

## Planning Committee Dated: 4th September 2024

### Summary List of Detailed Plans and Applications

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<b>Recommendation: Approved with Conditions</b>	
<b>Item:</b>	<b>1</b>
<b>Application No:</b>	DM/0408/24/FUL
<b>Application Type:</b>	Full Application
<b>Application Site:</b>	43 Weelsby Road Grimsby North East Lincolnshire DN32 0PZ
<b>Proposal:</b>	Variation of Condition 2 (Approved Plans) attached to DM/0647/23/FUL - to allow for increase in eaves and overall height, alterations to roof lights and removal of side door
<b>Applicant:</b>	Mr Giles Ramsden
<b>Case Officer:</b>	Bethany Loring

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<b>Recommendation: Approved with Conditions</b>	
<b>Item:</b>	<b>2</b>
<b>Application No:</b>	DM/0361/24/REM
<b>Application Type:</b>	Reserved Matters
<b>Application Site:</b>	Land At Bradley Road Barnoldby Le Beck North East Lincolnshire
<b>Proposal:</b>	Variation of Condition 1 (Approved Plans) following DM/0187/23/REM to amend house type, amended design and position of garage for Plot 1 (Amended Site Plan received July 2024 and amended boundary details for Plot 1)
<b>Applicant:</b>	Mr Paul Snape
<b>Case Officer:</b>	Richard Limmer

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<b>Recommendation: Refused</b>	
<b>Item:</b>	<b>3</b>
<b>Application No:</b>	DM/0417/24/FUL
<b>Application Type:</b>	Full Application
<b>Application Site:</b>	The Limes Grimsby Road Laceby North East Lincolnshire
<b>Proposal:</b>	Retrospective application for the erection of an outbuilding with air conditioning units, for the use as chocolate making facility, and educational and public chocolate making workshop, ancillary access, parking and traffic mirror
<b>Applicant:</b>	Mrs Tracy Clay
<b>Case Officer:</b>	Jonathan Cadd

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<b>Recommendation: Refused</b>	
<b>Item:</b>	<b>4</b>
<b>Application No:</b>	DM/0347/24/FUL
<b>Application Type:</b>	Full Application
<b>Application Site:</b>	36 Humberston Avenue Humberston North East Lincolnshire DN36 4SP
<b>Proposal:</b>	Variation of Condition 2 (Approved Plans) as granted on application DM/1090/22/FUL to amend house type and garage for plot 8 - amended site plan and garage details July 2024
<b>Applicant:</b>	Mr John Collis
<b>Case Officer:</b>	Richard Limmer

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<b>Recommendation: Refused</b>	
<b>Item:</b>	<b>5</b>
<b>Application No:</b>	DM/0319/24/FULA
<b>Application Type:</b>	Accredit Agnt - Hseholder application
<b>Application Site:</b>	22 South Marsh Road Stallingborough North East Lincolnshire DN41 8AN
<b>Proposal:</b>	Raise roof height to create first floor accommodation, erect extensions to front and rear and installation of front and rear dormers, demolish existing garage and front boundary wall, erect new detached garage to rear and retrospective permission for new boundary wall with pillars and gates to front with associated internal and external alterations
<b>Applicant:</b>	Mrs K Kaur
<b>Case Officer:</b>	Lauren Birkwood

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<b>Recommendation: Approved with Conditions</b>	
<b>Item:</b>	<b>6</b>
<b>Application No:</b>	DM/0134/23/FUL
<b>Application Type:</b>	Full Application
<b>Application Site:</b>	121 Humberston Fitties Humberston North East Lincolnshire DN36 4EZ
<b>Proposal:</b>	Retrospective application to replace fencing and installation of new gravel drives to front
<b>Applicant:</b>	Mrs Mandy Moore
<b>Case Officer:</b>	Owen Toop

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**PLANNING COMMITTEE - 4th September 2024**

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

**APPLICATION No:    DM/0408/24/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: 43 Weelsby Road, Grimsby, North East Lincolnshire, DN32 0PZ**

**PROPOSAL: Variation of Condition 2 (Approved Plans) attached to DM/0647/23/FUL - to allow for increase in eaves and overall height, alterations to roof lights and removal of side door.**

**APPLICANT:**

Mr Giles Ramsden  
43 Weelsby Road  
Grimsby  
North East Lincolnshire  
DN32 0PZ

**AGENT:**

Mr Richard Raithby  
Loico Renovations  
1 Main Road  
Barnoldby Le Beck  
Grimsby  
North East Lincolnshire  
DN37 0AU

**DEPOSITED: 24th April 2024**

**ACCEPTED: 20th June 2024**

**TARGET DATE: 15th August 2024**

**PUBLICITY EXPIRY: 21st July 2024**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 14th July 2024**

**CASE OFFICER: Bethany Loring**

**PROPOSAL**

The application seeks to vary condition 2 (Approved Plans) pursuant to DM/0647/23/FUL. The amendment relates to changes to allow for an increase in eaves and overall height, alterations to roof lights and removal of side door. The works mostly have already been carried out and therefore the application seeks to regularise these changes made which differ from the original approval.

The application is brought to Planning Committee following a call in request from a local ward councillor. The application was deferred for a site visit at the Planning Committee

meeting on 7th August 2024. Therefore, the application is brought back to committee following this being undertaken.

## **SITE**

The property is a semi-detached, two-storey dwelling located on the north side of Weelsby Road in Grimsby. The area is primarily residential; Weelsby Road itself is made up of various dwelling designs mostly including modest two-storey dwellings. The host dwelling sits centrally along the street and consists of a paved driveway and gravelled area to the front. The boundaries are established by walls, hedging and fencing. A vehicle access point is positioned to the frontage with gates.

## **RELEVANT PLANNING HISTORY**

DM/0647/23/FUL - Demolish existing detached garage, erect single storey side and rear extensions with rooflights and attached garage with associated internal and external works - Approved with Conditions

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

National Planning Policy Framework (2023)

NPPF12 - Achieving well designed places

NPPF16 - Conserv. & enhance the historic environ.

