

Planning Committee Dated: 29th January 2025

Summary List of Detailed Plans and Applications

Recommendation: Approved with Conditions	
Item:	1
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
Case Officer:	Becca Soulsby
Recommendation: Approved with Conditions	
Item:	2
Application No:	DM/0991/24/FULA
Application Type:	Accredit Agnt - Hseholder application
Application Site:	99 Humberston Avenue Humberston North East Lincolnshire DN36 4ST
Proposal:	Erect two storey and single storey extensions to rear, erect detached garage and garden store and erect detached self-contained annexe in rear garden
Applicant:	Mrs C Faniyi
Case Officer:	Bethany Loring

Recommendation: Approved with Conditions	
Item:	3
Application No:	DM/0988/24/FUL
Application Type:	Full Application
Application Site:	Plot To The Rear Of 18 Brigsley Road Waltham North East Lincolnshire
Proposal:	Erection of a detached bungalow and creation of vehicular access from Laburnum Close
Applicant:	Mr T Bird
Case Officer:	Bethany Loring

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

PLANNING COMMITTEE - 29th January 2025

ITEM: 1 **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: 10th
January 2025**

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 was brought to planning committee on the 8th January 2025 due to a call in request from Councillor Parkinson. Following discussions at planning committee, the application was deferred for a site visit.

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

27 Signhills Avenue also provided comments. They state that the plans do little to show the extent of the proposal and any neighbour affected should have the right to a verbal explanation. They question if the proposal will set a precedent and whether anyone can now simply apply for permission after works have taken place.

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. The comments from no. 27 are also noted.

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 heat are acknowledged, however they do not constitute material planning considerations.

Further concerns from both neighbours 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. Planning applications are considered on their own merits and this would not represent a precedent.

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 proposal 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.

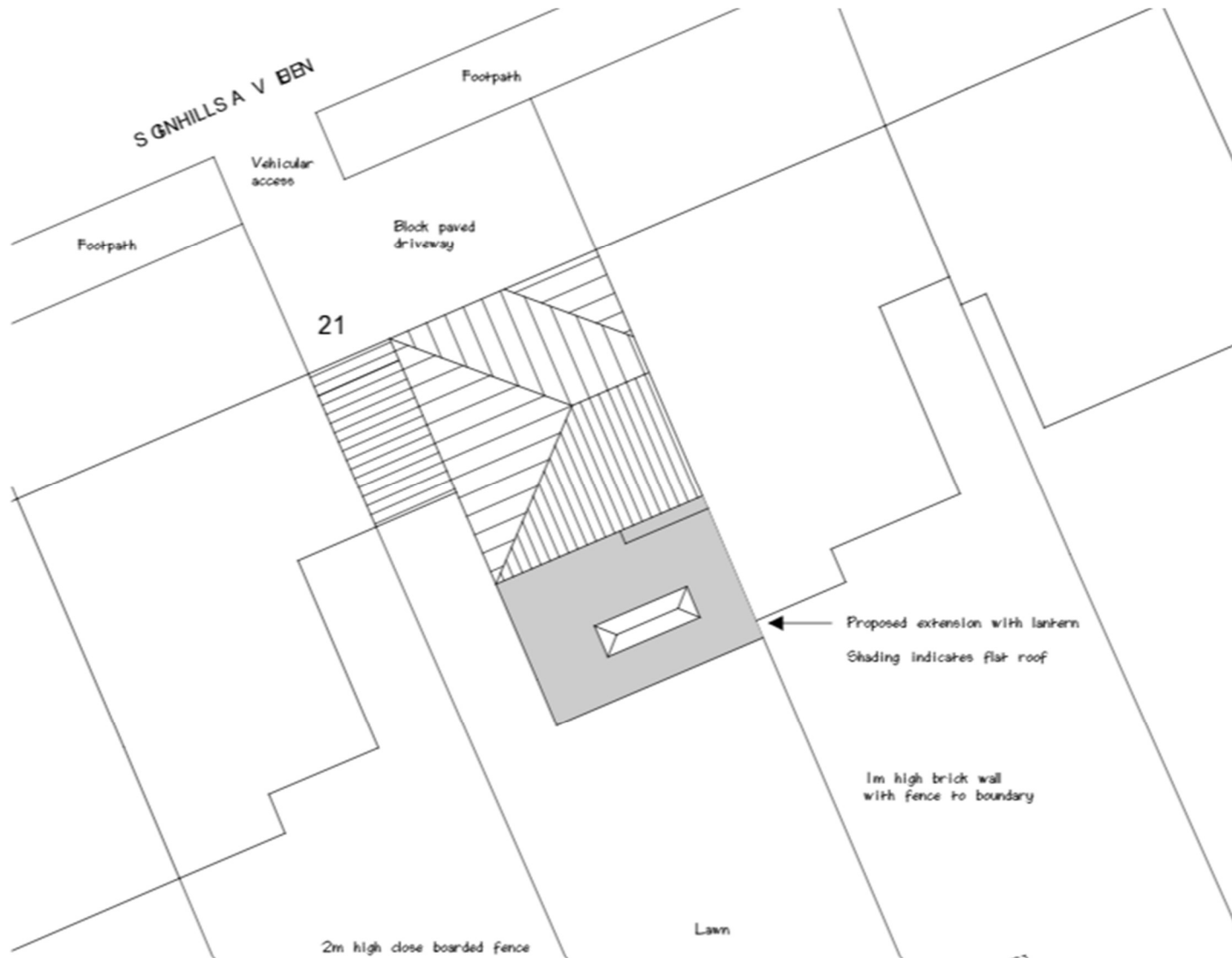
5 Informative

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



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



PLANNING COMMITTEE - 29th January 2025

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

APPLICATION No: DM/0991/24/FULA

APPLICATION TYPE: Accredited Agent - Homeholder application

**APPLICATION SITE: 99 Humberston Avenue, Humberston, North East
Lincolnshire, DN36 4ST**

**PROPOSAL: Erect two storey and single storey extensions to rear, erect detached
garage and garden store and erect detached self-contained annexe in rear garden**

APPLICANT:

Mrs C Faniyi
99 Humberston Avenue
Humberston
North East Lincolnshire
DN36 4ST

AGENT:

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

DEPOSITED: 21st November 2024

ACCEPTED: 2nd December 2024

TARGET DATE: 27th January 2025

PUBLICITY EXPIRY: 5th January 2025

AGREED EXTENSION OF TIME DATE:

**CONSULTATION EXPIRY: 27th December
2024**

CASE OFFICER: Bethany Loring

PROPOSAL

The application seeks to erect a two storey and a single storey extension to the rear, erect a detached garage and garden store and erect a detached self-contained annexe in the rear garden at an existing detached dwelling.

