DEPOSITED: 14th February 2024**

**AGENT:**

Mr Keir Taylor  
Keir Architecture Ltd  
6 Orchard Fields  
Healing  
North East Lincolnshire  
DN39 6TJ

**ACCEPTED: 15th February 2024**

**TARGET DATE: 16th May 2024**

**PUBLICITY EXPIRY: 5th January 2025**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 10th March 2024**

**CASE OFFICER: Richard Limmer**

**PROPOSAL**

The proposal is to vary condition 4 of DM/1113/21/FUL which relates to the time a lodge can be occupied. Condition 4 states:

"No one shall occupy any accommodation unit for more than three calendar months in any year provided that and without prejudice to the foregoing, once a unit has been occupied by a person or persons for a total of three calendar months in any year, that person or persons shall not occupy again any unit until an interval of at least two months has elapsed from the date of expiry of the said three month period."

The applicant has suggested that the condition be amended to:

"The hereby approved holiday cabins shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence."

However, it should be noted that condition 3 on the permission does exactly this and so the applicant is essentially seeking to remove condition 4 as there would be no use in duplicating the condition.

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

## **SITE**

The application site is 8.5ha in size and located some 150m from the A18, Barton Street. The site is accessed from Barton Street by a tarmaced road and new access roads within the proposed lodges are proposed. The access road from the Barton Street is a public bridleway. The site itself has a public footpath running across it. Laceby village is some 1.5km to the north of the site. The approved development has commenced on site and several lodges are in place.

The nearest residential properties are some distance from the site; Manor Top Farm and Mill Farm to the north east and the Willows, adjacent to the site entrance road, to the south. The site lies outside but adjacent to the Lincolnshire Wolds Area of Outstanding Natural Beauty. The AONB lies 150m to the west of the site with the A18 forming the boundary.

The site itself is rectangular in shape with a hedge and ditch running along the northern boundary. Laceby Beck defines the eastern boundary, beyond which is the main golf course. Laceby Beck is a designated Local Wildlife Site because of it being one of the few Lincolnshire Chalk Streams. The southern boundary has a hedge along it with the main access, also a public bridleway, running alongside it. The western boundary is also a hedge but with Lophams Lane, a public bridleway, running alongside it. Further to the south of the site is the Willows Caravan Park and fishing pond.

## **RELEVANT PLANNING HISTORY**

(Highway Improvement Scheme), 7 (Phasing Plan), 8 (Detailed Landscape Plan), 9 (Landscape Management and Maintenance Plan), 10 (Ecology Protection, Improvement and Management Plan), 11 (Materials), 12 (Lighting), 13 (Drainage), 14 (Construction Management Plan), 15 (EV Charging) and 16 (Access Road) following DM/1097/18/FUL - approved

DM/1097/18/FUL - Change of use of land for the siting of 74 timber lodges and associated infrastructure including access roads, drainage ponds and landscaping - approved

There is further planning history across the wider Laceby Manor site but the above applications are the key ones in regard to this part of the site.

## **RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS**

### National Planning Policy Framework (2023)

NPPF6 - Building a strong, competitive economy

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

PO5 - Development boundaries

PO12 - Tourism and visitor economy

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**

Tree Officer - no objections

Drainage Officer - no objections

Ecology Officer - no objections

Environment Agency - no objections

Environmental Health Officer - no objections

Drainage Board - no objections

Anglian Water - no objections

Heritage Officer - no objections

Highway Officer - no objections

Humberside Fire Brigade - no objections

Public Rights of Way - no objections, the footpath should not be obstructed through



construction

Civic Society - object, the condition should remain in place as the lodges were not designed for permanent occupancy

Laceby Parish Council - object, the lodges should not be allowed for permanent occupancy. The Parish Council have maintained this view in previous applications.

No neighbours replied to consultation

## **APPRAISAL**

### Material Planning Considerations

#### 1) Principle of Development

The principle of holiday lodges on the site has been established through the granting of planning permission originally under DM/1097/18/FUL, which was then amended through DM/1113/21/FUL. This development has been started and several lodges are now on site. The principle of development is therefore well established. The proposal remains in accordance with Policies 5, 22, 33, and 41 of the NELLP.

The proposal to amend the occupancy of the lodges does not affect the principle of the development as condition 3 would remain in force to ensure that the lodges remained for holiday accommodation only and not to be used as a persons sole or main place of residence.

The application relates to Lodge Area 4 on the wider Laceby Manor Golf Club. Lodge Areas 1, 2, 3 and 5 were approved under DC/5/12/WOL (Lodge Areas 1 and 2), DM/0560/17/FUL (Lodge Area 3) and DM/0891/20/FUL (Lodge Area 5). These 3 permissions all have the same restrictive condition that relates to holiday use only but do not have the time restriction of 3 months on them. In that sense condition 4 is somewhat of an anomaly. The proposal to remove condition 4 on this permission would therefore result in all the holiday lodges permissions on the site consistent with each other. It is also noted that the adjacent site 'The Willows' and Willow Lakes, further along the A18, do not have the 3 month limitation on its permission for holiday lodges and so this proposal would make the site consistent with the other sites as well.

It is noted that objections have been received from Laceby Parish Council and the Civic Society due to concerns over the lodges being occupied permanently if the condition was removed. However, Condition 3 would remain in place requiring that the lodges are only occupied as holiday accommodation and not as someone's main or sole place of residence. The proposal would allow for extended holiday stays, as requested by the applicant on the basis of commercial viability, but it is not considered that this compromises the principle of the original granting of permission nor would it cause any

impacts in regard to the visual appearance of the site, drainage or flood risk and highway amenity. The proposal is therefore considered to accord with Policies 5 and 12 of the NELLP.

## **CONCLUSION**

In conclusion, it is considered that the removal of condition 4 and thus allowing extended holiday stays on the site accords with Policies 5 and 12 of the NELLP and the core principles of the NPPF. The proposal would not cause an additional impact on neighbours, the character of the area, drainage and flood risk or the highway network. It is therefore recommended that the application is approved.

## **RECOMMENDATION**

### **Approved with Conditions**

#### **(1) Condition**

The development shall be carried out in accordance with the following plans approved under DM/1113/21/FUL:

201816-01A Site location plan  
201816-02A Existing site plan  
201816-03A Existing site layout plan  
201816-04A Existing site levels  
201816-05 Rev F Proposed site layout  
201816-06A Proposed plans and elevations  
201816-07A Proposed plans and elevations  
201816-08C Proposed site levels  
201816-09C Proposed drainage and lighting plan

#### **Reason**

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

#### **(2) Condition**

The lodges shall be occupied for holiday purposes only and shall not be occupied as someone's sole or main place of residence.

#### **Reason**

To ensure the lodges are used for holiday purposes given the sites location in the open countryside and in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(3) Condition

The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual lodges on the site (and of their main home addresses) and shall make this information promptly available at all reasonable times to the Local Planning Authority.

Reason

To ensure the lodges are used for holiday purposes given the location of the site in the open countryside in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(4) Condition

The development shall be built out in accordance with the highway access works scheme as detailed on plans ref: 201816-2004, 201816-2005, 201816-2007 approved under DM/1113/21/FUL, unless otherwise agreed in writing by the Local Planning Authority. The works as agreed shall be completed prior to the occupation of any holiday lodge.

Reason

In the interests of highway and local amenity to accord to Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(5) Condition

The hereby approved development shall be completed in accordance with the phasing plan, in numerical order, referenced 201816-05A Rev G as approved under DM/1113/21/FUL. No works shall commence on any phase of the development until it has been confirmed in writing by the Local Planning Authority that the preceding phase has been completed in accordance with the approved plans.

