

## Planning Committee Dated: 6th October 2021

### Summary List of Detailed Plans and Applications

<b>Recommendation: Approved Conditions and signing of S106</b>	
<b>Item:</b>	<b>1</b>
<b>Application No:</b>	DM/0552/21/FUL
<b>Application Type:</b>	Full Application
<b>Application Site:</b>	Land Off Humberston Road Grimsby North East Lincolnshire
<b>Proposal:</b>	Erection of 122 dwellings together with a sales suite, construction of garages, driveways, estate roads and associated works (further info - ecology, habitat regs & net gain report)
<b>Applicant:</b>	G Whall
<b>Case Officer:</b>	Lauren Birkwood
<b>Recommendation: Approved with Conditions</b>	
<b>Item:</b>	<b>2</b>
<b>Application No:</b>	DM/0181/21/FUL
<b>Application Type:</b>	Full Application
<b>Application Site:</b>	Trinity Road Playing Fields Trinity Road Cleethorpes North East Lincolnshire
<b>Proposal:</b>	Extension to Cleethorpes Cemetery to include access road and associated works (further information - 07-09-21)
<b>Applicant:</b>	Lisa Logan
<b>Case Officer:</b>	Lauren Birkwood
<b>Recommendation: Approved with Conditions</b>	
<b>Item:</b>	<b>3</b>
<b>Application No:</b>	DM/0887/19/FUL
<b>Application Type:</b>	Full Application
<b>Application Site:</b>	41 Humberston Avenue Humberston Grimsby North East Lincolnshire
<b>Proposal:</b>	Erect a detached dormer bungalow with integral garage (amended site layout plan July 2021)
<b>Applicant:</b>	Mr Gary Croft
<b>Case Officer:</b>	Richard Limmer

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<b>Recommendation: Approved</b>	
<b>Item:</b>	<b>4</b>
<b>Application No:</b>	DM/0077/21/FUL
<b>Application Type:</b>	Full Application
<b>Application Site:</b>	Land Off Main Road Barnoldby Le Beck North East Lincolnshire
<b>Proposal:</b>	Retrospective application for engineering operations to relocate soils (amended plan received August 2021)
<b>Applicant:</b>	R Osmond
<b>Case Officer:</b>	Richard Limmer

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<b>Recommendation: Approved with Conditions</b>	
<b>Item:</b>	<b>5</b>
<b>Application No:</b>	DM/0449/21/FUL
<b>Application Type:</b>	Full Application
<b>Application Site:</b>	142 Chichester Road Cleethorpes North East Lincolnshire DN35 0JJ
<b>Proposal:</b>	Erect first floor rear extension to create additional accommodation (amended plans received dated 2/08/2021 showing additional information for 45 degree tests)
<b>Applicant:</b>	Mrs Abbie Woodhouse
<b>Case Officer:</b>	Owen Toop

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<b>Recommendation: Approved with Conditions</b>	
<b>Item:</b>	<b>6</b>
<b>Application No:</b>	DM/0168/21/FUL
<b>Application Type:</b>	Full Application
<b>Application Site:</b>	55 Abbey Road Grimsby North East Lincolnshire DN32 0HN
<b>Proposal:</b>	Proposed single storey side extension to rear building to form additional funeral home services and associated external plant and new detached multi vehicle garage rear of site and single bay external car wash along with associated parking and landscaping (amended plans and description)
<b>Applicant:</b>	Harley
<b>Case Officer:</b>	Jonathan Cadd

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<b>Recommendation: Approved with Conditions</b>	
<b>Item:</b>	<b>7</b>
<b>Application No:</b>	DM/0422/21/FUL
<b>Application Type:</b>	Full Application
<b>Application Site:</b>	8 Fairisle Rise Immingham North East Lincolnshire DN40 1RQ
<b>Proposal:</b>	Retrospective application for the change of use of adjacent public land to form part of domestic curtilage (amended ownership certificates)
<b>Applicant:</b>	Mr Ian Hole
<b>Case Officer:</b>	Jonathan Cadd
<b>Recommendation: Approved with Conditions</b>	
<b>Item:</b>	<b>8</b>
<b>Application No:</b>	DM/0609/21/FUL
<b>Application Type:</b>	Full Application
<b>Application Site:</b>	Willow Lakes Ashby Hill Top Farm Barton Street Ashby Cum Fenby North East Lincolnshire
<b>Proposal:</b>	Variation of Condition 2 (Approved Plans) as granted on DM/1162/19/FUL for revision to omit green roof and install solar panels
<b>Applicant:</b>	Mr John Collis
<b>Case Officer:</b>	Richard Limmer

**PLANNING COMMITTEE - 6th October 2021**

**ITEM: 1**                      **RECOMMENDATION: Approved Conditions and signing of S106**

**APPLICATION No: DM/0552/21/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: Land Off, Humberston Road, Grimsby, North East Lincolnshire,**

**PROPOSAL: Erection of 122 dwellings together with a sales suite, construction of garages, driveways, estate roads and associated works (further info - ecology, habitat regs & net gain report)**

**APPLICANT:**

G Whall  
Keigar Homes  
Keigar Lodge  
Canberra View  
Barton Upon Humber  
DN18 5GR

**AGENT:**

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

**DEPOSITED: 26th May 2021**

**ACCEPTED: 9th June 2021**

**TARGET DATE: 8th September 2021**

**PUBLICITY EXPIRY: 30th September 2021**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 8th July 2021**

**CASE OFFICER: Lauren Birkwood**

**PROPOSAL**

This is a planning application for the erection of 122 dwellings on land off Humberston Road in Grimsby. There would also be the construction garages, driveways, estate roads, highway improvement works and other associated works including open space. A sales office will be provided during the selling of the properties

The application is referred to Committee in view of the number of objections received from residents and has also been called in by Councillor Pettigrew.

## **SITE**

The site is greenfield and situated on the southern edge of the Weelsby area of Grimsby. To the immediate north and east of the site there are residential properties on Villa Court, Vaughan Avenue, Ashridge Drive and Humberston Road. To the west of the site is Weelsby Woods and to the south open fields. The site is currently overgrown and is defined by well established landscaped boundaries. There is a footpath running along the southern boundary which links into Weelsby Woods and this is a public right of way. Vehicular access to the site is proposed from Humberston Road between the junctions to Davenport Drive and Villa Court. The site is located within the urban area with good access to facilities and with links to strategic transport routes.

## **RELEVANT PLANNING HISTORY**

DM/0225/14/OUT - Outline application for up to 145 dwellings with public open space & associated infrastructure for means of access to be considered and all other matters reserved in accordance with amended details, indicative layout plan and the addendum to the Environmental Statement dated 9th September 2014. Resolution to approve subject to the signing of a Section 106 Legal Agreement. This was not completed.

## **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  
NPPF15 - Conserv. & enhance the natural environ.

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

PO5 - Development boundaries  
PO13 - Housing allocations  
PO22 - Good design in new developments  
PO33 - Flood risk  
PO34 - Water management  
PO41 - Biodiversity and Geodiversity  
PO42 - Landscape  
PO43 - Green space and recreation

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

for the area is comprised of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

## **REPRESENTATIONS RECEIVED**

Drainage Officer - Due to high flood risk downstream, the discharge rate from the site must be no higher than Qbar, during all rainfall events. The increased storage requirements can be accommodated by permeable paving driveways, more use of water butts/rain gardens, increased use of swales etc or a pond. Further details required.

Anglian Water - Surface water drainage strategy required.

Environment Agency - No objections.

Highways Officer - No objections. Further details required. Conditions recommended.

Public Right of Way Officer - No objections. Informative required.

Sport England - No objections.

Ecology Officer - No objections. Recommendations provided for biodiversity net gain.

Natural England - No objections.

Environmental Health Officer - No objections. Conditions recommended including land quality. Air quality information acceptable.

Tree Officer - No objections. Final details required.

Heritage Officer - No objections.

Humberside Fire & Rescue Officer - Inform regarding access for fire service and water supplies for fire fighting.

ESP Utilities Group Ltd - No objections.

Schools Advanced Asset Practitioner - Primary and Secondary contributions required.

Civic Society - The committee noted the planning history of this site and approve of the new application. Our only reservation is that the access and exit for this number of properties is going to make a difficult junction onto what is already a busy road. Should there be a left turn only out of the estate?

Neighbour and other Representations

The following neighbours object to the proposal:

Petition (various neighbours)  
94 Grove Crescent, Grimsby (Ward Councillor - Mark Smith)  
27, 28, 31 Ashridge Drive, Cleethorpes  
4, 6 Villa Court, Grimsby  
9, 13, 15, 25 Vaughan Avenue, Grimsby  
23 Hunsley Crescent, Grimsby  
The Limes, Meer Booth Road, Boston

Objects on the following grounds:

- Privacy, overlooking and intrusion issues
- Concerns regarding the proposed access, traffic, parking and headlight issues
- Concerns regarding pedestrian safety
- Affects wildlife and ecology
- Inadequate public services and burden on education and health
- Should be maintained as a Greenfield site and open space
- Flooding and drainage issues
- Affects the landscaping and trees
- Issues regarding ownership and right of way
- Concerns regarding noise, dust and dirt
- Too many dwellings proposed

The Limes, Meer Booth Road, Boston - Recommends mitigation for wildlife.

Councillor Pettigrew - Request for application to be heard at planning committee due to number of objections and size of development.

## **APPRAISAL**

Material considerations:

- (1) Principle of Development
- (2) Impact on the Visual Character of the Area
- (3) Highways, Traffic Impact and Accessibility Issues
- (4) Drainage and Flood Risk
- (5) Impact to Neighbouring Properties
- (6) Ecology
- (7) Developer Section 106 Contributions

- (1) Principle of Development

The proposal site is located within the development boundary of Grimsby, and therefore policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) applies. The Local Plan also identifies the proposal site as a residential allocation HOU074B under policy 13. A housing development of this scale and capacity, on this application

site, is considered acceptable in planning policy terms and would make a significant contribution to the Council's housing requirement.

It is also considered the site is in an accessible location, set close to amenities and also local transport links. By virtue of the position of the proposal site within the boundary of Grimsby of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018), it has been deemed 'sustainable'.

The planning history also includes outline application DM/0225/14/OUT which was approved in principle at the Planning Committee meeting on 11th February 2015 subject to the signing of a Section 106 Legal Agreement. This legal agreement was not completed as the developer at this time pulled out. To this end the application remained pending until a new developer was engaged with.

Having regard to policy, location and planning history the principle of development is therefore acceptable provided it does not give rise to significant issues for example in terms of site specific matters in accordance with policies 5, 13, 22, 33, 34, 41, 42 and 43 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and sections 5, 12, 14 and 15 of the National Planning Policy Framework 2021. These are considered; as set out in the report.

## (2) Impact on the Visual Character of the Area

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. This is supported in the principles established in MHCLG's 'National Design Guide' document.

The proposal is for development of the site for residential properties, access, landscaping and other associated infrastructure and is at a relatively low density of housing at approximately 25 dwellings per hectare. Policy 15 of the Local Plan recognises a density of 25 to 50 per hectare in the urban area of Cleethorpes and Grimsby. The development comprises land on the southern edge of the Weelsby area of Grimsby. To the immediate north and east of the site there are residential properties on Villa Court, Vaughan Avenue and Humberston Road. To the west of the site is Weelsby Woods and to the south open fields. It is considered that the proposal relates well to surrounding features. In particular, well designed active frontages onto access roads, the public footpath along the south eastern boundary and Weelsby Woods.

Within the site, the setting will be well defined by the open space, attenuation features and landscaping and street trees as advocated in the revised NPPF 2021. The result will be an outward looking development to the front on Humberston Road and will also respond well to the open fields to the south east and the right of way. It responds to the grain of development locally and the linear grain into Weelsby Woods which forms a



substantial back drop for the site. It respects and enhances the link from Humberston Road into Weelsby Woods and provides for accessibility to recreation, open space and transport links. It is considered that the proposed development would not significantly increase the scale of the built environment but would constitute more of an extension to the current built form.

With regard to design, various house types are proposed ranging from detached to link properties. There is a reasonable mix of form and type based on traditional principles of gabled properties and pitched roofs with emphasis to openings. It is considered that this will result in an acceptable appearance to the development which will relate well to the surrounding and wider area.

An area of open space has been allocated close to the entrance in Weelsby Woods to provide access for existing and future residents. It will be necessary for the applicant to provide a management plan for responsibilities and on-going maintenance of the open space. This can be secured through a planning condition. Policy 43 of the Local Plan states that all developments of 50 units or more should provide play equipment on or off site. It has been recommended that improvements are undertaken to the play area within Weelsby Woods and this will be secured through a financial contribution to aid this. This again can be adequately secured through a planning obligation and the applicant has committed to this in accordance with policy.

Trees and hedging would be planted along boundaries of the site, and within the site along streets and open space, providing character and attractiveness to the area and development. Subject to conditions, the Council's Tree Officer accepts the details provided.

Therefore, in landscaping and recreation terms the development is considered acceptable under policies 42 and 43 of the Local Plan.

Having regard to the above the proposal is considered to represent good design in context to its surroundings and will provide for a quality residential environment. The overall layout and designs of the plots are considered to be acceptable in accordance with policies 5 and 22 of the North East Lincolnshire Local Plan and section 12 of the National Planning Policy Framework 2021. The broad mix of house types and styles would also represent reasonable choice homes in accordance with policy 15 of the North East Lincolnshire Local Plan. It should be noted that the site falls within a low market area under Policy 18 of the Local Plan and as a result there is no requirement for the provision of affordable housing.

### (3) Highways, Traffic Impact and Accessibility Issues

The application is supported by a Transport Assessment and access is proposed to be taken from Humberston Road by way of a ghost island priority junction. Other works include the provision of an extended footway across the sites frontage and the provision of a signalled toucan crossing at the location of an existing crossing refuge on Humberston Road. In terms of the wider highway network, the need for improvements to

local junctions has been identified and the applicants have agreed to the payment of a commuted sum to contribute to the necessary highway improvements. The application also includes a Traffic and Parking Statement to enhance the sustainability of the development.

It is acknowledged that a number of concerns have been raised in representations received about the development's impact on the highway network and highway safety. These issues have been fully taken into account and assessed by the Highways Officer which has included negotiations with the applicant. No objections are raised by the Highways Officer and in highway terms the development is considered to be in accordance with the core aims of the NPPF and acceptable in planning terms, including the policies set out in the North East Lincolnshire Local Plan.

#### (4) Drainage and Flood Risk

The site is not within an area identified as having high flood risk either by the Environment Agency's flood maps or the Council's Strategic Flood Risk Assessment 2011. However, both Anglian Water and North East Lincolnshire Council's Drainage Officers have advised that an appropriate sustainable urban drainage system is required for the site. The scheme shows the use of swales and sustainable drainage techniques and a condition is recommended to agree the final details.. The development therefore accords with policies 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

#### (5) Impact on Neighbouring Properties

Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) requires an assessment on the impact on neighbouring land properties and users. It is noted that comments have been received from neighbouring properties. It is considered there will be a change in the character the area as open land will be developed. There is a clear separation between neighbouring properties and the site, and the adjacent open fields due to well established boundary treatments and paddock areas. There are several existing neighbours to the north east and north west on Villa Court, Vaughan Avenue and Ashridge Drive.

The proposed layout shows there would be a mixture of properties, but predominately two storey in height. However, the layout shows that there would be good separation from proposed dwelling to neighbours. The presence of substantial landscaping and key positioning of dwellings ensures residential amenity impacts such as overlooking and visual massing would be minimal.

Concerns have been raised from residents also with concerns surrounding noise, dust and dirt from development. The applicants have provided this information in the form of a Construction Management Plan. The Council's Environmental Health Officer has confirmed they have no objections to the development, and details provided including air quality is acceptable. Therefore, the development is considered acceptable under policy 5

of the North East Lincolnshire Local Plan.

#### (6) Ecology

It is noted that comments have been received from residents with concerns regarding ecology and the loss of habitats and open space. Policy 41 of the NELLP and section 15 of the NPPF 2021 require special regard to be had to ecology, protected species and wider biodiversity.

There has been full negotiations with the Council's Ecologist through the application. The Council's Ecologist has considered the Ecology Appraisals provided with the application in detail and has conducted site visits to access the site. The appraisal does not highlight any specific issues in terms of protected species or habitats and provides sufficient recommendations including precautionary and enhancement measures. The Council's Ecologist has concurred with these recommendations.

Due to the proximity of the site to the Humber Estuary SPA, SAC, Ramsar site and SSSI, a Habitats Regulations Assessment, which appraises the impacts of the proposals upon the interest features of the nearby designated Estuary site, was undertaken. The assessment concludes that the works are expected to result in neutral impacts upon the integrity of interest features and conservation objectives associated with the Humber Estuary. There will be no likely significant effects. On this basis, the Council's Ecologist and Natural England raise no objections and accept the conclusions of the Habitats Regulations Assessment.

Finally, the ecological reports identify that as a result of the very development of the site there is a loss of habitat biodiversity given that the existing scrub, ruderal and grassland habitats will be lost as part of the proposed development. The forthcoming proposed Environmental Bill which will look to introduce a metric for biodiversity net gain has not yet been introduced but the NPPF 2021 and Policy 41 of the Local Plan do refer to the potential for compensation. Coupled with the fact that one of the benefits of the site is the strong links to Weelsby Woods, which will increase the recreational demands on the woods, a contribution to help towards a long term management programme for improving the woods is proposed. This follows engagement with the Council's Ecologist. This can be adequately secured through a planning obligation. The applicant has committed to this in accordance with policy.

Having regard to the above it is considered that the development is acceptable in ecological terms under Policy 41 of the Local Plan.

#### (7) Developer Section 106 Contributions

The Section 106 Agreement is for the following:

Education - a contribution to the need for additional primary and secondary school facilities in order to accommodate the anticipated number of primary and secondary

school age children from the development. - Primary 30 x £11,276.44 = £338,293.20 and Secondary 24 x £16,991.84 = £407,804.16.

