

## Planning Committee Dated: 6th September 2023

### Summary List of Detailed Plans and Applications

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	<b>Recommendation: Approved with Conditions</b>
<b>Item:</b>	<b>1</b>
<b>Application No:</b>	DM/0470/23/OUT
<b>Application Type:</b>	Outline Application
<b>Application Site:</b>	Land Field Head Road Laceby North East Lincolnshire DN37 7SS
<b>Proposal:</b>	Removal of Condition 5 (Northern Buffer Zone) pursuant to DM/1133/17/OUT
<b>Applicant:</b>	Mr P Bannister
<b>Case Officer:</b>	Richard Limmer

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	<b>Recommendation: Approved with Conditions</b>
<b>Item:</b>	<b>2</b>
<b>Application No:</b>	DM/0815/22/REM
<b>Application Type:</b>	Reserved Matters
<b>Application Site:</b>	Land Field Head Road Laceby North East Lincolnshire
<b>Proposal:</b>	Variation of Condition 1 (Approved Plans) of DM/0692/22/REM to amend the layout and house types for plots 19 to 29, remove northern buffer zone and Removal of Condition 9 (Air Quality Report).
<b>Applicant:</b>	Mr P Bannister
<b>Case Officer:</b>	Richard Limmer

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**Recommendation: Refused**

**Item:** 3

**Application No:** DM/0677/23/FUL

**Application Type:** Full Application

**Application Site:** 7 Great Coates Road Grimsby North East Lincolnshire DN34 4NA

**Proposal:** Re-submission of DM/0301/23/FUL (Partial change of use to mixed use from residential land to include commercial garage for repair restoration and MOT testing of motorcycles with erection of detached coach house, drive with parking area and associated works) including revised proposed entrance/exit to the commercial motorcycle garage.

**Applicant:** Mr Chris Gunster

**Case Officer:** Owen Toop

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**Recommendation: Prior Approval Granted**

**Item:** 4

**Application No:** DM/0598/23/PAT

**Application Type:** Prior Approval - Telecom

**Application Site:** Land At Cromwell Road Grimsby North East Lincolnshire

**Proposal:** Prior approval for the installation of 15m high Phase 8 monopole, 6no. antennae, 2no. ground-based equipment cabinets, 1no. meter cabinet and ancillary development thereto

**Applicant:** Three UK Ltd

**Case Officer:** Becca Soulsby

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**Recommendation: Refused**

**Item:** 5

**Application No:** DM/0224/23/FUL

**Application Type:** Full Application

**Application Site:** 109 Carr Lane Grimsby North East Lincolnshire DN32 8JR

**Proposal:** Demolish existing garage and outbuildings. Erect two storey dwelling with driveway, landscaping and associated external works (Amended Plans received 20th June 2023 to raise floor levels and Flood Risk Assessment)

**Applicant:** Mrs Christine Dabb

**Case Officer:** Bethany Loring

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**Recommendation: Approved with Conditions**

**Item:** 6

**Application No:** DM/0163/23/FUL

**Application Type:** Full Application

**Application Site:** 6 Frobisher Avenue Grimsby North East Lincolnshire DN32 8JA

**Proposal:** Erect first floor side extension on pillars with associated internal and external alterations

**Applicant:** Mr Daniel Williams

**Case Officer:** Owen Toop

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**Recommendation: Approved with Conditions**

**Item:** 7

**Application No:** DM/0477/23/FUL

**Application Type:** Full Application

**Application Site:** 1 Cumberland Avenue Grimsby North East Lincolnshire DN32 0BT

**Proposal:** Demolish existing garage, erect single storey garage, games room & store with solar panels and associated works (amended plans received on 31st July 2023 showing proposal 1 metre from boundaries and reduced height to 4 metres at roof ridge).

**Applicant:** Mr Dave Drury

**Case Officer:** Owen Toop

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**Recommendation: Approved with Conditions**

**Item:** 8

**Application No:** DM/0109/23/FUL

**Application Type:** Full Application

**Application Site:** 184 Humberston Avenue (Rear Of 186) Humberston North East Lincolnshire DN36 4TA

**Proposal:** Erect two storey detached dwelling with balcony, roof lights associated works including driveway parking area and landscaping

**Applicant:** Mr Robert Smith

**Case Officer:** Jonathan Cadd

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**Recommendation: Approved with Conditions**

**Item:** 9

**Application No:** DM/0484/23/FUL

**Application Type:** Full Application

**Application Site:** Land Adjacent To Blossom Avenue Humberston Cleethorpes

**Proposal:** Erect two storey mixed use building for office and B8 industrial use with access, parking and service areas and associated landscaping

**Applicant:** Mr M Schofield

**Case Officer:** Emily Davidson

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**PLANNING COMMITTEE - 6th September 2023**

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

**APPLICATION No: DM/0470/23/OUT**

**APPLICATION TYPE: Outline Application**

**APPLICATION SITE: Land Field Head Road, Laceby, North East Lincolnshire, DN37 7SS**

**PROPOSAL: Removal of Condition 5 (Northern Buffer Zone) pursuant to DM/1133/17/OUT**

**APPLICANT:**

Mr P Bannister  
Land Developers (Lincs) Ltd & Keigar Homes Ltd  
D B C House  
Grimsby Road  
Laceby  
Grimsby  
DN37 7DP

**DEPOSITED: 17th May 2023**

**AGENT:**

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

**ACCEPTED: 18th May 2023**

**TARGET DATE: 17th August 2023**

**PUBLICITY EXPIRY: 18th June 2023**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 12th June 2023**

**CASE OFFICER: Richard Limmer**

**PROPOSAL**

The proposal is to remove condition 5 of outline permission DM/1133/17/OUT. The conditions relates to potential odour from the nearby pig farm influencing the development and the provision of a buffer strip. The removal of these conditions allows then for the site layout around plots 19 to 29 to be amended as detailed in DM/0815/22/REM also presented to this Planning Committee. It must be noted that the number of dwellings does not change. It is how they sit in the site and that their respective gardens will now extend to the northern boundary as opposed to the imposition of a defined buffer zone.

The application is presented to Planning Committee due to the objections of Laceby Parish Council and the number of objections received in representations made.

## **SITE**

Development approved under DM/1133/17/OUT, DM/0522/21/REM and DM/0692/22/REM has been commenced with foundations for dwellings on the southern section of the site having been constructed.

The site is relatively flat with ground levels for the northern field sloping gently from 25m AOD to 20m AOD from north west to south east and from 25m AOD to 20m AOD from south west to north east across the southern field. There are no significant features in the northern field apart from the hawthorn hedge and isolated mature trees. The south eastern boundary of the northern field comprises of post and rail panels to the rear gardens of properties located on Charles Avenue.

The southern field boundary comprises of hawthorn to the west with the southern and eastern boundaries comprising of conifer and hawthorn hedges and post and rail panel fencing to the properties on Field Head Road, Yews Lane and Willow Close

A public footpath runs alongside the drainage ditch that separates the northern and southern fields with access to Charles Avenue to the east. A small footbridge in the west of the site offers pedestrians access over the channel to another public footpath which runs parallel to the western boundary of the northern field. Access to the site is from Field Head Road with a second pedestrian access from the public footpath to Charles Avenue.

East of the site is residential properties located on Charles Avenue and St Peter's Grove. To the south the residential properties of Field Head Road, Yews Lane and Willow Close. West is agricultural land and to the north a farm.

## **RELEVANT PLANNING HISTORY**

DM/0868/22/CND - discharge of conditions attached to DM/0522/21/REM - approved

DM/0522/21/REM - reserved matters for 152 houses and infrastructure - approved

DM/1133/17/OUT - outline application for 152 dwellings - approved

DM/0692/22/REM - vary the approved plans under DM/0522/21/REM to amend house types - approved

DM/0815/22/REM - vary the approved plans to change the layout of plots 19-29 to reflect the change to the buffer zone applied - under consideration

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

National Planning Policy Framework (2021)

NPPF5 - Delivering a sufficient supply of homes

NPPF12 - Achieving well designed places

NPPF15 - Conserv. & enhance the natural environ.

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

PO5 - Development boundaries

PO22 - Good design in new developments

PO33 - Flood risk

PO41 - Biodiversity and Geodiversity

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

**REPRESENTATIONS RECEIVED**

Drainage Board - no comments

Environmental Health - Conclusions of the Odour Report are agreed with. No reason that the report is not accurate. Response is caveated by informing planning that this is not a subject matter that Environmental Health have an overwhelming expertise in and their conclusions are based around the odour report being accurate and following relevant guidance and best practice on the subject, which is suggested that it does. There is empathy for the operator of the piggery and whilst this may not legally absolve him from any future complaint, which would have to be considered on their own merit, if the developer is confident that, based on the current working practices, scale of the piggery etc. that the decision to develop the 30m buffer, from an odour risk perspective be considered low / negligible, then why shouldn't future buyers be informed of the proximity of the working piggery. Perhaps by sharing a copy of the odour assessment with the purchaser. Could this be done by planning condition.

Highways Officer - no comments

Environment Agency - no comments

National Highways - no objections

Trees and Woodlands Officer - comments on the proposal and provision of landscaping

Heritage Officer - no comments

Public Rights of Way Officer - no comments

Laceby Parish Council - object to the proposed development and seek that the applications refused to protect the amenities of residents as per the original reason for the condition and buffer zone.

Grimsby, Cleethorpes and District Civic Society - Oppose the removal of Condition 5. The Northern Buffer Zone was created for a specific reason. This Buffer Zone must be retained for the benefit of the wildlife and local residents.

Neighbours

The following neighbours have objected to the proposed development:

9 Gibraltar Lane  
43, 35, 29, 59 Charles Avenue  
24 Willow Close  
136 St Nicholas Close  
6 Yews Lane  
17 Cemetery Road

The above neighbours have objected to the proposal on the following grounds:

- The proposal is a pre-cursor to increasing the number of dwellings on site;
- Loss of green space;
- Impact on ecology;
- Principle of changing the scheme once an approval has been granted.

56A Cooper Lane and Hazeldene have specifically objected to the proposal and maintained their concerns over the following matters:

- They still run an intensive livestock unit for pigs;
- Impact on the development of the adjacent piggery at Hazeldene from odour and flies.

## **APPRAISAL**

Planning Considerations

1) Principle of Removing the Condition

2) Other matters

1) Principle of Removing the Condition

The principle of development on this site has been established by the allocation for housing on the NELLP under HOU075A, it has also been granted outline planning permission under DM/1133/17/OUT, a subsequent reserved matters permission under DM/0522/21/REM and a later amendment to the approved plans under

DM/0692/22/REM. The principle of development is therefore well established on this site. Moreover work has commenced on the development.

This application seeks to remove condition 5 of DM/1133/17/OUT to remove the 30m buffer zone, which was imposed to protect the development from the adjacent piggery on the advice of the Odour Assessment provided with application DM/1133/17/OUT. An updated detailed odour assessment has been undertaken and submitted with this application to justify the proposal. This new report reflects the up to date methodology for assessing Odour.

The report submitted is by a reputable consultant with extensive knowledge and experience in odour assessments. It follows on from previous odour assessments submitted and considered through previous planning applications on the site. The report reflects updated Guidance from the Institute of Air Quality Management (IAQM), a review of up to date complaints regarding odour from Hazledene, any recent developments at Hazledene and findings of recent odour surveys undertaken around Hazledene.

The information within the report details that there have been no neighbour complaints received by NELC in regard to odour from Hazledene.

In the 2016 appeal it was agreed by all parties that whilst Hazledene had a maximum capacity of about 400 pigs in 1988 for the last several years it had operated with between 120 and 150 pigs (para.20 of the 2016 appeal decision). There is no reason or evidence at this time to conclude differently. Furthermore, there have been no planning applications for buildings to expand this number. In any case the report considers the 150 pig scenario and the 400 pig scenario.

For the 150 pig scenario the report states that a slight adverse effect is predicted at one of the existing dwellings/receptors at the top (north) end of St Peters Grove, but at all other existing and all proposed future receptor locations, including the full extent of the potential development site, the effects of the modelled odour impact is assessed to be negligible. The report states that this analysis shows that there are no reasons why development should not extend right up to the northern boundary of the proposed site with stocking of 150 pigs at Hazledene Farm.

For the 400 pigs scenario the report states that a slight adverse effect is predicted at two receptor locations on the development site, but odour effects at all other modelled receptor locations on the development site are predicted to have negligible effects. A review of the odour contour map in Figure 3 in the ADAS 2016 report shows that the modelled 3 ouE/m<sup>3</sup> odour contour does not cross the boundary of the development site, so that the equivalent odour effects are no worse than slight adverse at any location on the site. As slight adverse impacts are not generally regarded as significant in planning terms the report states that this analysis shows that there are no significant reasons why development should not extend right up to the northern boundary of the proposed site even in the unlikely event that the pig unit were ever to expand up to 400 pigs at Hazledene Farm.

The report concludes that interpretation of the 2016 ADAS modelling report with the 2018 IAQM guidance criterion demonstrates that odour is not a constraint on residential development on any part of the Field Head Lane site.

It is noted that Hazledene has objected to the proposed removal of condition 5. They maintain their objection from the original application, primarily because of the odour, noise and flies associated with pig farming and how approving housing could impact on their business.

The report considers the matters that no complaints have been received and that the capacity of Hazledene has not grown since the 2016 report. The updated Guidance from the IAQM has been applied on this basis and it finds that the development site of Field Head Road would suffer a negligible impact and it should not be constrained by the presence of the Hazledene piggery.

The Environmental Health team have considered the updated report and see no reason to come to a different conclusion though they note that they are not an expert in this field. It is suggested that future prospective buyers of plots 19-29 are made aware of the odour report by way of a condition. This could be achieved in the initial sale of the properties from the developer but moving into the future would be hard to enforce. It therefore must be considered whether the development would be acceptable without such a condition. Based on the report submitted and the considerations of the Environmental Health Team not differing to the findings of that report it is considered that such a condition is not necessary.

For the purposes of this application an amended indicative site layout plan has been supplied. This shows how the removal of the 30m buffer zone would affect the layout of the site. Importantly the plan shows that a 10m landscape buffer would be afforded to each of the affected plots 19-29. This would still provide an element of landscape protection and also a greener edge to the development. It must be noted that this landscape buffer is within the gardens of the respective plots.

It is therefore considered that condition 5 of DM/1133/17/OUT can be removed allowing for the proposed amendments to plots 19-29 to be considered under DM/0815/22/REM.

## 2) Other Matters

It is noted that neighbours have raised various concerns over the proposed development but those concerns relate to the principle of development, which is very well established. The concerns raised over the applicant seeking to increase the number of dwellings on the site are understood but does not form part of this application. Moreover this would be subject to a new full planning permission and the Council has not received such an application.

In regard to conditions, it is considered that the original conditions imposed on the outline

permission should be changed to reflect the up to date piston in regard to Policy but also what has since been approved in the later reserved matters applications.

#### Condition 1 - Timing

This condition can be removed as the development has been implemented within the necessary time period and the time in which to submit reserved matters applications has now passed (these were required to be submitted by 5th August 2022).

#### Condition 2 - Reserved Matters

As above the time to submit reserved matters applications has passed and therefore this condition is no longer necessary.

#### Condition 3 - Plans

This condition is still relevant.

#### Condition 4 - Junction improvement works

This condition is still relevant and required.

#### Condition 5 - Odour Buffer

Subject to this application and recommended for removal.

#### Condition 6 - Contamination

This condition is still relevant and required.

#### Condition 7 - Highways Details

These details were approved under DM/0522/21/REM and condition 6 of that permission (and the later DM/0692/22/REM) requires the implementation of the approved details.

#### Condition 8 - Construction Management Plan

These details were approved under DM/0522/21/REM and condition 12 of that permission (and the later DM/0692/22/REM) requires the implementation of the approved details.

#### Condition 9 - Landscape Management

These details were approved under DM/0522/21/REM and condition 5 of that permission (and the later DM/0692/22/REM) requires the implementation of the approved details.

## **CONCLUSION**

In conclusion, it is considered that the proposed amendments do not affect the principle of the development and do not present any significant additional impacts to neighbours amenities or the character and appearance of the area. The issue of odour has been fully reviewed. The proposal is considered to be in accordance with Policies 5, 22, 33, 41 and 42 of the NELLP and is recommended for approval. This then allows for the relevant reserved matters application DM/0815/22/REM to be considered and to determine whether the proposed amended layout is acceptable or not.

## **RECOMMENDATION**

### **Approved with Conditions**

#### (1) Condition

The approved plans are as following: 2320-E001 (Existing block plan), 2320-004 (Site Location Context Plan), RD4598-03 Rev P (Indicative Block Plan).

#### Reason

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

#### (2) Condition

Prior to the occupation of any dwelling the junction improvement works detailed on plan referenced J-B0677-01-R2 and further detailed in figure 5.1 and Appendix J of the Transport Assessment, shall be fully completed, unless otherwise agreed in writing with the Local Planning Authority.

#### Reason

In the interests of highway amenity and safety in accordance with Policy 2 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

#### (3) Condition

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

#### Reason

To ensure that any previously unconsidered contamination is dealt with appropriately to accord with Policy 2 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 policy 5.

## 2 Added Value Statement

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

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

## 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.

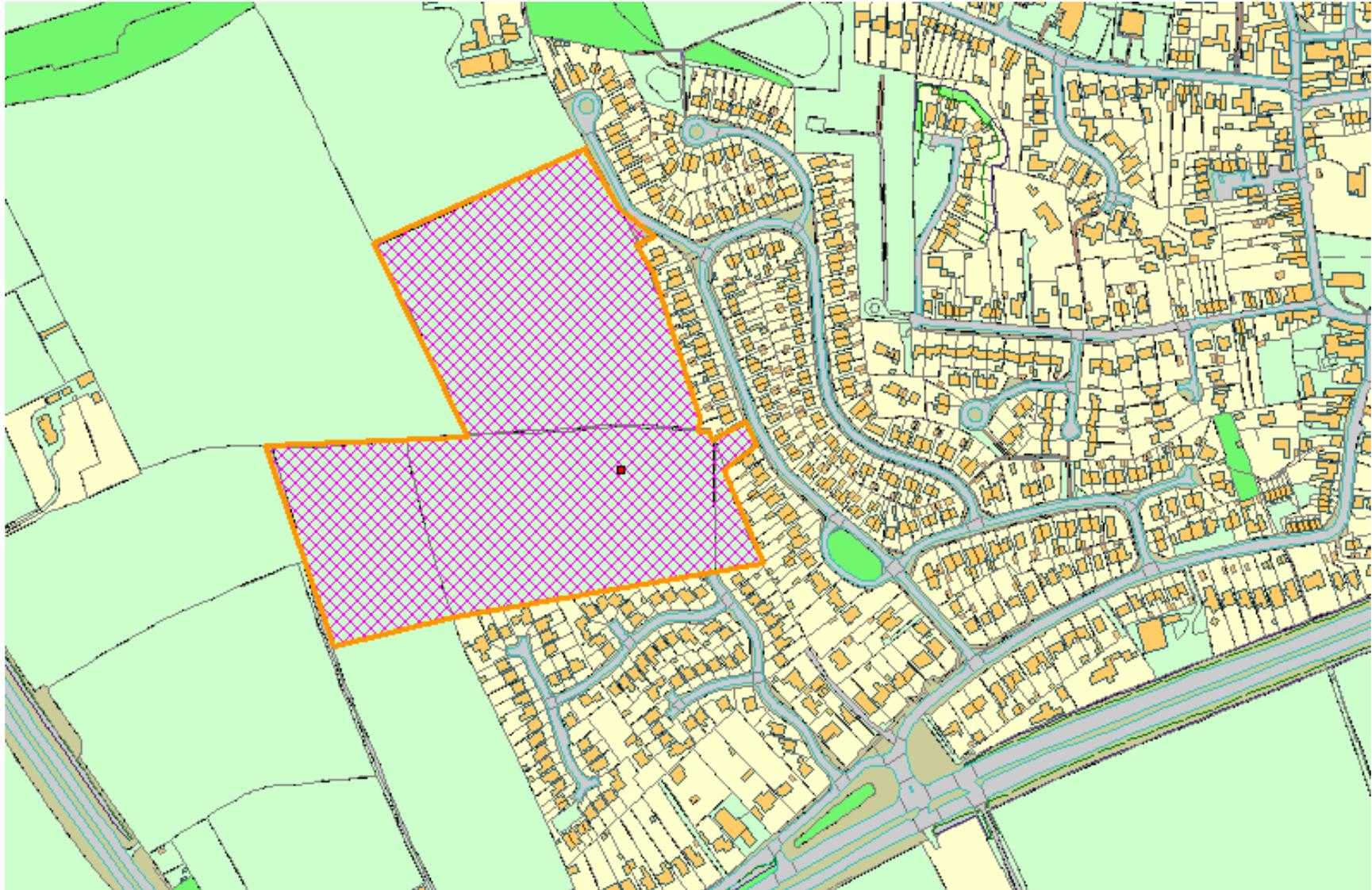
## 4 Informative

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

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.