Reason

To ensure that the development is completed in an orderly fashion and that the landscaping is planted at the right time to reduce the visual impact of the development in accordance with Policies 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(6) Condition

The landscaping scheme detailed on plans ref: 201816-05Z3 Rev C, 201816-05Z2 Rev B and 201816-05Z1 Rev B, as approved under DM/1113/21/FUL, shall be fully planted out in accordance with the plans and in accordance with the phasing plan ref:201816-05A Rev G.

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

(7) Condition

The scheme of landscaping and tree planting as detailed in condition 8 of this planning permission shall be maintained in accordance with the details shown on plans ref: 201816-05Z3 Rev C, 201816-05Z2 Rev B and 201816-05Z1 Rev B, as approved under DM/1113/21/FUL and shall be adequately maintained for 5 years, beginning with the date of completion of the scheme and during that period all losses shall be replaced during the next planting season.

Reason

To ensure that the landscaping is managed and maintained in a suitable manner in accordance with Policies 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(8) Condition

The Ecological Protection, Improvement and Management Plan dated September 2021, as approved under DM/1113/21/FUL, shall be implemented in accordance with its terms throughout the lifetime of the development.

Reason

To ensure that the development has due regard to ecological management and improvement in accordance with Policies 5 and 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(9) Condition

The development shall be built out in accordance with the materials detailed on plan ref: 201816-06B and 201816-07B, as approved under DM/1113/21/FUL, unless otherwise agreed in writing with the Local Planning Authority.

Reason

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

(10) Condition

All lighting shall be built out in accordance with the lighting plan ref: 201816-09D, as approved under DM/1113/21/FUL, unless otherwise agreed by the Local Planning Authority.

Reason

To reduce the visual impact of the development in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(11) Condition

The development shall be built out in accordance with the surface water drainage scheme as detailed on plan ref: 201816-09D, as approved under DM/1113/21/FUL, unless otherwise agreed in writing by the Local Planning Authority and shall thereafter be so retained.

Reason

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

(12) Condition

The development shall be constructed in accordance with the Construction Management Plan ref: 201816-110-Rev A, as approved under DM/1113/21/FUL, unless otherwise agreed in writing by the Local Planning Authority.

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).

(13) Condition

The development shall be built out in accordance with the electric vehicle charging scheme as detailed on plan ref: 201816-09D, as approved under DM/1113/21/FUL, prior to the unless occupation of the lodge to which it retains and shall thereafter be so retained unless otherwise agreed in writing by the Local Planning Authority.

Reason

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

(14) Condition

Prior to any lodge being occupied final details of the foul water drainage system shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be completed and occupied in full accordance with the approved details.

Reason

In the interests of the satisfactory provision of foul drainage in accordance with Policy 5

and 34 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/are considered to apply. It is considered that exemption numbers 1 and 2 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 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 and 12.

### **2 Added Value Statement**

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

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

### **3 Informative**

If there is a watercourse on or adjacent to your site, please note it is an offence to fill drainage pipes or culvert any ditch, dyke, stream or watercourse without first submitting plans and sections to the Director of Place for approval. It is essential that this information must be submitted well in advance of any intended work.

Even if direct works to drainage pipes, culverts, ditches, dykes, streams or watercourses are not contemplated, the Director is empowered under the Public Health Legislation to require such culverting to be carried out in the case of a watercourse on the land (or abutting land) being set out for building. This requirement may be enforced even if you do not own the ditch. Notices requiring such culverting have costs attached to them so it is in your interest to establish the correct course of action as soon as possible.

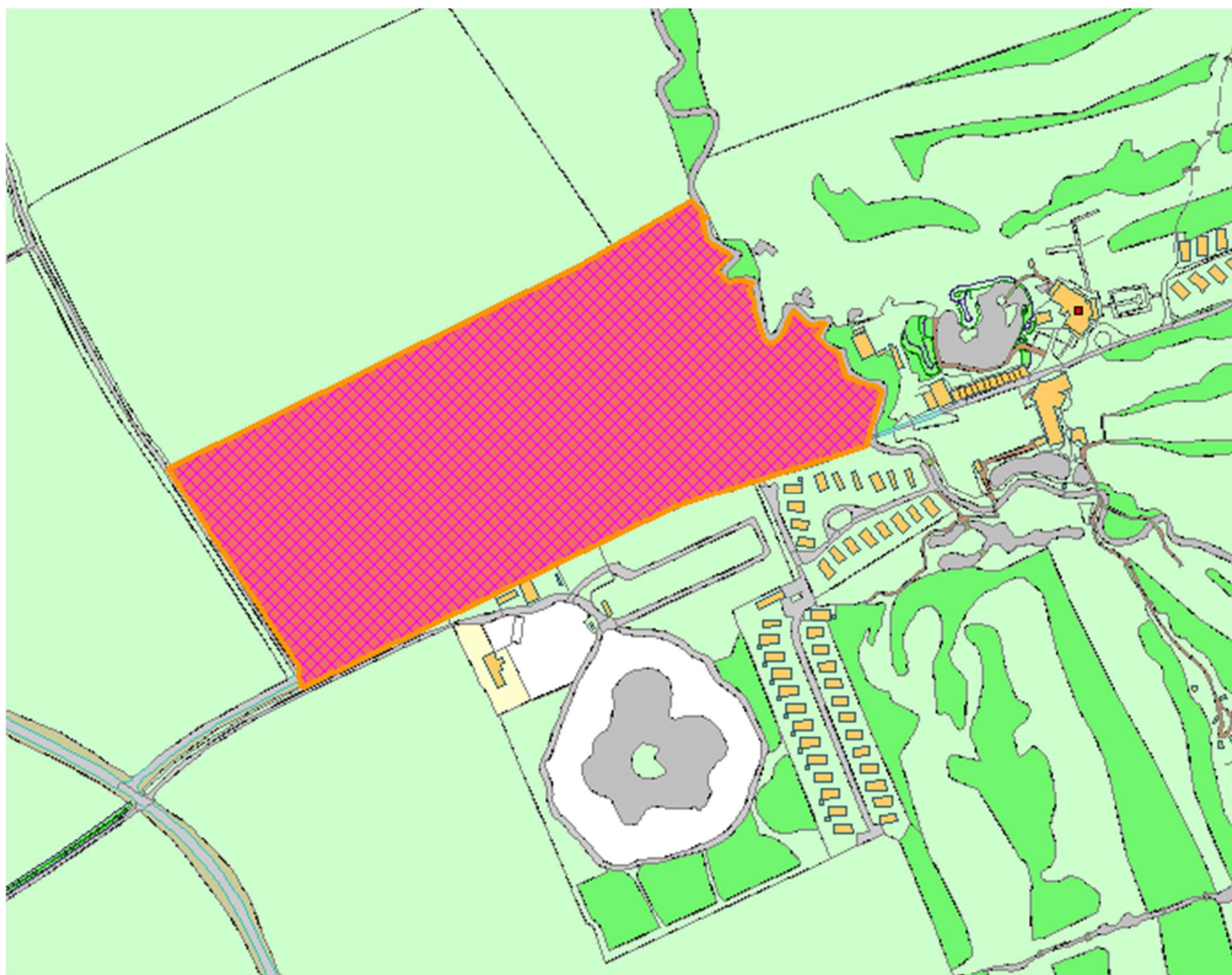
### **4 Informative**

Owners of land adjoining the site to be developed may have natural rights of drainage onto or across the site. Neither the proposed development, nor temporary works required during the construction, should prejudice this natural right of drainage. If land levels on any part of the site are to be raised, or if walls or fences are to be erected which might disrupt drainage paths, the developer must provide suitably designed cut-off drains to intercept and divert both the surface and sub-surface drainage flows. Details of the proposals must be submitted to and approved by the Director of Place, before the commencement of works on site.

