

## Planning Committee Dated: 3rd January 2024

### Summary List of Detailed Plans and Applications

---

<b>Recommendation: Approved with Conditions</b>	
<b>Item:</b>	<b>1</b>
<b>Application No:</b>	DM/0448/23/FUL
<b>Application Type:</b>	Full Application
<b>Application Site:</b>	Land Off Sunningdale Waltham North East Lincolnshire
<b>Proposal:</b>	Provision of new Primary School, including erection of main school building, installation of ventilation system, erection of fencing/gates and associated landscaping. Creation of staff car parking, vehicular and pedestrian accesses from Sunningdale, pedestrian access from Archer Road, creation of playgrounds and playing pitch, athletics track, habitat area, cycle storage and associated works
<b>Applicant:</b>	Christine Scott
<b>Case Officer:</b>	Owen Toop

---

<b>Recommendation: Approved with Conditions</b>	
<b>Item:</b>	<b>2</b>
<b>Application No:</b>	DM/0507/23/FUL
<b>Application Type:</b>	Full Application
<b>Application Site:</b>	Healing Wells Farm Wells Road Healing North East Lincolnshire
<b>Proposal:</b>	Construction of free range egg (poultry) unit including the erection of building with associated feed bins, hardstandings, drainage attenuation pond, access road (to Wells Road) and associated landscaping
<b>Applicant:</b>	Mr Chris Baylis
<b>Case Officer:</b>	Richard Limmer

---

---

**Recommendation: Approved with Conditions**

**Item:** 3

**Application No:** DM/0864/23/FUL

**Application Type:** Full Application

**Application Site:** Grimsby Ice Factory Fish Dock Road Grimsby Docks Grimsby

**Proposal:** Restoration, extensions, alterations and conversion of the Ice Factory North and South buildings to provide office, conference, events and leisure floorspace, food and beverage floorspace, construction of a new internal access road with servicing and delivery provision and public realm works, car, coach and cycle parking facilities and associated and ancillary works

**Applicant:** IF 1900 Ltd

**Case Officer:** Cheryl Jarvis

---

---

**Recommendation: Approved with Conditions**

**Item:** 4

**Application No:** DM/0865/23/LBC

**Application Type:** Listed Building Consent

**Application Site:** Grimsby Ice Factory Fish Dock Road Grimsby Docks Grimsby

**Proposal:** Restoration, extension, alterations and conversion of the Ice Factory North and South buildings to provision office, conference, events and leisure floorspace, and food and beverage floorspace, alongside the construction of a new internal access road with servicing and delivery provision and public realm works, and the delivery of car, coach and cycle parking facilities, alongside all associated and ancillary works.

**Applicant:** IF 1900 Ltd

**Case Officer:** Cheryl Jarvis

---

---

**Recommendation: Approved with Conditions**

**Item:** 5

**Application No:** DM/0769/23/FUL

**Application Type:** Full Application

**Application Site:** Land At Auckland Road Grimsby Docks Grimsby

**Proposal:** Erect 5 storey hotel (Use Class C1) with associated public realm works, car parking and various associated works

**Applicant:** KH 1900 Ltd

**Case Officer:** Cheryl Jarvis

---

---

**Recommendation: Approved with Conditions**

**Item:** 6

**Application No:** DM/1022/22/FUL

**Application Type:** Full Application

**Application Site:** Anne Askew House South Marsh Road Stallingborough North East Lincolnshire

**Proposal:** Variation of Conditions 2 (Approved Plans) and 4 (Flood Risk Mitigation Measures) pursuant to DM/0745/19/FUL for revision to include retaining wall and raise ground levels to Plot 1, install 1.8m high boundary fence to side of Plot 1 and amend the type of stormwater barriers

**Applicant:** Mr Paul Silvester

**Case Officer:** Richard Limmer

---

---

**Recommendation: Refused**

**Item:** 7

**Application No:** DM/1049/23/FUL

**Application Type:** Full Application

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

**Proposal:** Demolish existing garage and outbuildings, erect single storey dwelling with driveway, landscaping and associated external works

**Applicant:** Mrs Christine Dabb

**Case Officer:** Bethany Loring

---

---

**Recommendation: Approved with Conditions**

**Item:** 8

**Application No:** DM/1078/23/OUT

**Application Type:** Outline Application

**Application Site:** 146 North Sea Lane Humberston North East Lincolnshire DN36 4XB

**Proposal:** Outline application to demolish two outbuildings and erect one dwelling with garage and provision of new access with all matters reserved

**Applicant:** Ms Tracey Wheatley

**Case Officer:** Emily Davidson

---

---

**Recommendation: Refused**

**Item:** 9

**Application No:** DM/0944/23/FUL

**Application Type:** Full Application

**Application Site:** 209 Corporation Road Grimsby North East Lincolnshire DN31 2PZ

**Proposal:** Change of use from cafe at ground floor with living accommodation to two self contained flats to include internal and external alterations

**Applicant:** Mr Emmanuel Jabaraj

**Case Officer:** Bethany Loring

---

---

**Recommendation: Refused**

**Item:** 10

**Application No:** DM/0992/23/OUT

**Application Type:** Outline Application

**Application Site:** Humber View Barton Street Ashby Cum Fenby North East Lincolnshire

**Proposal:** Outline application to demolish Humber View and erect two dwellings with access to be considered

**Applicant:** Mr John Collis

**Case Officer:** Richard Limmer

---

**PLANNING COMMITTEE - 3rd January 2024**

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

**APPLICATION No: DM/0448/23/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: Land Off Sunningdale, Waltham, North East Lincolnshire,**

**PROPOSAL: Provision of new Primary School, including erection of main school building, installation of ventilation system, erection of fencing/gates and associated landscaping. Creation of staff car parking, vehicular and pedestrian accesses from Sunningdale, pedestrian access from Archer Road, creation of playgrounds and playing pitch, athletics track, habitat area, cycle storage and associated works**

**APPLICANT:**

Christine Scott  
North East Lincolnshire Council  
1st Floor  
Civic Offices  
Knoll Street  
Cleethorpes  
North East Lincolnshire  
DN35 8LN

**DEPOSITED: 10th May 2023**

**AGENT:**

Jessica McCague  
Equans  
New Oxford House  
George Street  
Grimsby  
North East Lincolnshire  
DN31 1H

**ACCEPTED: 24th May 2023**

**TARGET DATE: 2nd August 2023**

**PUBLICITY EXPIRY: 13th November 2023**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 23rd June 2023**

**CASE OFFICER: Owen Toop**

**PROPOSAL**

This development proposal is for the provision of a new primary school in Waltham at land situated off Sunningdale and Archer Road. The proposed works include:

- the erection of the main school building
- the provision of playgrounds and a playing pitch
- removal of existing landscaping and provision of a landscaping scheme

- creation of staff car parking and vehicular and pedestrian accesses from Sunningdale
- cycle storage
- habitat area
- erection of fencing and gates, including a section of acoustic fencing.
- air source heat pumps, solar panels and associated works.

Due to the number of public objections received the planning application was brought to planning committee on Wednesday 29th November 2023. The application was deferred for further investigation into highway matters including drop off and parking and any associated Traffic Regulation Order.

Following a response from the applicant on these matters, the application is brought back to the attention of planning committee.

## **SITE**

The site is a parcel of land that is approximately 1.39 hectares in area and is bounded by the residential streets of Sunningdale to the south, Woodhall Drive and Lindrick Walk to the north and west, and Archer Road to the east.

## **RELEVANT PLANNING HISTORY**

Historic planning permissions for estate.

852/70 - Land north of Barnoldby Road - outline planning permission allowed on appeal.

404/73 - Reserved Matters allowed on appeal.

771/75 - road layout

276/76 - outline application (Mount Pleasant Farm) - this application included reference to reserving land for educational purposes and a condition was stated to this affect.

709-77 - road layout

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

National Planning Policy Framework (2023)

NPPF6 - Building a strong, competitive economy

NPPF9 - Promoting sustainable transport

NPPF11 - Making effective use of land

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  
PO6 - Infrastructure  
PO22 - Good design in new developments  
PO33 - Flood risk  
PO34 - Water management  
PO36 - Promoting sustainable transport  
PO38 - Parking  
PO39 - Conserve and enhance historic environ  
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 subject to conditions.

Heritage - No heritage input required.

Ecology - No objections subject to conditions.

Trees and Woodlands - No objections subject to conditions.

Drainage - No objections subject to conditions.

Anglian Water - Standard response.

Environment Agency - No comments.

Cadent Gas - No objections, informative note provided.

Sport England - No objections subject to conditions.

Environmental Health - No objections subject to conditions.

Police - Designing Out Crime comments provided and final details to be secured.

Humberside Fire and Rescue - Informative note provided.

Waltham Parish Council - Recommend approval. Though a number of points for consideration have been provided.

Public Representations:

In some cases multiple letters from the same address have been received.

Letters of Objection received from the following addresses:

16 Archer Road  
21 Archer Road  
28 Archer Road  
30 Archer Road  
48 Archer Road  
57 Archer Road  
73 Archer Road  
75a Archer Road  
5 Ascot Road  
3 Ashbourne  
6 Ashbourne  
16 Ashbourne  
17 Ashbourne  
18 Ashbourne  
9 Carnoustie  
13 Carnoustie  
17 Chadwell Springs  
5 Gleneagles  
4 Lindrick Walk  
46 Sunningdale  
5 Turnberry Approach  
11 Turnberry Approach  
20 Woodhall Drive  
27 Woodhall Drive  
36 Woodhall Drive  
41 Woodhall Drive  
50 Woodhall Drive  
56 Woodhall Drive

Comments broadly on the following grounds:

- Concerns over street parking and increase in traffic

- Loss of green space, trees and historic hedge, reference to Council's Tree Strategy
- Impact on ecology
- Objections the Transport Assessment and Air Quality Statement
- Air pollution
- Appearance of fencing
- Question the need for the school
- Safety concerns
- Drainage and flooding concerns.
- Alternative use suggestions.

Neutral Comments received from the following addresses:

3 Turnberry Approach  
 9 Turnberry Approach  
 20 Sunningdale  
 3 Lindrick Walk  
 18 Wheatfield Drive

Broadly on the grounds of:

- Maintenance of existing fencing
- Queries on parking restrictions
- Query on position of building
- Concerns in relation to flooding, traffic and ecology
- Alternative site suggestions
- Concerns on fencing and removal of trees.
- Additional Pedestrian Crossings suggested.

Following the deferral of this application an additional representation has been received broadly as follows:

11 Turnberry Approach - Concerns remain in relation to parking and increase in traffic and that the school should not be supported on these grounds.

## **APPRAISAL**

The material considerations are:

- 1) Principle of Development
- 2) Visual Design
- 3) Access, Traffic Generation and Parking (matter for deferral)
- 4) Impact on Neighbouring Land Uses
- 5) Landscaping and Ecology
- 6) Community Use
- 7) Flood Risk and Drainage

## 1) Principle of Development

The National Planning Policy Framework states that Local Planning Authorities should take a proactive, positive and collaborative approach to meeting the requirement to provide a sufficient choice of school places to meet the needs of existing and new communities. In particular they should give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications (Section 8, Para 95, NPPF 2023). In addition to the provisions of the NPPF, Policy 6 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) [NELLP], supports development proposals for new public infrastructure, including schools.

Following on from a number of planning permissions in the 1970's for the residential development of this part of Waltham land has always been earmarked for educational development. Specifically condition 7 of 276/76 - outline application (Mount Pleasant Farm) - stipulates that land must be reserved for educational purposes. Consequently, the application site is allocated as educational land within the Policy Maps of the NELLP. Bearing the planning history in mind, the site's land allocation and the provisions of the NPPF, the principle of development for this site for education provision is acceptable. It now falls to the site-specific material planning considerations to determine the acceptability of the proposal.

## 2) Visual Design

Policy 5 of the NELLP requires an assessment on the impact to the character of the area and visual amenity by virtue of size, scale and density with Policy 22 of the NELLP setting out the requirements for 'good design'.

The school building itself is positioned towards the west of the site, with associated parking to the south west of the site to the frontage of the building adjoining the main access into the site. The play areas would be positioned to the west and east of the building organised due to the differing Key Stages for education. To the east would lie the playing fields and sport facilities including pitches and racetrack. The building would be surrounded by footways with typical 2.4-metre-high green weld mesh fencing to the site boundaries and 2.4m high acoustic fence for part of the north boundary. Gates would also be installed to the main access and to pedestrian areas.

The building is single storey, and the roof incorporates solar panels and ventilation on the south roof plane. It is considered that the building would be functional, and the scale, position and overall design would not be at odds with the general character of neighbouring buildings or wider area. It is typical of a community building of this type with reasonable materials which will assimilate it with neighbouring buildings.

In relation to the impact on character and visual amenity of the area, the proposal is considered to be acceptable in accordance with Policies 5 and 22 of the NELLP.

### 3) Access and Traffic Generation Parking Including Matters Following Deferral.

Policy 5 sets out that all development proposals will be considered with regard to suitability and sustainability, having regard to B) 'access and traffic generation.' The development proposed includes a vehicular access taken from Sunningdale, to the south west of the site. Pedestrian and cycle access will be provided via Sunningdale, to the west of the site, and from Archer Road to the east.

The proposed development comprises the construction of a new school for 210 places for children aged 4 to 11 years of age, and special educational needs capacity for a further 12 children. In total 24 car parking spaces are proposed, including three spaces for persons with disabilities near the building entrances. A secure staff bike store is provided as part of the car park layout, while capacity for 24 bikes and a scooter store would be provided for children within the domain of the play area. The proposal also has the potential to create additional traffic generation from users of the school, particularly parents collecting and dropping-off at school start and closing times. Additionally, there are vehicular movements associated with the community use 'after-school' aspect of the development.

It is recognised that substantial public objection has been received in response to the consultation of the planning application. One of the main concerns raised is in relation to traffic generation from the proposed development. Moreover, it is noted that comments from the Waltham Parish Council have been received who recommend approval with measures to mitigate the impacts of traffic generation from the development.

Section 9, Paragraph 111 of the NPPF states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network are severe.' As part of this application, a Transport Assessment has been provided by the applicant which includes details of traffic generation connected with the development. The Highways Officer has reviewed the information in the Transport Assessment and the submitted plans and recommends that there would be no severe impact on highways grounds as a result or any highway safety concerns. This is subject to conditions on final access details and construction management. To assist the possibility of including the implementation of a Traffic Regulation Order is proposed for a school keep clear zone.

Regarding parking in terms of staff, the development is considered to provide adequate parking for the number of staff users and provides disabled access parking to accord with Policy 38 (Parking) of the NELLP. In terms of the promotion of sustainable transport, the applicant is required to produce a Travel Plan, and this is recommended to be secured through a planning condition in accordance with Policy 36 of the NELLP. Finally suitable provisions for electric vehicle charging have been incorporated into the site layout.

As noted, the planning application was deferred at Planning Committee on 29th November 2023 to allow for further investigation into providing a drop off facility, on-site parking provision, and the Traffic Regulation Order (TRO) implications and process

(condition 18).

In response the applicant has provided an additional supporting document which lists the mitigation measures explored in relation to highways issues, providing additional information to the Transport Assessment, and explaining the reasons why some options were not considered to be viable. The applicant has acknowledged that parent pull-in laybys and parent parking were issues raised for further investigation by the planning committee. The document therefore notes that parent pull-in laybys and parent parking on site were indeed discussed during the application process, and the report identifies several reasons why these were not considered viable for the development. This includes the view that drop of pull in bays in this location would not be practicable in highway operation terms causing conflict on the highway network. Moreover, it would not support the principles of sustainable transport. Parking within the site was ruled out as such an approach does not generally take place at schools and children safety concerns have been raised. The applicant also makes reference to a failed approach at Healing School where drop off was allowed within their parking area. There were highway safety and amenity issues and the approach had to stop. With Regard to the TRO the applicant makes reference to the proposed keep clear markings proposed as agreed with the Highways Officers and they are willing to accept the requirements on the granting of the required Order. It is reiterated that this is a separate process, but should it be agreed the highway restrictions will come into place. As a result, the suggested condition has been amended to make it more definitive.

The document submitted after the deferral goes on to state that the applicant reiterates that the application site has always been the one earmarked in Waltham for a school and that there is a requirement for it. Schools are noted as critical infrastructure and the Council agreed the principle of this provision through a Cabinet Report dated 9th March 2022.

Accordingly, having reviewed the documentation within the planning application and the recent supporting statement, it remains the view that the proposal is not considered to cause an unacceptable impact on highway safety, nor are the residual cumulative impacts on the road network considered to be severe. The proposal is considered to be acceptable on highway grounds and there are no reasons to sustain a planning objection on these grounds as it accords with Policies 5, 36 and 38 of the NELLP and Section 9 of the NPPF 2023.

#### 4) Impact on Neighbouring Land Uses

The proposed development is located within an established residential area. The site is bounded by residential properties on all sides; there are residential properties to the east at Archer Road, to the north at Woodhall Drive, to the south at Sunningdale and Turnberry Approach and to the west at Lindrick Walk. Some of the concerns highlighted relate to noise and disturbance from the school.

Policy 5 of the NELLP allows for an assessment of development and their impact upon

neighbouring land uses by reason of noise, air quality, disturbance or visual intrusion. Firstly, in terms of visual intrusion, the school building itself, which is the largest aspect of the proposal in terms of its physical presence, is separated from neighbouring properties. It is therefore considered that there are no adverse impacts in terms of massing, overshadowing or overlooking. The proposal incorporates fencing around its perimeter which is 2.4 metres. This is typical of fencing for schools and fencing at this height is not expected to cause any detrimental impacts to neighbouring residential amenity.

A Noise Impact Assessment has been provided as part of this application to allow for consideration of the impacts of noise and disturbance on neighbouring properties. Following on from this assessment, mitigation measures have been provided in the form of an acoustic fence to restrict noise from the playground. The council's environmental health department have reviewed the Noise Impact Assessment and mitigation measures and have raised no objections, subject to conditions to secure final details of the acoustic fencing, acoustic information for the ventilation units, and for the activity associated with the outdoor sports areas to be controlled through an appropriate condition. With the conditions in place, it is considered that there will be no adverse impacts in terms of noise and disturbance.

Lighting information has been provided and reviewed as acceptable. An Air Quality Statement has also been provided and has been reviewed by the Environmental Health Department as acceptable.

Sport England have commented to state that they have no objection to the proposal however have highlighted that ball strike should be considered along with any appropriate mitigation. A Risk Assessment has been provided which highlights the type of sports to be played, the nature of the community use and the boundary treatments. Although this is not a formal Ball Strike Risk Assessment it is considered that this addresses the potential issues and provides the relevant mitigation and therefore is considered acceptable in this instance. This has been accepted by Sports England who have no objections to the assessment.

Having regard to the above it is considered that the development is acceptable in terms of residential amenity under Policy 5 of the NELLP.

#### 5) Landscaping and Ecology

The proposal includes new tree, wildflower and hedge planting. A future habitat area has also been indicated at the north east corner of the site. The species and types of planting have also been included along with details of planting, aftercare and maintenance. The Trees and Woodlands Officer has reviewed the details and confirmed that the Landscaping Plan and associated details are acceptable.

As is required, a Preliminary Ecological Appraisal has been submitted evaluating the ecological constraints on the site. The report summarises some recommendations for ecological enhancement on the site in relation to the development. The Ecology Officer

has reviewed the report and concluded that they are satisfied with the assessment and recommendations made. Final details of the locations of the swift and bat boxes need to be included on a plan and details of the future habitat area to be submitted and approved. These conditions have been included.

It is recognised that significant public objection has been received on tree and hedge removal and on impact to ecology. The area has been used by the community for dog walking and as green space with a number of trees being planted. The comments have been reviewed. In response it considered that the proposed landscaping and ecological mitigation measures are acceptable in place of the removal of existing landscaping and accord with Policies 5, 41 and 42 of the NELLP.

#### 6) Community and Future Use

The playing field would be used for community use as per the requirements under Policy 43 of the NELLP. This approach is also supported by Sport England who consider that the wider sites housing delivery in this area would also create a wider demand for sport facilities. This is further identified within the NELC Playing Pitch Strategy to meet the sporting needs of the community.

The playing pitches included with the application have been confirmed to provide community use however only for smaller groups given the size of the overall proposal site. Larger groups have the ability to utilise the Tollbar Academy site. Furthermore, as a primary school facility the types of sports are limited to include rounders, athletics and football to be held in the centre of the field itself where possible.

#### 7) Flood Risk and Drainage

The site is not within a Flood Risk Zone and the Environment Agency have responded with no comments to make with regard to Flood Risk. The council's drainage team have been consulted on the proposals and have raised no objections to the sustainable drainage scheme provided, subject to a condition to secure final details.

With regards to flood risk and drainage, it is therefore considered that there are no detrimental impacts, and that the proposal accords with Policies 5, 33 and 34 of the NELLP.

### **CONCLUSION**

The proposed development is for a new primary school in the village of Waltham and it is located within an established residential area and on allocated land for education within the NELLP.

Due consideration has been given to the impact on the surrounding land uses, the highway network, drainage and flood risk and the visual amenity of the character of the area. This includes further consideration after the deferral of the application in November.

It is considered that the proposal is in full accordance with the Local Plan and is therefore recommended for approval in accordance with Policies 5, 6, 22, 33, 34, 36, 38, 39, 41 and 42 of the NELLP and Sections 6, 9, 11, 12, 14, 15 and 16 of the NELLP.

## **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 will be carried out in accordance with the following plans:

Proposed Fences and Gates - TD034-22 A012 B

Proposed Site Plan - TD034-22 A004 H

Landscape Plan - LP01\_060623\_AH

Proposed Site Plan Drainage Strategy - TD034-22 A007 A

Proposed Elevations - TD034 -22 A104 B

Proposed Floor Plan and Roof Plan - TD034-22 A103 A

Exterior Lighting - ASD-DN-MR-0523-030 R00

Site Location Plan - TD034 - A001 A

Reason

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

(3) Condition

Prior to the commencement of the development details of all external materials to be used in construction of the buildings shall be 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 Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(4) Condition

Prior to installation, final details of the drainage design and drainage calculations shall be submitted and approved by the Local Planning Authority. The development shall then be built out in accordance with the approved details and the drainage implemented prior to occupation.

Reason

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

(5) Condition

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

Reason

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

(6) Condition

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

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

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

Reason

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

(7) Condition

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

Reason

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

(8) Condition

The landscaping shall be carried out in strict accordance with the details on plan no. LP01\_060623\_AH. All planting shall be carried out in accordance with the approved details within 12 months of the date of commencement of the development or within such longer time as agreed in writing with the Local Planning Authority and all planting shall thereafter be maintained for a period of 5 years with all losses in that period replaced with the same plant and standard.

Reason

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

(9) 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 agreed.

Reason

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

(10) Condition

Prior to the commencement of construction works on site, detailed specifications of the type of piling/ground improvement/foundations to be used to support the

buildings/structures shall be submitted to the Local Planning Authority for approval. Included shall be a scheme to mitigate the effects of the design with particular regard to noise and vibration to the surrounding premises and pollution to the underlying chalk aquifer. The foundations shall be carried out/constructed in accordance with the approved details unless variations are approved in writing by the Local Planning Authority.

**Reason**

To protect the amenities of neighbours and to ensure the integrity of the underlying aquifer is not compromised in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

**(11) Condition**

The development shall proceed in strict accordance with the recommendations set out in the Preliminary Ecological Appraisal dated 30th November 2022 and before the following are installed and prior to use of any part of the school commencing, final details and locations of these shall be submitted to and approved in writing by the Local Planning Authority.

- Swift Boxes
- Bat Boxes
- Future Habitat Area

Once approved, the development shall proceed and be occupied in strict accordance with the agreed details.

**Reason**

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

**(12) Condition**

The development hereby permitted shall operate in accordance with the submitted Ball Strike Assessment dated 20/07/2023 unless otherwise agreed by the Local Planning Authority.

**Reason**

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

**(13) Condition**

Prior to the development being brought into use, a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. The scheme shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a

mechanism for review, all of which shall follow the hazard controls stated within the submitted Ball Strike Risk Assessment. The approved scheme once implemented shall be retained throughout the lifetime of the development.

Reason

In the interest of providing a community use in accordance with Policies 5 and 43 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(14) Condition

Prior to the use of the school commencing, final details of the acoustic fence following on from the principles detailed within TD034-22 A012 B shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall then be implemented prior to the use of the school commencing.

Reason

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

(15) Condition

No use of any part of the school hereby permitted shall take place until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The school hereby permitted shall then be used in accordance with the measures approved.

Reason

In the interest of promoting sustainable transport in accordance with Policy 36 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(16) Condition

The hours of operation of the outdoor sports pitches shall be restricted to:

08:00hrs to 16:30hrs - Monday to Friday

10:00hrs to 16:00hrs - Saturday and Sunday

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).

(17) Condition

Prior to any use of the development commencing, a scheme for Closed-circuit television (CCTV), shall be submitted to and agreed in writing by the Local Planning Authority. The

CCTV agreed shall be implemented in accordance with the details approved prior to any part of the school being used.

**Reason**

In the interest of the designing out crime in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

**(18) Condition**

The development authorised by this permission shall not begin until the local planning authority has approved in writing a scheme of off-site highway improvements to include a review of parking restrictions as a means of managing vehicle movements associated with the approved development leading to the submission of a Traffic Regulation Order application.

Once a Traffic Regulation Order be successful it shall be implemented within 6 months of the Order being confirmed unless otherwise agreed with the Local Planning Authority.

**Reason**

In the interests of highway safety reasons and in accordance with Policies 5 and 36 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

**(19) 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 and air source heat pumps including their acoustic performance. Such a scheme as approved shall be implemented in accordance with the details approved.

**Reason**

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

**Informatives**

**1 Reason for Approval**

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or residential amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular Policies 5, 6, 22, 33, 34, 37, 38, 41

and 42.

2 Added Value Statement

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

In accordance with the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to problems arising, by seeking additional information and amendments to respond to issues raised.

3 Informative

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

4 Informative

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

5 Informative

At least 6 months before works begin on site, you must contact Highways Management Team on 01472-324532 about forming a vehicular access within the existing highway.