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

PO5 - Development boundaries

PO22 - Good design in new developments

PO39 - Conserve and enhance historic environ

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

## **REPRESENTATIONS RECEIVED**

Highways Officer - Approval no conditions.

Drainage Officer - Water butts acceptable.

Trees and Woodlands - No comment.

Heritage Officer - No heritage concerns.

Cllr Paul Silvester - Call in request to consider impact on neighbouring property and total disregard to original planning application.

#### Neighbour Representations

Objection received broadly on the ground of nature of application, substantial impact due to size and positioning along the boundary, increased height creating tunnelling affect, loss of view and light, surface water run off and further impacts of the works due to the height.

#### 45 Weelsby Road

Comments of support broadly on the grounds of enhanced character, care and attention, preservation, investment, maintenance

37 Weelsby Road

69 Weelsby Road

71 Weelsby Road

### **APPRAISAL**

#### Principle of Development

The application seeks to vary condition 2 (approved plans) of an approval for an extension at the property. This is to allow for an increase in eaves and overall height, alterations to roof lights and removal of side door.

The principle of the development has already been established under the original permission and the considerations of this application are merely those relating to the impacts arising from the retrospective works and proposed amendments.

#### Revisions and Design

The eaves height has been increased to 2.8 metres, an increase of 0.3 metres, with an increased overall height of 4 metres, an increase of 0.2 metres. The roof design incorporates a hipped roof with three roof lights in the side roof slope. The roof lights have been installed with slight alterations to the proportions and of a reduced depth. A side door has been removed from the scheme.

Visually, the proposal does not substantially alter the design concept; however, the resulting eaves and ridge heights have increased. The works are positioned to the rear of the dwelling and are mostly screened from the street therefore minimising the impacts

within the street scene. The garage is visible from the frontage however this is set back significantly towards the rear resulting in the works being subservient to the host property. The nature of the works along with the position proposed is typical of a residential development. Therefore, it is not considered that the amendments are unduly harmful due to the residential layout of the street and the size of the garden area available. The majority of the approved details would remain on the whole.

The site lies within Wellow Conservation Area with the Grade II Listed Buildings along Park Drive to the rear. The Heritage Officer has reviewed the details and concluded that there are no heritage inputs required.

Having regard to the above, the amendment is acceptable under policies 5, 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

### Impact to Neighbours

The main impact of the amendments is to 45 Weelsby Road. This neighbour has objected to the scheme on the grounds of substantial impact due to size and positioning along the boundary, increased height creating tunnelling affect, loss of view and light, surface water run off and further impacts of the works due to the height.

The extension sits just stepped in from the boundary with this neighbour and around 2 metres away from the property itself at the closest point. The extension includes openings which directly face the affected neighbour however these are installed to the roof slope and therefore do not cause issues in relation to overlooking. The boundary is established by a wall, present along the affected boundary, which provides a partial screening to the proposal however the extension does sit above this. It is noted that the extension does infill an area, which mirrors that of the neighbour, which is of a significant protrusion and in close proximity to the boundary however this has already been approved. The amendments relate to an increase in height to this extension, in this approved position, however the increase is not considered to be of such a scale which presents undue impacts. The hipped roof design and orientation, in relation to sun paths, limits the impacts. In addition, the increased height of the extension, at a maximum of 0.3 metres, limits impacts to this neighbour in terms of loss of light. For these reasons, it is not considered the amendments present additional impacts in relation to residential amenity to this neighbour. The scheme was originally approved and deemed acceptable. The amendment is considered to be typical of a residential development.

It is not considered that the amendments have any impact on any other neighbour. The support of the proposal from other residents on Weelsby Road are acknowledged.

Since the previous committee meeting, the applicant has approached the neighbour to offer some options in relation to the visible breeze block to the side elevation, visible from the first floor of the neighbour, in order to remedy this issue. This includes alternatives to cover the breeze block in either render, cladding or paint. To date, there appears to have been no response in relation to this offer. It is noted that this offer has been made

however the majority of the extension above the boundary wall is built of brick and it is considered that there is no adverse impact on the visual amenity of the area or the amenity of the neighbour.

Having regard to the above, the amendment is acceptable under policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

#### Other Matters

The amendments have been considered by the Drainage and Highways Officer and are considered to be acceptable.

Having regard to the above, the amendment is acceptable under policies 5, 22, 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

### **CONCLUSION**

This application seeks to modify an earlier approval. The modifications proposed in this application are considered to be of an acceptable scale and nature and do not fundamentally alter the original design concept or create any adverse impacts to the character of the area or to neighbours. It is therefore recommended that planning permission be approved.

### **RECOMMENDATION**

#### **Approved with Conditions**

##### (1) Condition

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

Proposed Side and Rear Elevations - LPL-43WR-001

Proposed Floor Plan and Side Elevation - LPL-43WR-002

As approved under DM/0647/23/FUL;

Site Location Plan, Existing and Proposed Block Plans - 3716.01

#### 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).



(2) Condition

The proposal shall be constructed using materials specified within the application form received on the 29th June 2022 and as stated within the email received 3rd July 2023, approved under DM/0647/23/FUL, unless otherwise first approved in writing by the Local Planning Authority.

Reason

This condition is imposed in the interests of design considerations in the context of the existing buildings in order to comply with policy 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(3) Condition

The water butts shown on plan 3716.04B, as approved under DM/0647/23/FUL, shall be installed to a minimum specification of 220 litres, per water butt, with overflow directed to a landscaped area away from the fabric of any building within the curtilage of the site unless an alternative is submitted to and approved in writing by the Local Planning Authority. The drainage shall be installed prior to the use of the extension and shall be so retained thereafter.

Reason

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

## **Informatives**

1 Reason for Approval

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or residential amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 5, 22 and 39.