### **5 Informative**

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

DM/0172/24/FUL – MANOR GOLF COURSE, BARTON STREET, LACEBY



**Application Site**  
9,506 Hectares  
21,223 Acres

**Site Location Plan.**  
Scale 1:5000 @ A3.

Neighboring Solar Panel Array

Neighboring Solar Panel Array

Neighboring Solar Panel Array

Keir Architecture Ltd.  
Planning & Landscape Consultants

Golf Course

Lodge Area 1

Lodge Area 2

Car Park

Water Feature

Road

Stonfor's VectorMap

No.	Date	Drawn	Revised
1			
2			
3			
4			
5			

**Keir**  
**Architecture Ltd.**  
Planning & Landscape Consultants

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Tel: 07813 008079

Lodge Area 4 Condition 4 Variation application at:  
Locality Manor Golf Course,  
Forn-Locky Manor Resort Limited.

SITE LOCATION PLAN

Stanfords VectorMap

N		
A		

**Site Location Plan.**  
Scale 1:5000 @ A3.

**Keir**  
Architecture

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Tel: 07813 006079

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Lodge Area & Condition & Variation Application at  
Lacey Manor Golf Course.  
For: Lacey Manor Resort Limited.

SITE LOCATION PLAN.

**PLANNING COMMITTEE - 8th January 2025**

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

**APPLICATION No: DM/0757/24/FULA**

**APPLICATION TYPE: Accredited Agent - Homeholder application**

**APPLICATION SITE: Greenlands, Old Main Road, Barnoldby Le Beck, North East Lincolnshire, DN37 0BE**

**PROPOSAL: Creation of second floor to create additional living accommodation to include roof reinstatement and installation of 3 rear facing dormers, increase in height of chimney and various associated works (amended description September 2024)**

**APPLICANT:**

Mr Mark Cannon  
M C Trading 2022 Ltd  
107 Cleethorpe Road  
Grimsby  
DN31 3ER

**AGENT:**

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

**DEPOSITED: 3rd September 2024**

**ACCEPTED: 5th September 2024**

**TARGET DATE: 31st October 2024**

**PUBLICITY EXPIRY: 17th October 2024**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 12th October 2024**

**CASE OFFICER: Becca Soulsby**

**PROPOSAL**

The proposal is for the creation of a second floor to create additional living accommodation to include a roof reinstatement and the installation of 3 rear facing dormers, as well as an increase in the height of the chimney with various associated works.

The application is brought to planning committee due to an objection from Barnoldby-le-Beck Parish Council and as a result of 4 neighbour objections having been received to the proposal.

## **SITE**

The application site comprises a large, detached property located to the north side of Old Main Road. The area surrounding the property is primarily residential in nature, with large, detached properties present within the immediate vicinity of the application site. Further north of the site is open space and undeveloped land.

## **RELEVANT PLANNING HISTORY**

DM/0559/21/FUL - Variation of Condition 1( Approved plans) and 3 (Landscape plan) attached to planning permission DM/0071/18/FUL - alterations to front and side boundaries to 1.8m high fence, gates, entrance wall and piers and amendment to landscaping scheme - Approved with conditions.

DM/0071/18/FUL - Variation of Condition 2 (Approved Plans) as granted on DM/0639/16/FUL (Amendment to house type for Plot 1 (as submitted with DM/1246/15/REM)) (Amendment to house type for Plot 1 (as submitted with DM/1246/15/REM)) for revision to fencing/boundary type along front and part side boundaries - Approved with conditions.

DM/0639/16/FUL - Amendment to house type for Plot 1 (as submitted with DM/1246/15/REM) - Approved with conditions.

DM/1246/15/REM - Reserved matters application for plot 1 pursuant to DM/0177/14/OUT (Outline application to demolish existing bungalow and erect two dwellings with altered access). - Approved with conditions.

DM/0177/14/OUT - Demolish existing bungalow and erect two dwellings with altered access - Approved with conditions.

## **RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS**

### National Planning Policy Framework (2023)

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

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

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

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

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

## **REPRESENTATIONS RECEIVED**

Heritage - No heritage input required.

Trees and Woodlands - No comments.

Ecology - Confirms application meets the exemption criteria for the mandatory biodiversity net gain condition due to being a householder planning application. Advised that due to fire damage at the property, the roof space will not be habitable for bats so consideration is not required. No known ecological issues.

Highways - Approval no conditions.

Drainage - No drainage comments.

Barnoldby-le-Beck Parish Council - Object to the proposal on the basis that the height of the building should remain as originally agreed, with the submitted plans proposed to raise the height of the property to be refused.

### **Neighbours**

The Oakes - Objection received broadly on the grounds of loss of light and overshadowing to the rear patio area, overlooking and loss of privacy, second floor living accommodation not in keeping with surrounding area, and adverse visual impact in the street scene.

The Meadows - Objection received broadly on the grounds of not being in keeping with the surrounding area, concern over precedent setting for developers to install third storeys to properties within the village, concern over use of property as a HMO or Air B'n'B, and highways concerns over the size of the property and number of vehicles using the access and road. Further comment received advising roof trusses had been delivered to site at the end of September 2024.

The Hollow - Objection received broadly on the grounds of the use of the property, precedent setting for third storey developments within the area, concerns over the increase in height of the roof in respect of overlooking. Supports the rebuilding of the house, however must be mindful to neighbours.

The Lawns - Objection received broadly on the grounds of loss of light from the height increase of the roof, loss of privacy from second floor dormer windows and development

being out of character with existing properties.

## **APPRAISAL**

Material Considerations:

Principle of Development

The site is located within the development boundary of Barnoldby-le-Beck, therefore Part 1 of Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) (NELLP 2018) applies. Policy 5 does not preclude works of this nature in principle within the defined development boundaries. It is therefore considered in principle that the proposed development is acceptable subject to the site-specific impacts discussed below.

Design

The proposal is for the reinstatement of the roof to create second floor living accommodation which includes the installation of three rear facing dormers and an increase in the height of the chimney. It is important to highlight that the works to the roof are instigated due to the original roof being lost as a result of a fire at the property.

The roof proposed is to measure 9.8 metres to the top of the ridge, which is the same height as the original roof of the dwelling approved under the original approval (ref DM/0639/16/FUL). The roof is however, proposed with gable ends to the side elevations, which differs from the original roof of the property which incorporated hips at either end of the roof. This facilitates the second floor accommodation. The roof materials are proposed to be grey concrete interlocking tiles which are to be similar in appearance to those used in the construction of the original roof of the dwelling, with facing brickwork proposed to the gable ends to match the existing exterior brickwork. The chimney is proposed to increase in height by 1.1 metres in height, from 9 metres (as originally approved) to 10.1 metres.

The proposed second floor is to create two additional bedrooms and a hallway, served by three rear facing dormer windows. The dormers are proposed to house windows similar in size and appearance to the rear windows present at first floor, mirroring the openings at first floor to provide a level of symmetry to the proposed design within the rear elevation. The windows are proposed to be white uPVC units which are also present within the existing dwelling.

The alterations proposed are considered to provide a visual betterment to the property compared with the existing on the ground situation due to the extensive fire damage suffered to the property. The properties present within Old Main Road are large, detached properties of varying design. The alterations do not increase the ridge height of the property to that which previously existed, with the visible difference from the frontage of the property being that the roof will span a greater width due to incorporating gable ends instead of hipped ends. The alterations would be visible within the street scene and wider



area due to the prominence of the plot within its surroundings, however there is not considered to be an adverse visual impact in respect of the street scene or wider character of the area as a result of this development.

To this end, the proposal is considered to accord with Policies 5 and 22 of the NELLP 2018 in respect of design.