6 Informative

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

7 Informative

The applicant's attention is drawn to the comments made by Northern Powergrid received and Humberside Fire & Rescue received

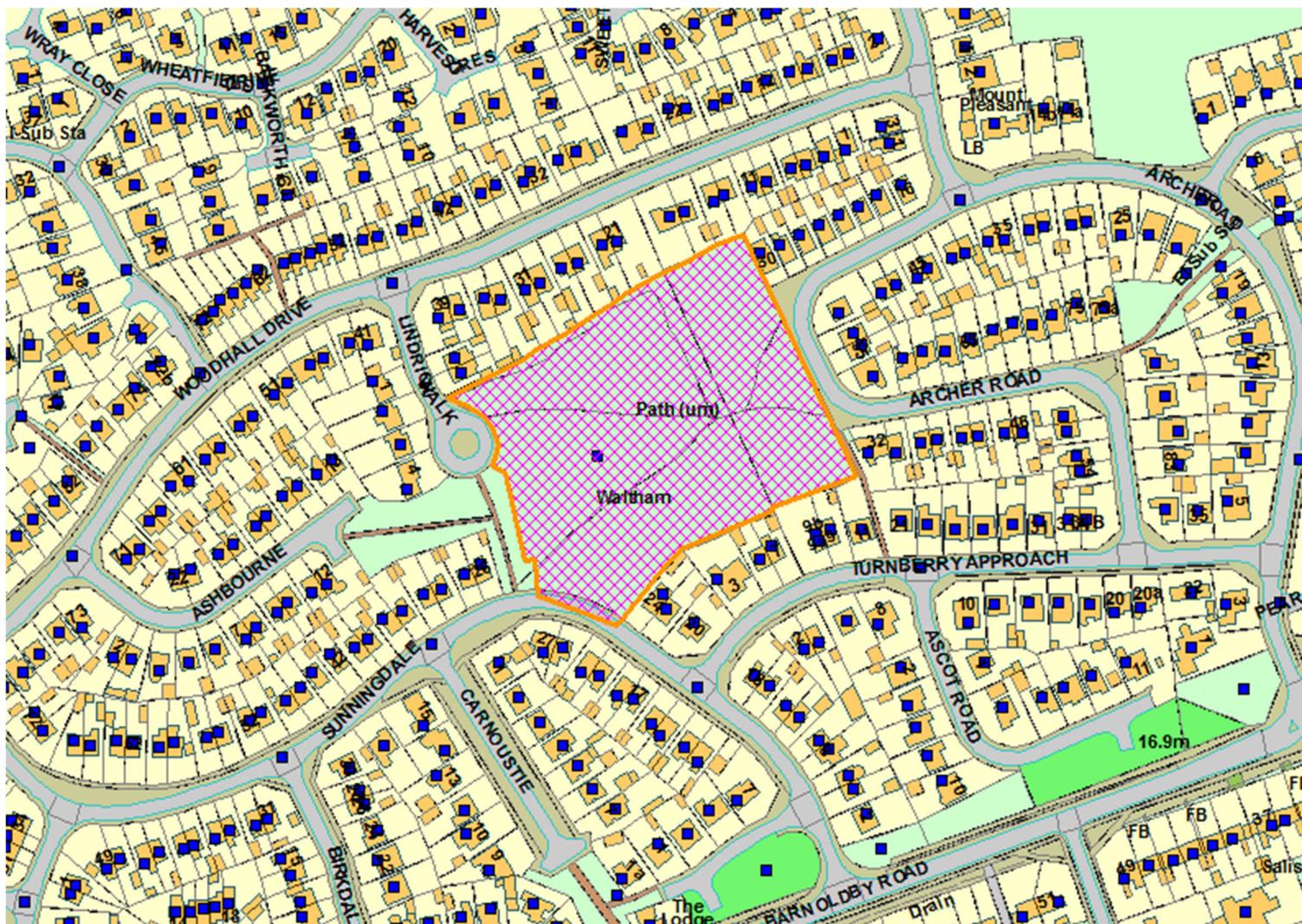
8 Informative

The applicant's attention is drawn to the recommendations made by Sport England in relation to playing field standards and methodologies and community use received

9 Informative

The applicant's attention is drawn to the following guidance New\_Schools\_2014.pdf  
(securedbydesign.com)  
[https://www.securedbydesign.com/images/SBD\\_New\\_Schools\\_Application\\_Form\\_V2.docx](https://www.securedbydesign.com/images/SBD_New_Schools_Application_Form_V2.docx) relating to secured by design.

DM/0448/23/FUL – LAND OFF SUNNINGDALE, WALTHAM



DM/0448/23/FUL – LAND OFF SUNNINGDALE, WALTHAM



**PLANNING COMMITTEE - 3rd January 2024**

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

**APPLICATION No: DM/0507/23/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: Healing Wells Farm, Wells Road, Healing, North East  
Lincolnshire, DN41 7QH**

**PROPOSAL: Construction of free range egg (poultry) unit including the erection of building with associated feed bins, hardstandings, drainage attenuation pond, access road (to Wells Road) and associated landscaping**

**APPLICANT:**

Mr Chris Baylis  
Sir Richard Sutton Ltd  
The Estate Office  
Stainton Le Vale  
Market Rasen  
Lincolnshire  
LN8 6HP

**AGENT:**

Mr Ian Pick  
Ian Pick Associates Ltd  
Station Farm Offices  
Wansford Road  
Nafferton  
Driffield  
YO25 8NJ

**DEPOSITED: 26th May 2023**

**ACCEPTED: 7th June 2023**

**TARGET DATE: 6th September 2023**

**PUBLICITY EXPIRY: 19th December 2023**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY:**

**CASE OFFICER: Richard Limmer**

**PROPOSAL**

Construction of free range egg (poultry) unit including the erection of building with associated feed bins, hardstanding's, drainage attenuation pond, access road (to Wells Road) and associated landscaping.

The proposed building measures 27m wide, 230m long, 3.5m to the eaves and 7.1m to the ridge with ventilation louvers that extend slightly above the ridge line. The development would house up to 60,000 laying hens. There would be 4 feed bins which measure 8.7m high.

Due to the scale of the development and the amount of chickens proposed, the development is EIA Development. The necessary Environmental Statement has been supplied.

Other works associated with the proposal are a 1.8m high fence around the free roaming area for the chickens, this space equates to some 32ha.

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

## **SITE**

The site is located within the boundaries of the applicants agricultural holding and forms part of an arable field within the unit. The proposed access to the site is from Wells Road via an existing farm track.

Some 400m to the north of the site, across arable farm land, is low farm which is a residential dwelling beyond which is the village of Stallingborough. Immediately to the east of the site is Healing Covert woodland, beyond this some 600m away are the residential properties along Stallingborough Road in the village of Healing. To the south east are residential properties on Wells Road, the closest of which are at Wells farm some 800m from the site. 500m To the south of the site is Wells Farm, which includes an intensive livestock unit for chickens, there is also a dwelling on the farm. 700m to the West of the site is a small cluster of residential properties; Mill Farm Cottages, Mill Farm House, Sunfields, The Mill, Mill Cottage and slightly beyond is Stallingborough Grange Hotel.

The land in the area is gently undulating arable farm land, split into large fields typically bounded with hedges and ditches. There are footpaths to the east of the site that connect Wells Farm to Mill Farm and Low Farm. These are both well used public rights of way.

## **RELEVANT PLANNING HISTORY**

DC/1706/04/IMM - Grain Store - refused and dismissed at appeal

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

### National Planning Policy Framework (2023)

- NPPF6 - Building a strong, competitive economy
- 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

PO6 - Infrastructure

PO22 - Good design in new developments

PO33 - Flood risk

PO39 - Conserve and enhance historic environ

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 Officer- no objections, recommend conditions and securing road widening.

West Lindsey DC - no objections.

Stallingborough PC - no objections.

Healing PC - no objections.

Trees and Woodlands Officer - no objections, final details of landscaping required.

Drainage Officer - no objections, final details of drainage required.

Environmental Health - no objections.

Environment Agency - no objections, an Environmental Permit will be required.

Natural England - no objections.

Fire Brigade - no objections.

Heritage Officer - no objections.

Anglian Water - no comments.

HSE - no objections.

Northern Power - no objections.

Rights of Way Officer - no objections

Neighbours

36 Maple Grove, Keelby  
16 and 78 Stallingborough Road, Healing  
Little Lindas  
Sunfields  
Wells Cottage  
Mill Cottage  
Mill Farm Cottage  
The Limes  
11 and 50 Wisteria Drive  
Highthorne  
Hill Crest  
24 Hornbeam  
The Windmill  
34 Larspur Avenue  
4 Acorn Close  
40 Poplar Road  
The Georgian House

The above neighbours have objected to the proposed development with detailed concerns over the following matters:

- Traffic generation and HGV movements
- Highway safety along Wells road due to the width of road and speed of traffic
- Highway safety on Wells Road due to the proposed access
- Odour and noise concerns
- Landscape and character of the area
- Drainage and flood risk
- Pollution

## **APPRAISAL**

Main Issues:

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

4. Heritage
5. Nutrient Neutrality
6. Highway Amenity
7. Drainage and Flood Risk
8. Ecology

## 1. Principle of Development

The site is located in the open countryside outside and well away from any defined development boundary associated with the villages of Healing and Stallingborough. The principle of development therefore sits with Part 3 of Policy 5 of the NELLP. Part 3 of Policy 5 seeks to ensure that development within the open countryside is appropriate for that location. The proposal is for a free-range egg production unit which is clearly an agricultural use and demands a significant amount of land. Part 3A of Policy 5 indicates that development proposals that support a prosperous rural economy should be supported, particularly where it promotes the development and diversification of agriculture. It is clear that the proposal accords with Part 3 of Policy 5 and is therefore considered to be acceptable in principle. The specific impacts of the proposed development are considered in the report below.

It is noted that the proposal is for the building and access and does not include the roaming area for the chickens. This is because the roaming area does not constitute development and the only physical works within this area is a perimeter fence 1.8m high which is permitted development. The roaming area also includes extensive landscaping which for the enrichment of the area for the chickens.

It is also noted that the proposed use will require an Environmental Permit to operate. This is acknowledged by the Environment Agency in their comments of the 23rd June 2023 where they also detail that they have not identified any major concerns about issuing a permit based on the information supplied within this planning application.

## 2. Impact on Neighbours

The proposed development in physical terms, i.e., the building and access, is located a substantial distance from all of the neighbouring residential properties and so they would not suffer any detrimental impacts from this aspect of the proposed development. The building and feed bins are of a large scale and so they may be visible to certain properties, but this does not mean that there would be an undue impact on their residential amenities.

In regard to the potential impact of odour from the development a detailed odour

assessment has been submitted as part of the proposed development and considered within the Environmental Statement. The report concludes that odours from the proposed development would not cause undue harm to the amenities of the neighbouring residential properties.

A detailed Noise Assessment has been provided and considered within the Environmental Statement. The Assessment considers the impact from noise from the development on the nearby residential properties. The Assessment concludes that there would not be an undue impact from noise on the nearby residential properties. It is noted that neighbours questioned the Noise Assessment and why only certain properties had been considered. This has been explained by the consultant and justified on the basis that the properties considered are those closest to the development and most likely to be affected. This is considered to be a reasonable approach to take.

The assessments acknowledge the requirement of a permit to operate from the Environment Agency and the NPPF, para 188 of the NPPF states:

'188. The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.'

No objections have been received from either NELC Environmental Health or the Environment Agency. The Environment Agency note the requirement of a Permit and provide advice on that matter.

The land use implications of the development have been comprehensively considered along with the emissions and the proposal is considered acceptable under Policy 5 of the NELLP.

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

The site is located in the open countryside which is characterised by open rolling arable land. Fields are divided by hedges and ditches and the land interspersed by pockets of woodland. To the east of the site is Healing Covert woodland, this is approximately 8ha of mixed mature woodland and screens the development from further east.

There are two public footpaths which run to the north, west and south of the site and provide closer views to the site and the development. There are also likely to be views from the north along Stallingborough Road and from the west along Riby Road. However, these views are likely to be glimpsing views through gaps in the hedgerows.

The proposal is for a typical agricultural building that homes chickens and there are other

examples of similar developments in the wider area, indeed Wells Farm to the south of the site has 2 such buildings albeit on a smaller scale (measure approximately 75m by 20m). Agricultural buildings of varying scales are commonplace around the area, this proposed building is relatively low at 7.1m to the ridge whereas some of the grain driers are much higher.

The proposal also includes landscaping outside of the red edge of the application site within the roaming area for the chickens. Whilst this landscaping is primarily for the enrichment of the roaming area it also helps screen the development. As such it is considered that a Grampian condition should be used to secure this landscaping for the benefit to the visual character of the area.

It is considered that the proposed development would not cause undue harm to the visual character of the area. The additional landscaping helps to screen the proposed building and should be secured by condition. The proposal therefore accords with Policies 5 and 42 of the NELLP.

#### 4. Heritage

A geophysical survey has been completed over the site to consider what potential archaeology may exist underground. This survey has been considered by the Heritage Officer and it is confirmed that it has not revealed anything of interest and therefore no further assessment work is required. This is in accordance with Policy 39 of the NELLP.

In regard to above ground heritage interests the site is located sufficiently far enough away from listed buildings to not affect them or their settings.

#### 5. Nutrient Neutrality

Poultry litter will be removed via a conveyor belt system with one either side of the unit and emptied into trailers outside the building twice a week. The unit will have powered ventilation with climate control system ventilation via side inlets within the roof ridge mounted high velocity extraction fans. This helps create a dry internal environment with litter moisture content below 40% thereby ensuring low odour/ammonia emissions and conditions unsuitable for fly breeding. These are modern climate control systems with low decibel output. The manure will be covered immediately when being transported away.

The application has been submitted with an Ammonia Emissions Impact Assessment which includes assessment of Nutrient Nitrogen. These assessments have been undertaken using guidance and advice from Natural England and the Environment Agency. Both of these bodies have been consulted as part of the Planning process and no objections have been received. The Environment Agency note the requirement for a permit to operate the proposed development. Natural England have not offered any comments on the proposed development. It is also noted that the Environmental Health team have not objected to the proposed development. It is therefore considered that the proposed development is acceptable in regard to Nutrient Neutrality in accordance with

the NELLP and the NPPF.

## 6. Highway Amenity and Safety

It is noted that many of the comments received from the community express detailed concerns over the potential impact on highway safety and amenity due to traffic generation and the suitability of Wells Road to accommodate additional traffic.

The proposed site entrance is located approximately 750m along Wells Road from Stallingborough Road. Throughout this length Wells Road is of limited width of approximately 4.3m and has a weight restriction on it. At the site entrance it is national speed limit, but this drops to 30mph close to Healing.

It is noted that proposals like this generate a low level of traffic movements, in this instance it is 15 two-way HGV movements a week. By the very nature and requirements of the type of development it is in a rural area and the roads that give access are not always main roads. Wells Road already provides access to various agricultural installations.

The proposal includes alterations to the site access onto Wells Road to enable two HGVs to pass within the site and the first 36m to be hard bound to stop debris spreading onto the highway. Three passing places are also proposed along the access track.

Through negotiations with the Highways Officer additional mitigation has been agreed to be delivered. This includes improvements to Wells Road east bound from the site to widen it in two places to create sections 20m long and at least 5.5m wide to allow HGVs to pass safely. To address concerns about traffic heading west along Wells Road and coming from the west, the Highways Officer have recommended a condition for a routing agreement to control HGV traffic accessing and egressing the site. This would ensure that HGV traffic goes from the site along Wells Road to Stallingborough Road and then to either the A180 or Riby Road to the A18.

With the inclusion of the proposed mitigation measures it is considered that the proposed development is acceptable and would not have a detrimental impact on highway safety and amenity. Part of this consideration is that the proposed development requires a countryside location, and such installations are common with similar access arrangements. The amount of HGV traffic generated is not significant at only 15 two way trips a week. Subject to the imposition of the relevant conditions to cover the matters noted the proposal therefore accords with Policy 5 of the NELLP.

## 7. Drainage and Flood Risk

The site for the building is located in Flood Zone 1 and outside of any identified area of surface water flooding. However, the access track does run through an area of Flood Zone 3 associated with Old Fleet Drain. In this area the access track is not altered at all, and the development is not put at risk.

The proposal has included a surface water drainage strategy which utilises a new attenuation pond to control water flows and quality. The final details of this strategy can be secured by condition to ensure that the development does not increase the risk of flooding either on the site or downstream. With the inclusion of this condition, it is considered that the proposed development would accord with Policy 33 of the NELLP.

## 8. Ecology

The application has been submitted with a detailed Ecology Survey as appendix 4 of the Environmental Statement. This considers the site and the Ecological value of it. It considers protected species and how to mitigate any particular impacts on them. The Council Ecologist has reviewed the survey and has not expressed any concerns but agrees with the recommendations and has suggested conditions to secure them. It is therefore considered that the proposed development accords with Policy 41 of the NELLP.

## CONCLUSION

In conclusion, it is considered that the proposed development accords with Policies 5, 6, 33, 39, 41 and 42. There would not be a detrimental impact on neighbours' amenities, the visual character of the area, ecology, highway safety and amenity, heritage and biodiversity. It is therefore recommended that the application is approved.

## 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:

IP/RSL/01 Rev B Site location plan

IP/RSL/02 Block plan  
IP/RSL/03 Elevations and plan views  
IP/RSL/04 Free range area and planting plan  
25075-01 Access and Tracking plan

Reason

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

(3) Condition

Development shall not begin until details of all external materials to be used in construction of the buildings 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 Policies 5 and 22 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 development shall then be built out in accordance with the approved details.

Reason

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

(5) Condition

The scheme of landscaping and tree planting shown on drawing ref: IP/RSL/04 and in the Range Area Planting, Management and Maintenance Strategy 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 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted

2018).

(6) Condition

No external lighting shall be installed on site unless details of such lighting, including design, location, the intensity of illumination and fields of illumination, have been first submitted to, and approved in writing by, the Local Planning Authority. Any external lighting that is installed shall accord with the details so approved.

Reason

In the interests of the character and appearance of the development, the visual amenity of the area in which it is set, and as part of ecological enhancement for the site in accordance with Policies 5 and 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(7) Condition

Prior to the hereby approved development coming into use details of how waste will be managed and removed from the site shall be submitted to and approved in writing by the Local Planning Authority. This shall have particular regard to odour management and containment. The development shall then operate in accordance with the approved details.

Reason

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

(8) 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);

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).

(9) Condition

Prior the hereby approved development first coming into use a detailed Traffic Routing Agreement shall be submitted to and approved in writing by the Local Planning Authority. The approved Traffic Routing Agreement shall then be fully implemented throughout the lifetime of the development.

Reason

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

(10) Condition

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

Reason

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

(11) Condition

No part of the development hereby permitted shall be brought into use until the private drive /access road is surfaced in a hard bound material (not loose gravel) for a distance of at least 15m behind the Highway boundary and the access improvement works as detailed on plan ref:25075-01 have been fully completed. It shall then be maintained in such hard bound material for the life of the development.

Reason

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

(12) Condition

The development shall be carried out in full accordance with the Recommendations set out in the Preliminary Ecological Appraisal (Appendix 4 of the Environmental Statement dated March 2023).

Reason

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

(13) Condition

Prior to development commencing full construction details of the improvement works to Wells Road, detailed on plans ref: Localised Widening Dimensions (August 2023) and Location Plan (August 2023), shall be submitted to and approved in writing by the Local Planning Authority. The improvement works shall then be fully completed prior to the hereby approved development first coming into use.

Reason

In the interests of highway safety and amenity in accordance with Policy 5 of the North East Lincolnshire Local Plan 20133-2032 (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, 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 addressing issues as they arose in the planning process.

3 Informative

Advice to applicant - requirement for an environmental permit

The proposed development will require a permit under the Environmental Permitting Regulations 2016 owing to the number of poultry expected on site. We have not identified any major concerns about issuing a permit for this development based upon the current information submitted in support of this planning application.

The applicant should contact our Pre-Application Service to request an ammonia screen at an early stage before a permit application can be submitted. This service is still classed as 'basic advice' and is currently free. To request a pre-application ammonia screen, the Applicant will need to complete and submit an online form. This can be found on our

website using the following link: <https://www.smartsurvey.co.uk/s/ULR36Z/>.

Please note the form is used for a variety of different installation activities, so please select the options relevant for intensive farming installations.

Further information on our Pre-Application Service can be found on our website here:

<https://www.gov.uk/guidance/get-advice-before-you-apply-for-an-environmentalpermit>. Further information on environmental permits for intensive farming can be found here: <https://www.gov.uk/guidance/pigs-and-poultry-intensive-farmingenvironmental-permits> Advice to applicant - Non-mains drainage.

We would also note that the use of a package treatment plant without a permit would require that all the general binding rules that apply to them are met:

- The discharge is less than 2 cubic metres per day to ground or 5 cubic metres to flowing surface water.
- It is only domestic sewage.
- The sewage has received treatment from a septic tank or sewage treatment plant.
- The system is installed and operated in accordance with the manufacture's specification.
- The discharge does not cause pollution of surface water or groundwater.

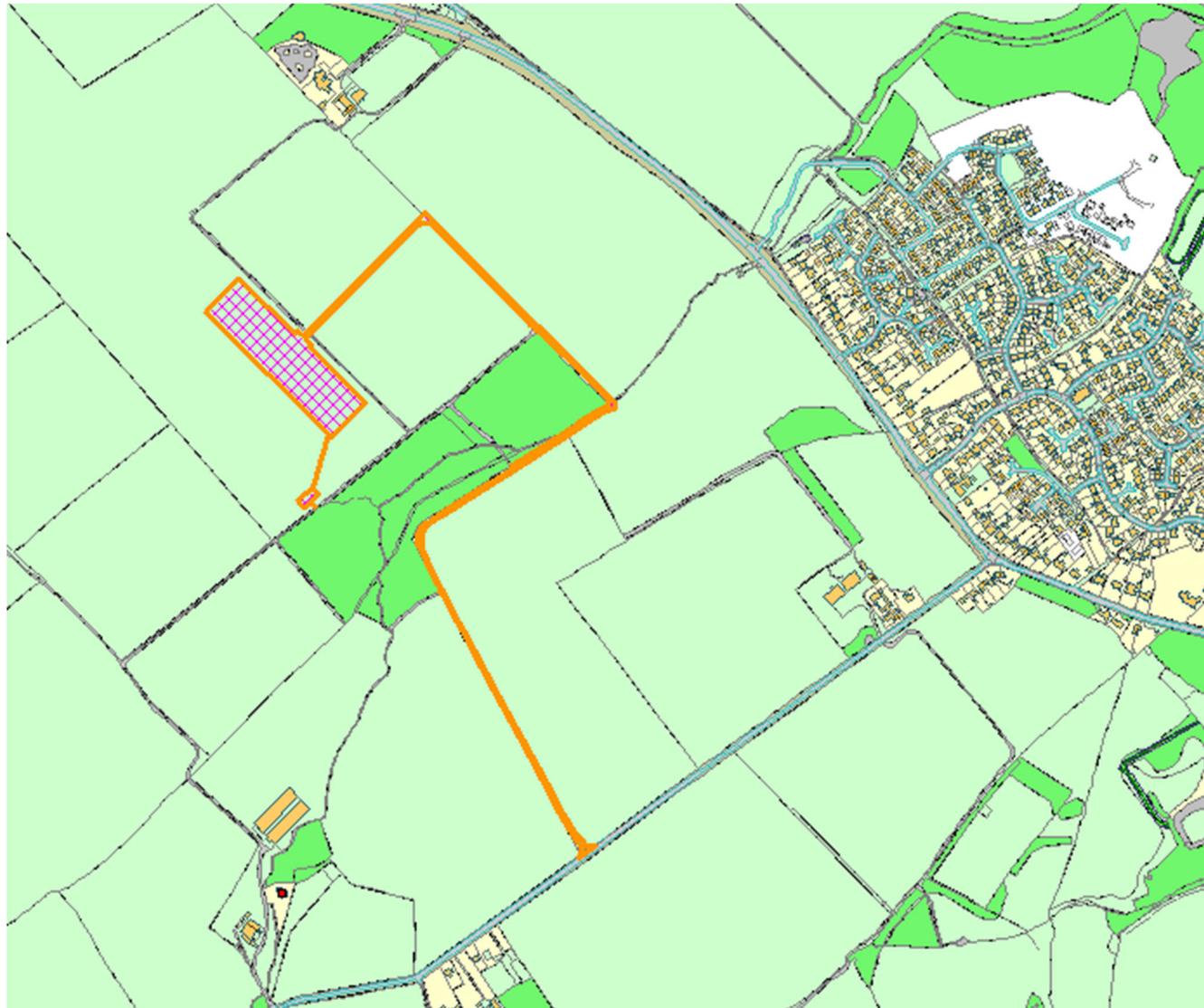
Information on our General Binding Rules requirements can be found here:

<https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-the-ground>. If these requirements cannot be met, then a permit will be required.

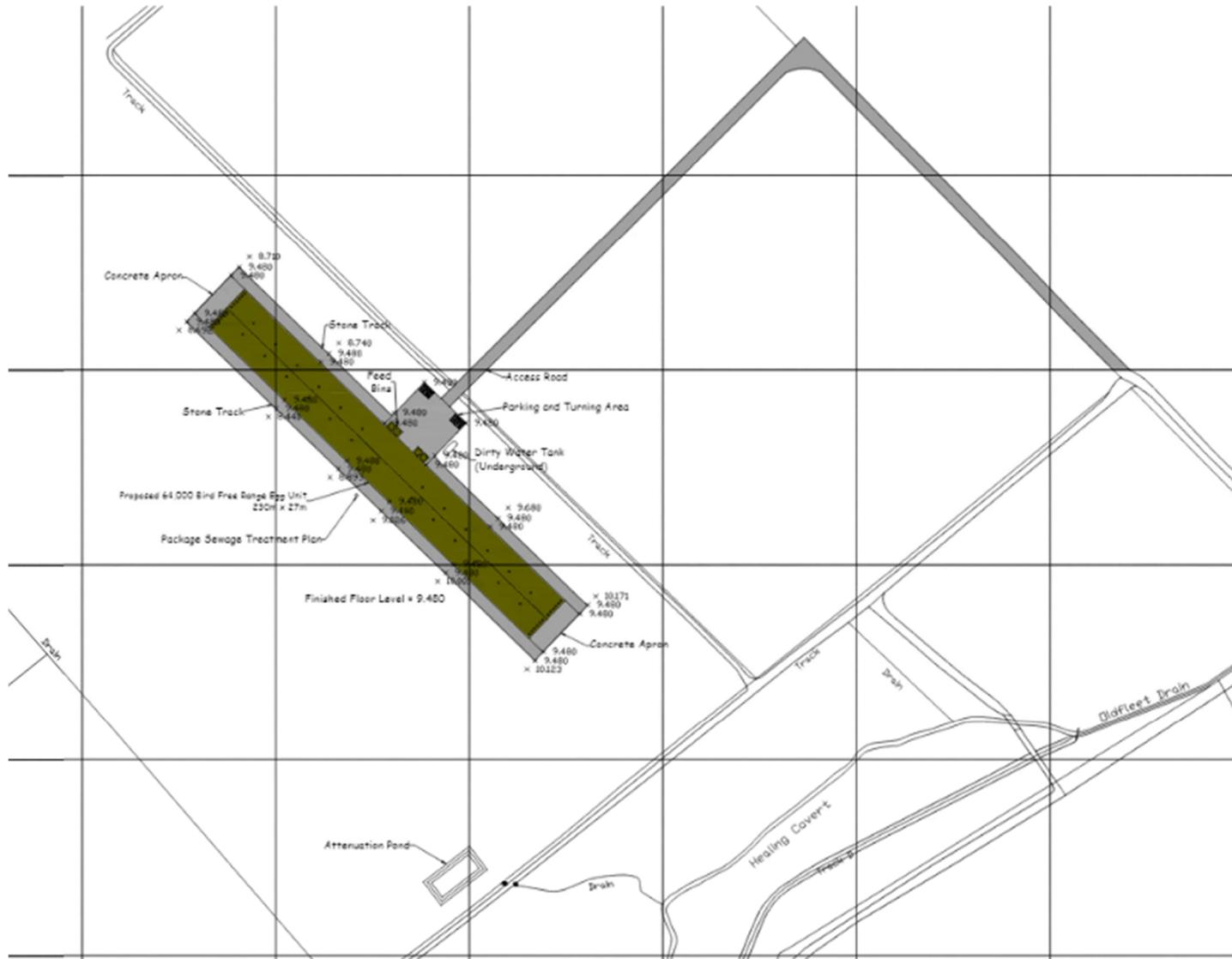
#### 4 Informative

The applicant should be aware of the comments of Northern Power dated 8th June 2023.

DM/0507/23/FUL – HEALING WELLS FARM, WELLS ROAD, HEALING



DM/0507/23/FUL – HEALING WELLS FARM, WELLS ROAD, HEALING



**PLANNING COMMITTEE - 3rd January 2024**

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

**APPLICATION No: DM/0864/23/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: Grimsby Ice Factory, Fish Dock Road, Grimsby Docks, Grimsby, North East Lincolnshire,**

**PROPOSAL: Restoration, extensions, alterations and conversion of the Ice Factory North and South buildings to provide office, conference, events and leisure floorspace, food and beverage floorspace, construction of a new internal access road with servicing and delivery provision and public realm works, car, coach and cycle parking facilities and associated and ancillary works**

**APPLICANT:**

IF 1900 Ltd  
C/o Agent  
DP9 Ltd  
London  
SW1Y 5NQ

**AGENT:**

Mr Nathan Hall  
DP9 Ltd  
Dp9 Planning Consultants  
100 Pall Mall  
London  
SW1Y 5NQ

**DEPOSITED: 1st September 2023**

**ACCEPTED: 7th September 2023**

**TARGET DATE: 7th December 2023**

**PUBLICITY EXPIRY: 27th October 2023**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 2nd October 2023**

**CASE OFFICER: Cheryl Jarvis**

**PROPOSAL**

This application seeks full planning permission for 'restoration, extensions, alterations and conversion of the Ice Factory North and South buildings to provide office, conference, events and leisure floorspace, food and beverage floorspace, construction of a new internal access road with servicing and delivery provision and public realm works, car, coach and cycle parking facilities and associated and ancillary works'. Some internal removal/demolition works are included.

