

## Planning Committee Dated: 8th September 2021

### Summary List of Detailed Plans and Applications

<b>Recommendation: Approved with Conditions</b>	
<b>Item:</b>	<b>1</b>
<b>Application No:</b>	DM/0650/21/FUL
<b>Application Type:</b>	Full Application
<b>Application Site:</b>	184 Waltham Road Grimsby North East Lincolnshire DN33 2PZ
<b>Proposal:</b>	Change of use of dwelling to a residential care home for up to 5 young people
<b>Applicant:</b>	Keys Group Limited
<b>Case Officer:</b>	Owen Toop
<b>Recommendation: Approved Conditions and signing of S106</b>	
<b>Item:</b>	<b>2</b>
<b>Application No:</b>	DM/0433/21/FUL
<b>Application Type:</b>	Full Application
<b>Application Site:</b>	Land Off Blackthorne Avenue Humberston North East Lincolnshire
<b>Proposal:</b>	Erection of a residential care home for the elderly and associated external works
<b>Applicant:</b>	Tanglewood Care Services Ltd
<b>Case Officer:</b>	Emily Davidson
<b>Recommendation: Approved with Conditions</b>	
<b>Item:</b>	<b>3</b>
<b>Application No:</b>	DM/0554/21/FUL
<b>Application Type:</b>	Full Application
<b>Application Site:</b>	Kingsway Club 3 Kingsway Cleethorpes North East Lincolnshire
<b>Proposal:</b>	Partial change of use at ground floor from office to bar, alterations to doors and windows and creation of outdoor seating area to front with associated works
<b>Applicant:</b>	The Kingsway Club Ltd
<b>Case Officer:</b>	Lauren Birkwood

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<b>Recommendation: Refused</b>	
<b>Item:</b>	<b>4</b>
<b>Application No:</b>	DM/0578/21/FUL
<b>Application Type:</b>	Full Application
<b>Application Site:</b>	279 Willingham Street Grimsby North East Lincolnshire DN32 9QD
<b>Proposal:</b>	Erect garage block with apartments above
<b>Applicant:</b>	Luke Shelbourn
<b>Case Officer:</b>	Lauren Birkwood

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<b>Recommendation: Approved with Conditions</b>	
<b>Item:</b>	<b>5</b>
<b>Application No:</b>	DM/0529/21/FUL
<b>Application Type:</b>	Full Application
<b>Application Site:</b>	3 Blyth Way Laceby North East Lincolnshire DN37 7FD
<b>Proposal:</b>	Retrospective application for the erection of a summerhouse and decking
<b>Applicant:</b>	Mrs Gillian Nicholls
<b>Case Officer:</b>	Bethany Loring

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**PLANNING COMMITTEE - 8th September 2021**

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

**APPLICATION No: DM/0650/21/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: 184 Waltham Road, Grimsby, North East Lincolnshire, DN33 2PZ**

**PROPOSAL: Change of use of dwelling to a residential care home for up to 5 young people**

**APPLICANT:**

Keys Group Limited  
C/O Agent - Emery Planning  
Unit 2-4 South Park Court  
Hobson Street  
Macclesfield  
SK11 8BS

**AGENT:**

Ms Sarah Sands  
Emery Planning  
Units 2 - 4 South Park Court  
Hobson Street  
Macclesfield  
SK11 8BS

**DEPOSITED: 28th June 2021**

**ACCEPTED: 28th June 2021**

**TARGET DATE: 23rd August 2021**

**PUBLICITY EXPIRY: 7th August 2021**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 30th July 2021**

**CASE OFFICER: Owen Toop**

**PROPOSAL**

This proposal relates to the change of use of a dwelling (class C3) to a residential care home (C2) for up to 5 young people. No external works are proposed but minor internal room changes are identified.

This application is brought to the attention of planning committee due to the number of neighbour objections received.

**SITE**

184 Waltham Road is an existing two storey detached residential property in the village of

Scartho. The property is situated within large grounds and to the front of the property is an area of hardstanding with two access and egress points for the property onto Waltham Road. The rear garden extends a large distance to the rear and contains a large grassed area, with hedging forming the boundaries. Boundary treatments adjacent to the side walls of the main house consist of relatively high level walling.

The surrounding area is residential in nature and residential properties are located adjacent all four boundaries of the property. Directly to the north of the site and adjacent is 182 Waltham Road. Moreover the residential street of Orchard's Croft is located to the north and north west. To the south of the site and adjacent is 186 Waltham Road and further to the south is the residential street, Heatherdale Close. Opposite the site and east are residential properties at Waltham Road, whereas to the rear and west are properties at Orchard's Croft.

## **RELEVANT PLANNING HISTORY**

DM/0347/21/CEA - Certificate of Lawful Proposed Use for 4 young people - this application has been withdrawn. Discussions with the planning officer have resulted in this current application.

DC/252/02/SCA - Erection of one detached house and garage (to the rear of the property) - Refused on 25/06/2002.

DC/822/00/SCA - Alterations and 2 storey rear living room at ground floor with bedroom and en-suite/dressing room at first floor and single storey side extension - Approved with conditions on 04/01/2001.

P41358 - Outline planning application for the erection of 3 dwellings - Refused 14/08/1989.

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

National Planning Policy Framework (February 2019)

NPPF12 - Achieving well designed places

NPPF8 - Promoting healthy and safe communities

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

PO5 - Development boundaries

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**

Crime Reduction Officer - No objections to the use and its location.

Highways - No objections on the grounds of access, parking, traffic or safety.

Environment Team - No comments to make.

Drainage - No drainage comments.

Heritage Officer - No input required.

Tree Officer - No impact to trees, therefore no objections.

Neighbours and Public Consultation

In some cases multiple letters from the same address have been provided. Objections received from the following addresses:

137 Waltham Road  
149 Waltham Road  
153 Waltham Road  
159 Waltham Road  
161 Waltham Road  
163 Waltham Road  
167 Waltham Road  
169 Waltham Road  
171 Waltham Road  
175 Waltham Road  
182 Waltham Road  
185 Waltham Road  
186 Waltham Road (The Laurels)  
188 Waltham Road  
194 Waltham Road  
2 Southfield Road  
4 Southfield Road  
7 Southfield Road  
14 Southfield Road  
31 Southfield Road  
39 Shaw Drive  
1 Orchards Croft  
2 Orchards Croft

6 Orchards Croft  
7 Orchards Croft  
8 Orchards Croft  
1 Heatherdale Close  
4 Heatherdale Close  
5 Heatherdale Close  
3 Wood Close

Broadly on the grounds of:

- potential for expansion due to the size of the site
- devaluation of property value
- noise, litter and disturbance from occupiers and comings and goings of workers and visitors
- loss of amenity and impact on wellbeing for existing residents and occupiers
- traffic congestion and impact on highways safety, insufficient parking, and NELC's highways representation
- fear of crime including anti-social behaviour, drug-use and violence
- security issues and trespassing onto neighbouring properties
- impact on existing vulnerable persons and persons with disabilities of all ages
- out of character with residential area and not a suitable location for the use
- comments on planning procedure
- misleading information in the submission
- the applicant's management of sites referring to cases, online forums and applicant's website
- lack of information to support the application in terms of clarity of end users and risk assessment process for users
- reference to previous certificate of lawfulness and planning history for other developments for residential care homes
- safeguarding issues for occupiers and neighbouring residents
- The lack of need for the use presented by the applicant, with reference to the North East Lincolnshire Commissioning Service
- does not comply with local and national planning policy

Letters of support received from the following addresses:

77 Waltham Road  
9 Westkirke Avenue  
23 Ferriby Lane

Broadly on the grounds of:

- helping the occupants integrate into society
- rehabilitation
- supporting young people

## **APPRAISAL**

The material planning considerations are:

1. Principle of Development
2. Impact on the Character of the Area
3. Impact to Neighbours
4. Highways and Parking
5. Crime and Anti-Social Behaviour

### **1. Principle of Development**

The proposal is to change the use of the existing dwelling in Waltham Road in Scartho into a children's care home, this is a change from Use Class C3 to Use Class C2. Both of these use classes are residential in nature but because the adults providing the care would not be residents at the property they would not be living as a single household and results in a change of use of the property.

The information supplied with the application (3.5 in the submitted Planning Statement) states that up to 5 children (between the ages of 10 and 18 years) would live at the property with 4 members of staff providing care in the day and 2 members of staff during the night. This would be the childrens permanent home. The care that would be provided would be acting in a parenting role and the concept is to provide a family home. The proposed use of the house is still residential in principle and would provide a home for children to be managed by the company Keys Group Ltd.

The site is located within a residential area which benefits from the usual services expected in such a location including primary and secondary schools, local centres, public transport and recreation areas. It is located within the defined settlement boundary for Grimsby in the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) [NELLP] and as such the proposed development is acceptable in principle. It then falls to judge the proposal on the site specifics as required by Policy 5 of the NELLP 2018.

### **2. Impact on the Character of the Area**

The proposed change of use would not result in any external changes to the existing dwelling. Thus, the visual character of the area would not be adversely affected by the proposed development. The proposed use whilst falling within Class C2 of the Use Classes Order is still residential in nature. This residential use reflects the overall character of the immediate and wider area. Internally, the only changes proposed include altering the access to the study to access it from the living room and to alter the existing downstairs cloakroom to create a sensory room and toilet area. On the first floor the en-suite to bedroom 1 would become a staff bedroom and the dressing room would become a separate bathroom with separate staff shower room. Bedroom 1 would be divided to create a bedroom for the fifth child. No adverse impacts to the character of the area are expected as a result of these changes.

The proposal is therefore considered to accord with Policy 5 of the NELLP in relation to the impacts to the character of the area.

### 3. Impact to Neighbours

The objections received from local residents are acknowledged as are those in support. The proposed development would not see any physical changes to the existing property externally. There would therefore not be any physical impacts from development on the neighbouring properties residential amenities in relation to massing, overshadowing or overlooking. The potential impacts to the neighbours therefore arise from the proposed use of the property.

The proposed use would see the existing 5 bedroom dwelling used in a very similar way to its current use as a normal dwelling house other than the minor internal changes aforementioned. It is perfectly reasonable, in planning terms, to expect a 5 bedroom house to be occupied by the above children and adults. There would be a material difference to the existing situation as the adults would not be residents and would change on a shift pattern (Section 3.8 states these would normally occur at either 10am or 12pm) however, these comings and goings are unlikely to be significant and not materially different to those expected at any typical residential property in relation to the usual daily routine of school runs, sports clubs and trips to shops etc. which would take place. This is also considered to apply to use of the garden space by the children in that it would be no different from a family unit using their garden and as such this would not pose any additional impact on the residential amenities of the neighbouring properties.

It should be noted that property values and the way in which properties are purchased by the applicant are not material planning considerations.