DM/0470/23/OUT – LAND AT FIELD HEAD ROAD, LACEBY



DM/0470/23/OUT – LAND AT FIELD HEAD ROAD, LACEBY



**PLANNING COMMITTEE - 6th September 2023**

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

**APPLICATION No: DM/0815/22/REM**

**APPLICATION TYPE: Reserved Matters**

**APPLICATION SITE: Land, Field Head Road, Laceby, North East Lincolnshire, DN37 7SS**

**PROPOSAL: Variation of Condition 1 (Approved Plans) of DM/0692/22/REM to amend the layout and house types for plots 19 to 29, remove northern buffer zone and Removal of Condition 9 (Air Quality Report).**

**APPLICANT:**

Mr P Bannister  
Land Developers (Lincs) Ltd and Keigar  
Homes Ltd  
D B C House  
Grimsby Road  
Laceby  
Grimsby  
DN37 7DP

**DEPOSITED:** 7th September 2022

**AGENT:**

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

**ACCEPTED:** 29th September 2022

**TARGET DATE:** 29th December 2022

**PUBLICITY EXPIRY:** 11th August 2023

**AGREED EXTENSION OF TIME DATE:** 28th  
April 2023

**CONSULTATION EXPIRY:** 29th October 2022

**CASE OFFICER:** Richard Limmer

**PROPOSAL**

The proposal is for a variation of Condition 1 (Approved Plans) of DM/0692/22/REM to amend the layout and house types for plots 19 to 29, remove northern buffer zone and Removal of Condition 9 (Air Quality Report). This leads on from DM/0470/23/OUT to remove condition 5 from the outline permission which relates to the requirement for an odour buffer zone.

The application is presented to Planning Committee due to the objections of Laceby Parish Council and due to the number of objections received in representations made.

## **SITE**

Development approved under DM/1133/17/OUT, DM/0522/21/REM and DM/0692/22/REM has been commenced with foundations for dwellings on the southern section of the site having been constructed.

The site is relatively flat with ground levels for the northern field sloping gently from 25m AOD to 20m AOD from north west to south east and from 25m AOD to 20m AOD from south west to north east across the southern field. There are no significant features in the northern field apart from the hawthorn hedge and isolated mature trees. The south eastern boundary of the northern field comprises of post and rail panels to the rear gardens of properties located on Charles Avenue.

The southern field boundary comprises of hawthorn to the west with the southern and eastern boundaries comprising of conifer and hawthorn hedges and post and rail panel fencing to the properties on Field Head Road, Yews Lane and Willow Close

A public footpath runs alongside the drainage ditch that separates the northern and southern fields with access to Charles Avenue to the east. A small footbridge in the west of the site offers pedestrians access over the channel to another public footpath which runs parallel to the western boundary of the northern field. Access to the site is from Field Head Road with a second pedestrian access from the public footpath to Charles Avenue.

East of the site is residential properties located on Charles Avenue and St Peter's Grove. To the south the residential properties of Field Head Road, Yews Lane and Willow Close. West is agricultural land and to the north a farm.

## **RELEVANT PLANNING HISTORY**

DM/0868/22/CND - discharge of conditions attached to DM/0522/21/REM - approved  
DM/0522/21/REM - reserved matters for 152 houses and infrastructure - approved  
DM/1133/17/OUT - outline application for 152 dwellings - approved  
DM/0692/22/REM - vary the approved plans under DM/0522/21/REM to amend house types - approved  
DM/0470/23/OUT - removal of Condition 5 (Northern Buffer Zone) pursuant to  
DM/1133/17/OUT - pending consideration

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

National Planning Policy Framework (2021)

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

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

PO5 - Development boundaries  
PO22 - Good design in new developments  
PO33 - Flood risk  
PO41 - Biodiversity and Geodiversity  
PO42 - Landscape

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

**REPRESENTATIONS RECEIVED**

Drainage Board - no comments

Environmental Health - no objection to the air quality amendment to the condition. Conclusions of the Odour Report are agreed with. No reason that the report is not accurate. Response is caveated by informing planning that this is not a subject matter that Environmental Health have an overwhelming expertise in and their conclusions are based around the odour report being accurate and following relevant guidance and best practice on the subject, which is suggested that it does. There is empathy for the operator of the piggery and whilst this may not legally absolve him from any future complaint, which would have to be considered on their own merit, if the developer is confident that, based on the current working practices, scale of the piggery etc. that the decision to develop the 30m buffer, from an odour risk perspective be considered low / negligible, then why shouldn't future buyers be informed of the proximity of the working piggery. Perhaps by sharing a copy of the odour assessment with the purchaser. Could this be done by planning condition.

Highways Officer - no comments

Environment Agency - no comments

National Highways - no objections

Sport England - no objections

Trees and Woodlands Officer - no comments

Heritage Officer- no comments

Northern Power - no objections

Public Rights of Way - no comments

Laceby Parish Council - Object to the proposed development and seek that the applications refused to protect the amenities of residents as per the original reason for the condition and need for buffer zone.

Neighbours

The following neighbours have objected to the proposed development:

Hazeldene - has raised and maintained their concerns and objections over the impact of the development on the adjacent piggery at Hazeldene in relation to odour and flies.

15 Elm Lane and 17 Cemetery Road -object to the removal of the buffer and development of a greenfield site.

1 Mulberry Way - supports the development. Accepts that Laceby is growing.

## **APPRAISAL**

### 1) Principle of Development

The principle of development on this site has been established by the allocation for housing on the NELLP under HOU075A, it has also been granted outline planning permission under DM/1133/17/OUT, a subsequent reserved matters permission under DM/0522/21/REM and a later amendment to the approved plans under DM/0692/22/REM. The principle of development is therefore very well established on this site.

This application seeks to remove condition 9 of DM/0692/22/REM to remove the 30m buffer zone to protect the development from the adjacent piggery, the principle of this will be established through DM/0470/23/OUT. This then allows for a variation of the approved plans of DM/0692/22/REM to change the layout of plots 19-29 to utilise to space left by the removal of the buffer zone. A detailed odour assessment has been undertaken and submitted with this application to justify the proposal. This has been primarily considered through DM/0470/23/OUT.

It is therefore considered that condition 9 of DM/0692/22/FUL can be removed allowing for the approved plans to be varied and the proposed amendments to plots 19-29 to be considered.

## 2) Impact on Neighbours

The neighbours of this site are focused around the eastern and southern boundaries. The proposed changes are to plots 19 to 29 which are located along the northern boundary of the site. Plot 19 is located in the north eastern corner of the site and this proposed change to the layout would put the dwelling on plot 19 closer to the neighbours on St Peters Grove. However, there would still be a separation distance of approximately 23m from the side elevation of plot 19 to the front elevation of no.14 St Peters Grove. The proposed side elevation only has a first floor bathroom window and a small slit window in the roof gable to an ensuite. It is considered that this relationship is acceptable and would not unduly affect the neighbouring properties amenities. The other changes to plots 20 to 29 would not affect the neighbours amenities. The proposal is therefore in accordance with Policy 5 of the NELLP.

## 3) Impact on the Character of the Area

The proposed amendments to the site layout result in the loss of the original buffer strip along the northern boundary. This strip was 30m deep and the previous approval has this area with a mix of low and medium level planting. However, through negotiations with Officers the scheme has been changed and a 10m landscape buffer included along the boundary that would form part of each plot 19-29. The detailed landscaping scheme shows a mixture of planting within this buffer and it is recommended that a low fence is included within each plot to demarcate the buffer planting. This new buffer will assist in softening the visual impact of the development.

The proposed changes to the house types maintain the same design theme as the approved plans and in the context of the development would not cause any further impact on the character and appearance of the area in accordance with Policies 5 and 22 of the NELLP.

## 4) Other Matters

The proposed changes do not affect the previously agreed and requirements for conditions.

## **CONCLUSION**

In conclusion, it is considered that the proposed amendments do not affect the principle of the development and do not present any significant additional impacts to neighbours amenities or the character and appearance of the area. This reserved matters fits in with the amendment to the buffer zone under application DM/0470/23/OUT. The proposal is considered to be in accordance with Policies 5, 22, 33, 41 and 42 of the NELLP and is recommended for approval.

## **RECOMMENDATION**

### **Approved with Conditions**

(1) Condition

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

#### Site Plans

RD4598-01 site location plan  
RD4598-02 existing site plan  
RD4598-03P proposed site plan  
RD4598-03F proposed openspace plan  
RD4598-22C external works plan  
RD4598-25B proposed emergency access plan  
RD4598-26 proposed open space plan

#### Levels Plans

1115-2104-CIV-01-P1 proposed site levels 1/8  
1115-2104-CIV-02-P1 proposed site levels 2/8  
1115-2104-CIV-03-P1 proposed site levels 3/8  
1115-2104-CIV-04-P1 proposed site levels 4/8  
1115-2104-CIV-05-P1 proposed site levels 5/8  
1115-2104-CIV-06-P1 proposed site levels 6/8  
1115-2104-CIV-07-P1 proposed site levels 7/8  
1115-2104-CIV-08-P1 proposed site levels 8/8

#### Land Developers

RD4598-07A house type C  
RD4598-23 house type M  
RD4598-24 house type m handed  
RD4598-21A garage details  
RD4598-20 garage details  
RD4598-04 house type A  
RD4598-05 house type A handed  
RD4598-06 house type B  
RD4598-08 house type D  
RD4598-09 house type D handed  
RD4598-10 house type E  
RD4598-11 house type E handed  
RD4598-12 house type F  
RD4598-13 house type F handed  
RD4598-14 house type G  
RD4598-15 house type G handed

RD4598-16 house type H  
RD4598-17 house type J  
RD4598-18 house type K  
RD4598-19 house type L

#### Keigars

BU/AS/106 - Buckingham  
TE.BA/AS/103 - Teal 3  
TE.SR/OP/103 - Teal 3 opp  
GA/FH/36 - garages  
GA/FH/P6 - garages  
KI/OP/19/106 - Kingston opp  
AA/AS/18/103 - Ancholme 3  
BU/OP/18/103 - Buckingham 3  
BU/OP/18/106 - Buckingham 6  
CA/AS/19/102 - Canterbury 2  
CA/AS/19/106 - Canterbury 3  
DU/AS/18/103 - Duchess 3  
DU/OP/18/103 - Duchess 3 opp  
DU/OP/18/106 - Duchess 6 opp  
EA/AS/19/107 - Earl 6  
EA/OP/19/107 - Earl 3 opp  
GA/FH/2x51-2 - garages  
GA/FH/2x51-3 - garages  
GA/FH/30 - garages  
GA/FH/62-63 - garages  
HY/AS/18/103 - Haywood  
HY/AS/19/102 - Haywood 2  
HY/OP/19/102 - Haywood 2 opp  
KI/AS/18/102 - Kingston 2  
KI/AS/18/103 - Kingston 3  
KI/AS/19/101 - Kingston 1  
KI/AS/19/106 - Kingston 6  
KI/AS/18/102 - Kingston 2 opp  
KI/AS/18/103 - Kingston 3 opp  
KI/AS/19/101 - Kingston 1 opp  
MC/AS/19/101 - Malvern and Cleveland 1  
MC/AS/19/102 - Malvern and Cleveland 2  
MC/OP/19/101 - Malvern and Cleveland 1 opp  
MCA/AS/18/101 - Malvern and Canterbury 1  
MCA/AS/18/102 - Malvern and Canterbury 2  
MCA/OP/18/101 - Malvern and Canterbury 1 opp  
MCA/OP/18/102 - Malvern and Canterbury 2 opp  
MCM/AS/12/101 - Malvern and Canterbury 1  
TE.SR/AS/18/103 - Teal  
TE.SR/OP/18/103 - Teal

TE.SR/OP/19/102 - Teal  
W/AS/18/101 - Wordsworth 1  
W/AS/18/102 - Wordsworth 2  
W/OP/18/101 - Wordsworth 1 opp  
W/OP/18/102 - Wordsworth 2 opp  
W/OP/19/103 - Wordsworth 3 opp  
TE.SR/AS/19/102 - Teal 2  
HY/OP/18/101 Haywood 1 opp plots 23 and 25  
HY/AS/18/101 Haywood BS1 plot 24  
GA/FH/36and29 garages  
GA/FH/19and30 garages  
LH Earl 6  
RH Earl 6  
BU/OP/18/103 - Buckingham  
BU/AS/19/106 - Buckingham  
DU/AS/18/103 - Duchess  
GA/FH/19,20 - garages  
GA/FH/21 - garages  
GA/FH/24,28 - garages  
GA/FH/25,29 - garages

Reason

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

(2) Condition

Plots 1-81 shall be built out in accordance with the construction materials detailed on plan ref: FH/173/10B unless otherwise approved in writing by the Local Planning Authority.

Reason

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

(3) Condition

Plots 82-152 shall be built out in accordance with the external materials approved under DM/0868/22/CND 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 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(4) Condition

The development shall be built out in accordance with the surface and foul water drainage scheme approved under DM/0868/22/CND unless otherwise agreed in writing with the Local Planning Authority.

Reason

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

(5) Condition

The scheme of landscaping, tree planting and footpath surfacing shown on plans ref. LMP-060521-00 rev B Landscape master plan LP-060521-01 Rev B landscape plan 1/3, LP-060521-02 Rev B landscape plan 2/3, LP-060521-03 Rev B landscape plan 3/3 and RD4598-03G shall be completed within a period of 12 months, beginning with the date on which development began or within such longer period as may be first agreed in writing by the Local Planning Authority. All planting shall be maintained in accordance with the Landscape Management Plan.

In regard to the Landscaping to the rear of plots 19-29 as detailed on plan ref: LP-060521-04 Rev B this landscaping shall then be fully planted out prior to the construction commencing on plots 19-29 and a 1.2m high post and rail fence shall be erected to demarcate the landscaping. The landscaping shall then be maintained in accordance with Landscape Management Plan. A copy of the Landscape Management Plan shall be provided to the purchasers of plots 19-29.

Reason

To ensure a satisfactory appearance and setting for the development and continued maintenance of the approved landscaping in the interests of local amenity in accordance with Policy 43 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(6) Condition

The development roads, footpaths and junctions shall be built out in accordance with the following plans unless otherwise agreed in writing by the Local Planning Authority:

- 1115-2104-CIV-30-P2 adopted highway 1/2
- 1115-2104-CIV-31-P2 adopted highway 2/2
- 1115-2104-CIV-32-P1 external works
- 1115-2104-CIV-61-P2 kerb and surface finish 1/8
- 1115-2104-CIV-62-P2 kerb and surface finish 2/8
- 1115-2104-CIV-63-P2 kerb and surface finish 3/8
- 1115-2104-CIV-64-P2 kerb and surface finish 4/8
- 1115-2104-CIV-65-P2 Kerb and surface finish 5/8

1115-2104-CIV-66-P2 kerb and surface finish 6/8  
1115-2104-CIV-67-P2 kerb and surface finish 7/8  
1115-2104-CIV-68-P2 kerb and surface finish 8/8  
1115-2104-CIV-20-P1 road long sections 1/3  
1115-2104-CIV-21-P1 road long sections 2/3  
1115-2104-CIV-22-P1 road long sections 3/3  
1115-2104-CIV-25-P1 Foul water drainage  
1115-2104-CIV-S104-P1 s.104 layout  
1115-2104-CIV-s38-P1 s.38 layout

RD4598-LTG-5001 street lighting  
RD4598-LTG-5002 street lighting  
RD4598-LTG-5000 street lighting

#### Levels Plans

1115-2104-CIV-01-P1 proposed site levels 1/8  
1115-2104-CIV-02-P1 proposed site levels 2/8  
1115-2104-CIV-03-P1 proposed site levels 3/8  
1115-2104-CIV-04-P1 proposed site levels 4/8  
1115-2104-CIV-05-P1 proposed site levels 5/8  
1115-2104-CIV-06-P1 proposed site levels 6/8  
1115-2104-CIV-07-P1 proposed site levels 7/8  
1115-2104-CIV-08-P1 proposed site levels 8/8

#### Reason

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

#### (7) Condition

The Ecological Enhancement Plan by CGC Ecology dated May 2021 shall be fully implemented within a period of 12 months, beginning with the date on which development began or within such longer period as may be first agreed in writing by the Local Planning Authority. All planting shall be maintained in accordance with the Landscape Management Plan.

#### Reason

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

#### (8) Condition

The emergency vehicular access onto Charles Avenue shall be fully completed prior to the occupation of the 72nd dwelling on the site and thereafter shall be maintained and retained.

Reason

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

(9) Condition

Prior to the occupation of the 50th dwelling on the site the improvement works to the public right of way running through the site shall be completed in accordance with the plan RD4598-03I and the replacement footbridge shall be completed in accordance with the detail approved under DM/0868/22/CND.

Reason

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

(10) Condition

The development shall be built out in accordance with the boundary treatments approved under DM/0868/22/CND unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interests of amenity and designing out crime 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 strict accordance with the Construction Management Plan submitted on 4th November 2021. Unless otherwise agreed in writing with the Local Planning Authority.

Reason

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

## **Informatives**

1 Added Value Statement

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

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

## 2 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, 13, 22, 33, 34, 41 and 42.

## 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.

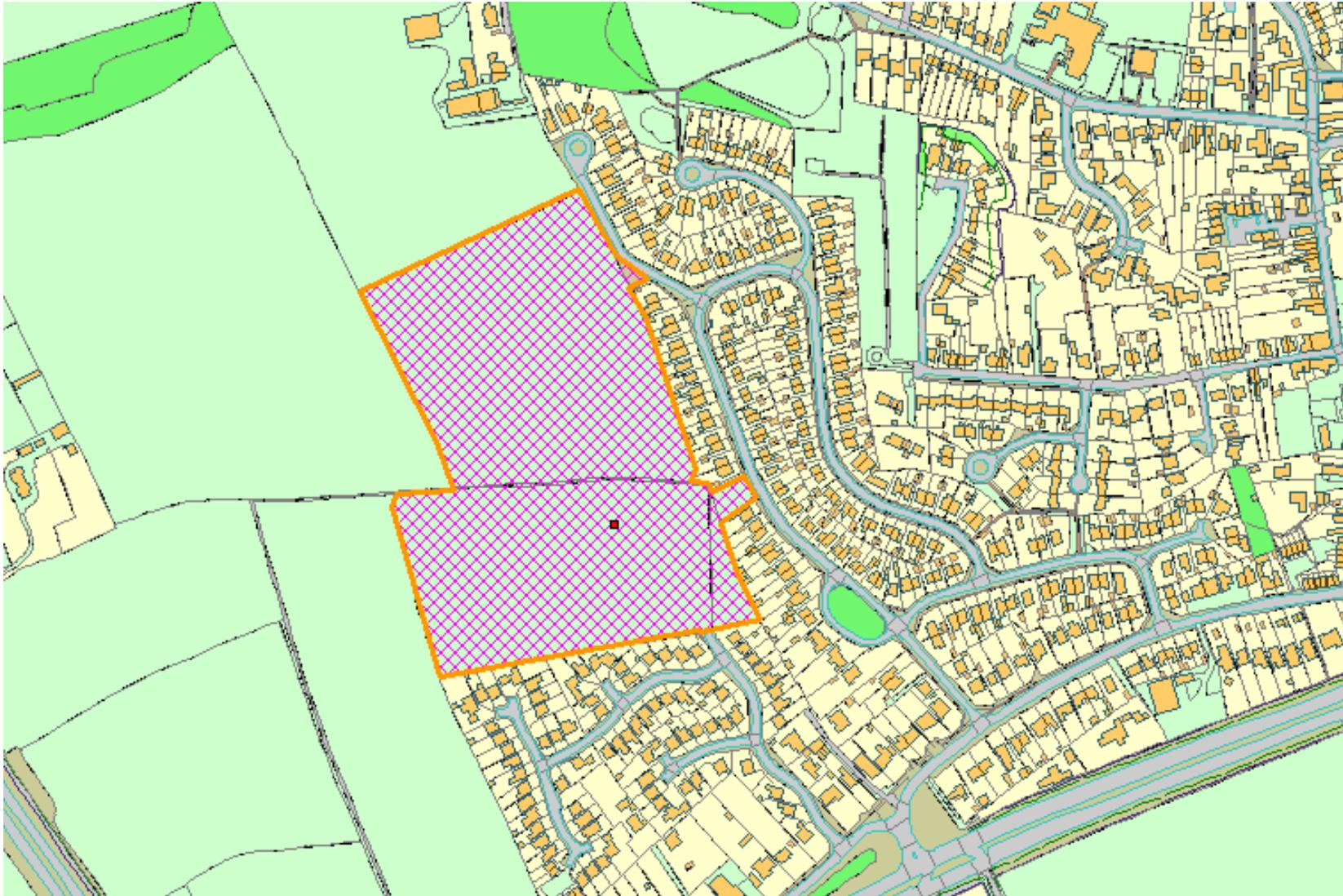
## 4 Informative

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

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.