Highway Contribution - financial contribution towards the implementation of the wider highway improvements outlined in the Transport Assessment. - £172,000.00.

Play Equipment - to provide financial contributions towards improvements to the play equipment within the adjacent Weelsby Woods. - £45,000.00.

Biodiversity mitigation - to provide financial contributions towards a long term management programme in Weelsby Woods. - £50,000.00.

## **CONCLUSION**

It is considered that the development of this site would provide for much needed housing to the area delivery in a sustainable and acceptable location. The impact of the development has been fully considered and in particular with regard to the character of the area, highway safety and the amenity of adjacent residential areas. The development will also provide an education contribution, play equipment, ecological mitigation and contributions to improvements to the highway network. It is therefore recommended that the planning application be approved subject to the signing of a 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 is approved in accordance with the following plans:

Site Location Plan - HR/167/02

Proposed Site Plan - HR/167/06D

Proposed Site Layout South - HR/167/04B

Proposed Site Layout North - HR/167/03D

Proposed Site Sections - RD4709 - 02  
Proposed Landscaping Plan - HR/167/10C  
Proposed Landscaping Plan - HR/167/03  
Proposed Materials - HR/167/07A  
Proposed House Mix - HR/167/08A  
Proposed SUDS Plan - HR/167/09A  
Boundary Treatments - HR/167/11A  
Boundary Treatments - HR/167/12A  
Boundary Treatments - HR/167/03  
Boundary Fence and Wall Detail - SD/16/006  
Site Access Arrangement Plan - HRG-BWB-HML-XX-DR-TR-101 S2 P2  
Highways Widths and Bin Collection Points - HR/167/13A

Proposed Plans and Elevations of Dwellings:

Proposed Plans and Elevations - Malvern and Canterbury 1 - CCM/AS/18/101  
Proposed Plans and Elevations - Malvern and Canterbury 1 - MCA/AS/18/101  
Proposed Plans and Elevations - Malvern and Canterbury 2 - CCM/AS/19/102  
Proposed Plans and Elevations - Malvern and Canterbury 2 - MCA/AS/18/102  
Proposed Plans and Elevations - Malvern and Canterbury 2 Opp - MCA/OP/18/102  
Proposed Plans and Elevations - Malvern and Canterbury 2 Passage - MCM/AS/12/102  
Proposed Plans and Elevations - Malvern and Canterbury 1 Opp - MC/OP/19/102  
Proposed Plans and Elevations - Malvern and Canterbury 1 Opp - MCA/OP/18/101  
Proposed Plans and Elevations - Malvern and Cleveland - MC/AS/19-102  
Proposed Plans and Elevations - Malvern and Cleveland 1 Opp - MC/OP/19/101  
Proposed Plans and Elevations - Canterbury 1 - CA/AS/18/101  
Proposed Plans and Elevations - Canterbury 2 - CA/AS/18/102  
Proposed Plans and Elevations - Chatsworth 3 - CH/AS/12/103  
Proposed Plans and Elevations - Chatsworth 3 Opp - CH/OP/12/103  
Proposed Plans and Elevations - Dutchess 2 Opp - DU/OP/19/102  
Proposed Plans and Elevations - Dutchess 3 - DU/AS/18/103  
Proposed Plans and Elevations - Dutchess 3 Opp - DU/OP/18/103  
Proposed Plans and Elevations - Dutchess 6 - DU/AS/18/106  
Proposed Plans and Elevations - Dutchess 6 Opp - DU/OP/19/106  
Proposed Plans and Elevations - Ancholme 3 - AA/AS/19/103  
Proposed Plans and Elevations - Buckingham 3 Opp - BU/OP/18/103  
Proposed Plans and Elevations - Buckingham 6 - BU/AS/19/106  
Proposed Plans and Elevations - Buckingham 6 Opp - BU/OP/18/106  
Proposed Plans and Elevations - Haywood 2 - HY/AS/19/102  
Proposed Plans and Elevations - Haywood 3 - HY/AS/19/103  
Proposed Plans and Elevations - Kingston 1 - KI/AS/19/101  
Proposed Plans and Elevations - Kingston 1 Opp - KI/OP/19/101  
Proposed Plans and Elevations - Kingston 2 - KI/AS/18/102  
Proposed Plans and Elevations - Kingston 2 Opp - KI/OP/18/102  
Proposed Plans and Elevations - Kingston 3 - KI/AS/18/103  
Proposed Plans and Elevations - Kingston 3 Opp - KI/OP/18/103

Proposed Plans and Elevations - Kingston 6 Opp - KI/OP/19/106  
Proposed Plans and Elevations - Wordsworth 1 - W/AS/18/101  
Proposed Plans and Elevations - Wordsworth 1 Opp - W/OP/18/101  
Proposed Plans and Elevations - Wordsworth 2 - W/AS/18/102  
Proposed Plans and Elevations - Wordsworth 2 Opp - W/OP/18/102  
Proposed Plans and Elevations - Wordsworth 3 - W/AS/18/103  
Proposed Plans and Elevations - Wordsworth 3 Opp - W/OP/19/103  
Proposed Garage Plot 1 - GA/HR/P1  
Proposed Garage Plot 6 - GA/HR/P6  
Proposed Garage Plot 9 - GA/HR/P9  
Proposed Garage Plot 10 and 23 - GA/HR/P10-23  
Proposed Garage Plot 20 and 21 - GA/HR/P20-21  
Proposed Garage Plot 22 - GA/HR/P22  
Proposed Garage Plot 63 - GA/HR/P63  
Proposed Garage Plot 104 and 105 - GA/HR/P104-5  
Proposed Garage Plot 107 and 108 - GA/HR/P107-8  
Proposed Garage Plot 110 - GA/HR/P110  
Proposed Garage Plot 117 - GA/HR/P117  
Proposed Garage Plot 122 - GA/HR/P122  
Proposed Annexe Plot 5 - GA/HR/P5

#### Reason

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

#### (3) Condition

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

#### Reason

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

#### (4) Condition

Development shall not begin until the following details have been submitted to and approved in writing by the Local Planning Authority.

(i) Detailed plans to a scale of at least 1/500 showing:-

(a) the proposed layout of the carriageways and footways on the development;

- (b) the wearing course materials proposed for the carriageways and footways;
- (c) cross sections;
- (d) the highway drainage system;
- (e) the proposed locations of street lighting columns, all services and ducts for services, within the carriageways and footways;
- (f) the number, location and layout of the vehicle garaging and/or parking facilities within the site to serve the proposed development;
- (g) management arrangements for any carriageways, footways and/or landscaped areas not to be adopted by the local authority;
- (h) The proposed toucan crossing and associated signal infrastructure on Humberston Road and the provision of footways along the Humberston Road frontage to the site and to link with Weelsby Woods.

The development shall be undertaken in accordance with the details approved and the toucan crossing and associated signal infrastructure on Humberston Road and the provision of footways along the Humberston Road frontage to the site and the link with Weelsby Woods shall be provided prior to the occupation of any dwelling or as agreed in writing with the Local Planning Authority.

#### Reason

To ensure the satisfactory completion of the development and in the interests of highway safety and amenity in accordance with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

#### (5) Condition

Prior to the commencement of the development, a Residential Travel Plan (RTP) shall be produced and submitted in writing to the Local Planning Authority for approval. The RTP should be produced in accordance with NELC Guidance and in liaison with the Residential Travel Plan Officer. The RTP should include, but not be limited to the following:

1. Contact details of the person with responsibility for the implementation for the RTP;
2. Details of measures and initiatives to be in place to encourage travel by sustainable modes of travel, in particular walking, cycling, and public transport use;
3. 3 and 5 year targets associated with minimising lone car occupancy travel;
4. Details of how the RTP will be monitored (e.g. results of travel surveys within 3 months of first occupation and at key stages during occupancy);
5. The 'life' of the RTP should be from first occupation to 5 years after full occupation of dwellings to ensure that the RTP has adequate time to become effective.

Once approved, the RTP shall be implemented in accordance with its terms.

#### Reason

In the interests of sustainable development in accordance with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(6) Condition

The development shall be carried out in accordance with the Preliminary Ecology Appraisal, Habitat Regulations Assessment and Biodiversity Net Gain Assessment by Inspired Ecology Ltd dated September 2021.

Reason

In the interests of ecological enhancement in accordance with policy 5 and 41 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(7) Condition

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

Reason

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

(8) 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 carried out in accordance with the details approved.

Reason

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

(9) Condition

The development shall be carried out in accordance with the Noise Assessment by Three Spires Acoustics Ltd and the Construction Management Plan by Ross Davy Associates include the control measures that will be employed to control the impact of noise, vibration and dust during the construction phase. All measures shall be implemented throughout the construction phase. Prior to the commencement of development final details of the location of the site compound and parking area during construction shall be submitted to and approved in writing by the Local Planning Authority.



Reason

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

(10) Condition

Prior to occupation of any 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 of each respective dwelling.

Reason

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

(11) Condition

Prior to the commencement of the development final details on foul drainage shall be submitted to and approved in writing by the Local planning Authority. All foul drainage shall be in accordance with the details approved.

Reason

In the interests of providing satisfactory foul drainage to accord to policies 5 and 34 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(12) Condition

Prior to occupation of any dwelling, final details of the scheme of landscaping and tree planting, including all public open space areas, to follow the Landscaping Plan (drawing ref: HR/167/10 D) and Planting Plan Rev B (drawing ref: PP - 210430 Humberston Rd Grimsby) shall be submitted to and agreed in writing with the Local Planning Authority. Such details shall include the timings and phasing of the landscaping as it relates to each phase of the development and details of trees and hedges to be retained and measures for their protection during the construction period. Hedgerows shall thereafter be retained in accordance with the details approved. All planting shall be implemented in accordance with the details and timings approved and shall be adequately maintained for 5 years, beginning with the date of completion of the planting of each phase and during that period all losses shall be replaced during the next planting season. All tree and hedge protection measures shall be implemented as approved during the construction period.

Reason

To ensure a satisfactory appearance and setting for the development and continued maintenance of the approved landscaping in the interests of local amenity in accordance with policies 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted

2018).

(13) Condition

Before development commences, details of all finished floor levels, site levels and finished ground levels and phasing and timings of works shall be submitted to and approved by the Local Planning Authority. The levels shall be completed in accordance with the timings and phasing approved.

Reason

In the interests of local amenity and satisfactory drainage in accordance with policy 5 and 34 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(14) Condition

Electric vehicle charging points shall be provided for each dwelling prior to its occupation in accordance with the submitted Electrical Vehicle Planning Statement and shall thereafter be retained.

Reason

In the interests of sustainable transport and air quality improvement to accord to policies 5 and 36 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(15) Condition

The boundary treatments shall be carried out in accordance with drawings HR/167/11A and HR/167/12A unless otherwise approved in writing by the Local Planning Authority. All boundary treatments shall be provided prior to the occupation of the respective plot to which they relate.

Reason

To ensure the satisfactory completion of the development to accord to policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(16) Condition

The dwellings shall be constructed in materials as shown on drawing HR/167/07A unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure the satisfactory completion of the development to accord to policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

## **Informatives**

### **1 Reason for Approval**

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character, residential amenity, drainage and addresses highway safety and amenity issues 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.

### **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 raised by consultees.

### **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 325959).

### **5 Informative**

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

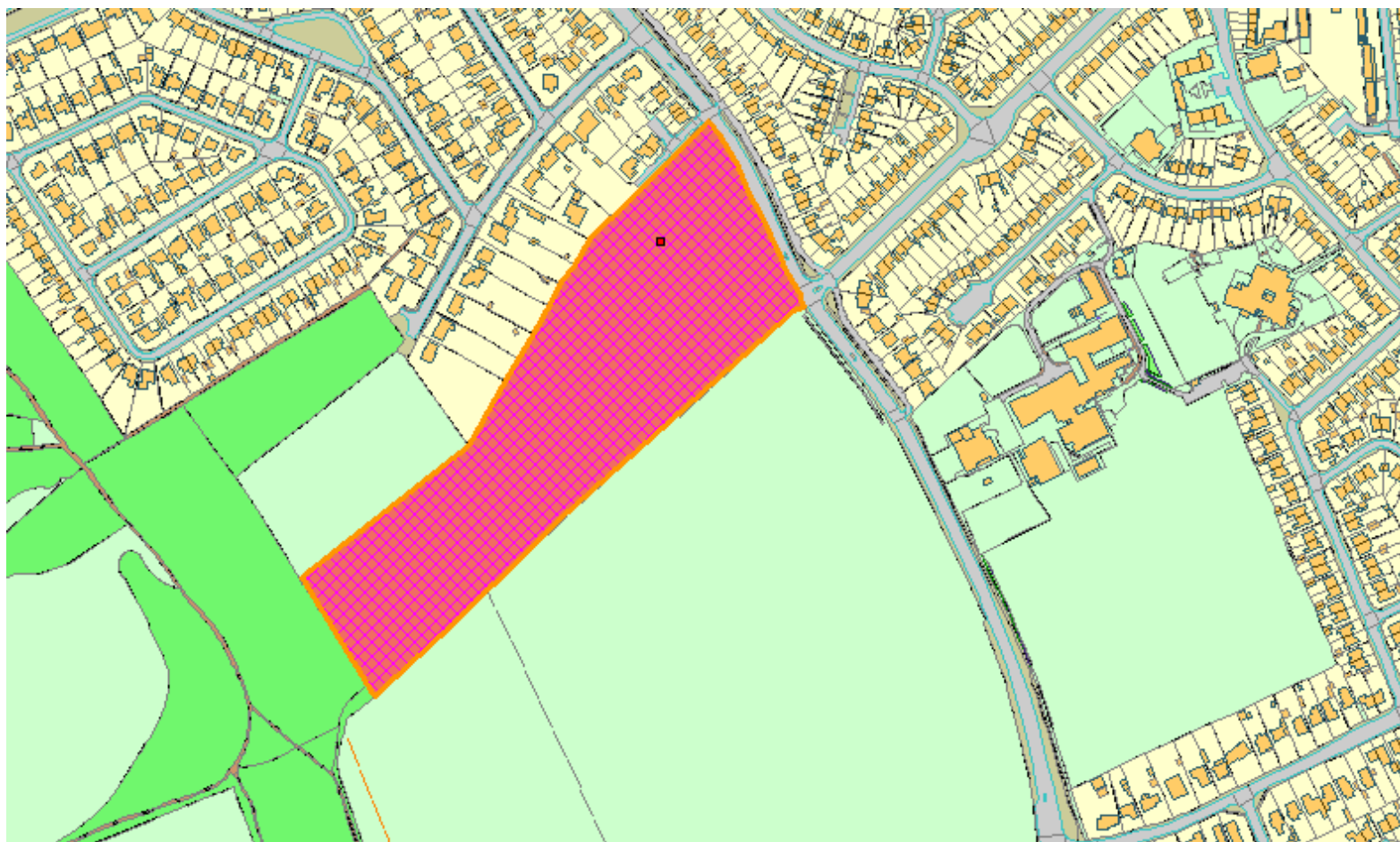
### **6 Informative**

If the highways within the site are to be adopted by the Council, in accordance with Section 38 of the Highways Act 1980, please contact the Highway Management Team six months in advance of the commencement of works. (Tel: 01472 324505)

7 Informative

The applicant's attention is drawn to the comments received from Anglian Water, the Rights of Way Officer and Humberside Fire & Rescue. Please go to <https://www.nelincs.gov.uk/planning-and-building-control/> to view the comments.

DM/0552/21/FUL – LAND AT HUMBERSTON ROAD, GRIMSBY



## DM/0552/21/FUL – LAND AT HUMBERSTON ROAD, GRIMSBY



1

Application No.	Reason for Referring to Planning Committee
DM/0552/21/FUL	Size of development and number of objections

**Address:**

**PLANNING COMMITTEE - 6th October 2021**

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

**APPLICATION No: DM/0181/21/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: Trinity Road Playing Fields, Trinity Road, Cleethorpes, North East Lincolnshire,**

**PROPOSAL: Extension to Cleethorpes Cemetery to include access road and associated works (FURTHER INFORMATION - 07-09-21)**

**APPLICANT:**

Lisa Logan  
North East Lincolnshire Council  
Grimsby Crematorium  
Weelsby Avenue  
Grimsby  
North East Lincolnshire  
DN32 0BA

**DEPOSITED: 18th February 2021**

**AGENT:**

Cliff Vivian  
ENGIE  
2 George Street  
Grimsby  
North East Lincolnshire  
DN31 1HB

**ACCEPTED: 12th April 2021**

**TARGET DATE: 12th July 2021**

**PUBLICITY EXPIRY: 23rd September 2021**

**AGREED EXTENSION OF TIME DATE: 8th  
October 2021**

**CONSULTATION EXPIRY: 6th May 2021**

**CASE OFFICER: Lauren Birkwood**

**PROPOSAL**

This proposal seeks to extend the Cleethorpes Cemetery on land at Trinity Road playing fields including access road and other associated works.

The application is referred to Committee in view of objections received from residents.

**SITE**

The proposal site is a section of the Trinity Road playing fields which is situated behind Thrunscoe Primary School in Cleethorpes. The site is generally flat and bounded by landscaping and boundary treatments. Residential properties that are located adjacent to



the site include those situated on Sandringham Road, Penshurst Road and Solomon Court.

## **RELEVANT PLANNING HISTORY**

No relevant planning history.

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

### National Planning Policy Framework (February 2019)

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  
PO41 - Biodiversity and Geodiversity  
PO43 - Green space and recreation

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

## **REPRESENTATIONS RECEIVED**

Sport England - Satisfied that there will be no harm to sport and recreation provision on the site in respect of the loss of the land to the proposed cemetery. However, raise objections that the proposal is likely to lead to conflict between people visiting the proposed cemetery for mourning or quiet reflection etc, and noise being generated by the users of the sports field. Noise being generated from people using the playing field for sport is likely to create a nuisance under Environmental Health legislation and this could potentially prejudice the use of the playing field should it be considered a nuisance. The FF comment above that during the hours of usage, there may be conflict from noise generated between the use of the site for football and the use of the proposed cemetery

Ecology Officer - No objections. Recommendations in appraisal to be implemented.