2 Informative

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

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

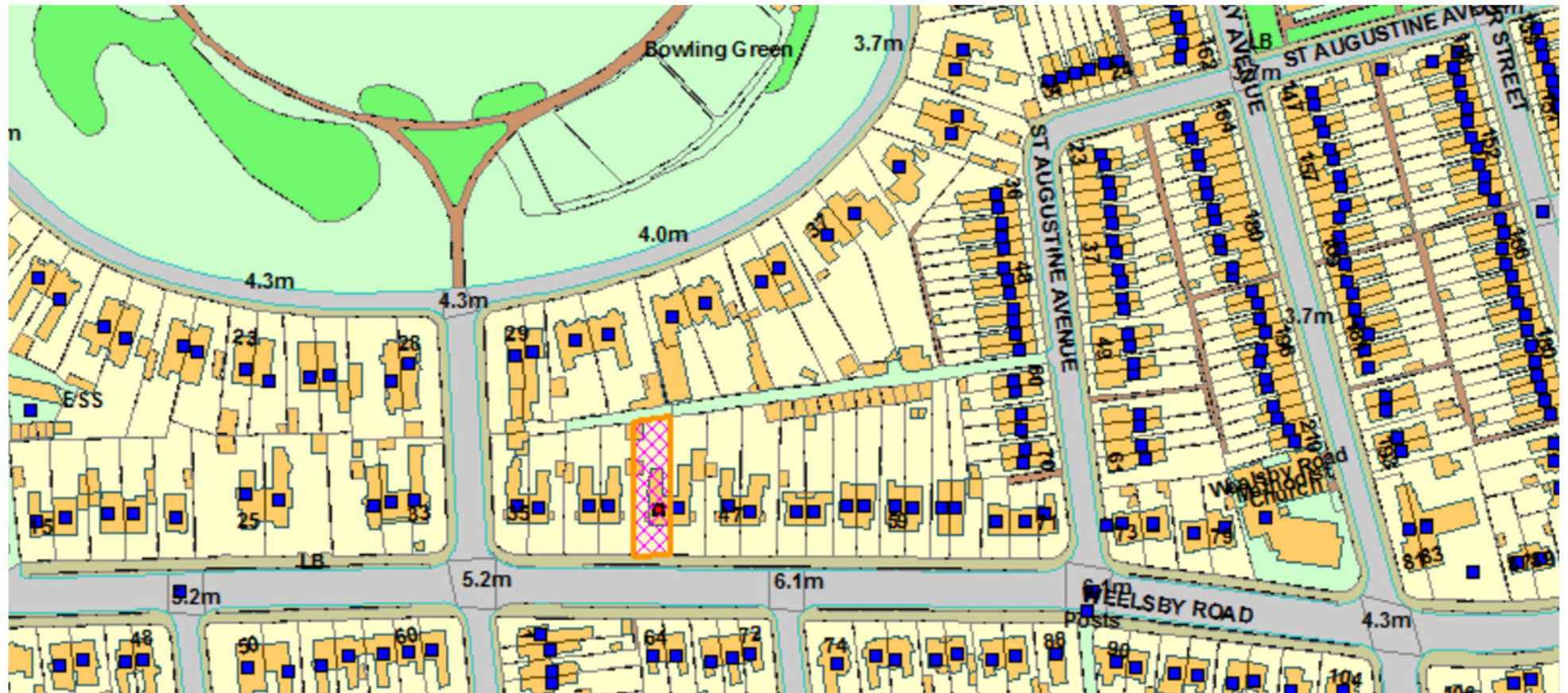
3 Informative

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

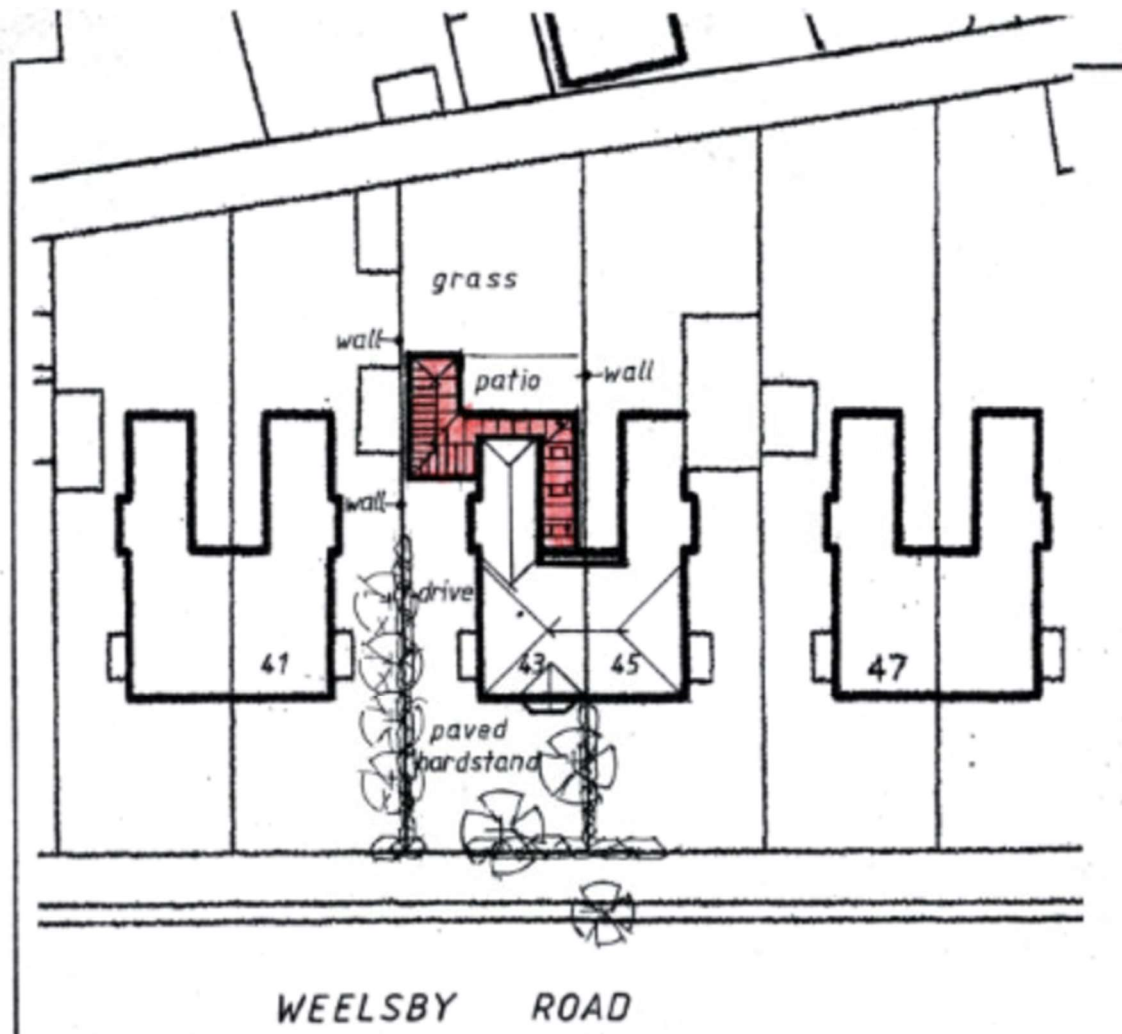
4 Informative

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

DM/0408/24/FUL – 43 WEELSBY ROAD, GRIMSBY



DM/0408/24/FUL – 43 WEELSBY ROAD, GRIMSBY



**PLANNING COMMITTEE - 4th September 2024**

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

**APPLICATION No: DM/0361/24/REM**

**APPLICATION TYPE: Reserved Matters**

**APPLICATION SITE: Land At, Bradley Road, Barnoldby Le Beck, North East Lincolnshire,**

**PROPOSAL: Variation of Condition 1 (Approved Plans) following DM/0187/23/REM to amend house type, amended design and position of garage for Plot 1 (Amended Site Plan received July 2024 and amended boundary details for Plot 1)**

**APPLICANT:**

Mr Paul Snape  
Snape Homes Ltd  
Thornlea  
Main Road  
Grimsby  
DN37 0QW

**DEPOSITED: 10th April 2024**

**AGENT:**

Mr Richie Tutill  
RT Architects  
4 Hurricane Close  
Holton Le Clay  
DN36 5FN

**ACCEPTED: 10th April 2024**

**TARGET DATE: 10th July 2024**

**PUBLICITY EXPIRY: 29th July 2024**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 27th June 2024**

**CASE OFFICER: Richard Limmer**

**PROPOSAL**

Variation of Condition 1 (Approved Plans) following DM/0187/23/REM to amend house type, amended design and position of garage for Plot 1 (Amended Site Plan received July 2024 and amended boundary details for Plot 1)

It is noted that the proposed amendments have been implemented, plot 1 built out and the property is now occupied.

The application is brought to Planning Committee due to Bradley Parish Council objecting and comments received from neighbours.

This application was deferred from the 7th August Planning Committee, so confirmation could be provided on the position of the northern boundary of plot 1 and ownership of the hedge. The applicant has reviewed their documentation and provided confirmation that the hedge is located within their ownership and the site boundary. It is also the applicants maintained view that the existing boundary hedge is an acceptable boundary treatment.

## **SITE**

The site is located on the western side of Bradley Road, Barnoldby Le Beck. The site itself is located within the Parish of Barnoldby le Beck although geographically it is very close to Waltham village. The Parish boundary runs along Bradley Road.

The southern boundary is adjacent to a residential neighbour no.51 Bradley Road where it has a 1.8m high boundary fence along the boundary. The application site sits around nos.57, 57A and 59 Bradley Road. The site effectively surrounds these properties on three sides with the fourth side fronting on to Bradley Road. These properties have a mixture of boundary hedges of varying heights.