DM/0815/22/REM – LAND AT FIELD HEAD ROAD, LACEBY



DM/0815/22/REM – LAND AT FIELD HEAD ROAD, LACEBY



**PLANNING COMMITTEE - 6th September 2023**

**ITEM: 3**                      **RECOMMENDATION: Refused**

**APPLICATION No: DM/0677/23/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: 7 Great Coates Road, Grimsby, North East Lincolnshire, DN34 4NA**

**PROPOSAL: Re-submission of DM/0301/23/FUL (Partial change of use to mixed use from residential land to include commercial garage for repair restoration and MOT testing of motorcycles with erection of detached coach house, drive with parking area and associated works) including revised proposed entrance/exit to the commercial motorcycle garage.**

**APPLICANT:**

Mr Chris Gunster  
7 Great Coates Road  
Grimsby  
North East Lincolnshire  
DN34 4NA

**AGENT:**

Mr George French  
Building Planning Services Limited  
Tanglin  
Town Road  
Tetney  
Grimsby  
North East Lincolnshire  
DN36 5JE

**DEPOSITED: 11th July 2023**

**ACCEPTED: 12th July 2023**

**TARGET DATE: 6th September 2023**

**PUBLICITY EXPIRY: 14th August 2023**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 5th August 2023**

**CASE OFFICER: Owen Toop**

**PROPOSAL**

The proposal is for the partial change of use to allow a mixed use of residential and commercial on the site through erecting a detached coach house style building for the repair, maintenance and MOT testing of motorcycles complete with parking area and associated works.

The application is a resubmission of DM/0301/23/FUL which was recently refused. This new proposal seeks to use one of the existing accesses (the one furthest away from the junction) as a commercial access. In the previous submission this access was not used for the proposal and would remain as an existing access for the dwellinghouse only.

The application is brought to Planning Committee at the request of Councillor Henderson.

## **SITE**

7 Great Coates Road is a large, detached property located on the south side of the road. The host dwelling is locally listed and the boundaries of the property are secured with a brick wall with landscaping set behind. The main dwelling is set back from the road. Neighbours include residential properties but also some commercial operators including the Humber Royal grounds to the rear. Within the site area there is a Tree Preservation Order.

Historically the area adjacent to the dwellinghouse where the coach house is proposed was originally garden land to 7 Great Coates Road. Following on from this the site has had differing uses which is referred to within the planning history section of this report. Relatively recently this land was overgrown with shrubs and weeds but the applicant has since undertaken site clearance works prior to this application being submitted. The proposal if supported would see this land incorporated into what will be the residential curtilage.

## **RELEVANT PLANNING HISTORY**

DM/0301/23/FUL - Partial change of use to mixed use from residential land to include commercial motorcycle garage with erection of detached coach house, drive with parking area and associated works. Refused on 15th June 2023 due to highway safety concerns and concerns with the general industry use within the residential area.

DM/0593/16/FUL - Siting of 2 treatment containers, 2 tanks, 6 carbon vessels and associated works. Approved with conditions including limited period.

DC/840/07/YAR - Remediation works to remediate soil and groundwater and erection of temporary buildings. Approved limited period.

Various other history in relation to land adjacent 7 Great Coates Road which is not considered relevant to the consideration of this proposal.

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

National Planning Policy Framework (2021)

NPPF2 - Achieving sustainable development

NPPF4 - Decision-making

NPPF8 - Promoting healthy and safe communities  
NPPF12 - Achieving well designed places  
NPPF14 - Climate, flooding & coastal change  
NPPF16 - Conserv. & enhance the historic environ.

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

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**

Highways Officer - Concerns over the potential intensity of the use. Further information is required to determine impacts.

Drainage Officer - The proposed use of permeable surfaces and a soakaway are acceptable.

Heritage Officer - Notes that the building is locally listed. Concerns raised over the design of the building including its size and materials and how this may impact on the character of the street scene.

Grimsby, Cleethorpes and District Civic Society - No objections.

Environmental Protection Officer - Recommends conditions for hours of construction, no external manufacturing, hours of operation and use of the premises. Requests further tests be carried out as per the land contamination report. A Noise Impact Assessment has also been recommended.

Trees and Woodlands Officer - Concerns raised in relation to access and impact on the street scene which have been alleviated with amended plans. A tree protection plan condition is recommended.

## Neighbour Representations

Support received from the following addresses:

3 Great Coates Road  
Councillor Cairns of 430 Laceby Road  
Councillor Cairns of 450 Laceby Road  
12 Great Coates Road  
17 Westward Ho  
16 Great Coates Road  
15 Nicholson Road  
7a Great Coates Road  
46 Maple Avenue  
31 Mayfair Drive West  
14 Great Coates Road  
27 Osprey Drive  
Councillor Sandford of 52 Coventry Avenue  
36 Great Coates Road  
93 Pershore Avenue  
22 Welholme Avenue

- being content with the potential impact;
- the development being in keeping with the area;
- pleased to see activity at the site and investment;
- given the nearby businesses it would be unfair to not allow the application to go ahead;
- improved security;
- consultation and reassurance given to neighbours.

Objections received from the following addresses:

19 Little Coates Road  
2 Little Coates Road

broadly on the grounds of:

- supporting the previous planning decision to refuse the permission.
- concerns on impact to neighbouring residential amenity and character of the area due to incompatibility of uses.
- highway safety concerns
- impacts on existing trees

## **APPRAISAL**

The material planning considerations are:

1. Principle of Development

2. Character and Heritage
3. Impact on Neighbours
4. Trees
5. Highways
6. Flood Risk and Drainage
7. Other

## 1. Principle of Development

The site is within the development area for Grimsby as identified in the NELLP. Policy 5 is the overarching policy for development in such areas. It seeks to assess proposals amongst a number of criteria in order to determine their suitability and sustainability. This proposal seeks to erect a detached building within what will be the curtilage of 7 Great Coates Road to be used for the repair, maintenance and MOT of motorcycles, as well as providing necessary space for family vehicles and gardening equipment. The application is essentially a resubmission of DM/0301/23/FUL, but with a revised access point for the business now located at the westerly access. The planning history is pertinent to this application as the previous recent submission was refused on highways safety grounds and grounds of the general industry use being out of keeping with the established residential nature of the site and surrounding area.

As with the previous application, in terms of the area character, the property is bounded by residential dwellings to the east and west. To the south beyond open land is the Humber Royal Hotel and north and opposite the site is a mixture of residential dwellings and the former Toothill filling station site. It is therefore accepted that there is an element of mixed use in the area, although the inherent character is still considered to be largely residential.

Again, the proposal seeks to introduce a commercial operation adjacent to the applicant's own home. The applicant currently operates from a commercial premises in the town but is looking to downsize. The applicant would therefore be the only employee operating from this facility. Aside from the detailed considerations of this proposal and the associated physical impacts which will be addressed below, there is a question on the suitability in principle of a commercial operation adjacent to this residential dwelling. It is recognised that in the last few years during and following the COVID pandemic there has been a great demand for small scale home working and businesses from home. In a number of cases, such proposals have been supported given their low key and overall ancillary nature to the house. In this case however, the proposal would be encouraging motorcycles to the site for repair, maintenance and general testing. The nature of the use is such that it is not considered compatible on what essentially will be part of a residential plot. The fact that MOT testing centres are classified typically as B2 general industry uses, further suggests their incompatibility in a residential garden. Lastly, there are vacant sites (even one directly across the road), which has the potential to cater for a small business such as this. It is therefore not considered to be justified in principle in this instance. As part of the application, two letters of representation have been received in objection to the proposal. 2 Littlecoates Road highlights the previous planning

application, DM/0301/23/FUL and its decision for refusal on the above grounds. The proposal would therefore be contrary to Policy 5 of the NELLP in principle, and the revised development would still remain unacceptable.

## 2. Character and Heritage

The proposed building would be situated to the north east of the plot, forward of the existing dwelling. It would have a relatively large footprint of 12.2m x 7.3m. That being said, the property benefits from a substantial plot and in this respect, the proposal would not result in an overdevelopment of the site. It is proposed with a pitched roof measuring 2.4m to eaves and 4.6m to the ridge, which is a relatively high single storey structure. The front boundary to the site comprises a substantial boundary wall and the agent has provided a drawing which shows the proposed building from the street in this context. This is somewhat deceiving in that the proposal would actually also be seen in the context of the existing landscaping and so, in effect, the building would sit more comfortably on site visually than it might first appear. In terms of height, the building would be approximately 1.7m higher than the existing boundary wall. Whilst it would have a degree of prominence being so far forward in the plot, this is reduced by the existing boundary treatments and landscaping and the resultant height of the building. The Heritage Officer has raised some concerns over the potential impacts of the building given the host property is a locally listed building and the building would be set forward, though no objections are raised.

The impacts are considered reasonable for the reasons set out above. Notwithstanding that, matters regarding materials are a key and fundamental part of the building's acceptability in design terms and it is noted that it is now proposed that the external walls will be horizontal timber panels and for the roof to match the existing house and wall. This fits with the 'coach house style' and would not seek to compete with the existing dwelling on the site in either scale or appearance. It is therefore considered that the visual impacts on this basis are acceptable, subject to securing final material details. The proposal accords with Policies 5, 22 and 39 of the NELLP in this regard.

## 3. Impact on Neighbours

Two letters of objection have been received as part of this application and a number of letters of support have been received.

With regards to the letters of objection, representations have been received from 2 Littlecoates Road and 19 Littlecoates Road. The main concerns raised pertain to the impact to the character of the area, residential amenity, impact on trees and highway safety. The principle of the site being suitable for motorcycle repairs at this location has also been raised as a primary concern.

In terms of the proposed building itself, this would be toward the front boundary of the site. It would be closest to the eastern boundary with 3 Great Coates Road. There is landscaping along this boundary. Being single storey, being set in from the boundary and

being north west of the neighbour, it is not considered the proposal would result in adverse massing or overshadowing impacts. There are also no windows proposed facing in this direction which would prevent any loss of privacy. All other neighbours are considered to be sufficiently separated as to ensure no massing, overshadowing or loss of privacy issues from the proposed building. Any views of the building from Great Coates Road in particular would be noticeable, but not adverse.

Moving to the operation of the business and its potential impacts, the detail is set out in the Design and Access Statement. The applicant has confirmed their willingness to install acoustic panelling and confirms their intent to comply with building regulation standards. It is confirmed in the submission that it would be class 1 and 2 MOT testing that would be undertaken at the site. Equipment is identified as being in the main hand tools and a compressor. The information states that the class 1 and 2 motorcycle MOT test relies on visual inspection only, thus resulting in minimum levels of noise. There is no emission testing, but a rolling brake tester is utilised which does generate sound, a noise level of 62 decibels is given. A test inspection sheet has been provided within the submission. An appointment system has been suggested to reduce general footfall. The Environmental Health Officer (EHO) has reviewed the technical information provided and considers that with strict measures of control for no external working and working hours, that the proposal could be mitigated against.

The comments of the EHO have been taken into account but the proposal, albeit a relatively small-scale industrial operation, is an industrial operation none-the-less that would be located within an established residential area. The proposal would establish a permanence to the site of an industrial nature that it is felt even with planning conditions would present the potential for harm to the character and amenity of the surrounding residential area by virtue of noise and disturbance contrary to Policy 5 of the NELLP.

#### 4. Trees

There are TPO's on the site and the proposal has been amended to take into account initial concerns raised by the Tree Officer. This has included a change in the layout of the access. Following amendments, the tree officer is content that the proposal can be achieved without detriment to existing trees. A tree protection plan would need to be secured. Subject to a condition securing tree protection detail the proposal would accord with Policy 42 of the NELLP.

#### 5. Highways

Access is proposed from Great Coates Road to serve the proposed building via the westerly existing access to the residential property, where there would be a turning area. This differs from the previous submission which sought to use the easterly existing access that has not been used in a number of years and the highways officer had raised concerns over the intensification of the access as a result of the proposal. With the amendment the highways officer is content that highways impacts can be mitigated through the use of conditions, including the use of an appointment system, keeping the

westerly gate open and closing off the easterly access. Thus, the proposal would accord to Policy 5 of the NELLP with regards to the highways considerations.

## 6. Flood Risk and Drainage

The site is in flood zone 1 and is therefore sequentially preferable for development. The proposal details proposed drainage arrangements for the building which would be via a soakaway to the south of the building. The Drainage Officer has reviewed the detail and considers that a soakaway is suitable to serve the proposed development. Subject to a condition securing implementation, the proposal would accord with Policies 33 and 34 of the NELLP.

## 7. Other

There have been historic issues of contamination from the former Toothill petrol filling station and part of the site was used as the base for wider remediation proposals. This application is accompanied by an AECOM report. Following original comments from the Environmental Health Officer the applicant has provided a Phase 1 Desk Study. This states that no remediation works are required to which the Environmental Health Officer agrees. The Environmental Protection Officer considers however that the recommendations incorporated within section 5.2 of the report be applied. The standard contamination condition of any unforeseen contamination is also recommended. Conditions could be imposed if required.

## **CONCLUSION**

The proposal is for a detached building in a coach house style in what will be curtilage of a residential dwelling to be used for a commercial MOT motorcycle repair, maintenance and testing facility. There are in principle concerns with the proposal being within what will be a mixed use commercial and domestic garden and that this would be detrimental to the amenity of this residential area. The application is therefore recommended for refusal.

## **RECOMMENDATION**

### **Refused**

(1) The proposal would constitute a general industry use within a residential garden which is considered to be out of keeping and detrimental to the amenity of this residential area contrary to Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

## **Informatives**

### 1 Informative

This decision relates to the following plans:

Site Location and Block Plan - 23-012-01 A

Proposed Plans - 23/012/02 A

Proposed Streetscene - 23/012/04 A

Proposed Soakaway Plan - 23/012/05 A

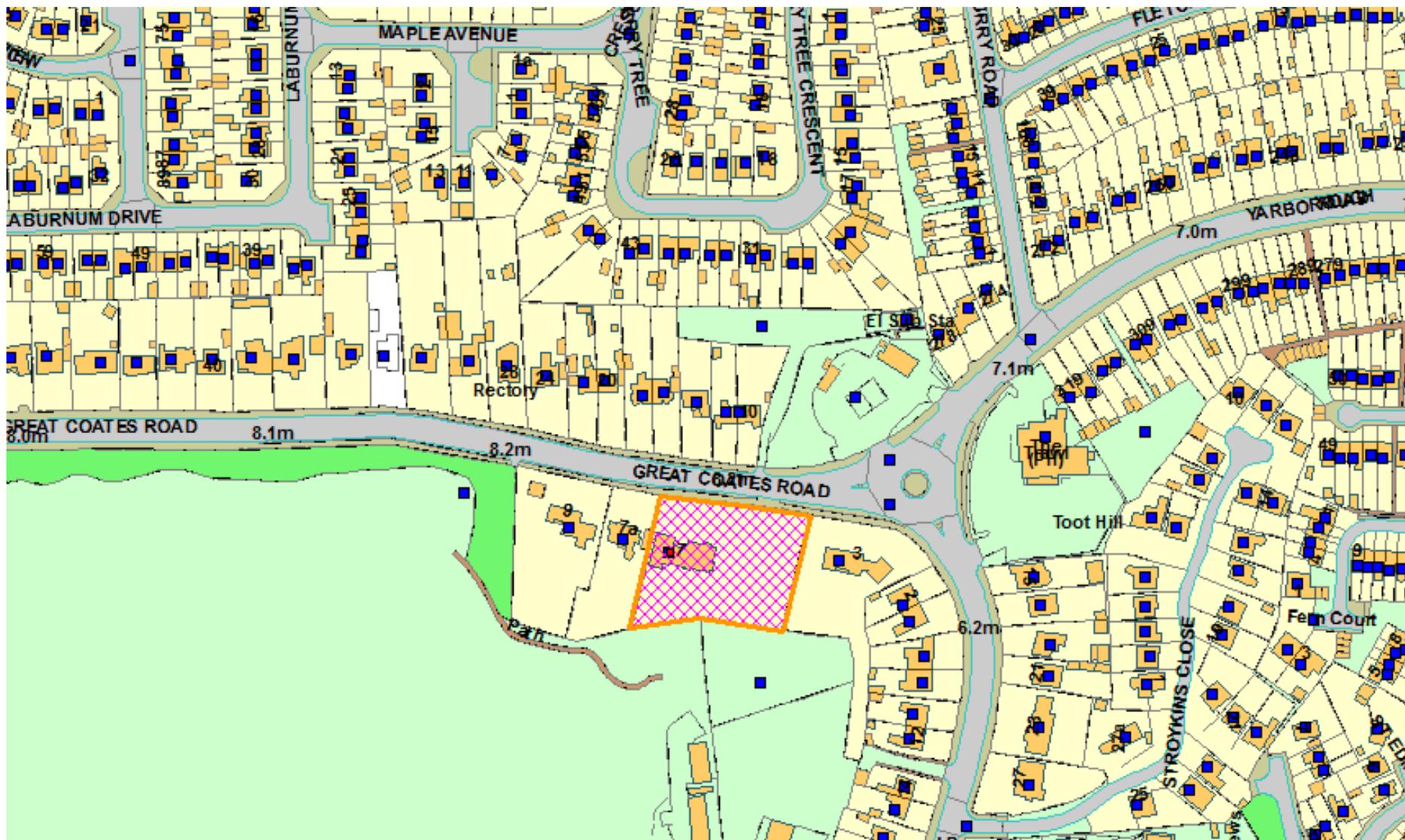
Proposed Elevations - 23/012/03 A

and Supporting Documents:

23012 C - Design and Heritage Statement

23012 B - Highways Document

DM/0677/23/FUL – 7 GREAT COATES ROAD, GRIMSBY



DM/0677/23/FUL – 7 GREAT COATES ROAD, GRIMSBY



**PLANNING COMMITTEE - 6th September 2023**

**ITEM: 4**                      **RECOMMENDATION: Prior Approval Granted**

**APPLICATION No: DM/0598/23/PAT**

**APPLICATION TYPE: Prior Approval - Telecom**

**APPLICATION SITE: Land At, Cromwell Road, Grimsby, North East Lincolnshire,**

**PROPOSAL: Prior approval for the installation of 15m high Phase 8 monopole, 6no. antennae, 2no. ground-based equipment cabinets, 1no. meter cabinet and ancillary development thereto**

**APPLICANT:**

Three UK Ltd  
C/O Agent  
Carryduff Business Park  
Comber Road  
Comber  
BT8 8AN

**AGENT:**

Niamh Mullan  
WHP Telecoms Ltd  
Carryduff Business Park  
Comber Road  
Comber  
BT8 8AN

**DEPOSITED: 21st June 2023**

**ACCEPTED: 23rd June 2023**

**TARGET DATE: 18th August 2023**

**PUBLICITY EXPIRY: 6th August 2023**

**AGREED EXTENSION OF TIME DATE: 15th  
September 2023**

**CONSULTATION EXPIRY: 21st July 2023**

**CASE OFFICER: Becca Soulsby**

**PROPOSAL**

The proposal is for prior approval for the installation of a 15m high Phase 8 monopole, 6no. antennae, 2no. ground-based equipment cabinets, 1no. meter cabinet and ancillary development.

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

**SITE**

The proposed 15 metre mast and associated ancillary works are proposed to be sited on the grass verge adjacent to Cromwell Road in front of the leisure centre on the south side

of Cromwell Road. The site is designated as being within the settlement boundary, with various commercial properties surrounding the application site.

## **RELEVANT PLANNING HISTORY**

No relevant planning history.