### Neighbouring Amenity

The host dwelling adjoins The Lawns and The Oakes to the sides, land forming part of Woodland View to the rear and faces onto The Hollow, Linfoy House and The Meadows at the front. A total of four neighbour objections have been received in respect of this application which are acknowledged and discussed below. It is noted that Barnoldby-le-Beck Parish Council also object to the proposal.

Concerns have been raised by neighbours in respect of the proposed development not being in keeping with the surrounding area and posing an adverse visual impact on the street scene. This is acknowledged and has been discussed within the design section of this report.

Concerns have been raised in relation to the potential use of the property as a house in multiple occupation (HMO) or an Air B'n'B, as well as concerns over the setting of a precedent for third storey developments within the area. The concerns are acknowledged; however it is important to note that the development subject to this application does not include the change of use of the property. It is advised that planning applications are considered on a case by case basis and are assessed based on their own individual merits. This application is for accommodation within the roof of a dwelling that will be reconstructed but which retains its original height. This is a material factor in its acceptability in character terms, and is already discussed in the section above.

Highways concerns have been raised due to the proposed size of the property as a result of the works proposed, as well as concerns over the number of vehicles using the access road. In response to this, the Highways Officer is satisfied that the proposals are unlikely to have any material impact on the safe or efficient operation of the public highway. Parking serving the property remains sufficient.

Comments have been received in respect of a height increase being proposed to the roof. As discussed within the design section of the report, to reiterate, the ridge height of the roof is proposed to be the same as the ridge height originally approved for the dwelling, with no height increase occurring. Though, as stated the style of the roof is what changes as well as the height of the chimney and the provision of rear facing dormers.

The Lawns and The Oakes adjoin to the side boundaries of the host dwelling. The footprint of the property is to remain the same as existing through the works proposed. The reconstruction of the roof with gable ends and the three rear facing dormers would sit relatively centrally to the existing built form, being closest in proximity to The Oakes.



There is a separation distance of approximately 6 metres between the side elevations of each property. Whilst it is acknowledged that the gable will project towards the side boundary with this property and the side boundary with The Lawns, more so than the hipped roof originally approved, there is not considered to be an adverse impact in respect of massing, dominance or overshadowing as a result of the roof proposed.

In respect of the three rear dormers proposed, it is acknowledged that concerns have been raised in respect of overlooking from the dormers. Dormer windows are a relatively common feature on residential properties. The windows, as stated previously, are proposed relatively centrally to the plot and are proposed to face onto the large rear garden of the host property, with no built form present beyond this. Whilst it is accepted that the windows will have minimal visibility to the rear aspect of The Lawns and The Oakes, it is not considered that the presence of the dormer windows at second floor will pose an adverse impact on neighbouring amenity in respect of overlooking.

To this end, the proposed works are not considered to pose adverse impact to neighbouring amenity in respect of massing, dominance, overlooking or overshadowing and are therefore considered to be in accordance with Policy 5 of the NELLP 2018.

#### Other Considerations

The Council's Heritage, Trees and Woodlands, Highways and Drainage Officers raise no objections to the proposal.

The Ecology Officer confirms the application meets the exemption criteria for the mandatory bio-diversity net gain condition due to being a householder planning application. The Ecology Officer advised that due to the fire damage at the property, the roof space will not be habitable for bats so consideration on this is not required. There are no known ecological issues at this location.

Barnoldby-le-Beck Parish Council raise objection to the proposal on the basis that the height of the building should remain as originally agreed, with the submitted plans proposed to raise the height of the property to be refused. This objection is acknowledged and has been discussed within the design section of this report. It has been confirmed the roof itself will not be raised.

#### **CONCLUSION**

The works proposed are considered to be of reasonable size, scale and appearance. It is considered that the works proposed will not pose an adverse impact to the amenity of neighbouring properties, the street scene or the wider character and appearance of the area. The proposal is considered to be in accordance with Policies 5 and 22 of the NELLP 2018 and is therefore recommended for approval.

## **RECOMMENDATION**

### **Approved with Conditions**

(1) Condition

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

Reason

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

(2) Condition

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

Site Location Plan received 3rd September 2024

GW/AM/OMR/2 - Block Plan, Proposed Ground Floor Plan and Proposed Side Elevation

GW/AM/OMR/3 - Proposed First Floor Plan, Proposed Rear and Side Elevations and Proposed Roof Plan

GW/AM/OMR/4 - Existing First Floor Plan, Proposed Front Elevation, Section and Second Floor Plan

Reason

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

(3) Condition

The proposal shall be constructed using materials specified within the application form and on the approved plans received unless otherwise first approved in writing by the Local Planning Authority.

Reason

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

(4) Biodiversity Net Gain

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

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan.

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

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

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

In Summary: Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply. It is considered that exemption number 4.3 applies.

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

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
  - (i) the original planning permission to which the section 73 planning permission relates\* was granted before 12 February 2024; or
  - (ii) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
  - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of

the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

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

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

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

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

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

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

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

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

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity

Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

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

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

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

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

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

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

## **Informatives**

### **1 Reason for Approval**

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

2 Added Value Statement

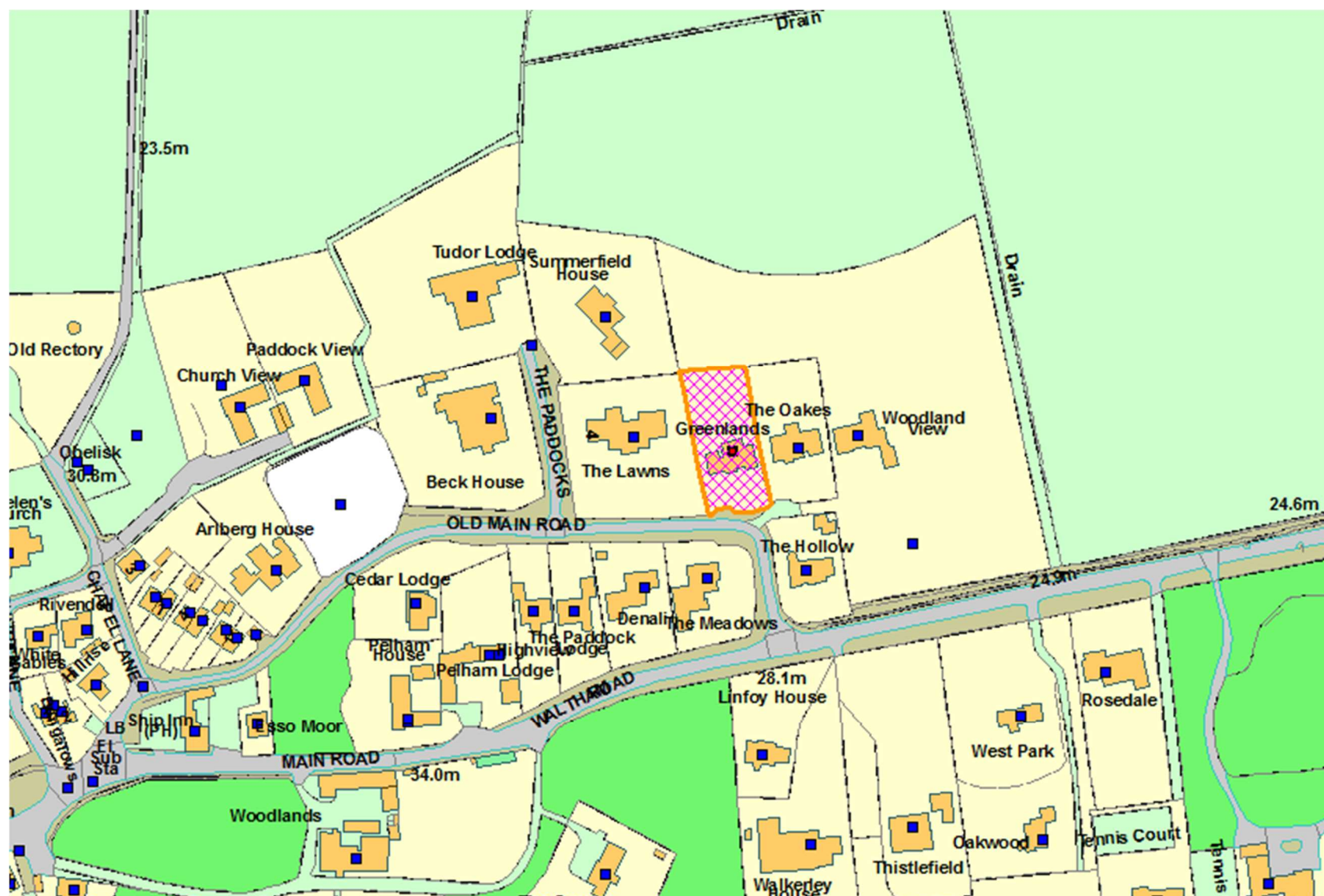
Article 31(1)(cc) Statement - Positive and Proactive Approach