The overall residential development site is currently under construction and nearing completion with a good number of properties completed and occupied. The frontage is well established with access roads constructed. Drainage features and some landscaping has been implemented.

## **RELEVANT PLANNING HISTORY**

DM/0997/16/OUT - outline permission for 66 dwellings - approved

DM/1084/20/REM - reserved matters for the 66 dwellings - approved

DM/0812/21/CND - Details in discharge of Conditions 1 (Approved Plans), 2 (Materials), 3 (Ecology), 4 (Foul Water), 5 (Surface Water), 6 (Open Space Management), 7 (Finished Floor Levels), 8 (Water Vole Survey), 14 (Boundary Treatments), and 15 (Archaeology) pursuant to DM/1084/20/REM and Conditions 5 (Air Quality), 7 (Construction Management) and 8 (Highway Details) pursuant to DM/0997/16/OUT - Partially Approved

DM/0187/23/REM - Variation of Condition 1 (Approved Plans) and Condition 7 (Levels) to change house types, amend finished floor level of Plot 21, and Details in Discharge of Condition 6 (Play Space) following DM/1084/20/REM (amended plans May 2023) - 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

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

**REPRESENTATIONS RECEIVED**

Drainage Officer - no comments

Tree Officer - no comments

Environmental Health Officer - no comments

Highways Officer - no objections

Fire Brigade - no objections

Heritage Officer - no comments

Environment Agency - no comments

Anglian Water - no objections

Waltham Parish Council - supports the proposal

Bradley Parish Council - initial objection due to the works had been undertaken prior to planning permission being approved but a later consultation raised a response of no comments on the proposal.

Neighbours

51, 54, 59 Bradley Road and an incomplete address on Bradley Road- Object to the proposed development with concerns over the following matters:

- The size and position of the proposed garage and subsequent impact on

neighbour amenities;

- The changes have been built out without planning permission in place;
- Position of the property in relation to an Anglian Water pipeline;
- Lack of rear side boundary treatment for plot 1;
- Position of the Access and Highway safety and amenity;
- Impact on the drainage system;
- Lack of enforcement action against the developer;

## **APPRAISAL**

### Principle of Development

The principle of residential development on the site has been established through the planning permissions on the site which have been implemented. This proposal to vary condition 1 in regard to the approved plans for Plot 1 only does not affect the principle of development on the site.