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

### National Planning Policy Framework (2021)

NPPF10 - Supporting high quality communications  
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  
PO35 - Telecommunications

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

Highways - Approval no conditions.  
Drainage - No drainage comments.  
Heritage - No input required.  
North East Lindsey Drainage Board - No comments to make.  
Environmental Health - Hours of construction condition requested.  
Environment Agency - No comments to make.

### Public Representation

38 Faulding Way - Multiple letters have been received from the address and objections received broadly on the grounds of:

- Exposure to adverse health effects of 5g technology, reference to articles.
- Lack of documentation within the application, namely health and safety risk assessment, environmental impact analysis, health impact analysis and insurance policy.
- Visual impacts.
- Environmental impacts.
- Devaluation of property.
- Questions referring to acts, statutes and regulations for suffering loss, harm or injury.
- Reference to local and national planning policy.
- Reference to legal cases.
- Radiation impacts.
- Highway and pedestrian safety concerns.

20 College Street - Multiple objections received broadly on the grounds of:

- Safety and surveillance concerns.
- Environmental and health impacts.
- Visual impacts.
- Expose to 5G technology.

21 Neville Street - Requests a safety report.

80 Clee Road - Concerns over proximity to children and vulnerable people and impact on health.

8 Giles Street - Opposed to the roll out of 5G networks due to mental and physical health concerns.

## **APPRAISAL**

Appraisal

- 1) Principle of Development, Mast Sharing and Site Selection
- 2) Emissions in Accordance with the ICNIRP
- 3) Design, Character and Appearance
- 4) Public Objections and Representations, and Impact of the Proposal on Neighbouring and Local Amenity
- 5) Highways

- 1) Principle of Development, Mast Sharing and Site Selection

Policy 35 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) [NELLP] supports proposals for telecommunications development across the borough, including consideration of prior approval applications. It sets out the criteria for permitting telecommunications development. The development should be appropriate in terms of siting and appearance, having regard to technical and operational constraints, and

should not intrude or detract from the landscape or urban character of the area. The policy also requires that applicants demonstrate a sequential approach for site selection to show that development cannot be accommodated with less visual intrusion; on an existing building, mast or other structure; or, on a site that already contains telecommunications equipment; before new sites can be considered. In this instance, the applicant notes that the nature of the 5G network is such that signal coverage is significantly less than previous generations of mobile network and as a result a greater number of new masts will be needed. No other sites have been identified in the site selection process as a result as there are no other nearby existing sites. Mast sharing can therefore not apply in this case. The applicant also states within the Site Supplementary Information that there is lack of coverage at this location and provides a map of nearby telecommunications sites. As such, this site would provide coverage for this area of the borough and the case for a new mast at this location is sequentially supported.

In principle the location of the proposal is acceptable. The proposal may only be supported however provided that there are no adverse impacts in terms of visual design to accord with Policies 5 and 22 of the NELLP. There also must be no adverse impact on neighbouring residential and local amenity, specifically Policy 5 states this as the impact upon neighbouring land uses by reason of noise, air quality, disturbance or visual intrusion. Moreover with regard to non-ionising radiation from the development, the development must accord with paragraph 117 and 118 of the NPPF.

## 2) Emissions in Accordance with the ICNIRP

All UK mobile phone network operators must follow UK Health Security Agency guidance and applications for telecommunications projects should include a certificate of compliance with guidelines produced by the International Commission of Non-Ionising Radiation Protection (ICNIRP). These are guidelines on limiting exposure to electromagnetic fields to protect public health.

Paragraph 118 of the National Planning Policy Framework (NPPF) states that local planning authorities when making decisions must determine applications on planning grounds only. Indeed, they should not seek to question the need for an electronic communications system or set health safeguards different from ICNIRP guidelines for exposure. The applicant has provided an ICNIRP statement confirming that the telecommunications infrastructure individually and cumulatively accords with the international emissions limits, as required by Paragraph 117 of the NPPF. The public interest with regard to this application is acknowledged and is discussed further within Section 4 of this committee report.

## 3) Design, Character and Appearance

Details of the design were provided and confirmation that Prior Approval is required was given on 11th July 2023. Policy 35 of the NELLP indicates telecommunications development will be permitted where the development is appropriate in terms of siting

and appearance, having regard to technical and operational constraints, and does not intrude into or detract from the landscape or urban character of the area.

With regard to the visual design, the mast proposed would have a height of approximately 15 metres. The mast and its associated cabinets would all be painted in RAL6009 Fir Green. The mast has been designed to be slimline which does reduce its impact on the character of the area. The mast is situated adjacent to commercial properties and is significantly separated from residential properties. It is not considered that there would be any adverse massing or dominance from the structure. It is acknowledged that, if approved, it would be visible within the street scene but it would not detract from the character of the area. Especially so in an area that already benefits from street furniture as an established part of the street scene.

Having considered the above, the proposal accords with Policies 5, 22 and 35 of the NELLP.

#### 4) Public Objections and Representations, and Impact of the Proposal on Neighbouring and Local Amenity

Policy 5 requires consideration upon the impact upon neighbouring land uses by reason of noise, air quality, disturbance or visual intrusion. The closest properties to the mast are the Leisure Centre to the south, Grimsby Golf and FootGolf Centre to the west, Cromwell Road Resource centre to the north with industrial units and the Fire Station to the east. No residential properties are in close proximity to the site, with the closest residential property approximately 340m away from the proposed mast. It is not expected to cause any adverse impacts on adjacent properties with regard to visual intrusion, by virtue of overshadowing or massing. With regard to noise, air quality and disturbance, again the proposal is not expected to cause any adverse impacts in this regard and the Environmental Health Team have no issues to raise on these grounds.

It is recognised that as part of the public consultation for this application, multiple letters of objection have been received. The letters have been considered and full regard has been given to the content of these. The comments of objection to the proposal are largely in relation to health concerns, as well as planning and legal protocols and procedures.

It should be noted that this recommendation can only relate to the proposal at hand and can only be determined on material planning considerations, as stated clearly within the NPPF, which is the framework for decision-making. It is recognised that health has been raised as a significant concern referencing the impact of 5G technology and radiation exposure in general. In planning terms, the material considerations for telecommunications planning and prior approval applications surrounding health impacts are referred to within section 2 of this report. The application complies with these requirements.

With regard to the legal cases and legislation, ultimately this is not a material consideration of this application and cannot be factored into this recommendation. The

proposal is recommended in line with national planning policy as is required.

Visual impacts of the development have been considered in section 3.

Devaluation of property is not a material planning consideration.

Having considered the above, the proposal accords with Policy 5 of the NELLP.

#### 5) Highways

The mast and associated cabinets would be in the verge, thus they would not provide an obstruction to the highway or public footpath. Visibility splays have been provided to show that adequate visibility at the junction to the west can be maintained. As such, highways raise no objections. The applicant will be required to liaise with the highways streetworks team in advance of the construction period if approved.

Having considered the above, the proposal accords with Policy 5 of the NELLP.

### **CONCLUSION**

Prior approval under Part 16, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) is hereby granted in accordance with the following plans:

Drawing no. 002 REV B - Site Location Plan - received 28th July 2023

Drawing no. 210 REV B - Proposed Site Plan - received 28th July 2023

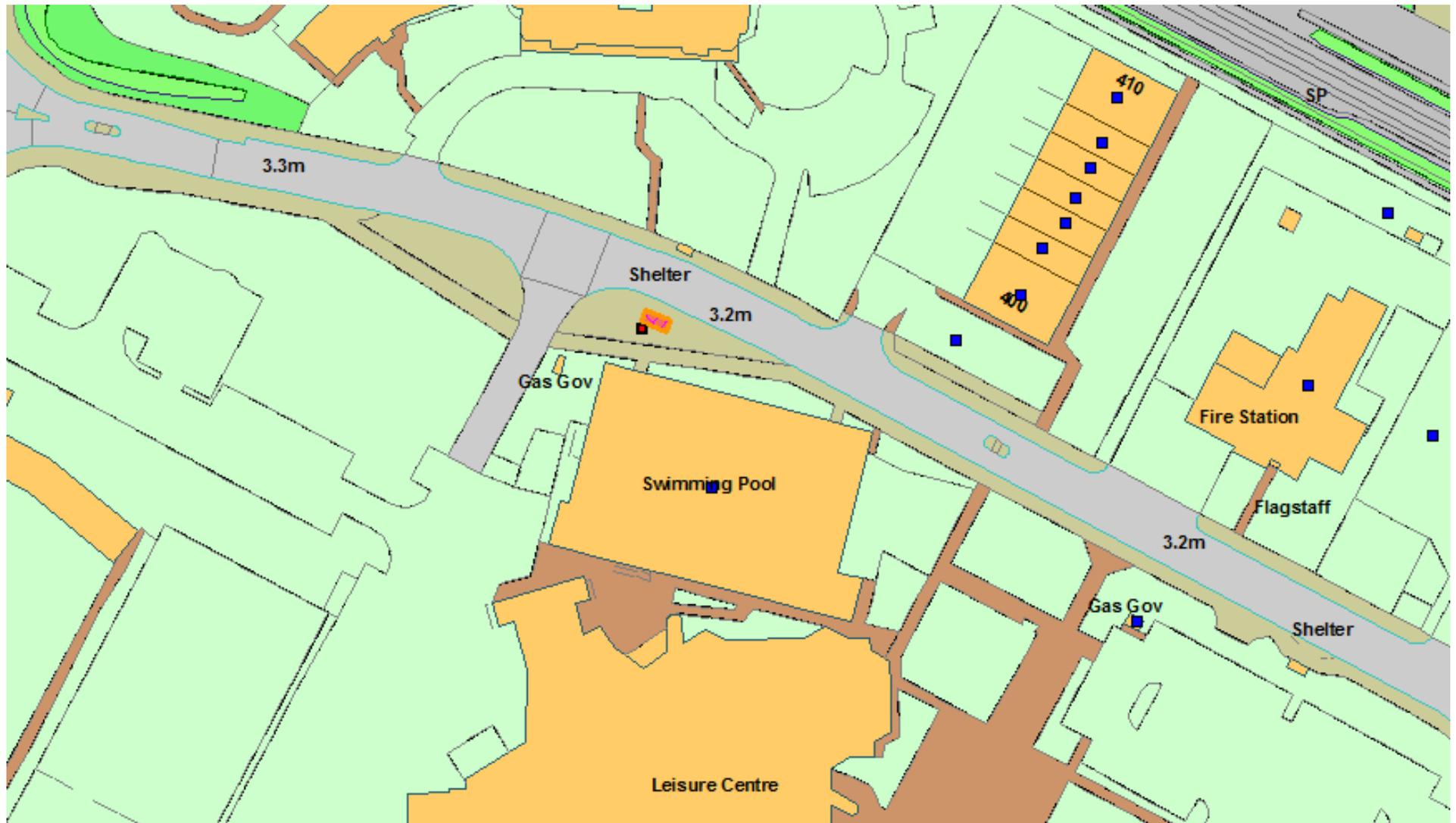
Drawing no. 260 REV B - Proposed Elevations - received 28th July 2023

The mast and associated equipment shall be painted Fir Green (RAL6009) as per the email received 28th July 2023 from WHP Telecoms Ltd.

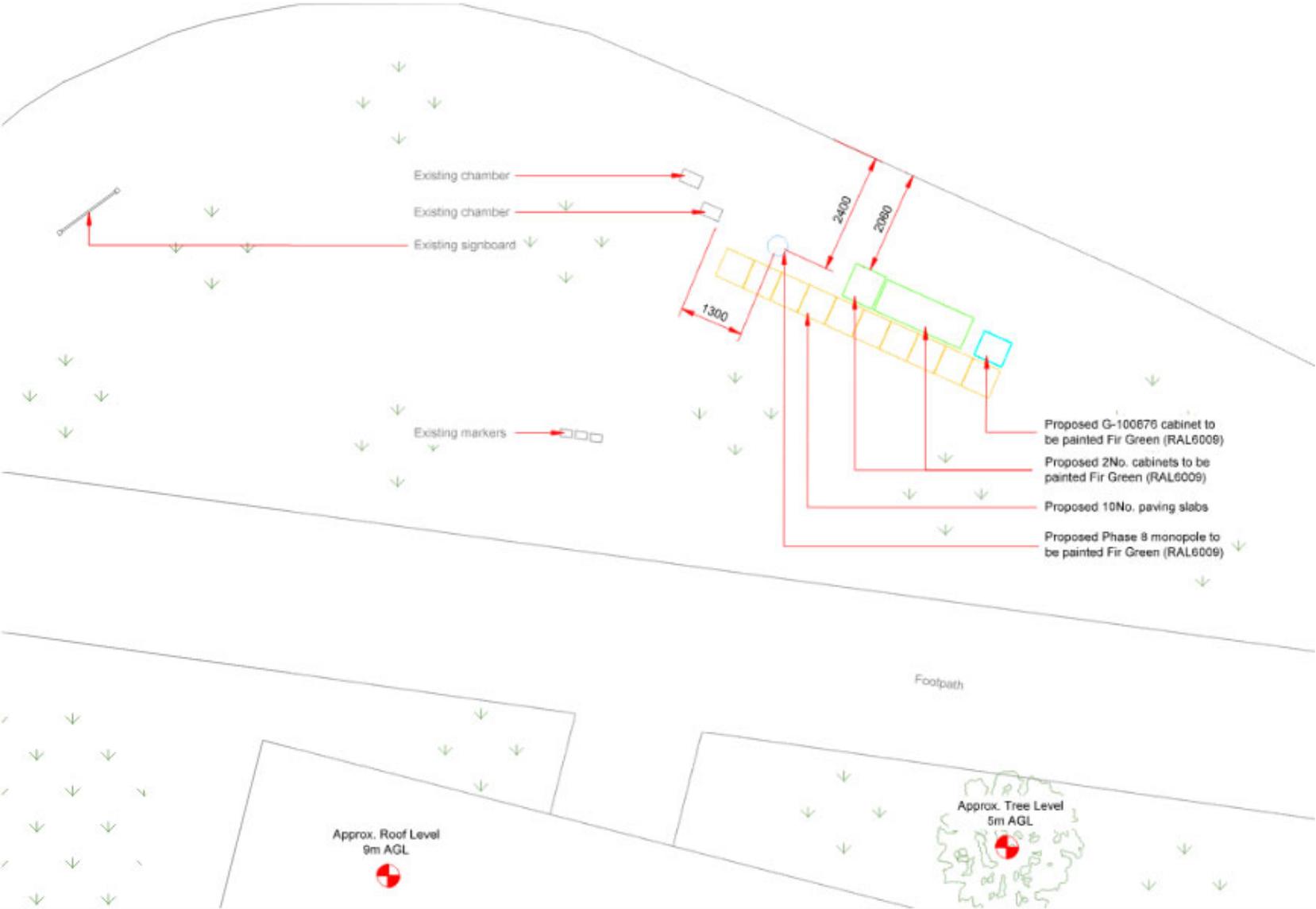
### **RECOMMENDATION**

**Prior Approval Granted**

DM/0598/23/PAT – LAND AT CROMWELL ROAD, GRIMSBY



DM/0598/23/PAT – LAND AT CROMWELL ROAD, GRIMSBY



**PLANNING COMMITTEE - 6th September 2023**

**ITEM: 5**                      **RECOMMENDATION: Refused**

**APPLICATION No: DM/0224/23/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: 109 Carr Lane, Grimsby, North East Lincolnshire, DN32 8JR**

**PROPOSAL: Demolish existing garage and outbuildings. Erect two storey dwelling with driveway, landscaping and associated external works (Amended Plans received 20th June 2023 to raise floor levels and Flood Risk Assessment)**

**APPLICANT:**

Mrs Christine Dabb  
109 Carr Lane  
Grimsby  
North East Lincolnshire  
DN32 8JR

**AGENT:**

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

**DEPOSITED: 9th March 2023**

**ACCEPTED: 13th March 2023**

**TARGET DATE: 8th May 2023**

**PUBLICITY EXPIRY: 11th July 2023**

**AGREED EXTENSION OF TIME DATE: 8th  
September 2023**

**CONSULTATION EXPIRY: 11th July 2023**

**CASE OFFICER: Bethany Loring**

**PROPOSAL**

The application seeks to demolish an existing garage and outbuildings, erect a two-storey dwelling with driveway, landscaping and associated external works.

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

**SITE**

The site forms part of the private garden ancillary to 109 Carr Lane however vehicle access is taken from Hamont Road to the existing garage. The host bungalow is

detached and of a modest size and scale. The bungalow is situated on the east side of Carr Lane which hosts a mix of two-storey dwellings and bungalows.

## **RELEVANT PLANNING HISTORY**

DC/535/09/HEN - Demolition of garage and erection of detached two storey dwelling - Refused

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

### National Planning Policy Framework (2021)

NPPF12 - Achieving well designed places  
NPPF15 - Conserv. & enhance the natural environ.  
NPPF5 - Delivering a sufficient supply of homes

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

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

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

## **REPRESENTATIONS RECEIVED**

Highways Team - Approval no conditions.

Environment Team - Hours of construction/demolition and asbestos informative.

Drainage Team - Sustainable drainage condition, no raising of ground levels or surface water run off onto the highway.

Heritage Officer - No input required.

Linesearch - Lines found and asset owner consulted.

Trees and Woodlands - No comment.

Councillor Smith - Call in for committee following representations in favour of the application.

Environment Agency - Previously objected to the scheme. Amended details received and objection now removed with FRA condition with mitigation methods.

Northern Powergrid - Cables informative.

Neighbour Representations

The following neighbour objections have been received broadly on the grounds of;

- Overshadowing
- Loss of light
- Loss of privacy
- Not in-keeping with the character of the area
- Overbearing and dominant
- Flooding and drainage
- Overlooking
- Lack of parking
- Massing
- Close proximity to properties/boundaries
- Loss and impacts to views
- Impact to public footways and roads
- Impact to property value

107 Carr Lane (x2)  
2 Hamont Road  
4 Hamont Road (x2)  
6 Hamont Road  
8 Hamont Road

## **APPRAISAL**

The material considerations are.

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

1. Principle of Development and Flood Risk

The application site is located within the development area of Grimsby, and as such

Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) applies. Flood risk goes to the core of the principle of development. In this case the site falls within flood risk as defined in the Environment Agency Flood Maps and in the Councils Strategic Flood Risk Assessment. The National Planning Policy Framework (NPPF) requires that Local Planning Authorities take a sequential approach to the location of new development and seek to direct development to available locations with the lowest risk of flooding. The North East Lincolnshire Council Local Plan (Policy 33) supports this position, which advises that development proposals should have regard to the requirements of the Sequential Test and, if necessary, the Exceptions Test.

It is considered that the proposal would fail the Sequential Test because there are other sites in the Borough at lower risk of flooding which could accommodate a single dwelling. A Sequential Test has not been provided as part of this submission. As a garden site there is no regeneration benefit to meet the sequential test. In principle the development is unacceptable on flood risk grounds. As the sequential test has not been passed it is not necessary to move to the Exceptions Test. However, for completeness, if this were to be passed then this would need to address two parts; (1) the wider sustainability benefits of the community and (2) the need for the development to be safe without increasing flood risk elsewhere and, where possible, to reduce flood risk overall. The proposal would equally fail part (1) as there are no wider sustainability benefits to the community of the development. Part (2) is addressed through the site-specific mitigation. Given the severity of flood risk in this area, the Environment Agency consider that the finished floor levels are raised 1.25 metres above the external ground level, in order to address their concerns. This has been included and plans revised to reflect this, and the Environment Agency now raise no objection to the development in terms of mitigation.

Having regard to the above on flood risk grounds the development is contrary to Policy 5 and 33 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and advice in the National Planning Policy Framework.

## 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 2021 (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 dwelling would be two storeys in height, adopting a rectangular shaped footprint, to include a stepped access with rails to the front and rear. The dwelling would provide an open plan kitchen, dining area, living area and WC at ground floor and two bedrooms, a bathroom and cupboard at first floor. There would be openings installed to the front and rear elevations which would face onto the host property rear garden and street. The dwelling would sit at around 7.6 metres in height and would adopt a hipped roof. This would be constructed of a brickwork base, with off-white painted render to the main house and concrete roof tiles. Furthermore, the window and door openings would utilise

uPVC.

The design has been amended through the process to include raising the internal floor levels of the property, to 1.25m in order to attempt to overcome the flood risk issues. However, it is considered that this is poor design in that this would not reflect the character of the area. Whilst the overall ridge height would not be over and above what is present in this area, the ground level would sit in an incongruous manner with the neighbouring properties by means of this being raised with minimal ground floor openings to the front. Along with its finish is not considered to represent good design.