The predominant use would be as offices, but the applicant has indicated the need for flexible use. In terms of the proposed events space, this has the potential to cater for small, medium and large events from professional conferences and awards nights to music events, ranging from potentially 150 visitors to 1000. The frequency of which is set out in the 'Planning Note'.

An extension is proposed to the south building to create a new entrance, with associated access. Additionally, two new bridges are proposed at first floor to connect the two buildings. An extension at roof level is proposed to the south building.

The existing basements in the north and south buildings are essentially voids, though limited information is available about their condition. In the south building, the basement is proposed to be utilised for storage and for a number of WC's. In the north building, the basement is proposed to be utilised for WC's and shower rooms.

The existing ground floors in both the north and south buildings are made up of a series of compressor rooms, ice tank rooms, condenser rooms, the boiler house, ice store and managers suite. The ground floor in the south building is proposed to include a number of elements including food and beverage (with kitchen), retained compressor room, plant rooms and events space with stage.

The ground floor in the north building is proposed to include offices, WC's, a bike store and a security office.

The existing first floors in both the north and south buildings are made up of largely the tank ice tank areas, conference room, managers suite and voided areas. The first floor in the south building is proposed to include offices, WC's and a terrace. The first floor in the north building is proposed to include offices, WC's and a terrace. The existing conveyor structures will be reinstated as part of a new bridge structure at first floor level projecting east over Gorton Street from the south building.

The existing roof of the south building houses the water tank. The proposed roof plan includes the relocated water tank and new compressor room. A new refrigeration meeting room would also be created. New rooflights are proposed to the roofs of both buildings with areas also allocated for plant and PV panels.

The application is brought to planning committee given the nature of the planning uses proposed, in an out of town centre location.

## **SITE**

The Ice Factory is a dominant and imposing grade II\* listed building on Grimsby Docks. It forms a beacon on the landscape as a remnant of the former fishing industry which used to dominate the landscape. The equipment within forms a rare surviving example of the ice making process used to support the fishing activities on the dock.

The site comprises of the north and south buildings which are separated by Parker

Street. Each portion of the building is approximately three storeys in height with a later addition to the south; also three storeys. The buildings are constructed of red brick and the roof historically was slate. The declining condition of the building is noted by its physical presence on site but also by its inclusion on Historic England's 'Heritage At Risk Register'.

The docks has seen a transition over the last few years with its expanding operations and maintenance offer which supports the offshore wind industry, supporting the 'Energy Estuary' but also developments on the Kasbah. These are changing the dynamic of the dock providing a positive future re-use of its vacant land and buildings. Newer buildings are inherently more modern in their form and appearance, but there remains a number of historic buildings and warehouses which continue to collectively add to the dock character.

The Kasbah Conservation Area is to the north of the site.

## **RELEVANT PLANNING HISTORY**

The most relevant applications to this submission include:

Tandem Application DM/0865/23/LBC - Restoration, extension, alterations and conversion of the Ice Factory North and South buildings to provision office, conference, events and leisure floorspace, and food and beverage floorspace, alongside the construction of a new internal access road with servicing and delivery provision and public realm works, and the delivery of car, coach and cycle parking facilities, alongside all associated and ancillary works. Pending Consideration.

DM/0358/23/LBC - Listed Building consent for the removal of the existing upper floor structures in the Ice factory north and south buildings, along with a number of columns and loose finishes at the current access levels on the ground floor. Approved with Conditions.

DM/1001/22/CND - Details in Discharge of Condition 7 (Roof Replacement) following DM/0641/21/FUL. Conditions Part Complied With.

DM/0520/22/CND - Details in discharge of conditions 4 (Methodology statement) and 5 (Watching brief) attached to application DM/0641/21/FUL. Conditions Part Complied With.

DM/0519/22/CND - Details in discharge of conditions 4 (Methodology statement) and 5 (Watching brief) attached to application DM/0642/21/LBC. Conditions Part Complied With.

DM/0400/22/CND - Details in Discharge of Condition 9 (Construction Management Plan) pursuant to DM/0641/21/FUL. Conditions Part Complied With.

DM/0316/22/LBC - Listed Building Consent to remove existing brickwork to provide new access into main production area of the Ice Factory. Approved with Conditions.

DM/0315/22/FUL - Remove existing brickwork to provide new access into main production area of the Ice Factory. Approved with Conditions.

DM/0642/21/LBC - Listed Building consent - Remedial works to the Ice Factory including the insertion of security doors and timber boards to ground level and upper openings; removal of existing coverings to pitched roof areas; replacement of flat roof coverings with liquid applied system; replacement of existing glass from windows with translucent Perspex; replacement of existing rainwater gutters and downpipes; the removal of ice tanks 1, 2, 4 and part of ice tank 3 with deteriorated steel support and installation of perimeter structure and truss; and other associated works in accordance with additional supporting information received by the Local Planning Authority on 9th September 2021. Approved with Conditions.

DM/0641/21/FUL - Remedial works to the Ice Factory including the insertion of security doors and timber boards to ground level and upper openings; removal of existing coverings to pitched roof areas; replacement of flat roof coverings with liquid applied system; replacement of existing glass from windows with translucent Perspex; replacement of existing rainwater gutters and downpipes; the removal of ice tanks 1, 2, 4 and part of ice tank 3 with deteriorated steel support and installation of perimeter structure and truss; and other associated works in accordance with additional supporting information received by the Local Planning Authority on 9th September 2021. Approved with Conditions.

DM/0810/19/CND - Details in Discharge of Condition 3 (Structural/Historic Record) pursuant to DM/0407/18/LBC (Listed Building Consent for temporary removal of conveyors). Ongoing.

DM/0407/18/LBC - Listed Building Consent for temporary removal of conveyors. Approved with Conditions.

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

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

- NPPF1 - Introduction
- NPPF2 - Achieving sustainable development
- NPPF4 - Decision-making
- NPPF6 - Building a strong, competitive economy
- NPPF7 - Ensuring the vitality of town centres
- NPPF9 - Promoting sustainable transport
- NPPF11 - Making effective use of land
- 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  
PO7 - Employment allocations  
PO8 - Existing employment areas  
PO10 - Office development  
PO11 - Skills and training  
PO12 - Tourism and visitor economy  
PO22 - Good design in new developments  
PO23 - Retail hierarchy and town centre develop  
PO29 - Social and cultural places  
PO31 - Renewable and low carbon infrastructure  
PO33 - Flood risk  
PO34 - Water management  
PO36 - Promoting sustainable transport  
PO38 - Parking  
PO39 - Conserve and enhance historic environ  
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**

SAVE Britain's Heritage - Comprehensive comments on the proposal. Support the view of heritage professionals that these proposals have potential subject to being completed sensitively. Support the proposals in heritage terms.

Secured by Design/Police - No objections, advise on security and secured by design requirements.

Anglian Water - No objections. The existing systems have the capacity for the foul and sewerage flows arising from this proposal. Considers the surface water drainage strategy and the discharge rate to be acceptable. Requests that these details are conditioned. Informative advice on connections to their network are also provided.

Northern Powergrid - Provide informative advice on their assets.

Environment Agency - No objections, requests a condition securing implementation of flood risk mitigation measures. Advises that a Flood Warning and Evacuation Plan for the site be prepared. This needs to capture the basement.

Drainage - The proposed surface water discharge rate is acceptable. A full sustainable surface water drainage system is required and a condition in this respect is recommended.

Ecology - No objections. Is satisfied with the Preliminary Ecology Report and HRA assessment, mitigation measures, and the conclusions. Recommends conditions for a CEMP and for enhancement measures. The development must comply with the recommendations of the Ecology Report. Further confirms that the proposal is not expected to result in adverse recreational disturbance.

HSE - Acknowledgement that the hazardous zone has now been revoked. Await updated HSE consultation maps, showing removal of HSE consultation zone.

Humberside Fire and Rescue - Advise on requirements for water supplies and access for firefighting.

Cadent Gas - No objections. Informative note advised regarding their assets.

Trees and Woodlands Officer - Green walls and roofs should be considered, especially given the links to renewable energy on the docks.

Environmental Protection - Recommends hours of construction and the submission of demolition and construction management plans. Conditions relating to contaminated land and ventilation are advised. Accept the findings on air quality, odour and noise and suggests recommended measures are implemented. Informatives are recommended relating to asbestos.

Victorian Society - Support the adaption, restoration and re-use of the building. Detailed commentary on the status of the building and its content. Considers every effort must be taken to retain as much of the ice manufacturing equipment as possible to understand the historic process. Raises concern over the loss of columns in the ice tank room and questions whether the proposals in this respect could be progressed further. These were important to the proportionality of the rooms. Greater retention of columns should be considered. Requests one of the truncated proportions remains. No objections are raised.

Grimsby Heritage Action Zone Manager - Fully supports the proposals which would see this iconic landmark sustained for the longer term, supporting the wider docks and its regeneration. The proposals are well considered and sympathetic, retaining historic fabric where possible whilst allowing fit for purpose re-use.

Highways - No objections are raised, following the submission of further information. Concurs with the findings of the Transport Assessment. Recommends conditions relating to construction traffic management and the submission of a travel plan.

Heritage Officer - Detailed response noting the building's status and condition and the applicants commitment thus far to secure immediate and necessary repairs to the building. Wholeheartedly supports the principle of new uses, and bringing the building back into use. The proposals will retain enough machinery to ensure a coherent story of how the factory worked as part of the end to end ice making process. Such proposals would benefit the wider Kasbah Conservation Area. Considers there are no significant impacts likely to archaeology and no works are recommended on this basis. Generic comments have been provided on the scheme particulars and conditions have been recommended relating to building recording, materials, finishes and reinstatement works.

Historic England - Comprehensive response. In summary supports the application on heritage grounds. The proposal would deliver significant heritage regeneration, with wider strategic public and economic benefits. Consider that the Ice Factory's symbolic value for Grimsby would be transformed and safeguarded by the proposed scheme.

Natural England - Advises that further information on recreational disturbance in the HRA is required, but confirm that the mitigation and measures outlined in the HRA relating to surface water and construction are acceptable and these should be conditioned.

#### Public Representations:

152 Rutland Street - Neutral Comment. Welcomes positive reuse of the ice factory and investment into the docks. Is concerned that the community of East Marsh will be excluded from developments adjacent their community and the social and economic impacts. Given the unfriendly checkpoint on the docks suggests that perhaps work on relationships is required. Considers the rebuild uninspiring (part of separate application).

Europa Nostra - Support. Recognise the challenges around repurposing the building. Deterioration provides evidence of risk to the buildings significance. Note the considerable merit in the scheme, which will yield substantial public and heritage benefit.

Glenlyon Real Estate - Support. Excellent opportunity to improve the local area and create additional jobs and increased business and revenue to the area.

Board of Directors of Grimsby Fish Dock Enterprises Limited - Support. Opportunity to develop the docks and act as a catalyst for further development and business in the area and to build upon the largest Operations and Maintenance base for offshore renewable's in Europe. Caveats that the existing use for offshore and renewable's and fish sales should be preserved. Considers heavy movements from existing industry on the highway should be taken into account, as should impacts from fish odours which need to be accepted. Considers there may be a conflict in terms of leisure/events and the operation

of a commercial dock in terms of security. Appropriate security measures will need to be considered. Such issues could be resolved. Look forward to working with all parties in respect of this project.

Great Grimsby Ice Factory Trust (1 Bargate Court, Grimsby)- Support. Considers the entry into their south building via the compressor house will be stunning. The Trust applauds the intension to retain a sense of the building and its machinery, whilst allowing reuse. Results in a sustainable re-use.

Further support letters received from the following addresses:

- 31 Glebe Road, Scartho (East Marsh United)
- 152 Rutland Street (CEO East Marsh United)
- 30 Oole Road, Cleethorpes
- 57 Balham New Road. Balham, London
- Alfred Enderby Maclure Street, Grimsby
- 6 Esk Close, Lincoln (Founder Member of and Committee Member Humber Cruising Association)
- 55 Cherry Tree Crescent, Grimsby
- 4 Vicarage Lane, North Newbald

Broadly on the basis of:

- Reconnecting the East Marsh and the docks
- Saving Grimsby's history and heritage, being an icon for the region
- Positive regeneration project which is visionary
- Pivotal building to the docks and its former industry
- Growth opportunity and innovation in Grimsby recognising its the largest and leading Operations and Maintenance (O&M) Port for Offshore Wind in the world
- Supporting local experience and talent pool

## **APPRAISAL**

The Material Considerations are:

1. Principle of Development
2. Design and Heritage
3. Local Amenity
4. Access and Highways
5. Drainage and Flood Risk
6. Ecology
7. HSE
8. Security
9. Other Matters

## 1. Principle of Development

The site is located on the operational port and the buildings form a very important part of the legacy of the former fishing industry in Grimsby and are Grade II\* Listed Buildings. The proposal is for a change of use of the buildings with a number of alterations and extensions to create a mixed use destination primarily as offices but also for leisure and events. Remedial works to the buildings to make them wind and watertight have already gained approval under earlier planning applications.

Policy 5 is the generic policy for new development proposals, there is nothing in this application; subject to an assessment of the site specific impacts, that raises an in principle conflict under Policy 5.

Being on the operational port Parts 3 and 4 of Policy 7 apply. Whilst typically the policy supports port related uses on the operational port, it goes on under Section 4 to state that a diversification of uses will be supported where development is proposed on land that is surplus to port requirements and the proposal use would accord with the development plan as a whole and would not conflict with port operations. It is important to note that ABP have sought to sell this site on the basis that it is surplus to their requirements. Importantly the site has not been in use since around 1990 and its declining condition is evident and noted by its inclusion on Historic England's Heritage At Risk Register. Such factors are material in determining a positive and sustainable use for this building which is Grade II\* listed. Furthermore, It should be stated that the uses proposed in this application are not to sit in isolation and indeed, are designed to support wider dock diversification and investment in terms of the future of the docks for O and M for example. The consideration of the wider compliance with the plan as a whole and the impact on operational efficiency will be addressed in further sections of this report, but in principle there is no conflict with Policy 7 in this regard.

Policy 8 relates to employment areas, which this area forms a part of. The proposal would generate significant employment and investment into the local area and is therefore considered compatible on this site under Policy 8 in principle.

Policy 10 relates to new office development which would form a large part of this proposal. Understandably it seeks to encourage offices within town centre locations. For offices outside of town centres it requires a sequential approach for development exceeding 500sqm of floor area. As stated above, at the heart of this proposal is the need to secure a viable re-use for this important Grade II\* listed building which is 'at risk'. Sequentially, this form of regeneration and re-use cannot be located elsewhere to allow the important regeneration and re-use this proposal brings. It is this reason why sequentially the location is justified. The docks are not too distant from the town centre and are indeed an important node from the town centre, via the heritage trail over corporation bridge, King Edward Street and then onto the docks. The routes of which are all being developed and reinforced through Masterplans and individual proposals. These complement the town centre rather than detract from them. Such investment and use is essential to the redevelopment of this area and is considered something which is to be

expected at an important port such as Grimsby which is a major hub for the off shore wind renewable industry. It is not considered that the viability of Grimsby Town Centre would be undermined as a result.

Policy 12 encourages tourism and improvements to the visitor economy which this development would equally support. Under 'I' it would also protect and enhance a place of historic character by its re-use and under 'K' raise the profile of the area at a regional and national scale, contributing to the wider economy of NELC.

Policy 23 is the overarching policy which seeks to direct retail and leisure uses in particular into town centre locations. Much of the above is reiterated in terms of the need to re-use this building and be flexible enough to ensure its long term sustainability. As such, the uses cannot be located elsewhere in the town centre to achieve the same heritage benefit. The site as described is not too distant from the town centre and through this application will result in greater public accessibility to this site but also the wider Kasbah area and help to support the Council's aspirations of improving connectivity between the Docks and the town centre. The nature of what is proposed would not likely undermine or compete with the town centre but rather support the making of the place of 'Grimsby' through major regeneration. Moreover, weight must be given to the scale of this asset and the challenges of achieving an optimum viable use. This is why it includes a wide range of uses. Such areas can be difficult to occupy and the events space in particular (for up to 1000 people) would help to optimise the use of the building and respond to its important historic character. It is on this basis that the proposal is justified.

Policy 29 supports social and cultural places, which promote social interaction through mixed use development which this proposal would provide.

Thus, there are no in principle issues under Policies 5, 7, 8, 10, 12, 23 and 29 of the NELLP and it falls to judge the application on the site specific matters discussed below.

## 2. Design and Heritage

Policies 5 and 22 of the NELLP seek to ensure proposals are compatible within an area and are of good design. Good design is further echoed in Section 12 of 2023 NPPF.

Policy 39 is the overarching heritage policy in the NELLP, it states 'proposals for development will be permitted where they would sustain the cultural distinctiveness and significance of North East Lincolnshire's historic urban, rural and coastal environment by protecting, preserving and, where appropriate, enhancing the character, appearance, significance and historic value of designated and non-designated heritage assets and their settings'. This is supported by Section 16 of the 2023 NPPF.

As stated, the Ice Factory is a Grade II\* listed building. It is internationally significant as a remnant of the former fishing industry in Grimsby and more specifically the ice making process. The building is in a very poor declining condition and this application seeks permission for its re-use but with alterations and extensions to facilitate this. Para 194 of

the NPPF requires the applicant to assess the significance of the asset. The application is supported by a thorough Heritage Assessment which assesses the buildings significance in detail and a Structural Survey. Through recent interventions, more knowledge about the building and its condition have been able to be obtained and this is an evolving process as further access into the buildings can be obtained.

Given the importance of the asset and the nature of the works involved there has been extensive dialogue between the relevant officers, the applicant, the Heritage Officer and Historic England. This has also extended out to The Victorian Society who have also visited the site in response to the proposals.

Para 200 of the NPPF states that any harm to designated assets should require clear and convincing justification. Inevitably given the condition of the building and what is salvageable the proposals are extensive, but have been sympathetically considered against the significance of the areas and features which are impacted but also their necessity to facilitate re-use. Historic context has been considered in detail as has the history and development of the building and its historic equipment which again, forms a key part of the buildings significance. Extensions and additions through the new entrance are appropriate in scale and design. External changes to the elevations are well considered and proportionate. A key part of the building is its compressor room at ground level which retains a number of key machinery. This is proposed to be retained in situ which will ensure future generations can experience and understand the importance of the buildings former use. From a Heritage perspective it should be noted that no objections have been raised by the Heritage Officer, Historic England or the Victorian Society. Moreover, written letters of support from other heritage bodies including SAVE Britain's Heritage, Europa Nostra, Grimsby Heritage Action Zone Manager and Great Grimsby Ice Factory Trust have been received. Where alternative options have been highlighted, these have been considered in detail by the applicant and a justified response provided.

In accordance with para 202 of the NPPF it is considered the works are necessary and are justified in the interests of ensuring the building and its legacy can be preserved. As the project is evolving there is a need for close engagement with heritage professionals on the detail which is outlined via the attached conditions. Retaining as much of the historic machinery is at the heart of that and allowing a full end to end of the ice making process to be read and understood.

In relation to the potential for archaeology, a Desk Based Archaeology Assessment has been provided. In assessing the site significance and potential, it recommends an archaeological watching brief, in accordance with a Written Scheme of Investigation. The Heritage Officer concurs with this view and recommends this as a condition.

In accordance with para 205 of the NPPF, a condition for recording has also been recommended.

Thus, subject to conditions the proposal accords with Policies 5, 22 and 39 of the NELLP

and Sections 12 and 16 of the NPPF.

### 3. Local Amenity

The site is situated on the operational dock with a number of dock related and commercial operators in the vicinity. The extent of public support has been recognised in the 'representations received' section of this report. It is clear that a number of immediate neighbours welcome the proposal. Given the period of redundancy of the building, any increased activity at the site will likely create impacts in terms of noise and footfall in particular. That being said, as an active dock, activity and footfall is expected and in this regard, such uses would not represent harmful additions to neighbours in this regard. Indeed, increased footfall could support neighbouring businesses and overall vitality, whilst also improving general security and the condition of the building.

Medium and large scale events have the potential to be disruptive, but typically these would be when the docks are not operational, limiting impacts. Measures have been included in the proposals for acoustic performance, but in addition to this it is recommended an Events Management Plan be secured which sets out measures to limit disturbance from visitors.

Impacts during the conversion and construction phase have the potential to cause noise and nuisance and conditions relating to construction management are recommended to limit the extent of these.

Whilst creating impacts, such impacts for neighbours would not be detrimental subject to conditions and the proposal accords with Policy 5 of the NELLP.

### 4. Access and Highways

Access to the site is through the dock. As it stands, this is via the existing security control point on Murray Street. A Transport Assessment (TA) accompanies the application. This considers the likely trip generation that would be created by the proposal and the subsequent impacts this may have on the network, correctly it identifies the current site as not generating any trips in its current form. Importantly, all of the land in and immediately surrounding the site is private land, predominantly in the ownership of ABP. Clearly the events space has the potential to create movements but these would range from small and frequent (approximately 150 people) to larger but more infrequent (upto 1000 people) depending on the type of event. A Transport Note (TN) was subsequently prepared to assess this in more detail and sets out the principles of the management strategy.

149 car parking spaces will be formally created through the proposal with a reinstated historic access link extending northwards. The TA considers the likely demand for parking as does the TN, accounting for the potential operating hours. Policy 38 of the NELLP does not set a minimum level of parking, but requires that numbers are justified in line with the proposed use and location. Whilst recognising the scale of the proposal,

Highways Officers consider that sufficient consideration and management has been given to ensure the proposal would not result in highways safety or capacity issues following a third TN. Parking is available on site, around the dock and also via public car parks within walking distance. They would also offer specific event shuttle buses and all events would be ticket only. There is also the option for sustainable travel.

The proposal would be acceptable on the grounds of highway safety and capacity and accords with Policies 5, 36 and 38 of the NELLP.

## 5. Drainage and Flood Risk

The site is within flood zone 3 and the application is accompanied by a Flood Risk Assessment (FRA). A sequential test is not required as the proposal is for a change of use. The proposed uses are 'less vulnerable' in flood risk terms. The FRA details measures for flood resilience and the ability to accommodate for safe refuge above ground level in the event of a flood event. The Environment Agency have accepted this and recommended such details be secured via condition. They have also recommended securing a Flood Warning and Evacuation Plan which has also be conditioned. Specifically, this includes the detail around the basement in the event of a flood.

The proposal has the opportunity to reduce the surface water run off discharge rate through the installation of drainage. Such an approach is accepted by both Anglian Water and The Drainage Officer through consideration of their Drainage Strategy. The layout and extent of the site is such that there is ample space for drainage to be provided. Final details will however be required and a condition securing such details, including maintenance, is recommended.

Subject to further details via conditions, the impacts in terms of drainage and flood risk can be made acceptable to accord with Policies 5, 33 and 34 of the NELLP.

## 6. Ecology

The site is within 2km of the SSSI. A Preliminary Ecology Appraisal accompanies the application. There are no ecological constraints to this development, but further survey work is recommended. A Habitat Regulations Assessment (HRA) has also now been provided. The Council's Ecologist raises no objections to the methodology's or conclusions of these reports and recommends that the details regarding mitigation, ecological enhancement and submission of a Construction Environmental Management Plan are secured via condition.

Natural England in their first letter dated September 2023 requested that a HRA be provided. This was provided and subsequently consulted upon. In accepting the findings thus far on the proposal in the HRA, they are now advising that recreational disturbance be considered and included in the HRA. Whilst not raising objections, they have stated the need for this information. This is being finalised by the consultants. In response however, the Council's Ecologist has provided comments on this matter confirming that

no likely significant effects are expected in this regard. The primary reasons relating to the nature of the operational dock and the type of uses proposed. Natural England's final comments on the updated HRA will be sought.

On the grounds of ecology, it is anticipated that with the proposed conditions the development will be acceptable in accordance with Policies 5 and 41 of the NELLP.

## 7. HSE

The site falls within a middle and outer HSE zone for a ABP installation. Since the submission of the application, formal confirmation of the revocation of the HSE for the installation has been completed and sealed. Unequivocal confirmation of HSE's position following the revocation will be sought.

Subject to this, the proposal in this regard accords with Policy 5 of the NELLP.

## 8. Security

Security is an important and pertinent consideration of this proposal given its scale and capacity to hold large events and to this end the applicant has been working with the Police and the Counter Terrorism Officers to identify security principles that will be established for this proposal. These principles have been agreed and a condition securing the final details is recommended, in accordance with Policies 5 and 22 of the NELLP.

## 9. Other Matters

An Air Quality and Odour Assessment has been provided. This concludes acceptable levels relating to air quality and not significant impacts in terms of odour. A series of recommendations are however included such as those relating to ventilation and construction management will be added to this recommendation in accordance with Policy 5 of the NELLP. This view is accepted by the Environmental Health Officer.

## **CONCLUSION**

This proposal represents an exciting and important investment into one of Grimsby's key historic buildings. The building has been in a declining condition for many years and remains at serious risk should no action be taken to secure a viable proposal for it. The applicants have worked extensively with key heritage bodies and others, to propose a scheme which is both respectful and sympathetic to the heritage significance of the building, but equally one which can function and be successfully delivered.

The application is therefore recommended for approval subject to the conditions set out and upon the satisfactory resolution of Natural England comments and there being no objections raised from them and unequivocal confirmation of HSE's position following the revocation. It is therefore recommended that the decision be delegated to the Assistant

Director for Regeneration to allow this to occur.

## **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.18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(2) Condition

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

- Proposed Site Plan 1-688-WTA-IF-GF-DR-A-0003
- Proposed Ground Floor Plan 1-688-WTA-IF-GF-A-1000
- Site Location Plan 1-688-WTA-IF-0-DR-A-0001
- Proposed South Building Elevations 1-688-WTA-IF-ZZ-DR-A-1210
- Area Schedule 1-688-WTA-00-ZZ-SC-A-9001
- North Building Demolition Elevations 1-688-WTA-IF-ZZ-DR-A-0500
- South Building Demolition Elevations 1-688-WTA-IF-ZZ-DR-A-0510
- Demolition Sections 1-688-WTA-IF-ZZ-DR-A-0600
- North Building Proposed Elevations 1-688-WTA-IF-ZZ-DR-A-1200
- Sections Proposed 1-688-WTA-IF-ZZ-DR-A-1300
- Interstitial Floor Proposed - 1-688-WTA-IF-01-DR-A-1001
- Demolition First Floor Plan 1-688-WTA-IF-01-DR-A-1403
- Proposed First Floor Plan 1-688-WTA-IF-02-DR-A-1002
- Demolition Roof Plan 1-688-WTA-IF-02-DR-A-1404
- Proposed Roof Plan 1-688-WTA-IF-03-DR-A-1004
- Proposed Second Floor Plan 1-688-WTA-IF-04-DR-A-1003
- Proposed Basement Plan 1-688-WTA-IF-B-DR-A-0000
- Demolition Basement Plan 1-688-WTA-IF-B-DR-A-0400
- Demolition Ground Floor Plan 1-688-WTA-IF-GF-DR-A-1401
- Demolition Interstitial Floor Plan 1-688-WTA-IF-GF-DR-A-1402
- Topographical Survey

Stage 2 Structural Report (Waterman - August 2023)

Energy and Sustainability Statement (Cundall - August 2023)

Geo-Environmental Assessment (Delta Simons - August 2023)

Preliminary Ecological Assessment (Greengage - August 2023)  
Draft Travel Plan - (Vectos - August 2023)  
Archaeology Desk Based Assessment (Mola - August 2023)  
Air Quality and Odour Assessment (Cundall - 4th December 2023)  
Transport Assessment (Vectos - August 2023)  
Transport Note 8th November 2023 (Vectos)  
Transport Note 5th December 2023 (Vectos)  
Habitat Regulations Assessment (Greengage - November 2023)  
Habitat Regulations Assessment Screening (Greengage - October 2023)  
Security Summary (DP9, 16th November 2023)  
Design and Access Statement (Waugh Thistleton Architects - September 2023)  
Design and Access Statement Addendum (Waugh Thistleton Architects, November 2023)  
Planning Statement (DP9, August 2023)  
Heritage Statement V.1a (John Lowe Heritage - August 2023)  
Flood Risk Assessment and Drainage Assessment (Waterman - August 2023)  
Land Use Planning Note (DP9, December 2023)

#### Reason

For the avoidance of doubt and in the interests of good planning and to ensure compliance with local and national planning policies.