The proposal is therefore considered to accord with Policy 5 of the NELLP in relation to the impacts to neighbours.

### 4. Highways and Parking

It is noted that objections highlight highway safety, amenity, traffic and parking as a serious concern.

The existing site is a large residential property which will remain residential in its nature. The property benefits from two existing access points that will remain unaltered and naturally split trips accessing/egressing the property. The existing property benefits from a driveway and two garages which would allow up to 6 cars to be parked off road. The existing layout therefore would accommodate space for staff, and any visitors, to park on the site rather than on the street. It is therefore considered that the proposed development would not have a detrimental impact on highway amenity as a result of insufficient parking provision on the site.



Additionally the traffic movements associated to the use are not expected to be significantly more than that for a single dwelling. It is not unreasonable due to the size of the property, to expect the existing dwelling to be potentially wholly occupied by adults and therefore have the potential to generate trip numbers far more than what is being proposed. The young people living in the home will not be car drivers themselves and therefore trip generation will be on par with standard family operation.

Highway safety is a material consideration. The site is located on Waltham Road and benefits from good visibility in both directions. There are no on street parking restrictions in the area and when visiting the site planning officers noted that cars do regularly park on the street, and surrounding streets. The comments referring to the bus-stop outside of the frontage of the property are also noted. However, as discussed above the proposed development would not place any additional pressure on on-street parking in the area than that which would occur at a dwelling. Moreover, the site itself is relatively sustainable with good access to local amenities and schools with the bus stop located within the immediate vicinity, this provides access to sustainable transport modes and subsequently reduces the young people living at the home's reliance on car usage and the opportunity for travel independence.

The Highways Officer has considered the proposed development in detail with specific regard to highway safety, traffic, parking and amenity and raises no objections to the proposed development.

Having regard to highway considerations, it is therefore considered that the proposal accords with Policy 5 of the NELLP.

## 5. Crime and Anti-Social Behaviour

The majority of the neighbour comments refer to the potential for anti-social behaviour and increased crime. The property will be staffed 24 hours a day. The home is not intended to operate any different from that of a normal dwellinghouse and indeed, the number of children to be housed does not exceed what could typically be expected for a 5 bed house. There has been considerable dialogue with Humberside Police in response to the application and in particular whether the site is suitable for a small care home in this location.

The Crime Reduction Officer raises no objections with regards to the proposed use and its location.

It should also be noted that the applicant has responded to the neighbour objections and outlined how the site will be managed. The management of the home would fall under the responsibility of Keys in the first instance. It is in their interests to aspire to the highest standards and to operate effectively given that the registration of all residential homes are overseen by Ofsted who also maintain rigorous inspections and assessments throughout the operation of the home. The applicant is clearly experienced in managing such

facilities with 125 managed across England and Wales. Irrespective of planning permission such registration provides additional controls over the site's management and its operating processes and procedures, giving an additional layer of protection in respect of those children occupying the property.

Having regard to the above, the proposal is considered to accord with Policy 5 of the NELLP.

## **CONCLUSION**

The proposed development seeks to provide accommodation in the form of a small children's home which is to be delivered by Keys Group Limited. The proposal would maintain a residential use in a residential area albeit of a different use class. The overall intensity of the use of the site would not significantly change to what may reasonably be expected at a dwelling house. It is not considered that there would be any significant impacts on the neighbouring properties residential amenities or additional harm to highway safety, amenity or crime. The general appearance of the property would not be altered and so the visual character of the area would not be harmed. It is therefore considered that the proposed development would comply with Policy 5 of the NELLP 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 - Received 28th June 2021

Block Plan - Received 28th June 2021

Proposed Floor Plans - Received 28th June 2021

#### **Reason**

For the avoidance of doubt and in the interests of proper planning 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 policy 5.

### **2 Added Value Statement**

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

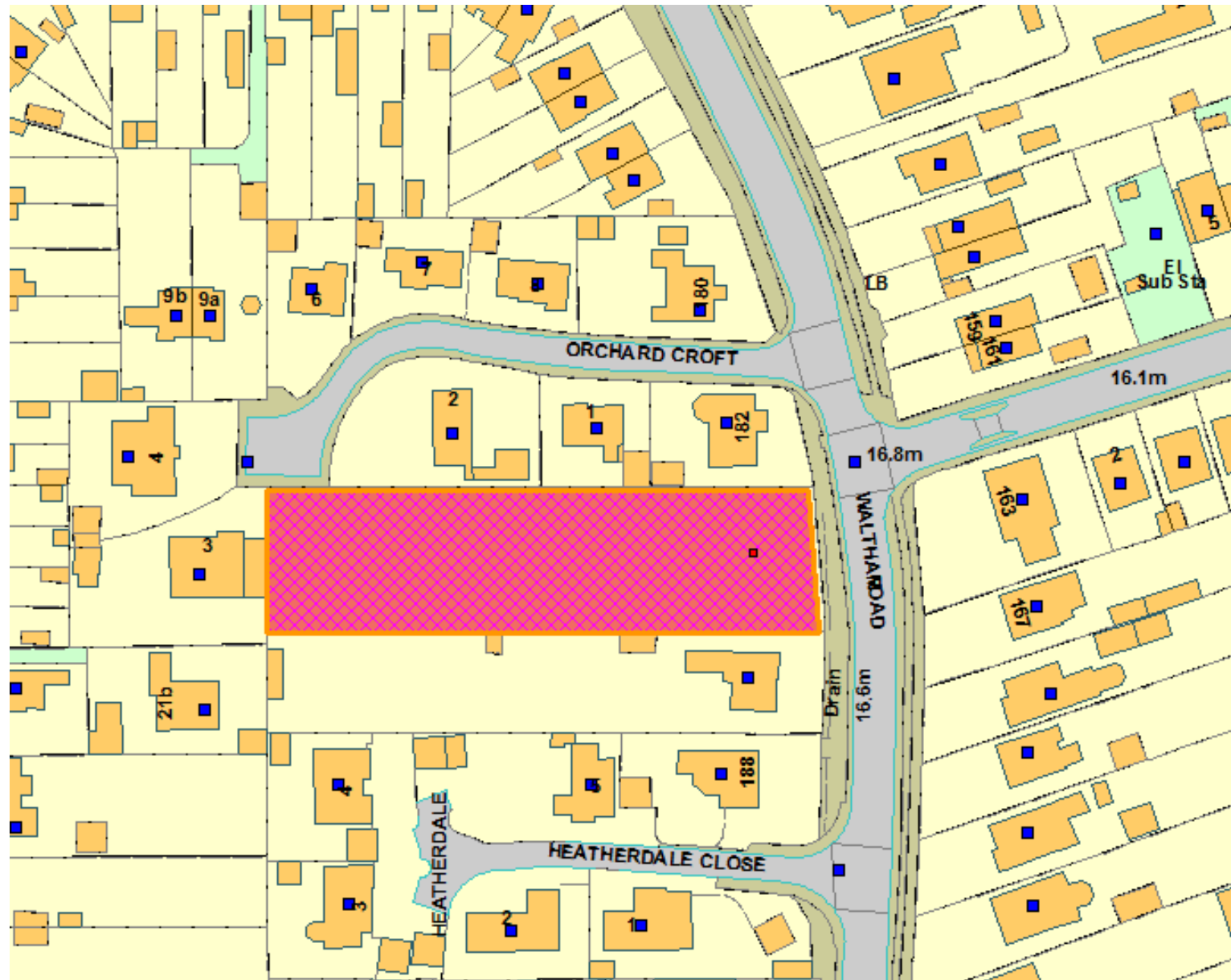
In accordance with paragraph 38 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to problems arising, by securing additional information.

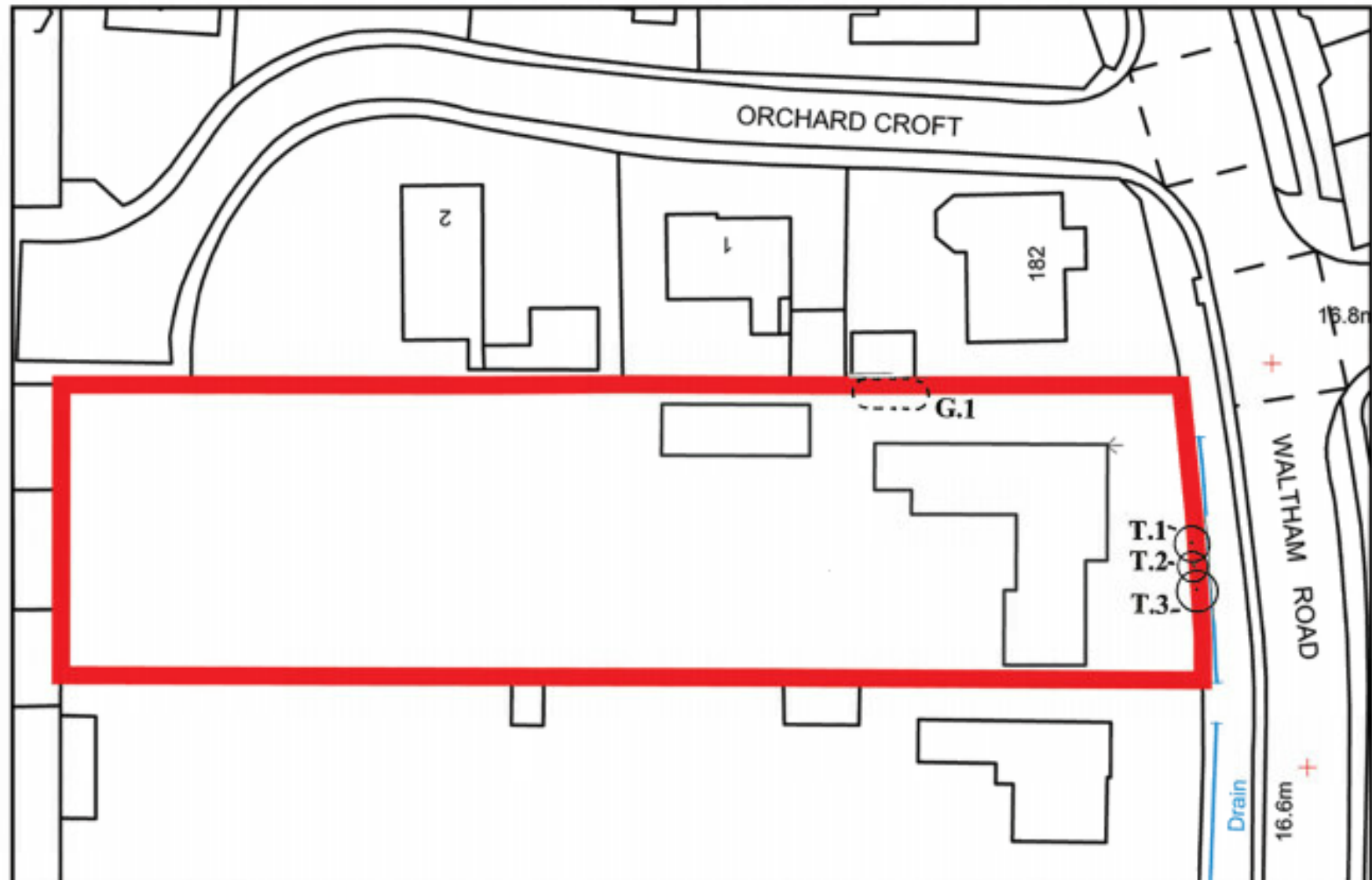
### **3 Informative**

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

### **4 Informative**

The applicant should consider Secured By Design Standards wherever possible.