In terms of the dwelling sitting in its plot in view of the predominant character, the proposal would represent a similar density to other plots in the locality, specifically along Hamont Road itself. Moreover, the scheme does provide sufficient outside amenity space, as part of their domestic curtilage, mostly to the rear but also to the front. There are no adverse impacts on trees. However, there is the poor setting relationship with the existing substation and the position of the dwelling would result in an overdeveloped and cramped layout in relation to the boundaries in this instance.

Having regard to the above the proposal would not accord with policy 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

### 3. 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.

There have been a number of objections received from neighbours which are detailed in the representations section of the report.

The property would sit in an area which currently hosts a garage. It is acknowledged that the dwelling would sit higher than that of the garage however would be positioned further back within the plot. This would result in this being set back against 2 Hamont Road, which runs parallel to the site, and with 107 Carr Lane which is orientated to the west. 107 Carr Lane is a bungalow, and the property would sit close to the boundary. The property would cover around half of the boundary sitting at 7.6 metres in overall height which would be around 0.5 metres higher than the neighbour. The other surrounding neighbours sit higher than the proposal. As a result, it is considered that the property would present an overbearing and dominant development with the neighbour 107 Carr Lane due to its height and position along the boundary. In relation to the loss of privacy and overlooking, the window openings would only be positioned to the front and rear, adjacent to the rear garden and host street, and therefore is not considered to cause an issue to the residential amenity in this instance.

Having regard to the above it is considered that the proposal would not accord with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) due to the adverse impact to residential amenity.

#### 4. Highways and Parking

Access to the site would be taken from Hamont Road, utilising the existing opening however with new replacement boundary treatments including walls and a gate at a maximum height of 1.8 metres. This would replicate that of the existing along this boundary. A driveway would be included to the frontage as well as a bin storage area to allow for parking and turning.

The Highways Officer has reviewed the details and confirmed that they are happy with the information provided and recommend no further conditions in this instance. It is therefore considered that the proposal would not lead to severe/significant impact on the wider highway network or cause a detrimental impact to highways safety and sufficient provision has been included for access, turning and parking within the site's curtilage.

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

#### 5. Drainage

Policies 33 and 34 of the Local Plan relate to flood risk and water management within a site. The proposal includes an increase to the built form and results in further appreciable alteration to the drainage or surface water drainage of the site. As such, the Council's Drainage Officer has requested details of surface water drainage methods which could be included as a condition.

It is considered that with the imposition of a condition the development would be in accordance with policies 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

### **CONCLUSION**

In conclusion it is considered that the proposal cannot be achieved without unacceptable flood risk safety and also the means of mitigation proposed would result in a poor design that would negatively effect the street scene and character of the area and adversely impact on neighbouring residential amenity. The planning history shows residential development has been refused previously at the site on the grounds of flood risk and whilst some time ago, there has been no change in policy to allow for the development.

The application is therefore recommended for refusal, as it fails to accord with Policies 5, 22, 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

## **RECOMMENDATION**

### **Refused**

(1) The proposal is contrary to policies 5 and 33 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and the National Planning Policy Framework in that the proposed development is located within a high risk flood zone as identified in the Environment Agency Flood Risk Maps and in the Strategic Flood Risk Assessment and the scheme fails to pass the sequential and exception tests for development. In the absence of a sequential test being passed, it is not considered to be sustainable development. It cannot be justified on flood risk grounds.

(2) The proposal is contrary to policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) in that the level of development if allowed would have an adverse impact on the residential amenity of adjacent property by means of its position, scale and proximity to the boundary causing undue massing and dominance.

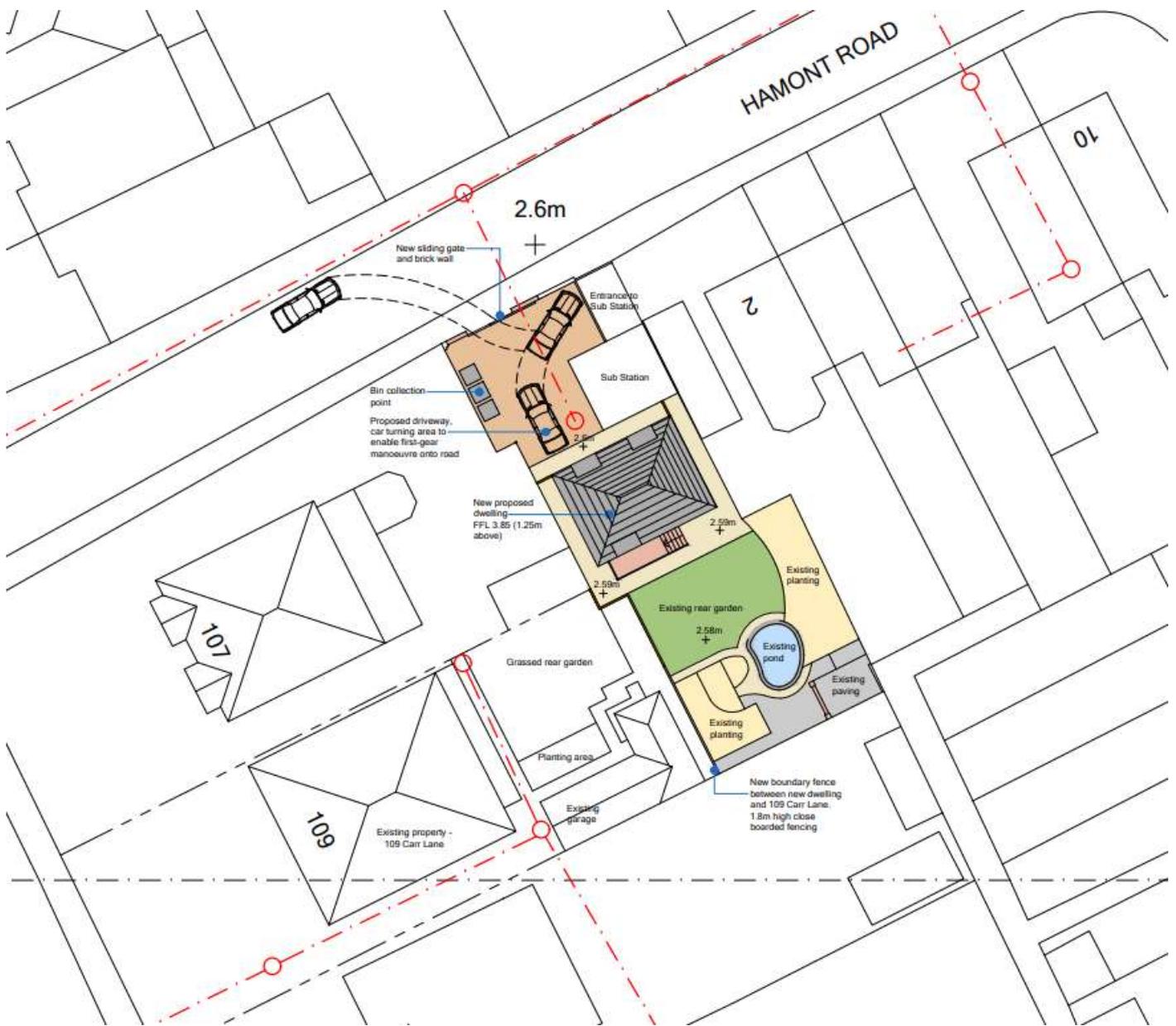
(3) The proposed development is contrary to policy 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and the National Planning Policy Framework in that the development would not result in a good design or layout. This would be detrimental to the character and appearance of the area.

### **Informative**

#### **1 Informative**

This application has been considered using the plans referenced RD5319-01, RD5319-04C and RD5319-05C.





**PLANNING COMMITTEE - 6th September 2023**

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

**APPLICATION No: DM/0163/23/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: 6 Frobisher Avenue, Grimsby, North East Lincolnshire, DN32 8JA**

**PROPOSAL: Erect first floor side extension on pillars with associated internal and external alterations**

**APPLICANT:**

Mr Daniel Williams  
6 Frobisher Avenue  
Grimsby  
North East Lincolnshire  
DN32 8JA

**DEPOSITED: 27th February 2023**

**AGENT:**

**ACCEPTED: 27th February 2023**

**TARGET DATE: 24th April 2023**

**PUBLICITY EXPIRY: 9th August 2023**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 26th March 2023**

**CASE OFFICER: Owen Toop**

**PROPOSAL**

This proposal relates to the erection of a first floor extension to the side of 6 Frobisher Avenue, an existing detached residential property. The proposed works also include the installation of CCTV and the installation for first floor rear windows.

This scheme originally was a resubmission of DM/0675/21/FUL which was refused. Due to concerns raised the applicant has revised this application to reposition the works to the other side of dwellinghouse. Moreover as part of the application, ongoing discussions have taken place to gather further information to determine the application. This includes the provision of an overshadowing test, amended plans clarifying the existing and proposed CCTV, as well as the existing outbuilding to the rear of the site. Moreover it has been clarified that the proposal at ground floor would not be used as a car port as such, but that the extension would be on stilts. There would be no change to the existing

access or new access points as a result.

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

## **SITE**

The site is a detached property located within an established residential area. The property is situated on the north side of the street. Directly adjacent to the east is 4 Frobisher Avenue, to the west is 8 Frobisher Avenue, whilst further to the north is the residential cul-de-sac, Hawkins Grove. To the south there are also properties at Frobisher Avenue.

The property includes an existing detached garden room to the rear of the site. There are also existing CCTV cameras on the property.

The character of the area is relatively uniform with properties mainly being a mix of semi-detached and detached two storey dwellings. Two storey side extensions are known within the wider area.

## **RELEVANT PLANNING HISTORY**

DM/0675/21/FUL - Erect car port with extension to side - Refused on 20th August 2021 due to impact on neighbouring residential amenity.

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

### National Planning Policy Framework (2021)

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

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

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

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

2018).

## **REPRESENTATIONS RECEIVED**

Heritage - No input required.

Drainage - Recommends sustainable surface water drainage condition.

Highways - No objections.

### Public Representation

Letters of objection received from the following addresses:

(In some cases more than one letter has been received from the same address).

- 4 Frobisher Avenue
- 8 Frobisher Avenue
- 22 Hawkins Grove
- 23 Hawkins Grove
- 24 Hawkins Grove
- 25 Hawkins Grove
- 26 Hawkins Grove
- 57 Robert Pearson Mews
- 30 Hawkins Grove

Broadly on the grounds of:

- Loss of privacy
- Overlooking
- Overshadowing
- Out of character with the area
- Questions regarding the nature of the proposal, the need for a first floor extension/car port at the side of the property
- Concerns regarding CCTV
- Loss of view

## **APPRAISAL**

The material considerations are:

- 1) Principle of Development
- 2) Visual Design and Impact on the Character of the Area
- 3) Impact on Neighbours
- 4) Other Matters

## 1) Principle of Development

The proposal is located within the development boundary of Grimsby as defined within Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) [NELLP] and relates to the erection of a first floor extension to the side and associated external alterations. The principle of development is acceptable and the proposal may be supported in accordance with the NELLP provided that there are no adverse impacts with regards to the site specific material planning considerations. In this case, these considerations pertain to the visual design and impact on the character of the area (Policies 5 and 22), the impact on neighbouring residential amenity (Policy 5) and surface water drainage management (Policies 5, 33 and 34).

## 2) Visual Design and Impact on the Character of the Area

The proposal has been amended as part of this application. The extension was originally located on the east elevation but it has been relocated to the west elevation at the applicant's request. With regards to the design of the extension, it is in essence a first floor extension on pillars. In terms of the visual appearance, extensions such as this are relatively commonplace in urban areas. There are a number of other examples within the wider area, including at 19 Frobisher Avenue to the south of the site. The proposal would enlarge the property, but it would appear sympathetic to the host property. Its height would not exceed the height of the main roof and it would protrude approximately 3.28m to the side. It would not protrude any further than the existing rear wall of the house. Moreover its materials would match the main house. Having considered the above, there are no adverse impacts presented with regards to visual design and so the proposal accords with Policies 5 and 22 of the NELLP.

## 3) Impact on Neighbours

Policy 5 of the NELLP allows for an assessment into the impact of proposals on neighbouring land uses. In particular and in relation to the nature of this development, the policy allows for a consideration on impact to residential amenity in terms of massing, overlooking and overshadowing of development to neighbouring land.

It is noted that there have been a number of objections from immediate neighbours as part of this application. Some comments included refer to the original scheme that was located to the east elevation of 6 Frobisher Avenue. Whilst these are noted, the scheme now pertains to the amended proposal located to the west elevation of 6 Frobisher Avenue.

8 Frobisher Avenue is the closest neighbour to the proposed extension. The neighbour has written in objection to the proposal on a number of grounds. This includes impacts in terms of overshadowing and loss of sunlight in relation to their kitchen, downstairs toilet, garden and drive. The neighbour has also requested clarification on a number of issues, including whether a new access and dropped kerb is intended and clarification on dimensions of the submitted plans.

In response to the concerns raised by the neighbour, site visits have been undertaken. With regard to Policy 5, as noted the considerations pertain to massing, overlooking and overshadowing. In relation to 8 Frobisher Avenue, it is noted that a first floor en-suite window is proposed to the west side elevation. Provided this is obscurely glazed to a minimum level of 3 on the Pilkington Scale, the proposal does not cause any detrimental impacts in terms of overlooking to the neighbour. The representations made in relation to overshadowing and loss of sunlight are noted. In response and existing and proposed 25 degree test has been provided by the applicant. Based on this the existing house presents an element of overshadowing to the downstairs toilet and kitchen. 8 Frobisher contains a window at its rear elevation for the kitchen. Whilst the proposal would extend further to the neighbour by approximately 3.28 metres, the current situation is that 6 Frobisher Avenue already overshadows the neighbour to an extent. But given that there is another kitchen window, it is considered that there are no adverse overshadowing issues in line with best practice guidance. As per the representations received from the neighbour and the site visits, it is noted that the neighbours downstairs toilet contains one window. However toilets are not classified as habitable rooms. So in this regard there are no adverse overshadowing issues. With regard to the neighbours garden and drive, it is considered that light would not be significantly obstructed given the location of the proposal to the one side, light would reach the garden throughout the day, and so there are no adverse overshadowing issues here. The proposal would be separated from the neighbour by approximately 5.57 metres and given this there are no adverse massing issues, as a result of this separation.

The other main concerns raised are from neighbours to the rear at Hawkins Grove, a residential cul-de-sac. The main concern raised is in relation to the installation of additional first floor windows. Two windows are proposed, one on the existing rear elevation for a bedroom, and the other on the first floor extension's rear elevation, also for a bedroom. The existing situation includes a rear window which serves a bathroom. With regards to the concerns, it is important to note that the installation of a rear window in itself does not require planning permission. It is noted that the proposal would create a new concept at this property. But this concept is not a new one to the area, with other properties at Frobisher Avenue and indeed Hawkins Grove incorporating rear windows at first floor in their rear elevations. Having considered this there are no adverse overlooking issues as a result, particularly given levels of separation.

Other concerns pertain to CCTV installation. In this regard, again there are permitted development rights attributed to the installation of CCTV at domestic properties. The main planning consideration with regard to CCTV is in terms of visual design. The CCTV is not considered to cause any adverse visual design issues. There is separate legislation outside of the planning system that governs privacy with regards to private CCTV.

It should be noted that loss of a view is not a material planning consideration that can be taken into account.

With regards to other neighbours, including 4 Frobisher Avenue, and properties across

the road at Frobisher Avenue there are no adverse impacts with regards to massing, overlooking or overshadowing.

Having regard to the above, it is considered that the proposal does not present any detrimental impacts with regards to neighbouring residential amenity, and so it is considered to accord with Policy 5 of the NELLP in this regard.

#### 4) Other Matters

It should be noted that the council's drainage officer has requested that surface water of the extension be managed in a sustainable manner. This can be achieved through the use of a pre-commencement planning condition to secure final details of the sustainable surface water drainage scheme. With this in place, the proposal is considered to accord with Policies 5, 33 and 34 of the NELLP in this regard.

### **CONCLUSION**

This proposal relates to the erection of a first floor extension to the side of 6 Frobisher Avenue, an existing detached residential property. The proposed works also include the installation of CCTV and the installation for first floor rear windows.

Having considered the proposal, the development is acceptable and accords with Policies 5, 22, 33 and 34 of the NELLP; therefore it is recommended for approval with conditions.

### **RECOMMENDATION**

#### **Approved with Conditions**

##### (1) Condition

The development hereby 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 and documents:

Site Location Plan

Proposed Block Plan - 23/14/06 REV C

Proposed Elevations - 23/14/03/REV E

Proposed First Floor Plan - 23/14/05 REV A  
Flood Risk Assessment

Reason

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

(3) Condition

The proposed development shall be constructed using materials, as detailed in the application form, 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

Prior to any development commencing, a sustainable surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the sustainable surface water drainage scheme shall be implemented prior to the first use of the extension and the scheme shall be retained thereafter for the lifetime of the development.

Reason

To mitigate impacts of surface water and flooding 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 in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(6) Condition

The first floor side window for the en-suite shall be obscurely glazed in its entirety to a minimum level of 3 on the Pilkington Scale prior to the use of the first floor extension. It shall then be retained at this level of obscurity thereafter.

## Reason

In the interests of protecting neighbouring residential amenity and to accord with Policy 5 of the North East Lincolnshire Local Plan 2032-2032 (adopted 2018).

## Informatives

### 1 Reason for Approval

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

### 2 Added Value Statement

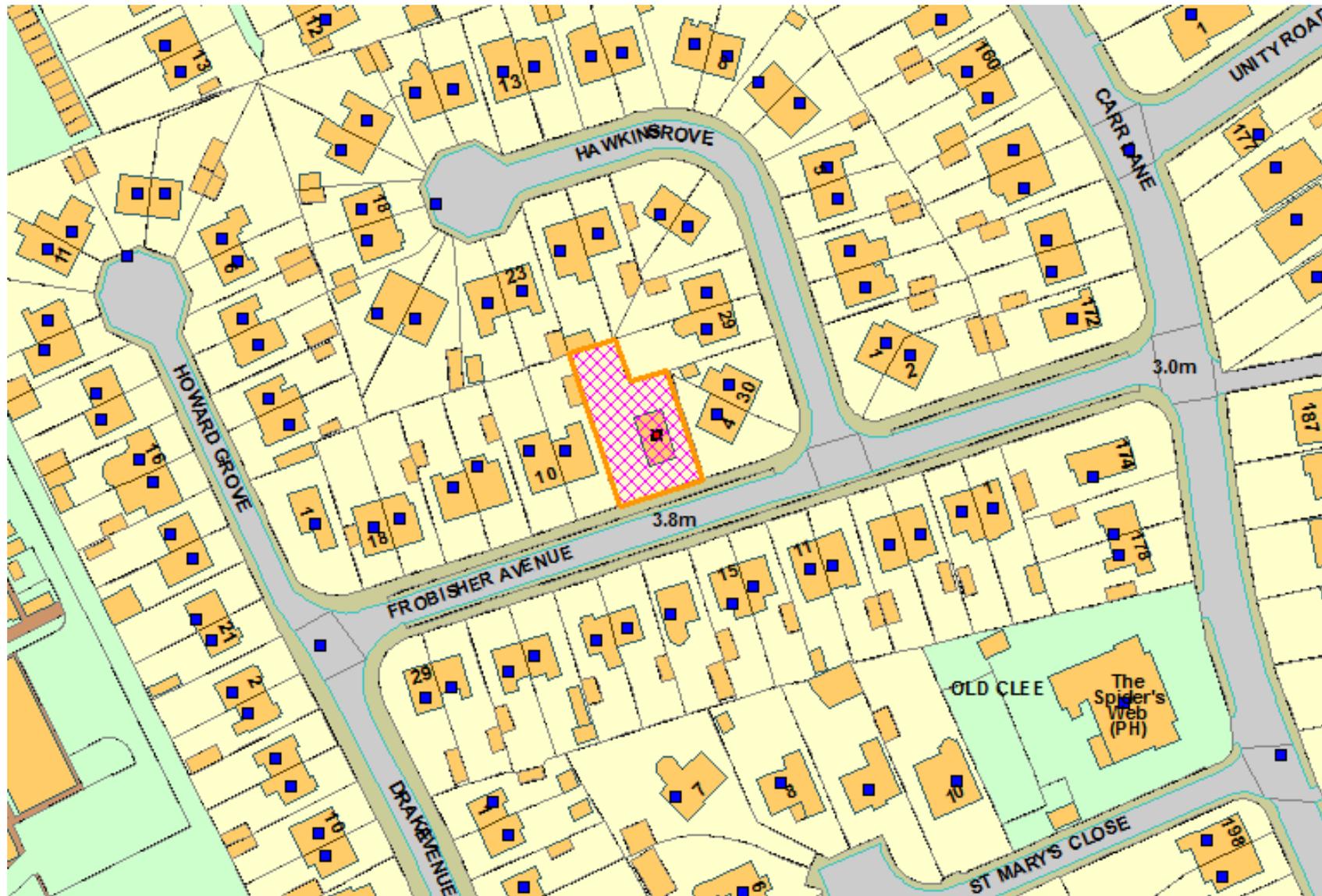
#### Article 31(1)(cc) Statement - Positive and Proactive Approach

In accordance with 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 seeking amended plans, clarifying details and applying conditions for surface water drainage.