Civic Society - Reserve judgement and consider that alternative locations should be sought.

Heritage Officer - No objections. Although it is preferred that any trial trenching should be done prior to determination it would be possible on this occasion to secure this by condition if this is preferred, however there are potential risks if significant Bronze Age funerary monuments are discovered.

Historic England - No objections.

Humberside Fire and Rescue - No objections. Informative recommended.

Drainage Officer - Details acceptable.

Anglian Water - No objections.

Highways Officer - No objections.

Environmental Health Officer - No objections. Advise on previous conditions regarding hours of construction/demolition.

Environment Agency - No objections. Recommend informatives.

Tree Officer - No objections. Conditions recommended.

Neighbouring Representations

The following properties object to the scheme:

8A, 44, 59, 64, 74, 82, 87, 89, 105, 106, 107, 111, 114, 120, 128, 136, 140, 142

Penshurst Road, Cleethorpes

31 Thoresby Place, Cleethorpes

93 Curzon Avenue, Cleethorpes

42 Thrunscoe Road, Cleethorpes

171, 179, 201, 205, 213 Sandringham Road, Cleethorpes

11 Arundel Place, Cleethorpes

40 Hope Street, Cleethorpes

8 The Mount, Mill Road, Cleethorpes

106 Yarborough Road, Grimsby

44 Park Avenue, Grimsby

34 Peaks Avenue, New Waltham

On the following grounds:

- Concerns regarding noise and dirt from construction
- Concerns regarding outlook from properties
- Not a suitable location for use
- Archaeology concerns
- Drainage and flooding issues
- Concerns regarding green space removal which is well used by the community
- Security Issues and concerns regarding anti-social behaviour
- Devaluing of properties
- Traffic and congestion issues
- Other land that could be used

## **APPRAISAL**

### Material planning considerations

- (1) Principle of Development
- (2) Sport England
- (3) Impact on Character of the Area
- (4) Impact on Residential Amenity
- (5) Parking and Highways
- (6) Drainage and Flood Risk

#### (1) Principle of Development

The site is within the defined development area of Cleethorpes (policy 5). The area surrounding the site features a range of uses, including community and residential. The site is allocated in the Local Plan as open recreational space (policy 43). Policies 5 and 43 do not prohibit the use of sites as a cemetery. Policy 43 states that cemeteries provide valuable pockets of green space.

It is considered that the principle of development is therefore acceptable and it falls to judge the proposal on site specific matters in terms of amenity, and that the design is in accordance with policies 5, 22, 33, 34, 39, 41 and 43 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and sections 12, 14, 15 and 16 of the NPPF 2021.

#### (2) Sport England

The development includes changing the use of land from green open space into a cemetery. Local planning authorities are required to consult Sport England in certain cases where development affects the use of land as playing fields. Full negotiations have been undertaken with the applicant and Sport England with regards to this. It has been identified that the majority of the area proposed for the cemetery has not been marked out with a pitch, that the site has only over accommodated one pitch and whilst the existing football pitch will be relocated to allow for the cemetery access, the proposal includes marking out an additional 9v9 pitch therefore increasing the sporting provision

on site. In light of this, Sport England is satisfied that there will be no harm to sport and recreation provision on the site in respect of the loss of the land to the proposed cemetery. It is acknowledged that there may be a requirement for a planning condition in relation to the re provision and the final wording needs to be agreed with Sport England.

Sport England have raised additional concerns regarding potential noise being generated from people using the playing field for sport, which may create a nuisance under Environmental Health legislation and this could potentially prejudice the use of the playing field should it be considered a nuisance. They have suggested that a noise report be commissioned and if highlighted mitigation be imposed. However, it is considered that playing fields adjacent to cemeteries is not an uncommon arrangement. Particularly this arrangement is present at Scartho Cemetery with Oasis Academy, and indeed the Cleethorpes Cemetery with the Trinity Road playing fields. Moreover the Council's Environmental Health Officers have raised no concerns regarding noise and confirm that such an occurrence is most unlikely to be a statutory nuisance under environmental noise legislation and would not therefore result in the imposition which Sport England raise. On this basis the development is considered to be acceptable but this issue is under further discussion and consultation with Sport England. An update will be provided at the meeting and if not finally resolved it is recommended that this matter be delegated to officers and the Assistant Director of Housing, Highways and Planning.

### (3) Impact on the Character of the Area

Policy 5 requires that regard is had to the size, scale and density of proposed developments. Policy 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) also requires that a high standard of design is achieved in new developments.

The development is to change the use of a land into a cemetery which would be an extension to the existing Cleethorpes cemetery adjacent to the site. In this respect, the development would not be out of character in the area or in this location. This is not an unusual arrangement for this kind of use and the site will remain one of openness as it is now albeit with the access ways and graves. The proposal is therefore acceptable in terms of design to accord with policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

### (4) Impact on Residential Amenity

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. It is noted that comments have been received from neighbouring residential properties.

Concerns regarding noise and dirt from the development are noted. Due to the conversion of the site into a cemetery, there could be increased activity at the site and the level of noise to neighbours could potentially increase during this stage. However works would be relatively minor and subject to a working hours condition and this should not be adverse. When the use has been implemented it would not produce significant

disturbance due to its sensitivity. It must also be acknowledged that the site is currently an area of public open space with the potential for noise and disturbance from recreational activity and the use proposed is not likely to materially increase. Issues in terms of devaluing of properties are noted, though are not a planning material consideration. 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.

#### **(5) Parking and Highways**

Comments are noted from neighbours with concerns regarding parking, congestion and traffic. Access to the cemetery extension would be from the existing cemetery entrance on Bentley Street. There is off street parking available close to the site, and there are sustainable modes of transport readily accessible close by. The Council's Highway Officers have reviewed the documentation put forward and has no objections. Therefore, subject to conditions, the development accords with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

#### **(6) Drainage and Flood Risk**

The site does not fall within a high flood risk area as identified on the Environment Agency Flood Maps or the North East Lincolnshire Strategic Flood Risk Assessment. The Council's Drainage Officers have reviewed the drainage strategy and, subject to safeguarding conditions, have raised no objections to the scheme. It should be noted that the Environment Agency and Anglian Water have also raised no concerns. On this basis, the development accords with policies 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

### **CONCLUSION**

The proposal would be in-keeping with the existing and wider area. The proposal would also not give rise to significant impacts in terms of residential amenity, flood risk, drainage or highways. The application can therefore be approved in accordance with policies 5, 22, 33, 34, 39, 41 and 43 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018), and sections 12, 14, 15 and 16 of the NPPF 2021, subject to a number of safeguarding conditions.

There remains the further discussions with Sport England on their concerns on the provision of the pitches in the vicinity of the site and the relationship with the Cemetery proposed. If matters are not fully resolved it is recommended that the decision be delegated to the Assistant Director of Housing, Highways and Planning to allow resolution.

### **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 is approved in accordance with the following plans:

Site Location Plan - HD051-19-02

Proposed Site Plan - HD051-19-01

Reason

For the avoidance of doubt and in the interests of proper planning and to accord with policies 5, 22, 33, 34 and 43 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(3) Condition

The development shall be carried out in accordance with the Preliminary Ecological Assessment dated November 2020 including the ecological recommendations as outlined in section 5 of the assessment unless otherwise submitted to and agreed in writing by the Local Planning Authority.

Reason

In the interests of ecological enhancement in accordance with policy 5 and 41 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(4) Condition

Surface water drainage shall be carried out in strict accordance with the Flood Risk Assessment and Drainage Strategy by Cole Easdon Consultants Ltd dated November 2020. The scheme shall be implemented in accordance with the approved details prior to use of the site and shall remain in place thereafter.

Reason

To protect the amenities of nearby residents and 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 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

Prior to the commencement of development, final details of the scheme of landscaping and tree planting shall be submitted to and agreed in writing with the Local Planning Authority. Such details shall include details of trees and hedges to be retained and measures for their protection during the construction period. Hedgerows shall thereafter be retained in accordance with the details approved. All planting shall be implemented in accordance with the details and timings approved and shall be adequately maintained for 5 years, beginning with the date of completion of the planting of each phase and during that period all losses shall be replaced during the next planting season. All tree and hedge protection measures shall be implemented as approved during the construction period.

Reason

To ensure a satisfactory appearance and setting for the development and continued maintenance of the approved landscaping in the interests of local amenity in accordance with Policies 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(7) Condition

No development shall take place until the applicant has:-

- (i) submitted a Written Scheme of Investigation or Specification for Works, for a programme of archaeological work, to the Local Planning Authority.
- (ii) received written approval of the Written Scheme of Investigation for a programme of archaeological work from the Local Planning Authority.
- (iii) implemented, or secured implementation of the Written Scheme of Investigation for a programme of archaeological work.

Use of the development shall not take place until the applicant has:-

- (iv) published, or secured the publishing of the findings resulting from the programme of archaeological work within a suitable media.
- (v) deposited, or secured the deposition of the resulting archive from the programme of archaeological work with an appropriate organisation.

Reason

The site contains a Historic Environment Asset which requires recording prior to alteration

or destruction to accord to Policy 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

## **Informatives**

### **1 Reason for Approval**

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The 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 and 43.

### **2 Added Value Statement**

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

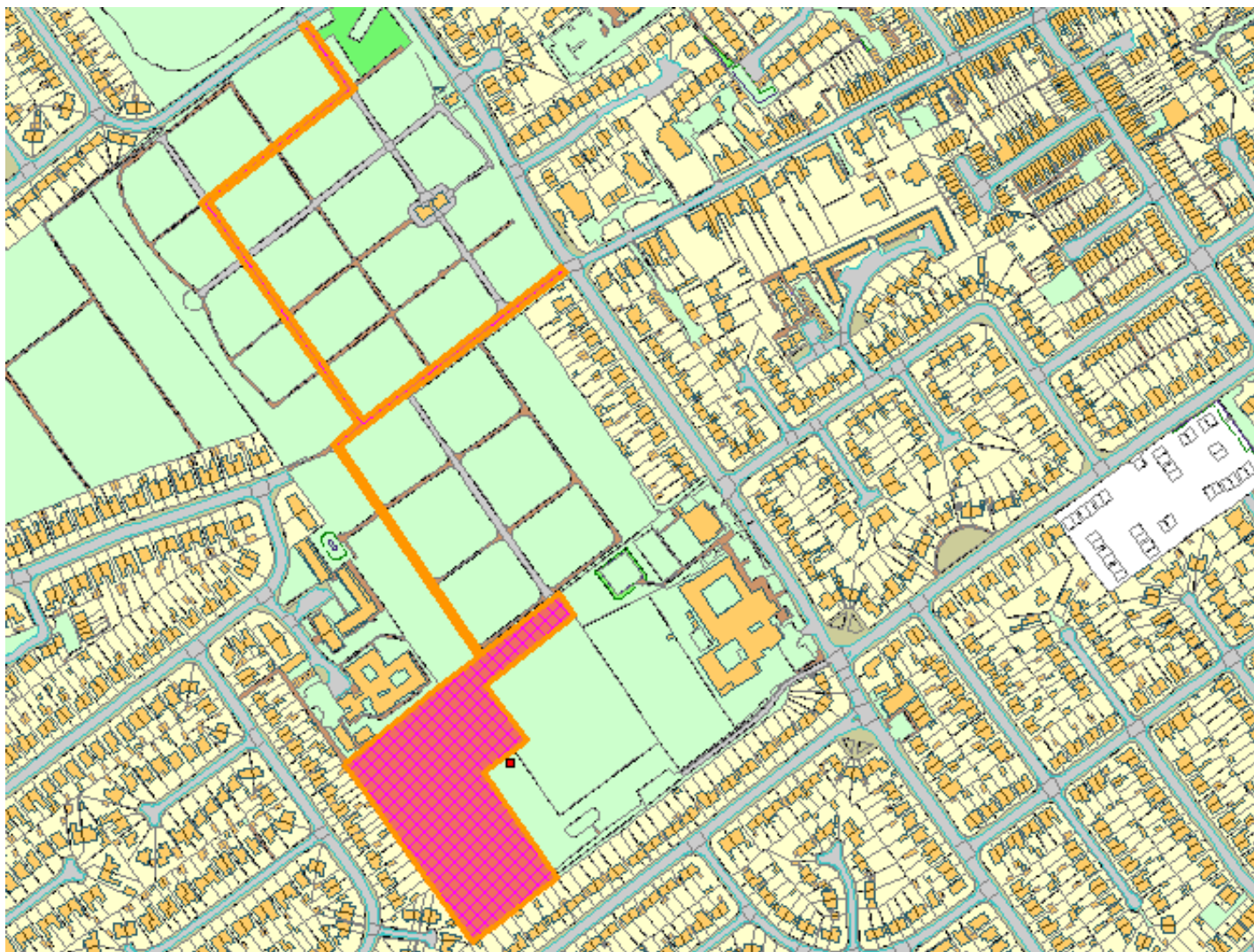
In accordance with paragraph 187 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to problems arising, by requesting additional information to overcome consultee concerns.

### **3 Informative**

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



DM/0181/21/FUL – TRINITY ROAD PLAYING FIELDS, TRINITY ROAD, CLEETHORPES



## DM/0181/21/FUL – TRINITY ROAD PLAYING FIELDS, TRINITY ROAD, CLEETHORPES



**PLANNING COMMITTEE - 6th October 2021**

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

**APPLICATION No: DM/0887/19/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: 41 Humberston Avenue, Humberston, Grimsby, North East Lincolnshire, DN36 4SW**

**PROPOSAL: Erect a detached dormer bungalow with integral garage (amended site layout plan July 2021)**

**APPLICANT:**

Mr Gary Croft  
41 Humberston Avenue  
Humberston  
North East Lincolnshire  
DN36 4SW

**AGENT:**

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

**DEPOSITED: 25th September 2019**

**ACCEPTED: 8th October 2019**

**TARGET DATE: 3rd December 2019**

**PUBLICITY EXPIRY: 10th August 2021**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 26th December 2019**

**CASE OFFICER: Richard Limmer**

**PROPOSAL**

The proposal is to erect a detached dwelling in the rear garden of no.41 Humberston Avenue. The proposed dwelling would be a one and a half storey building with rooms in the roof space. The proposed dwelling would have living space, a study, utility and garage on ground floor, 3 bedrooms and bathroom on first floor. Dormer windows are proposed to the front and the rear of the dwelling providing windows to bedrooms to the rear and a bedroom and bathroom to the front elevation. The proposal details the property to have a rendered finish to the walls and slate effect tiles to the roof. Access to

the proposed dwelling would be from an existing vehicular access from Humberston Avenue which serves no.41 and no.41A Humberston Avenue. Improvements to the access area onto Humberston Avenue are also proposed but have also recently been approved under planning application DM/0851/19/FUL.

This application has been brought to Planning Committee for consideration due to an objection from Humberston Parish Council and the number of objections from neighbouring properties.

## **SITE**

The site is located in the rear garden of no.41 Humberston Avenue. The wider site has had previous backland development in that no.41A Humberston Avenue is located further to the north of the site. The main application site measures 25m wide by 22.7m deep. The boundaries of the main part of the site are a mixture of hedging and fencing. The host property retains a good sized garden. The site is relatively flat with no significant change in levels. The existing access from Humberston Avenue currently only serves no.41A but the approved scheme under DM/0851/19/FUL sees the access combined with the host property to offer general improvement. The access track down to no.41A is currently relatively narrow with a pinch point along the side elevation with the host property down to approximately 2.5m.

## **RELEVANT PLANNING HISTORY**

DM/0851/19/FUL - erect extensions, detached garage and alterations to the access - approved.

DC/758/98/HUM - erect detached dwelling in the rear garden of no.41 - refused and dismissed at appeal on highway safety grounds.

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

National Planning Policy Framework (February 2019)

NPPF5 - Delivering a sufficient supply of homes  
NPPF14 - Climate, flooding & coastal change  
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  
PO42 - Landscape

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

## **REPRESENTATIONS RECEIVED**

Drainage Officer- no objections, conditions for final drainage details.

Environmental Health - no objections, conditions for construction management.

Anglian Water - no objections

Trees and Woodland Officer - no objections, conditions for protection and landscaping.

Humberside Fire Brigade - If the planning application does not comply with B5 access (as per letter dated 01st March 2021), the conditions detailed in letter dated 25th March 2021 would apply.

These conditions are:

- There are no more than 2 dwellings in the development and they are detached from each other
  - The dwelling(s) are no greater than 2 storeys high
  - The distance from the fire engine is no more than 80-100m
  - The dwelling(s) are fitted with an automatic water suppression system that complies with the current relevant British Standards.
- no objections, condition required for fire suppression.

Humberston Parish Council - object due to impact on the character of the area and provision of access

Neighbours

The following neighbours have provided detailed objections:

25 Humberston Avenue  
37 Humberston Avenue  
39 Humberston Avenue  
39A Humberston Avenue  
41A Humberston Avenue  
43 Humberston Avenue  
1A Abbotts Grange  
1B Abbotts Grange



2 Abbotts Grange  
5 Abbotts Grange

The concerns relates to the following matters:

- Impact on the character of the area due to the development being an over development of the site;
- Impact on highway safety and amenity from the proposed site access;
- Impact on residential amenity;
- Impact on the amenities of no.41A during construction in terms of access;
- Flooding and drainage issues;
- The need for additional housing;
- General disturbance during construction;

## **APPRAISAL**

### **Material Planning Considerations**

1. Principle of Development
2. Impact on Neighbours
3. Impact on Character of the Area
4. Drainage
5. Highway Safety and Amenity

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

The site is located within the development area boundary for Humberston on the North East Lincolnshire Local Plan 2013-2032 (NELLP). Whilst within the defined development area boundary for Humberston the site has no specific allocation. Policy 5 of the NELLP considers development proposals within the defined boundaries and does not preclude residential developments. In terms of the principle of the development it should also be noted that such form of development is common place along Humberston Avenue and indeed now forms part of the streets character. Furthermore, planning application DM/1166/19/OUT was an outline application for two dwellings adjacent to this site at no.43 Humberston Avenue which was recently allowed at appeal. In terms of the principle of the development the issues and considerations are very similar between the neighbouring site and this application site.