**PLANNING COMMITTEE - 8th September 2021**

**ITEM: 2**                      **RECOMMENDATION: Approved Conditions and signing of S106**

**APPLICATION No: DM/0433/21/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: Land Off, Blackthorne Avenue, Humberston, North East Lincolnshire,**

**PROPOSAL: Erection of a residential care home for the elderly and associated external works**

**APPLICANT:**

Tanglewood Care Services Ltd  
C/o Agent P And DG  
Lake View Drive  
Sherwood Business Park  
Nottingham  
NG15 0DT

**AGENT:**

Jessica Hird - Planning And Design Group (UK)  
Ltd  
Pure Offices  
Lake View Drive  
Sherwood Park  
Nottingham  
NG15 0DT

**DEPOSITED: 26th April 2021**

**ACCEPTED: 11th May 2021**

**TARGET DATE: 10th August 2021**

**PUBLICITY EXPIRY: 19th July 2021**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 4th June 2021**

**CASE OFFICER: Emily Davidson**

**PROPOSAL**

The proposal is to erect a residential care home for the elderly with associated external works including landscaping. The ground floor would hold 36 en-suite bedrooms, lounges, dining rooms, kitchen, laundry room, hair and beauty salon, pub, café and garden rooms along with staff facilities. The first floor consists of a further 36 en-suite bedrooms, communal areas, a quiet room, cinema room, activity room and tea room with a balcony.

The building would have a maximum height of approximately 8.85m and would be approx. 41.9m from the nearest dwelling on Blackthorn Avenue and approx. 64.8m from

the properties in Glebe Road.

Externally, there would be a landscaping scheme along with 31 parking spaces, including 7 electric vehicle spaces.

The materials used would be a red tile covering, red brick, white fascia and soffit board and render.

The application is being presented to Planning Committee because of the number of objections from residents and Humberston Parish Council.

## **SITE**

The site is located off Humberston Avenue and set within a relatively new housing development for the over 55's with existing houses to the east. There is a public footpath that runs between these older houses and the application site. To the south of the site, the land has existing planning permissions for housing which then leads onto open countryside.

## **RELEVANT PLANNING HISTORY**

DC/107/12/HUM - Outline residential development with all matters reserved except for means of access of up to 400 dwellings, (including retirement dwellings), highway works, site for community use (Class D1), public open space, children's play area, landscaping, drainage and associated infrastructure - Allowed at appeal

DM/0517/15/REM - Reserved matters comprising of appearance, landscaping, layout and scale pursuant to DC/107/12/HUM (Outline residential development with all matters reserved except for means of access of up to 400 dwellings, (including retirement dwellings), highway works, site for community use (Class D1), public open space, children's play area, landscaping, drainage and associated infrastructure) for Phase 3 comprising 48 dwellings and community hub with associated landscaping, highways and boundary treatments and proposed landscaping and electrical sub-station in Phase 1 - Approved

DM/1005/16/REM - Reserved matters application comprising appearance, landscaping, layout and scale pursuant to DC/107/12/HUM (Outline application for residential development of up to 400 dwellings) for remaining Phases 6,7,8,9 & 10 comprising 269 dwellings, play area, landscaping and boundary treatments. - Approved

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

National Planning Policy Framework (February 2019)

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

PO16 - Provision-elderly person's housing needs

PO36 - Promoting sustainable transport

PO38 - Parking

PO41 - Biodiversity and Geodiversity

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**

Environmental Health Officer - Hours of construction condition recommended.  
Construction management plan condition satisfied with further information.

Heritage Officer - No heritage input required.

Humberston Parish Council - The Village Council has objections to the proposal due to it being two storey and feel that this would be out of character with the overall feel of the site - the Village Council would prefer to see the proposal as single storey only.

Anglian Water - Recommends a surface water disposal condition and several informatives to contact Anglian Water.

ESP Utilities Group - Informative recommended to contact ESP prior to works commencing.

Drainage Officer - A fully sustainable drainage system is required for this development.

Environment Agency - No comments.

Natural England - Request for a Habitats Regulations Assessment. Satisfied by further information.

Civic Society - Objects to the application on grounds of height in relation to the



surrounding properties and low levels of parking.

Highways Officer - Recommends a condition for vehicular access construction details.

Trees and Woodlands Officer - No objections. Negotiated details acceptable

Affordable Housing Officer - Standard comments supplied raising no specific issues. No affordable housing requirement.

Ecology Officer - Request for change of planting species for wildflowers, bulbs, twiners, hedges and shrubs. Request for no bat, swift or bird boxes to be used and the use of bat friendly lighting is encouraged. Boundary hedges should be kept dark and remain unlit for use by wildlife.

## Neighbour Representations

### Objections

11 Boulevard Avenue  
1, 4, 14, 15, 17, 21, 31 and 35 Hawthorne Road  
21 Glebe Road  
Apartment 1, 3 Blackthorn Avenue  
31 Blackthorn Avenue  
11 Sycamore Way

The concerns raised by neighbours include:

- The two storey element of the proposal
- Loss of a view
- Air Pollution
- Loss of privacy
- Visual amenity
- Highway implications
- Amount of parking available
- Not in keeping with surrounding area
- A care home is not required
- Overlooking
- Whether the size of the access can accommodate associated traffic
- Noise pollution
- Loss of light
- Massing
- The land was sold without consulting residents
- Drain capacity
- No smoking policy

### Support

5 Beech Lane - aging population will benefit from proposal. One negative is the level of parking.

Neutral

2, 3 Blackthorn Avenue - concerns about how home will be affected

## **APPRAISAL**

The material planning considerations are;

1. Principle of Development
2. Design
3. Neighbouring Amenity
4. Highways
5. Landscaping and Ecology
6. Environmental Impacts
7. Flood Risk and Drainage
8. Section 106 Agreement

### **1. Principle of Development**

The proposal is located within the development boundary of Humberston and is allocated for housing under HOU092. Moreover the principle of a residential development has been established on this site under application DM/1005/16/REM granted on 17th May 2018 which was a reserved matters for 269 dwellings. This development would replace phase 7 of this scheme which consisted of 31 bungalows.

Policy 16 which relates to the provision of elderly person's housing needs states that the Council will support the provision of housing that maximises independence and choice for older people. It asks for consideration to be given to:

- A. The local need for the accommodation proposed;
- B. The ability of future residents to access essential services, including public transport and shops;
- C. Whether the proposal would result in an undue concentration of such provision in the area; and,
- D. Impact upon the local environment and the character of the area.

It also states that the development should comply with Lifetime Homes Standards.

The agent has confirmed that the care home would be built to this standard. The Planning Statement submitted within the application provides justification on the requirement for specialist homes for the elderly.

The application would also add to the variety of housing supply and would cater to those who have specific housing needs. It would support the creation of a balanced community in this location.

This type of accommodation is also supported by the NPPF 2021 as it recognises that housing of different types is needed to support local communities and groups with specific needs. It stresses the need for these sites to be 'developed without unnecessary delay'. In principle, the proposal would add to the range and quality of residential accommodation in this part of the Borough. It then falls to judge the application on the site specific impacts and considerations in line with policies 5 and 16 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018). The impact of the development on the local environment and character of the area will be assessed below in this report.

The application accords with both Policy 5 and 16 in principle subject to the site-specific details discussed below.

## 2. Design

The site adjoins properties on Glebe Road, Humberston Avenue and Blackthorn Avenue. The area to the west of the proposal is an over 55's development and would share an access with this estate. The proposal would mirror some of the materials and styles seen in these properties ensuring it remains sympathetic with its surroundings. It has been raised by neighbours that the fact that the building would be two storey would put it at odds with the neighbouring development, however, examples of two storey buildings are seen just opposite the proposed site and in its vicinity.

The proposal would sit within an area of land which is lower than that of the houses to the east. The proposal would be somewhat visible from Glebe Road, however, given its domestic form with traditional roof materials and chimneys, it would be acceptable in street scene terms.

The proposal would be visible from Humberston Avenue, however, the design is in keeping with surrounding developments and would not look out of place in the street scene. It is well designed and accords to its sense of place.

It is considered that the proposal accords with Policy 5 and 22 of the NELLP 2018.

## 3. Neighbouring Amenity

The site adjoins neighbours on Humberston Avenue to the north, Glebe Road to the east, proposed developments and open land to the south and Blackthorn Avenue to the west. Neighbour comments have been received during the planning process objecting to the application and some in support. The concerns raised by neighbours are as detailed in the report.

Matters of principle, highways and drainage are discussed under respective headings of the report.

Concerns from new residents on the development also refer to the previous approval on the site and that the residents were not consulted prior to the application for the planning application coming forward. The site has approval for 31 bungalows in the location in which this development is proposed. Whilst this comment is noted the lack of consultation prior to the land being sold falls outside of the Planning Departments control. In terms of the planning application itself full consultation and publicity has taken place and comments raised taken into consideration when assessing the application. This application is assessed on its own merits.

There is a large amount of separation between the proposal and the houses in Glebe Road. There is an area of land which is public open space. This area is raised, offering partial screening with substantial green screening just beyond. The properties on Glebe Road are two-storey in nature. The separation between them would ensure they would not experience any impacts in terms of overshadowing or massing. There would be windows and a balcony proposed which would look towards these residents, however, the degree of separation, landscaping and the fact that the development site sits lower would ensure no adverse impact.

There are several properties to the west on Blackthorn Avenue. Most of these properties are bungalows with a two storey apartment building also adjoining the site. There would be a reasonable degree of separation between the proposal and the existing dwellings. The building has been designed so the single storey elements are located where the building would be closest to these properties. This would reduce the impacts in terms of massing and overshadowing. In relation to overlooking, it is acknowledged again that there would be an element of overlooking from this proposal, however, this is not over and above what is expected in a residential area of this type and a degree of overlooking is already experienced from existing, neighbouring properties, including the 2 storey apartment building on the corner of Blackthorn Avenue. It also faces over the front of the properties on Blackthorn Avenue.