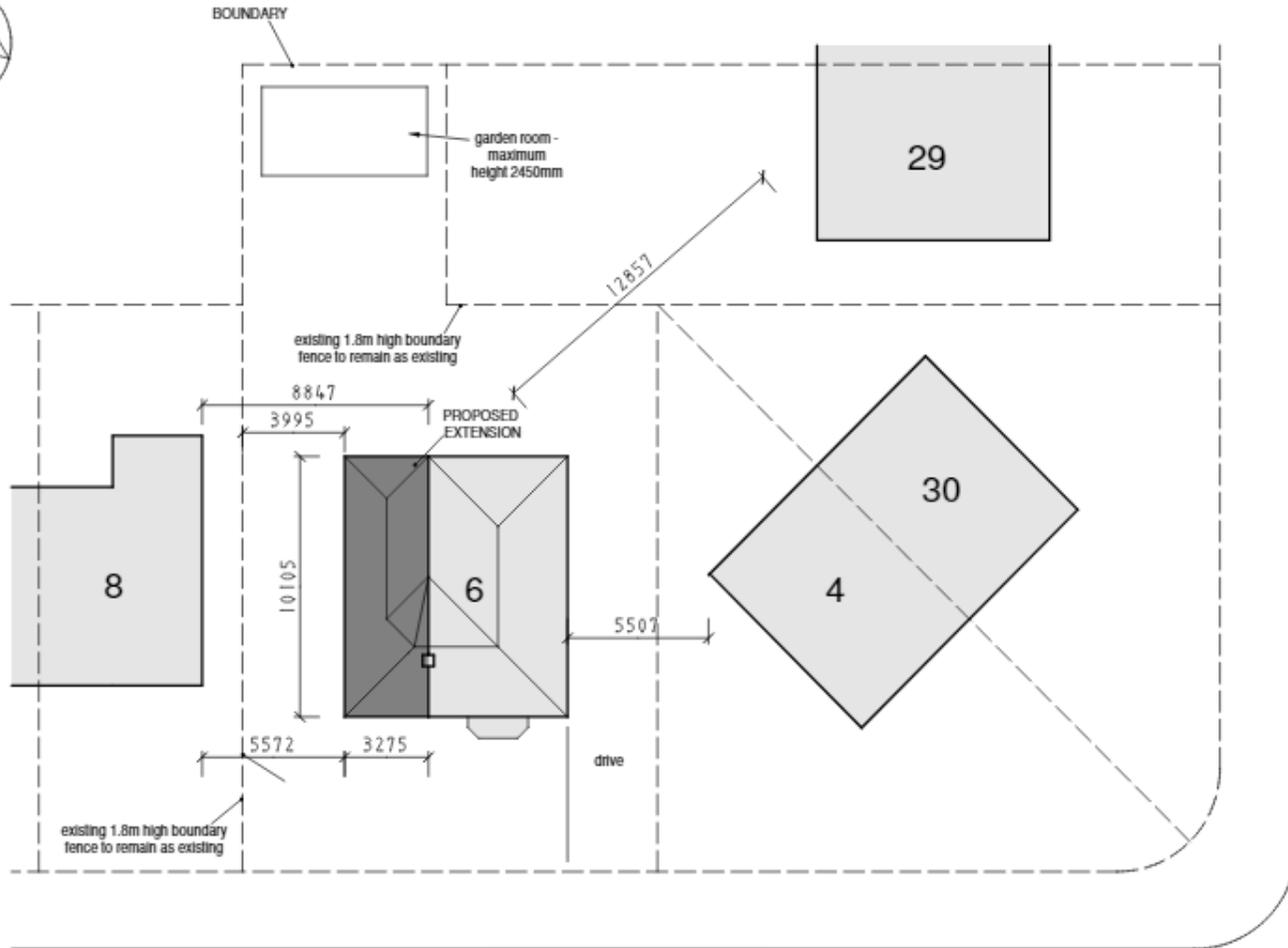
### 3 Informative

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/0163/23/FUL – 6 FROBISHER AVENUE, GRIMSBY



DM/0163/23/FUL – 6 FROBISHER AVENUE, GRIMSBY



FROBISHER AVENUE

HAWKINS GROVE

**PLANNING COMMITTEE - 6th September 2023**

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

**APPLICATION No: DM/0477/23/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: 1 Cumberland Avenue, Grimsby, North East Lincolnshire, DN32 0BT**

**PROPOSAL: Demolish existing garage, erect single storey garage, games room & store with solar panels and associated works (amended plans received on 31st July 2023 showing proposal 1 metre from boundaries and reduced height to 4 metres at roof ridge).**

**APPLICANT:**

Mr Dave Drury  
1 Cumberland Avenue  
Grimsby  
North East Lincolnshire  
DN32 0BT

**AGENT:**

Mr Martin Flynn  
Flynn Architecture  
Tower Barn Archer Street  
Bishop Norton  
Market Rasen  
LN8 2BG

**DEPOSITED: 19th May 2023**

**ACCEPTED: 9th June 2023**

**TARGET DATE: 4th August 2023**

**PUBLICITY EXPIRY: 23rd August 2023**

**AGREED EXTENSION OF TIME DATE: 8th  
September 2023**

**CONSULTATION EXPIRY: 6th July 2023**

**CASE OFFICER: Owen Toop**

**PROPOSAL**

This proposal relates to the demolition of an existing garage, the erection of single storey detached outbuilding which includes a garage, games room and store with solar panels and associated works.

As part of this application amended plans have been received which have reduced the height of the building and moved it further away from the neighbouring boundaries.

This planning application is triggered for planning committee due the amount of

neighbour objections received.

## **SITE**

1 Cumberland Avenue is an existing detached residential property located in Grimsby. Cumberland Avenue itself is situated off of Weelsby Road, a main traffic route connecting Grimsby and Cleethorpes. The proposal is located outside of but adjacent to the Wellow Conservation Area. The existing house includes features such as timber panelling to the roof, slate tiles and a bay window to its frontage. The site includes an existing garage and shed to the side and rear of the site. The north and side boundary features existing walling and the neighbouring outbuildings, as well as an existing hedgerow, the east and rear boundary features existing shrubs and trees as does the south and side boundary.

The proposal is located within an established residential area with neighbouring properties at Park Avenue to the east, Weelsby Road to the north and Cumberland Avenue to the west and south.

## **RELEVANT PLANNING HISTORY**

None relevant to this proposal.

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

### National Planning Policy Framework (2021)

- 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**

Drainage - Recommends sustainable surface water drainage condition. The applicant is in agreement to this condition as a pre-commencement requirement.

Highways - No objections.

Heritage - No input required.

Environmental Health - Recommends standard hours of construction and demolition condition.

Trees and Woodlands Officer - No concerns raised.

### **Public Objection**

As part of this application consultation has taken place which includes consultation on the amended scheme.

Neighbour Objections have been received from the following addresses:

54 Weelsby Road  
56 Weelsby Road  
2 Park Avenue  
4 Park Avenue  
6 Park Avenue

Objections broadly on the grounds of:

- overlooking
- concerns with the size of the building
- concerns with use of building as a separate dwelling/annexe
- proximity to the boundaries
- impact on trees
- surface water drainage issues

## **APPRAISAL**

The material considerations are:

- 1) Principle of Development
- 2) Visual Design and Character
- 3) Impact on Neighbours
- 4) Surface Water Drainage

## 5) Existing Landscaping

### 1) Principle of Development

The proposal is located within the development boundary of Grimsby as defined within Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) [NELLP] and relates to the removal and demolition of existing outbuildings and the erection of a single storey outbuilding to include a garage, games room and stores. The principle of development is acceptable and the proposal may be supported in accordance with the NELLP provided that there are no detrimental impacts concerning the site specific material planning considerations. In this case, these considerations pertain to the visual design and impact on the character of the area (Policies 5 and 22), the impact on neighbouring residential amenity (Policy 5), surface water drainage of the development (Policies 5, 33 and 34) and impact on existing landscaping (Policies 5 and 42).

### 2) Visual Design and Character

Policies 5 and 22 seek good design in new developments. The proposed new outbuilding is located to the side and rear of the existing property and as such it would not be a prominent structure seen from the street. It is noted that concerns have been raised by immediate neighbours with regards to the siting and appearance of the development and these concerns will be discussed further in section 3 of this committee report.

With regards to the appearance and scale of the outbuilding, and as a result of amendments, the proposal now incorporates a height of approximately 4 metres at its highest point. Moreover the building has been moved away from the north and east boundaries by 1 metre. The overall floorspace of the building would equate to approximately 85 square metres in area. In addition, all external materials of the outbuilding are proposed to match the existing dwellinghouse. It is noted that the size of the proposal is larger than other outbuildings in the immediate area at neighbouring properties. However 1 Cumberland Avenue contains a large rear garden and it is considered that the plot can accommodate the proposal without it becoming overdeveloped such that impacts would negatively impact on the character of the area, especially given what can be achieved through permitted development. Overall, due to the amended height and position of the proposal, the external materials, and that the proposal would not be prominent from the streetscene, it is considered that there would be no detrimental impacts with regards to visual design or on the character of the area. The proposal is therefore considered to accord with Policies 5 and 22 of the NELLP in this regard.

### 3) Impact on Neighbours

The proposal is located within an established residential area. There are residential properties located to the west and south at Cumberland Avenue, to the north at Weelsby Road and to the east at Park Avenue. As part of this application letters of objection have been received from 2, 4 and 6 Park Avenue and 54 and 56 Weelsby Road.

Policy 5 of the NELLP allows for an assessment into the impact on neighbouring land uses by reason of noise, disturbance, air quality and visual intrusion. In this case the impacts to residential amenity pertain to visual intrusion due to the nature of the proposal. The proposal is only considered acceptable provided that there are no detrimental impacts in terms of massing, overshadowing or overlooking in this regard.

To some extent, the amended plans have alleviated concerns raised by the immediate neighbours, but it is noted that objection to the proposal remains. The main concerns highlighted pertain to the proximity to the boundary, overlooking from rear windows, the footprint of the building, the potential for the building to be used as a standalone dwelling, surface water drainage concerns and concerns on the impact to existing trees and shrubs.

The proposed outbuilding is 4 metres in height which is of similar height to existing outbuildings within the area, including at 54 Weelsby Road. It has been set back from the north and east boundaries which reduces its impact on 54 Weelsby Road and 2 Park Avenue and does allow for maintenance by the applicant.

With regards to the size and height of the building, the main consideration is whether the proposal causes adverse overshadowing or massing issues onto immediate neighbours. Given that the proposal has been reduced to 4 metres in height, and that it is of a single storey nature, and is separated from neighbouring dwellinghouses by existing structures and boundary treatments, it is considered that there are no adverse massing or overshadowing impacts.

Concerns have been raised with regards to the rear windows on the elevation adjacent to the garden of 54 Weelsby Road. Whilst there would be new windows, these would all be at ground floor level only. As such existing boundary treatments, including the fencing referred to by the neighbour, would help to act as a screen. Notwithstanding this, the three windows each would measure 1.6 metres from the bottom and 2 metres at their highest points and so given this it is considered necessary to apply a condition to ensure that these windows are obscurely glazed. The applicant has agreed to this.

Furthermore concerns have been raised relating to the future use of the building as a separate dwellinghouse. The proposal clearly shows that the building would be for a garage, games room and two stores. However given the concerns raised by neighbours, it is considered that a condition should be applied to ensure that the development is ancillary to the main house and that it must not be sold or let-off individually.

With regard to other neighbours at Cumberland Avenue, no representations have been received. Moreover the building is located away from these properties compared to the above neighbours which ensures no adverse impacts.

The proposed outbuilding contains solar panels on its east and front elevation. There are no expected adverse impacts as a result of the placement of these panels given their

orientation and position away from neighbours.

Having regard to the above, it is considered that the proposal would not present any detrimental impacts to neighbouring residential amenity and so accords with Policy 5 of the NELLP in this regard.

#### 4) Surface Water Drainage

It is noted that concerns have been raised with regards to the surface water drainage of the development. The drainage officer has requested that there be a sustainable surface water drainage condition should this application be supported. With this condition, it is considered that the surface water drainage of the proposal can be managed accordingly. Therefore it is considered that the proposal accords with Policies 5, 33 and 34 of the NELLP in this regard.

#### 5) Existing Landscaping

It is also noted that concerns have been raised with regards to the removal of trees as a result of the development's footprint and/or potential for the development's footings to impact on trees. It should be noted that the site is not within a conservation area and that the trees on site are not protected by virtue of a Tree Preservation Order. The tree officer has also been consulted and has no objections to the development or its position in relation to trees. Any requirement for future removal would be a private matter between the neighbours concerned. Given this, the proposal is considered to accord with Policies 5 and 42 of the NELLP in this regard.

### **CONCLUSION**

This proposal relates to the demolition of an existing garage, the erection of single storey detached outbuilding which includes a garage, games room and store with solar panels and associated works, all taking place at 1 Cumberland Avenue, Grimsby.

The proposal is considered to be acceptable subject to conditions and accords with Policies 5, 22, 33, 34, 39 and 42 of the NELLP as there would be no detrimental impacts with regards to design, neighbouring residential amenity, surface water drainage and trees.

### **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 and Proposed Block Plan - GR/DR/MF/02 REV A

Proposed Floor Plans and Elevations - GR/DR/MF/01 REV A

Reason

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

(3) Condition

The proposed development shall be constructed using materials specified within the submitted application form, 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 demolition or construction work shall be carried out on or before 08:00 or after 18:00 Mondays to Fridays inclusive, before 08:00 or after 13:00 on Saturdays and at any time on Sundays or Bank Holidays.

Reason

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

(5) Condition

Prior to any construction works commencing, a detailed sustainable surface water drainage strategy shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall then be implemented prior to any use of the outbuilding taking place and they shall be retained throughout the lifetime of the development.

#### Reason

In the interest of sustainable surface water management and to accord with Policies 5, 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

#### (6) Condition

The three rear windows on the east elevation of the outbuilding hereby approved shall be obscured to a minimum of level 3 on the Pilkington Scale prior to any use of the outbuilding commencing and shall be retained at this level of obscurity for the lifetime of the development.

#### Reason

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

#### (7) Condition

The outbuilding shall be used only in conjunction with and ancillary to the main dwelling on the application site, identified as 1 Cumberland Avenue, and shall not be let, sold or rented separately therefrom.

#### Reason

To protect the amenity of the area and neighbours 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, 34, 39 and 42.

### 2 Added Value Statement

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

In accordance with 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 receiving amended plans and applying planning conditions to respond to concerns raised.

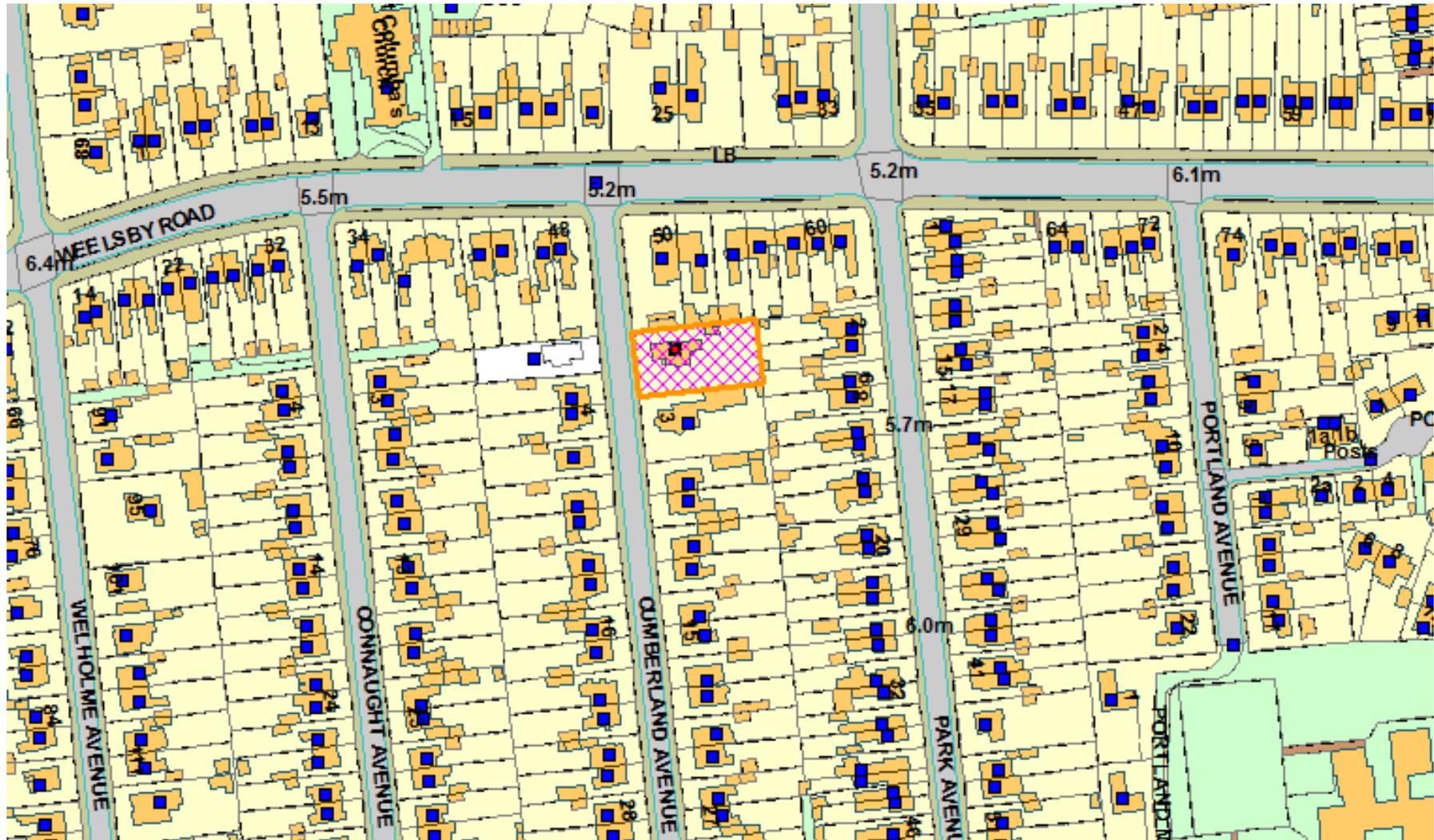
3 Informative

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

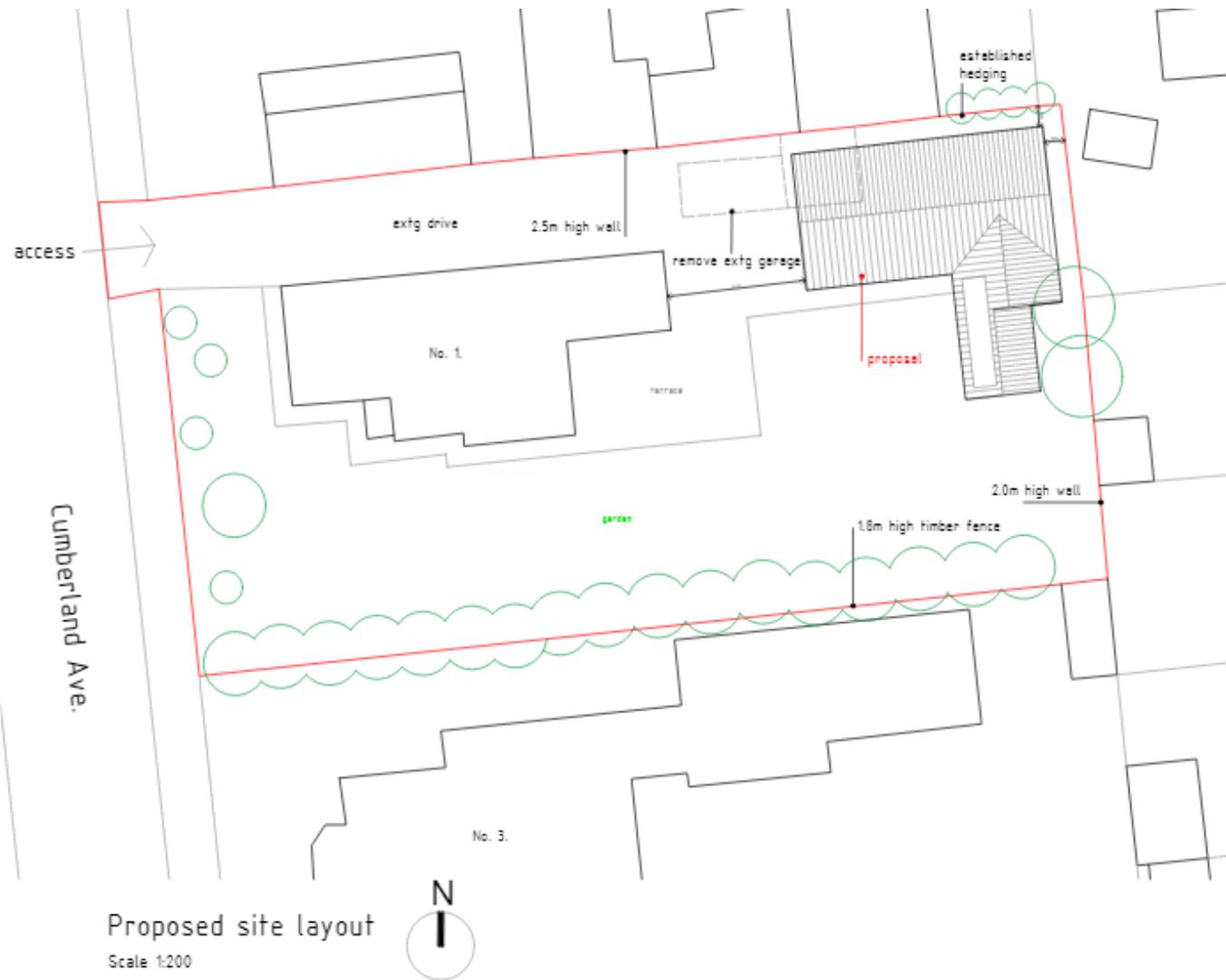
4 Informative

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

DM/0477/23/FUL – 1 CUMBERLAND AVENUE, GRIMSBY



DM/0477/23/FUL – 1 CUMBERLAND AVENUE, GRIMSBY



**PLANNING COMMITTEE - 6th September 2023**

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

**APPLICATION No: DM/0109/23/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: 184 Humberston Avenue (Rear Of 186), Humberston, North East Lincolnshire, DN36 4TA**