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

3 Informative

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

DM/0757/24/FULA – GREENLANDS, OLD MAIN ROAD, BARNOLDBY LE BECK



DM/0757/24/FULA – GREENLANDS, OLD MAIN ROAD, BARNOLDBY LE BECK





**PLANNING COMMITTEE - 8th January 2025**

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

**APPLICATION No: DM/0708/24/FULA**

**APPLICATION TYPE: Accredited Agent - Homeholder application**

**APPLICATION SITE: 10 Station Road, Stallingborough, North East Lincolnshire, DN41 8AY**

**PROPOSAL: Erect extension to side to create garage at ground floor and first floor storage in the roof space to include dormer to front with associated works**

**APPLICANT:**

Mr Ashley Budworth  
10 Station Road  
Stallingborough  
North East Lincolnshire  
DN41 8AY

**AGENT:**

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

**DEPOSITED: 9th August 2024**

**ACCEPTED: 19th August 2024**

**TARGET DATE: 14th October 2024**

**PUBLICITY EXPIRY: 13th September 2024**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY:**

**CASE OFFICER: Becca Soulsby**

**PROPOSAL**

The proposal is to erect an extension to the side to create a garage at ground floor with storage at first floor with a dormer to the front with associated works.

The application is brought to planning committee due to an objection from Stallingborough Parish Council.

**SITE**

10 Station Road is a detached, two storey dwelling located to the south side of Station Road. The area surrounding the property is residential in nature, with a combination of detached and semi-detached properties within the immediate vicinity of the application

site.

## **RELEVANT PLANNING HISTORY**

DM/1061/19/FULA - Erect single storey extension to front, side and rear, alterations and raising of roof height with installation of dormers to front and rear to create living accommodation at first floor with various other alterations - Approved with conditions.

## **RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS**

### National Planning Policy Framework (2023)

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

PO34 - Water management

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

## **REPRESENTATIONS RECEIVED**

Ecology - Informative requested RE standing advice for bats and birds.

Heritage - No heritage input required.

Trees and Woodlands - No comment.

Drainage - Proposed use of water butts is acceptable, any overflow should be directed towards landscaped areas. No surface water is to be connected to the foul sewer.

Highways - Approval no conditions.

Stallingborough Parish Council - Object due to the extension being overly dominant and which would result in an over intensification of development. Note the house is fairly sizeable already and the proposal would be out of keeping with the area.

## Neighbours

7 Station Road - Neutral comment received, stating the proposal looks as though it could be a granny annexe or Air BnB. Neighbour happy to remain neutral provided no additional driveway proposed. Further comments in relation to developments in general around Station Road, construction traffic and hours of construction for residents.

## **APPRAISAL**

### Material Considerations

#### Principle of Development

The site is located within the development boundary of Stallingborough, therefore Part 1 of Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) (NELLP 2018) applies. Policy 5 does not preclude works of this nature in principle within the defined development boundaries. It is therefore considered in principle that the proposed development is acceptable subject to the site-specific impacts discussed below.

#### Design

The extension is proposed to the west side elevation of the property to infill the space between the existing side elevation and the west side boundary. The extension is proposed to create a garage at ground floor and a storage area at first floor. The extension is proposed to span a width of 5.8 metres at the front in line with the existing front elevation, a width of 3.8 metres at the rear in line with the existing rear elevation, with a length of 9.3 metres. The eaves are proposed to follow the line of the existing, at a height of 2.6 metres. The ridge height is proposed at 6.4 metres which follows the existing ridge height of the property. A front facing dormer is proposed at first floor, matching the design of the existing front dormers present within the property. No windows are proposed within the side elevation of the proposed extension.

The materials proposed in the construction of the extension are to match those used in the existing property, with render proposed to the exterior walls, interlocking concrete tiles proposed to the roof, uPVC windows and a metal garage door.

The design follows the design of the existing property, providing a positive relationship in design and in materials with the existing dwelling. The works proposed will be visible from the frontage, however it is not considered that an adverse impact on the street scene or wider character of the area will arise as a result of the proposal. Though it is accepted the proposal would reduce the spacing between this property and the neighbour in the street scene. This would not be at such a level that would be detrimental in character terms and indeed, a variation in properties can be seen throughout the village.

To this end, the proposal is considered to be in accordance with Policies 5 and 22 of the

NELLP 2018 in respect of design.

### Neighbouring Amenity

The host property adjoins 6 and 12 Station Road to the sides, 46 Leggott Way at the rear and faces onto 11A Station Road and 1 The Limes at the front. One neighbour representation has been received from 7 Station Road which is discussed below.

A neutral comment has been received from 7 Station Road, with concerns raised over the use of the extension as an annexe or Air BnB. This is acknowledged; however the application is seeking to provide a garage at ground floor and a storage area at first floor through the extension proposed and the assessment has been based on the detail submitted. 7 Station Road stated that they wish to remain neutral to the proposal on the proviso that no further driveway space is proposed. To confirm, no additional driveway space is proposed within this application.

The proposed extension is to sit immediately adjacent to the side boundary with 6 Station Road. It is accepted that the extension proposed is relatively large in scale especially in such proximity to the boundary. It is important to note that the side elevation of 6 Station Road which would face the proposal is host to two small bathroom windows, with no further window openings present within this elevation. There are no side windows proposed within the side elevation of the extension subject to this application. It is therefore considered that whilst the extension is large and in close proximity to the side boundary with this neighbour, there is not considered to be an adverse impact to this neighbour's amenity in respect of massing, dominance, overshadowing or overlooking. A condition is to be attached to the decision in respect of hours of construction to further protect the amenities of neighbours during construction.

The extension is well separated from other neighbouring properties, however would be visible from properties at the front and rear of the application site. Due to the separation between the proposal and these properties, there is not considered to be an adverse impact on neighbouring amenity in this regard.

To this end, the proposal is considered to be in accordance with Policy 5 of the NELLP 2018 in respect of neighbouring amenity.

### Other Considerations

The Council's Trees and Woodlands, Highways and Heritage Officers raise no objection to the proposal. The Drainage officer is content with the provision of water butts, with any overflow to be directed towards landscaped areas and no surface water drainage is to be connected to the foul sewer. A condition is to be attached to the decision to implement and retain the water butts.

The Ecology Officer has requested an informative be attached to the decision regarding standing advice for bats and birds. In respect of Ecology, the application is a householder

planning application and as such is considered to be exempt from the mandatory bio-diversity net gain condition.