It is therefore considered that the proposed residential development is acceptable, subject to the site specific issues set out in the report below and the compliance with other relevant Policies within the NELLP.

#### **2. Impact on Neighbours**

Policy 5 of the NELLP requires consideration to be given to the impact of the proposed development on the neighbouring land uses. In this instance the neighbouring land uses

are neighbouring residential properties. To the north is no.41A Humberston Avenue, to the east is no.43 Humberston Avenue, to the south is the host property no.41 Humberston Avenue and then immediately to the west is the access drive to no.39A and then no.39 Humberston Avenue. It is noted that neighbours have provided detailed objections to the proposed development.

In terms of the impact on no.41A Humberston Avenue, this is a large, detached bungalow which faces towards the application site. The proposed dwelling has a single ground floor window on the north elevation which would not offer any undue overlooking to no.41A. The proposed dwelling would change the outlook from no.41A but the impact of this on the residential amenities is not considered to be unduly detrimental. There is good separation and neither would there be adverse massing.

The proposed dwelling would face east towards no.43 Humberston Avenue. The proposed dwelling has first floor bedroom windows facing towards no.43. However, the site is separated by the existing access to no.41A and there is also the extant planning permission DM/1166/19/OUT which details a further site access and two dwellings in this area. It is therefore considered that the separation distance and the potential for a significant change in circumstances on the ground because of the extant permission mean that the impact on the amenities of no.43 would not be unduly detrimental.

The host property to the south would not be unduly affected by the proposal in terms of overlooking as there are no side windows proposed. The host property also retains a good-sized garden as amenity space. The access drive would run closely alongside number 41 but this already serves another dwelling at the rear. It is not considered that the comings and goings to the proposed plot would materially cause an undue adverse impact.

Nos.39 is separated from the site by strong boundary hedges and the access to no.39A and so whilst there are first floor bedroom windows facing west they would not offer significant impacts to their amenities, in particular from overlooking. Moreover, the first-floor windows on the proposed dwelling face towards the rear garden of no.39 and not the rear elevation itself. No.39A is to the north west of the site and well separated from the proposed development, the orientation and separation of the property to the proposed dwelling means there would not be an undue impact on their amenities.

It is therefore considered that the proposed development would not offer an significant undue impact on the neighbouring properties residential amenities in accordance with Policy 5 of the NELLP.

### 3. Impact on the Character of the Area

Policies 5 and 22 of the NELLP require consideration to be given to the impact of development on the character and appearance of the area both in terms of the principle of development and the design. It is noted that neighbours and the Parish Council have objected to the proposed development due to the impact on the character and

appearance of the area.

It is noted that planning application DM/1166/19/OUT was an outline application for two dwellings adjacent to this site at no.43 Humberston Avenue. This application was refused on grounds that included the impact on the character of the area. The Planning Inspector has recently allowed the appeal and did not raise concerns with the principle of the development in terms of the impact on the character of the area.

It is also noted that there are many examples of backland development and tandem backland development down Humberston Avenue of varying scales and this now forms part of the wider character of the area.

The proposed dwelling is designed as a dormer bungalow with the walls rendered and painted white, the roof as imitation slate tiles, the dormer windows would have timber cladding at the rear and lead to the front ones. The overall design and pallet of materials is considered to be good and similar examples can be found along Humberston Avenue. It would also sit within good sized grounds.

Trees to the side of the site within the grounds of no.43 Humberston Avenue are afforded protection by virtue of a Tree Preservation Order and whilst the proposed dwelling is positioned so that it would not affect the trees the improvements to the access and provision of services has the potential to impact upon the root protection areas of the aforementioned trees. Conditions are therefore required to protect the trees.

It is considered that the proposed dwelling would not harm the character and amenity of the area in accordance with Policies 5, 22 and 41 of the NELLP.

#### 4. Drainage

Policies 5 and 33 of the NELLP detail that consideration should be given to the potential for development to increase the risk of flooding either on or off of the site. Furthermore, comments from neighbours and the Parish Council raise concerns that the development would increase the risk of flooding in the immediate area.

The application details that the surface water would discharge to a soakaway within the site. The Drainage Officer has reviewed this proposal and in principle a soakaway would be acceptable subject to the sizing and position of it within the plot. Furthermore, ground levels should not be raised within the site in order to protect the surrounding properties from increased water runoff. It is considered that a condition for the final drainage details be imposed to ensure that the scheme is acceptable. With the inclusion of this condition it is considered that the proposed development would accord with Policies 5 and 22 of the NELLP.

#### 5. Highway Safety and Amenity

It is noted that objections from neighbours and the Parish Council raise concerns over



both highway safety and amenity as a result of the proposed development. Policy 5 of the NELLP require consideration to be given to development proposals and how it would affect highway safety and amenity.

In this instance the site has relevant planning history that identified highway safety as a concern; planning application DC/758/98/HUM was for a dwelling in the rear garden of no.41 but was refused and dismissed at appeal on highway safety grounds. However, this proposal includes a significant improvement to the site access, which is also already approved under DM/0851/19/FUL. These improvements removes the potential conflict of vehicles entering and leaving the site at the same time as there is sufficient space at the entrance for 2 vehicles to pass. This is materially different to the planning history. The Highways Team have assessed the proposed development in light of the planning history and consider that the proposed development would not present an undue risk to highway safety.

In terms of highway and general amenity the proposed access track would be widened and improved as part of the development but there is an existing pinch point along side of the host property, for approximately 8m where the access currently narrows to 2.5m. The proposed development would see this stretch widened to 3.1m. The access onto Humberston Avenue would be 6.7m wide and rest of the access would be 4.2m wide thus providing space for vehicles to pass each other safely. The pinch point poses a potential issue for the amenities for the potential future occupiers of the proposed dwelling. However, it must be noted that the access in its current form is used by no.41A and would be improved as part of this development, either side of the pinch point the access would be wide enough for 2 cars to pass. The fire brigade have not raised an objection to the proposed development but it is considered that a fire suppression system to be installed to the relevant standard. A condition can be imposed to require a sprinkler fire suppression system to be provided prior to the development being first occupied.

With regard to the above it is considered that the proposed development would not present an undue impact on highway safety or amenity in accordance with Policy 5 of the NELLP.

## **CONCLUSION**

In conclusion, it is considered that the proposed development would not offer any undue harm to the neighbouring properties residential amenities, drainage and flood risk and highway safety or amenity. This is subject to a number of safeguarding conditions. It is therefore considered to accord with Policies 5, 22 and 33 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:

19-176-0014 Rev A - Proposed site plan

19-176-0012 - Existing and proposed block plan

19-176-0013 - Proposed floor plans and elevations

19-176-0015 Rev A - Site entrance plan

Reason

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

(3) Condition

The development shall be built out with the materials detailed on the approved plans and application forms unless otherwise approved in writing by the Local Planning Authority.

Reason

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

(4) Condition

No development shall commence until a scheme for the sustainable provision of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be fully installed and made operational prior to the dwelling being first occupied and thereafter maintained.

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

Prior to the development commencing, a Construction Management Plan shall be

submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in accordance with the approved details. The plan shall contain:

- Working hours;
- Visitor and contractor parking areas;
- Materials storage area;
- Wheel cleaning facilities;
- Noise, vibration and dust mitigation measures (both during demolition and construction);
- Construction traffic management plan.

**Reason**

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

**(6) Condition**

A fire suppression sprinkler system, of current relevant British Standard, must be installed and approved by Building Regulations prior to occupation of the dwelling and retained as such thereafter.

**Reason**

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

**(7) Condition**

No development shall commence until:

- (a) A scheme of landscaping showing the details of the number, species, sizes and planting positions of all trees and shrubs to be planted;
- (b) A plan including details of all trees to be retained, any to be felled, hedgerows to be retained, any sections of hedgerow or trees to be removed;
- (c) Measures for the protection of trees and hedges during construction work;

have been submitted to and approved in writing by the Local Planning Authority. The approved measures under section (c) above shall be fully installed prior to works commencing on the development and thereafter retained until the development is complete.

**Reason**

To ensure a satisfactory appearance and setting for the development and protection of existing features in the interests of local amenity in accordance with Policies 5 and 40 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(8) Condition

The scheme of landscaping and tree planting required through condition 8 of this planning permission 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.

Reason

To ensure a satisfactory appearance and setting for the development and continued maintenance of the approved landscaping in the interests of local amenity in accordance with Policies 5 and 40 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(9) Condition

Prior to any works commencing on the hereby approved development full details of the position of all of the services to be installed shall be submitted to and approved in writing by the Local Planning Authority. The services shall then only be installed in accordance with the approved details.

Reason

To protect the adjacent trees in accordance with Policies 5 and 40 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(10) Condition

The access and driveway works shall be in accordance with plan 19-176-0014 REV A and development shall not begin until details showing the location, layout, design and method of construction of the new altered vehicular access have been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the details approved and the access and drive widths and in plot parking and turning areas shall be provided prior to the occupation of the dwelling and shall thereafter be so retained as shown on plan 19-176-0014 REV A.

Reason

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

(11) 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 of the dwelling.

## 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).

## 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).

### 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 seeking solutions to issues raised through the application process.

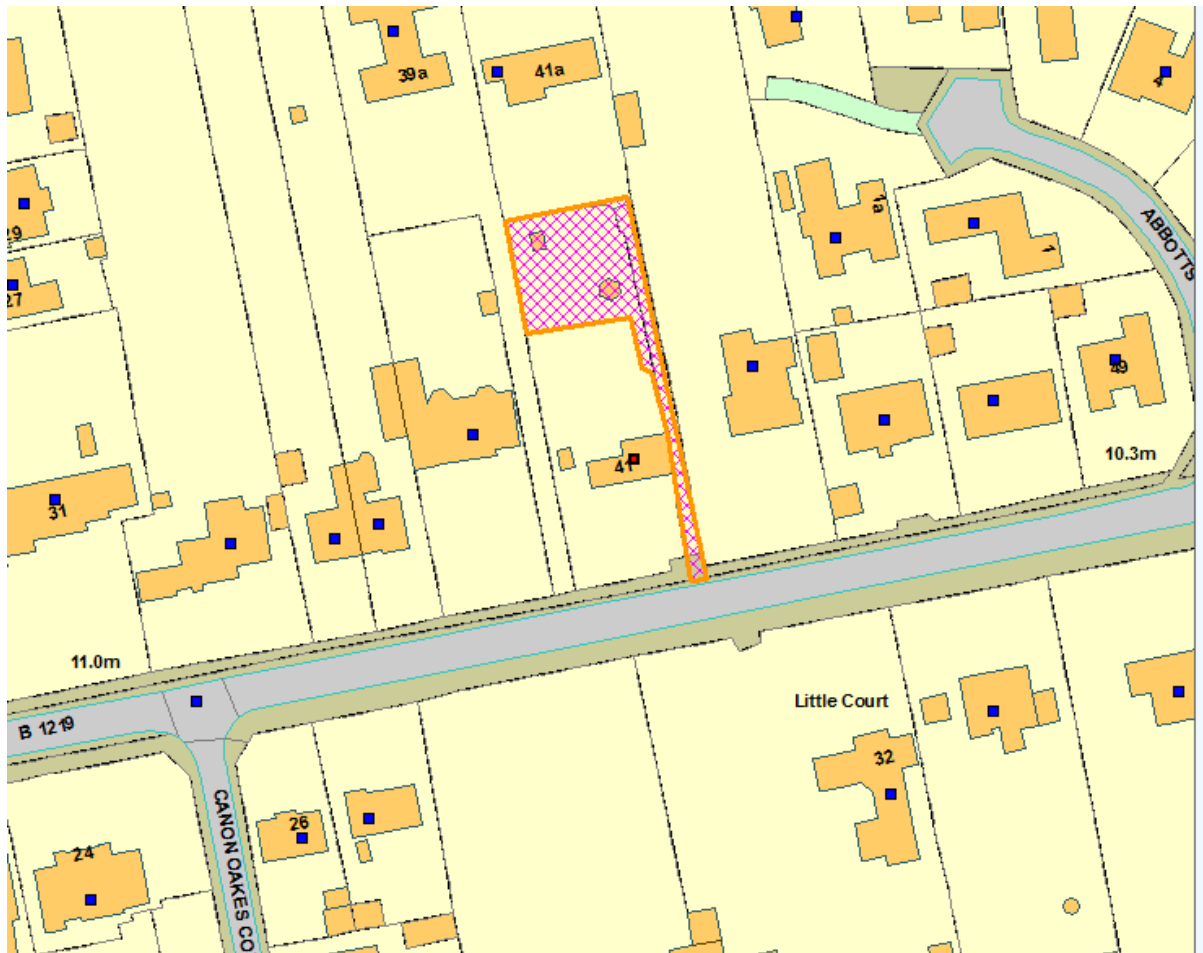
### 3 Informative

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).

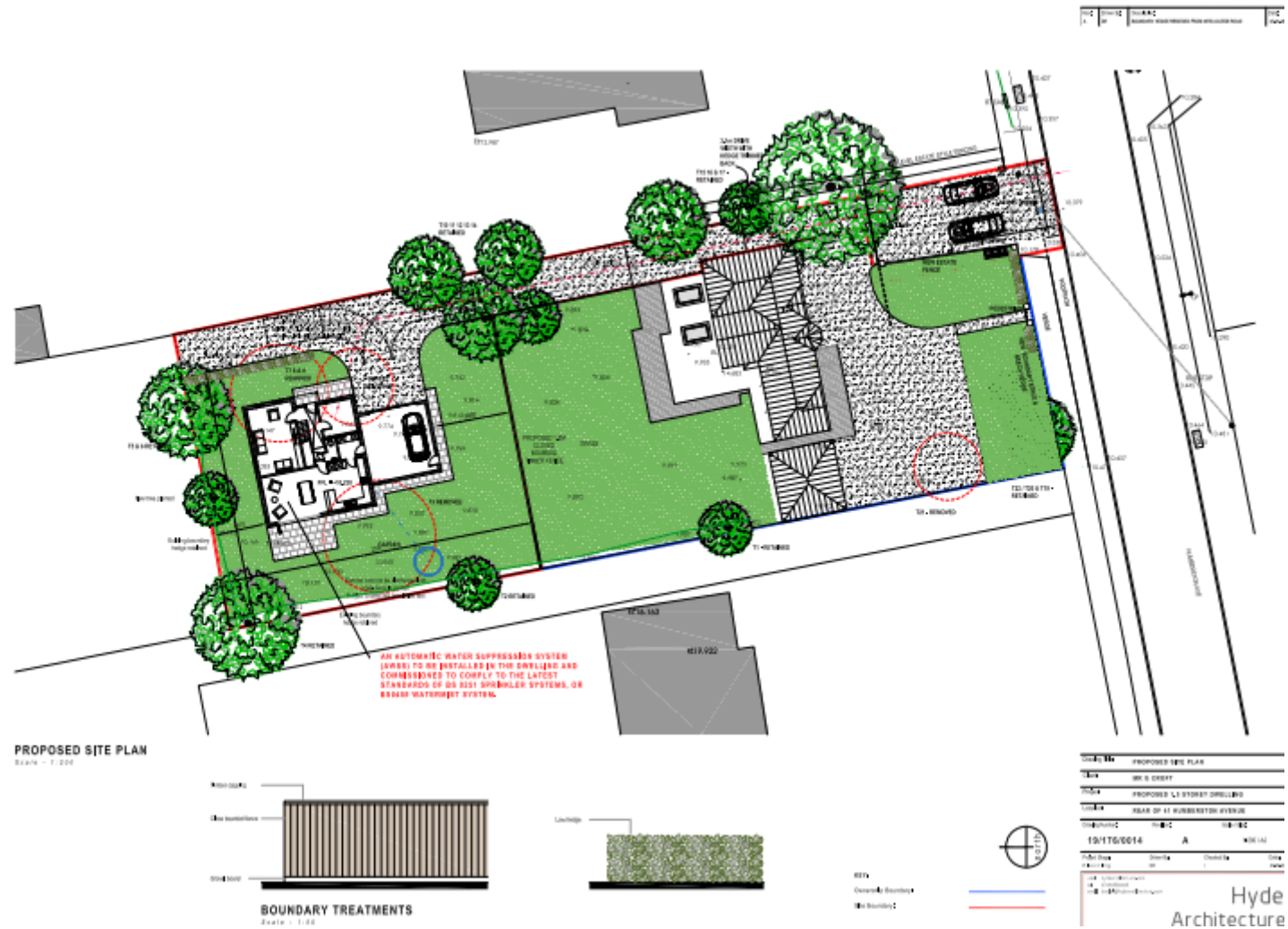
### 4 Informative

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/0887/19/FUL – 41 HUMBERSTON AVENUE, HUMBERSTON



DM/0887/19/FUL – 41 HUMBERSTON AVENUE, HUMBERSTON



**PLANNING COMMITTEE - 6th October 2021**

**ITEM: 4**                      **RECOMMENDATION: Approved**

**APPLICATION No: DM/0077/21/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: Land Off, Main Road, Barnoldby Le Beck, North East  
Lincolnshire,**

**PROPOSAL: Retrospective application for engineering operations to relocate soils  
(amended plan received August 2021)**

**APPLICANT:**

R Osmond  
Livestock Feeds (Grimsby) Ltd  
Land North of  
Main Road  
Barnoldby Le Beck  
DN37 0BG

**AGENT:**

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

**DEPOSITED: 21st January 2021**

**ACCEPTED: 26th January 2021**

**TARGET DATE: 23rd March 2021**

**PUBLICITY EXPIRY: 31st August 2021**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 20th February  
2021**

**CASE OFFICER: Richard Limmer**

**PROPOSAL**

The proposal relates to engineering operations that have already taken place to relocate a large amount of soil from the adjacent development site. The soil has been spread out on this site with depths varying between 0.7m and 1m.