The application is brought to planning committee following an objection from Humberston Village Council.

SITE

The property is a detached, two-storey dwelling located on the north side of Humberston Avenue in Humberston. The area is primarily residential; Humberston Avenue itself is made up of various dwelling types and designs mostly including large, two-storey dwellings occupying significant grounds. The plot benefits from a large, paved driveway to the front. The host dwelling has various landscaping features and fencing establishing the boundaries.

RELEVANT PLANNING HISTORY

08890105 - Erect extension to form utility room - Approved with Conditions.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2023)

NPPF15 - Conserv. & enhance the natural environ.

NPPF12 - Achieving well designed places

NPPF14 - Climate, flooding & coastal change

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

PO5 - Development boundaries

PO22 - Good design in new developments

PO33 - Flood risk

PO34 - Water management

PO41 - Biodiversity and Geodiversity

PO42 - Landscape

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

REPRESENTATIONS RECEIVED

Humberston Village Council - Objects in support of neighbours' concerns including overlooking, flooding, foul water, removal of trees and siting of garage.

Drainage Team - Sustainable drainage condition. Drainage levels informative.

Highways Team - Approval no conditions.

Heritage Officer - No input required.

Trees and Woodlands - No objections, suggests tree planting along rear boundary.

Ecology Officer - Exempt from BNG as a householder. Standing advice on nesting birds and roosting bats.

Neighbour Representations

Objections have been received from the following addresses broadly on the grounds of drainage, tree felling, loss of privacy, position of works, boundary treatments, plan discrepancies, overlooking, annexe drainage, separate address for annexe, use of property, overshadowing and impacts of construction vehicles including visibility and access.

74 Humberston Avenue
97 Humberston Avenue
101 Humberston Avenue

APPRAISAL

The material planning considerations are:

1. Principle of Development
2. Design and Visual Impacts
3. Impact on Neighbouring Properties
4. Drainage and Flood Risk
5. Landscaping, Ecology and Biodiversity Net Gain
5. Other Matters

1. Principle of Development

The application site is within the development area of Humberston (Policy 5) and relates to the erection of a two storey and a single storey extension to the rear, erection of a detached garage and garden store and erection of a detached self-contained annexe in the rear garden at an existing detached dwelling.

The principle of development is therefore acceptable and is subject to the site specific assessment below.

2. Design and Visual Impacts

The two-storey rear extension would project from the rear wall by a maximum of 5.4 metres covering a width of 6.5 metres. The maximum eaves height would be 5.3 metres

with a maximum overall height of 8 metres with a pitched roof and gable end incorporated into the design. The ridge height would sit lower than that of the existing. This addition would provide an open plan kitchen and dining room, following an internal reconfiguration of the property at the ground floor and a master bedroom and dressing rooms at the first floor. Each dressing room would serve a separate bedroom. This would include openings to all elevations with first floor windows to the sides to serve the dressing rooms and the rear to serve the master bedroom. An additional opening to the existing en-suite would be installed which would be obscurely glazed. The extension would be constructed of off-white painted render with concrete slate effect tiles for the roof. Furthermore, the openings would utilise white uPVC.

The single storey rear extension would protrude from the rear wall of the property by a maximum of 8 metres covering a width of 7.1 metres, which would include the plant room which would adjoin the sidewall of the extension protruding 1.6 metres. The eaves height would be 3 metres with a maximum overall height of 3.1 metres with a flat roof incorporated into the design. This addition would provide a lobby, day room and plant room. Bi-fold doors would be included to the rear with two slim windows to the side, the other side elevation would be blank. The extension would be constructed of red facing brickwork with a typical flat roof system. Furthermore, the openings would utilise white uPVC for the windows and white aluminium for the doors.

A detached garage, with store, would be erected within the rear garden along the western boundary. The garage would cover an area of around 41sqm. The eaves height would be 2.3 metres with a maximum overall height of 4.1 metres. This would include openings to the front, side and rear in the form of a traditional garage opening to the front, double doors to the rear and slim window to the side.

A detached, self-contained annexe would be erected within the far rear garden area positioned around 10 metres away from the rear boundary. The eaves height would be 2.4 metres with a maximum overall height of 4.1 metres with a pitched roof incorporated into the design including a protruding gable to the front with vertical boarding in black. This would cover an area of around 69sqm. This would include an open plan kitchen, day room and dining room with a bedroom and bathroom also. This would include openings, in the form of windows and doors, to the front and rear. The annexe would be ancillary to the main dwelling and could not be accessed other than via the host property garden area. A condition to secure this has been included to protect the character of the plot and neighbours. It would not result in a separate address.

The garage, store and annexe would be constructed of off-white painted render with concrete slate effect tiles to the roof. Furthermore, it is proposed to utilise white uPVC for the new window and door openings.

The works would be positioned to the rear of the host dwelling and therefore screened from the frontage and host street. Some of the extensions would be of a two-storey nature however would sit lower than the existing resulting in this being fully screened and would not alter the overall appearance of the host dwelling from the frontage. Whilst the

works are significant, it is important to note that the majority of the works would be screened from the street scene given the position of these behind the host property. The host property has significant grounds which can accommodate the level of development proposed without harm. The nature of the works along with the positions proposed are not unusual in a residential setting. Therefore, it is not considered that the works would be unduly harmful to the property, street or wider area character.

It is therefore considered to be in accordance with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and Section 12 of the NPPF in relation to design.

3. Impact on Neighbouring Properties

The main impact of this development would be to 97 and 101 Humberston Avenue, Humberston. These neighbours have objected, the details of which are set out in the representation section of the report.