### Impact on Neighbours

The proposed changes to Plot 1 include a rear wing to the property and a larger detached garage.

The proposed rear extension measures 3.1m by 4.7m, 2.7m to the eaves and 4.1m to the ridge. It is set 6.9m off the boundary of the property with no.51 Bradley. Given the single story nature of the proposal and its size and position it is not considered to cause harm to the amenities of the adjacent neighbours in particular no.51 Bradley Road.

The proposed amended garage is larger than the approved version measuring 4.5m by 5.8m, 2.7m to the eaves and 4.8m to the ridge (approved garage 2.9m by 5.6m, 2.7m to the eaves and 4.3m to the ridge). It would also be closer to the neighbour no.51 Bradley Road now 0.5m from the boundary and 6.3m to the side elevation (approved at 2.3m from the boundary and 8.1m from the side elevation of no.51 Bradley Road). The concerns raised by no.51 have been noted and considered in full, however, the proposed garage is of a typical scale of a detached garage and in a common position for a garage in relation to a neighbour. It is considered that whilst the proposed garage is larger than the approved it does not cause undue harm to the residential amenities of the neighbouring properties in particular no.51 Bradley Road. Again this is due to the overall separation from the nearest neighbour and its appropriate scale and design.

It is also noted that concerns have been raised over the proposal to amend the rear north side boundary treatment. Previously this was approved as a 1.8m close board fence but it is now proposed to have no fencing and to utilise the existing hedge. Having hedging as a boundary treatment is not an uncommon situation and a more green solution to defining a boundary. The hedge in question is of a reasonable quality and mature. It is therefore considered that it is a reasonable boundary feature and affords both the host property and the neighbours suitable privacy. It should also be noted that either property could



utilise their Permitted Development Rights in the future to put in a boundary fence, subject to landownership issues.

It is therefore considered that the proposed amendments to the development would not result in an unduly detrimental impact on the neighbouring properties residential amenities in accordance with Policy 5 of the NELLP.

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

The proposed amendments to plot 1, its detached garage and boundary treatment offer some limited angles where these changes would be visible from the public domain, mostly from Bradley Road, but it is not considered that these changes cause harm to the visual appearance of the development. As viewed there The proposal would therefore accord with Policies 5 and 22 of the NELLP.

#### Drainage

The changes are minor and the Drainage Officer has confirmed that they have no comments to make in regard to the surface water drainage system. The drainage scheme as approved is acceptable.

#### Highway Safety and Amenity

Concerns have been raised in regard to the access to Plot 1. This has been considered by the Highway Officer and no concerns have been raised. It is noted that the position of the access has not change from that previously approved.

#### Other Matters

Concerns have been raised in regard to the position of the property and the Anglian Water pipeline. The position of plot 1 has not changed from the previous approval and Anglian Water responded to consultation with no comments. At any rate the easement attached to the pipeline is a matter between the developer and Anglian Water and not Planning. The developer is

#### Conditions

As a minor material amendment application the conditions from the previous application need to be reiterated where they still apply. This includes landscaping and highway conditions.

### **CONCLUSION**

In conclusion, it is considered that the proposed amendments to the previously approved plans for plot 1 do not cause undue harm to the residential amenities of the neighbouring

properties or the visual character of the area. The proposal is therefore in accordance with Policies 5 and 22 of the NELLP and is recommended for approval.

## **RECOMMENDATION**

### **Approved with Conditions**

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

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

02.360.20 Rev L - Proposed Block Plan  
BR\_HT11.0\_E - Plot 1 plans and elevations  
G\_1.0 Rev C - Plot 1 garage plans and elevations

Approved under DM/0187/23/REM:

28.360.20 Rev B - Proposed Site Layout (Extra)  
26.360.20 Rev M - Proposed Site Management and Fencing  
21.360.20 - Proposed Plans and Elevations - Aspen Special  
22.360.20 - Proposed Plans and Elevations - Maple Special  
24.360.20 - Proposed Plans and Elevations - Mulberry Special 1  
27.360.20 - Proposed Plans and Elevations - Mulberry Special 2  
25.360.20 Rev B - Proposed Section Through Retaining Wall  
NN/MA/3885A - Proposed Play Equipment  
29.360.20 REV I - Proposed Play Area

Approved under DM/1084/20/REM:

01-360-20 Rev A - Site Location Plan  
E773-500 Engineering Plan  
House Type Plans - 05.360.20 Rev c, 06.360.20 Rev D, 07.360.20 Rev C, 09.360.20 Rev D, 10.360.20 Rev F, 11.360.20 Rev E, 12.360.20 Rev B, 13.360.20 Rev A, 14.360.20 Rev A, 17.360.20 Rev B and 18.360.20 Rev B.  
Garage Plans 15.360.20 Rev B and 19.360.20  
Tracking Layout Plans E773-065E and E773-06B.

#### **Reason**

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

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

The materials used in the external construction of the dwellings shall be as approved under DM/0812/21/CND, unless otherwise approved in writing by the Local Planning

Authority.

Reason

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

(3) Condition

The development shall be carried out in accordance with the Ecology Survey update by IEL Inspired Ecology dated 15th December 2020 and the original Ecology Survey by Scarborough Nixon Associates Dated August 2016 as submitted under DM/1084/20/REM and in accordance with the ecological plan ECO1.1 dated 13th December 2023 though for the avoidance of doubt the number of bird boxes shall be 6 (additional locations to be agreed with the Local Planning Authority prior to installation) and the number of bat boxes shall be 6 in total and shall accord to the type detailed in the Ecology Survey update by IEL Inspired Ecology dated 15th December 2020. The mitigation shall be provided prior to the occupation of the dwelling to which it relates and shall thereafter be so retained.

Reason

In the interests of ecological enhancement in accordance with Policy 5 and 41 of the North East Lincolnshire Local Plan 2013-2032.