Stallingborough Parish Council raise objections to the proposal. The details of which have already been noted in the representations received section of this report. The concerns are acknowledged and have been discussed within the relevant sections of this report.

## **CONCLUSION**

The works proposed are considered to be of reasonable size, scale and appearance. It is considered that the proposed works will not pose an adverse impact to the amenity of neighbouring properties, the street scene or the wider character and appearance of the area. The proposal is considered to be in accordance with Policies 5, 22 and 34 of the NELLP 2018 and is therefore recommended for approval.

## **RECOMMENDATION**

### **Approved with Conditions**

#### **(1) Condition**

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

#### **Reason**

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

#### **(2) Condition**

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

Site Location Plan received 8th August 2024

GW/AB/SR/1 - Existing and Proposed Ground Floor Plan and Elevations

GW/AB/SR/2 - Existing Elevations, Existing and Proposed First Floor Plan

GW/AB/SR/3 - Block Plan and Proposed Elevations

#### **Reason**

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

(3) Condition

The proposal shall be constructed using materials specified within the application form and on the approved plans received unless otherwise first approved in writing by the Local Planning Authority.

Reason

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

(4) Condition

Surface water drainage shall be via the water butts shown on drawing no. GW/AB/SR/1 which shall be installed before the extension is brought into use and shall thereafter be so retained unless an alternative is submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of flood risk and drainage and to accord with Policy 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(5) Condition

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

Reason

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

(6) Biodiversity Net Gain

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

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

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

Country Planning Act 1990 (as amended).

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

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

In Summary: Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply. It is considered that exemption number 4.3 applies.

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

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
  - (i) the original planning permission to which the section 73 planning permission relates\* was granted before 12 February 2024; or
  - (ii) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
  - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
    - i) the application for planning permission was made before 2 April 2024;
    - ii) planning permission is granted which has effect before 2 April 2024; or
    - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates\* was exempt by virtue of (i) or (ii).

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

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

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

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

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

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

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

Irreplaceable habitat

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

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



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

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

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

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

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

## **Informatives**

### **1 Reason for Approval**

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

### **2 Added Value Statement**

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

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

### **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).

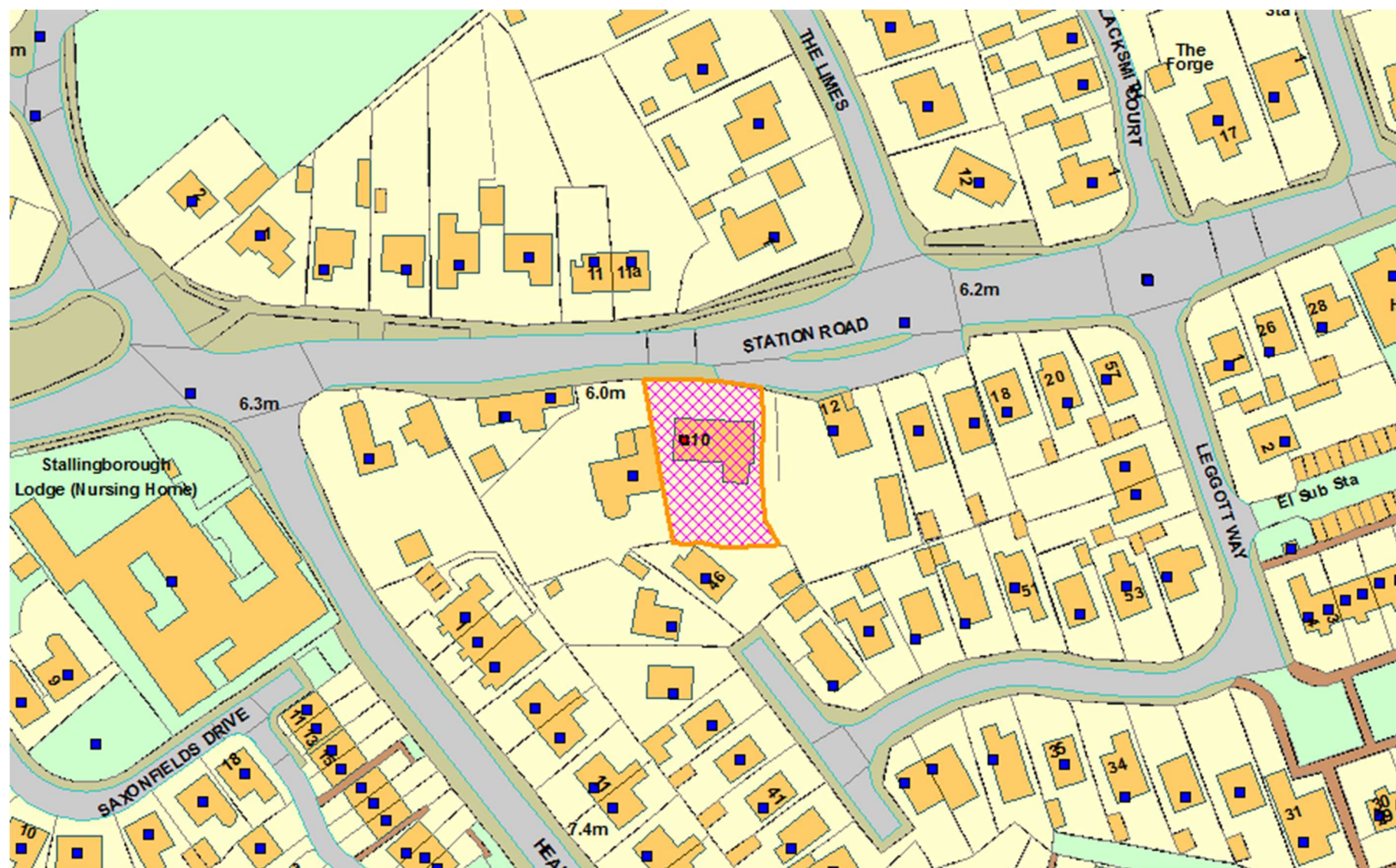
4 Informative

The applicant's attention is drawn to the comments received from the Ecology Officer in respect of standing advice for bats and birds.