It should be noted that this soil was relocated from the adjacent development site due to it containing Japanese Knotweed. Both sites are in the ownership of the applicant. However, it is imperative to note that the control of Japanese Knotweed rests firmly with the Environment Agency and is not a material planning matter. It is also noted that under the relevant legislation it is not an offence to have Japanese Knotweed on your own land it would only become an offence if you allow it to spread to someone else's land. The soil



is in its final position.

It is therefore clear that this application can only be considered on the merits of the relocation of the soil and not in regard to Japanese Knotweed.

This application has been called to Planning Committee by Cllr Hasthorpe and due to an objection from Barnoldby Le Beck Parish Council.

## **SITE**

The site is located to the north of Kings Chase and Beck Farm Mews on the edge of the village of Barnoldby le Beck. The site itself where the soil has been deposited is an area of commercial woodland. The soil has come from the development site off Kings Chase. The area covered by the soil amounts to approximately 0.19ha.

## **RELEVANT PLANNING HISTORY**

On the adjacent site where the material has been relocated from:

### **Phase 1**

DM/0279/14/OUT - outline for 3 dwellings - approved

DM/0230/17/REM - reserved matters for 3 dwellings - approved

### **Phase 2**

DM/0951/14/OUT - outline for 3 dwellings - approved

DM/1103/17/OUT - reserved matters for 3 dwellings - approved

Works have started on the site access and the application is extant

### **Phase 3**

DM/0398/15/OUT - outline for 2 dwellings - allowed at appeal

DM/1039/18/REM - reserved matters for 2 dwellings - approved

Works have started on the site access and the application is extant

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

National Planning Policy Framework (February 2019)

NPPF5 - Delivering a sufficient supply of homes

NPPF15 - Conserv. & enhance the natural environ.

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**

Highways Officer - No objections, recommend conditions

Environmental Health - No objections

Drainage - No objections

Tree Officer - No objections

Crime Reduction Officer - No objections

Heritage Officer - No objections

Public Rights of Way Officer - No objections

Parish Council - Object to the proposal with concerns over Japanese Knotweed

Neighbours

The following neighbours have objected to the proposed development:

- 3 Beck Farm Mews
- 4 Beck Farm Mews

The neighbours have concerns over the following matters:

- The site has Japanese Knotweed on it and the works to remove it have caused concerns over spreading it to neighbouring land.

## **APPRAISAL**

Material Planning Considerations

1. Principle of Development
2. Impact on Neighbours Amenities;
3. Impact on the Character of the Area;

## 1. Principle of Development

In regard to the principle of the development, the site is located outside of the development area boundary for the village and as such part 3 of Policy 5 of the NELLP is the key consideration. The relocation of the soil was also required to enable the adjacent housing development to be delivered due to the presence of Japanese Knotweed. The site and wider area is all in the ownership of the applicant.

Policy 5 does not preclude engineering operations where they respect the character and appearance of the area. The works are also connected to an adjacent development that benefits from planning permission. It is therefore considered that in principle the development is acceptable, subject to the site specific impacts.

## 2. Impact on Neighbours Amenities

It is noted that objections have been raised from both no.3 and 4 Beck Farm Mews which are located to the south of the site. The objections are focused around the potential for the works to have spread Japanese Knotweed onto their properties. Whilst this is a concern it is not a material planning consideration, instead the spread of Japanese Knotweed is controlled by the Environment Agency. The Environment Agency have been made aware.

In regard to the physical works the material has been piled to between 0.7 and 1m high and is located approximately 20m from the northern boundaries of no.3 and 4 Beck Farm Mews. Given the scale of the development it does not cause undue harm to the amenities of the adjacent neighbours. It is therefore considered to accord with Policy 5 of the NELLP.

## 3. Impact on the Character of the Area

The site is located within mature woodland on the edge of the village with no public access. There is a public footpath to the west of the site but the trees and undergrowth screen the site from view and the extent of the works is not apparent. The Tree Officer has considered the proposal and has not raised any objections or concerns over the impact of the development on the immediate woodland. It is therefore considered that the relocation of the material does not cause undue harm to the character and appearance of the area in accordance with Policy 5 of the NELLP.

## CONCLUSION

The concerns raised over the Japanese Knotweed are noted, however, it is not a material consideration to justify a planning objection. The considerations are therefore based on the physical works to relocate the material. The relocation of the material does not pose undue impacts on the neighbours residential amenities, the character and appearance of the area. The proposal therefore accords with Policies 5 of the NELLP and is

recommended for approval.

## **RECOMMENDATION**

### **Approved**

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

The development is approved in accordance with the following plans:

RD-4223-17 Rev A - Existing and Proposed Plans

#### **Reason**

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

### **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).

#### **2 Added Value Statement**

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

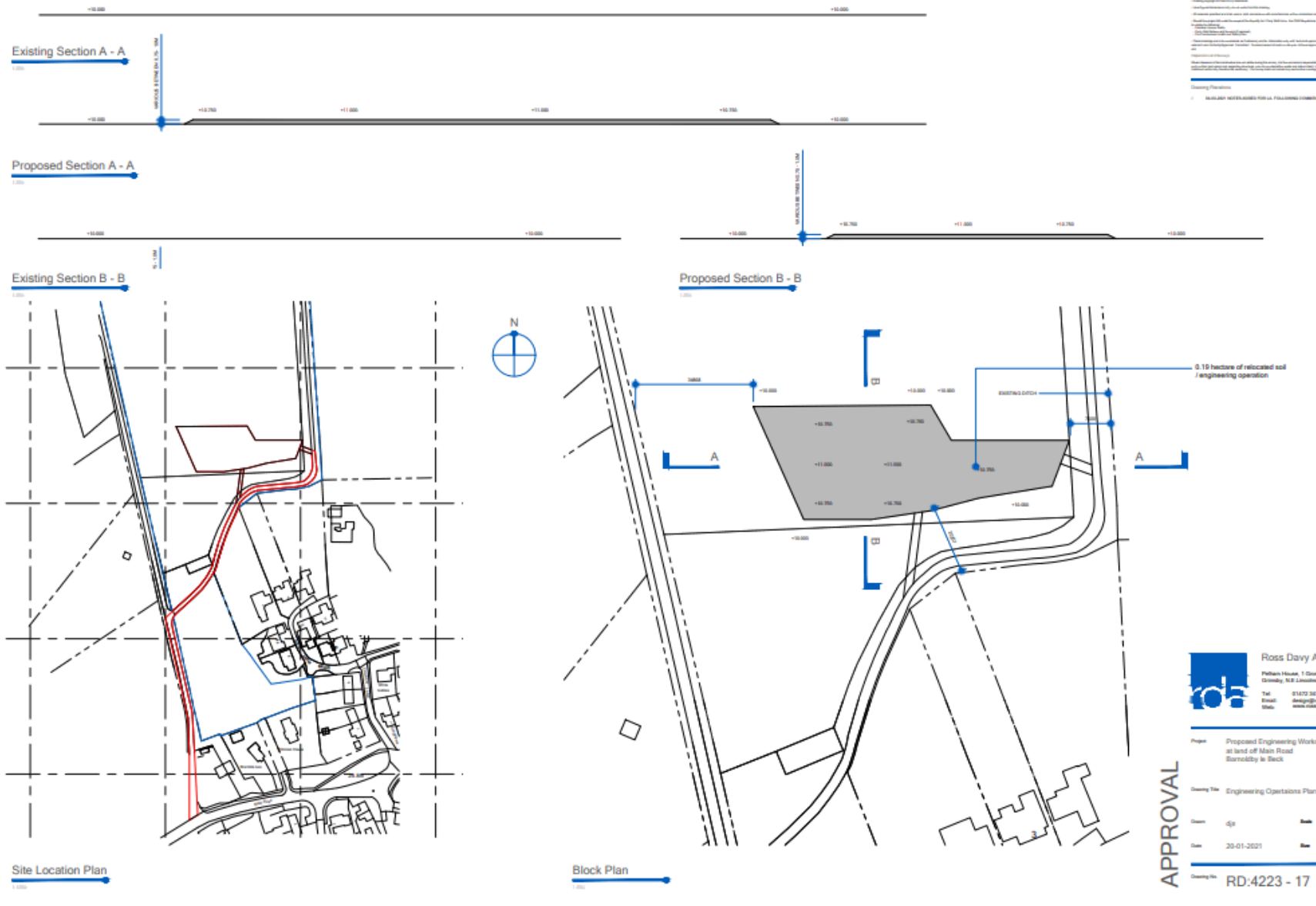
In accordance with paragraph 187 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to problems arising, by seeking amended plans to properly detail the proposal.

## DM/0077/21/FUL – LAND OFF MAIN ROAD, BARNOLDBY LE BECK



# DM/0077/21/FUL – LAND OFF MAIN ROAD, BARNOLDBY LE BECK

4



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



Working in Partnership

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 0077/21/FUL	CONCERN FROM RESIDENTS NEXT TO CURRENT DUMPINGS  CONCERN FOR ONGOING TREATMENT PLAN UNCLEAR  CONSENSUS OF PARISH COUNCIL + WARD COUNCILLOR

**Contact Details:**

Signature .....

..... Date 9<sup>TH</sup> FEBRUARY 2021

Name D.A. HASTHORPE

Address: 12. LINDSEY DRIVE HEALING DN417NU

**PLANNING COMMITTEE - 6th October 2021**

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

**APPLICATION No: DM/0449/21/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: 142 Chichester Road, Cleethorpes, North East Lincolnshire, DN35 0JJ**

**PROPOSAL: Erect first floor rear extension to create additional accommodation (amended plans received dated 2/08/2021 showing additional information for 45 degree tests).**

**APPLICANT:**

Mrs Abbie Woodhouse  
142 Chichester Road  
Cleethorpes  
North East Lincolnshire  
DN35 0JJ

**DEPOSITED: 30th April 2021**

**AGENT:**

**ACCEPTED: 4th May 2021**

**TARGET DATE: 29th June 2021**

**PUBLICITY EXPIRY: 16th August 2021**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 28th May 2021**

**CASE OFFICER: Owen Toop**

**PROPOSAL**

This proposal relates to the erection of a first floor extension above an existing single storey flat roof rear extension, at 142 Chichester Road.

This application is brought to the attention of planning committee due to it being called in by the ward councillor.

**SITE**

The site is a detached residential dwelling located on the north side of Chichester Road, a residential street in Cleethorpes. Properties in this location are predominantly detached, including the two properties adjacent, 140 and 144 Chichester Road. All works are



proposed to the rear of the site. Currently there exists an existing flat roof extension at the host property and the proposal in question seeks to utilise the space above to create a first floor extension to the rear.

## **RELEVANT PLANNING HISTORY**

There are a number of relevant permissions associated with this planning application.

DC/540/04/HAV - Erect rear ground floor extension & rear first floor extension over existing living room to form bedroom/bathroom - Refused 10th June 2004.

DC/934/04/HAV - Resub of DC/540/04/HAV to erect single storey & first floor extensions at rear - Refused 26th October 2004.

DC/110/05/HAV - Proposed kitchen extension & proposed two storey bedroom extension over existing single storey living room - Approved 8th April 2005.

## **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**

Highways Officer - No objections.

Drainage Officer - No drainage comments.

Heritage Officer - No input required.

Neighbour Representations - 3 Objections received.

140 Chichester Road - Objections refer to the size of the extension in that it would protrude further than 3m to the rear and questions why the extension exceeds this length. Comments refer to overshadowing on the rear elevation of the neighbouring property and impact of massing onto their first floor bedroom window. Comments refer to the loss of sunlight resulting in an increase of maintenance for the neighbour on their property in terms of moss/lichen. Comments refer to the proposed extension being out of character with the area and rear elevations of properties at Chichester Road.

144 Chichester Road - Makes note of previous planning refusals at the site. Comments refer to the proposal being larger in comparison to these previous applications. Also the comments object to the application with regard to loss of direct sunlight to ground floor east facing windows, including the kitchen. Comments note that a conservatory has been built at the neighbour's property and that the conservatory would also be impacted by the proposal in terms of overshadowing. Comments relate to the size of the extension being overbearing.

146 Chichester Road - Comments refer to the proposal being out of character with the area, overbearing, visible and invasive in relation to the neighbour.

## **APPRAISAL**

The material considerations are:

- 1) Principle of Development;
- 2) Design and Impact to the Character of the Area;
- 3) Impact to Neighbours

- 1) Principle of Development;

The proposal is located within the development boundary of Cleethorpes as defined in Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) [NELLP] and relates to the erection of a first floor rear extension to an existing detached residential property. The principle of development is therefore acceptable provided that there are no detrimental impacts concerning design/impact to the character of the area and neighbouring residential amenity as to accord with Policies 5 and 22 of the NELLP.

- 2) Design and Impact to the Character of the Area;

The proposal relates to the erection of a first floor rear extension over an existing single storey flat roof extension. The total width of the proposal would match the existing width of the host property, being approximately 9.78m wide.

The proposed extension would be constructed of brickwork and concrete tiles to match the existing property and the windows would be upvc also in keeping with the property. Aluminium bi-folds are proposed to the ground floor rear elevation.

Whilst the next section of this report will consider the neighbour representations in line with impact to neighbouring residential amenity, it should be noted that objectors have commented on the proposal's impact to the character of the area. Comments refer to there being a build line at properties. Having considered the comments, and the design of the proposal, it should be noted that the character of the area is varied at Chichester Road and properties possess different build lines to the rear in the wider area.

Having regard to the design of the proposal in terms of size, scale and materials, it is considered that the proposed extension would be sympathetic to the existing property. Its height would be below the existing roof ridge. Furthermore, that it is also situated to the rear of the house, it is therefore not considered to create a detrimental impact to 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 to Neighbours;

Policy 5 of the NELLP allows for an assessment into potential impacts of proposals in relation to neighbouring amenity. As such, for this type of domestic development, the material considerations relate to impacts of overshadowing, overlooking and massing.

The proposal is located within an established residential area. Either side of the host site adjacent are detached neighbouring properties, 140 (to the east) and 144 (to the west) Chichester Road. To the rear of the site are residential properties at Pearson Road (55 and 57). To the front and south of the proposal site across the road are residential properties at Chichester Road (149A and 151).

As part of this application 3 neighbour representations have been received in objection to the proposed first floor extension. These are from 140, 144 and 146 Chichester Road. 146 Chichester Road is situated west of the host property and 142 Chichester Road. In some cases, multiple comments have been received. As part of this application, additional information was provided in support of the application by the applicant and neighbours were consulted with the information.

140 Chichester Road is a detached property located to the east of the proposal. The property at its rear elevation includes a single storey rear extension. At first floor the closest window to the proposal is for a bedroom. The neighbours' comments object to the proposal on the grounds of overshadowing and massing. The neighbour has questioned the size of the extension, acknowledging that the single storey extension already projects 1m forward of their property. The neighbour notes that from their own calculations the

proposal would fail the 45 degree test.

The size and scale of the works is a material planning consideration in relation to design and residential amenity. The comments regarding overshadowing are acknowledged. The applicant has provided a plan indicating the 45 degree lines which show that the first floor bedroom would not be unduly impacted in this regard. The comments in relation to increased maintenance are noted. However, the extension is set in from the boundary.

The comments regarding the size and potential impacts for massing and dominance on this neighbour are also acknowledged. Given the detached nature of the properties however, it is considered that the proposal would not present any significant detrimental impacts. Whilst it would be visible, it would not be unlike a typical single storey extension when viewed from the rear at this level.

It should be acknowledged that there are no side facing windows and so no impacts in terms of overlooking in relation to this neighbour.

144 Chichester Road is a detached property located to the west of the proposal. The property also includes an existing detached outbuilding located adjacent to the side boundary shared with the host property. The property includes an existing conservatory located to the rear of the kitchen, as noted from the neighbours' comments and from a site visit by the planning officer. The neighbour has noted previous planning history which is acknowledged in the planning history section of this report. It is acknowledged that the proposal is larger in terms of width, as it extends across the whole of the property in comparison to DC/540/04/HAV, DC/934/04/HAV and DC/110/05/HAV.

The neighbour objects to the proposal on a number of grounds, including overshadowing and massing. In regard to overshadowing, comments have been made to direct loss of sunlight into the ground floor kitchen window facing east towards the proposal. Moreover, comments refer to impacts of loss of light in relation to the conservatory.

In terms of overshadowing, it should be acknowledged that the applicant has provided additional information in the form of 45 degree tests. As such the 45 degree tests are passed, and so impacts in relation to overshadowing on the adjacent conservatory are considered to be minimal. Comments in relation to the ground floor window relate to loss of sunlight. It should be noted that the kitchen window is situated underneath an existing canopy with pillars, which inherently reduces the amount of light into the property as an existing situation. Whilst these comments are acknowledged, overall, the scheme is not considered to cause a significant detrimental impact in relation to overshadowing and this existing situation.

With regard to comments in terms of the dominance of the structure, it is noted that the proposal would be visible. However, given the detached nature of the plots, and that it would not extend further than the existing projection nor be above the existing roof height, the proposal is not considered to cause any significant detrimental impacts concerning massing.

It should be acknowledged that there are no side facing windows and so no impacts in terms of overlooking in relation to this neighbour.

With regard to 146 Chichester Road, it should be noted that there are no side facing windows on the first floor extension and so no impacts in terms of overlooking in relation to this neighbour. The comments in relation to impact to the character of the area have been addressed in section 2 of this report. Given the distance away from the neighbour (it is separated by the garden of 144 Chichester Road), it is considered that there are no detrimental impacts in terms of massing or overshadowing.

Neighbours to the rear are located at Pearson Road (55 and 57) and whilst there would be first floor windows, it is considered that these follow an existing first floor concept at the property and so there are no detrimental impacts concerning overlooking. Furthermore, given the separation distance to the rear boundary between the host properties and these properties (approximately 16m) it is considered that there are no detrimental impacts concerning massing or overshadowing.