The two-storey rear extension would have the most significant impact of all the works. This would sit around 1.4 metres away from the boundary, following the line of the existing dwelling, with the neighbour at 101 Humberston Avenue. This neighbour has an existing side extension in situ which sits up to the boundary. The extension would protrude further than that of the neighbouring property with most of the extension adjacent to the rear garden space. The boundary is established by fencing and established landscaping features which would provide a partial screening to the proposal; which would be retained as existing. The elevations, directly adjacent to the neighbour, would include some openings however these would mostly be at ground floor. The first-floor opening would serve the dressing room and en-suite and would be adjacent to blank elevations on the neighbouring property given that their openings all face onto their own garden space. The en-suite opening would be obscurely glazed. Thus there would be no direct overlooking via the openings. It is important to note that the arrangement of openings would not be unusual in a residential setting in these types of positions and at these types of distances. In regard to the other works proposed, these are considered to be sufficiently separated, minor in scale and sympathetically designed in order to prevent any negative impacts to the neighbour in this regard. Given the scale and layout of the properties, it is not considered to present an unacceptable arrangement to their residential amenity in this instance, though it is expected the works would be visible.

The single storey garage and garden store would sit close to the boundary with the neighbour at 97 Humberston Avenue. The outbuilding would be adjacent to the neighbours existing outbuilding therefore limiting views as this would be a mirrored arrangement in terms of footprint. The boundary is established by fencing and established landscaping features which would provide a partial screening to the proposal which would be retained as existing. The single storey extension would be sufficiently separated from the neighbour and would replace an existing extension, limiting impacts. Furthermore, this would be of single storey only. Given the scale and layout of the properties, it is not considered to present an unacceptable arrangement to their

residential amenity in this instance.

The annexe would be positioned to the rear of the plot and focused away from the neighbouring properties. The existing boundary treatments would be retained as existing. Furthermore, it is important to note that the ground levels become steadily lower towards the rear of the plot. Collectively this would reduce the impacts of the annexe to an acceptable level.

The comment from 74 Humberston Avenue is acknowledged however it is confirmed that the use is domestic only and any commercial use would need to be considered on its own merit through its own application.

A working hours construction is recommended to protect neighbours during the construction phase.

Due to the separation distances, screening and nature of the works, it is not considered the proposals present any negative impacts to the neighbours residential amenities in relation to massing, overshadowing or overlooking. Though conditions are recommended. It would therefore accord with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and Section 12 of the NPPF.

4. Drainage and Flood Risk

The site is within a Flood Zone 1 as shown on the Environment Agency's Maps.

The application has been reviewed by the Drainage Officers and a sustainable drainage condition has been recommended given the scale of the proposed works. The agent has confirmed that they are happy to accept a condition to this effect which has been included and details will be required to be submitted and approved prior to any works commencing on site.

In addition, the comments from neighbours are noted in regard to foul drainage and this has also been conditioned.

It is therefore considered that the proposal accords with Policies 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and Section 14 of the NPPF.

5. Landscaping, Ecology and Biodiversity Net Gain (BNG)

The site includes some Tree preservation Orders to the front of the site, these would not be affected due to the position and nature of the works proposed. The neighbours comments on tree removal are noted however, the Trees and Woodlands Officer has commented to state that there are no objections however he has recommended suggested some planting to the rear boundary. However, given the nature of the works this is not considered to be necessary to make the development acceptable in planning terms and a condition has not been added. An informative however is recommended.

The Ecology Officer has also reviewed the details and confirmed that the application is exempt from the requirements of BNG as it is a householder application. However, informative advice relating to nesting birds and roosting bats has been recommended and included.

In relation to the above, the proposal accords with Policies 5, 41 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and Section 15 of the NPPF.

6. Other Matters

There are no changes to the access proposed as part of this application. The Highway Officer raises no objections.

CONCLUSION

In conclusion, it is considered that the proposed development would not unduly harm the appearance of the street scene, the wider character of the area or neighbours' residential amenities. It would also be acceptable in regards to flood risk, drainage, ecology, highways and trees.

It is therefore in accordance with Policies 5, 22, 33, 34, 41 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and Sections 12, 14 and 15 of the NPPF.

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 - RD5729-01

Block Plan - RD5729-05

Proposed Floor Plans and Elevations for Dwelling - RD5729-03A

Proposed Floor Plans and Elevations for Garage, Store and Annexe - RD5729-04A

Reason

For the avoidance of doubt in the interests of proper planning and in accordance with Policies 5, 22, 33, 34, 41, and 42 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 received on the 21st November 2024, and as stated on drawing nos. RD5729-03A and RD5729-04A unless otherwise first approved in writing by the Local Planning Authority.

Reason

This condition is imposed in the interests of design considerations in the context of the existing buildings in order to comply with 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 and fully connected in accordance with the approved details and the drainage for each element implemented prior to use or occupation of that element. Drainage shall be retained thereafter.

Reason

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

(5) Condition

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

Reason

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

(6) Condition

The en-suite window to be created in the first-floor side elevation hereby approved shall be glazed in obscure glass only to an obscurity level of 3 or above as measured on the

'Pilkington Scale' and shall be non-opening below a height of 1.7 metres measured from the internal finished floor level. The window shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

Reason

In the interests of residential amenity in order to comply with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(7) Condition

The annexe shall be used and occupied only in conjunction with and ancillary to the main dwelling known as 99 Humberston Avenue and shall not be let, sold or rented separately from the main dwelling.

Reason

This condition is imposed as the proposed accommodation is only considered acceptable as ancillary accommodation, in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(8) 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 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, 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

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.