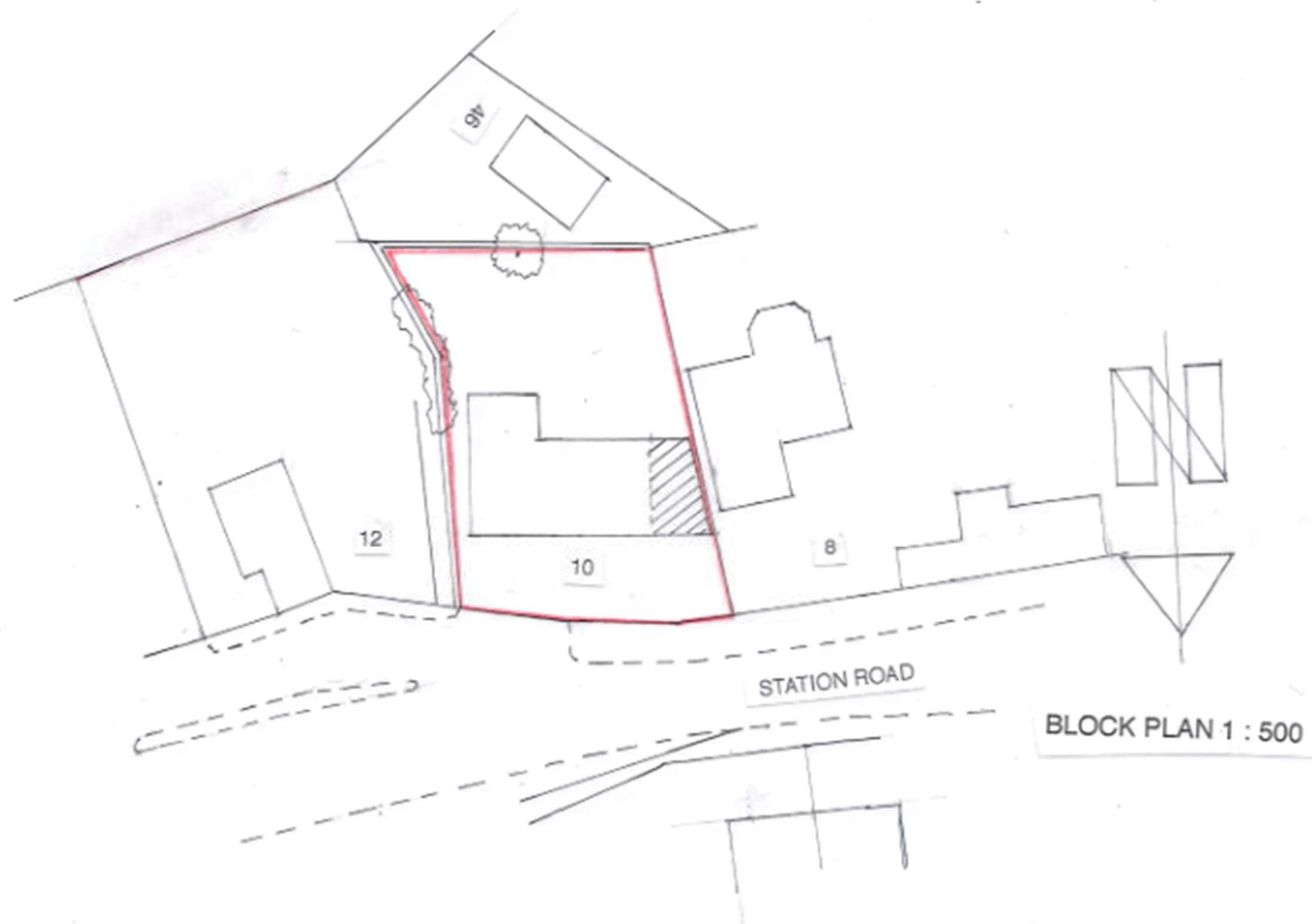
5 Informative

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

DM/0708/24/FULA – 10 STATION ROAD, STALLINGBOROUGH



DM/0708/24/FULA – 10 STATION ROAD, STALLINGBOROUGH



**PLANNING COMMITTEE - 8th January 2025**

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

**APPLICATION No: DM/0841/24/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: 83 Peterson Drive, New Waltham, North East Lincolnshire, DN36 4GZ**

**PROPOSAL: Erect single storey rear extension, install double door to side elevation of garage, replacement windows and doors to front and side elevations, install additional fence panel and double gates and associated works**

**APPLICANT:**

Mr Dixon  
83 Peterson Drive  
New Waltham  
North East Lincolnshire  
DN36 4GZ

**AGENT:**

**DEPOSITED: 25th September 2024**

**ACCEPTED: 25th September 2024**

**TARGET DATE: 20th November 2024**

**PUBLICITY EXPIRY: 28th October 2024**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 20th October 2024**

**CASE OFFICER: Becca Soulsby**

**PROPOSAL**

The proposal is for the erection of a single storey rear extension, the installation of a double door to the side elevation of the existing garage, the replacement of windows and doors to the front and side elevations, the installation of an additional fence panel along the side boundary and the installation of double gates to the existing driveway.

The application is brought to planning committee due to the applicant being a senior member of the planning team.

**SITE**

83 Peterson Drive is a detached property located to the southeast of Peterson Drive. The

area surrounding the property is residential in nature, with predominantly detached and semi-detached properties surrounding the application site.

## **RELEVANT PLANNING HISTORY**

DC/1052/04/HUM which removed PD rights under Schedule 2, Part 1, Classes A, B, C, D, E and F of The Town and Country Planning (General Permitted Development) (England) Order 2015.

## **RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS**

### National Planning Policy Framework (2023)

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

PO34 - Water management

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

## **REPRESENTATIONS RECEIVED**

Consultees

Trees and Woodlands - No comment.

Heritage - No heritage input required.

Highways - Approval no conditions.

Drainage - Use of a water butt in managing surface water run off is considered acceptable. Landscaped area adjacent to the boundary should be shaped to retain any overflow.

Humberston Village Council - No objections.

New Waltham Parish Council - No comments.

## Neighbours

27 Humberston Avenue - Comments received highlighting concerns over use of private access road at the rear of the site for removal or delivery of building materials. If applicant confirms this will not happen, then no objections.

## **APPRAISAL**

### Material Considerations:

#### Principle of Development

The site is located within the development boundary of New Waltham, therefore Part 1 of Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) (NELLP 2018) applies. Policy 5 does not preclude works of this nature in principle within the defined development boundaries. It is therefore considered in principle that the proposed development is acceptable subject to the site-specific impacts discussed below.

#### Design

The proposed single storey rear extension is proposed to project 3.2 metres from the existing rear wall of the property, spanning a width of 4.0 metres. The proposed roof is monopitch in design, with an eaves height of 2.4 metres and a maximum overall height of 3.4 metres. Two rooflights are proposed within the monopitch roof, as well as bifold doors within the rear and north side elevations. The materials proposed for the extension are proposed to be similar in appearance to those used in the existing house, with block and render proposed to the exterior walls, uPVC doors and concrete tiles to the roof.

The proposal includes the installation of a double door to the side elevation of the existing detached garage. The door is proposed to be composite in material and will open onto the enclosed rear garden space.

The proposal includes the replacement of windows and doors to the front and side elevations of the property. The windows are currently timber and are proposed to be replaced with like-for-like white uPVC units. The replacement front door is proposed to be composite in material.

The proposal also includes the installation of an additional fence panel along the northern side boundary, as well as the installation of double gates to the existing driveway. The additional fence panel and double gates are proposed to be set back in the drive of the property. The additional fence panel is to match the existing scalloped fence panels present along this boundary, as well as being proposed to be the same height as the existing panels at 1.8 metres. The gate is to measure 1.6 metres in height and is

proposed to open into the drive.

The single storey extension and the double door to the side elevation of the existing garage are proposed within the rear aspect of the property and as such will not be visible from within the street scene or wider area. The alterations to windows and doors, the additional fence panel and double gates to the driveway will be visible from within the street scene due to being proposed within the frontage of the existing property, however these alterations are not considered to pose an adverse visual impact on the street scene or wider character of the area given their nature and scale. Importantly in relation to the windows, a range of materials are evident locally.

To this end, the application in respect of design is considered to be in accordance with Policies 5 and 22 of the NELLP 2018.

### Neighbouring Amenity

The host property adjoins 6 Grange Farm Lane and 81 Peterson Drive to the sides, facing onto 1 and 2 Peterson Drive to the front and 31B Humberston Avenue and a shared private access road to the rear.

A neighbour representation has been received from 27 Humberston Avenue in relation to this application, highlighting concerns over the potential use of the private access road at the rear of the site for the removal or delivery of building materials, stating that if the applicant confirms that the access road is not to be used then no objections are raised. The comment is acknowledged, and the concerns were raised with the applicant, who has confirmed that the access road at the rear will not be utilised at any time for the delivery or removal of building materials, with this being undertaken only through the main access from Peterson Road.

The single storey rear extension is proposed 1.2 metres from the side boundary with the neighbour at 6 Grange Farm Lane. The neighbouring property is sited a further 4 metres from this same side boundary. The extension is considered to be of acceptable size, scale and appearance, with the proposed location of the extension not considered to pose an adverse impact on this neighbour's amenity in respect of massing, dominance, overshadowing or overlooking. Equally, the extension is well separated from the remaining neighbours and of a scale that would not pose harm to neighbours.