Neighbours to the south and opposite are screened by the host the dwelling. Therefore, there are no detrimental impacts concerning massing, overlooking or overshadowing.

It is noted that no other neighbour representations have been received.

Having considered the above the impact of the proposal have been fully considered along with the planning history. It is acknowledged that a similar scheme was refused in 2004 but this is a number of years ago and the proposal has been reconsidered on its merits as submitted today. The proposal is considered to accord with Policy 5 of the NELLP.

## **CONCLUSION**

This proposal relates to the erection of a first floor extension above an existing single storey flat roof rear extension, at 142 Chichester Road.

The proposal has been considered with regard to policies 5 and policy 22 of the NELLP. The proposal is not considered to present any significant detrimental impacts concerning design or residential amenity, and so is therefore considered to accord with policies 5 and 22 of the NELLP and 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:

Proposed Block Plan - 04

Proposed Plans - 05

Proposed Elevations - 06

Site Location Plan - 03

Reason

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

(3) Condition

The proposed development shall be constructed using materials, as detailed on the approved plans and described 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.

## **Informatives**

1 Reason for Approval

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

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 receiving additional information in support of the application.

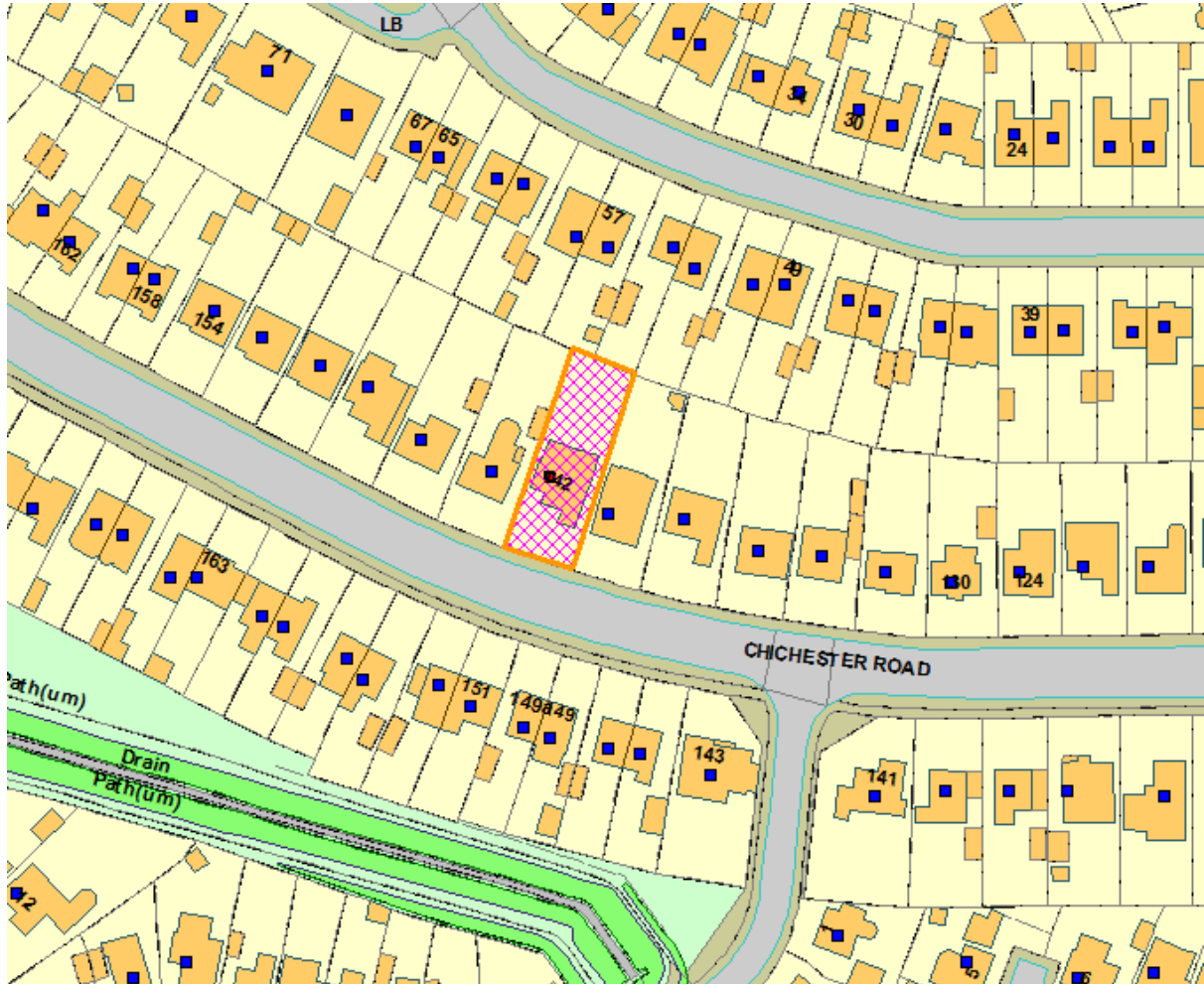
3 Informative

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/0449/21/FUL – 142 CHICHESTER ROAD, CLEETHORPES







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/0449/21/FUL	In view of the size of the extension I believe it warrants consideration by the Planning Committee

**Contact Details: -**

**Signature Cllr Bill Parkinson..... Date 31 Aug 2021.....**

**Name ...E W Parkinson.....**

**Address: 122 Middlethorpe Road Cleethorpes.....**

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

Telephone: 01472 326289 – Option 1

.....



Working in Partnership

**PLANNING COMMITTEE - 6th October 2021**

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

**APPLICATION No: DM/0168/21/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: 55 Abbey Road, Grimsby, North East Lincolnshire, DN32 0HN**

**PROPOSAL: Proposed single storey side extension to rear building to form additional funeral home services and associated external plant and new detached multi vehicle garage rear of site and single bay external car wash along with associated parking and landscaping (amended plans and description)**

**APPLICANT:**

Harley  
The Co-operative Group co WD  
Ancaster Business Centre  
Cross Street  
CALLANDER  
FK17 8EA

**DEPOSITED: 15th February 2021**

**AGENT:**

Other W D Harley  
W D Harley Architects Ltd  
Ancaster Business Centre  
Callander  
FK17 8EA

**ACCEPTED: 27th February 2021**

**TARGET DATE: 24th April 2021**

**PUBLICITY EXPIRY: 6th September 2021**

**AGREED EXTENSION OF TIME DATE: 30th  
July 2021**

**CONSULTATION EXPIRY: 22nd March 2021**

**CASE OFFICER: Jonathan Cadd**

**PROPOSAL**

This application seeks to extend the development of the COOP funeral care home at 55 Abbey Road through the creation of a single storey side extension to the existing rear wing of the funeral home, a detached multiple vehicle garage and a single vehicle washing area to the rear of the site. Other alterations include extract plant and equipment (to the western elevation) and an extended car parking area to the eastern side of the site. Access and exit will remain from Abbey Road.

The development is as a result of additional pressure on services but also a re evaluation of the company's operations across Grimsby as a result of the pandemic over the last 18 months. The scheme has altered significantly since submission.

The application is presented to Planning Committee due to the number of objections from neighbours.

## **SITE**

55 Abbey Road is a large former residential villa which is currently operated by Coop as a funeral parlour and care facility for the deceased. The site forms part of the Willow Conservation Area and is a locally listed building. A large number of mature trees exist to the front and western side of the site which are protected through conservation area status.

The original brick two storey villa forms the main frontage to the site providing public access with a residential flat at first floor. To the rear is a large modern brick extension which extends back and houses the care, storage and some garaging facilities. Also to the rear is an original coach house. Vehicle parking is available to the side and rear with access from two access points to Abbey Road.

To the east of the site are a large number of dwellings (Manor Avenue) and their gardens which back onto the site. Such properties have private garden areas that adjoin the site with an approximate 1.5m high wall dividing a domestic service passage to these properties. A variety of windows overlook the site from these properties.

To the north is an overgrown derelict area connected to the bowls club and a three storey women's residential institution with a blank wall facing the site but with windows to the east. To the west are residential houses (Abbey Road) and gardens divided from the site by fencing and hedging. Opposite the site is an accountants office and the junction with Abbey Park Road.

## **RELEVANT PLANNING HISTORY**

Various applications have been sought at the site but the most relevant are:

DC/350/99/PGR - Demolish rear outbuildings and erect rear single storey extension to existing funeral parlour and new door to first floor flat. Approved 1999.

P44543 - Extension to form chapel of rest/mortuary. Approved 1994.

38094 - Change of use to funeral home on the ground floor with managers office above. Alterations to form garages. Approved 1985.

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

### National Planning Policy Framework (February 2019)

NPPF9 - Promoting sustainable transport  
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)

PO3 - Settlement hierarchy  
PO5 - Development boundaries  
PO6 - Infrastructure  
PO22 - Good design in new developments  
PO33 - Flood risk  
PO36 - Promoting sustainable transport  
PO38 - Parking  
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: Originally objected to the large extension proposed to the side and rear due to its impact on the character and appearance of the former villa and conservation area.

Amended design provided is now deemed acceptable subject to the use of detailing and materials to match the original villa rather than the modern extension.

Highways: On the basis of the information provided, the Highway Authority is content with the proposal. In coming to this conclusion the Authority has considered issues of highway access, capacity and safety; parking, servicing and sustainability.

Having reviewed the amended plans and 'Site Activity Statement', the Highway Authorities comments remain the same as those submitted previously.

Drainage: (In summary): Due to the scale of the extension, it is recommended that a surface water drainage condition be imposed to deal with additional flows in an

acceptable and sustainable manner. The amended scheme still requires the same condition.

Environmental Protection: Request conditions re acoustic performance and mitigation for extraction, air conditioning and refrigeration plant before development commences. Also hours of construction and a construction management plan are requested via condition. Comments have not changed as a result of the amended designs.

Site Notice/Publicity and Neighbour letters

5 (x2), 13 (x3), 17 and 21 (x4) (including photographs) Manor Avenue: Object

Comments in summary: The present business has over expanded in recent years; more so in the present climate of Covid 19 which are pushing acceptable boundaries of being within a residential area in close proximity to houses and gardens. On Sundays car washing takes place creating unacceptable noise and nuisance (even when windows and doors are closed). Any approval should be conditioned so that no car washing occurs on a Sunday but general increase in activity cleaning cars will impact on neighbours.

The extension will add capacity to the site and increase coming and goings unacceptably. This includes coffin deliveries, ambulances, hearses, horse boxes and other commercial vehicles notwithstanding staff. Due to the nature of the business movements occur during the night and this will only increase. This will lead to noise, activity and fumes detracting from residential amenity particularly as activity will be pushed closer to homes and gardens by the extension - right to the boundary. Large vehicles currently struggle to get round the site so will struggle further if the development is approved. Outdoor gardens will be dominated by lorries, vans, noise and fumes.

Proposals will reduce light and privacy to adjoining properties due to only being 7.445m from the site boundary.

The proposal is considered of poor design and will detract from the character of the conservation area as the extension is to the side and will be more visible. Also the elevation is generally blank contrary to the character of the conservation area.

Comments on amended scheme (in addition to those made above):

Still limited space for lorries to get round the site, noise from car wash, and increased activity close to homes. Use not suitable for conservation area - proposal commercialises the area further and site is not suitable for accommodating such traffic or size of vehicles. Increases in traffic will impact neighbours.

Site is only 3 ft from residential gardens and has grown from a small operation to a much larger operation since it started impacting on neighbours.

Parking spaces are not sufficient for the traffic generated vehicles: cars, vans, lorries and

horse box lorries which are next to houses.

## **APPRAISAL**

### Main issues

- 1) Policy Issues
- 2) Design and heritage considerations
- 3) Residential amenity
- 4) Highway safety, capacity and parking
- 5) Other issues (including landscaping and drainage)

### Appraisal

#### 1) Policy Issues

The site is located within Grimsby where the majority of development is anticipated to occur (policies 3 and 5 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018) - the NELLP. The site has permission and has operated for a considerable period as a funeral home and care facility. Since the previous large extension was constructed to the rear this site has operated in conjunction with a number of smaller COOP funeral homes across Grimsby including Kettles of Granville Street. The site therefore operates both as a traditional funeral home in its own right but with the majority of the building utilised for a care centre for the deceased (preparation, storage and transit). Also included is vehicular garaging for the business fleet of vehicles. Funerals do not take place on the site and rarely, from a public attendance standpoint, start from the site. As an extension to this existing use the principle, subject to more detailed considerations, is deemed to accord with policies 3 and 5 of the NELLP.

#### 2) Design and heritage considerations

Through negotiations the original submission for a large full depth side extension has been reduced to a much smaller sympathetic extension to the side of the existing rear wing. The proportions, design and features of the extension would now fit more comfortably with the style and presence of the original villa, subject to the use appropriate materials, and windows. Such a structure would also maintain greater views at depth including those of the original coach house at the site which was deemed important to the history of the site. Although a lawned area is proposed to be turned over to accommodate car parking a landscaped strip to the side would assist to break up this area visually. Conditions will be needed to ensure this area is planted with hedging and maintained.

Air conditioning and a refrigeration plant is required but this will be placed to the western side of the existing building which would be screened from the front by the original villa and boundary treatment from the adjoining dwellings. Further amendments have placed some of the equipment and flues with the roof space of the building to limit its impact further.



As a result of the reduction in the main extension, new detached garages are proposed to the rear of the site along with the car wash bay. These will be located against the rear boundary wall and would be screened from most public views by the existing and proposed main funeral home/care centre.

The proposal would now maintain the visual primacy of the original villa and the feeling of openness around the site albeit with the additional car parking. This together with the placing of the garages to the rear would maintain the character and appearance of the site and conservation area particularly as the mature front trees and gardens would remain untouched by the proposal. Subject to conditions it is considered that the proposals would accord with policies 5, 22 and 39 of the NELLP.

### 3) Residential amenity

The main impacts of the proposal relate to the physical presence of the extension and new garage and vehicle wash area to neighbours and the activity generated by the extra capacity at the site. Both aspects have been raised as concerns by neighbours whom overlook the side and rear of site.

The reduction in scale of the proposed single storey side extension and its position 8.5m from the boundary with the properties fronting Manor Avenue would ensure the structure would not appear overly dominant or reduce light and sunlight in a material manner. In a similar way, to the rear of the property, the new garage building (2.8m eaves - 5.4m to ridge) would adjoin the rear 2.5m m high wall which adjoins the derelict building to the bowling club and a 3m high flat roofed section of the women's residential institution to the rear. Whilst the roof proposed to the garage is quite high, 5.4m at ridge, and would be to the south of residential accommodation (windows in that building are to the east) it would be angled away from that property with the ridge being some 2.8m away from the boundary reducing its impact (scale, dominance, light and sunlight) to any residential room windows. It would also act as a screen to activities undertaken on site. A proportion of the garage would also be positioned to the rear of the blank wall of this residential block. Finally, the car wash area would be a much smaller light weight structure some 2.7m in height reducing its impact to the adjoining properties including 63 and 65 Abbey Road to the west.

Neighbours concerns about noise and nuisance due to increases in activity as a result of the extensions are understandable and legitimate, particularly as a large number of houses back onto the site. Any impact, however, has to be considered in terms of that which is expected over and above the existing operation at the site.

The applicant has indicated that presently the site operates as a funeral home - which will not change in any manner with around 200 families being catered for per year. This operates on a Monday to Friday 09:00 - 17:00 and by appointment only on a Saturday and Sunday.

The care centre would, however, expand with the long-term annual capacity rising from 500 to 750 with the deceased being brought directly to Abbey Road rather than other smaller sites around Grimsby which is what accounts for any increases. General hours of operation are: 09:00 to 17:00 but by the nature of the use the deceased can be brought to Abbey Road at any point including during the night or at weekends. COOPs vehicle fleet are generally kept at Abbey Road already and ceremonial vehicles would increase from 4 to 5 and ambulances/estate cars from 3 to 4. Despite this increase, movements are anticipated to stay similar to current levels with an average of 10 (two way) ambulance movements a week (2 per day) with a busy week likely to lead to 15 (two-way movements) or 3 per day. Due to Covid19 these levels have already been experienced in the last 18 months and have been accommodated including sadly up to 10 such arrivals in a day. Ceremonial vehicles currently leaving the site for funerals amount to an average of 10 per week of which 5 go to other funeral homes and with 5 leaving directly from Abbey Road. Mourners are picked up from homes as a rule and do not normally leave from Abbey Road for funerals. The proportions are likely to change slightly with more funeral vehicles directly leaving from Abbey Road but importantly there is no anticipated increase in ceremonial movements of vehicles due to the fleet already being based at the site and would have travelled to other COOP funeral homes anyway.

Deliveries of fluids and materials currently occurs weekly, and this will not change as capacity is available within these vehicles for any additional stock required. The same is true of monthly deliveries of coffins to the site which is undertaken by HGV.

When considering the levels of movements, it is deemed that such operations are still low with respect to impact on neighbours, in addition the majority of these movements would be during normal office hours. As such it is considered that the proposed expansion would not increase noise and nuisance to unacceptable levels. The scale of some of the delivery vehicles and their proximity to houses are noted but it is important to note that these already access the site and would not change in their frequency. The space available for manoeuvring would also remain roughly the same.

Vehicle washing/valeting already occurs on site as noted by an objector. A dedicated area is proposed which would be located to the north western corner of the site. This adjoins the blank elevation of the women's residential institution to the north and the extreme corner of the extended garden of 65 Abbey Road which at the time of the site visit was used to park cars. It is noted that this car wash area would incorporate a light weight covered structure to retain spray. An additional car parking space adjoining it would, in part, space this facility from the property boundary which is made up of hedging and fencing at this point. The applicant has confirmed that they only seek to wash vehicles during office hours although Ambulances may need valeting during the weekend if required. Heaters and lighting would allow activities to occur in winter when days are shorter and the weather is not conducive to outdoor valeting.