Again, there is a large amount of separation between the proposal and Humberston Avenue. There are two balancing ponds within the public open space which affronts the main road. The site is also set lower than Humberston Avenue which would ensure there would be no impact from massing on these properties. The site directly opposite is the Humberston School and in particular the playing fields. There would be no impacts in terms of overlooking, overshadowing and massing.

Currently, the south of the site is being developed. The site has approval for further dwellings. The dwellings which would be located closest to the proposal would be dormer bungalows. There would be enough separation between these properties that there would be no impact in terms of massing and overshadowing. In terms of overlooking, it would be similar to that which is discussed above in that the level of overlooking would be what would be expected in a residential area.

#### 4. Highways

Concerns have been raised from residents in relation to highways. Including available parking, the adequacy of the access into the site and disruption from additional traffic. These issues have been assessed through the Transport Assessment and by the Council's Highways Officer who raises no objections. A Travel Plan is also included. The Highways Officer recommends a condition for access details.

There are provisions for 7 electric vehicle parking spaces which is positive. The Travel Plan also identifies sustainable methods of transport to the site and indicates that the site is only a short walk from the nearest bus route.

The application is considered to accord with Policy 5, 36 and 38 of the NELLP 2018.

#### 5. Landscape and Ecology

The site is set next to an area of public open space which is managed by the Parish Council. It is important that this development would be sympathetic to this. The proposal would include a landscaping scheme which offers buffers around the proposed building to soften its impact. The Ecology Officer has requested that there should be some changes to the planting to allow for more native species to be used. The Trees and Woodlands Officer is content with the proposal. From a local landscape and ecological perspective the scheme is acceptable.

Natural England have confirmed they are content with the Habitat Regulations Assessment and have stated that there would be no impacts in terms of the protected Humber Estuary. No objections raised. The Council's Ecologist has confirmed that the submitted Habitat Regulations is acceptable.

The application is considered in accordance with Policy 41 and 42 of the NELLP 2018.

#### 6. Environmental Impacts

Neighbours have raised concerns in relation to air pollution from cars, noise pollution from both traffic, smoking policies and services for the care home (such as the kitchens, laundry room etc). The Council's Environmental Health officers and Highways Officers have raised no concerns in relation to these issues. Both officers have confirmed they are satisfied with the Construction Management Plan which has been submitted. Again it must be acknowledged that this site has permission for 31 dwellings and it is not considered that what is proposed will materially change impacts in this regard.

#### 7. Drainage and Flood Risk

The site is not located within a flood risk zone and the Environment Agency do not have any comments on the application.

In terms of drainage, both the Council's Drainage Officer and Anglian Water have recommended a condition to secure a sustainable surface water drainage scheme.

## 8. Section 106

The original application for the sites residential development was subject to a S106 and unilateral S106 agreed under the outline application DC/107/12/HUM which was granted on appeal 28th November 2013. The loss of the 31 houses would impact the education contributions set out in the S106 so an amendment would need to be made to address this. There are no objections to this.

## CONCLUSION

The proposal is for a care home and will add to the mix of accommodation types on this residential development. The proposal is of good design and responds to local context and constraints. It is not considered that it would harm the wider character of the area, or neighbouring amenity. There are no negative impacts on the highway network and consideration has been given to landscaping and ecology. The application is considered in accordance with Policies 5, 16, 22, 36, 38, 41 and 42 and is recommended for approval subject to the signing of an amended Section 106 Legal Agreement.

## RECOMMENDATION

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

### (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 -

Block Plan - T0403-102 Rev B

Block Plan - T0403-103 Rev B

Proposed Site Plan - T0403-102 Rev A

Proposed Boundary Treatment Plan - T0403-103 Rev A

Proposed Ground Floor Plans - T0403-110 Rev A  
Proposed First Floor Plans - T0403-111 Rev A  
Proposed North Elevations - T0403-120 Rev A  
Proposed East Elevations - T0403-121 Rev A  
Proposed North and South Elevations - T0403-122 Rev A  
Proposed C-South and D-North Elevations - T0403-123 Rev A  
Proposed E-South and F-North Elevations - T0403-124 Rev A  
Typical Tree Details - 397-UW-P-00  
Landscape Strategy - 397-S-002 Rev A

**Reason**

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

**(3) Condition**

The proposal shall be constructed using materials specified within the Design and Access Statement received 11/05/2021 and Landscaping Plans 397-UW-P003 A, 397-UW-P004 A, 397-UW-P005 A 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 policy 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 and in accordance with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

**(5) Condition**

Development shall not begin until details showing the location, layout, design and method of construction of any new or altered vehicular access, parking and manoeuvring space, including any necessary piping or culverting of any ditch or watercourse, have been submitted to and approved in writing by the Local Planning Authority, and before the development hereby permitted is brought into use the vehicular access, parking and manoeuvring space shall be constructed in accordance with those approved details and shall thereafter be so retained.

Reason

To ensure adequate parking and turning facilities are provided within the site for highway safety reasons and in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(6) Condition

All construction works must be carried out in accordance with the Construction Management Plan received 01/07/2021.

Reason

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

(7) Condition

No development shall commence until a sustainable scheme for the provision of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage scheme shall be implemented before the development is first brought into use.

Reason

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

(8) Condition

Prior to development commencing above foundation level of the residential care home the final species to be planted in the landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The then approved final scheme of landscaping and tree planting as shown in plans 397-UW-P003 A, 397-UW-P-004 B and 397-UW-P-005 B 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 adequately maintained for 5 years, beginning with the date of completion of the scheme and during that period all losses shall be replaced during the next planting season. The recommendations set out in the Preliminary Ecology Appraisal received 26/04/2021 to be taken into consideration when producing final details.

Reason

To ensure a satisfactory appearance and setting for the development and continued maintenance of the approved landscaping in the interests of local amenity to accord to policy 5, 22 and 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).



(9) Condition

Prior to occupation of the residential care home and prior to the installation of any boundary treatments, final details shall be submitted and agreed in writing by the Local Planning Authority and such boundary treatments shall be installed and retained as agreed unless otherwise first approved in writing by the Local Planning Authority.

Reason

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

(10) Condition

The residential care home shall be used in accordance with the details supplied in the Planning Statement received 26/04/2021 and shall be occupied only by persons of 60 years of age or over unless otherwise agreed in writing by the local planning authority.

Reason

To define the permission as a nursing home for the elderly in the interests of achieving a sustainable residential community to accord to Policy 5 and 15 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(11) Condition

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

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

(12) Condition

Before the occupation of the residential care home, management and maintenance arrangements for all landscaped areas not to be adopted by the Local Authority shall be submitted to and approved in writing by the Local Planning Authority. The approved management and maintenance arrangements shall be adhered to at all times during the lifetime of the development.

Reason

In the interests of protecting visual amenity in accordance with Policy 5, 22 and 42 of North East Lincolnshire Local Plan, 2013-2032.

## **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, 16, 22, 36, 38, 41 and 42.

### **2 Added Value Statement**

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

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

### **3 Building Control**

Informative

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

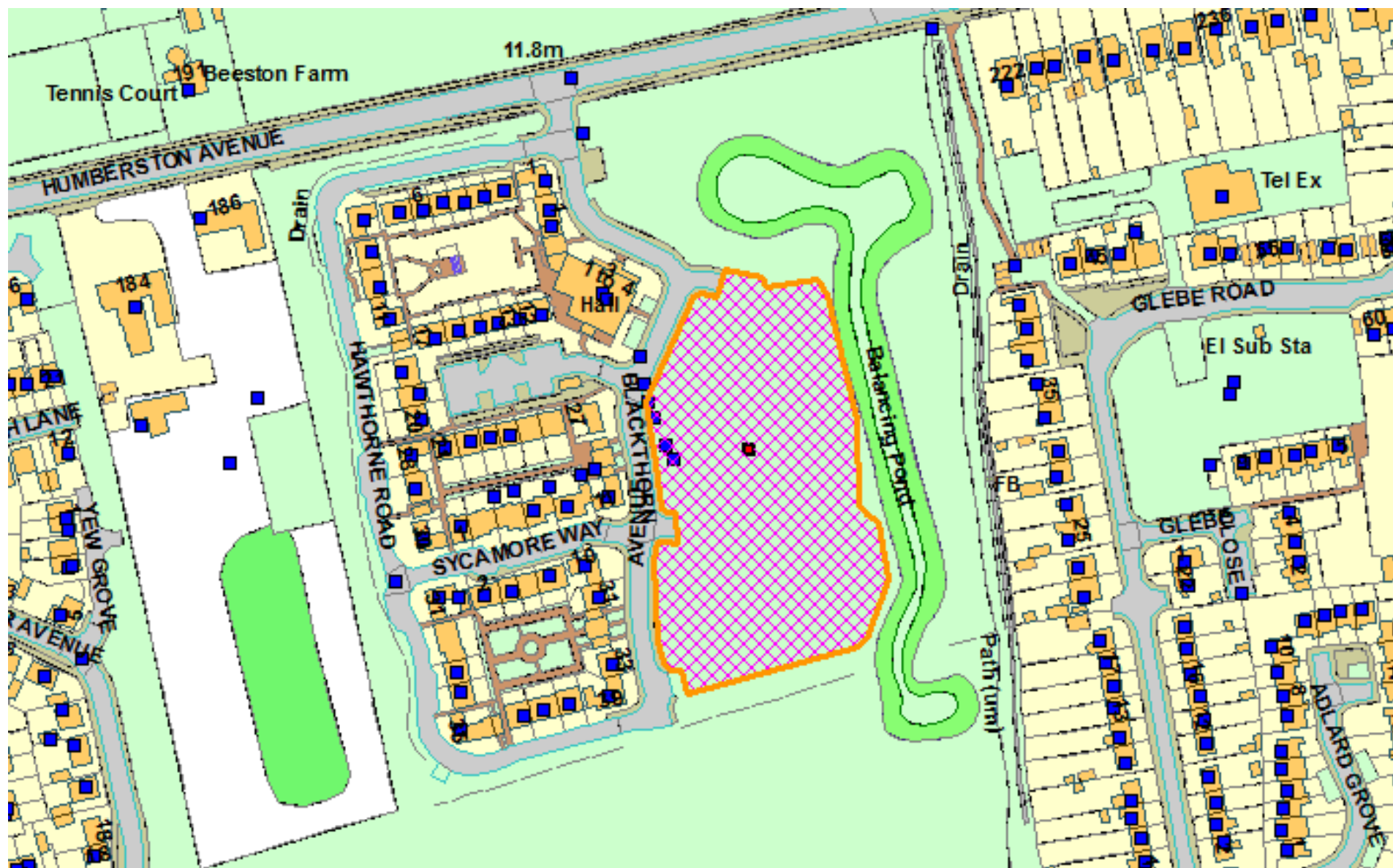
### **4 Informative**

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**

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

## DM/0433/21/FUL – LAND OFF BLACKTHORNE AVENUE, HUMBERSTON





**PLANNING COMMITTEE - 8th September 2021**

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

**APPLICATION No: DM/0554/21/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: Kingsway Club, 3 Kingsway, Cleethorpes, North East  
Lincolnshire, DN35 8QU**

**PROPOSAL: Partial change of use at ground floor from office to bar, alterations to  
doors and windows and creation of outdoor seating area to front with associated  
works**

**APPLICANT:**

The Kingsway Club Ltd  
C/o ID Architecture  
2 Alexandra Road  
Grimsby  
DN31 1RW

**AGENT:**

Mr Nathan Stocks  
ID Architecture  
2 Alexandra Road  
Grimsby  
DN31 1RW

**DEPOSITED: 27th May 2021**

**ACCEPTED: 1st June 2021**

**TARGET DATE: 27th July 2021**

**PUBLICITY EXPIRY: 1st August 2021**

**AGREED EXTENSION OF TIME DATE: 10th  
September 2021**

**CONSULTATION EXPIRY: 2nd July 2021**

**CASE OFFICER: Lauren Birkwood**

**PROPOSAL**

This proposal seeks to partly change the use of the ground floor of the Kingsway Club on Kingsway in Cleethorpes. The ground floor would be amended to include a bar. The proposal also includes various alterations including the insertion of new doors and windows, and the creation of an outdoor seating area to the front.