#### (3) Condition

Prior to any construction works commencing, final details of the proposed surface water drainage scheme which achieves a discharge rate of 2l/s, shall be submitted to and approved in writing by the Local Planning Authority. Included, shall be a scheme of maintenance. Once approved the drainage shall be installed as agreed and implemented prior to any occupation.

#### Reason

In the interests of ensuring satisfactory drainage to serve the proposed development, in accordance with Policies 5, 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

#### (4) Condition

The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref WIE18268-100-R-2-1-4-FRA dated 23rd August 2023, Waterman Infrastructure and Environment Limited) and the following mitigation measures it details:

- Flood resistance and resilience measures to be incorporated as stated in section 3.12.
- Safe refuge to be provided as stated in section 3.13.

These mitigation measures shall be fully implemented prior to any occupation of any building. The measures detailed above shall be retained and maintained thereafter

throughout the lifetime of the development.

**Reason**

To reduce the risk of flooding to the proposed development and future occupants, in accordance with Policies 5, 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

**(5) Condition**

Prior to any occupation in any building, a Flood Warning and Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority. It shall include details of management of the basement area as advised by the Environment Agency. Once approved the Plan shall be adhered to at all times following first occupation.

**Reason**

To ensure the safety of future occupiers of the building in the event of a flood, in accordance with Policies 5 and 33 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

**(6) Condition**

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

**Reason**

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

**(7) Condition**

Prior to any development commencing a Construction Management Plan (CMP) shall be 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). This shall accord with the recommendations set out in the Air Quality and Odour Assessment and the Geo Environmental Assessment. The approved CMP and control measures it contains shall be implemented throughout the conversion and construction phase. The noise assessment must comply with the requirements of British Standard 5228 unless otherwise approved. No burning of demolition/construction waste material shall take place on site. The measures shall be applied as agreed.

**Reason**

In the interests of public health and local amenity, in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(8) Condition

Prior to the commencement of any demolition works a detailed method statement outlining the method of demolition and measures to prevent pollution to the environment and nuisance from noise and dust to surrounding occupiers shall be submitted in writing to the local authority for its written approval. Demolition shall only thereafter be undertaken in accordance with the approved method statement.

Reason

In the interests of public health and local amenity, in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(9) Condition

Prior to any occupation of any of the buildings final 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 and the air source heat pumps. The details of which shall accord with the recommendations set out in the Air Quality and Odour Assessment. Such a scheme as approved shall be implemented in its entirety prior to any occupation in any of the buildings and shall thereafter be so retained.

Reason

To protect local amenity and heritage in accordance with Policies 5 and 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(10) Condition

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

Reason

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

(11) Condition

An investigation and risk assessment, in addition to the Geo Environmental Assessment, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The

investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to:
    - human health,
    - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    - adjoining land,
    - groundwaters and surface waters,
    - ecological systems,
    - archaeological sites and ancient monuments;
  - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

#### Reason

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

#### (12) Condition

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

#### Reason

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

#### (13) Condition

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

remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

**Reason**

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

**(14) Condition**

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

**Reason**

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

**(15) Condition**

Prior to any occupation in any building, a final scheme of security measures which adheres to the principles set out in 'Security Commitments' for the following items shall be submitted to and approved in writing by the Local Planning Authority.

- HVM measures;
- CCTV and lighting (internal and external)
- Security standard of windows (including any laminate glazing) and doors
- Security control room and mail screening and Security
- Alarms
- Access control

Once approved the measures shall be installed in strict accordance with the agreed details before any occupation of any building occurs. The measures shall be retained as approved thereafter.

**Reason**

In the interests of good design, security and safety, in accordance with Policies 5, 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(16) Condition

In line with the Archaeological Desk Based Assessment by Mola, 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, in accordance with Policies 5 and 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(17) Condition

Before the following are installed final details including full specifications shall be submitted to and approved in writing by the Local Planning Authority. Once approved, development shall proceed in strict accordance with the approved details unless, otherwise submitted to and approved in writing by the Local Planning Authority.

- Windows and doors;
- Curtain Walling;
- External finish of the steel stair/lift enclosure and extension;
- New brickwork, mortar and plinths, including protruding patterned brickwork;
- PV panels;
- Rooflights;
- Rainwater goods;
- Roof extension materials and finish;
- Reinstatement of the conveyor/gantries;
- Proposed balustrade for south building.

Reason

In the interests of good design and heritage, in accordance with Policies 5, 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(18) Condition

Prior to any development commencing, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall adhere to the recommendations set out in the Preliminary Ecological Appraisal and Shadow Habitat Regulations Assessment by Greengage and those in the Air Quality and Odour Assessment by Cundall. Once approved, the Plan shall be adhered to at all times during the course of development.

Reason

In the interests of ecology and protecting the natural environment , in accordance with Policies 5 and 41 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(19) Condition

Prior to any development commencing, an Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall adhere to the recommendations set out in the Preliminary Ecological Appraisal by Greengage. Once approved, the Plan shall be adhered to at all times during the course and operation of development.

Reason

In the interests of ecology and protecting the natural environment, in accordance with Policies 5 and 41 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(20) Condition

All demolition, strip out, conversion and construction work shall adhere to the recommendations set out in the Preliminary Ecological Appraisal and the Shadow Habitat Regulations Assessment by Greengage.

Reason

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

(21) Condition

Before any demolition, strip out, conversion and construction work occurs, bat and hibernation assessments as identified in the Preliminary Ecological Appraisal by Greengage shall be undertaken and the assessments including any identified mitigation shall be submitted to and approved in writing by the Local Planning Authority. Once approved, any mitigation shall be adhered to or installed in line with the timescales therein.

Reason

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

(22) Condition

Before any works to the car park begin, final details of the layout to include a minimum of 5% of the total number reserved for those with mobility impairments, and 3 EV chargers, shall be submitted to and approved in writing by the Local Planning Authority. This shall also include full details of the intended refuse store and public realm and landscaping works and a schedule for maintenance. Works to the car park, landscaping, public realm and the installation of the refuse store shall be completed in full in accordance with the approved details before the buildings are first brought into use. They shall be retained as approved thereafter.

Reason

In the interests of ensuring suitable and fit for purpose parking and refuse facilities and in the interests of sustainability, accessibility and good design in accordance with Policies 5, 22, 38 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(23) Condition

Prior to any occupation in any building a Travel Plan which accords with the principles set out in the Draft Workplace Travel Plan, Transport Assessment and Transport Notes and the advice set out in the Highway Officers comments (12th December) shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the Transport Notes and Travel Plan shall be adhered to at all times following first occupation.

Reason

In the interests of sustainable travel, in accordance with Policies 5 and 36 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(24) Condition

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

- Contact details of the person with responsibility for the implementation of the Plan;
- The expected number, types and size of vehicles during the entire construction period;
- Construction traffic routing;
- Details of on-site parking provision for construction related vehicles;
- Details of on-site storage areas for materials and if applicable temporary fencing to the site;
- Details of expected delivery schedules and how this will be managed; and
- Details of wheel washing facilities (locations, types etc.).

The approved Plan and control measures it contains shall be implemented throughout the

construction phase.

**Reason**

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

**(25) Condition**

Before the events space is first brought into use, an events management plan shall be submitted to and approved in writing by the Local Planning Authority. Once approved, occupation shall only occur in strict accordance with the approved Plan.

**Reason**

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

**Informatives**

**1 Reason for Approval**

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal represents a significant investment in a key historic building which will secure a viable use for the building as well important works to secure its long term future. The proposal would result in enhancements to the building and wider area and its significance for Grimsby Docks cannot be underestimated. It 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, 7, 8, 10, 11, 12, 22, 23, 29, 31, 33, 34, 36, 38, 39, 41 and 42.

**2 Added Value Statement**

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

In accordance with paragraph 187 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to problems arising, by securing further and amended information to respond to consultation feedback.

**3 Informative**

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

#### 4 Informative

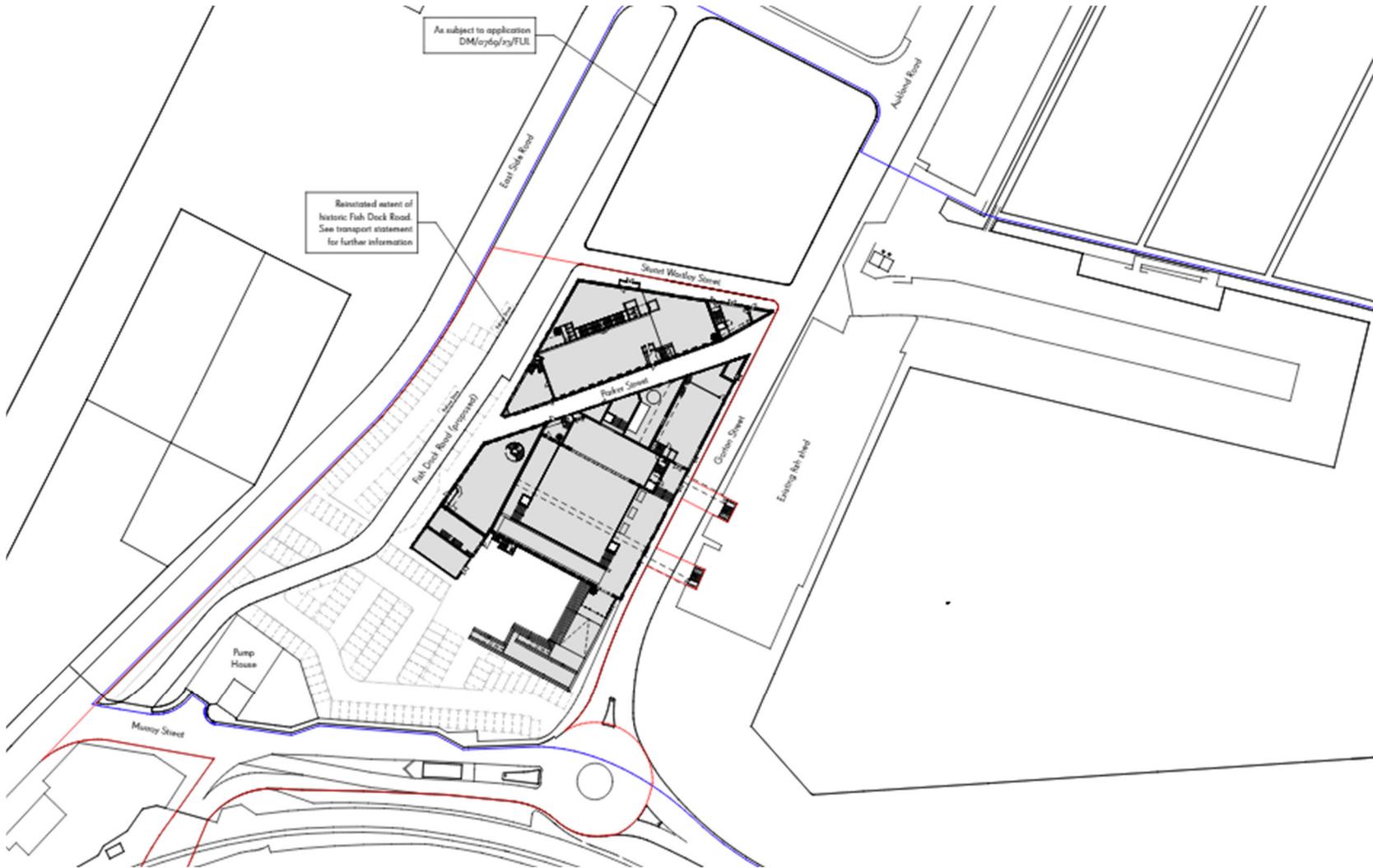
Please note the informative advice from:

- Northern Powergrid (8th September 2023)
- Cadent Gas (14th September 2023)
- Humberside Fire and Rescue (18th September 2023)
- Anglian Water (25th September 2023)
- Environment Agency (26th September 2023)
- Environmental Health (5th October 2023)

Which can be viewed on the Council website.



DM/0864/23/FUL- GRIMSBY ICE FACTORY, FISH DOCK ROAD, GRIMSBY DOCKS, GRIMSBY



**PLANNING COMMITTEE - 3rd January 2024**

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

**APPLICATION No: DM/0865/23/LBC**

**APPLICATION TYPE: Listed Building Consent**

**APPLICATION SITE: Grimsby Ice Factory, Fish Dock Road, Grimsby Docks, Grimsby, North East Lincolnshire,**

**PROPOSAL: Restoration, extension, alterations and conversion of the Ice Factory North and South buildings to provision office, conference, events and leisure floorspace, and food and beverage floorspace, alongside the construction of a new internal access road with servicing and delivery provision and public realm works, and the delivery of car, coach and cycle parking facilities, alongside all associated and ancillary works.**

**APPLICANT:**

IF 1900 Ltd  
C/o Agent  
(DP9 Ltd)  
(London)  
SW1Y 5NQ

**AGENT:**

Mr Nathan Hall  
DP9 Ltd  
DP9 Planning Consultants  
100 Pall Mall  
London  
SW1Y 5NQ

**DEPOSITED: 1st September 2023**

**ACCEPTED: 19th September 2023**

**TARGET DATE: 14th November 2023**

**PUBLICITY EXPIRY: 22nd October 2023**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 13th October 2023**    **CASE OFFICER: Cheryl Jarvis**

**PROPOSAL**

This application seeks listed building consent for 'restoration, extensions, alterations and conversion of the Ice Factory North and South buildings to provide office, conference, events and leisure floorspace, food and beverage floorspace, construction of a new internal access road with servicing and delivery provision and public realm works, car, coach and cycle parking facilities and associated and ancillary works'. Some internal removal/demolition works are included.

The predominant use would be as offices, but the applicant has indicated the need for flexible use. In terms of the proposed events space, this has the potential to cater for small, medium and large events from professional conferences and awards nights to music events, ranging from potentially 150 visitors to 1000. The frequency of which is set out in the 'Planning Note'.

An extension is proposed to the south building to create a new entrance, with associated access. Additionally, two new bridges are proposed at first floor to connect the two buildings. An extension at roof level is proposed to the south building.

The existing basements in the north and south buildings are essentially voids, though limited information is available about their condition. In the south building, the basement is proposed to be utilised for storage and for a number of WC's. In the north building, the basement is proposed to be utilised for WC's and shower rooms.

The existing ground floors in both the north and south buildings are made up of a series of compressor rooms, ice tank rooms, condenser rooms, the boiler house, ice store and managers suite. The ground floor in the south building is proposed to include a number of elements including food and beverage (with kitchen), retained compressor room, plant rooms and events space with stage. The ground floor in the north building is proposed to include offices, WC's, a bike store and a security office.

The existing first floors in both the north and south buildings are made up of largely the tank ice tank areas, conference room, managers suite and voided areas. The first floor in the south building is proposed to include offices, WC's and a terrace. The first floor in the north building is proposed to include offices, WC's and a terrace. The existing conveyor structures will be reinstated as part of a new bridge structure at first floor level projecting east over Gorton Street from the south building.

The existing roof of the south building houses the water tank. The proposed roof plan includes the relocated water tank and new compressor room. A new refrigeration meeting room would also be created. New rooflights are proposed to the roofs of both buildings with areas also allocated for plant and PV panels.

The application is brought to planning committee given the nature of the planning uses proposed, in an out of town centre location and links directly to the tandem full planning application DM/0864/23/FUL.

## **SITE**

The Ice Factory is a dominant and imposing grade II\* listed building on Grimsby Docks. It forms a beacon on the landscape as a remnant of the former fishing industry which used to dominate the landscape. The equipment within forms a rare surviving example of the ice making process used to support the fishing activities on the dock.

The site comprises of the north and south buildings which are separated by Parker Street. Each portion of the building is approximately three storeys in height with a later addition to the south; also three storeys. The buildings are constructed of red brick and the roof historically was slate. The declining condition of the building is noted by its physical presence on site but also by its inclusion on Historic England's 'Heritage At Risk Register'.

The docks has seen a transition over the last few years with its expanding operations and maintenance offer which supports the offshore wind industry, supporting the 'Energy Estuary' but also developments on the Kasbah. These are changing the dynamic of the dock providing a positive future re-use of its vacant land and buildings. Newer buildings are inherently more modern in their form and appearance, but there remains a number of historic buildings and warehouses which continue to collectively add to the dock character.

The Kasbah Conservation Area is to the north of the site.

## **RELEVANT PLANNING HISTORY**

The most relevant applications to this submission include:

Tandem Application DM/0864/23/FUL - Restoration, extension, alterations and conversion of the Ice Factory North and South buildings to provision office, conference, events and leisure floorspace, and food and beverage floorspace, alongside the construction of a new internal access road with servicing and delivery provision and public realm works, and the delivery of car, coach and cycle parking facilities, alongside all associated and ancillary works. Pending Consideration.

DM/0358/23/LBC - Listed Building consent for the removal of the existing upper floor structures in the Ice factory north and south buildings, along with a number of columns and loose finishes at the current access levels on the ground floor. Approved with Conditions.

DM/1001/22/CND - Details in Discharge of Condition 7 (Roof Replacement) following DM/0641/21/FUL. Conditions Part Complied With.

DM/0520/22/CND - Details in discharge of conditions 4 (Methodology statement) and 5 (Watching brief) attached to application DM/0641/21/FUL. Conditions Part Complied With.

DM/0519/22/CND - Details in discharge of conditions 4 (Methodology statement) and 5 (Watching brief) attached to application DM/0642/21/LBC. Conditions Part Complied With.

DM/0400/22/CND - Details in Discharge of Condition 9 (Construction Management Plan) pursuant to DM/0641/21/FUL. Conditions Part Complied With.

DM/0316/22/LBC - Listed Building Consent to remove existing brickwork to provide new access into main production area of the Ice Factory. Approved with Conditions.

DM/0315/22/FUL - Remove existing brickwork to provide new access into main production area of the Ice Factory. Approved with Conditions.

DM/0642/21/LBC - Listed Building consent - Remedial works to the Ice Factory including the insertion of security doors and timber boards to ground level and upper openings; removal of existing coverings to pitched roof areas; replacement of flat roof coverings with liquid applied system; replacement of existing glass from windows with translucent Perspex; replacement of existing rainwater gutters and downpipes; the removal of ice tanks 1, 2, 4 and part of ice tank 3 with deteriorated steel support and installation of perimeter structure and truss; and other associated works in accordance with additional supporting information received by the Local Planning Authority on 9th September 2021. Approved with Conditions.

DM/0641/21/FUL - Remedial works to the Ice Factory including the insertion of security doors and timber boards to ground level and upper openings; removal of existing coverings to pitched roof areas; replacement of flat roof coverings with liquid applied system; replacement of existing glass from windows with translucent Perspex; replacement of existing rainwater gutters and downpipes; the removal of ice tanks 1, 2, 4 and part of ice tank 3 with deteriorated steel support and installation of perimeter structure and truss; and other associated works in accordance with additional supporting information received by the Local Planning Authority on 9th September 2021. Approved with Conditions.

DM/0810/19/CND - Details in Discharge of Condition 3 (Structural/Historic Record) pursuant to DM/0407/18/LBC (Listed Building Consent for temporary removal of conveyors). Ongoing.

DM/0407/18/LBC - Listed Building Consent for temporary removal of conveyors. Approved with Conditions.

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

### National Planning Policy Framework (2023)

NPPF16 - Conserv. & enhance the historic environ.

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

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**

SAVE Britain's Heritage - Comprehensive comments on the proposal. Support the view of heritage professionals that these proposals have potential subject to being completed sensitively. Support the proposals in heritage terms.

Grimsby, Cleethorpes & District Civic Society - Look forward to this development but request that the building frontage is retained in its current style. Support the repurposing of this derelict and iconic building. Welcome the retention of examples of the industrial past of this building.

Victorian Society - Support the adaption, restoration and re-use of the building. Detailed commentary on the status of the building and its content. Considers every effort must be taken to retain as much of the ice manufacturing equipment as possible to understand the historic process. Raises concern over the loss of columns in the ice tank room and questions whether the proposals in this respect could be progressed further. These were important to the proportionality of the rooms. Greater retention of columns should be considered. Requests one of the truncated proportions remains. Encourages reinstatement of the conveyors. No objections are raised.

Grimsby Heritage Action Zone Manager - The proposals will see this iconic Grimsby landmark conserved and given a sustainable, long-term future. This will benefit the growing renewable industry on the Docks, already the largest offshore wind operations and maintenance port in the country, and will help to maintain the momentum of the regeneration of the Kasbah Conservation Area. The proposals are well considered and sympathetic to the building, retaining as much historic fabric and machinery as possible whilst also making them fit for purpose for the proposed conference, office and leisure use. Fully supported.

Historic England - Supports the application on heritage grounds. A number of detailed comments are provided on the scheme and in particular on the nature of what historic machinery is to be and should be retained.

Heritage Officer - The principle of the new uses and bringing back this significant building back into use is wholeheartedly supported. Proposals will retain enough machinery so that a coherent story of how the factory worked and the end-to-end process of ice-making will be evident. Advise it will also bring a new use to this iconic building which will bring significant improvements to the adjacent Kasbah conservation area of which this building

could be considered the gate keeper too and with-it economic benefits. Detailed comments on the proposal specifics are proposed along with suggested conditions for final details predominantly on materials, historic recording and historic machinery.

Neighbours

Parkside Carpets, 10-12 Orwell Street, Grimsby - Fully support the proposal.

## **APPRAISAL**

The considerations of this application relate purely to the impact on the significance of the heritage asset.

Policy 39 is the overarching heritage policy in the NELLP, it states 'proposals for development will be permitted where they would sustain the cultural distinctiveness and significance of North East Lincolnshire's historic urban, rural and coastal environment by protecting, preserving and, where appropriate, enhancing the character, appearance, significance and historic value of designated and nondesignated heritage assets and their settings'. This is supported by Section 16 of the 2023 NPPF.

As stated, the Ice Factory is a Grade II\* listed building. It is internationally significant as a remnant of the former fishing industry in Grimsby and more specifically the ice making process. The building is in a very poor declining condition and this application seeks permission for its re-use but with alterations and extensions to facilitate this. Para 194 of the NPPF requires the applicant to assess the significance of the asset. The application is supported by a thorough Heritage Assessment which assesses the buildings significance in detail and a Structural Survey. Through recent interventions, more knowledge about the building and its condition have been able to be obtained and this is an evolving process as further access into the buildings can be obtained.

Given the importance of the asset and the nature of the works involved there has been extensive dialogue between the relevant officers, the applicant, the Heritage Officer and Historic England. This has also extended out to The Victorian Society who have also visited the site in response to the proposals.

Para 200 of the NPPF states that any harm to designated assets should require clear and convincing justification. Inevitably given the condition of the building and what is salvageable the proposals are extensive, but have been sympathetically considered against the significance of the areas and features which are impacted but also their necessity to facilitate re-use. Historic context has been considered in detail as has the history and development of the building and its historic equipment which again, forms a key part of the buildings significance. Extensions and additions through the new entrance are appropriate in scale and design. External changes to the elevations are well considered and proportionate. A key part of the building is its compressor room at ground floor which retains a number of key machinery. This is proposed to be retained in situ which will ensure future generations can experience and understand the importance of

the buildings former use. From a Heritage perspective it should be noted that no objections have been raised by the Heritage Officer, Historic England or the Victorian Society. Moreover, written letters of support from other heritage bodies including SAVE Britain's Heritage, Grimsby Heritage Action Zone Manager, Great Grimsby Ice Factory Trust, have been received. Where alternative options have been highlighted, these have been considered in detail by the applicant and a justified response provided.

In accordance with para 202 of the NPPF it is considered the works are necessary and are justified in the interests of ensuring the building and its legacy can be preserved. As the project is evolving there is a need for close engagement with heritage professionals on the detail which is outlined via the attached conditions. Retaining as much of the historic machinery is at the heart of that and allowing a full end to end of the ice making process to be read and understood.

In relation to the potential for archaeology, a Desk Based Archaeology Assessment has been provided. In assessing the site significance and potential, it recommends an archaeological watching brief, in accordance with a Written Scheme of Investigation. The Heritage Officer concurs with this view and recommends this as a condition.

In accordance with para 205 of the NPPF, a condition for recording has also been recommended.

Thus, subject to conditions the proposal accords with Policy 39 of the NELLP and Section 16 of the NPPF.

## **CONCLUSION**

This proposal represents an exciting and important investment into one of Grimsby's key historic buildings. The building has been in a declining condition for many years and remains at serious risk should no action be taken to secure a viable proposal for it. The applicants have worked extensively with key heritage bodies and others, to propose a scheme which is both respectful and sympathetic to the heritage significance of the building, but equally one which can function and be successfully delivered.

The application is therefore recommended for approval subject to the conditions set out. It is recommended in line with DM/0864/23/FUL that the application be deferred back to allow the decision to be issued together at such a time National England and HSE matters are finalised. It is therefore recommended that the decision be delegated to the Assistant Director for Regeneration to allow this to occur.

## **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.18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(2) Condition

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

- Proposed Site Plan 1-688-WTA-IF-GF-DR-A-0003
- Proposed Ground Floor Plan 1-688-WTA-IF-GF-A-1000
- Site Location Plan 1-688-WTA-IF-0-DR-A-0001
- Proposed Internal South Building Elevations - 1-688-WTA-IF-ZZ-DR-A-1230
- Proposed Internal North Building Elevations - 1-688-WTA-IF-ZZ-A-1220
- Proposed North Building Elevations - 1-688-WTA-IF-ZZ-DR-A-1200
- Proposed South Building Elevations - 1-688-WTA-IF-ZZ-DR-A-1210
- Area Schedule 1-688-WTA-00-ZZ-SC-A-9001
- North Building Demolition Elevations 1-688-WTA-IF-ZZ-DR-A-0500
- South Building Demolition Elevations 1-688-WTA-IF-ZZ-DR-A-0510
- Demolition Sections 1-688-WTA-IF-ZZ-DR-A-0600
- North Building Proposed Elevations 1-688-WTA-IF-ZZ-DR-A-1200
- Sections Proposed 1-688-WTA-IF-ZZ-DR-A-1300
- Interstitial Floor Proposed - 1-688-WTA-IF-01-DR-A-1001
- Demolition First Floor Plan 1-688-WTA-IF-01-DR-A-1403
- Proposed First Floor Plan 1-688-WTA-IF-02-DR-A-1002
- Demolition Roof Plan 1-688-WTA-IF-02-DR-A-1404
- Proposed Roof Plan 1-688-WTA-IF-03-DR-A-1004
- Proposed Second Floor Plan 1-688-WTA-IF-04-DR-A-1003
- Proposed Basement Plan 1-688-WTA-IF-B-DR-A-0000
- Demolition Basement Plan 1-688-WTA-IF-B-DR-A-0400
- Demolition Ground Floor Plan 1-688-WTA-IF-GF-DR-A-1401
- Demolition Interstitial Floor Plan 1-688-WTA-IF-GF-DR-A-1402
- Topographical Survey

Stage 2 Structural Report (Waterman - August 2023)

Archaeology Desk Based Assessment (Mola - August 2023)

Design and Access Statement (Waugh Thistleton Architects - September 2023)

Design and Access Statement Addendum (Waugh Thistleton Architects - November 2023)

Planning Statement (DP9, August 2023)

Heritage Statement V.1a (John Lowe Heritage - August 2023)

#### Reason

For the avoidance of doubt and in the interests of good planning and to ensure compliance with local and national planning policies.