(4) Condition

The foul water drainage system shall be as approved under DM/0812/21/CND, unless otherwise approved in writing by the Local Planning Authority.

Reason

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

(5) Condition

Surface water drainage shall be in accordance with the details shown on plan E773-500 Engineering layout details as approved under DM/1084/21/REM.

Reason

In the interests of satisfactory surface water drainage to accord to Policy 33 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(6) Condition

The play area and equipment shall be installed in accordance with the details shown on plan 02-360-20 Rev I and within details provided in the document by Newby Leisure

reference NN/MA/3885A prior to the occupation of the 50th dwelling or such time as otherwise agreed in writing by the Local Planning Authority. Within 3 months of the installation of the play area and prior to the occupation of the 50th dwelling a play space/equipment and open space management plan including long term design objectives, timing of the works, management responsibilities and maintenance schedules for the play area/equipment and all open space, shall be submitted to and approved in writing by the Local Planning Authority. The play equipment and public open space shall then be managed and maintained in accordance with the details as approved through the lifetime of the development.

**Reason**

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

**(7) Condition**

The finished floor levels of the dwellings shall be as approved under DM/0812/21/CND and as detailed on plans ref: 26.360.20 Rev M and 25.360.20 Rev B, unless otherwise approved in writing by the Local Planning Authority.

**Reason**

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

**(8) Condition**

The development shall be constructed in accordance with the Water Vole Survey as approved under DM/0812/21/CND, unless otherwise approved in writing by the Local Planning Authority.

**Reason**

In the interests of wildlife protection in accordance with Policy 41 of the North East Lincolnshire Local Plan 2013-2032.

**(9) Condition**

The landscaping and attenuation pond detailed on plans ref: LP-MA-02-140521-Rev1, LP-P1-140521-Rev1, LP-P2-140521-Rev1, LP-P3-140521-Rev1 and LP-P4-140521-Rev1, as approved under DM/1084/20/REM shall be fully planted and provided by 22nd March 2025 unless an alternative date is otherwise agreed in writing by the Local Planning Authority. All planting shall thereafter be maintained for a period of 25 years in accordance with the Landscape Management Plan by Engie dated 8th July 2020, beginning with the date of completion of the planting and during that period all losses shall be replaced with the same species and standard during the next planting season unless otherwise agreed with the Local Planning Authority.

Reason

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

(10) Condition

No dwelling shall be occupied until the access road/s serving it has been constructed to at least base course level and the street lighting, approved through the conditions of this planning permission, has been fully installed and made operational. Within 12 months of any dwelling being first occupied on the site the access road/s serving it shall be fully constructed in accordance with the details approved through conditions of this planning permission.

Reason

To ensure access roads are made up as soon as possible and in the interests of public safety in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(11) Condition

No dwelling shall be occupied until the bin collection area serving it has been fully installed as detailed on 02-360-20 Rev I - Proposed site Layout. Collection areas shall thereafter be retained as such.

Reason

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

(12) Condition

The boundary treatments as detailed on plan ref: 26.360.20 Rev M shall be installed prior to the occupation of the dwelling to which they relate.

Reason

In the interests of amenity in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-20302 (Adopted 2018).

(13) Condition

Prior to the occupation of the 50th dwelling or as otherwise agreed, final details of the footpath along the eastern boundary from the main access road to along the frontage of plot one as outlined in green on drawing 28.360.20 Rev B (Proposed Site Plan on DM/0187/23/REM) shall be submitted to and approved in writing by the Local Planning

Authority. The footpath shall then be built out in accordance with the approved details prior to the occupation of the 50th dwelling.

#### Reason

In the interests of highway 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 would not harm the area character or residential amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 5, 22 and 33.