The application is brought to planning committee due to the number of objections from neighbouring properties.

## **SITE**

3 Kingsway, known as the Kingsway Club in Cleethorpes is a mid-terraced, two storey mixed use property. The ground floor of the property has been used as offices. The upper floor of the property is a members club. The property is located adjacent to the Cleethorpes Central Seafront Conservation Area. Adjacent properties are varied in use and include drinking establishments, retail shops and cafes. There are also some first floor residential flats.

## **RELEVANT PLANNING HISTORY**

DM/0037/19/FUL - Change of use from office at ground floor to create a deli/bar and members club at first floor to bar/restaurant with alterations to front elevation and associated works including outside seating to the front. Withdrawn.

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

National Planning Policy Framework (February 2019)

NPPF12 - Achieving well designed places

NPPF16 - Conserv. & enhance the historic environ.

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

PO5 - Development boundaries

PO22 - Good design in new developments

PO39 - Conserve and enhance historic environ

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

## **REPRESENTATIONS RECEIVED**

Heritage Officer - No objections.

Drainage Officer - No objections.

Environment Agency - No objections. Informative advice recommended.

Highways Officer - No objections.

Environmental Health Officer - No objections. Conditions recommended regarding opening hours restrictions and restrictions on the use of outside entertainment.

Neighbouring Representations:

The following object to the scheme:

122 Middlethorpe Road, Cleethorpes (Cllr Parkinson)  
Flats 1, 3 & 4 at 1 Brighton Street, Cleethorpes

Broadly on the following grounds:

- Noise concerns
- Impact on amenity
- Traffic and parking issues
- Impact on the area character

11 Edward Street, Cleethorpes & 57 Humberston Fitties, Humberston - Supports the development. Broadly on the grounds of accessibility, increased choice and that the development would be in-keeping.

## **APPRAISAL**

### **Material Planning Considerations**

1. Principle of Development
2. Design and Conservation
3. Residential Amenity
4. Highways and Parking

#### **1. Principle of Development**

The application site is within the development area of Cleethorpes (policy 5) and relates to the partial change of use of the existing ground floor office to a bar with external changes. The property is located adjacent to a conservation area (policy 39), as such the design of the proposed external alterations should look to preserve or enhance the conservation area.

The premises is located close to the resort area (policy 12) and Cleethorpes Town Centre (policy 23). These policies support drinking establishments as they can add to the vitality and viability of these areas.

The principle of development is therefore acceptable provided that the proposal does not give rise to significant issues in terms of residential and local amenity and that the design of the works are in accordance with policies 5, 22 and 39 of the North East Lincolnshire

Local Plan 2013-2032 (Adopted 2018) and section 12 and 16 of the NPPF 2021.

## 2. Design and Conservation

This proposal involves partly changing the use of 3 Kingsway in Cleethorpes. The ground floor of the premises would be changed to a bar and the first floor would be retained as a member's club. The proposed use of the building is considered acceptable to the character of the area as this use is seen already within the immediate area.

The proposal also includes alterations to doors and windows to the front and rear of the property and the creation of an outdoor seating area to the front. The proposed window frames and doors would be aluminium which is an acceptable material in terms of the impact on the adjacent Conservation Area. These alterations are minor and would not impact negatively on the character and appearance of the area. The use of materials can be secured through an appropriate condition.

In terms of the outdoor seating area, this would be located to the front of the premises and would include small tables and chairs which would be enclosed by barriers. Outdoor seating is not uncommon in the area and would offer enhanced views from the proposed bar to the seafront. The external furniture can be secured through an appropriate condition.

As the development would not have an adverse impact on the character of the street scene, indeed it will enhance it, and that the alterations are of a design and scale appropriate in the conservation area, it is considered to be in accordance with sections 12 and 16 of the NPPF 2021 and policies 5, 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

## 3. Residential Amenity

The proposal would include alterations to the existing window frames and doors by replacing them within aluminium frames. There would be no window frames or doors that would be additional to that existing on the building, and therefore there would be no additional overlooking issues to neighbouring properties. There are no extensions or alterations to the building which would result in concerns regarding dominance or overshadowing.

Comments are noted from neighbours regarding noise concerns. Neighbours adjoining the site include 2 and 4 Kingsway which has flats above them. Due to the conversion of the ground floor offices to a bar, and the addition of an outside seating area, there would be increased activity at the site, and the level of noise and disturbance to neighbours could potentially increase. However, the site is located in a busy area in the resort which includes licensed premises and it is not considered that comings and goings in the area will result in a material increase in adverse impacts. Nevertheless, the Council's Environmental Health Officer has confirmed that restrictions should be in place restricting opening hours and limits on outside entertainment to reduce any noise and disturbance



issues to an acceptable level.

On this basis, the development accords with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) in terms of residential amenity.

#### **4. Highways and Parking**

Comments are noted from neighbours with concerns regarding parking and traffic. There is off street parking available close to the site, and there is sustainable modes of transport readily accessible close by. The outside seating area would not be on the adopted highway and would still allow the free flow of pedestrian movement. The Council's Highway Officers raise no objections to the scheme. There are no highway safety issues surrounding the proposal and so, the proposal accords with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

### **CONCLUSION**

The proposal would be in-keeping with the existing property, wider area and adjacent Conservation Area. The proposal would also not give rise to significant impacts in terms of residential and business amenity. The application can therefore be approved in accordance with policies 5, 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018), and sections 12 and 16 of the NPPF 2021, subject to a number of safeguarding conditions.

### **RECOMMENDATION**

#### **Approved with Conditions**

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

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

##### **Reason**

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

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

The use of the land as an outside seating area or drinking area shall cease within 12 months of commencement (with the date of commencement confirmed to the Local Planning Authority in writing when it occurs) and no seats, tables or screens shall be in position at any time after this date unless a further planning application has been submitted to the Local Planning Authority to extend the use for a further period.

Reason

To enable the local planning authority to continue to monitor the use in the interests of the amenity of the area and local businesses to accord to policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(3) Condition

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

Site Location Plan, Block Plan, Proposed Floor Plans and Elevations - 21022.010 REV B

Reason

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

(4) Condition

The proposed development shall be constructed using the materials and external furniture specified on drawing 21022.010 REV B (Proposed Floor Plans and Elevations) 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, 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(5) Condition

There shall be no loudspeakers or amplified entertainment used at anytime in any external location.

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 premises shall not be open for trading outside the hours of 9am and 11pm on any day and outside of these hours all external chairs, seats and screens shall be removed and stored inside the premises.

Reason

Using the premises outside these hours would be detrimental to residential amenity by virtue of noise and disturbance and in the interests of character in accordance with policy 5, 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

## **Informatives**

### **1 Reason for Approval**

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The 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 and 39.

### **2 Added Value Statement**

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

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

### **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 325959).

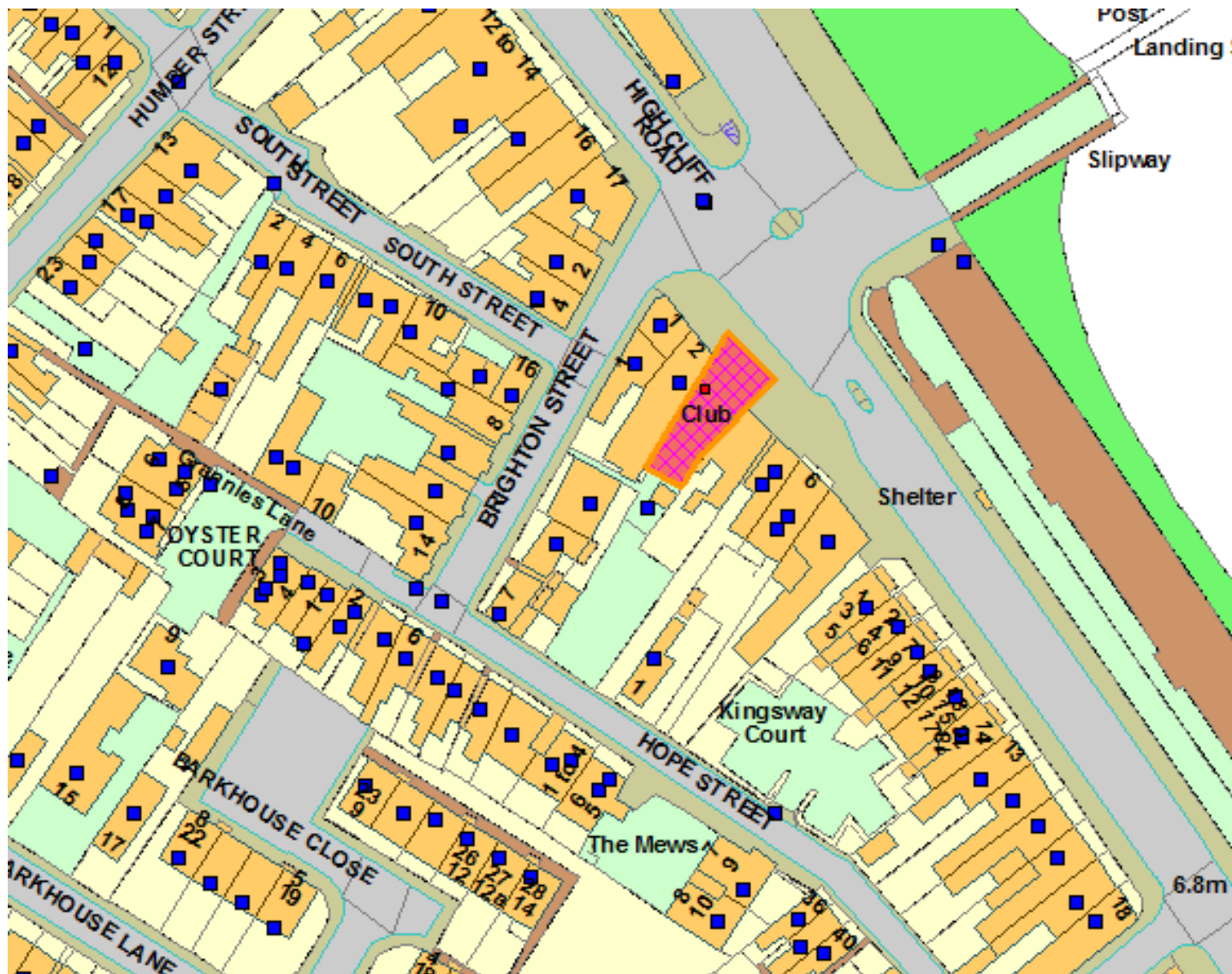
### **5 Informative**

The applicant's attention is drawn to the comments received from the Environment Agency. Please go to <https://www.nelincs.gov.uk/planning-and-building-control/> to view the comment.