#### (3) Condition

In line with the Archaeological Desk Based Assessment by Mola, 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, in accordance with Policy 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

#### (4) Condition

Before the following are installed final details including full specifications shall be submitted to and approved in writing by the Local Planning Authority. Once approved, development shall proceed in strict accordance with the approved details unless, otherwise submitted to and approved in writing by the Local Planning Authority.

- Windows and doors;
- Curtain Walling;
- External finish of the steel stair/lift enclosure and extension;
- New brickwork, mortar and plinths, including protruding patterned brickwork;
- PV panels;
- Rooflights;
- Rainwater Goods;
- Roof extension materials and finish;
- Reinstatement of the conveyor/gantries;
- Proposed balustrade for south building.

Reason

In the interests of good design and heritage, in accordance with Policy 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(5) Condition

Once an assessment has been made on the basement following successful entry, full details of the finishes, fixtures and fittings, including retention, removal or relocation of any historic fabric shall be submitted to and approved in writing by the Local Planning Authority. Once approved, development shall proceed in strict accordance with the agreed details.

Reason

In the interests of good design and heritage, in accordance with Policy 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(6) Condition

As a minimum and subject to physical condition, the following pieces of historic machinery within the southern and eastern ice tank rooms shall be retained as a representative example of former process:

- 1x Can filling equipment
- 1x ice tank channel (southernmost) with elements and timber floor covering
- 1x thawing tank (southernmost) and tipping basket
- 15 ice cans
- 1x ice can motor
- 6x slatted tipping floor panels
- Minimum 5m Section of conveyor
- Southernmost ice crushers and elevators
- 1x crane

Unless otherwise agreed in writing by the Local Planning Authority in consultation with Historic England.

Reason

In the interests of character and architectural integrity and to protect the character of the listed building in accordance with Policy 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(7) Condition

Notwithstanding that already detailed in condition 6 and other than the baseline works already accepted through the submission and prior to the commencement of any further works, a methodology statement which includes the method and programme for the retention, removal and storage of the historic machinery and equipment on a room by

room and area by area basis shall be submitted to and agreed in writing by the Local Planning Authority in consultation with Historic England. This shall follow the principles established through the Heritage Assessment. Works shall be carried out in accordance with the approved methodology statement unless otherwise agreed in writing by the Local Planning Authority.

#### Reason

In the interests of character and architectural integrity and to protect the character of the listed building in accordance with Policy 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

### **Informatives**

#### 1 Reason for Approval

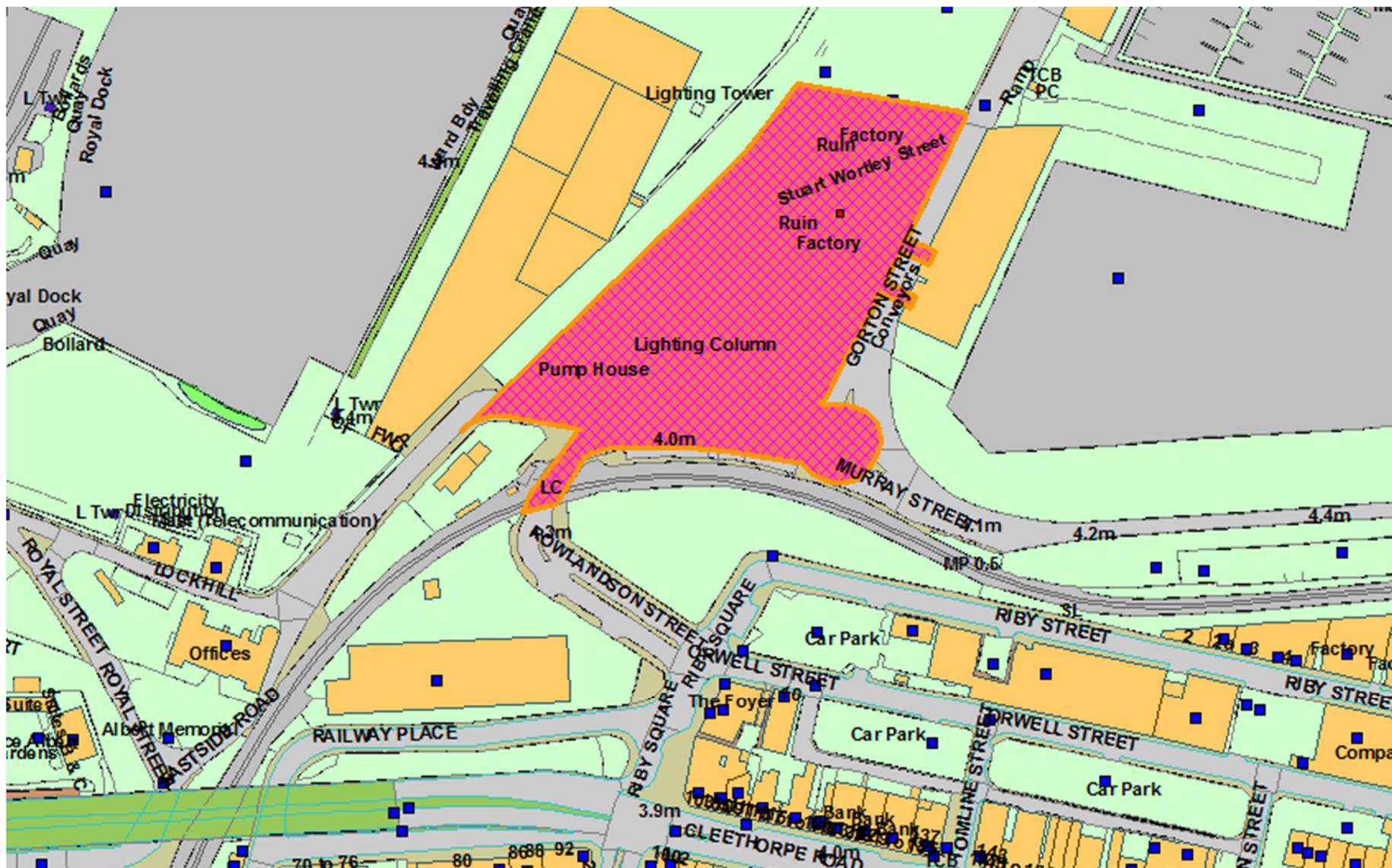
The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal represents a significant investment in a key historic building which will secure a viable use for the building as well important works to secure its long term future. The proposal would result in enhancements to the building and wider area and its significance for Grimsby Docks cannot be underestimated. It is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policy 39.

#### 2 Added Value Statement

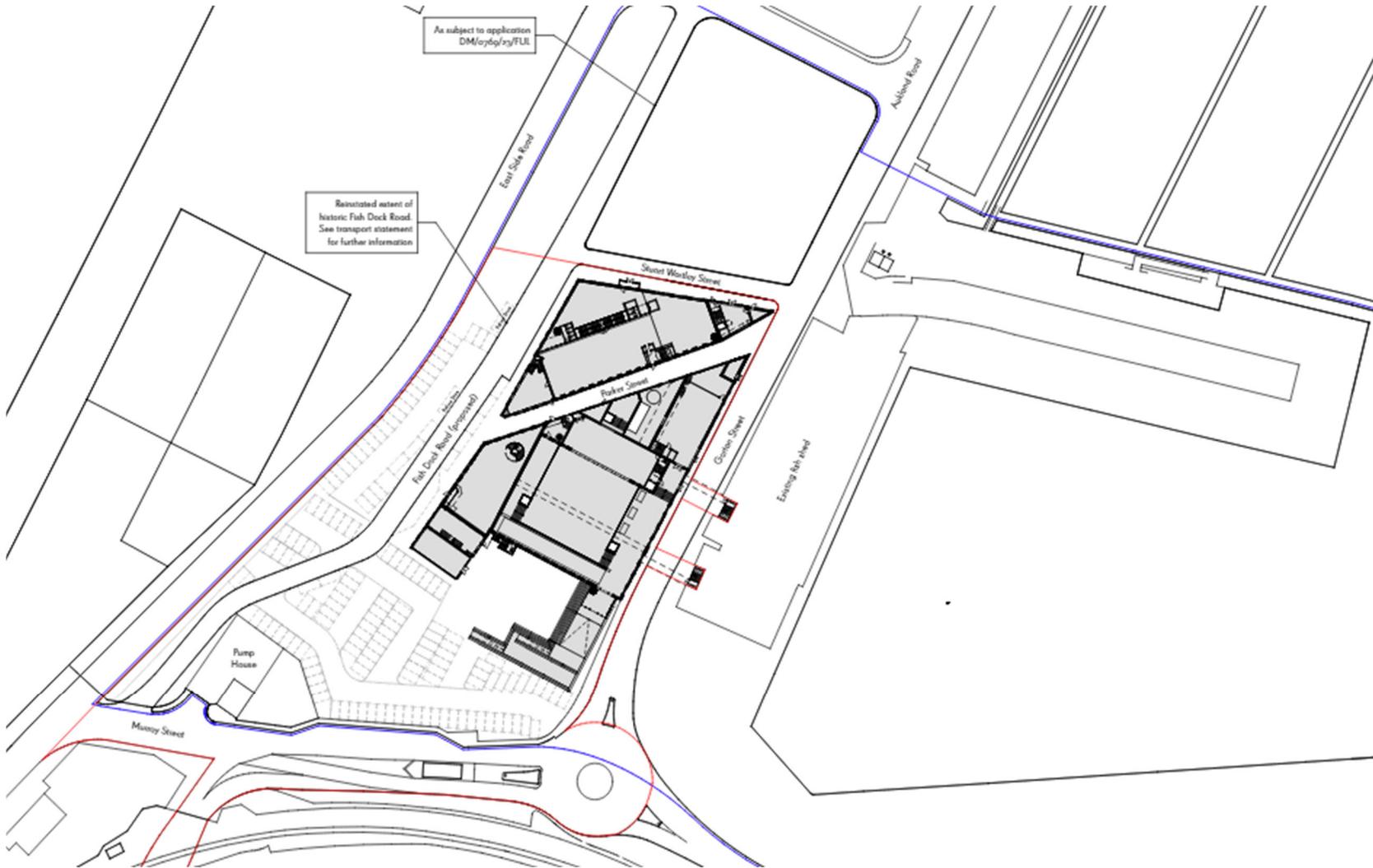
Article 31(1)(cc) Statement - Positive and Proactive Approach

In accordance with paragraph 187 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to problems arising, by securing further and amended information to respond to consultation feedback.

DM/0865/23/LBC – GRIMSBY ICE FACTORY, FISH DOCK ROAD, GRIMSBY DOCKS, GRIMSBY



DM/0865/23/LBC- GRIMSBY ICE FACTORY, FISH DOCK ROAD, GRIMSBY DOCKS, GRIMSBY



**PLANNING COMMITTEE - 3rd January 2024**

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

**APPLICATION No: DM/0769/23/FUL**

**APPLICATION TYPE: Full Application**

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

**PROPOSAL: Erect 5 storey hotel (Use Class C1) with associated public realm works, car parking and various associated works**

**APPLICANT:**

KH 1900 Ltd  
C/O Agent  
(DP9 Ltd)  
London  
SW1Y 5NQ

**AGENT:**

Mr Nathan Hall  
DP9 Ltd  
DP9 Planning Consultants  
100 Pall Mall  
London  
SW1Y 5NQ

**DEPOSITED: 4th August 2023**

**ACCEPTED: 17th August 2023**

**TARGET DATE: 16th November 2023**

**PUBLICITY EXPIRY: 17th September 2023**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 11th September 2023**

**CASE OFFICER: Cheryl Jarvis**

**PROPOSAL**

This application seeks full planning permission for a new 161 bed, 5 storey hotel. The hotel is proposed in an 'L' shaped plan form extending along the north and eastern sides of the site fronting Fish Dock Road and Gorton Street/Auckland Road. The building is proposed to be constructed with projecting gables. External materials are proposed to include a metal finish to the roof and walls. A parapet coping is proposed at eaves level. A series of string courses and rainwater pipes are proposed across the elevations.

At ground floor, the space includes circulation and reception space, a meeting room, WC's, kitchen, plant, storage and general housekeeping areas and breakout space.

At first floor, the space includes 36 standard rooms and 2 accessible guest rooms, with fitness suite and storage/housekeeping areas.

The second to fourth floors are all replicated and on each floor and include 39 standard rooms, 2 accessible rooms and storage and housekeeping areas.

At roof level, a plant enclosure is proposed.

A service loading bay is proposed to the north from Fish Dock Road. Car parking serving the site is proposed to the west equating to 40 spaces, where a substation is also proposed. A free standing canopy structure is also proposed to the west within the rear courtyard.

The application is brought to planning committee given the nature of the use and how it links to the associated ice factory applications (DM/0864/23/FUL and DM/0865/23/LBC).

## **SITE**

The application site comprises a 0.33 ha parcel of undeveloped land to the north of the Grade II\* listed Ice Factory. The site is all hardsurfaced and is bound by palisade steel fencing to its perimeter.

The docks has seen a transition over the last few years with its expanding operations and maintenance (O & M) offer which supports the offshore wind industry, supporting the 'Energy Estuary' but also developments on the Kasbah. These are changing the dynamic of the dock providing a positive future re-use of its vacant land and buildings. Newer buildings are inherently more modern in their form and appearance, but there remains a number of historic buildings and warehouses which continue to collectively add to the dock character.

The Kasbah Conservation Area is to the north of the site.

## **RELEVANT PLANNING HISTORY**

No relevant planning history directly associated with this site however, applications:

DM/0864/23/FUL and DM/0865/23/LBC for 'Restoration, extensions, alterations and conversion of the Ice Factory North and South buildings to provide office, conference, events and leisure floorspace, food and beverage floorspace, construction of a new internal access road with servicing and delivery provision and public realm works, car, coach and cycle parking facilities and associated and ancillary works' which sit adjacent, should be noted. The applicant has sought to bring forward these sites collectively as they are proposed to be developed in combination. Pending.

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

### National Planning Policy Framework (2023)

- NPPF1 - Introduction
- NPPF4 - Decision-making
- NPPF6 - Building a strong, competitive economy
- NPPF9 - Promoting sustainable transport
- NPPF11 - Making effective use of land
- 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
- PO7 - Employment allocations
- PO8 - Existing employment areas
- PO12 - Tourism and visitor economy
- PO22 - Good design in new developments
- PO31 - Renewable and low carbon infrastructure
- PO33 - Flood risk
- PO34 - Water management
- PO36 - Promoting sustainable transport
- PO38 - Parking
- PO39 - Conserve and enhance historic environ
- 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**

Natural England - Advises that further information on recreational disturbance in the HRA is required, but confirm that the mitigation and measures outlined in the HRA relating to surface water and construction are acceptable and these should be conditioned.

Drainage Board - No comments to make.

HSE - Acknowledgement that the hazardous zone has now been revoked. Await updated HSE consultation maps, showing removal of HSE consultation zone.

Cadent Gas - No objections, informative advice on their assets recommended.

Highways - No objections. Concur with the findings of the Transport Assessment and subsequent Transport Note. Does not consider that the additional traffic generated by this development would be severe. Parking will be somewhat restricted at this area and management mechanisms for dealing with this have been put forward. Conditions are recommended relating to a Travel Plan with additional mitigation measures, cycle provision and Construction Traffic Management.

Ecology - Preliminary Ecological Appraisal and conclusions are acceptable. All recommendations and measures should be adhered to. Satisfied with the HRA assessment, mitigation measures, and the conclusions and a CEMP will be required via condition. All other mitigation measures should be adhered to. Further to this confirmed that the proposal would not result in significant likely effects on recreational disturbance.

Humberside Fire and Rescue - Standard advice regarding water supplies and access for fire fighting.

Anglian Water - The sewerage system and waste water network has the capacity to accommodate the flows arising from this development. Full details of the surface water drainage strategy are however required and a condition is recommended. A number of informatives regarding separate requirements and consents are recommended.

Drainage - The proposed discharge rate for the development is acceptable. Full details of the drainage scheme will be required via condition.

Environmental Health - In relation to the acoustic report, is content with the methodology and criteria used as part of the assessment. Final mitigation details identified will need to be secured via condition. Conditions recommended in relation to contaminated land, working hours, submission of a CMP, piling and remediation. Agree with the findings of the air quality and odour assessment.

Trees and Woodlands Officer - Provides specific comments on the design approach but considers a landscape scheme can be conditioned.

Environment Agency - No objections. Request development to proceed in accordance with FRA. Recommend a Flood Warning and Evacuation Plan be provided. Diverts to the LPA to consider the sequential test and provides recommendations in relation to flood resistance and resilience. A condition regarding piling is recommended. Informative advice relating to boreholes and waste are also provided.

Heritage Officer - The hotel is a very welcome addition to this area, it will help drive further the regeneration. The development of this site will reinstate the building line along

Gorton Street. Advise that the building of a hotel here is supported. Whilst noting the large scale of the proposal the Heritage Officer states that historically there were several large warehouses on this part of the docks which would have shared prominence with the Ice Factory so with careful design it can be mitigated. The hotel is in essence an iteration of a warehouse, which is a familiar building in this area. A number of comments on the materials have been provided and that the final detail of these needs to go further in terms of breaking up the building.

Historic England - Historic England welcomes the proposed scheme which would make a very important contribution to the regeneration of the historic dock area and associated designated heritage assets. The application is supported on heritage grounds and a detailed and thorough response on the design considerations and materials has been provided.

Historic Buildings and Places, St Ann's Vestry Hall, London - No objections. Hope this will trigger further improvements and investment. Provide suggested design response to fenestration detail.

Network Rail - No objections. Notes the acoustic report and advises that the LPA should be satisfied with the proximity of the development in this manner to the railway. Require consideration be given to the Fish Dock Road level crossing during the construction phase and recommends a Construction Traffic Management Plan be secured.

Public Representations:

6 Loxford Gardens, London (The Energy & Environment Alliance) - Support the proposal. Believes the proposal will have a local social impact and contribute to the local economy which will in turn create jobs and increase skills.

Grimsby Fish Dock Enterprises Limited, Wharncliffe Road, Grimsby - Support the proposal. Opportunity to develop the docks and create a catalyst for further development.

Mariner House, Trondheim Way, Stallingborough - Supports the proposal. Considers the proposal would save the historic building and transform the area. The applicant should be applauded. The proposal will support the port, job creation and the wider community and raise the area profile.

36 Minshull Road - Supports the proposal on the grounds of the benefits to the economy and to the area, noting that the proposal provides accommodation for workers locally. Hopes it will act as a catalyst for the development of the ice factory.

Offshore Renewable Energy Catapult (OREC) x 2 - Support the proposal, and state they will use these facilities. The proposal will regenerate the port. Confirm they are partners to the wider dock regeneration. The proposal will encourage investment and improve the dock.

Lord Norman Lamont, 9 Callcott Street, London - Supports the proposals to regenerate the area.

11 Columbia Road, Grimsby - Support the proposal which will bring jobs to the area and regenerate the port.

Chartley Hyde Heath, Amersham - Support the proposal which will bring jobs and investment to the area and regenerate the port.

9 Normanby Road, Skegness - Supports the proposal will raise the area profile bringing employment and regeneration.

7 Louth Road, Grimsby (Creative Start) - As immediate neighbours, express their full support for the proposal and the regeneration it will bring.

16 Philip Avenue, Cleethorpes (Ice Factory Trust) - Supports the proposal. Considers the scale and massing is good and the design both contemporary and interesting. The proposal will uplift the area and does not compete with the ice factory. Supports increased revenue and regeneration.

1 Bargate Court, Grimsby (Chair Great Grimsby Ice Factory Trust) - Supports the proposal. Considers the proposal to be positive for Grimsby's heritage and the area more generally and result in a step change for North East Lincolnshire.

57 Balham New Road, London. Supports the proposal.

5 Augusta Street, Grimsby - Supports the proposal which will regenerate the area, upgrade the profile of the area and support employment.

6 Esk Close, Lincoln (Founder Member of the Humber Cruising Association) - Supports the proposal on the basis of increased regeneration of the site and wider area.

Alfred Enderby Maclure Street, Grimsby - Overwhelmingly supports the proposal in this kick start to regeneration. Considers a proposal of this nature is well overdue.

Enterprise Village Grimsby - Supports the proposal given the investment and regeneration it will bring.

## **APPRAISAL**

The Material Considerations are:

1. Principle of Development
2. Design and Heritage
3. Archaeology
4. Local Amenity

5. Access and Highways
6. Drainage and Flood Risk
7. Ecology
8. HSE
9. Environmental Matters

## 1. Principle of Development

The site is located on the operational port and is north of the Grade II\* Listed Ice Factory Buildings.

Policy 5 is the generic policy for new development proposals, there is nothing in this application; subject to an assessment of the site specific impacts, that raises an in principle conflict under Policy 5.

Being on the operational port Parts 3 and 4 of Policy 7 apply. Whilst typically the policy supports port related uses on the operational port, it goes on under Section 4 to state that a diversification of uses will be supported where development is proposed on land that is surplus to port requirements and the proposal use would accord with the development plan as a whole and would not conflict with port operations. It is important to note that ABP have sought to sell this site on the basis that it is surplus to their requirements. It should be noted that the hotel would not sit in isolation and indeed, is designed to support wider dock diversification in terms of the future of the docks and its workers by providing bespoke accommodation and facilities. The consideration of the wider compliance with the plan as a whole and the impact on operational efficiency will be addressed in further sections of this report, but in principle there is no conflict with Policy 7 in this regard.

Policy 8 relates to employment areas, which this area forms a part of. The proposal would generate employment and investment into the local area and is therefore considered compatible on this site under Policy 8 in principle. Operation alone would equate to around 50 staff, with added jobs created through the construction phase.

Policy 12 encourages tourism and improvements to the visitor economy. This accommodation is targeted at the professional sector and those primarily using the docks for work. Such a use would still contribute to the local economy and retain local spend and as such a significant project, would raise the profile of the area more generally.

Policy 23 is the overarching policy which seeks to direct retail and leisure uses in particular into town centre locations. It is noted that a hotel would typically fall within a main town centre use. The hotel and the immediate proposal next door at the Ice Factory are inherently linked and are designed to complement one another. They form a collective regeneration package of a key heritage scheme that sequentially you could not realise on any other town centre site. The NPPF at para 197 states the desirability of new development making a positive contribution to local character and distinctiveness in terms of heritage.

The site is equally not too distant from the town centre and through this application will result in greater public accessibility to this site but also the wider Kasbah area and help to support the Council's aspirations of improving connectivity between the Docks and the town centre. The nature of what is proposed would not likely undermine or compete with the town centre but seek to respond to the needs of workers on the docks who can typically come into NELC from other regions and support the making of the place of 'Grimsby' through major regeneration especially when associated with the Ice Factory application.

Thus, it is considered that there are no in principle issues under Policies 5, 7, 8, 12 and 23 of the NELLP and it falls to judge the application on the site specific matters discussed below.

## 2. Design and Heritage

Policies 5 and 22 of the NELLP seek to ensure proposals are compatible within an area and are of good design. Good design is further echoed in Section 12 of 2023 NPPF. As a site that is adjacent Grade II\* listed buildings and is also within the setting of the Kasbah Conservation Area along with other listed buildings, Policy 39 is the overarching heritage policy which seeks to ensure the historic value of assets, areas or their settings are preserved or enhanced.

The site is located within a mixed use commercial dock. Uses still include fish related offerings, but also include uses such as creative arts and windfarm O & M facilities. The proposal for this hotel is aimed at largely supporting the wind farm operators by providing bespoke and fit for purpose accommodation within the area of work. It would also serve as a more specific form of accommodation for those supporting such industries on the dock from further afield bringing in much wider economic investment. As a facility which would complement rather than detract from the docks, it is considered the use is compatible and would not be wholly out of keeping in this context.

Moving to the specifics of the proposal, this application is supported by a thorough Design and Access Statement and Heritage Assessment. The design has evolved through a detailed understanding of how the docks has developed and seeks to respond to this historic context by recreating the historic road pattern by an edge of site development onto Gorton Street, Auckland Road and Fish Dock Road. Examples of former buildings and this relationship are provided for in the assessment, which demonstrate how much built form has been lost over the years from this area. A few of the key fundamentals of the design of this proposal include:

- Recreating development where development once stood;
- Recreating the street frontage;
- Re-establishing a level of density;
- Maintaining an industrial character akin to the docks in the scale and finish (profiled metal) of the hotel;
- Accounting for key views, both into and out of the Conservation Area and to and from

key listed buildings;

- Creating an active ground floor which can serve the development and wider area, supporting vitality.

Clearly, there is an element of the need to be viable and deliverable and this is an important economic factor in the design and indeed the proposal's scale.

Notwithstanding that, this is not at the cost of design. As stated, the proposal takes simple design cues from the wider dock area as well as being positioned in a 'L shape form on site to reduce impacts to key views of the adjacent Grade II\* listed Ice Factory. Its scale and form is of industrial character. The Heritage Officer reinforces this view and confirms that historically taller and more dense development did once surround the ice factory and so the principle of developing the site in this manner and of this scale would have been common. The Heritage Officer and Historic England have been key consultees in the design process at pre-application stage and again through this application providing advice and critique where necessary. Furthermore Officers engaged The Design Review Panel for Yorkshire and the Humber to independently test the design. Much of this feedback referred to the scale of the proposal and indeed its finish. Changing the cladding colour was one of these suggestions. Where suggestions like this were made, the developers tested these. Historic England agreed the colour chosen was the preferred option. Where changes could not be made or were not made, justified responses were provided on an economic and historic basis.

There is a need to ensure any materials are durable in this environment but also that are high quality given the relationship and juxtaposition with the Ice Factory. The principles of these have been established but the final details and finishes will need to be secured via condition. It is how these are installed and displayed on site that is pivotal to the finish of the development and this is emphasised in the heritage feedback. Such matters can be conditioned and this has been agreed.

Importantly as a result of such detailed negotiations, amendments and advice, neither the Heritage Officer nor Historic England raise any objections to the proposal; subject to finalising specific details such as the materials. Furthermore, wider support is noted from other heritage organisations including the Great Grimsby Ice Factory Trust and Historic Buildings and Places.

Security is an important and pertinent design consideration of this proposal and to this end the applicant has been working with the Police within this application to identify security principles that will be established for this proposal. These principles have been agreed and a condition securing the final details is recommended, in accordance with Policies 5 and 22 of the NELLP.

In summary, the design is functional yet sympathetic and would form a welcome addition to the docks in terms of its use and physical presence on the site in accordance with Policies 5, 22 and 39 of the NELLP.

### 3. Archaeology

A Desk Based Archaeological Assessment has been provided. In assessing the site significance and potential, it recommends an archaeological watching brief, in accordance with the Written Scheme of Investigation.

Thus, subject to conditions, below ground heritage can be considered appropriately in accordance with Policy 39 of the NELLP.

### 4. Local Amenity

The site is situated on the operational dock with a number of dock related and commercial operators in the vicinity. The extent of public support has been recognised in the 'representations received' section of this report. It is clear that a number of immediate neighbours welcome the proposal. Increased activity at the site will likely create impacts in terms of noise and footfall in particular. That being said, as an active dock, activity and footfall is expected and in this regard, the hotel would not represent a harmful addition to neighbours. Indeed, increased footfall could support neighbouring businesses and overall vitality, whilst also improving general security in the area. As indicated already in the 'principle;' section of this report, this proposal is inherently linked to operators and workers on the dock and the facilities it will provide will be of benefit to local amenity.

Clearly there will be a need to manage impacts during the construction phase to limit general noise and disturbance and to this end, construction management conditions are recommended.