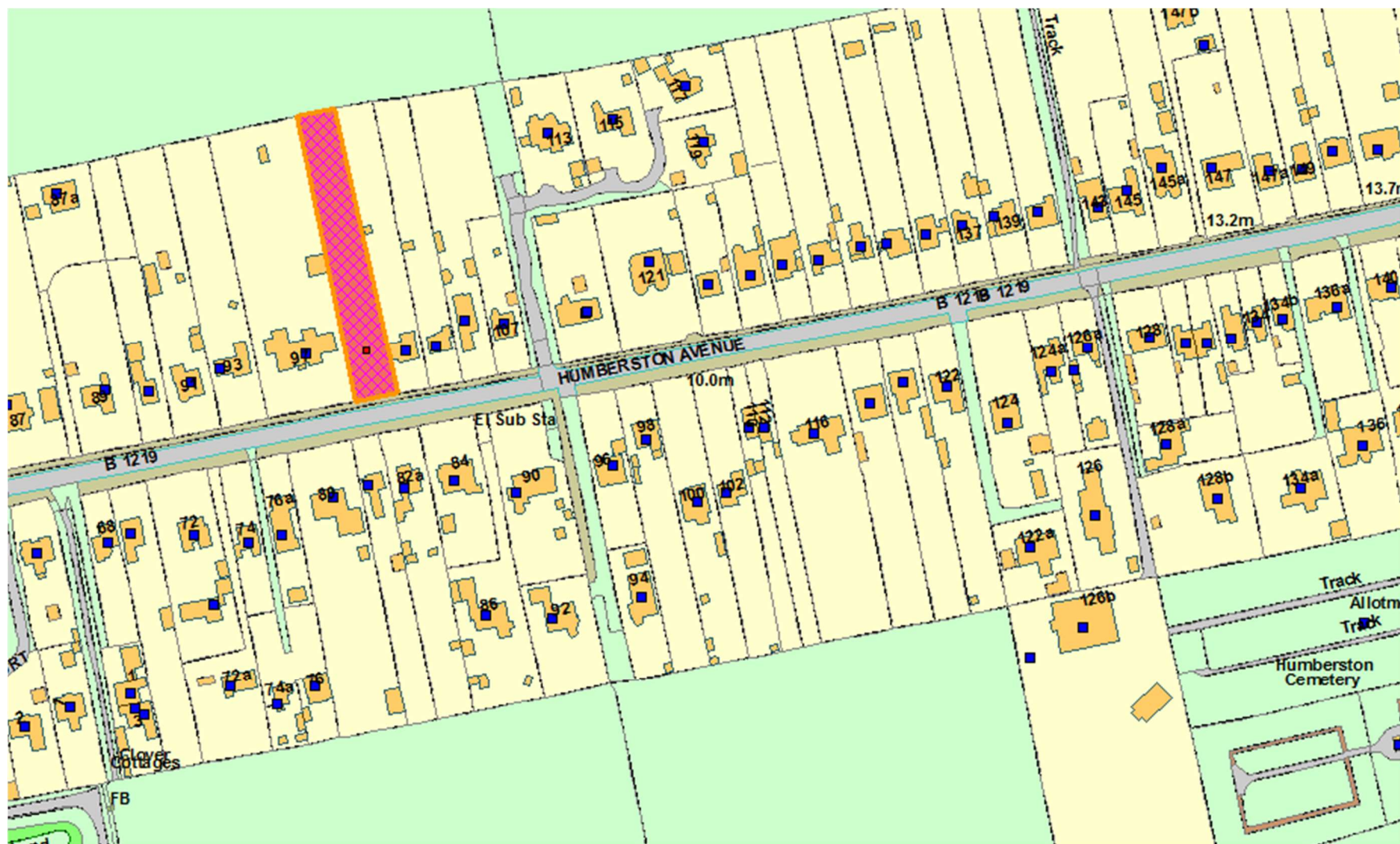
5 Informative

The applicant's attention is drawn to the comments made by the Trees and Woodlands Officer, regarding planting, and the Ecology Officer, regarding nesting birds and roosting bats.

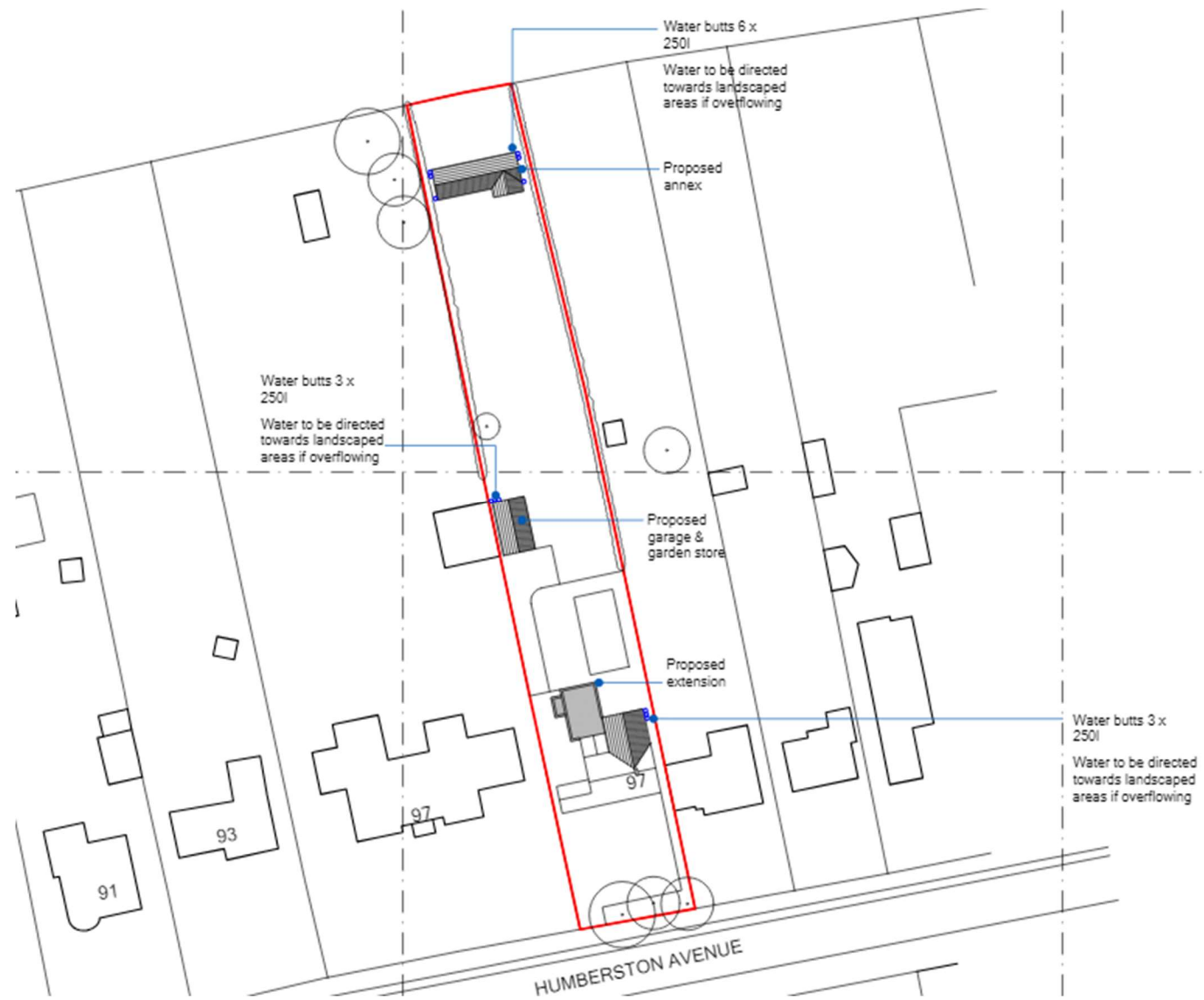
6 Informative

Construction related vehicles are encouraged to park within the curtilage of the property to maintain access and visibility.