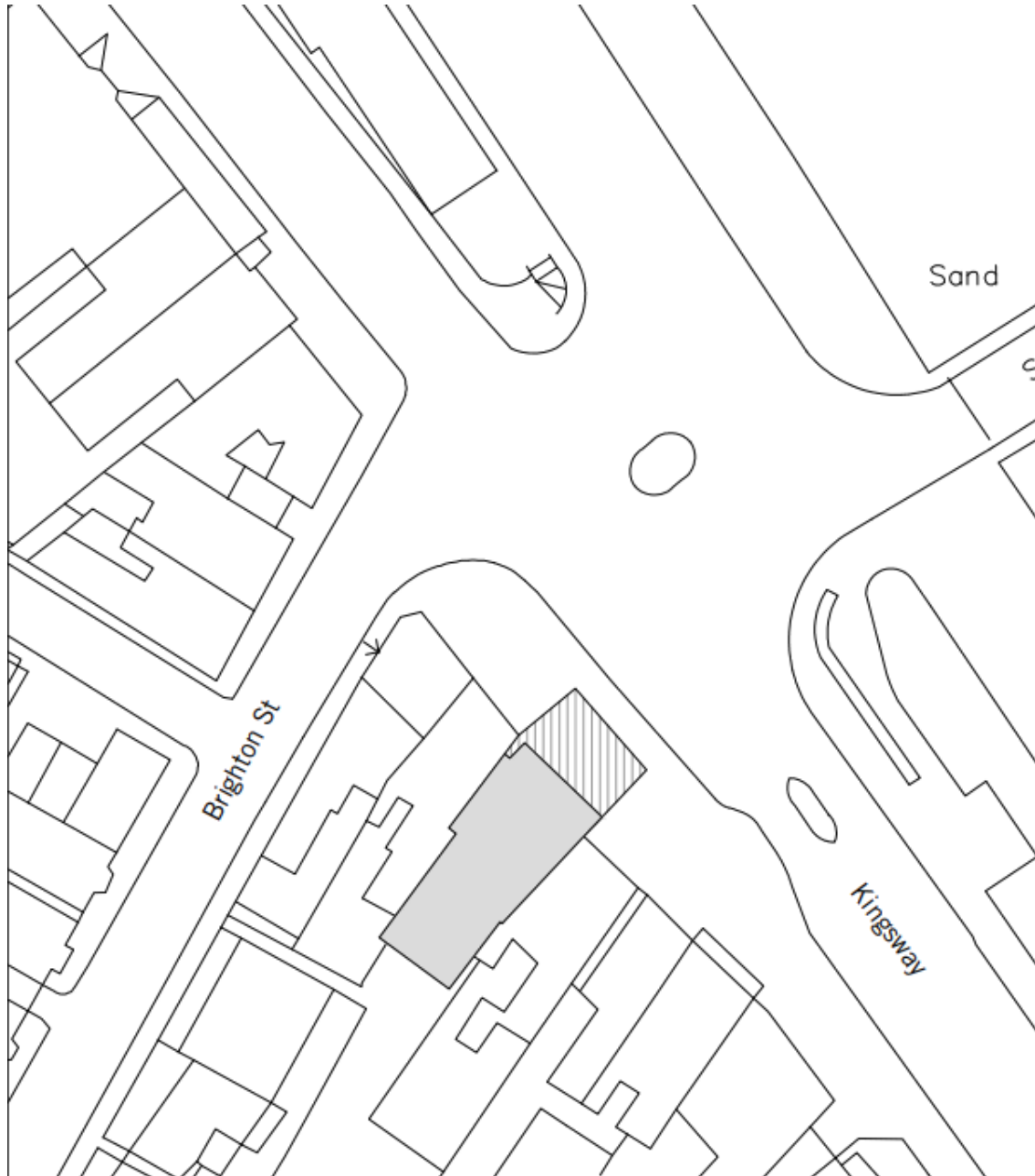
### **6 Informative**

The outdoor seating area must not drain onto the adopted highway.

DM/0554/21/FUL – KINGSWAY CLUB, 3 KINGSWAY, CLEETHORPES



DM/0554/21/FUL – KINGSWAY CLUB, 3 KINGSWAY, CLEETHORPES



**PLANNING COMMITTEE - 8th September 2021**

**ITEM: 4**                      **RECOMMENDATION: Refused**

**APPLICATION No: DM/0578/21/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: 279 Willingham Street, Grimsby, North East Lincolnshire, DN32 9QD**

**PROPOSAL: Erect garage block with apartments above**

**APPLICANT:**

Luke Shelbourn  
Shelbourn Properties Ltd  
Viners Cottage  
Ings Lane  
Horncastle  
LN9 6LP

**AGENT:**

Simon Coyne  
CDC Architecture Limited  
35 Louth Road  
Scartho  
Grimsby  
DN33 2HP

**DEPOSITED: 5th June 2021**

**ACCEPTED: 7th June 2021**

**TARGET DATE: 2nd August 2021**

**PUBLICITY EXPIRY: 8th July 2021**

**AGREED EXTENSION OF TIME DATE: 10th September 2021**

**CONSULTATION EXPIRY: 1st July 2021**

**CASE OFFICER: Lauren Birkwood**

**PROPOSAL**

The proposal seeks to erect a two storey detached building to the rear of 279 Willingham Street in Grimsby. It would provide garages at ground floor and two bedsit apartments at first floor. Each unit would have a kitchen and bathroom.

The application is brought to planning committee following a call in request by Councillor Mark Smith on the basis that the development would enhance parking and bring a specific type of much needed housing to the area.

**SITE**

The proposal site is situated to the rear of an existing apartment block on Willingham

Street in Grimsby. The site is currently used as parking for the apartment block. Neighbouring properties surrounding the site include those on Hainton Avenue, Wintringham Road and Willingham Street.

## **RELEVANT PLANNING HISTORY**

DM/0379/15/FUL - erect a block of four flats - approved.

DM/0214/17/FUL - variation of DM/0379/15/FUL - approved.

DM/0790/17/CND - conditions for DM/0214/17/FUL - approved.

DM/0117/18/CND - conditions for DM/0214/17/FUL - approved.

DM/0360/18/FUL - Demolish existing garage and construct detached 3 storey building containing 6 flats (consisting of two no.1 bedroom units, two no.2 bedroom units and two no.3 bedroom units) with garage and storage on the ground floor - approved.

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

National Planning Policy Framework (February 2019)

NPPF5 - Delivering a sufficient supply of homes

NPPF12 - Achieving well designed places

NPPF14 - Climate, flooding & coastal change

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

PO5 - Development boundaries

PO22 - Good design in new developments

PO33 - Flood risk

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**

Drainage Officer - A fully sustainable surface water drainage system is required for this development. A condition is recommended.

Environmental Health Officer - No objections. Conditions recommended regarding hours of construction, land quality and piling/ground improvements.

Highways Officer - No objections. Conditions recommended.

Heritage Officer - No objections to the proposal.

Environment Agency - No objections. Conditions recommended to prevent the garages becoming residential accommodation in the future. Informative advice also provided.

Councillor Mark Smith - Supports the development to enhance parking and bring a specific type of much needed housing to the area.

No Neighbouring Representations

## **APPRAISAL**

### Material Planning Considerations

1. Principle of Development
2. Design and Impact on Character of the Area
3. Impact on Neighbouring & Surrounding Area
4. Highways and Parking
5. Drainage and Flood Risk

#### 1. Principle of Development

The site is within the defined development area of Grimsby (policy 5). The neighbouring properties that are directly adjacent to the application site are in residential use. On this basis, the development therefore accords with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018). The principle of development is therefore acceptable provided that the proposal does not give rise to significant issues in terms of residential amenity, drainage, flood risk and highways impacts, and that the design is in accordance with policies 5, 22, 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and sections 5, 12 and 14 of the NPPF 2021.

#### 2. Design and Impact on Character of the Area

The proposed building would be situated to the rear of the existing apartment block on Willingham Street. It would be of a scale somewhat subservient to the existing building on the site. It is designed with a flat roof that pitches away to the rear. The building would not be seen on Willingham Street due to its position and thus this reduces its visual prominence.

In regards to the design, the type of roof along with the blank and solid elevations would



be seen from neighbouring properties on Hainton Avenue, Wintringham Road, Willingham Street and the existing apartment block. It is considered to represent poor design which would appear incongruous and dominating, adversely impacting on the character of the area.

This would be contrary to policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and advice in the NPPF 2021 which calls for good design.

### 3. Impact on Neighbouring & Surrounding Area

It is acknowledged that no neighbouring representations were received through the consultation process, and the supportive comments from Councillor Smith are noted. However, due to the layout and design of the building, such as the blank elevations, overall height and flat roof design, it is considered that the development would have an adverse impact in terms of massing and prominence to neighbours, in particular those situated on Hainton Avenue, Wintringham Road and Willingham Street.

Furthermore, the amenity of those occupying the existing flats adjoining the site are also a material planning consideration. To this end the building will create a mass in front of and in very close proximity to the windows of those existing flats. The outlook and living conditions of these flats would be adversely impacted on. It is noted that the plans refer to the existing apartment block being altered, including the repositioning of windows to serve this development. However, this does not form part of this application.