It is not expected that this proposal would compromise the operational efficiency of the dock. The hotel is more likely to generate activity when other parts of the dock are not in use. Parking will predominantly be on site and the proposal caters for servicing on site.

Whilst creating impacts, such impacts for neighbours would not be detrimental and subject to conditions, the proposal accords with Policy 5 of the NELLP.

### 5. Access and Highways

Access to the site is through the dock. As it stands, this is via the existing security control point on Murray Street. A Transport Assessment (TA) and subsequent Transport Note (TN) accompany the application. These consider the likely trip generation that would be created by the proposal and the subsequent impacts this may have on the network. Importantly, all of the land in and immediately surrounding the site is private land, predominantly in the ownership of ABP. The proposal considers the level of trip generation and the impact on local junctions and concludes there would be no severe impact on the local highway network either in safety or capacity terms. The Highways Officer agrees with these conclusions.

40 car parking spaces will be formally created through the proposal with a reinstated

historic access link extending northwards. The TA considers the likely demand for parking. Policy 38 of the NELLP does not set a minimum level of parking, but requires that numbers are justified in line with the proposed use and location. An emphasis has been put on sustainable transport and also the nature of additional unrestricted parking on the wider dock that is available should the car park exceed capacity. The TN considers management arrangements and a booking system for the parking in order to alleviate parking and customer pressures. Whilst accepting there will be some pressure for spaces the Highway Officer considers that the proposal is acceptable, but wishes to see conditions relating to cycle provision, construction traffic management and travel plan measures.

With the conditions set out, the proposal would be acceptable on the grounds of highway safety and capacity and accords with Policies 5, 36 and 38 of the NELLP.

## 6. Drainage and Flood Risk

The site is within flood zone 3 and the application is accompanied by a Flood Risk Assessment (FRA). A sequential test is required for this type of development. The proposed use is 'more vulnerable' in flood risk terms. Being allocated for employment in the NELLP, the proposal would create employment and in that respect it could be argued the site has been sequentially tested. Notwithstanding that however, the site is within the East Marsh and in line with the Council's MOU with the Environment Agency is within the top 20% of nationally deprived areas. This proposal comprises important heritage led regeneration. In such circumstances it is recognised that the regeneration of such areas cannot happen without growth and as such, the MOU allows for such provisions to be made.

In terms of the Exceptions Test, the FRA details measures for flood resilience and resistance measures. No sleeping accommodation is proposed at ground floor level and the first floor level will be set at a minimum of 4.25 AOD. The Environment Agency have accepted this and recommended such details be secured via condition. They have also recommended securing a Flood Warning and Evacuation Plan which has also been conditioned. The exception test also requires that the sustainability benefits of a scheme outweigh flood risk. The public benefits to this proposal are clear in terms of regeneration through its physical presence and via its links to the important conversion of the Ice Factory next door. Such proposals can be enjoyed for generations to come and support the wider economic prosperity of the docks and wider Grimsby region. It is therefore considered such benefits are justified.

The proposal has the opportunity to reduce the surface water run off discharge rate through the installation of drainage. Such an approach is accepted by both Anglian Water and the Drainage Officer through consideration of their Drainage Strategy. The layout and extent of the site is such that there is space for drainage to be provided. Final details will however be required and a condition securing such details, including maintenance, is recommended.

Subject to further details via conditions, the impacts in terms of drainage and flood risk can be made acceptable to accord with Policies 5, 33 and 34 of the NELLP.

## 7. Ecology

The site is within 2km of the SSSI. A Preliminary Ecology Appraisal accompanies the application. There are no ecological constraints to this development subject to mitigation and measures being secured. A Habitat Regulations Assessment (HRA) has also now been provided. The Council's Ecologist raises no objections to the methodologies or conclusions of these reports and recommends that the details regarding mitigation, ecological enhancement and submission of a Construction Environmental Management Plan are secured via condition.

Natural England in their first letter requested that a HRA be provided (September 2023). This was provided and subsequently consulted upon. In accepting the findings thus far on the proposal in the HRA, they are now advising that recreational disturbance be considered and included in the HRA. Whilst not raising objections, they have stated the need for this information. This is being finalised by the consultants. In response however, the Council's Ecologist has provided comments on this matter confirming that no likely significant effects are expected in this regard. The primary reasons for this conclusion are the nature of the operational dock and the type of use proposed, along with the intent for this to be for corporate and business use primarily. Natural England's final comments on the updated HRA will be sought.

On the grounds of ecology, it is anticipated that with the proposed conditions the development will be acceptable in accordance with Policies 5 and 41 of the NELLP.

## 8. HSE

The site falls within a middle and outer HSE zone for ABP installations. Since the submission of the application, formal confirmation of the revocation of the installation has been completed and sealed. Unequivocal confirmation of HSE's position following the revocation will be sought.

Subject to this, the proposal in this regard accords with Policy 5 of the NELLP.

## 9. Environmental Matters

An Air Quality and Odour Assessment has been provided. This concludes acceptable levels relating to air quality and no significant impacts for future users in terms of odour. A series of recommendations are however included such as those relating to ventilation and construction management and will be added to this recommendation in accordance with Policy 5 of the NELLP. This view is accepted by the Environmental Health Officer.

Given the proximity of the site to the railway, Network Rail and the Environmental Health Officer requested an Acoustic Report. A Noise Assessment was undertaken. A series of

measures are recommended given the position of the site relative to industry and the railway regarding glazing, external materials and plant in particular. The Environmental Health Officers concur with the conclusions and wishes to see the recommendations adhered to. Network Rail have seen the report and raise no objections. With conditions to secure such measures, the amenity of future visitors in the building can be protected in accordance with Policy 5 of the NELLP.

A Geo-Environmental Assessment accompanies the application. As a result of the ground conditions, the full suite of contaminated land conditions have been recommended by Environmental Health Officers, these are attached to this report, in accordance with Policy 5 of the NELLP.

## **CONCLUSION**

This proposal to redevelop this brownfield site would represent the first real step to major redevelopment on this part of the docks. The proposal is well considered and whilst of some scale, is sympathetic to its surroundings and has been evolved through a thorough understanding of the site and its immediate context. The physical presence and activity at this site would serve to benefit the immediate locality and the wider region. Where impacts have been identified through technical reports, mitigation measures and recommendations have been provided which consultees consider to be acceptable. Furthermore no objections by either consultees or the public have been received. It is hoped that this and the adjacent project at the Ice Factory will serve as catalysts for further development of the dock and the Kasbah Conservation Area.

The application is therefore recommended for approval subject to the conditions set out and upon the satisfactory resolution of Natural England comments and there being no objections raised from them and unequivocal confirmation of HSE's position following the revocation. It is therefore recommended that the decision be delegated to the Assistant Director for Regeneration to allow this to occur.

## **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 approved plans and specifications:

- Site Location Plan 1\_688-WTA-H-00-DR-A-0001
- Street Scene Elevation 1\_688-WTA-H-ZZ-DR-A-1210
- Proposed Elevations 1\_688-WTA-H-ZZ-DR-A-1200
- Proposed Section 1\_688-WTA-H-ZZ-DR-A-1300
- Proposed Site Plan 1\_688-WTA-H-00-DR-A-0003
- Topographical Survey
- Proposed Ground Floor Plan 1\_688-WTA-H-00-DR-A-1100
- Proposed First Floor Plan 1\_688-WTA-H-01-DR-A-1101
- Proposed Second-Fourth Floor Plans 1\_688-WTA-H-02-DR-A-1102
- Proposed Roof Plan 1\_688-WTA-H-03-DR-A-1103 and 1\_688-WTA-H-R-DR-A-1104
- Proposed Facade Detail 1\_688-WTA-H-ZZ-DR-A-4000
- Area Schedule 1\_688-WTA-H-ZZ-S-A-9000

Delivery and Servicing Plan (Vectos, August 2023)

Planning Statement (DP9, August 2023)

Transport Statement Final (Vectos, August 2023)

Travel Plan (Vectos, August 2023)

Townscape, Heritage and Visual Impact Assessment (Jon Lowe Heritage, July 2023)

Preliminary Ecology Appraisal (Greengage, August 2023)

Energy & Sustainability Statement (Cundall, 7th August 2023)

Archaeology Design Based Assessment (MOLA, August 2023)

Acoustic Design Report (Waterman, August 2023)

Transport Technical Note (Vectos, 18th October 2023)

HRA Screening (Greengage, 17th October 2023)

Habitat Regulations Assessment (Greengage, November 2023)

Design and Access Statement Addendum (Waugh Thistleton Architects, September and December 2023)

Flood Risk Assessment and Drainage Strategy (Watermans, August 2023)

Design and Access Statement (Waugh Thistleton Architects, July 2023)

Security Summary (DP9, 16th November 2023)

Planning Note (DP9, 4th December 2023)

Air Quality and Odour Assessment (Cundall, 4th December 2023)

Geo Environmental Assessment (Delta Simons, August 2023)

Reason

For the avoidance of doubt and in the interests of good planning and to ensure compliance with local and national planning policies.

(3) Condition

Prior to any construction works commencing, final details of the proposed surface water

drainage scheme which achieves a discharge rate of 2l/s, shall be submitted to and approved in writing by the Local Planning Authority. Included, shall be a scheme of maintenance. Once approved the drainage shall be installed as agreed and implemented prior to any occupation.

**Reason**

In the interests of ensuring satisfactory drainage to serve the proposed development, in accordance with Policies 5, 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

**(4) Condition**

The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref WIE18268-100-R-3-2-1-FRA dated 23rd August 2023, Waterman Infrastructure and Environment Limited) and the following mitigation measures it details:

- As detailed in section 3.9 of the FRA, there shall be no sleeping accommodation on the ground floor.
- The finished floor level of the first floor shall be set no lower than 4.25 metres above the existing ground level.
- Flood resistance and resilience measures shall be incorporated as stated in section 3.11.

These mitigation measures shall be fully implemented prior to any occupation. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

**Reason**

To reduce the risk of flooding to the proposed development and future occupants, in accordance with Policies 5, 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

**(5) Condition**

Prior to any occupation, a Flood Warning and Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority. Once approved the Plan shall be adhered to at all times following first occupation.

**Reason**

To ensure the safety of future occupiers of the building in the event of a flood, in accordance with Policies 5 and 33 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(6) Condition

Prior to the commencement of construction works on site detailed specifications of the type of piling/ground improvement/foundations to be used to support the buildings/structures shall be submitted to the Local Planning Authority for approval. Included shall be a scheme to mitigate the effects of the design with particular regard to noise and vibration to the surrounding premises and pollution to the underlying chalk aquifer. The foundations shall be carried out/constructed in accordance with the approved details unless variations are approved in writing by the Local Planning Authority.

Reason

To ensure that the proposed development does not harm groundwater resource or ecology, in accordance with Policies 5, 34 and 41 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(7) Condition

No construction work shall be carried out on or before 08:00 or after 18:00 on any day.

Reason

In the interests of local amenity and ecology, in accordance with Policy 5 and 41 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(8) Condition

No construction works 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). This shall accord with the recommendations set out in the Air Quality and Odour Assessment. 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. No burning of demolition/construction waste material shall take place on site. The measures shall be applied as agreed.

Reason

In the interests of public health and local amenity, in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(9) Condition

Prior to any occupation of the building 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. The details of which shall accord with the recommendations set out in the Air Quality and Odour Assessment. Such a scheme as approved shall be implemented in its entirety prior

to any occupation and shall thereafter be so retained.

**Reason**

To protect local amenity and heritage, in accordance with Policies 5 and 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

**(10) Condition**

Prior to the commencement of development a supplementary investigation /assessment of the site shall be undertaken in accordance with the recommendations contained within the Geo-Environmental Assessment (ref: 95315.572508) prepared by Delta Simons, dated August 2023. The investigation shall be undertaken to the satisfaction of the Local Planning Authority (LPA) and details of all results, assessment and measures needed to render the development safe shall be submitted to and approved by the LPA before the development is commenced or in accordance with a timetable to be agreed with the LPA.

**Reason**

To ensure potential risks arising from previous site uses have been fully assessed and mitigated, in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

**(11) Condition**

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

**Reason**

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

**(12) Condition**

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

Reason

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

(13) Condition

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

Reason

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

(14) Condition

Prior to any occupation, a final scheme of security measures shall be submitted to and approved in writing by the Local Planning Authority. This shall adhere to the 'Security Commitments'. Once approved the measures shall be installed in strict accordance with the agreed details before any occupation occurs. The measures shall be retained as approved thereafter.

Reason

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

(15) Condition

Before the following are installed final details including full specifications shall be submitted to and approved in writing by the Local Planning Authority. Specifications shall adhere to the Acoustic Report. Once approved, development shall proceed in strict accordance with the approved details unless, otherwise submitted to and approved in writing by the Local Planning Authority.

- Wall and roof metal cladding;
- Windows and doors;
- Curtain walling;
- Parapet coping and gutters;
- Rainwater pipes and hoppers;

- Stringcourses;
- Rooflights;
- Substation;
- Canopy.

Reason

In the interests of good design and heritage, in accordance with Policies 5 and 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(16) Condition

Prior to any development commencing, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall adhere to the recommendations set out in the Preliminary Ecological Appraisal and Shadow Habitat Regulations Assessment by Greengage and those in the Air Quality and Odour Assessment by Cundall. Once approved, the Plan shall be adhered to at all times during the course of development.

Reason

In the interests of ecology and protecting the natural environment, in accordance with Policies 5 and 41 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(17) Condition

Prior to any construction commencing, an Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall adhere to the recommendations set out in the Preliminary Ecological Appraisal by Greengage. Once approved, the Plan shall be adhered to at all times during the course of development.

Reason

In the interests of ecology and protecting the natural environment, in accordance with Policies 5 and 41 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018)

(18) Condition

All construction work shall adhere to the recommendations set out in the Preliminary Ecological Appraisal and the Shadow Habitat Regulations Assessment by Greengage.

Reason

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

(19) Condition

Before any works to the car park begin, final details of the layout to include a minimum of

5% of the total number reserved for those with mobility impairments shall be submitted to and approved in writing by the Local Planning Authority. Details shall also include full details of the public realm, landscaping works and security measures. Works to the car park, landscaping, public realm and security measures shall be completed in full in accordance with the approved details before the building is first brought into use. They shall be retained as approved thereafter.

**Reason**

In the interests of ensuring suitable and fit for purpose parking and in the interests of visual amenity, in accordance with Policies 5, 38 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

**(20) Condition**

Prior to any occupation a Final Travel Plan which accords with the principles set out in the Travel Plan submitted with the application, but includes those additional measures set out in the Highway Authority's response of 6th December 2023, shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the Travel Plan shall be adhered to at all times following first occupation.

**Reason**

In the interests of sustainable travel, in accordance with Policies 5 and 36 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

**(21) Condition**

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

- Contact details of the person with responsibility for the implementation of the Plan;
- The expected number, types and size of vehicles during the entire construction period;
- Construction traffic routing;
- Details of on-site parking provision for construction related vehicles;
- Details of on-site storage areas for materials and if applicable temporary fencing to the site;
- Details of expected delivery schedules and how this will be managed; and
- Details of wheel washing facilities (locations, types etc.).

The approved Plan and control measures it contains shall be implemented throughout the construction phase.

**Reason**

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

(22) Condition

In line with the Archaeological Desk Based Assessment by Mola, 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, in accordance with Policies 5 and 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

## **Informatives**

### **1 Reason for Approval**

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal represents a significant investment in Grimsby Docks. The proposal would result in enhancements to the wider area and its significance for Grimsby cannot be underestimated. It 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, 7, 8, 10, 11, 12, 22, 23, 29, 31, 33, 34, 36, 38, 39, 41 and 42.

### **2 Added Value Statement**

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

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

solutions to problems arising, by securing further and amended information to respond to consultation feedback.

### 3 Informative

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

### 4 Informative

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

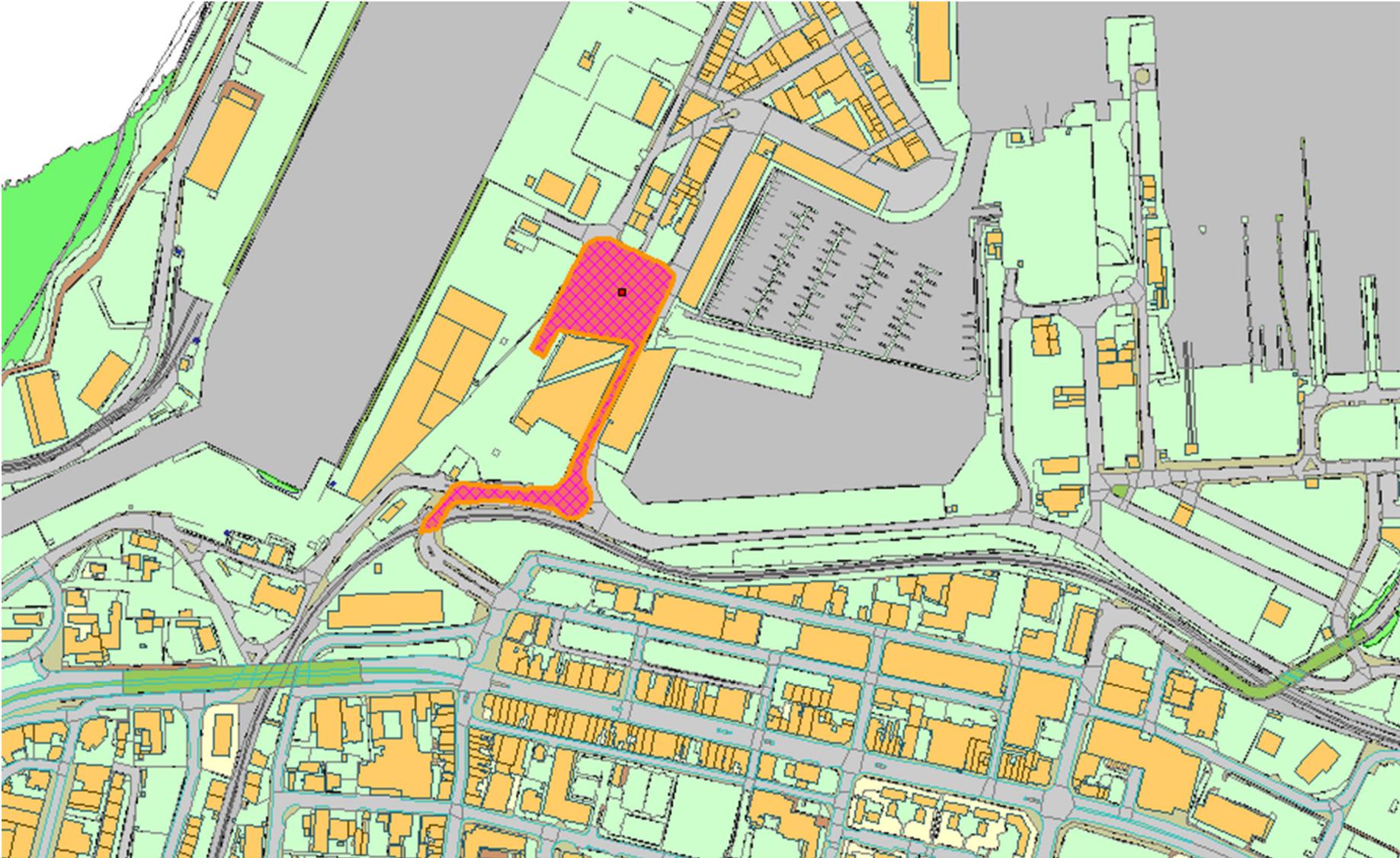
### 5 Informative

Please note the informative advice from:

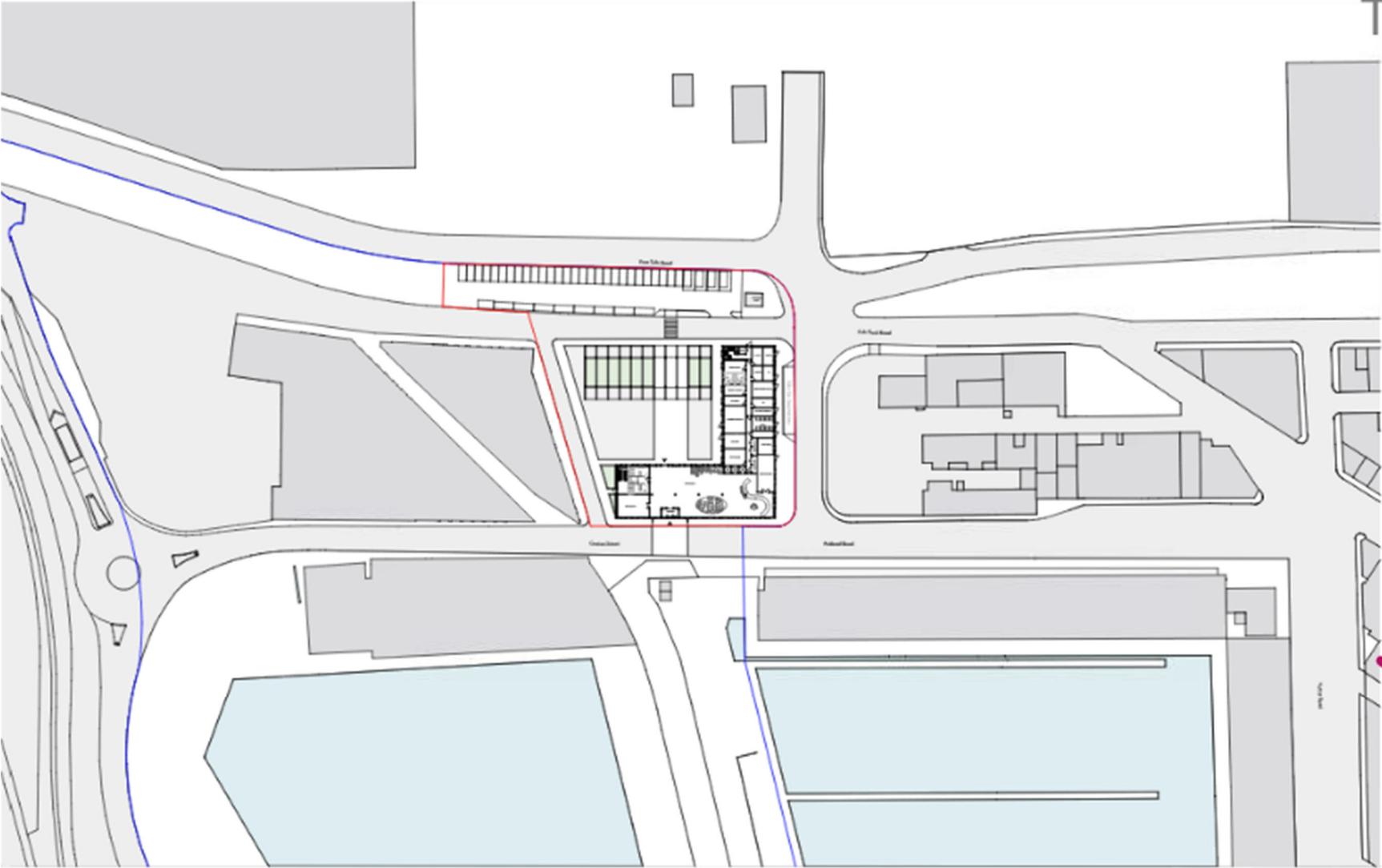
- Cadent Gas (23rd August 2023)
- Humberside Fire and Rescue (25th August 2023)
- Anglian Water (4th September 2023)
- Environment Agency (18th September 2023)
- Environmental Health (13th September 2023)

Which can be viewed on the Council website.

DM/0769/23/FUL – LAND AT AUCKLAND ROAD, GRIMSBY DOCKS, GRIMSBY



DM/0769/23/FUL – LAND AT AUCKLAND ROAD, GRIMSBY DOCKS, GRIMSBY



**PLANNING COMMITTEE - 3rd January 2024**

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

**APPLICATION No: DM/1022/22/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: Anne Askew House , South Marsh Road, Stallingborough,  
North East Lincolnshire, DN41 8BE**

**PROPOSAL: Variation of Conditions 2 (Approved Plans) and 4 (Flood Risk Mitigation Measures) pursuant to DM/0745/19/FUL for revision to include retaining wall and raise ground levels to Plot 1, install 1.8m high boundary fence to side of Plot 1 and amend the type of stormwater barriers**

**APPLICANT:**

Mr Paul Silvester  
Foresight (North East Lincolnshire)  
60 Newmarket Street  
Grimsby  
North East Lincolnshire  
DN32 7SF

**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: 18th November 2022**

**ACCEPTED: 9th December 2022**

**TARGET DATE: 3rd February 2023**

**PUBLICITY EXPIRY: 1st September 2023**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 5th January 2023**

**CASE OFFICER: Richard Limmer**

**PROPOSAL**

The proposal is a retrospective application to vary the approved plans under DM/0745/19/FUL for the erection of two dwellings to include a 1m retaining wall on the western boundary of plot 1 and to raise the levels within the garden area of the dwelling. The proposal also includes a 1.8m high fence adjacent to the north west boundary.

The application has been brought to Planning Committee due to an objection from Stallingborough Parish Council, neighbour objections and that the applicant is Foresight in which Cllrs Sylvester and Shepherd have an interest.

The application was deferred from the July 2023 Planning Committee for further consultation due to the boundary fence that had been erected being 1.8m high not 1.6m high. Furthermore, there was a separate application under consideration regarding condition 4 (flood risk assessment). This proposal was to change the type of flood defences on the properties from flood proof doors to demountable flood boards. This element has been added to this application for clarity.

The development has been completed.

## **SITE**

The site is located on the south eastern side of South Marsh Road on the edge of Stallingborough. The site forms part of an existing residential site known as Anne Askew House. Large amounts of landscaping exist within the site and some have Tree Preservation Orders. Surrounding the site are residential properties on South Marsh Road and open space to the south east. The site has no specific allocation in the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and lies approximately 1km away from the Stallingborough Local Centre.

## **RELEVANT PLANNING HISTORY**

DM/0745/19/FUL - erect 2 dwellings with parking etc.. - approved

DM/0923/21/CND - discharge of conditions attached to DM/0745/19/FUL - approved

DC/1190/06/IMM - Outline application for proposed housing development to include layout and access, demolish existing dwelling. Refused 24.01.2007.

DC/915/07/IMM - Proposal extension to existing home and provision of new bungalows. Refused 08.11.2007.

DM/0243/18/FUL - Erect four detached bungalows with integral garages with associated access, parking, boundary treatments and landscaping and alterations to site entrance and car parking to Anne Askew House. Refused 14.09.2018.

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

National Planning Policy Framework (2023)

NPPF5 - Delivering a sufficient supply of homes

NPPF14 - Climate, flooding & coastal change

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

PO22 - Good design in new developments

PO33 - Flood risk

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**

Drainage Officer - A concern as to the raising of ground levels is noted in principle though in this case it is accepted that the ground level raising is limited to what is practically needed to accommodate the finished floor levels required by condition 4. Therefore, on balance there is no objections to the condition variation.

Trees Officer - no objections

Drainage Board - no objections

Environmental Health - no objections

Environment Agency - no objections subject to the condition for the flood risk assessment being maintained

Highways Officer - no objections

Heritage Officer - no objections

Stallingborough Parish Council - objection due to the impact on neighbours and outstanding enforcement issues.

Neighbours

2, 4, 6 South Marsh Road, 138 Station Road:

These neighbours object due to impact on their privacy and flood risk and that the developer has done the works without planning permission and consider that there has been a lack of enforcement action on the site.

Further consultation has been undertaken following the July 2023 Committee and amended plans being provided. This consultation has not raised any concerns with consultees but no.6 South Marsh Road has written in to reinforce their concerns over the proposal.

Towngate Lodge, 130 Station Road - neutral comment on flood risk and mitigation proposed.