DM/0991/24/FULA – 99 HUMBERSTON AVENUE, HUMBERSTON



DM/0991/24/FULA – 99 HUMBERSTON AVENUE, HUMBERSTON



PLANNING COMMITTEE - 29th January 2025

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

APPLICATION No: DM/0988/24/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Plot To The Rear Of, 18 Brigsley Road, Waltham, North East Lincolnshire,

PROPOSAL: Erection of a detached bungalow and creation of vehicular access from Laburnum Close

APPLICANT:

Mr T Bird
18 Brigsley Road
Waltham
North East Lincolnshire
DN37 0JY

AGENT:

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

DEPOSITED: 21st November 2024

ACCEPTED: 21st November 2024

TARGET DATE: 16th January 2025

PUBLICITY EXPIRY: 27th December 2024

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 22nd December 2024

CASE OFFICER: Bethany Loring

PROPOSAL

The application seeks to erect a detached bungalow and create a new vehicular access from Laburnum Close. The application is a resubmission of a previous approval under DM/0851/22/REM and has been resubmitted due to the original approval expiring in November 2024.

The application is brought to Planning Committee following an objection from Waltham Parish Council.

SITE

The host property is a large, detached dormer bungalow. It benefits from a large front and rear garden with the access to the dwelling taken off Brigsley Road. In the rear garden, the boundaries are established by existing close boarded fencing of around 1.8 metres in height. A boundary fence has been erected, within the garden, to separate the application site from the existing property.

RELEVANT PLANNING HISTORY

DM/0405/18/OUT - Outline application for the erection of one dwelling with all matters reserved - Refused 18th July 2018

DM/0836/19/OUT - Outline application for one dwelling with access from Laburnham Close with all matters reserved - Refused 5th December 2018

DM/0704/19/OUT - Outline application for the erection of one dwelling with access from Laburnum Close with all matters reserved (Amended Proposed Site Plan received 20th September 2019) - Approved with Conditions 11th October 2019

DM/0851/22/REM - Reserved matters application following DM/0704/19/OUT to erect one dwelling with access from Laburnum Close with access, appearance, landscaping, layout and scale to be considered - Approved with Conditions 11th November 2024

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2023)

NPPF5 - Delivering a sufficient supply of homes

NPPF12 - Achieving well designed places

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

PO5 - Development boundaries

PO22 - Good design in new developments

PO33 - Flood risk

PO34 - Water management

PO42 - Landscape

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

2018).

REPRESENTATIONS RECEIVED

Highways Officer - Approval with Construction management condition.

Waltham Parish Council - Recommends refusal on the grounds that the development would increase traffic and access onto the turning area.

Environment Team - Hours of construction condition.

Drainage Team - Sustainable drainage condition.

Heritage Officer - No input required.

Trees and Woodlands Officer - No comment.

Cadent Gas - No objection, informative advice.

Neighbour Representations

7 Laburnum Close - Objects based on concerns relating to access, parking, turning and impacts to residents amenity.

Civic Society - No objections.

APPRAISAL

The material planning considerations are;

1. Principle of Development
2. Impact on the Visual Character of the Area and Layout
3. Highways and Access
4. Drainage
5. Impact on Neighbouring Properties

1. Principle of Development;

The site is located within the development boundary and residential area of Waltham, therefore Policy 5 of the North East Lincolnshire Local Plan 2018 applies. The planning history pertaining to the site is material, as the principle of this development was accepted, through the approval of planning application DM/0704/19/OUT which gave Outline planning permission for the construction of one new dwelling and the subsequent Reserved Matters under DM/0851/22/REM. However these have lapsed.

The proposal site is not located within an area at risk of flooding according to the North

East Lincolnshire Strategic Flood Risk Assessment and the Environment Agency maps. Policies 5 and 33 of North East Lincolnshire Local Plan 2013-2032 (Adopted 2018), and section 14 of the National Planning Policy Framework takes a sequential approach to the location of new development and seek to direct them into areas at lower risk from flooding.

Policy 5 of the Local Plan calls for a consideration of the impact of the development and in this case impacts on neighbours, the general character and appearance of the neighbourhood and on highway safety and amenity are particularly relevant.

2. Impact on the Visual Character of the Area and Layout;

Policy 5 of the North East Lincolnshire Local Plan requires an assessment on the impact to the character of the area and visual amenity with Policy 22 setting out the requirements for 'good design'. The National Planning Policy Framework (NPPF) states that a high standard of design should always be secured with a good level of amenity for existing and future occupiers of land and buildings.

The proposal is for one detached bungalow located to the rear of 18 Brigsley Road in Waltham. The main ridge would adopt a hipped roof design with two bay windows and a porch to the front door which would incorporate a pitched roof design with an end gable. The eaves height would be 2.55 metres with a maximum overall height of 4.5 metres. The materials would include brickwork and concrete roof tiles with white uPVC for the window and door openings. The plot would include external amenity space to the front, side and rear which would form the private garden spaces with a driveway to the front.

The appearance of the bungalow is considered acceptable in terms of design, materials and in relation to the wider context of the site. The plot would be positioned behind an existing property, fronting Brigsley Road, occupying part of the existing rear garden, however the plot would be accessed from Laburnum Close and therefore would form part of that street scene. The adjoining neighbours are also bungalows and Laburnum Close is made up of bungalows and two-storey dwellings however these are positioned further down the street. In view of the predominant character, the proposal would represent a similar density to other plots in the locality. As such, the appearance and finish would not be harmful or out of character. The scale is considered to be acceptable in relation to the individual plots and the wider context of the site as Brigsley Road and Laburnum Close are considerably diverse in design and appearance, with a wide range of materials used within the vicinity of the application site. The scale of the dwelling proposed would not be out of character or harmful.

On this basis, the proposed development would be acceptable in accordance with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

3. Highways and Access;

Access to the site would be taken from the existing access point, adjoining the site to the

rear at Laburnum Close. However, a new driveway would be provided to create off-street parking provision and sufficient turning for the proposed bungalow. The plans indicate that sufficient turning, access and parking space would be included to the front to facilitate off-street parking. The Highways Officer has reviewed and accepted the details. A Construction Traffic Management Plan has been requested as a condition. It is considered that the proposal would not lead to a severe impact on the wider highway network during construction or post development and the access is safe.