The nature of the site is such that extract/intake and refrigeration equipment will need to be expanded and this will be located to the western side of the building, as is the case currently. By the nature of the proposal equipment would be expanded. The applicant has

provided a noise report, and this has been considered by the Environmental Protection Team who have not raised an issue in principle but require a condition to control this aspect fully.

As such it is considered that the proposal would not have a detrimental impact on neighbours subject to conditions and would accord with policy 5 of the NELLP.

#### 4) Highway safety, capacity and parking

As has been outlined above, traffic movements at the site would not greatly alter and the extension of the facility is more to accommodate similar numbers of deceased (as has been experienced over the last 18 months during Covid) but with more appropriate capacity and facilities and on a regular basis rather than as an exception. As a result, whilst traffic levels would increase, they could be adequately accommodated on site. Similarly in physical terms despite the extensions ambulance and HGV movements would still be accommodated adequately on site to ensure vehicles would be able to access and leave in a forward gear.

Thirteen car parking spaces will be provided which is deemed sufficient to meet the needs of staff and separately the smaller number of public visits to the funeral home which already occurs. These spaces will be more formally set out however aiding use and manoeuvring. The highways team have also assessed the proposal and not raised an objection to either the original or amended design. The proposal is therefore in accordance with policies 5, 36 and 38 of the NELLP.

#### 5) Other issues (including landscaping and drainage)

The proposed development would remove a closely cut lawned area to the east of the current building wing and hedging to the rear of the property close to the northern boundary. Whilst regrettable it would not drastically detract from the character and appearance of the area nor biodiversity. Similarly, the main areas of character and ecological importance, the mature trees and landscaping to the front and west of the site, would be retained. The applicant has also agreed to enhance the eastern boundary with hedging and trees along with a landscaped buffer to the car park to soften the appearance of the area. Such matters are deemed acceptable and would accord with policies 5, 22 and 41 of the NELLP.

Additional areas of hard surfacing would be created and whilst the site falls outside of flood risk zones 2 and 3 additional surface water will need to be dealt with. Drainage conditions are therefore proposed to ensure this can be dealt with in a sustainable fashion. It is noted that the drainage team have not sought to object to the proposal and as such the proposal is in accordance with policies 5, 33 and 34 of the NELLP.

## **CONCLUSION**

The proposed development would provide an enhanced operation that would aid the

operation of the COOP funeral service adding to capacity, but also providing an up to date facility and in a small way providing further employment to local people. The extension and detached buildings proposed would be of a scale and appearance that would maintain the character and quality of the site and that of the conservation area. Whilst these structures and activities would have an impact on adjoining residents, subject to conditions, it is not considered that the proposal would detrimentally impact on residential amenity, highway safety, nor drainage and would accord with policies 5, 22, 33, 34, 36, 38 and 41 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018) and the provisions of the National Planning Policy Framework 2021.

## **RECOMMENDATION**

### **Approved with Conditions**

**(1) Condition**

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

**Reason**

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

**(2) Condition**

Development shall not begin until details of the materials for the exterior walls, roof, rainwater goods, stringcourse (where applicable), windows and doors of the proposals have been submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall be carried out in accordance with the approved details.

**Reason**

To ensure the development has an acceptable external appearance and is in keeping with the visual amenity and character of the site and conservation area and in accordance with policies 5, 22 and 39 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

**(3) Condition**

Before construction of the extension commences, details shall be submitted to and approved in writing by the Local Planning Authority of all external refrigeration, air conditioning, ventilation and extraction equipment (including its acoustic performance and any mitigation required). The approved scheme shall be completed in accordance with the approved detail before the extension to the care centre is first brought into use and shall thereafter be so retained.

Reason

To ensure satisfactory refrigeration, ventilation/extraction systems are adequate to protect surrounding residents from noise and nuisance and in accordance with policy 5 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

(4) Condition

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

(5) Condition

The car wash area/valeting canopy shall not operate outside of the following hours::

Monday to Friday: 09:00 - 18:00

Saturdays: 09:00 - 13:00

and not at all on Sundays .

Reason

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

(6) 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).

(7) Condition

No development shall commence until:

- (a) a scheme of landscaping showing the details of the number, species, sizes and

planting positions of all trees and shrubs to be planted;

(b) a plan including details of all trees to be retained, any to be felled, hedgerows to be retained, any sections of hedgerow or trees to be removed;

(c) measures for the protection of trees and hedges during construction work

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

#### Reason

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

#### (8) Condition

The scheme of landscaping and tree planting to be approved under condition 7 shall be completed within a period of 12 months, beginning with the date on which development began. All planting shall be adequately maintained to the eastern boundary to the properties at Manor Avenue and to the south of the main parking area at a height of no less than 2m. During the first 5 years from planting all plant losses (for whatever reason) shall be replaced during the next planting season with similar plant species and size unless otherwise agreed in writing with the Local Planning Authority.

#### Reason

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

#### (9) Condition

Prior to the extension and garaging being first brought into use the car parking, loading, unloading and manoeuvring areas shall be completed in accordance with the approved plan and retained as such thereafter.

#### Reason

To ensure adequate parking and turning facilities are provided within the site for highway safety reasons and in accordance with policies 5, 22, 36 and 38 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

#### (10) Condition

No development shall take place until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include details of the control measures that will be employed to control the impact of noise, vibration and dust during the construction phase (inclusive of operating hours). The approved CMP and control measures it contains shall be implemented throughout the

construction phase. The noise assessment must comply with the requirements of British Standard 5228 unless otherwise approved. The measures shall be applied as agreed.

Reason:

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

(11) Condition

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

CFU-245-105A, CFU 245 200 rev E, CFU-245-201 rev D, CFU-245-202 rev A, CFU 245 204 rev B and CFU-245-GA500

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, 36, 38, 39 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 harm the area character (including historical significance), residential amenity, highway safety, drainage and flood risk and landscaping 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, 36, 38, 39 and 41 and the provisions of the National Planning Policy Framework (2021).

### **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 reducing the scale of extension and instead seeking new detached structures and modification of plant and machinery.

3 Informative

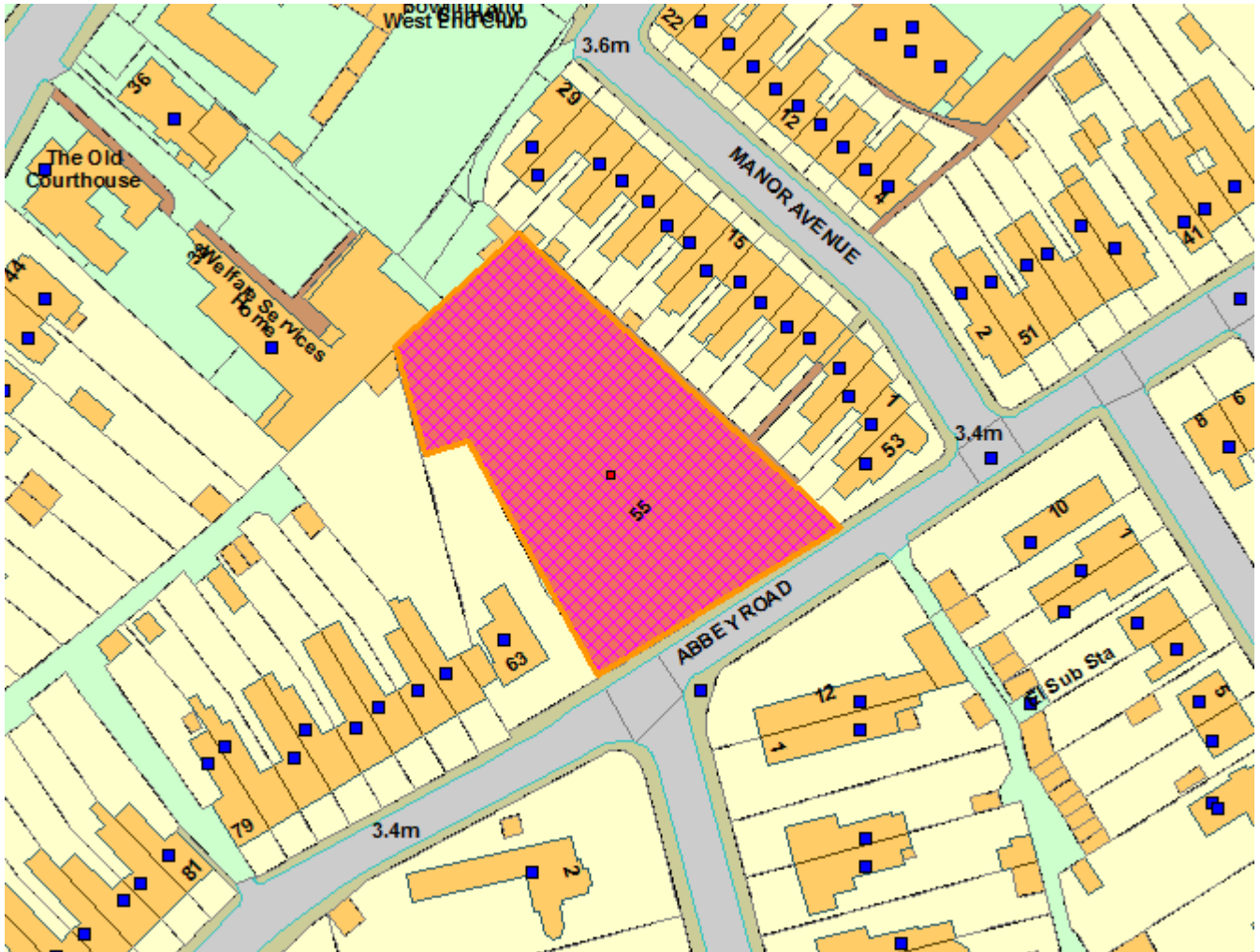
The applicant's attention is drawn to the fact that the requirements of the Party Wall Act may apply and you should seek advice from your agent or suitably qualified person.

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).



DM/0168/21/FUL – 55 ABBEY ROAD, GRIMSBY





**PLANNING COMMITTEE - 6th October 2021**

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

**APPLICATION No: DM/0422/21/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: 8 Fairisle Rise, Immingham, North East Lincolnshire, DN40 1RQ**

**PROPOSAL: Retrospective application for the change of use of adjacent public land to form part of domestic curtilage (amended ownership certificates)**

**APPLICANT:**

Mr Ian Hole  
8 Fairisle Rise  
Immingham  
DN40 1RQ

**AGENT:**

Mr Stuart Naylor  
ADP  
528 Holderness Road  
Kingston Upon Hull  
HU9 3DT

**DEPOSITED: 22nd April 2021**

**ACCEPTED: 5th May 2021**

**TARGET DATE: 30th June 2021**

**PUBLICITY EXPIRY: 18th June 2021**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 30th May 2021**

**CASE OFFICER: Jonathan Cadd**

**PROPOSAL**

This application is retrospective and seeks to enclose an area of open space/verge to the south west of 8 Fairisle Rise adjoining Margaret Street and turn it into garden area.

The application is presented to Planning Committee due to objections received from Immingham Town Council and due to the number of objections received from neighbours.

**SITE**

The application site is on the corner of Margaret Street and Fairisle Rise and relates to a corner plot of grassland to the south west of 8 Fairisle Rise. The area appears as an extended verge of grassland but with a driveway crossing it. A tarmac public footpath

runs alongside this area north to south. It appears that recently hedging plants have been planted on the boundary of the site adjoining the footpath. The applicant has already enclosed the verge with hedging plants of unknown variety.

To the south of the site is open fields and a public footpath whilst to the west across Margaret Street is an extended open landscaped area. To the north and east are residential areas. The closest properties to the north have gardens that bound the public footpath.

## **RELEVANT PLANNING HISTORY**

08/1321/77 - Plot layout for residential development. Approved 1978.

8/76/80 - Detached chalet bungalow and garage. Approved 1980.

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

### National Planning Policy Framework (February 2019)

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)

PO5 - Development boundaries  
PO22 - Good design in new developments  
PO40 - Developing green infrastructure network  
PO42 - Landscape  
PO43 - Green space and recreation  
PO6 - Infrastructure

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**

Immingham Town Council: (x2) Object to the loss of public open space which has been maintained by them for a considerable period. Questions if there are any covenants on the land and if its registered. Consider that it is not right that the open space is enclosed.

Immingham Town Council has documents indicating it maintains the land. Consider the character of the area would change to the detriment of residents and the verge would not be available for use by residents contrary to policy 42 of the NELLP.

Drainage: The permeable grassed area must be retained. There is a public foul sewer running under the land in question so there should be no tree planting or building over this sewer.

Anglian Water: (in summary) Although Anglian Water would have no objection in principle to the proposal, they advise the applicant should be made aware that records indicate a 225mm foul sewer is located in the verge which Anglian Water would continue to require access to for maintenance purposes in the future. Guidance on plant species generally suitable for planting in close proximity to sewers is provided.

Highways: Approval no conditions.

Heritage Officer: No input required.

Site Notice/ Neighbours:

6 Fairisle Drive (x2), 1 and 4 Arran Close (x2) and 115 Margaret Street Objects - (in summary) loss of public open space maintained by the Town Council for many years, such areas are for the benefit of all, taken trees down, planted a hedge with garden furniture, and the site is not kept well. Concerns over retrospective nature of the application and potential precedent.

## **APPRAISAL**

Main issues

- i) Planning policy issues
- ii) Design and character
- iii) Residential amenity
- iv) Ownership

Appraisal

- i) Planning policy issues

The site is positioned within the urban area of Immingham, policy 5, but is otherwise undesignated within the NELLP. This includes the larger area of open spaces opposite the site. Policies 40 and 42 of the NELLP seek consideration of open spaces whether public or privately owned in terms of amenity and how development impacts upon them, but they do not preclude development in principle. This is somewhat different, to policy 43 which designates areas within the NELLP proposals maps in their own right and protects them from development. It is reiterated, however, that the site is not designated and

therefore is not protected under policy 43.

8 Fairisle Rise, is a corner plot with a large open verge to the roadside, which visually has some linkages with the larger open space to the other side of the road but is nevertheless an independent plot of land. Properties within Margaret Street and Fairisle Rise have front gardens which extend up to the footpath and as such no.8 is perhaps an uncharacteristic plot in this respect. Given the isolated nature of this extended verge, the area of available open space opposite and the character of other properties in the area it is not considered that the annexation of this area into a garden would detract from the ability of residents in the area to enjoy outdoor recreation, nor be unacceptable in land use planning terms. In principle the proposal would not be contrary to policies 5, 40 and 42 of the NELLP.

It is known, however, that an Anglian Water main runs through the site and the verge and maintenance of this main could become more problematic. As an open mown verge this would not be an issue and as such consideration must be given to Policy 6 of the NELLP which seeks development to: D. safeguard existing infrastructure except where clear evidence exists that particular infrastructure is no longer required to meet current or future needs or can be delivered through alternative provision. Anglian Water have been consulted and have confirmed the presence of the main, but they have also noted that they do not object to the verge being annexed into the garden. They have powers to maintain their assets and the applicant has been made aware of this. Such controls may limit the ability to erect structures but also limit certain planting. It is also noted that in a number of developments mains infrastructure run through garden areas and the main consideration for planning is that maintenance remains possible. With respect to planning it is recommended that permitted development rights be removed from this part of the garden for extensions, detached structures and minor development to ensure that this statutory undertaker can have access to allow maintenance of these assets. Subject to conditions and advice notes therefore the proposal is deemed to accord with policy 6 of the NELLP.

## ii) Design and character

As noted above 8 Fairisle Rise, is a corner plot with a large open verge to the roadside, which visually has some linkages with the larger open space to the other side of Margaret Street but is nevertheless an independent plot of land. Properties within Margaret Street and Fairisle Rise have front gardens which extend up to the footpath and the open verge to the side of no .8 is perhaps an uncharacteristic area, although not an unpleasant one. Given the isolated nature of this extended verge and the character of gardens and boundaries of other dwellings in the immediate area it is not considered that the annexing of this area into garden would detract from the visual character of this area. The application does not seek to erect fencing or walls to this point but hedging softening the appearance of this area within the street scene would not be dissimilar to that surrounding 115 Margaret Street. As such the proposal would accord with policies 5 and 22 of the NELLP.

### iii) Residential amenity

The annexation of the verge to create additional garden in this position relative to other residential properties would not have a detrimental impact on residential amenity in accordance with policy 5 of the NELLP.

### iv) Ownership

Many of the objections received have outlined concerns over the annexation of the land by the applicant without planning permission being granted nor any right of ownership. It is important to note that the two issues are separate. An enforcement investigation has led to the submission of the application due to the change in use of land. Whilst the authority does not condone development undertaken without permission there is a procedural solution to the issue through the submission of an application albeit retrospectively. Should permission be resisted, enforcement action remains a potential option to return to, and the works undertaken.

Land ownership is a separate matter and is not a material consideration. It is important to reiterate that the grant of planning permission would not override any civil matters of ownership and the applicant will still need to go through any legal process required to establish ownership and the grant of planning or not would not override this process as they are completely separate.

## **CONCLUSION**

The application seeks to annexe a pleasant grass verge within an adjoining residential garden. The undesignated nature of the verge, its limited scale and division from a wider area of grassland across Margaret Street indicates that the impact of the loss of use of this area would be limited in terms of physical recreation and the character of the residential area. Similarly residential amenity and highway safety would not be impacted upon in any material way.

The positioning of a main water sewer on the application site is noted but no objection has been raised by Anglian Water although to ensure future maintenance conditions removing permitted development rights are recommended.

Similarly, concerns of residents and the Immingham Town Council over the ownership are recognised. The applicant has procedurally undertaken to publish the correct notice within a local newspaper allowing any owner to come forward and make representations. Ownership disputes do not fall within the realm of the planning system and civil law provides a suitable forum to resolve disputes of this nature. The grant or refusal of a planning application would not therefore override or direct any such procedure, nor force any actual owner to sell or not sell.