## **APPRAISAL**

### Planning Considerations

1. Principle of Development
2. Impact on Neighbours
3. Drainage and Flood Risk

#### 1. Principle of Development

The principle of the development has been established by the granting of full planning permission under DM/0745/19/FUL. This application seeks to vary the approved plans and does not question the principle of the development. It is noted that the dwellings have now been constructed. The levels within the site have been raised to tie the garden into the house as the finished floor levels have been raised as a requirement of the Flood Risk Assessment. This has resulted in a 1m retaining wall being required along the north western boundary adjacent to the rear boundaries of 2 and 4 South Marsh Road. There has also been a 1.8m boundary fence erected within the site boundary but on top of the 1m retaining wall. Policy 5 of the NELLP allows for such changes in principle but subject to the site specific impacts which are discussed in the report below.

#### 2. Impact on Neighbours

The increase in the levels has resulted in a retaining wall being required along the boundary to keep the land secure. There is a 1.8m high fence along the boundary but due to the raise in levels this is in effect a 0.8m high boundary which does not offer the neighbours the same level of privacy. To address this issue the applicant has installed an additional 1.8m high fence within the site boundary. This additional fence improves the privacy to the neighbours but does in effect result in a 2.8m high boundary fence to the neighbours. Whilst this height of boundary fence is unusual it is set on the rear boundary of the neighbours and whilst visible to the neighbours provides privacy and it is not considered that it causes undue massing or dominance. It is therefore considered that the proposed amendments to the approved scheme are acceptable and in accordance with Policy 5 of the NELLP.

### 3. Drainage and Flood Risk

The development has been built out to the requirements of the Flood Risk Assessment, in particular the finished floor levels of 4.25m AOD. The approved plans showed the external land levels being sloped down steeply to then meet the existing ground levels. In building out the development the approved arrangements has been changed to create a safer and more user friendly environment. Neighbours have raised concerns about how this change has affected the drainage of the area. The Drainage Officer has reviewed the information and situation on the ground and has confirmed that the changes would not increase the risk of flooding off the site and is acceptable. The proposal therefore accords with Policy 33 of the NELLP.

The application now includes a variation to condition 4 (Flood Risk Assessment). This condition required the development to be built out in accordance with the approved Flood Risk Assessment (FRA). One element has been changed from the approved FRA, that is the approved flood proof doors have not been installed but instead the applicant is seeking to install de-mountable flood boards instead. These are boards that can be removed at times of low risk but in a flood event can be installed and provide the necessary protection. This detail has been considered by the Environment Agency and they have no objections to this detail. The proposal is therefore considered to accord with Policy 33 of the NELLP.

### **CONCLUSION**

In conclusion, it is considered that the proposed amendments to the approved scheme are acceptable and do not lead to an unacceptable impact on the neighbours' residential amenities or flood risk in accordance with Policies 5 and 33 of the NELLP. It is therefore recommended for approval.

### **RECOMMENDATION**

#### **Approved with Conditions**

(1) Condition

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

Proposed Site Plan - 563-19-02C

Site Location Plan and Block Plan - 563-19-06C

Tree Protection and Service Trench - 563-19-06A

Existing and Proposed Site Sections - 563 19 05A

Proposed Plans and Elevations - 563 19 01C

#### Reason

For the avoidance of doubt in the interests of proper planning and in accordance with policies 5, 17, 22, 33, 34, 38 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

#### (2) Condition

The development shall be carried out in accordance with the surface and foul water drainage details approved under DM/0923/21/CND.

#### Reason

This condition is imposed to prevent the risk and impact of flooding and in accordance with policies 5, 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

#### (3) Condition

The development shall be carried out in accordance with the submitted flood risk assessment (RM Associates July 2019 Version 1) and the following mitigation measures it details:

- Ground finished floor level to be raised to 1.0m above existing ground level of 3.25m above Ordnance Datum
- Flood resilient construction to be incorporated to 300mm above finished floor level
- The fittings for and the 'Stormguard' demountable flood defence boards shall be fully installed and available to be used within 3 months of the date of this permission.
- Both dwellings to be two-storey

The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place for the lifetime of the dwellings.

#### Reason

To reduce the risk of flooding to the proposed development and future occupants in accordance with policy 33 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

#### (4) Condition

The development shall be built out in accordance with the Construction Traffic Management Plan and the Construction Management Plan approved under DM/0923/21/CND.

#### Reason

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

(5) Condition

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

Reason

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

(6) Condition

The development shall be built out in accordance with the Water Use Calculations approved under DM/0923/21/CND.

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).

(7) Condition

The development permitted by this planning permission shall be constructed in accordance with the approved Arboricultural Report dated 3rd December 2019, from Engie Arboricultural Consultancy, and the Proposed Tree Protection and Service Trench drawing (563-19-06A), in particular the tree protection methods. The mitigation measures shall be fully implemented and retained at all stages during the construction period.

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

## **Informatives**

1 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.

## 2 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.

## 3 Informative

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

## 4 Reason for Approval

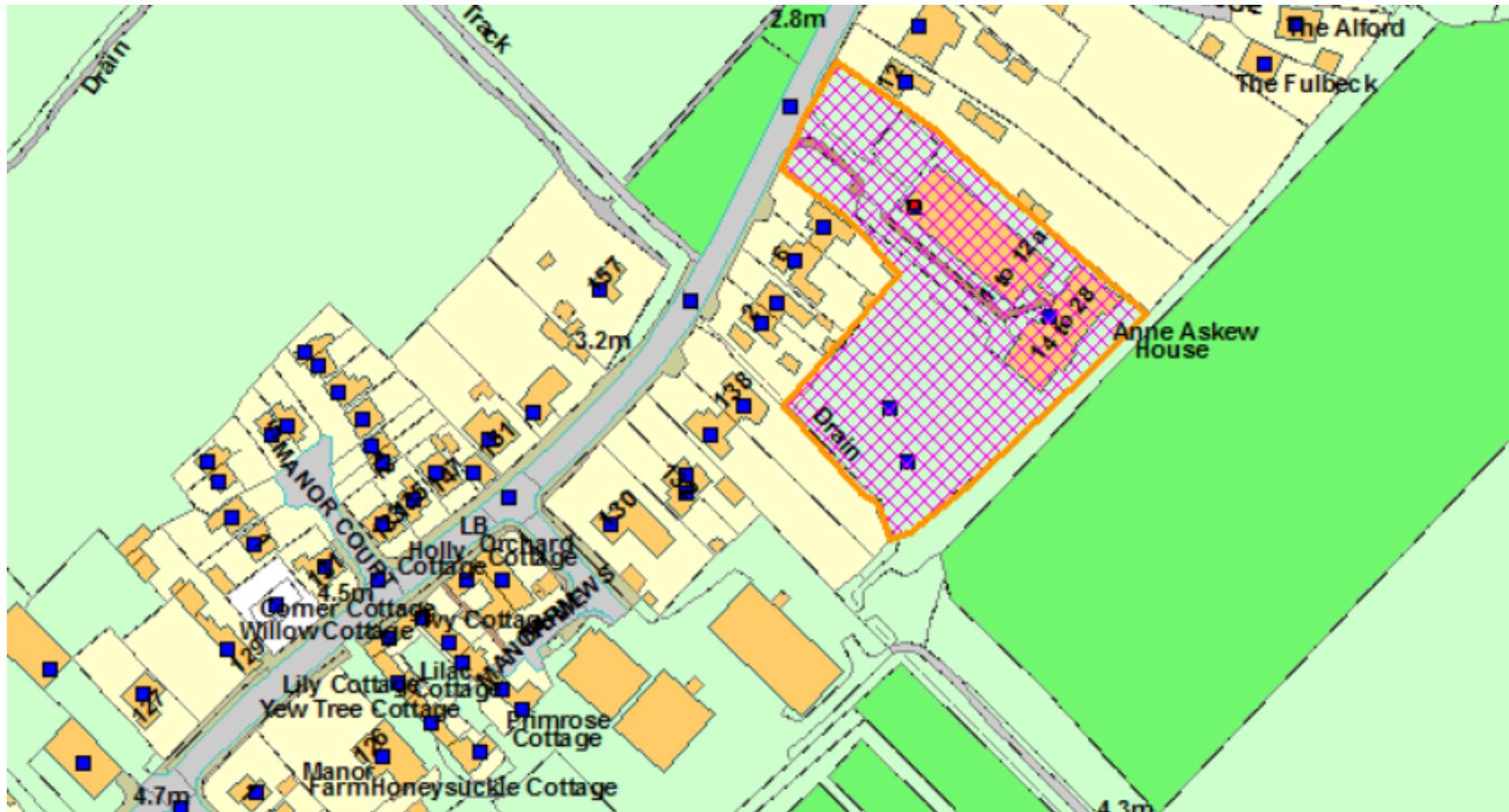
The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or residential amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 5, 33 and 42.

## 5 Added Value Statement

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

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

DM/1022/22/FUL – ANNE ASKEW HOUSE, SOUTH MARSH ROAD. STALLINGBOROUGH



DM/1022/22/FUL – ANNE ASKEW HOUSE, SOUTH MARSH ROAD, STALLINGBOROUGH



**PLANNING COMMITTEE - 3rd January 2024**

**ITEM: 7**                      **RECOMMENDATION: Refused**

**APPLICATION No: DM/1049/23/FUL**

**APPLICATION TYPE: Full Application**

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

**PROPOSAL: Demolish existing garage and outbuildings, erect single storey dwelling with driveway, landscaping and associated external works**

**APPLICANT:**

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

**AGENT:**

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

**DEPOSITED: 25th October 2023**

**ACCEPTED: 25th October 2023**

**TARGET DATE: 20th December 2023**

**PUBLICITY EXPIRY: 19th November 2023**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 19th November 2023**

**CASE OFFICER: Bethany Loring**

**PROPOSAL**

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

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

**SITE**

The site forms part of the private garden ancillary to 109 Carr Lane however vehicle access is taken from Hamont Road to the existing garage. The bungalow is detached and of a modest size and scale. The bungalow is situated on the east side of Carr Lane which

hosts a mix of two-storey dwellings and bungalows.

## **RELEVANT PLANNING HISTORY**

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

DM/0224/23/FUL - Demolish existing garage and outbuildings, erect two-storey dwelling with driveway, landscaping and associated external works - Refused

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

National Planning Policy Framework (2023)

NPPF12 - Achieving well designed places

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

NPPF5 - Delivering a sufficient supply of homes

NPPF15 - Conserv. & enhance the natural environ.

PO5 - Development boundaries

PO22 - Good design in new developments

PO33 - Flood risk

PO34 - Water management

PO42 - Landscape

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

## **REPRESENTATIONS RECEIVED**

Highways Team - Approval no conditions.

Environment Team - Hours of construction/demolition condition.

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

Heritage Officer - No input required.

Trees and Woodlands - No objections or requirement for further landscaping details.

Environment Agency - No objection with FRA condition with mitigation methods.

Northern Powergrid - Cables informative.

#### Neighbour Representations

107 Carr Lane - Objects based on concerns relating to flood risk, not in keeping with the character of the area, close proximity to the boundary, impact to view and devaluation of property.

#### Other representations

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

### **APPRAISAL**

The material considerations are;

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

1. Principle of Development and Flood Risk

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

It is considered that the proposal would fail the Sequential Test because there are other sites in the Borough at lower risk of flooding which could accommodate a single dwelling. A Sequential Test has not been provided as part of this submission. As a garden site there is no regeneration benefit to meet the sequential test. In principle the development is unacceptable on flood risk grounds. As the sequential test has not been passed it is not necessary to move to the Exceptions Test. However, for completeness, if this were to be

passed then this would need to address two parts; (1) the wider sustainability benefits of the community and (2) the need for the development to be safe without increasing flood risk elsewhere and, where possible, to reduce flood risk overall. The proposal would equally fail part (1) as there are no overriding wider sustainability benefits to the community of the development. The provision of one dwelling does not overcome the flood risk concern. Part (2) is addressed through the site-specific mitigation. Given the severity of flood risk in this area, the Environment Agency consider that the finished floor levels are raised 1.25 metres above the external ground level, in order to address their concerns. This has been included on the plans to reflect this, and the Environment Agency now raise no objection to the development in terms of mitigation though they do reference the need to pass the sequential test which it does not.

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

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

Policy 5 of the North East Lincolnshire Local Plan requires an assessment on the impact to the character of the area and visual amenity with Policy 22 setting out the requirements for 'good design'. The National Planning Policy Framework 2021 (NPPF) states that a high standard of design should always be secured with a good level of amenity for existing and future occupiers of land and buildings.

The dwelling would be single storey in height, adopting an 'L' shaped footprint, to include a stepped access with rails to the side. The dwelling would provide an open plan kitchen, dining area, living area with a utility, bathroom, hall and two bedrooms. There would be openings installed to the front and rear elevations which would face onto the host property rear garden and street and a single access door to the side which would form the main access into the property. The dwelling would sit at around 6 metres in height and would adopt a hipped roof arrangement. This would be constructed of a brickwork base, with off-white painted render to the main house and concrete roof tiles. Furthermore, the window and door openings would utilise uPVC.

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

In terms of the dwelling, sitting in its plot in view of the predominant character, the proposal would represent a similar density to other plots in the locality, specifically along Hamont Road itself. Moreover, the scheme does provide sufficient outside amenity space, as part of their domestic curtilage, mostly to the rear but also to the front. There

are no adverse impacts on trees. However, there is the poor setting relationship with the existing substation and the position of the dwelling would result in an overdeveloped and cramped layout in relation to the boundaries in this instance.

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

### 3. Impact on Neighbouring Properties

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

The immediate neighbour, at 107 Carr Lane, has objected to the scheme on the grounds of flood risk, not in keeping with the character of the area, close proximity to the boundary, impact to view and devaluation of property.

The property would sit in an area which currently hosts a garage. It is acknowledged that the dwelling would sit higher than that of the garage however would be positioned further back within the plot. This would result in this being set back against 2 Hamont Road, which runs parallel to the site, and with 107 Carr Lane which is orientated to the west. 107 Carr Lane is a bungalow, and the property would sit close to the boundary. The property would cover around half of the boundary sitting at 6 metres in overall height which would be lower than that than the neighbour. The other surrounding neighbours sit higher than the proposal. As a result, it is not considered that the property would present an overbearing and dominant development with the neighbour 107 Carr Lane due to its height, scale and position along the boundary. The comments relating to the impact to the view and devaluation of the property are noted however not considered to weigh against the proposal. In relation to loss of privacy and overlooking, the window openings would only be positioned to the front and rear, adjacent to the rear garden and host street, and therefore is not considered to cause an issue to the residential amenity in this instance.

Having regard to the above it is considered that the proposal would accord with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) in relation to residential amenity.

### 4. Highways and Parking

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

The Highways Officer has reviewed the details and confirmed that they are happy with the information provided and recommend no further conditions in this instance. It is therefore considered that the proposal would not lead to severe/significant impact on the

wider highway network or cause a detrimental impact to highways safety and sufficient provision has been included for access, turning and parking within the site's curtilage.

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

## 5. Drainage

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

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

## **CONCLUSION**

In conclusion it is considered that the proposal cannot be achieved without unacceptable flood risk safety and also the means of mitigation proposed would result in a poor design that would negatively affect the street scene. Residential development has been refused previously at the site on the grounds of flood risk and there has been no change in policy to allow for the development.

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

## **RECOMMENDATION**

### **Refused**

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

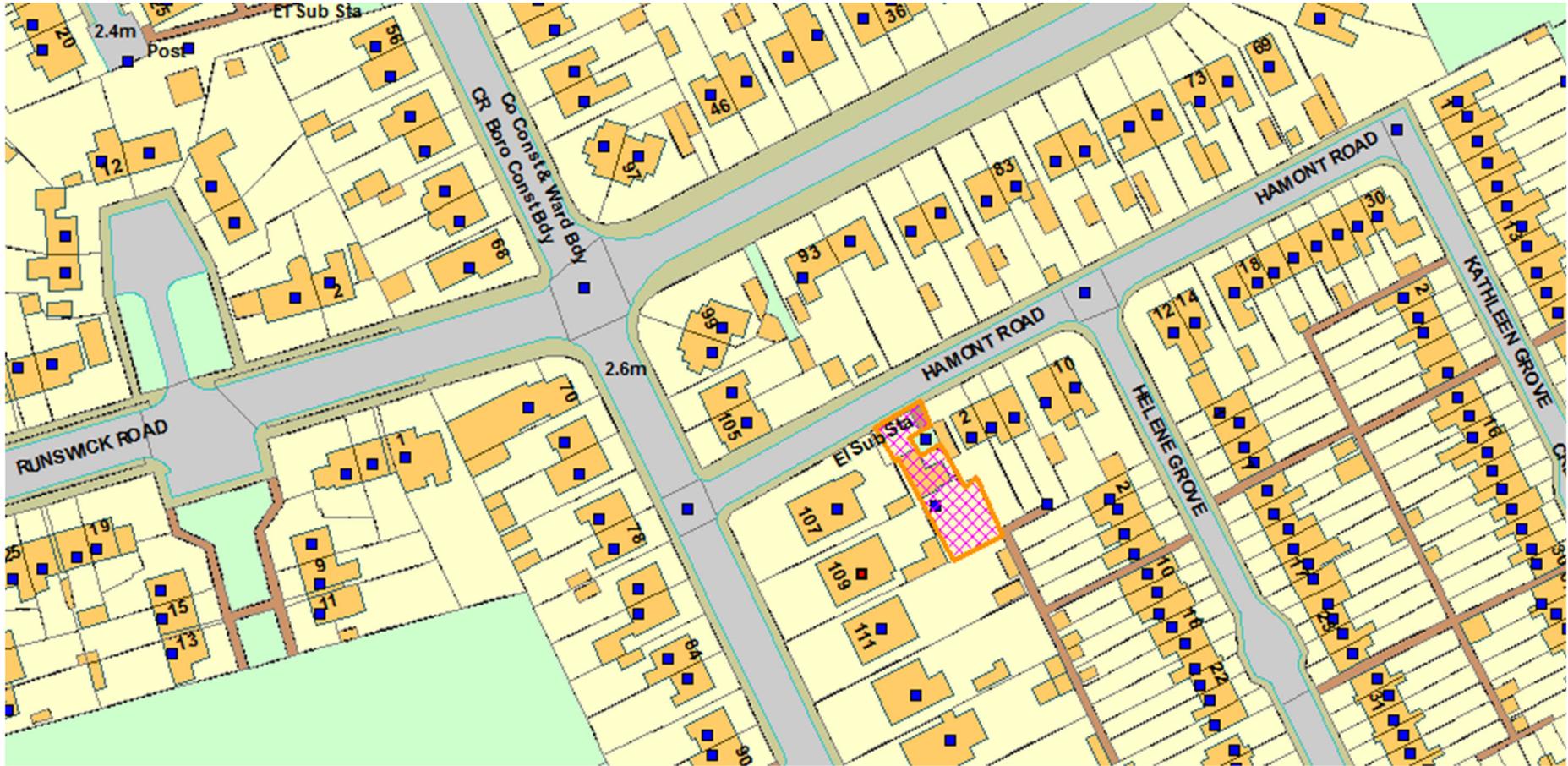
(2) The proposed development is contrary to policy 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and the National Planning Policy Framework in that the development would not result in a good design or layout. This would be detrimental to the character and appearance of the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

## **Informative**

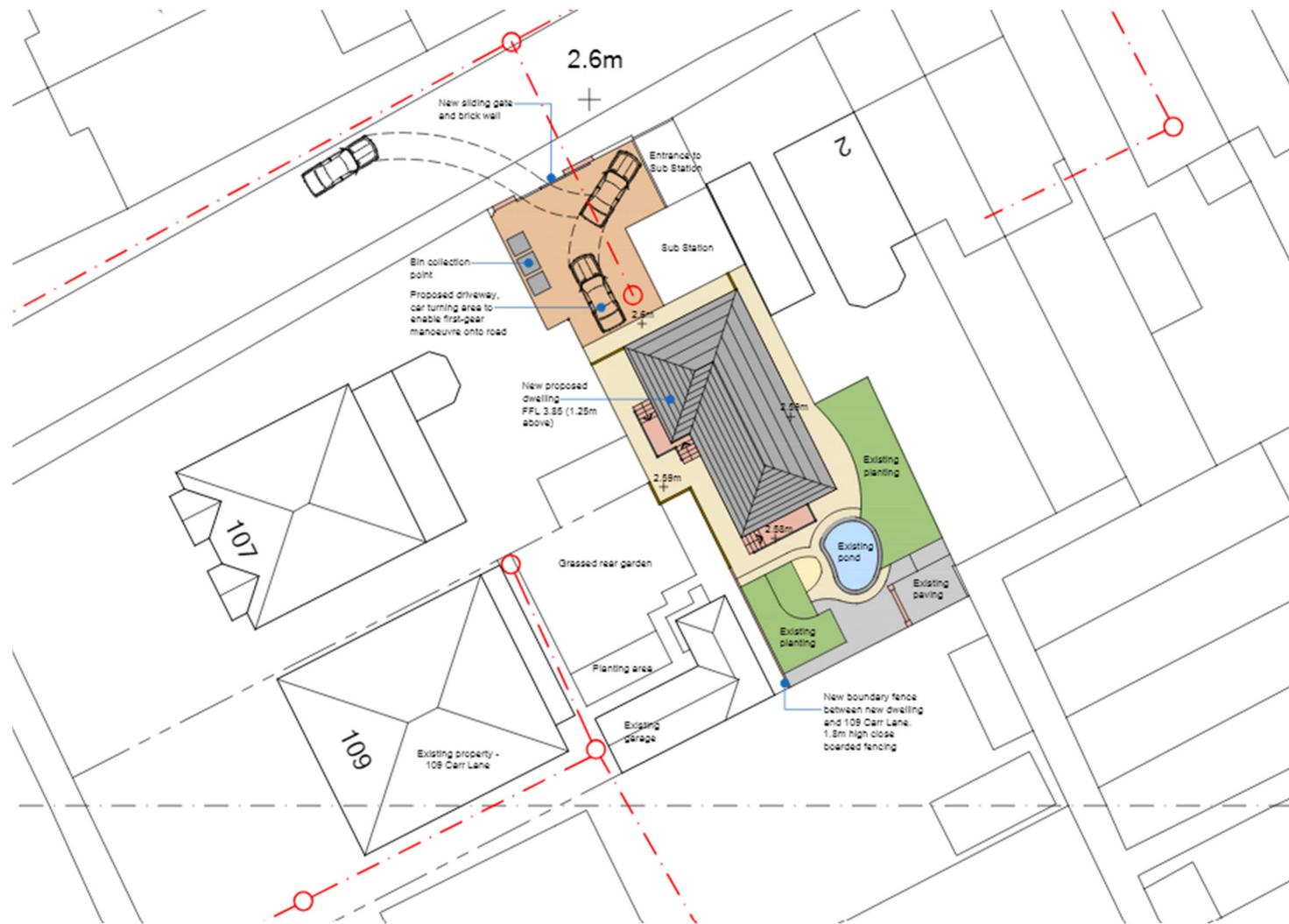
### **1 Informative**

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

DM/1049/23/FUL – 109 CARR LANE, GRIMSBY



DM/1049/23/FUL – 109 CARR LANE, GRIMSBY



**PLANNING COMMITTEE - 3rd January 2024**

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

**APPLICATION No: DM/1078/23/OUT**

**APPLICATION TYPE: Outline Application**

**APPLICATION SITE: 146 North Sea Lane, Humberston, North East Lincolnshire, DN36 4XB**

**PROPOSAL: Outline application to demolish two outbuildings and erect one dwelling with garage and provision of new access with all matters reserved**

**APPLICANT:**

Ms Tracey Wheatley  
158 North Sea Lane  
Humberston  
North East Lincolnshire  
DN36 4XB

**AGENT:**

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

**DEPOSITED: 6th November 2023**

**ACCEPTED: 6th November 2023**

**TARGET DATE: 1st January 2024**

**PUBLICITY EXPIRY: 4th January 2024**

**AGREED EXTENSION OF TIME DATE: 5th  
January 2024**

**CONSULTATION EXPIRY: 1st December  
2023**

**CASE OFFICER: Emily Davidson**

**PROPOSAL**

Outline application to demolish two outbuildings and erect one dwelling with garage and provision of new access with all matters reserved.

The application is presented to Planning Committee due to an objection from Humberston Village Council.

**SITE**

The main part of the application site is situated to the rear of 146 North Sea Lane. The area surrounding the host site is residential in nature made up of mostly detached

dwellings.

## **RELEVANT PLANNING HISTORY**

No relevant planning history.

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

### National Planning Policy Framework (2023)

NPPF5 - Delivering a sufficient supply of homes

NPPF12 - Achieving well designed places

NPPF14 - Climate, flooding & coastal change

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

PO5 - Development boundaries

PO22 - Good design in new developments

PO34 - Water management

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

## **REPRESENTATIONS RECEIVED**

### Consultee Representations

Highways Officer - Recommends access details, turning area and construction traffic management plan conditions and an informative to apply for a licence for the vehicle access.

Drainage Officer - Sustainable drainage condition recommended.

Heritage Officer - No heritage input required.

Environmental Protection Officer - Recommends an hours of construction condition.

Humberston Village Council - Objects due to the pressure infill development places on existing infrastructure.

Civic Society - No objections.

### Neighbour Representations

148 and 167 North Sea Lane made comments neither for or against the application. Comments refer to the need to consider future window placement should permission be granted.

146 North Sea Lane (via agent) - No objections raised.

## **APPRAISAL**

### Material Considerations

- Principle of Development
- Design
- Neighbouring Amenity
- Highways
- Other Considerations

### Principle of Development

The site is located within the development boundary of Humberston, therefore Part 1 of Policy 5 of the NELLP 2018 applies. Policy 5 does not preclude the erection of additional dwellings within the defined development boundaries. Additionally the site is in flood zone 1 which is sequentially preferable for housing development. It is therefore considered in principle that the proposed development is acceptable subject to the site-specific impacts discussed below.

### Design

The design of the proposal has been reserved. The design of the property would be important should the proposal progress to reserved matters stage. However, the principle of a dwelling being situated in this location is one that is considered acceptable given that the site is already used for residential purposes and given its relationship to the surrounding dwellings. The principle of infill development is well established in this area. It is considered that a single storey bungalow would be most suited to this location. Thus, the proposal is in accordance with Policies 5 and 22 of the NELLP 2018.

### Neighbouring Amenity

The specific details for the property have been reserved. Given the dwelling's proposed, indicative location, it is considered there is potential for a dwelling with the right design and scale to be erected in this location without causing detrimental harm to neighbouring amenity. Care should be taken when considering future designs to window placements to

avoid overlooking. In order to protect the amenity of the neighbours should the application be carried out, the Council's Environmental Protection Officer has recommended conditions to control construction hours as well as a construction management. This is in accordance with Policy 5 of the NELLP 2018.

## Highways

The Council's Highways Officer has recommended conditions for further details including access construction details, details of the turning area and a construction management plan. It is noted that access is reserved. The Officer raises no objections to the case. The site is in a sustainable location close to services and transport links. The application is considered in accordance with Policy 5 of the NELLP 2018.

## Other Considerations

The Council's Heritage Officer raised no concerns in relation to the application. The Council's Drainage Officer has recommended a sustainable drainage condition which will be placed on the application as part of the recommendation. The application is considered in accordance with Policy 34 of the NELLP 2018.

Humberston Village Council have raised an objection to the proposal due to the potential for infill development to negatively impact existing infrastructure. One dwelling within the defined development boundary would have a minimal impact on infrastructure and is well established. The village of Humberston is identified in the NELLP 2018 as being able to accommodate growth. It is for these reasons that it is considered that the proposal would not negatively impact the existing infrastructure of Humberston.

## **CONCLUSION**

The proposal in principle for a dwelling can be achieved without compromising neighbouring amenity or the area character. The proposal is therefore considered in accordance with Policies 5, 22, 33 and 34 of the NELLP 2018.

The application is therefore recommended for approval subject to the expiry of the site notice on the 4th January 2024 and no new issues being raised. It is therefore recommended that the decision be delegated to the Assistant Director for Housing and Infrastructure to allow expiry of the notice.