#### 2 Added Value Statement

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

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

#### 3 Informative

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

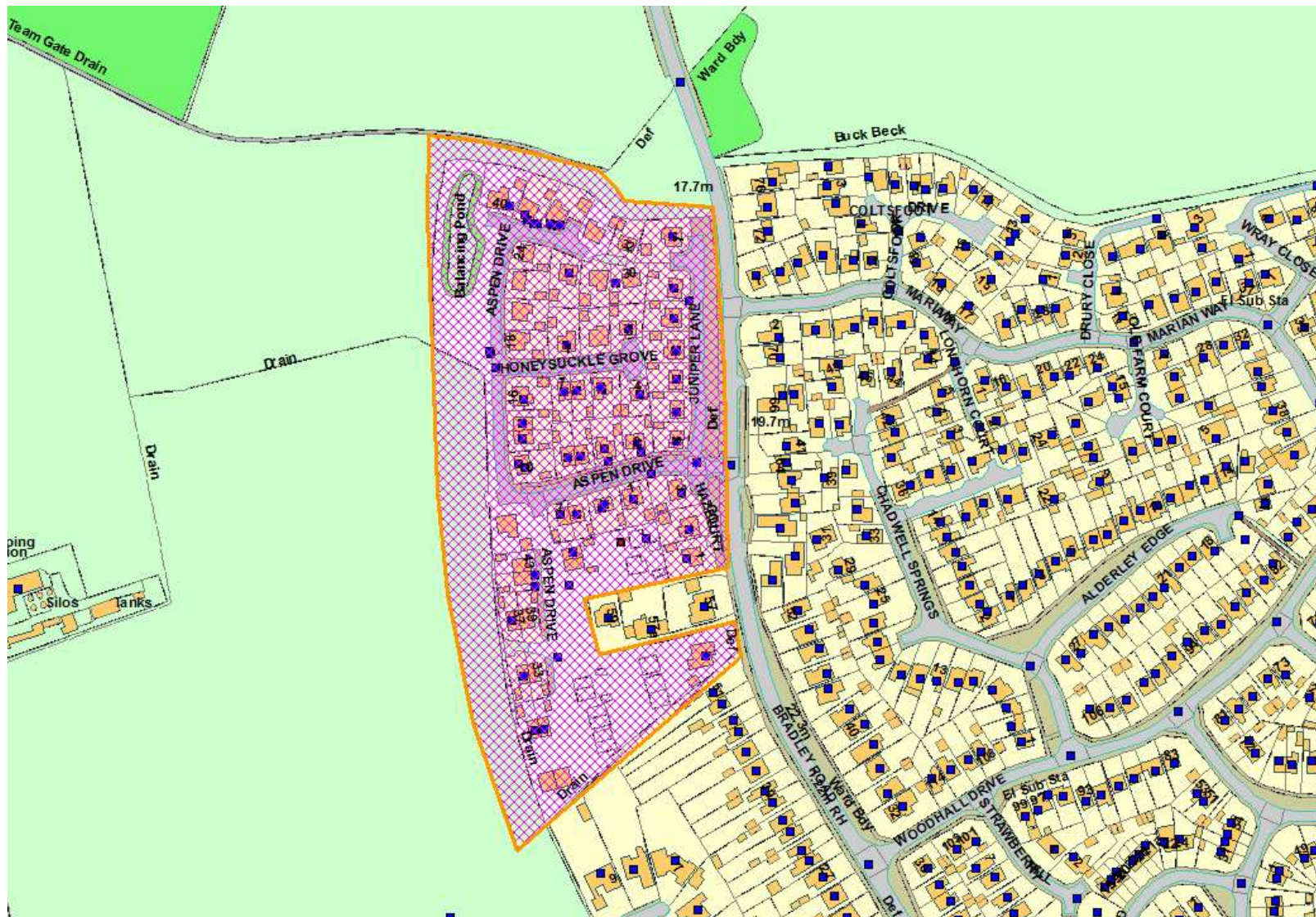
#### 4 Informative

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

#### 5 Informative

As highways within the site are to be adopted by the Council, please contact Highway Management Team on 01472-324484 well in advance of works commencing

DM/0361/24/REM – LAND AT BRADLEY ROAD, BARNOLDBY LE BECK





**Key**

[Green Area]	Grassland
[Blue Area]	Water
[Yellow Area]	Access Roads with a drainage ditch
[Red Area]	Access Roads
[House Icon]	House
[Blue Line]	Service Road Drainage
[Yellow Line]	Footpath
[Red Line]	Drainage

**SNAPE**



**PLANNING COMMITTEE - 4th September 2024**

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

**APPLICATION No: DM/0417/24/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: The Limes , Grimsby Road, Laceby, North East Lincolnshire, DN37 7EE**

**PROPOSAL: Retrospective application for the erection of an outbuilding with air conditioning units, for the use as chocolate making facility, and educational and public chocolate making workshop, ancillary access, parking and traffic mirror.**

**APPLICANT:**

Mrs Tracy Clay  
The Chocolat Story  
The Limes  
Grimsby Road  
Laceby  
North East Lincolnshire  
DN37 7EE

**AGENT:**

**DEPOSITED: 25th April 2024**

**ACCEPTED: 22nd July 2024**

**TARGET DATE: 16th September 2024**

**PUBLICITY EXPIRY: 25th August 2024**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 15th August 2024**

**CASE OFFICER: Jonathan Cadd**

**PROPOSAL**

This application seeks permission to create an artisan chocolate making enterprise with group/community workshop area, car parking and amended access features. The application is a resubmission of a similar proposal which was considered by this committee and refused on 12 July 2023 (ref. no. DM/0086/23/FUL). It is also submitted retrospectively.

The development is housed within a large flat roof building which has been erected to the rear of the site within an attractively landscaped area. The 126m<sup>2</sup> building is now complete with a commercial kitchen, spray room and store taking up approximately half

the building with the public workshop room taking up the other half. Externally the building is now clad in black stained timber.

The development includes 2 car parking spaces suitable for disabled drivers/ passengers (or three for able bodied drivers/passengers) close to the building along with an over flow area (also the driveway and parking area associated with the host dwelling) that can accommodate 12 vehicles.

Access to the site is from an existing access lane from the A46 Laceby bypass close to public footpath no. 96. Although no physical amendments are proposed to the carriageway, directional signage and a mirror are proposed to aid drivers to access and exit the site safely.

The production side of the business is predominantly Internet based and all deliveries are sent out from the site via the applicant's own vehicle, usually posted via the local post office during general domestic travels associated with the host dwelling. No pickups from the property are available. The other side of the business is community/private workshops/parties which are pre booked events for adults or children or both. This includes Special Needs Education (SEN) and learning and mental health/ disability based events with local groups, schools and individuals, community groups, pre booked community sessions and workshop for the general public (albeit pre booked).

Presently only the owner is employed at the site although her partner occasionally assists.

The application is presented to the planning committee at the request of the ward councillor, Councillor Hudson.

## **SITE**

The application site is located to the rear of the Limes, Grimsby Road, Laceby a domestic dwelling. The site appears as an enlarged garden area of the host dwelling. The site is located within the open countryside outside of the village of Laceby but close to the BMW garage (diagonally opposite).

The site is part of a landscaped garden area with slate ground coverage, planting and ponds. The outbuilding is now complete with black stained wood cladding, and is positioned at the extreme end of the property to the south. Single storey and flat roofed the outbuilding (5.2m x 24.5m) is connected to three car parking spaces by a network of pathways. The parking spaces are completed with wood/rubber chippings. The site is surrounded by 1.8 hit and miss horizontal fence panels with the parking spaces inset but outside of the fencing and gates. To the south it appears that land has been increased by 500mm in height with concrete retaining blocks installed.

Adjoining the house is a substantial gravelled driveway with space for the parking of multiple vehicles, this is also connected to the outbuilding by a series of paths.

The site is accessed from Limes Farm Lane currently a poorly maintained part metalled part aggregate track which also serves Lime Farm to the south and several horse paddocks. A sharp but short gradient characterises its connection onto the A46.

To the west is open countryside/ tree copse, beyond which are a small number of houses which front onto the A46. To the south is Limes Farm a dwellinghouse, but immediately adjoining the site is a paddock area. To the east is open countryside land.