Policy 5 calls for the amenities of future occupiers to be considered. To this end, the proposal would create a substandard form of accommodation given its size, layout and treatment. The units only have two north facing windows each serving the entire bedsit/apartment. Additionally the Government introduced national space standards for new residential accommodation under Permitted Development which state 1 bed units should be a minimum of 37sqm in size to be acceptable forms of residential accommodation, the proposed bedsits are 30 sqm each.

As such, the proposal would be contrary to policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and advice in the NPPF 2021.

### 4. Highways and Parking

Access into the site from Willingham Street would remain unchanged. Although some parking would be lost as a result of the development, there would still be off street parking available within the site, and there is sustainable modes of transport readily accessible close by. Additionally garages are provided at the ground floor of this development. The Council's Highway Officers raise no objections to the scheme, subject to conditions. There are no highway safety issues surrounding the proposal and so, the proposal accords with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

## 5. Drainage and Flood Risk

The proposed development is located within an area identified as having high flood risk by the Environment Agency's flood maps and the Council's Strategic Flood Risk Assessment 2011. Whilst the site is within the urban area and well located in terms of the services that Grimsby provides, the principle of development also relates to a consideration of flood risk. Any development must pass the sequential test and in the case of Grimsby, there are substantial areas outside of flood risk which can provide housing. One justification can be the wider regeneration benefits, however this would not apply to this curtilage area to an existing block of flats where there are inherently no wider benefits as a result of this proposal. Indeed as stated, the development would have a detrimental impact to the character of the area and the amenity of existing flats and dwellings. As the sequential test is not passed the principle of residential development is not acceptable under policies 5 and 33 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and under advice in the NPPF 2021.

The Environment Agency have considered the proposed development alongside the submitted Flood Risk Assessment and have no objections to the proposal subject to safeguarding conditions. Nevertheless, there is a need for the development to pass the sequential test before applying the exceptions test and as stated above the development fails this test.

The Council's Drainage Officer has confirmed they have no objections to the proposal subject to further details regarding surface water mitigation.

## CONCLUSION

The development is unacceptable on flood risk, residential amenity (existing and future) and character grounds and is therefore recommended for refusal in accordance with policies 5, 22 and 33 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and the policies outlined in the NPPF 2021.

## RECOMMENDATION

### Refused

(1) The proposal would result in inappropriate and unjustified development within an area at risk of flooding and would fail the sequential test which requires development to be located in areas at the lowest risk of flooding. As such, it is contrary to policies 5 and 33 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(2) The proposal does not constitute good design by virtue of its layout, poorly designed roof and its elevations. This combined with its overall mass and proximity to neighbours would be detrimental to the character of the area and detrimental to amenities of existing and future residents contrary to policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

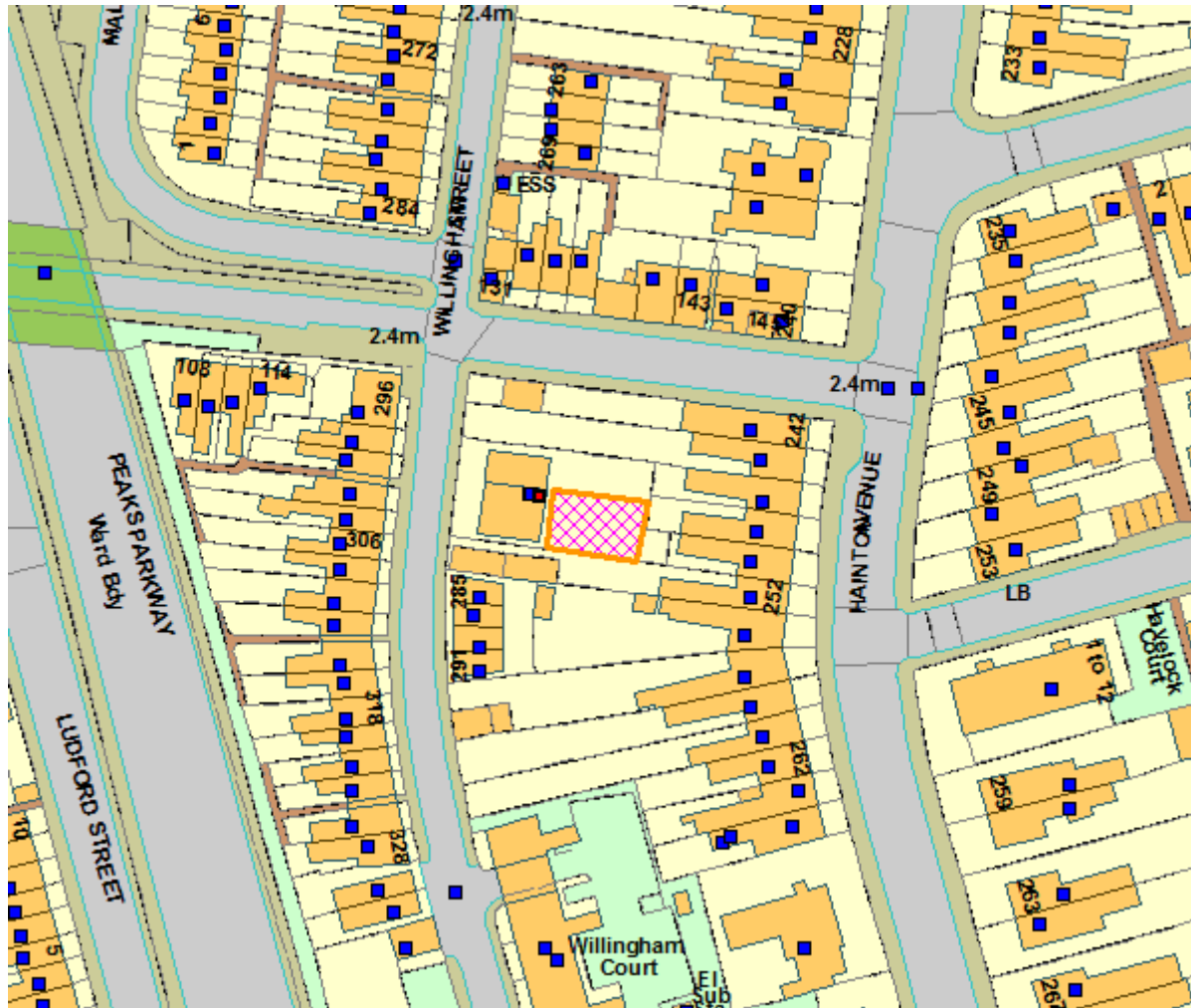
## **Informative**

### **1 Informative**

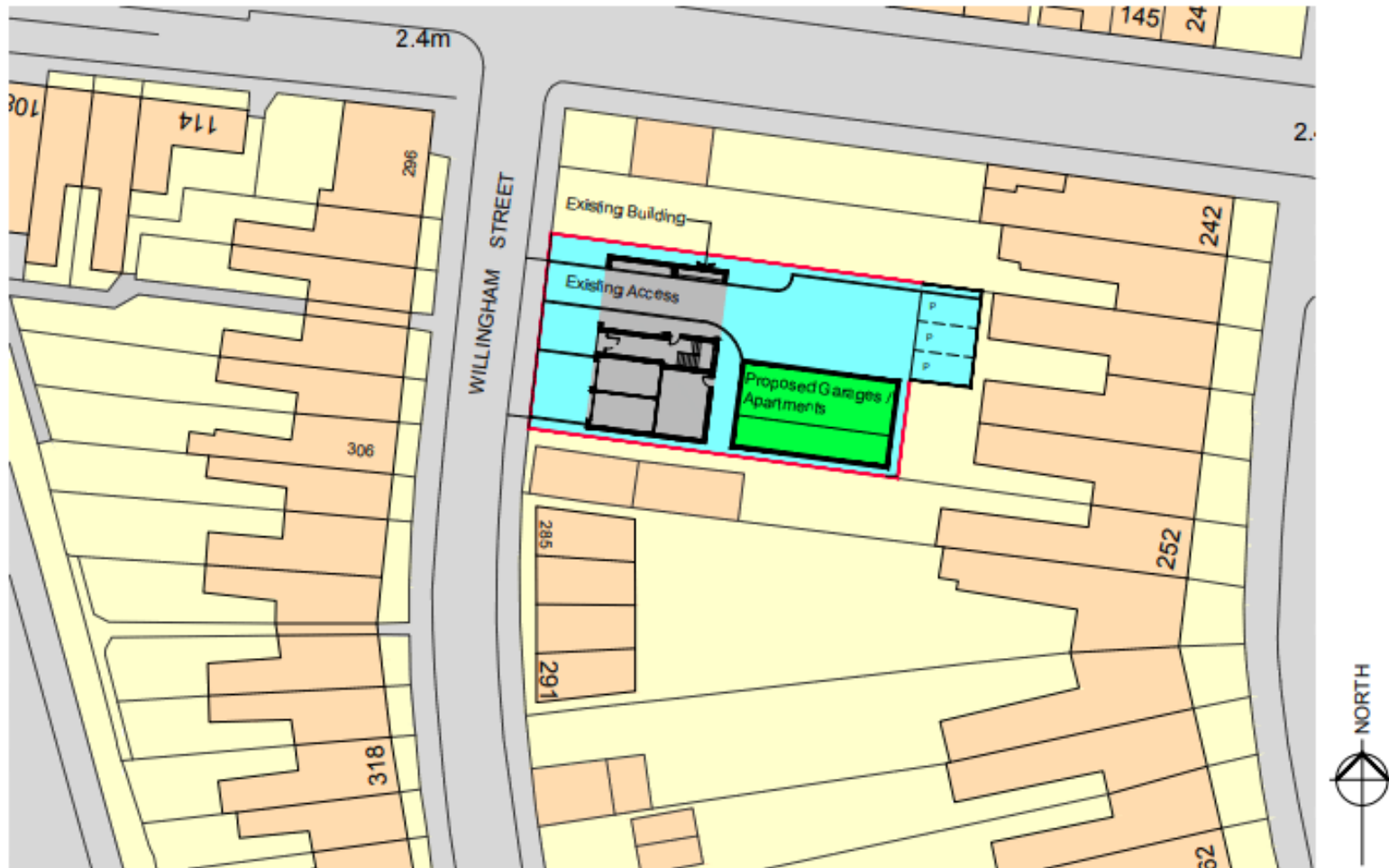
This decision relates to the following plan:

Site Location Plan, Block Plan, Proposed Plans and Elevations - 16-549-400 REV A

DM/0578/21/FUL – 279 WILLINGHAM STREET, GRIMSBY



DM/0578/21/FUL – 279 WILLINGHAM STREET, GRIMSBY



North East Lincolnshire Development  
Management Services  
New Oxford House  
2 George Street  
Grimsby  
North East Lincolnshire  
DN31 1HB



Telephone: 01472 326289 – Option 1

## **REQUEST FOR APPLICATIONS TO BE HEARD AT PLANNING COMMITTEE**

**Ward Member Reply Slip for Applications to be reported to the Planning Committee**

Application Number	Reason for Referring to Planning Committee
DM/0578/FUL	Support of development to enhance parking and bring specific type of much needed housing to area

**Contact Details: -**

**Signature** ..... **Date** 16.08.2021 .....

**Name** ..... Councillor Mark Smith .....

**Address:** c/o Municipal Offices, Grimsby .....

.....