## **RECOMMENDATION**

### **Approved with Conditions**

#### (1) Condition

Applications for approval of the matters referred to in Condition 2 (known as reserved matters) shall be made within three years of the date of this permission and the

development to which it relates shall begin no later than whichever is the later of the following dates:

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

**Reason**

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

**(2) Condition**

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

- (a) the layout, scale and appearance of the development;
- (b) means of access to the site;
- (c) a landscaping and biodiversity improvement scheme for the site including details of any existing trees, hedges and planting to be retained;
- (d) a scheme for sustainable surface water drainage following percolation tests and a foul water drainage scheme.

**Reason**

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

**(3) Condition**

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

Site Location, Existing and Proposed Block Plan - RD5436 - 01

**Reason**

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

**(4) Condition**

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

1. Contact details of the person with responsibility for the implementation of the CTMP;

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

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

#### Reason

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

#### (5) Condition

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

#### Reason

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

## **Informatives**

### 1 Reason for Approval

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

### 2 Added Value Statement

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

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

### 3 Informative

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

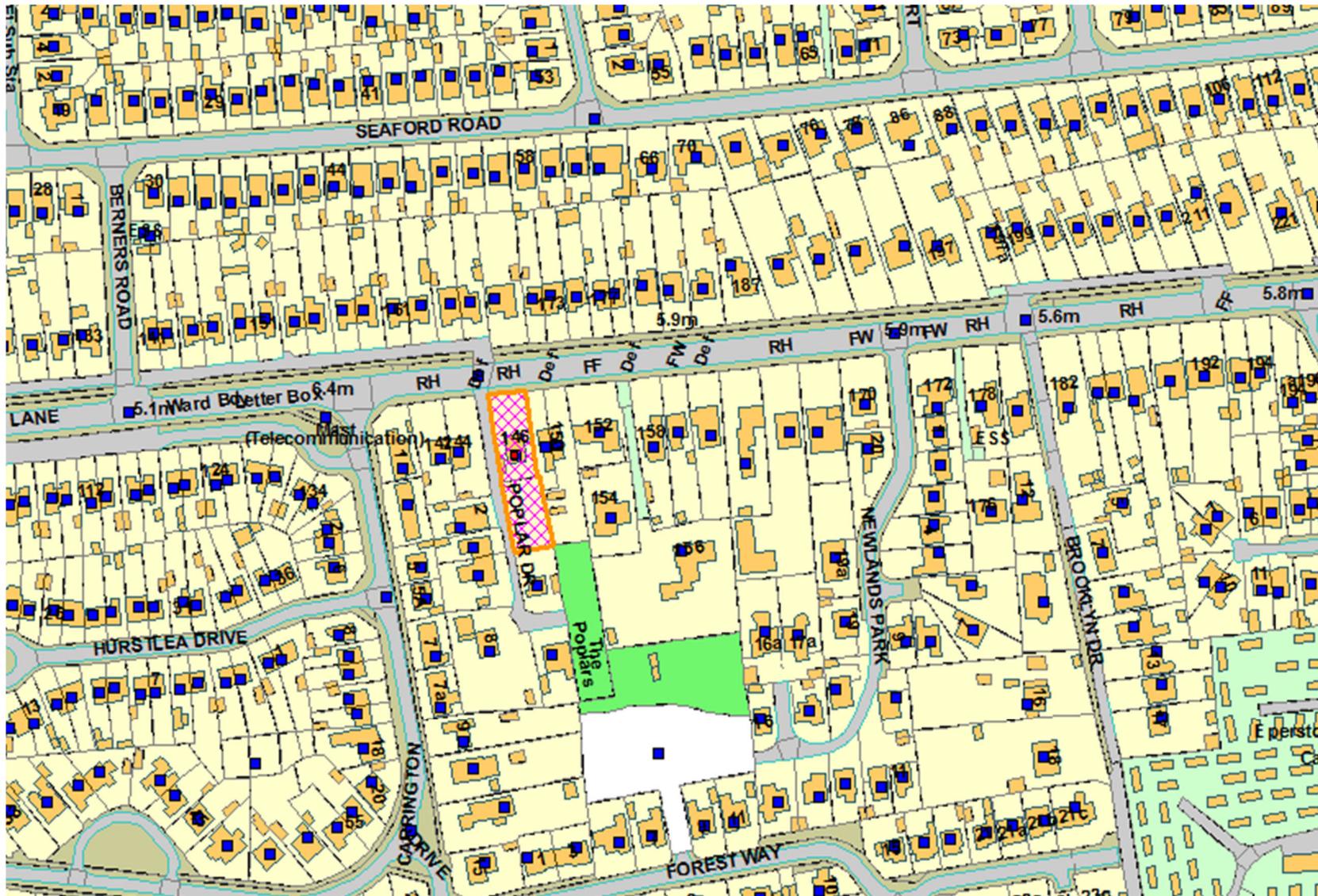
### 4 Informative

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

### 5 Informative

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

DM/1078/23/OUT – 146 NORTH SEA LANE, HUMBERSTON





**PLANNING COMMITTEE - 3rd January 2024**

**ITEM: 9**                      **RECOMMENDATION: Refused**

**APPLICATION No: DM/0944/23/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: 209 Corporation Road, Grimsby, North East Lincolnshire, DN31 2PZ**

**PROPOSAL: Change of use from cafe at ground floor with living accommodation to two self contained flats to include internal and external alterations**

**APPLICANT:**

Mr Emmanuel Jabaraj  
Ebenezer Property Consultants Ltd  
1 Armada Avenue  
Brooklands  
Milton Keynes  
MK10 7FG

**DEPOSITED:** 25th September 2023

**AGENT:**

Martyn Shepherd  
16 Connaught Avenue  
Grimsby  
North East Lincolnshire  
DN32 0BS

**ACCEPTED:** 10th October 2023

**TARGET DATE:** 5th December 2023

**PUBLICITY EXPIRY:** 5th November 2023

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY:** 5th November 2023

**CASE OFFICER:** Bethany Loring

**PROPOSAL**

The application seeks to change the use from cafe at ground floor with living accommodation to two self-contained flats to include internal and external alterations.

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

**SITE**

The proposal site is a two storey, end terraced building located on the north side of Corporation Road in Grimsby. The site was formerly host to a café which has been closed for a few years. Residential accommodation is also present as existing which

spans both floors. The area is predominately residential; however, there are a few commercial properties within the vicinity. The site benefits from some outdoor amenity space to the rear.

## **RELEVANT PLANNING HISTORY**

P41192 - Erection of extension to form dining area and erection of preparation room for cafe and W.C - Approved with Conditions

P41578 - Erection of boundary walls and gates and formation of vehicular accesses - Approved with Conditions

DM/0715/22/FUL - Change of use from former cafe to 2No flats, and reconfiguration of existing first floor flat - Withdrawn

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

### National Planning Policy Framework (2023)

NPPF5 - Delivering a sufficient supply of homes

NPPF12 - Achieving well designed places

NPPF14 - Climate, flooding & coastal change

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

PO5 - Development boundaries

PO22 - Good design in new developments

PO33 - Flood risk

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**

Environment Agency - Objects to the scheme due to habitable accommodation on the ground floor in flood zone three. Significant concerns regarding safety of future occupants.

Heritage Officer - No input required.

Highways Officer - Approval no conditions.

Environment Team - Hours of construction/demolition condition and soundproofing informative.

Civic Society - Good use of a redundant building. Welcomes conversion and supports application.

Representations

No neighbour representations received.

Call in request from Councillor Wilson on the grounds that this shop has stood empty for a number of years and is in urgent need of investment. This planning application will do this, however it stands in a flood risk zone. The developers know this and have put some measures into place. Requests that the committee considers these measures and make a judgement against policy. To make the investment economically viable there needs to be a return, otherwise places like this will be derelict and empty for years. Properties like this are a magnet for anti social behaviour, look ugly and lower the tone of the neighbourhood. Seeking a decision on the wider social implications of this project.

## **APPRAISAL**

Principle of Development

The application site is within the development area of Grimsby (Policy 5), and relates to the change the use from cafe at ground floor with living accommodation to two self-contained flats to include internal and external alterations and as such Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) applies. The site also falls within Flood Zone 3 as defined in the Environment Agency Flood Maps and in flood risk in the Councils Strategic Flood Risk Assessment.

The principle of the development is therefore acceptable however the site-specific impacts need to be considered. These are addressed below and one of the main considerations is that of flood risk.

Flood Risk and Regeneration

As previously outlined, the site is within an area of flood risk and therefore has a high probability of flooding. The National Planning Policy Framework (NPPF) and Local Plan policy requires that developments are safe in flood risk terms. The proposal includes a whole residential unit, including bedroom accommodation, to be at ground floor and no required mitigation, such as the raising of floor levels, has been proposed and are unlikely to be possible in this instance. The Environment Agency have raised an objection on the grounds that the risk to life and property from tidal inundation would be

unacceptable if the development were to be permitted. The Environment Agency's hazard mapping shows the consequences should a breach of the sea defences occur, including the potential flood depths, velocities and overall hazard over the lifetime of the development. The hazard mapping shows that depths of between 1m and 1.6m above ground level could impact the application site for the 2115 1 in 1000 (0.1%) breach scenario. The severity of the potential hazardous conditions means that the proposed development, considering the vulnerability of its future users, would not be safe in the event of flooding. Consequently, there would be an unacceptable risk to life in a flood event over the lifetime of this proposed development. The suggested mitigation of flood boards is not considered acceptable due to the depth of predicated flooding.

It is therefore considered that the proposal would not accord with policy 5 and 33 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) or advice in the National Planning Policy Framework.

The current state of the existing property has been taken into account and that the proposal would put the building to good use. This is acknowledged but this regeneration is not considered to outweigh the risk of a flooding to the property and its occupants at ground floor. The Environment Agency have suggested the possibility of a lower intensity of conversion to just one residential unit over both floors and this would be open for the applicant to explore.

#### Design and Amenity

The development compromises of the change the use from cafe at ground floor with living accommodation to two self-contained flats to include internal and external alterations.

The ground floor would be converted to provide a self-contained unit to include a shared hall, lounge, two bedrooms, kitchen and WC. An exiting rear doorway would be bricked up however all other openings would remain. The first floor would be converted to provide a further self-contained unit to include a landing, lounge, two bedrooms and a bathroom.

The property already benefits from residential accommodation, spanning both floors, which comprises of a lounge/kitchen area and WC at ground floor and three bedrooms and a bathroom at first floor. The proposal would see the café and prep kitchen converted to provide the ground floor unit.

There would be no design issues as there would be only minor alterations to the exterior and the use within this urban area would not cause any neighbouring amenity issues. The site is set along Corporation Road in which faces on to a park and adjoins existing residential properties.

No neighbouring representations were received during the planning process.

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

## Highways

Due to the sustainable location of the development there are no highway issues.

## **CONCLUSION**

In conclusion, the proposal would not be out of character with the surrounding or wider area however it is subject to significant adverse flood risk. The application has therefore been recommended for refusal in accordance with policy 5 and 33 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and section 5, 12 and 14 of the NPPF.

## **RECOMMENDATION**

### **Refused**

(1) The development is contrary to policies 5 and 33 of the North East Lincolnshire Local Plan, 2013-2032 and advice in the National Planning Policy Framework in that the site is within an area of high flood risk and the mitigation measures proposed do not overcome the risk of flooding to the ground floor residential use proposed. The risk to life and property is not justified by the development.

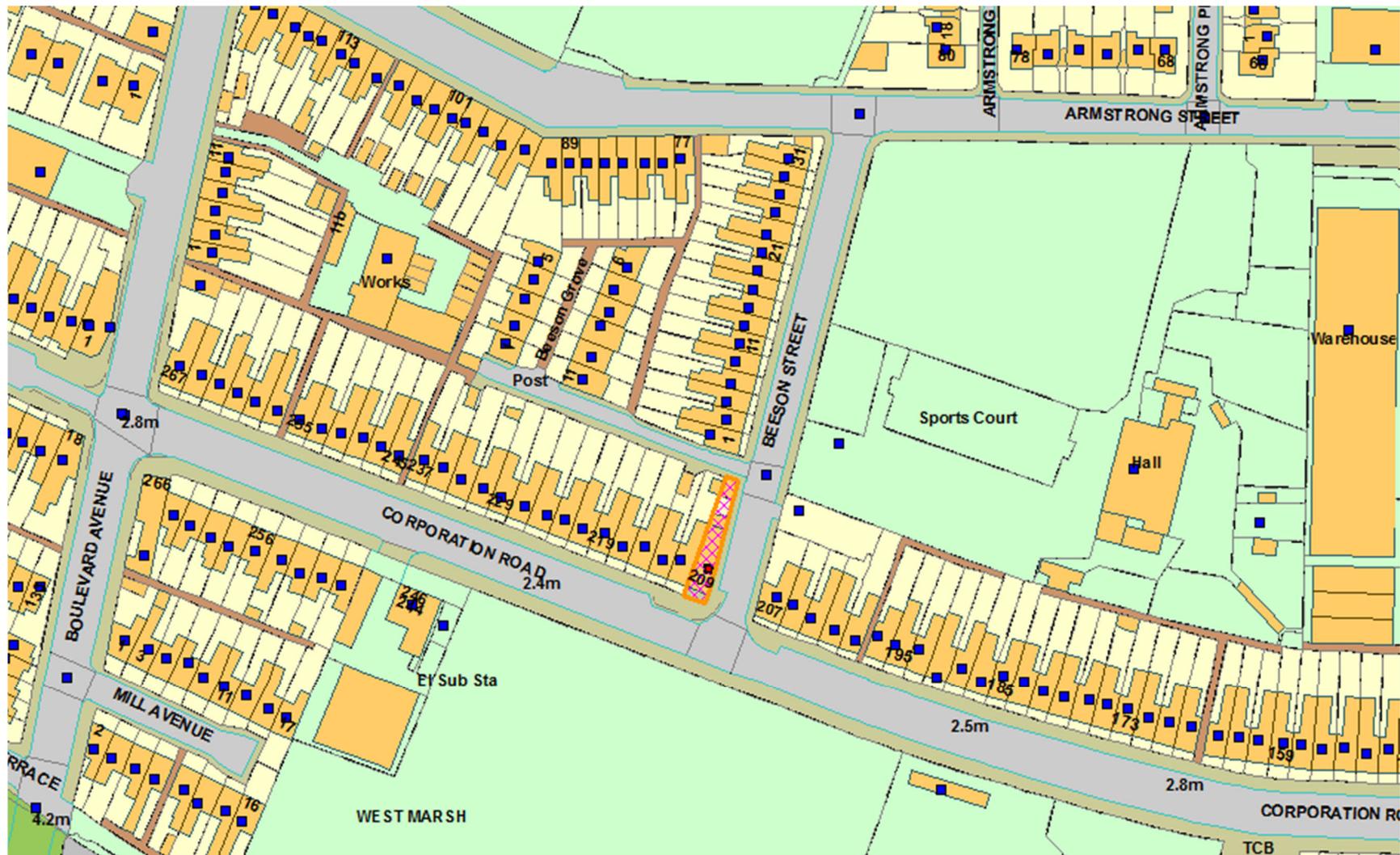
## **Informative**

### **1 Informative**

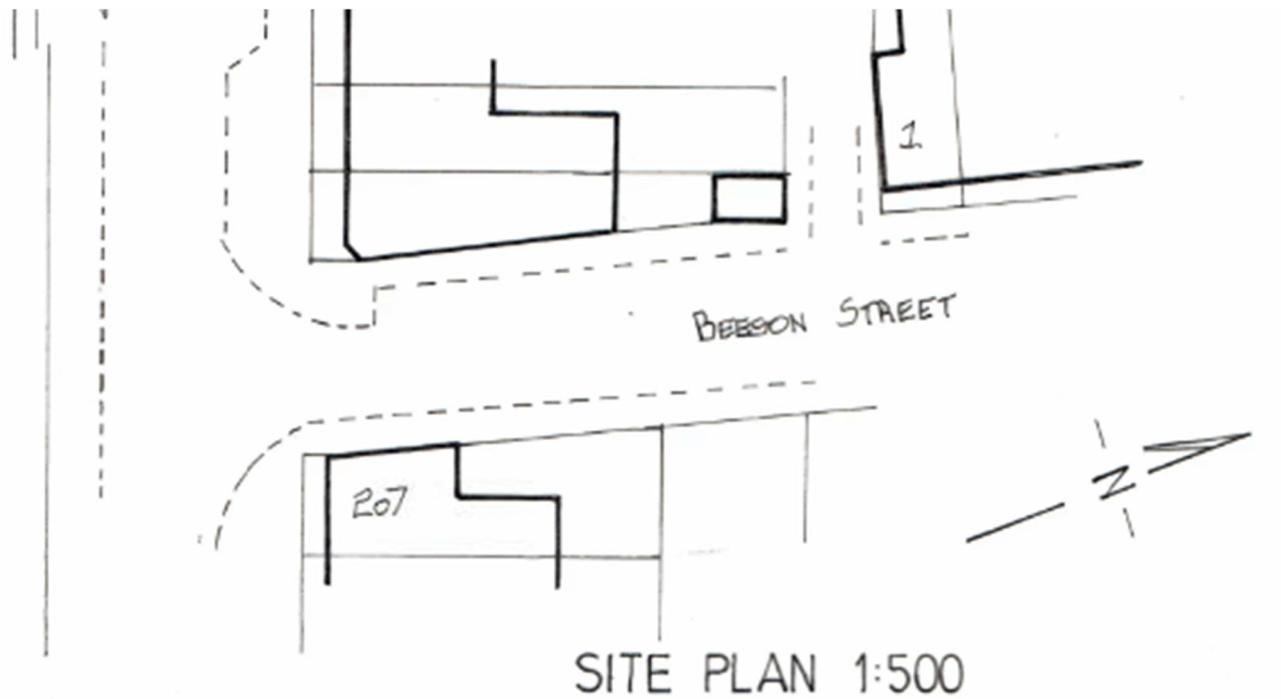
This application has been considered in line with the following plans;

Site Location Plan and Block Plan - received 10th October 2023 and Proposed Floor Plans and Rear Elevation (11-9-23).

DM/0944/23/FUL – 209 CORPORATION ROAD, GRIMSBY



DM/0944/23/FUL – 209 CORPORATION ROAD, GRIMSBY



**PLANNING COMMITTEE - 3rd January 2024**

**ITEM: 10**                      **RECOMMENDATION: Refused**

**APPLICATION No: DM/0992/23/OUT**

**APPLICATION TYPE: Outline Application**

**APPLICATION SITE: Humber View , Barton Street, Ashby Cum Fenby, North East Lincolnshire, DN37 0RU**

**PROPOSAL: Outline application to demolish Humber View and erect two dwellings with access to be considered**

**APPLICANT:**

Mr John Collis  
Culzean House  
Tetney  
Grimsby  
DN36 5GA

**AGENT:**

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

**DEPOSITED: 9th October 2023**

**ACCEPTED: 9th October 2023**

**TARGET DATE: 4th December 2023**

**PUBLICITY EXPIRY: 12th November 2023**

**AGREED EXTENSION OF TIME DATE: 5th  
January 2024**

**CONSULTATION EXPIRY: 4th November  
2023**

**CASE OFFICER: Richard Limmer**

**PROPOSAL**

Outline application to demolish Humber View and erect two dwellings with access to be considered.

The application has been called into Committee by Cllr Pettigrew.

**SITE**

The site is located off the A18 Barton Street in the Parish of Ashby Cum Fenby but outside of the main village development boundary. Access to the site is taken directly off the A18 which is a 50mph road at this point. The site is adjacent but outside of the

Lincolnshire Wolds AONB. To the north of the site is Ashby View a single storey residential property with rooms in the roof. To the east and south of the site is the Willow Lakes Holiday and Equine complex. The land to the east is used as horse paddocks whilst to the east are buildings associated with Willows Lakes. To the west of the site is the A18 and then open countryside beyond which is within the AONB.

The host property is a two storey detached house, the site itself slopes down from the A18 to the east and provides views over the Humber Valley. The site boundaries are a mixture of fences and vegetation.

## **RELEVANT PLANNING HISTORY**

DC/386/11/WAB - erect double garage and new access - approved

DC/486/07/WAB - erect extension and porch - refused

DC/1340/06/WAB - erect extension and porch - refused

DC/916/03/WAB - Cert. Lawfulness for non compliance with Agricultural Occupancy Condition - approved

DC/1101/98/WAB - erect 2 storey extension for granny annexe - approved

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

### National Planning Policy Framework (2023)

NPPF5 - Delivering a sufficient supply of homes

NPPF14 - Climate, flooding & coastal change

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

PO5 - Development boundaries

PO22 - Good design in new developments

PO33 - Flood risk

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, recommend conditions

Environmental Health - no objections, recommend conditions

Drainage - no objections, recommend conditions

Civic Society - no objections

Trees Officer- no objection

Heritage - no objection

Ashby Cum Fenby Parish Council - the PC would prefer that the proposed dwellings are single storey.

No neighbours have commented on the proposal.

Councillor Pettigrew - Called in application to Planning Committee to allow for further discussion.

## **APPRAISAL**

### Planning Considerations

1. Principle of Development
2. Impact on Neighbours
3. Impact on the Character of the Area
4. Highways

1. Principle of Development

The site is located outside of any of the defined development boundaries on the NELLP inset maps. Whilst there are a cluster of other dwellings and the Willow Lakes complex around the site it is considered to be in the open countryside. The host property has planning permission to be a single dwelling with an annexe but it appears that it is being occupied as two separate dwellings, this is unauthorised and subject to a separate enforcement investigation.

The site is located outside the defined development boundary for Ashby Cum Fenby and as such part 3 of Policy 5 is the key consideration. The Council can demonstrate a housing supply well in excess of 5 years and as such the relevant Policies within the NELLP as considered to be up to date and carry weight in the decision making process. The proposal represents replacing one dwelling with 2 and whilst a single replacement dwelling may be acceptable in terms of Policy 5 the additional dwelling is not. This is not a sustainable location for additional dwellings, there is very poor access to sustainable transport and services. The proposal does not meet any of the criteria set out in part 3 of Policy 5 and as such is considered not to be acceptable in principle.

## 2. Impact on Neighbours

The site has only one direct residential neighbour, that is Ashby View to the north of the site. The proposal is in outline form with only access to be considered and as such the precise impacts on this neighbour cannot be considered, only the principle. This applies to Willow Lakes to the south as well. There are other neighbours to the north but these are sufficiently far enough away not to be affected by the proposed development.

Given the size of the site and the indicative site plan provided it is considered that two dwellings could be constructed on the site without having an undue impact on the amenities of the neighbours in accordance with Policy 5 of the NELLP.

## 3. Impact on the Character of the Area

The site is located within the open countryside amongst a cluster of other dwellings and the Willow Lakes complex. The AONB boundary is directly to the west and so the site is within the setting of the AONB. There is also a network of public rights of way to the east of the site which provide views to the site. An additional dwelling in this location will affect the visual character of the area and cause a degree of harm to the openness and verdant character of the area. In part this will be by reducing the gap between properties and Willow Lakes and by the mass and visual intrusion of the 2 dwellings as opposed to the existing situation. The proposal causes harm and this is not justified and the proposal is therefore contrary to Policies 5 and 42 of the NELLP.

## 4. Highways

The scheme demonstrates an acceptable access onto the A18 with turning area within the site. The proposal adopts and enhances the current arrangement and this is acceptable to the Highways Officer. There are no highway safety or amenity concerns under Policy 5 of the NELLP.

## **CONCLUSION**

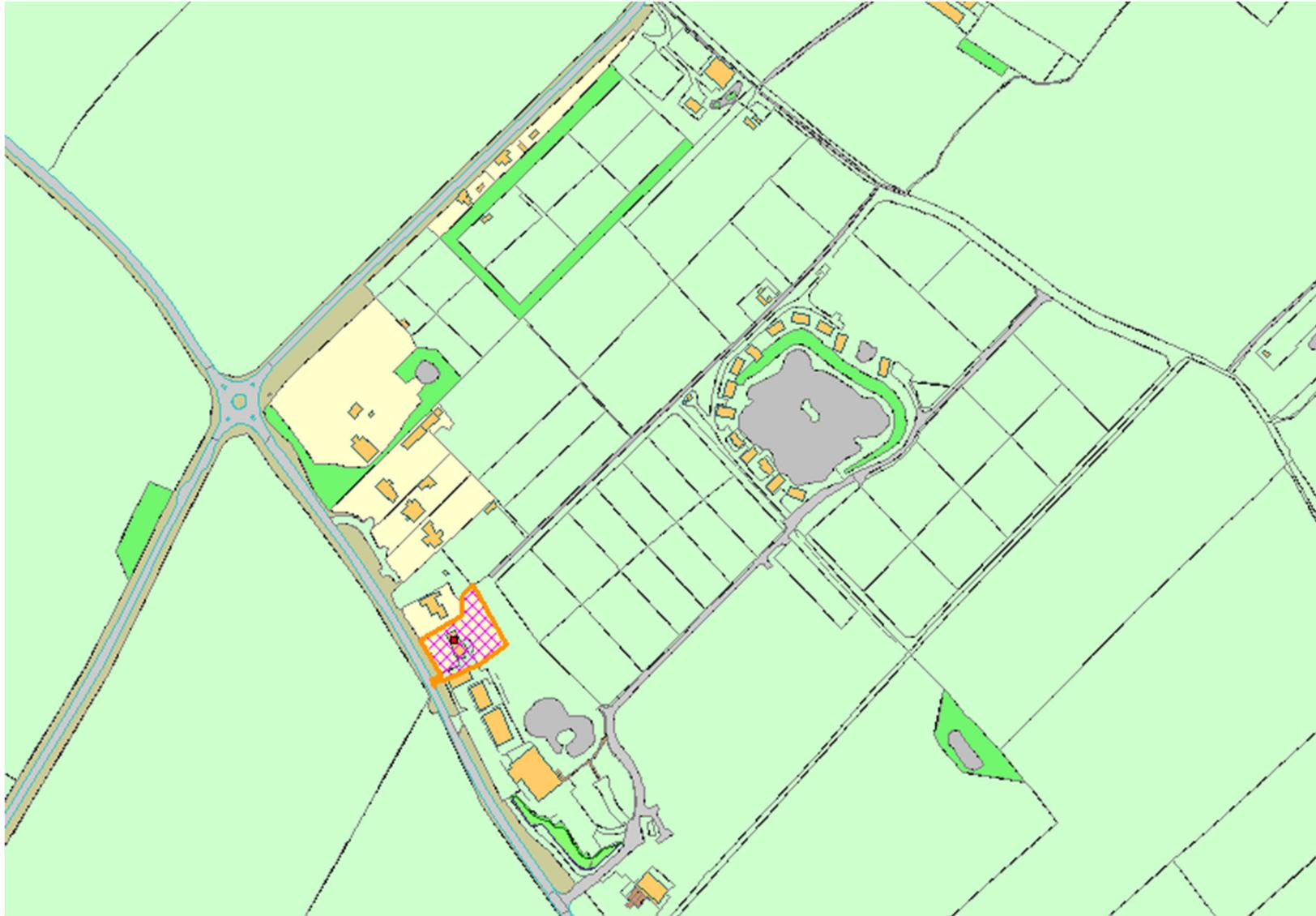
In conclusion it is considered that the proposed development is not acceptable in principle as it would bring about an additional dwelling in the open countryside in an unsustainable location and would cause harm to the visual character of the area. As such it would not accord with Policies 5 and 42 of the NELLP and is recommended for refusal.

## **RECOMMENDATION**

**Refused**

(1) The proposed development would create an additional dwelling in the open countryside in an unsustainable location and would cause harm to the visual character of the area. As such it would not accord with Policies 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and advice in the National Planning Policy Framework 2023.

DM/0992/23/OUT – HUMBER VIEW, BARTON STREET, ASHBY CUM FENBY



DM/0992/23/OUT – HUMBER VIEW, BARTON STREET, ASHBY CUM FENBY