**PROPOSAL: Erect two storey detached dwelling with balcony, roof lights associated works including driveway parking area and landscaping**

**APPLICANT:**

Mr Robert Smith  
68 Nelson Way  
Lacey Acres  
Grimsby  
North East Lincolnshire  
DN34 5UL

**AGENT:**

HA Design Studio  
Flat 3  
13 Albert Road  
Cleethorpes  
North East Lincolnshire  
DN35 8LX

**DEPOSITED: 12th February 2023**

**ACCEPTED: 20th February 2023**

**TARGET DATE: 17th April 2023**

**PUBLICITY EXPIRY: 8th August 2023**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 16th March 2023**

**CASE OFFICER: Jonathan Cadd**

**PROPOSAL**

This application seeks permission to erect a detached 4 bed roomed house to the rear of 186 Humberston Avenue fronting southwards. The dwelling would be of a modern design and would be mainly two storeys in height but with a smaller single storey section to the rear of the dwelling to accommodate a garden store. Constructed of render and brick the house would have asymmetric pitched roofs and would include significant glazed elements and a Juliet balcony to the east side.

The dwelling (plot 3) would form part a wider development of self build properties at the site for which outline permission has been previously granted.

The site has no garaging proposed with parking available to the front of the dwelling on a drive. This would be capable of accommodating 4 cars. The access would be via a private internal access road shared with plots 2, 4 and 26 which connects to what will be an adopted estate road which itself meets Humberston Avenue between nos. 184 and 186. This access already benefits from planning permission.

The application is presented to committee due to the objection from Humberston Village Council and the level of objections received.

## **SITE**

The dwelling would be located on what is known as plot 3 of a wider development (30 houses) that encompasses the majority of land that had previously formed paddocks and a rear garden attached to 184 Humberston Avenue. The wider site has been partially developed out with four other dwellings either complete or well under way. Much of the site remains undeveloped, however.

The application plot (excluding access road) is approximately 34m by 13m and is largely flat. The site is dominated by the adjoining new dwellings at plot 2 to the west, no. 186 Humberston Avenue to the north and the plot 4 dwelling to the south. A hedge and trees form the boundary to the east and adjoining a ditch. The ditch is outside the application site and is at a lower level than the application plot.

As noted, the site is the rear of 186 Humberston Avenue. This dwelling to the north of the application property is two storeys in height but has a single storey wing that extends southwards. The property has south facing windows to the rear on both floors, within the main section of the house and at ground floor of the rear wing. The property, however, includes a first-floor roof garden which is accessed from a master bedroom.

To the west of the site is plot 2, a two-storey detached house with a garage at ground floor. This property has windows predominately to the north and south but with extensive glazing to the rear east facing section of a dining and lounge area at ground floor.

To the south is plot 4, another detached two storey dwelling. This modern design dwelling has a number of windows, along with its access door, which face the property. The windows facing the application site predominantly, but not wholly, serve secondary windows to habitable rooms, or hallways or bathrooms/ensuite/utility rooms.

Finally, to the east across the ditch is the Keystone estate of bungalows, a substantial number of which would face the application site. As part of this development, however, an approximate 13 - 15m wide grass landscaped strip has been planted dividing the application site from the over 55 units. This estate is at a lower level than the application site.

The site itself is located on land allocated for housing (HOU 147) within the NELLP. It is also within Environment Agency Flood Zone 1.

## **RELEVANT PLANNING HISTORY**

### Site

DM/1027/17/FUL - site access in connection with amended layout (dated July 2015) - approved

DM/0207/17/REM - construct access road - approved.

DM/0973/14/OUT - erect 30 dwellings outline - approved. - Including section 106 payments for affordable housing and education.

### Surroundings

DM/0247/22/FUL - construct two storey dwelling plot 2 - approved.

DM/1043/21/FUL - construct two storey dwelling plot 4 - approved.

DM/0711/18/FUL - construct two storey dwelling plot 26 - approved.

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

### National Planning Policy Framework (2021)

NPPF5 - Delivering a sufficient supply of homes

NPPF8 - Promoting healthy and safe communities

NPPF12 - Achieving well designed places

NPPF15 - Conserv. & enhance the natural environ.

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

PO4 - Distribution of housing growth

PO5 - Development boundaries

PO13 - Housing allocations

PO17 - Housing density

PO22 - Good design in new developments

PO33 - Flood risk

PO36 - Promoting sustainable transport

PO38 - Parking

PO41 - Biodiversity and Geodiversity

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

## REPRESENTATIONS RECEIVED

Humberston Village Council: Continues to object to the development. Recognises the individual nature of this plot on a wider site that has permission but considers that insufficient garden space is available, and the dwelling is too large and affects residential amenity. Recommends a smaller dwelling. Size and mass would be detrimental to the outlook of adjoining properties and would be an over dominant feature at this location.

Drainage: Originally raised issues but following additional information and consideration of wider drainage scheme approved, supports the proposal in principle subject to resolution of specific issues re scale of attenuation tanks proposed, installation of orifice plate up stream of manhole SIC4. This can be achieved though imposition of surface water conditions.

Highways: Access to this development through the wider development has already received planning permission and is currently progressing through s38 highways agreement process. Due to the nature of the development, the proximity to local schools and the disparate nature of construction (individual builders) a highway construction management plan condition is recommended.

Trees and woodlands: (in summary) Property would be in close proximity to boundary hedge and trees. Tree shown to be removed has Ash die back and there is no objection to its removal. The hedge is sporadic and has grown 'leggie'. It is recommended that it should be retained but cut back to allow re growth. Gap planting will also be required. Remaining tree to the north east is close to the property and is another Ash which may in the future be affected by die back.

Environmental Protection: Hours and days of construction condition.

Heritage Officer: No heritage input required.

Site Notice and neighbours:

As part of the application process the applicant has contacted the owners/ developers of 186 Humberston Avenue and plot 2 and 4 Ellis Way who have indicated no objection to the revised plans.

Following consultation of the application.

Neutral: Plot 2 (Ellis way) request plotting of plot 2 on plans to assess impact of balcony.

Objections: 35 Hawthorne Road and Petition from 19 Hawthorne Road Humberston (18, 20, 28, 29 30, 32 (x2) and 81 Hawthorne Rd)

Issues raised:

- Loss of trees and hedgerows - mature Ash to be removed and hedges cut down to 2m - impact on wildlife - already seen substantial losses on adjoining plot in favour of fences - no more. Also provisions of Wildlife and Countryside Act 1981.
- Loss of trees and hedges required as the site is too close to the boundary. This will be detrimental to the visual amenity of neighbours.
- Trees and hedges should be suitably protected and maintained at a specific height - with controls imposed.
- Loss of privacy.
- Drainage scheme is not fit for purpose as current drainage ditch/ swale is not maintained, is overgrown and full of builder's debris. Needs cleaning and dredging otherwise will be stagnant water and mosquitoes.
- Hours of construction should be imposed.

## **APPRAISAL**

Appraisal

Main issues

1. Principle of Development
2. Impact on Neighbours
3. Impact on Character of the Area
4. Access and parking
5. Drainage
6. Landscaping and ecology

Appraisal

1. Principle of Development

The site is located within the defined development boundary for Humberston on the NELLP Inset Maps and allocated for residential development (HOU147). Furthermore, the site was granted outline planning permission in 2016 (DM/0973/14/OUT) for the erection of 30 dwellings and reserved matters for the site access road was approved in 2017 (DM/0207/17/REM). Although the time for submitting further reserved matters applications has now lapsed it is clear that the principle of residential development on the site has been established.

It is noted that through the section 106 planning legal agreement which forms part of the outline permission, affordable housing and education contributions are required at the site. The triggers for phased payments commence with the erection of the 6th house on site. This trigger has not yet been reached and the current proposal represents the 5th property to be erected. Nevertheless, the overall site owners have been contacted to remind them of this requirement.

This proposed dwelling is positioned in line with the previous plot plan (DM/1027/17/FUL) and so follows the same principles. The proposal therefore accords with policies: 5, 13 and 17 of the NELLP.

## 2. Impact on Neighbours

The nature of the site is that it is relatively narrow and is constrained by both by residential neighbours to the north, west and south of the plot but also the hedge and ditch to the east. The nature of the wider development is such that individual building plots are purchased to allow self build development to come forward. Each design is therefore unique but within an overall design brief set. As such the scale and design of each house, and how it relates to its neighbours differs substantially and requires owners/ developers to work with each other.

Following concerns raised re outlook, dominance and light and sunlight, the applicant has reduced the scale of the development though a shorter rear two storey wing, the relocation of the master bedroom balcony from the west to the east and the pulling of the dwelling slightly forward by 1m. The proposal would be close to plot 2 to the west but the impact on that property would be minimised by the existing dwelling's design with a garage at ground floor and the south facing bedroom only at first floor closest to the proposal. Similarly, the rear wing of the proposal would be 12.8m away from the facing elevation at plot 2. This together with the low eaves and ridge proposed for the rear wing would be sufficient to maintain light and sunlight at plot 2 particularly to the two bedroom windows facing east and the glazed living/ dining area which also partially faces east. The reduction in two storey length of the rear wing would also assist to maintain outlook to plot 2. Privacy would on the whole be retained through limiting first floor windows facing plot 2 to just two windows not unlike plot 2 itself.

The proposal would be some 11.9m from the rear wing of 186 Humberston Avenue. Despite being to the south of no. 186 the impact on this property would be limited. This is due to the lack of proposed facing windows to the rear wing to the north and the single storey section closest 186 reducing the impact on dominance, light, sunlight and privacy.

To the south plot 4 would be 10.4 m from the front elevation of the proposal. Such a close relationship has always been anticipated and it is noted that a large number of the habitable rooms at that property have south facing aspects too. This is particularly true at ground floor so that the impact of the proposed dwelling would be limited.

Finally, the proposal would include windows and a balcony which would face east. A number of objections on the basis of loss of privacy have been received from the bungalows opposite (Hawthorne Road), but the 15m wide open space created between the application site/ ditch and the estate road, the access road itself and public frontages of the facing bungalow, a distance of approximately 26m, are such that privacy, outlook and light and sunlight would not be adversely affected.

In overall terms, whilst it is accepted that relationship between properties, particularly on the Ellis Avenue, is tight, it was always going to be the case, particularly given the site layout at this point. The applicant has sought to meet with immediate neighbours, showing them amended plans and has received email confirmation of their acceptance of the proposals. The objections from neighbours opposite at Hawthorne Road are noted, but despite these concerns the distance to these properties and their public face would be such that impacts would not be unreasonable. This coupled with the lack of Ellis Avenue objection received as a result of the application consultations and publicity undertaken is such that it is deemed that the proposal would accord with policy 5 of the NELLP.

### 3. Impact on Character of the Area

As noted, Ellis Avenue is a self-build estate leading to individual designs, but are bound by an overall design code controlled through the original land owner. This modernist approach can be seen in the current design with a semi traditional shape and style but with non-symmetrical roof pitches and walls of render, brick and hanging tile. This together with the overall height of the proposal would ensure that it would not appear out of keeping with the estate and would accord with policies: 5 and 22 of the NELLP.

### 4. Access and parking

The access to the site, is dictated by the approved road layout and that of the existing properties at plots 2 and 4. The scheme would therefore utilise a short private road before connecting to Ellis Avenue (to be adopted). Parking would be in the form of a minimum of three car parking spaces to a driveway forward of the proposal and directly north of plot 4. The Highways Officer has not objected to this approach, although do request a construction management plan to be agreed before work commences to limit the impact on the highway and its safety. As such the proposal is considered to accord with policies: 5, 36 and 38 of the NELLP.

### 5. Drainage

It is proposed to connect to the main foul drain that has been placed in Ellis Way (for the whole estate of 30 houses) which itself connects to Humberston Avenue. This connection/ arrangement has been agreed at the previous reserved matters stage for the main estate. In the same way the overall approach to surface water has been agreed at reserved matters stage subject to more detailed consideration. Surface water is dealt with sustainably with water being directed to an attenuation tank to rear of the site (geology not being particularly suited to soakaways) but then released at a restricted rate into the adjoining ditch. Full details of this, and a discharge rate have not been agreed and which may require a greater attenuation tank to be provided. As such it is recommended that the scheme is subject to a pre commencement surface water drainage condition. The riparian nature of the ditch is noted and its condition. As such it is also recommended that a condition is imposed for a management plan for the area of the ditch adjoining the application site to ensure ease of flows.

## 6. Landscaping and ecology

The principle of developing the site has been agreed and as such the plot is generally a building site. The site does, however, including a hedge and some smaller trees to the eastern boundary. The majority of this is overgrown hedge plants with the exception of two Ash trees. One ash tree is noted to be removed. The Trees and Woodlands officer has visited the site and has not objected to its removal noting Ash die back is a potential issue for the tree. The remaining hedging is noted to be retained, but cut back to allow regrowth and gap planting and a condition is also recommended to maintain it at a height of at around 2m.

The retention and regeneration of the hedge would also assist ecology in the area. This would maintain the character of the area and the ecological benefits of the boundary hedge in accordance with policies: 5, 22 and 41 of the NELLP.

### **CONCLUSION**

In conclusion, it is considered that the proposed development complies with the relevant policies of the NELLP and would not unduly impact upon the neighbouring properties amenities, the character and appearance of the area or highway safety. It is therefore recommended for approval subject to conditions

### **RECOMMENDATION**

#### **Approved with Conditions**

(1) Condition

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

Reason

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

(2) Condition

No works shall commence above damp course level until samples and details of materials, in accordance with the general materials stated on approved plans, shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall thereafter be in accordance with the approved details.

Reason

To maintain the character of the wider estate and area in general and in accordance with policies: 5 and 22 of the North East Lincolnshire Local Plan 2013 -2032 (adopted 2018)

(3) Condition

No development shall commence until a scheme for the provision of sustainable surface water drainage (including discharge rates) has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall be implemented before the dwelling is first brought into use and shall be retained as such thereafter.

Reason

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

(4) Condition

Prior to the dwelling being occupied a management plan for the section of ditch adjoining the site shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall thereafter be implemented for the life time of the development.

Reason

To maintain drainage and limit the risks from flooding and in accordance with policies: 5 and 33 of the North East Lincolnshire Local Plan 2013 -2032 (adopted 2018).

(5) Condition

Prior to occupation of the dwelling, final details of how water will be reused and recycled on site shall be submitted to and agreed in writing by the Local Planning Authority. Once approved, the details shall be adhered to at all times following first occupation.

Reason

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

(6) Condition

Prior to development commencing the following details shall be submitted to and agreed in writing with the Local Planning Authority:

- (a) A scheme of hard and soft landscaping including materials and details of the number, species, sizes and planting positions of all trees and shrubs to be planted;
- (b) Details of the management of the landscaping scheme;
- (c) Details of the implementation of the landscaping scheme;
- (d) Details of boundary treatments including walls, hedges and fences

The approved scheme shall then be fully implemented in line with the approved details and maintained in accordance with the approved landscape management plan.

#### Reason

To ensure a satisfactory appearance and setting for the development, the protection of existing features in the interests of local amenity and in the interests of drainage in accordance with policies: 5, 33, 41 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

#### (7) Condition

Before development begins, a detailed scheme for the protection of trees/hedges to be retained as part of the landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme as shall be implemented before development begins and shall be retained during construction works.

In addition to this, the scheme shall include the retention of the hedge to the eastern boundary of the site, with hedging maintained to at least 2m in height for the lifetime of the development unless otherwise approved in writing by the Local Planning Authority.

#### Reason

To prevent damage to hedges during construction works, visual character and ecology and in accordance with policies: 5, 22 and 41 of the North east Lincolnshire Local Plan 2013 -2032 (adopted 2018).

#### (8) Condition

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

- a) Control measures that will be employed to control the impact of noise, vibration and dust during the construction phase (inclusive of operating hours). The noise assessment must comply with the requirements of British Standard 5228 unless otherwise approved.
- b) Confirmation that no burning of demolition/construction waste material shall take place on site.
- c) Contact details of the person with responsibility for the implementation of the CMP/CTMP;
- d) The expected number, types and size of vehicles during the entire construction period;
- e) The proposed daily hours of operation during the construction period;
- f) Details of on-site parking provision for construction related vehicles;
- g) Details of on-site storage areas for materials, if required;
- h) Details of expected delivery schedules and how this will be managed to eliminate waiting on the public highway (i.e. call ahead or pre-booking scheduling system), if required; and
- i) Details of wheel washing facilities (locations, types etc.

The approved CMP/CTMP and control measures it contains shall be implemented

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

Reason

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

(9) 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).

(10) Condition

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

SK810: Existing and Proposed Block Plans

SK900: Proposed Plans

SK901: Site Plan

SK902: Proposed Dimensions (Proposed Floor Plans)

SK903: Proposed East and North Elevations

SK904: Proposed West and South Elevations

Reason

To ensure the development is in accordance with the approved details and results in a satisfactory form of development and in accordance with policies: 5, 22, 33, 34, 38 and 41 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, subject to conditions, harm the area character, residential amenity, ecology and drainage 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 41 and the provisions of the National Planning Policy Framework (2013 -2032).