The double doors proposed within the side elevation of the existing garage sit relatively centrally to the plot, closest to the rear boundary. This alteration would not be visible to neighbouring properties due to the door opening into the rear garden area of the host property. Therefore, the addition of a double door to the side elevation of the existing garage is not considered to pose any adverse impact to neighbouring amenity.

The proposed additional fence panel and double gates are proposed along the side boundary with the neighbour at 81 Peterson Drive. There is existing 1.8 metre high fencing present along this side boundary separating the driveways of the host property



and this neighbour. The double gates are proposed to the front end of the additional fence panel spanning the width of the existing driveway. The additional fence panel and gates are not considered to pose an adverse impact on the amenity of this neighbour given their position, scale and nature.

The window and door alterations are proposed to the front and side elevations of the property and will be visible from various properties within the street scene. The windows are to be replaced on a like-for-like basis within existing openings with white uPVC units proposed, with the front door proposed to be replaced with a composite door. Due to the small scale nature of these works and the fact they are direct replacements, there is not considered to be an adverse impact on the amenity of neighbouring properties in this regard.

In respect of amenity, the proposal is considered to be in accordance with Policy 5 of the NELLP 2018.

#### Other Considerations

The Council's Trees and Woodlands, Heritage and Highways Officers raise no objections to the application. The Drainage Officers are content that the use of a water butt is sufficient in managing surface water run-off, with the landscaped area adjacent to the boundary shaped to retain any overflow. Humberston Village Council raise no objection to the application, who were consulted due to the application site being adjacent to the parish boundary. New Waltham Parish Council raise no comments to the proposal.

The application is exempt from mandatory Biodiversity Net Gain due to being a householder application.

### **CONCLUSION**

The extensions and alterations proposed are considered to be of reasonable size, scale and appearance. It is considered that the extensions and alterations proposed will not pose an adverse impact to the amenity of neighbouring properties, the street scene or the wider character and appearance of the area. The proposal is considered to be in accordance with Policies 5, 22 and 34 of the NELLP 2018 and is therefore recommended for approval.

### **RECOMMENDATION**

#### **Approved with Conditions**

##### **(1) Condition**

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

Reason

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

(2) Condition

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

Site Location Plan received 25th September 2024

101 - Existing and Proposed House Plans and Elevations

102 - Existing and Proposed Garage Plans and Elevations

103 - Existing and Proposed Fence and Gate Elevations

105 - Existing and Proposed Block Plans

Reason

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

(3) Condition

The proposal shall be constructed using materials specified within the application form and on the approved plans received unless otherwise first approved in writing by the Local Planning Authority.

Reason

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

(4) Condition

Surface water drainage shall be via the water butt shown on drawing number 101 which shall be installed before the extension is brought into use and shall thereafter be so retained unless an alternative is submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of flood risk and drainage and to accord with Policy 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(5) Biodiversity Net Gain

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

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

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

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

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

In Summary: Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply. It is considered that exemption number 4.3 applies.

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

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
  - (i) the original planning permission to which the section 73 planning permission relates\* was granted before 12 February 2024; or
  - (ii) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:

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

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

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

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

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

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

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

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

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

### Irreplaceable habitat

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

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

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

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

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

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

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

## **Informatives**

### 1 Reason for Approval

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

## 2 Added Value Statement

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

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

## 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).

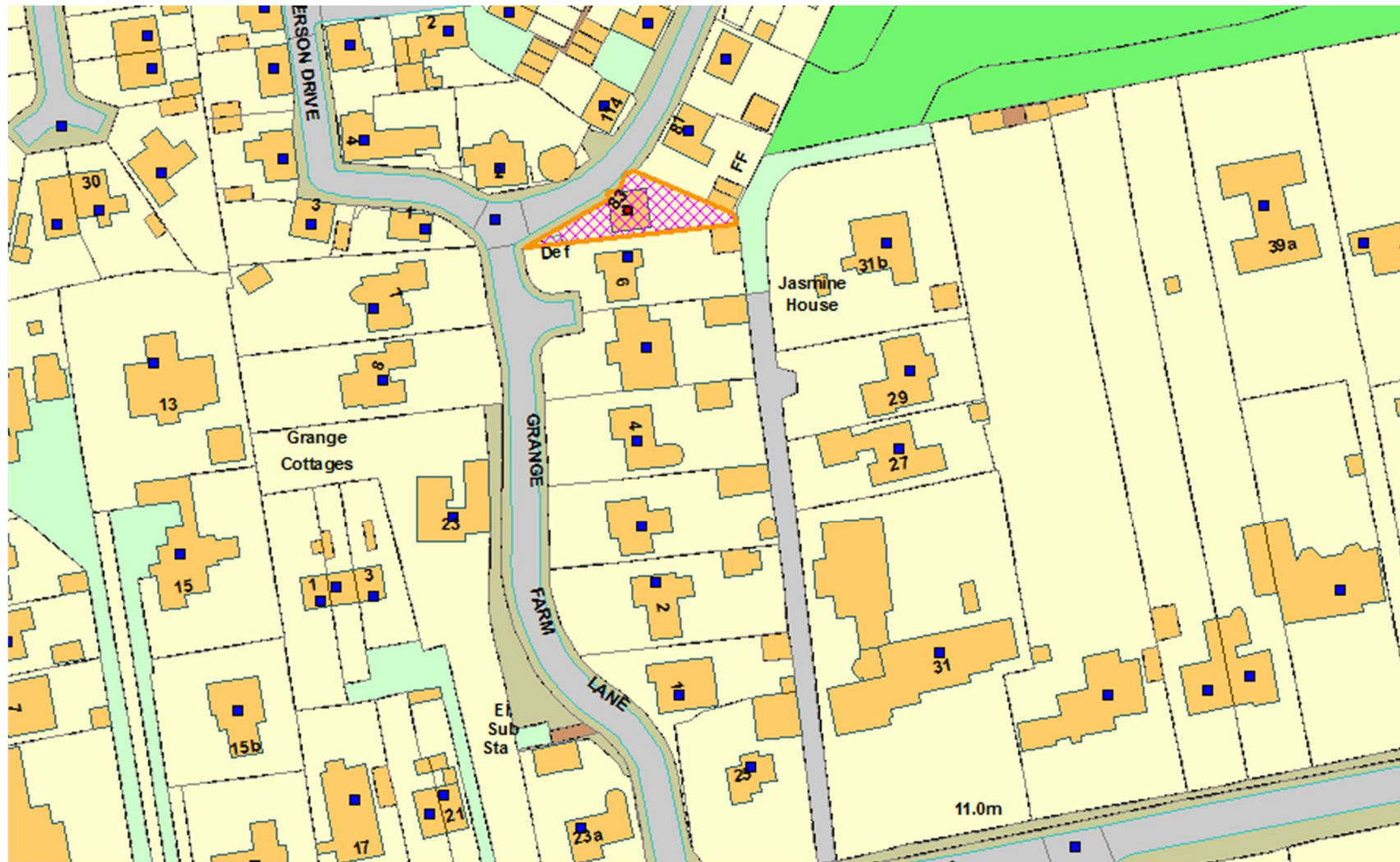
## 4 Informative

Please be vigilant for bats and birds during any works.

## 5 Informative

You should be advised that any overflow from the proposed water butt should be directed away from the property boundary, as per the comments of the Drainage officer which can be viewed at [www.nelincs.gov.uk](http://www.nelincs.gov.uk).

DM/0841/24/FUL – 83 PETERSON DRIVE, NEW WALTHAM



DM/0841/24/FUL – 83 PETERSON DRIVE, NEW WALTHAM