**PLANNING COMMITTEE - 8th September 2021**

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

**APPLICATION No: DM/0529/21/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: 3 Blyth Way, Laceby, North East Lincolnshire, DN37 7FD**

**PROPOSAL: Retrospective application for the erection of a summerhouse and decking**

**APPLICANT:**

Mrs Gillian Nicholls  
3 Blyth Way  
Laceby  
North East Lincolnshire  
DN37 7FD

**AGENT:**

Hyde Architecture - Mr D Hyde  
5B Albert Road  
Cleethorpes  
North East Lincolnshire  
DN35 8LX

**DEPOSITED: 21st May 2021**

**ACCEPTED: 20th July 2021**

**TARGET DATE: 14th September 2021**

**PUBLICITY EXPIRY: 14th August 2021**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 14th August 2021**

**CASE OFFICER: Bethany Loring**

**PROPOSAL**

The application seeks retrospective permission to erect a summerhouse and decking in the rear garden at 3 Blyth Way, Laceby.

The application is brought to committee following the number of objections from neighbours.

**SITE**

The proposal site is located to the east of Blyth Way within a relatively recent housing development. The host site is a corner plot on the junction with Arnold Close. The site comprises a detached two-storey dwelling set within its own grounds. The character of the area is influenced by modern two storey detached dwellings set in generous gardens

which provides a relatively open feel to the area.

## **RELEVANT PLANNING HISTORY**

No relevant planning history.

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

National Planning Policy Framework (February 2019)

NPPF12 - Achieving well designed places

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

PO5 - Development boundaries

PO22 - Good design in new developments

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

## **REPRESENTATIONS RECEIVED**

Drainage Team - Water butt details acceptable.

Laceby Parish Council - No objections.

Highways Team - Approval no conditions.

Heritage Officer - No input required.

Neighbour Representations

1 Arnold Close - Objects based on concerns relating to negative visual impact, residential amenity, not in-keeping, out of character, overbearing, dominant, excessive height, oppressive and intrusive and fire safety concerns.

4 Arnold Close - Objects based on concerns relating to impact to neighbours, visual impact and excessive height.

14 Arnold Close - Objects based on concerns relating to imposing structure, proximity to



the boundary, height of structure, development not in-keeping and imposing.

8 Blyth Way - Objects based on concerns relating to the position of the building, overlooking, loss of privacy and height.

## **APPRAISAL**

### **Material Considerations**

#### **1) Principle of Development**

The application site is within the development area of Laceby (Policy 5), and relates to a retrospective proposal for the erection of a summerhouse and decking within the rear garden of an existing detached dwelling. The principle of development is therefore acceptable provided that the proposal does not give rise to significant issues in terms of residential amenity and that the design is in accordance with policy 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and section 12 of the NPPF.

#### **2) Design and Character**

The summerhouse covers a length of 3.1 metres and a width of 3.2 metres and is positioned within the rear garden, close to the southwest boundary. The eaves height is 2.1 metres and the overall height is 4 metres. A pitched roof is incorporated into the design. This height includes the height of the decking. Double doors are included to the front which face towards the rear elevation of the existing dwelling, and all other elevations are blank. The summerhouse is constructed of timber cladding and brown pantiles.

New decking has been installed beneath the structure and protrudes to both sides. This covers 4.8sqm in total. It projects 0.2 metres up from the ground.

The works are positioned to the rear and are screened by the host dwelling from Blyth Way. Therefore, there is no impact to that street scene. However, the structure is visible from the adjoining street at Arnold Close. The rear garden runs along the entrance road into Arnold Close with its side and rear boundaries towards the street. Although the structure is visible above the existing boundaries, it is contained within the rear garden. The nature of the works along with its position are typical of domestic features found in rear gardens of residential dwellings. The dwelling has a modest plot and comfortably accommodates the size of the development.

It is noted that the summerhouse is not fully constructed and this does add to the visual impact currently. However, once complete, it is not expected that the development is of such a scale, height or position that the area or property would be detrimentally impacted.

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

### 3) Impact on Neighbouring Properties

The main impact of this development is to 1 Arnold Close, Laceby.

The summerhouse sits around 0.3 metres away from the boundary which borders the front garden of the neighbour; positioned forward of the property itself. The rear of the summerhouse is adjacent to the side elevation of the neighbouring property. The separation distance is of over 5 metres from the closest point of the summerhouse to the side elevation of the neighbour's property. The summerhouse includes no openings which face towards this neighbour. The boundaries are established by brick-built walls of around 1.8 metres in height which provide a partial screening to the proposal.

This neighbour has objected on the grounds of the negative visual impact, impact on their residential amenity, that it is not in-keeping, is out of character, is overbearing, is dominant, has excessive height, is oppressive and intrusive and raises fire safety concerns. Whilst the summerhouse is visible from the adjoining street, and indeed adjacent to the front garden of this neighbour, it is important to note that the structure is contained within the site boundaries and within the host property's rear garden. The summerhouse includes no openings that face this neighbour. The height of the summerhouse is not unusual for a domestic outbuilding. In relation to fire safety, this will be addressed through the Building Regulations process and is not considered a material planning consideration. Therefore whilst the summerhouse is visible, it is not overbearing or oppressive given its overall size, design, position and height.

With regards to other neighbours, the development is considered to be sufficiently separated to ensure it does not cause harmful overlooking, massing or overbearing issues.

It is therefore considered that the proposal would not have an unacceptable impact on residential amenity in this instance and would accord with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and section 12 of the NPPF.

### **CONCLUSION**

In conclusion, it is considered that the development does not unduly harm the appearance of the street scene, the wider character of the area or neighbours residential amenities.

It is therefore in accordance with policy 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and section 12 of the NPPF.

## **RECOMMENDATION**

### **Approved with Conditions**

(1) Condition

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

Site Location Plan - 1345/0001

Block Plan, Proposed Floor Plan and Elevations - 1345/0002

Reason

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

(2) Condition

The water butt shown on plan 1345/0002 shall be installed and connected to the summerhouse within three months from the date of this decision and shall be retained thereafter. Unless an alternative is submitted to and approved in writing by the Local Planning Authority.

Reason

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

## **Informatives**

1 Reason for Approval

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

2 Informative

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

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

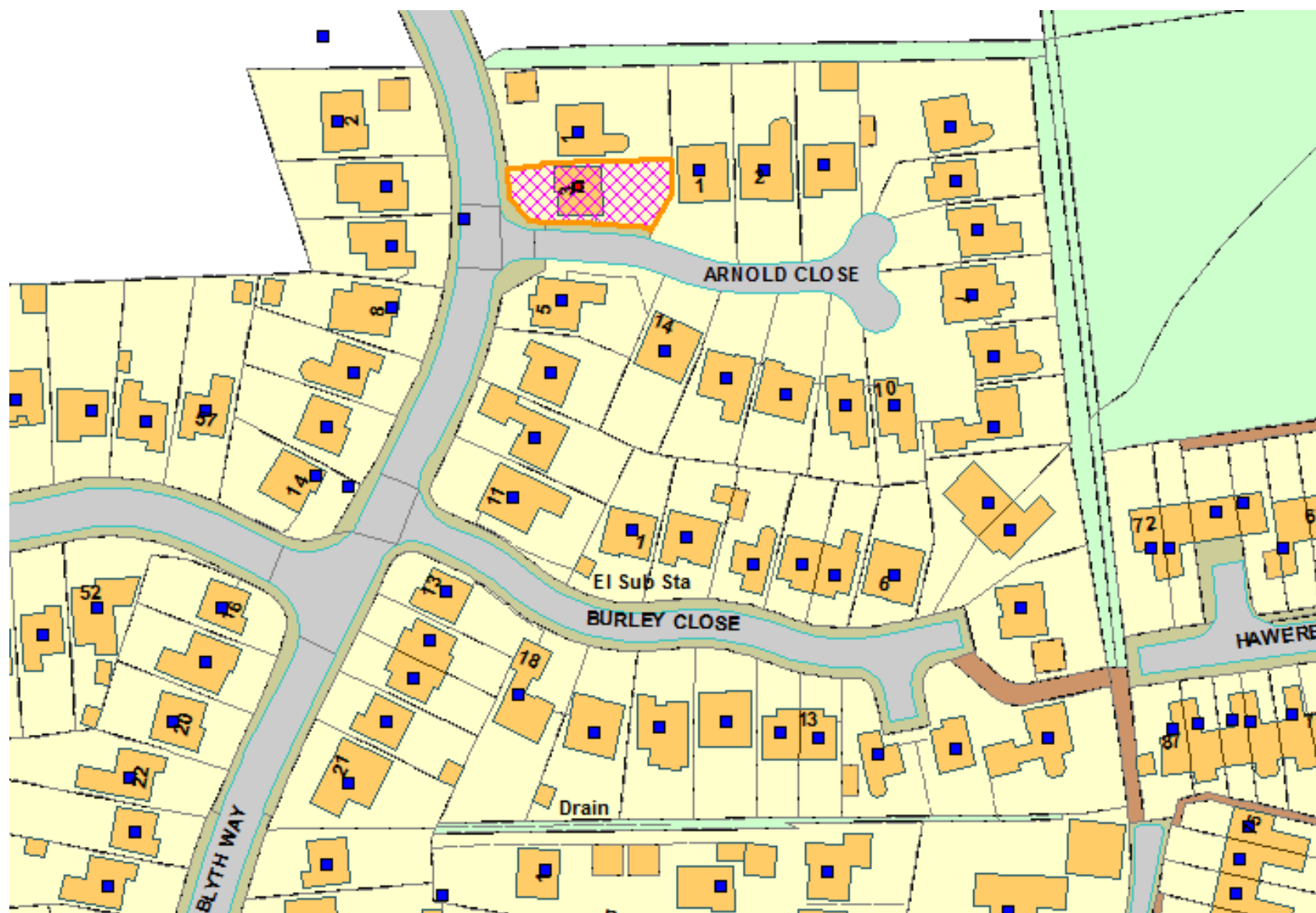
3 Informative

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

4 Informative

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

DM/0529/21/FUL – 3 BLYTH WAY, LACEBY



DM/0529/21/FUL – 3 BLYTH WAY, LACEBY