It is considered therefore that the proposal would therefore accord with policies: 5, 6, 22, 40 and 42 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

## **RECOMMENDATION**

### **Approved with Conditions**

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

The development shall not be completed in complete accordance with the approved plans and specifications namely drawing J8084-101.

#### **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, 6, 22, 40 and 42 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

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

Notwithstanding details shown on the approved plans and the Town and Country Planning (General Permitted Development) Order 2015 (or any statutory amendment thereto), no development under Schedule 2, Part 1, Class A and E, nor Schedule 2 Part 2 Classes A, B and E, shall be permitted within the application site as shown on drawing no. J8084-101.

#### **Reason**

To protect infrastructure assets, residential amenity and the visual character of the area and in accordance with policies 5, 6, 22, 40 and 42 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 provision of outdoor recreation and amenity, the areas 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, 6, 22, 40 and 42 and the provisions of the National Planning Policy Framework.



## 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 dealing with procedural issues and agreeing conditions with the applicant re infrastructure provisions on the site.

## 3 Informative

The developer should be aware that a 225mm foul sewer is located in the application site (current verge) which Anglian Water will continue to require access to for maintenance purposes in the future. This could well impact on how the site is used and maintained.

Anglian Water state: That to ensure access can be maintained and root ingress of the sewer avoided, trees or deep rooting shrubs should not be planted directly over sewers or where excavation onto the sewer would require removal of the tree or shrub. Any temporary garden structures (sheds, summerhouse etc.) located over the sewer should be easily demountable. Any plans to extend the existing dwelling over a public sewer this would be subject to a build over application to Anglian Water.

In addition, although not the subject of this application, records indicate there are already sewers shown within the existing property boundary: a 825mm surface water shown closer to the dwelling and a 1200mm surface water running adjacent the south-east boundary.

As guidance the following shallow rooting shrubs are generally suitable for planting close to sewers and lateral drains:

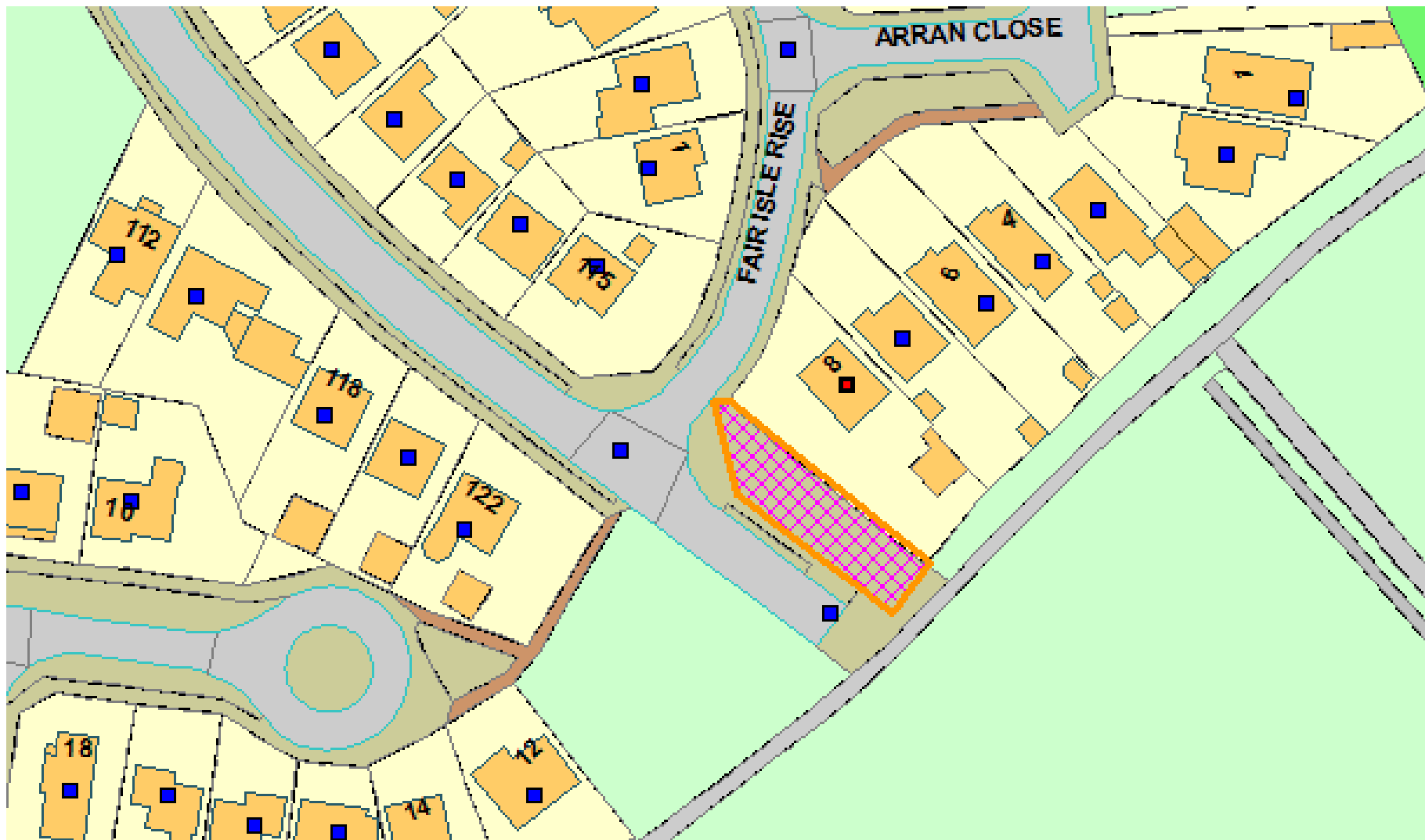
- *Berberis candidula*; (paleleaf barberry)
- *Berberis julianae*; (wintergreen barberry)
- *Ceanothus burkwoodii*; (Californian lilac 'Burkwoodii')
- *Cotoneaster dammeri*; (bearberry cotoneaster)
- *Cotoneaster skogholm*; (*Cotoneaster x suecicus*, 'Skogholm')
- *Cytisus* varieties or *Sarothamnus*; ((common or Scotch) broom)
- *Euonymus japonicus*; (Japanese spindle)
- *Euonymus radicans*; Variety of *Euonymus* (fortune's spindle or winter creeper)
- *Mahonia* varieties; can be included in the genus *Berberis*, most common name is *M. aquifolium* (Oregon grape)
- *Potentilla* varieties; most varieties are types of cinquefoil. Also includes common tormentil, silverweed and barren strawberry
- *Skimmia japonica*; (*Skimmia*)
- *Spiraea japonica*; (Japanese spirea or Japanese meadowsweet)
- *Veronica* varieties; (Speedwell)
- *Viburnum davidii*; (David viburnum)
- *Viburnum tinus*; (*Lauristinus*)

You are strongly advised to contact Anglian Water and seek advice.

#### 4 Informative

The grant of planning permission does not override any ownership rights on the site and you are advised to undertake the appropriate investigations, procedures and actions to ensure there is legal entitlement to implement the planning permission. It is advised that legal advice is sought before proceeding further.

DM/0422/21/FUL – 8 FAIRISLE RISE, IMMINGHAM



## DM/0422/21/FUL – 8 FAIRISLE RISE, IMMINGHAM



**PLANNING COMMITTEE - 6th October 2021**

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

**APPLICATION No: DM/0609/21/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: Willow Lakes Ashby Hill Top Farm, Barton Street, Ashby Cum Fenby, North East Lincolnshire, DN37 0RU**

**PROPOSAL: Variation of Condition 2 (Approved Plans) as granted on DM/1162/19/FUL for revision to omit green roof and install solar panels**

**APPLICANT:**

Mr John Collis  
Willow Lakes Ashby Hill Top Farm Ltd  
Unit 43  
Cleethorpes Business Centre  
Wilton Road  
Grimsby  
DN36 4AS

**AGENT:**

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

**DEPOSITED: 15th June 2021**

**ACCEPTED: 15th June 2021**

**TARGET DATE: 10th August 2021**

**PUBLICITY EXPIRY: 18th July 2021**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 15th July 2021**

**CASE OFFICER: Richard Limmer**

**PROPOSAL**

The proposal is to vary the approved plans of an earlier permission to remove the 'green roof' feature and replace it with a standing seam roof with solar panels.

This planning application has been brought to Planning Committee due to an objection from Ashby Parish Council.

**SITE**

The site is adjacent to the A18 at Ashby Hill Top near the village of Ashby cum Fenby.

The site forms part of the Willow Lakes holiday park which stretches from the A18 north east and equates to some 18ha and currently includes holiday cottages, holiday lodges, stables, livery, horse paddocks and 2 fishing lakes.

## **RELEVANT PLANNING HISTORY**

DM/1162/19/FUL - Erect cafe/restaurant to include basement function facility, viewing deck to the rear, car parking, landscaping and associated works - Approved.

DM/0990/18/FUL - Vary conditions for opening hours and use class for the café under DC/164/12/WAB.

DM/0986/18/FUL - Variation of approved plans for site layout and appearance in relation with DC/104/13/WAB - Approved.

DM/0987/18/FUL - Construct temporary marketing suite - Approved.

DM/0991/18/FUL - Change of use to site 18 holiday cabins - Approved.

DM/0544/18/CEU - Certificate of Lawfulness for an existing use, that planning application DC/535/10/WAB (Erection of cafe new parking viewing and picnic area construct new access & blocking up of existing access) and DC/164/12/WAB (Variation of condition 19 attached to DC/535/10/WAB to alter the vehicular access roadways and additional landscaping and planting) have been lawfully implemented and remain extant - Approved.

DM/0546/18/CEU - Certificate of lawfulness for a proposed use, that planning application DC/104/13/WAB (Erect nine holiday cabins with vehicle parking in association with the existing commercial lake) has been lawfully implemented and remains extant - Approved.

DM/0067/18/FUL - Removal of condition 1 (Temporary Period) pursuant to DM/0159/15/FUL (Retrospective permission for new reception building) to allow permanent siting - Approved.

DM/0159/15/FUL - Retrospective permission for new reception building - Approved temporary permission.

DC/104/13/WAB - Erect nine holiday cabins with vehicle parking in association with the existing commercial lake - Approved.

DC/17/12/WAB - Reserved matters application following the outline application DC/8/10/WAB- Outline application to erect five holiday cabins in association with the existing commercial lake - Approved.

DC/8/10/WAB - Outline application for 5 holiday cabins - Approved.

DC/164/12/WAB - Variation of condition 19 attached to DC/535/10/WAB to alter the

vehicular access roadways and additional landscaping and planting - Approved.

DC/91/11/WAB - Change of use of former games room to provide a holiday unit - Approved.

DC/992/10/WAB - Retain change of use of former agricultural building forming 20 stables with associated tack and store rooms - Approved.

DC/541/10/WAB - Change of use of land to site 12 touring caravans on the site of former fishing lake, construct new access & blocking up of existing access - Approved.

DC/535/10/WAB - Erection of cafe new parking viewing and picnic area construct new access & blocking up of existing access - Approved.

DC/1090/09/WAB - Retention of change of use from agricultural land and erection of menage with associated fencing - Approved.

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

### **National Planning Policy Framework (February 2019)**

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**

Highways - No objections.

Drainage - No objections, final details of the surface water drainage scheme are required as the original green roof was part of the previously approved system.

Trees - Comments in regard to the impact of the proposal on the character of the area.

Environmental Health - No comments.

Heritage - No objections.

Environment Agency - No comments.

PROW - No objections.

Ashby cum Fenby Parish Council - Objects to the proposed development on the following grounds:

1. Due to the site's rural location which extends into the open countryside the solar panels would have a significantly detrimental impact on the visual aesthetics of the area.
2. This development is adjacent to and within sight of the Lincolnshire Wolds, which has been designated an Area of Outstanding Natural Beauty.
3. Concerns were raised regarding the impact and loss of habitat that solar panels may create.
4. The loss of habitat from solar panels which do not help biodiversity and could prove a possible threat.

No neighbours responded.

## **APPRAISAL**

Material considerations

1. Principle of Development
2. Impact on Neighbours
3. Impact on Character of the Area
4. Ecology
5. Drainage

1. Principle of Development

This application is for an amendment to the approved plans for the construction of a café/restaurant approved under DM/1162/19/FUL, this approved planning permission establishes the principle of the development.



This proposal seeks an amendment to the approved design to remove the 'green roof' and instead have a standing seam roof with solar panels on it. The applicant has detailed that the development will in part be funded by a grant from the Rural Payments Agency (RPA) using funds jointly provided by the European Agricultural Fund for Rural Development and Defra. One of the requirements of the grant is that the development is in part powered by renewable energy sourced on site. This has been the driver to the change in the proposed design. The proposal includes 190 solar panels which will provide up to 55,000kwh to power the development, this could be combined with battery storage within the building to store excess power for times when the solar panels are not effective.

The premise of introducing renewable energy into the scheme and making the development more sustainable is laudable and follows the core principles of both the NPPF and NELLP in terms of supporting sustainable development. It is therefore considered to be acceptable in principle subject to the site specific impacts of the development.

## 2. Impact on Neighbours

The site is located well away from neighbouring residential properties and the overall scale and use of the development would not change as a result of this amendment and so the impacts to the neighbouring properties would not be increased. It is therefore considered that the proposed amendments accord with Policy 5 of the NELLP.

## 3. Impact on the Character of the Area

It is noted that the approved permission utilised the green roof as part of the justification for the impact on the visual character of the area given the site is located directly adjacent to the Lincolnshire Wolds AONB. This proposal would see the loss of the 'green roof' and whilst this is not ideal the benefits achieved with the proposed solar panels are considerable and helps to balance out the loss of the green roof. The design of the building means that the roof is sloped towards the A18 and AONB boundary so the proposed solar panels would be visible from that angle but when looking towards the AONB the angle of roof would, in part, screen the panels from view. Whilst the approved 'green roof' was a good and positive design feature it is considered that the proposed solar panels would not compromise the overall design of the development and create undue harm to the immediate and wider character and appearance of the AONB in accordance with Policy 22 of the NELLP.

## 4. Ecology

The comments received from Ashby cum Fenby Parish Council raise specific concern over the loss of the 'green roof' and the subsequent impact on Ecology and Biodiversity. It is acknowledged that the green roof would have provided biodiversity and ecological enhancement to the site and this opportunity would be lost by the provision of the

proposed solar panels. The original application included an Ecology Report which detailed ecological improvements across the site. A condition is proposed that secures the recommendations set out in the report. It is considered therefore that the proposed amendments remain in accordance with Policy 41 of the NELLP.

## 5. Drainage

The previously approved 'green roof' formed part of the approved drainage scheme and so its removal would affect how the site would drain. The Drainage Engineer has raised this point and requested that a condition is now imposed for a new and updated surface water drainage scheme. In the interests of flood risk and compliance with Policy 33 of the NELLP it is considered that the proposed condition should be imposed.

## CONCLUSION

In conclusion, it is considered that the proposed development would not offer any significant additional impact to the neighbouring properties amenities, the character of the area or highway safety and amenity in accordance with Policies 5, 22, 33 and 41 of the NELLP 2018. The development would continue to improve the leisure and tourism offer in the area and provide additional employment opportunities. It is therefore recommended for approval subject to additional conditions.

## RECOMMENDATION

### Approved with Conditions

#### (1) Condition

The development hereby permitted shall begin by the 10th March 2023.

#### 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:

RD4327-05B - Proposed site plan  
RD4327-04C - Proposed plans and elevations  
RD4327-07 Additional parking

#### Reason

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

(3) Condition

The premises shall not be open for trading outside the following hours:-

8.00am to 11.00pm on any day

Reason

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

(4) Condition

The development hereby approved shall be restricted to a cafe/restaurant only, unless a further change of use is granted planning permission by the Local Planning Authority.

Reason

The Local Planning Authority wishes to retain control of future changes of use to protect the amenities of the occupiers of surrounding properties in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(5) Condition

Prior to the development commencing, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in accordance with the approved details. The plan shall contain:

- Working hours;
- Visitor and contractor parking areas;
- Materials storage area;
- Wheel cleaning facilities;
- Noise, vibration and dust mitigation measures (both during demolition and construction);
- Construction traffic management plan.

Reason

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

(6) Condition

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

Reason

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

(7) Condition

The scheme of landscaping and tree planting shown on drawing no.NO644(96)001A 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.

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

(8) Condition

The development shall be carried out in complete accordance with the recommendations made in the Ecology Report by Neil Taylor submitted on 23rd December 2019. The works shall be completed within 12 months of the use first starting or longer if first approved in writing by the Local Planning Authority.

Reason

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

(9) Condition

No development shall commence until a scheme for the sustainable provision of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The development shall then be built out in accordance with the approved details and the drainage implemented before the building 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 33 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(10) Condition

Prior to the use hereby permitted commencing details shall be submitted to and approved in writing by the Local Planning Authority of all external ventilation and extraction

equipment including their acoustic performance and, where applicable, the method of odour control. Such a scheme as approved shall be implemented in its entirety prior to the use commencing and shall thereafter be so retained.

**Reason**

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

**(11) Condition**

At no time shall there be any external amplified music played on the site.

**Reason**

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

**(12) Condition**

Prior to development commencing a detailed noise management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved noise management plan shall then be adhered to at all times following use of the building.

**Reason**

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

**(13) Condition**

Prior to development commencing a detailed external lighting plan, including the timings for all external lights to be switched on and off, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be built out and operated in accordance with the approved details and no additional external lighting installed on the site.

**Reason**

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

**(14) Condition**

Prior to the development first coming into use details of electric vehicle charging facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved electric vehicle charging facilities shall then be fully installed within 3 months of the use first starting.

## Reason

To support sustainable transport in accordance with Policy 5 and 36 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).

### 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 using conditions to protect amenity.

DM/0609/21/FUL – WILLOW LAKES, ASHBY HILL TOP, BARTON STREET, ASHBY CUM FENBY



DM/0609/21/FUL – WILLOW LAKES, ASHBY HILL TOP, BARTON STREET,  
ASHBY CUM FENBY