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

4. Drainage;

Policy 34 of the Local Plan relates to water management within a site. The proposal includes an increase to the built form on the site and results in further appreciable alteration to the drainage or surface water drainage of the site.

The Drainage Officer has reviewed the details and requested a sustainable drainage condition which has been included. Details relating to water reuse are also required and this has been conditioned.

With conditions it is considered that the proposal is in accordance with Policies 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and the guidance in section 14 of the NPPF.

5. Impact on Neighbouring Properties;

Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) requires an assessment on the impact on neighbouring land properties and users.

The properties surrounding the site are a mixture of houses, dormer bungalows and bungalows all of which are well separated from the proposed site. The boundary treatments include landscaping features and fencing, of around 1.8 metres in height, as well as fencing included within the site.

An objection from a neighbour at 7 Laburnum Close, positioned to the southwest, has been received broadly on the grounds of highways safety, access and parking. As noted above the proposal is considered acceptable in highway terms.

The proposal shows that the bungalow and vehicular access would be close to certain neighbours, specifically 5 and 6 Laburnum Close.

It is considered that the bungalow has been shown to be a sufficient distance, with a sympathetic design, in relation to the adjoining properties to ensure levels of privacy, light and sunlight would be maintained. The bungalow is of a small scale and could be achieved without detriment to the host property or to neighbours.

On this basis, the proposed development would be acceptable in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) in relation to residential amenity.

CONCLUSION

The proposal is considered to be appropriate in terms of principle and character, residential amenity, design and would not have an adverse impact on adjoining neighbours by reason of dominance, overlooking and privacy.

Having regard to the above, it is recommended that planning permission is granted in accordance with Policies 5, 22, 33, 34 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018), and Sections 5 and 12 of the National Planning Policy Framework.

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 - MPMBW-01061534

Proposed Block Plan - 0.31

Proposed Site Plan - 8

Proposed Floor Plan - 7

Proposed Elevations - 4

Reason

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

(3) Condition

The proposed development shall be erected in strict accordance with the materials

specified on the Roof and Brick Detail document (received 9th January 2025) unless otherwise approved in writing by the Local Planning Authority.

Reason

To maintain the character of the area and in accordance with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(4) Condition

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

Reason

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

(5) Condition

The dwelling shall not be occupied until a scheme for water re-use to achieve an efficiency standard of 110 litres per person per day has been submitted to and approved in writing by the Local Planning Authority. Once approved, the dwellings 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).

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

(7) Condition

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

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

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

Reason

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

Informatives

1 Reason for Approval

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

2 Informative

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

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

3 Informative

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

4 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.

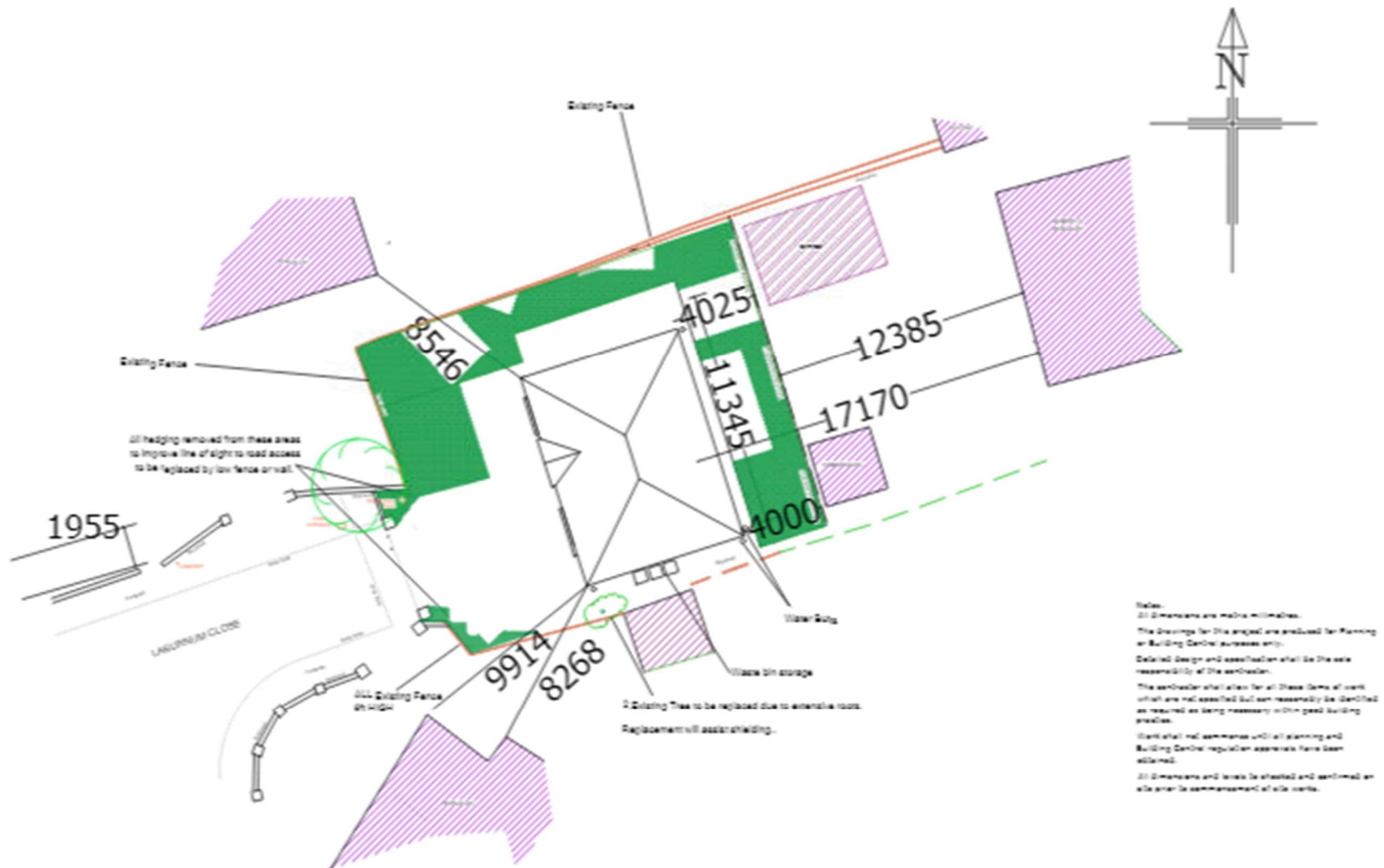
5 Informative

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

DM/0988/24/FUL – PLOT TO REAR OF 18 BRIGSLEY ROAD, WALTHAM



DM/0988/24/FUL – PLOT TO REAR OF 18 BRIGSLEY ROAD, WALTHAM



PLANNING COMMITTEE - 29th January 2025

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

APPLICATION No: DM/0772/24/TPO

APPLICATION TYPE: Works to a tree with a TPO

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

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

APPLICANT:

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

AGENT:

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

DEPOSITED: 9th September 2024

ACCEPTED: 9th September 2024

TARGET DATE: 4th November 2024

PUBLICITY EXPIRY:

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY:

CASE OFFICER: Paul Chaplin

PROPOSAL

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

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

The application was deferred at the Planning Committee meeting on 27th November 2024 to allow the applicant to consider further solutions to the work.

SITE

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

RELEVANT PLANNING HISTORY

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

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

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

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

BS3998:2010 - Tree Work - Recommendations

National Tree Safety Group - Common sense risk management of trees

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

North East Lincolnshire Council Adopted Tree Strategy

REPRESENTATIONS RECEIVED

Representations

Objections were received from:

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

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

Following deferral of the application at Planning Committee on 27th November 2024 further objections received as follows.

6 Wells Road, Healing - The representations include their own commissioned tree report which states that the works are not appropriate for the tree and not in accordance with British Standards and if the works are carried out as proposed it will result in health problems to the tree and result in it being susceptible to wind damage. This will leave property close to the tree and users of the public highway at risk. It suggests alternative works. The representations further state that there is no justification for the works including that of bird droppings. Such justification is contrary to the Council's Tree Strategy.

Richard Buxton Solicitors on behalf of 4 Queens Parade, Cleethorpes and 6 Wells Road, Healing with reference to the lack of evidence to support the works in the application and that their clients have commissioned their own report. It is stated that this is by a licensed arboriculturist and the concerns noted in the further representations by 6 Wells Road are reiterated. It is also stated the officers report from 27th November is misleading as it refers to previous consents which were not evidenced and were without representation from the owner of the tree and that it does not accord to the Council's own Tree Strategy. It is also now considered that their clients own tree report needs to be taken into consideration.

APPRAISAL

This application seeks consent to undertake works to a Sycamore tree subject to a Tree Preservation Order at 4 Queens Parade, Cleethorpes. The Sycamore tree is situated within the adjacent garden of 4 Queens Parade and the owner has raised objections to the proposed tree works. Besides the owner of 4 Queens Parade there are other objectors as noted in the report. The reason given for the tree work is in relation to pigeons defecating continuously into the car park causing paintwork damage to the cars. Previous canopy reduction works have been carried out the latest being under approval DM/0272/18/TPO. This again was in order to address the issue of pigeon droppings on car parking spaces.

At the Planning Committee meeting on 27th November 2024 a decision on this application was deferred in order to provide an opportunity for the applicant to discuss the works with the actual tree owner at 4 Queens Parade to see if there could be consensus over those works. Whilst it is understood that there has been discussion there has not been an agreement.

The applicant notes in a response dated 10th January 2025 that the two parties did meet and discuss the works. However, it is not considered that it is practical to move the bin storage, and they feel that the objectors own tree report grossly exaggerates the extent of their own work. The applicant considers that they are at an impasse, and they request that the application be approved as submitted.

The owner of the Sycamore tree considers a car port structure should be installed to protect parked cars from bird droppings and therefore remove the need for works to maintain the canopy encroachment to alleviate the issue of bird droppings.

The applicant's position is that changes in the layout of the car park are not practical. Both these positions were set out by each party at the previous committee meeting.

Tree Preservation legislation was introduced primarily to protect public visual amenity, cultural history as well as rare and unusual trees. It is the impact on the Sycamore trees visual amenity and health which is the consideration.

The objectors (which include the owner of the tree) have subsequently commissioned their own Tree Report (by Kaarbon Tech) setting out the trees condition and the implication on the Sycamore in regards the works under consideration. This Tree Report tree makes reference to a 5m canopy reduction though the result will be more of a 4m reduction at most.

The Kaarbon Tech tree report suggest the wording of the permission would give the applicant 'carte blanche' permission to reduce the canopy spread over the Waterfront to 4m. This is incorrect as the wording of the work specification proposed states 4m is the minimum canopy spread from the boundary wall and all cuts should be to viable secondary growth points. The wording of the works as recommended to be approved is to be further supported by a condition requiring the works to be carried out to British Standard 3998: 2010 Tree work - Recommendations standard. Section 7.2.4 of the BS3998 standard is the crucial section in this instance as it sets out what is considered as a viable secondary growth point. Therefore, it is not accepted that the works if allowed would provide 'carte blanche' nor would it undermine the health of the trees. With regard to exposing the tree to wind stress it is considered that restricting the canopy to viable secondary growth points will enable the canopy to withstand reasonable wind stress. The cut diameters at this point will not be excessive and the cushioning effect of the canopy to easterly winds is not removed.

Indeed, with regard to wind stress when viewed from the south in front of the tree the proposed works are mainly to two overextending branches. It is recognised arboricultural practice to control such branches as they have a propensity to fail as they become larger and more exposed to wind stress. It is considered that this work will help to alleviate the impact of wind stress on the canopy structure of the tree.

It is not considered that the reduction of the canopy spread as recommended, cutting back to viable secondary growth points, to be detrimental to the visual amenity the trees offer the street scene. This recommendation removes any perceived ambiguity as to the extent of the works being proposed. It enables the applicant to manage the canopy spread over the Waterfront without being detrimental to the general public's visual amenity. Queens Parade runs on an approximate east - west axis, therefore it is the north - east axis that offers the most impactful views and contributes most to the public amenity.

It is recognised that it would be preferable to carry out a whole canopy reduction, however the applicant is entitled to submit an application to carry out works on the section of the canopy that encroaches over the Waterfront.