## 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 resolving issues in relation to residential amenity.

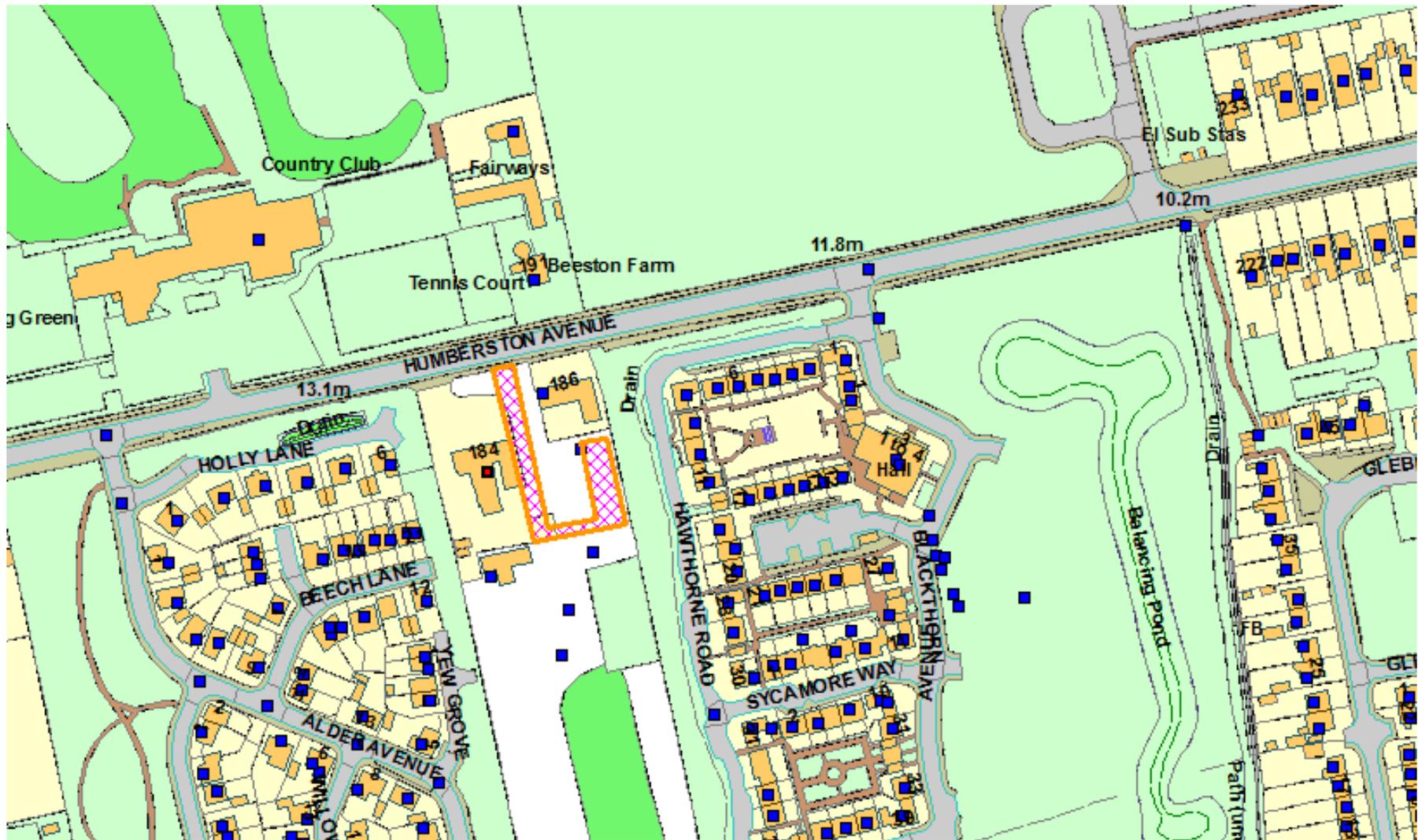
## 3 Informative

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

## 4 Informative

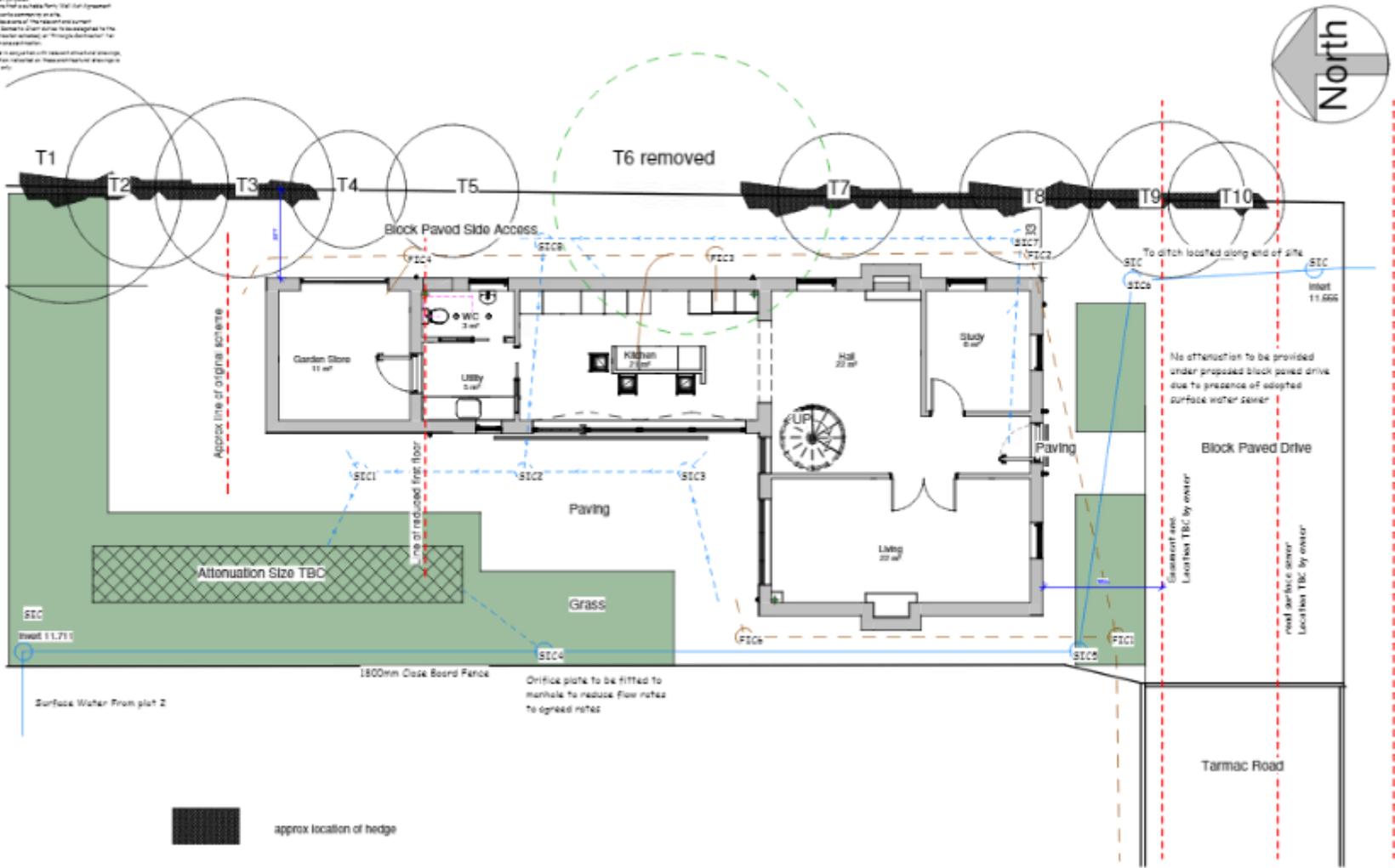
Please note that you may also require Building Regulations. You are advised to contact them in advance of work on site commencing (Tel: 01472 326289 - Option 2).

DM/0109/23/FUL – 184 HUMBERSTON AVENUE (REAR OF 186), HUMBERSTON



DM/0109/23/FUL – 184 HUMBERSTON AVENUE (REAR OF 186), HUMBERSTON

1. This plan is to be used in conjunction with the Planning Application and the relevant planning conditions. It is not to be used for any other purpose.  
 2. It is the responsibility of the applicant to ensure that the proposed works are carried out in accordance with the approved plans.  
 3. It is the responsibility of the applicant to ensure that the proposed works are carried out in accordance with the approved plans.  
 4. It is the responsibility of the applicant to ensure that the proposed works are carried out in accordance with the approved plans.  
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 9. It is the responsibility of the applicant to ensure that the proposed works are carried out in accordance with the approved plans.  
 10. It is the responsibility of the applicant to ensure that the proposed works are carried out in accordance with the approved plans.



**PLANNING COMMITTEE - 6th September 2023**

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

**APPLICATION No: DM/0484/23/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: Land Adjacent To Blossom Avenue, Humberston, Cleethorpes**

**PROPOSAL: Erect two storey mixed use building for office and B8 industrial use with access, parking and service areas and associated landscaping**

**APPLICANT:**

Mr M Schofield  
Patteson's Glass Ltd  
25 Atlas House  
Estate Road 8  
South Humberston Industrial Estate  
Grimsby  
North East Lincolnshire  
DN31 2TG

**DEPOSITED:** 19th May 2023

**AGENT:**

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

**ACCEPTED:** 31st May 2023

**TARGET DATE:** 30th August 2023

**PUBLICITY EXPIRY:** 27th August 2023

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY:** 25th June 2023

**CASE OFFICER:** Emily Davidson

**PROPOSAL**

The proposal is to erect two storey mixed use building for office and B8 industrial use with access, parking and service areas and associated landscaping. The building will be constructed from grey panelling with aluminium windows and doors.

The application is presented to Planning Committee due to it being a departure from the Local Plan.

**SITE**

The site is located off Blossom Avenue in a developing commercial area. To the north

east of the site is Tesco with residential properties beyond. Wilton Road industrial estate sits to the south east with open countryside enclosing the rest of the boundaries. The overall Altyre Way commercial site is accessed off Hewitts Avenue which is a busy route between Cleethorpes and the villages beyond.

## **RELEVANT PLANNING HISTORY**

DM/0587/19/FUL - Erect single storey building comprised of B1/B2/B8 units with parking and servicing areas, a secure car parking compound with associated landscaping and boundary fencing.

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

### National Planning Policy Framework (2021)

NPPF12 - Achieving well designed places

NPPF14 - Climate, flooding & coastal change

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

PO5 - Development boundaries

PO10 - Office development

PO22 - Good design in new developments

PO33 - Flood risk

PO34 - Water management

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

## **REPRESENTATIONS RECEIVED**

### Consultee Representations

Highways Officer - Requests construction management plan. Alleviated by receipt of satisfactory document.

Drainage Officer - Requests further information. Information received and considered satisfactory.

Heritage Officer - No heritage input required.

HSE - No comments.

Cadent Gas - No objections and recommend an informative for safe working.

Environment Agency - No comments

Humberside Fire and Rescue - Informative for access and water supply for the purposes of the emergency services.

Anglian Water - Notes that there are assets in the area. Recommends several informative and requests the use of sustainable surface water drainage methods.

Environmental Protection Officer - Requests hours of construction, construction management plan, piling, provision of extraction/ventilation, no external manufacturing, and hours of operation conditions. Further information was provided for construction management and piling which alleviated the need for a condition. Confirmation was provided that no extraction/ventilation was required.

Drainage Board - Requests drainage details prior to development commencing and notes that discharging into an Environment Agency asset may require a permit.

Trees and Woodlands Officer - Requests curb details. These have been received and are considered acceptable.

Humberston Village Council - No objections.

Neighbour Representations

No neighbour representations received.

## **APPRAISAL**

Principle of Development

The proposal is located within a housing allocation and as the proposal is for industrial use is a departure from the North East Lincolnshire Local Plan 2018. A departure from the Local Plan does not automatically mean a development is unacceptable and is subject to considerations to establish its appropriateness. In this case the housing allocation has already been reduced by commercial development and the area is one of established commercial operations. Housing would no longer be compatible or indeed appropriate and the use proposed is acceptable. It must also be noted that the site had planning permission previously for commercial development under permission DM/0587/19/FUL. Whilst this has lapsed it is a material consideration in terms of the acceptability of the use.

The site is also located in a flood risk area, therefore, as the site is not allocated for the intended use, a sequential test is required (though it must be acknowledged that the proposed use is less vulnerable than that allocated). The agent has provided information to support that the use is a lower risk development when considering flood risk, so the proposed use is sequentially preferable in areas such as this. The agent also confirmed that several alternative sites have been identified and ruled out as there was a higher risk in terms of flood risk. Having passed the Sequential Test as a less vulnerable use the Exception test does not apply.

In addition to the flood risk element, the site proposes over 500m<sup>2</sup> of office space located outside of the town centre. This also then triggers the requirement for a sequential test in relation to the use as per Policy 10. In this case the office is to be used in conjunction with the industrial use itself and this would not be suitable for a town centre location. The application is also considered sequentially sound on this issue.

Finally the proposal represents an economic investment by the company in the area securing jobs and supporting the companies ambitions. This strongly supports the development.

## Design

The proposal is situated in an area which is developing as an industrialised and commercial area. Therefore, principally, a building of this nature would be in keeping with this character. The building would be finished in grey panelling which is typical for buildings of this type. The building is quite large, however, it is fitting for the plot and wider area. The application is considered not to harm the wider character of the area and is in accordance with Policy 22 of NELLP 2018.

## Neighbouring Amenity

The proposal is adjoined by various commercial and industrial use buildings. No neighbour representations have been received.

Given the nature of the area, there is likely to be little impact to the amenity of the surrounding neighbours. The additional footfall would not cause concern and in terms of massing, overshadowing and overlooking, these elements are considered acceptable. The Council's Environmental Protection officer requested various conditions to further protect amenity.

The application is considered in accordance with Policy 22 of the NELLP 2018.

## Highways

The Council's Highways Officer requested a construction management plan to ensure the works would be acceptable. This has been received and is considered acceptable. The officer raised no further comments or concerns. The application is considered in

accordance with Policy 5 of the NELLP 2018.

#### Flood Risk

As stated above the site is located in a flood risk area. The commercial use is less vulnerable than the residential allocation. The Environment Agency have raised no objections but the finished floor levels need to be defined. This is being finalised and an update will be provided at the Planning Committee. In flood risk terms subject to this detail being confirmed the proposal is considered to be in accordance with Policy 33 of the NELLP 2018.

#### Drainage

The Drainage Board and Anglian Water requested that surface water drainage was considered as part of the application. This information was included in the application and the Council's Drainage Officer requested further information which was received and considered acceptable. The application is considered in accordance with Policy 34 of the NELLP 2018.

#### Trees and Woodlands

The Council's Trees and Woodlands Officer noted that the site has limited options for planting given its use and location. To give the planting that is included the best chance to thrive, details were requested of the kerb details which were received and considered acceptable. The application is considered in accordance with Policy 42 of the NELLP 2018.

#### Other Considerations

Comments were received from HSE who raised no concerns. Cadent Gas and Humberside Fire and Rescue have requested informatives.

### **CONCLUSION**

The proposal is considered acceptable having regard to the predominant character of the area and recent development. Indeed residential development would not now be appropriate. There are no concerns in relation to design and neighbours and the economic benefits support the scheme. Other issues have been addressed through the application. The application is therefore considered in accordance with Policy 5, 10, 22, 33, 34 and 42 and is recommended for approval.

### **RECOMMENDATION**

**Approved with Conditions**

(1) Condition

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

Reason

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

(2) Condition

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

Site Location Plan - RD5359-04

Existing Block Plan - RD5359-01

Proposed Block Plan - RD5359-05

Proposed Block Plan with Levels - RD5359-02 C

Proposed Plans and Elevations - RD5359-03 D

Landscaping Plan - LP01\_240423\_AH

Kerb Detail - RD5359-06

Reason

For the avoidance of doubt in the interests of proper planning and in accordance with Policies 5, 10, 22, 33, 34 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(3) Condition

The works shall be constructed in accordance with the construction traffic management plan received 19/07/2023 unless otherwise agreed with the Local Planning Authority.

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).

(4) 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).

(5) Condition

Should it be required, prior to its installation, details shall be submitted to and approved in writing by the Local Planning Authority of all external ventilation and extraction equipment. The approved scheme shall be completed, prior to the use commencing, in accordance with the approved plans and shall thereafter be so retained.

Reason

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

(6) Condition

The development shall then be built out in accordance with approved plans/details 1115-2310, 1115-2310-C 1-30-100 YEAR, 1115-2310-C 100 YEAR 40%CC, 1115-2310-CIV-P3, 1115-2310-A 100 YEAR 40CC and 1115-2310-CIV-10-P1 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 Policy 5, 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

## **Informatives**

1 Reason for Approval

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or 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, 10, 22, 33, 34 and 42.

2 Added Value Statement

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

In accordance with paragraph 187 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to problems arising, by securing additional details to alleviate the need for a condition.

3 Informative

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

4 Informative

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

5 Informative

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

6 Informative

The development should consider the comments made by the Humberside Fire and Rescue when carrying out works.

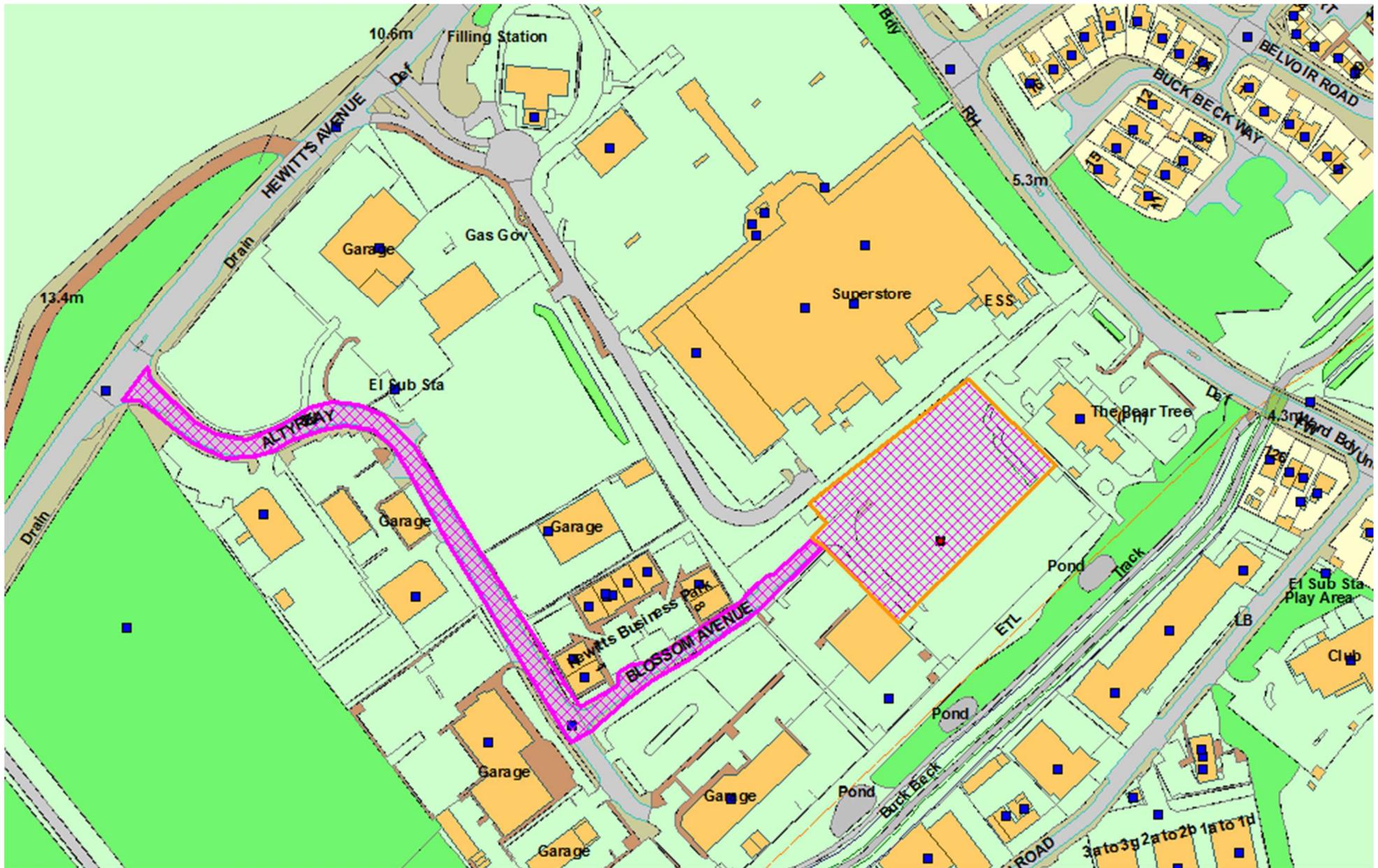
7 Informative

The development should consider the comments made by Cadent Gas when carrying out works.

8 Informative

The development should consider the comments made by the Anglian Water when carrying out works.

Land Adjacent To Blossom Avenue, Humberston - DM/0484/23/FUL



Land Adjacent To Blossom Avenue, Humberston - DM/0484/23/FUL