The consideration of the application is not only that of the visual amenity aspect but also the potential impact of the proposal on the tree's structural integrity. It is recognised that it is not ideal (but not uncommon) given the trees location that there are competing management priorities because of the fact that the tree crosses ownership boundaries. However, the work specification recommended would only allow for a reduction back to viable secondary growth points creating a new canopy line at or east of the streetlight. The cut diameters at this point will not be excessive and the cushioning effect of the canopy to easterly winds is not removed.

At the earlier Planning Committee, the issue of a car port to ameliorate the issue of the bird droppings was raised. It is considered that if the application proposed removal of the Sycamore tree or reduce it back to the boundary wall then consideration of a car port would be appropriate, as removal of the tree would clearly be excessive in nature. However, this is not what is proposed.

Reference has been made to the Councils Tree Strategy and that at Section 9, Sub-Section 4 it states that bird droppings do not justify work to trees. It must be noted that sub-section 4 states;

'The nuisance of bird droppings is not considered to be a sufficient reason to prune or remove trees. Nesting birds are protected under the Wildlife and Countryside Act 1981 (and other related wildlife law). The council will not prune or fell its trees to remove or reduce bird droppings from trees or remove bird droppings from private property.'

To this end it is caveated in terms of Council Trees. In any event tree management is normal for all trees especially when they are in residential areas, and it is the nature of that management and its impact on the visual amenity of the area and the tree itself which is a material consideration. Moreover Government advice (Tree Preservation Orders and trees in conservation areas) is that it is acceptable to consider whether any loss or damage is likely to arise if consent is refused or granted.

What is proposed is reasonable management for an established tree which will ensure its visual amenity on Queens Parade will be maintained and it is considered that there are no grounds to refuse this application. The representations received in objection to the application on these grounds have been fully taken into account.

It is accepted that there will be successive applications for management canopy encroachment over the parking spaces affected. It is acknowledged that the time between the previous work being carried, and this application is approximately 5 years. Given the relationship between the sycamore tree and the adjacent parking spaces a

work cycle of 5 years is considered reasonable and would indicate that sympathetic management of the canopy is not an unreasonable compromise and is feasible.

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

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

CONCLUSION

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

'T1 Sycamore: reduce the lateral eastern canopy spread along the Queens Parade boundary back towards the street light adjacent the exit gate to the car park of the Waterfront, cutting back to viable secondary growth points. Reduce canopy spread over the parking spaces to the Waterfront residential complex to a minimum of a 4m radial arc measured from the boundary wall in front of the Sycamore tree, cutting back to viable secondary growth points. No other canopy reduction to the northern, southern or western sections of the canopy.'

RECOMMENDATION

Approved with Conditions

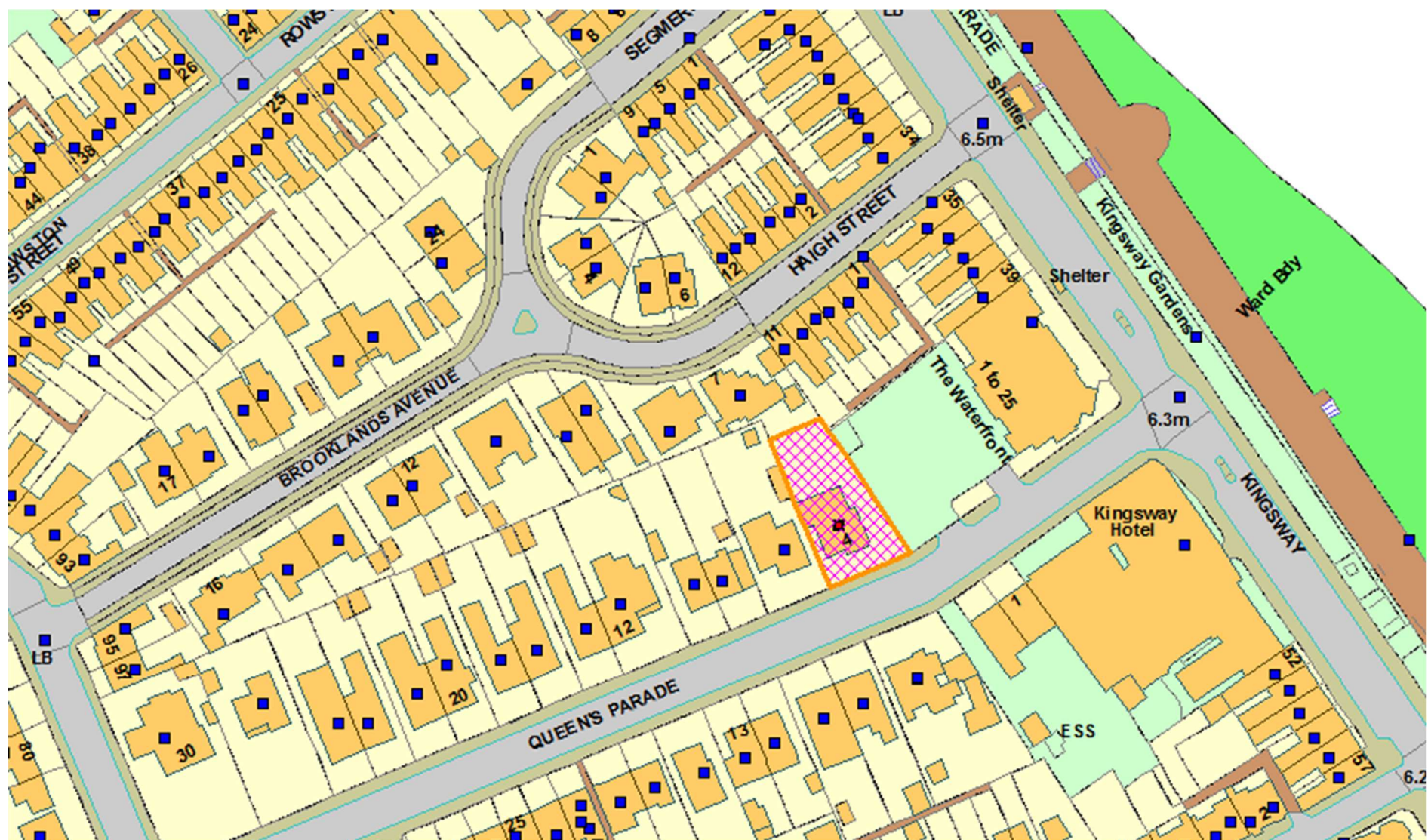
(1) Condition

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

Reason

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

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