A public footpath no. 96 adjoins the site to the north (across the paddock) and is accessed from the private driveway noted above.

## **RELEVANT PLANNING HISTORY**

DM/0086/23/FUL Retrospective erection of outbuilding for the use of commercial, chocolate making/ selling chocolates and deliver in-house educational and public chocolate workshops. Refused 12th July 2023.

### **Reasons**

(1) The development is located outside of the defined development boundary in an area of open countryside. It's position to the south of the A46 dual carriageway would also limit safe sustainable traffic options and would lead to the use of motor vehicles for most movements. There are no material planning reasons to justify the siting of this commercial use in an open countryside location. The proposal is therefore considered to be contrary to the requirements of policy 5 and 36 of North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and the core principles as set out in the National Planning Policy Framework 2021.

(2) The proposal would increase and change the use of the existing access point leading to an increase in slower moving vehicles entering and leaving a high speed dual carriageway and also potentially turning within it conflicting with passing traffic. In addition the limited dedicated car parking area could lead to conflict with users of the access lane and bridleway. This would represent a significant highway danger contrary to policy 5 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018) and advice in the National Planning Policy Framework 2021.

DC/194/06/WOL Erect single storey extension to rear of property. Approved 2006 - relates to Limes Farm but shows it within the wider curtilage of that property not the application site.

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

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

NPPF6 - Building a strong, competitive economy

NPPF7 - Ensuring the vitality of town centres

NPPF9 - Promoting sustainable transport  
NPPF12 - Achieving well designed places  
NPPF14 - Climate, flooding & coastal change

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

PO42 - Landscape  
PO3 - Settlement hierarchy  
PO5 - Development boundaries  
PO12 - Tourism and visitor economy  
PO22 - Good design in new developments  
PO33 - Flood risk  
PO38 - Parking  
PO40 - Developing green infrastructure network

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**

Laceby Parish Council: Objections with the following concerns

- The condition and gradient of the access/exit, lack of deceleration and acceleration lanes, potential for slow moving or stationary traffic, level of traffic generated, conflicting and / or illegal traffic manoeuvres on a fast 50 mph road which will cause highway safety concerns.
- Recent fatality has occurred and traffic often exceeds speed limit here.
- Concerns in relations to safety of public rights of way users.

Highways Officer: Recommends refusal due to significant highway safety concerns. It is not considered that the alterations to the site and operation proposed are substantially different from that refused previously and there has been a recent fatality on this stretch of road reinforcing road safety concerns. Evidence has been provided to the Highway Authority showing some customers park opposite and walk across the A46, increasing risks to pedestrians due to the lack of adequate crossing facilities.

Drainage Officer: Recommends surface water drainage condition.

Heritage Officer: No heritage input required.

Ecology Officer: No known ecology issues.

Grimsby and Cleethorpes Civic Society: Although not supporting retrospective applications in principle they do not object to the alterations to the site which will be of great benefit to the users of the facility.

Site Notice and Neighbours:

Objection: Limes Farm. Laceby

- Development is in Greenbelt land and is constructed for commercial gain.
- Highway concerns due to multiple suppliers delivering base products to the site including in LGVs. Also a large number of cars attend sessions which all leave at the same time causing congestion on this single carriageway lane. In coming traffic has then got to wait stationary on the A46 until this traffic has left. This creates issues for existing traffic to the lane including farm vehicles, domestic traffic and equine traffic to the adjoining paddock either side of the road.

Support letters submitted with the application by the applicant from;

Best Future School, Aylesby  
an address in Market Rasen,  
Althorpe, Scunthorpe  
Sunflowers Action Group, Grimsby

- Facility provides a unique enrichment programme in a interesting, quiet and safe environment. With the owner being a Special Educational Needs Practitioner her operation has been adapted to suit the special educational and sensory needs of pupils along with increased confidence and social interaction.
- Can cater for larger groups (20 children with their adults).
- The site is ideally located within the countryside allowing the calm educational approach to workshops and time out area if required.
- A wonderful facility that caters for the SEN community and those with disabilities along with all ages of the general population.
- It is within easy reach of Grimsby and Cleethorpes and the wider area due to road network.
- The location is easy to find and access and park.

## **APPRAISAL**

Main issues

- 1) Planning policy issues
- 2) Highway safety
- 3) Residential amenity

- 4) Design and character
- 5) Other issues

#### 1) Planning policy

An underlying theme of the NELLP is to promote economic development and increase employment opportunities for all. Para 85 of the NELLP supports such an approach. This is an important consideration that should be given weight in any determination. The Chocolat Story (Lab Cocoa) although a small-scale artisan business with only one employee, clearly has the potential to become a successful venture providing goods and services (including to those within the community with specific needs) that were not previously available. This assists the economy of NE Lincolnshire and provides a facility for the community. As such it is a positive enterprise in that regard.

However, such uses should be directed to the right place and the NELLP provides a spatial hierarchy of settlements which can sustainably support enterprise but also outlines conditions/considerations for proposals which are located outside such areas. Laceby is noted as a level 2 service centre offering a good range of basic services and amenities combined with good accessibility. In this instance, the site is located outside the defined settlement boundary of Laceby which while only a short distance from the application site, is divided from it by the A46 Laceby Bypass, a substantial barrier.

As the application site is located outside of the defined settlement boundary of the development area of Laceby it is within the open countryside. Policy 5 of the NELLP provides some scope for limited development in rural areas noting that development will only be supported where it recognises the distinctive open character, landscape quality and role these areas play in providing the individual settings for independent settlements, and:

- A. supports a prosperous rural economy, particularly where it promotes the development and diversification of agricultural and other land base rural businesses; or,
- B. promotes the retention and development of local services and community facilities; or,
- C. supports rural leisure and tourism developments; or,
- D. it consists of affordable housing to meet specific local needs; or,
- E. it is development that has been specifically defined and identified through the neighbourhood planning process.

In this instance, although in a rural location, the chocolate factory/workshop is not a rural leisure or tourist enterprise. It is located within the applicant's property as a way of retaining an operational business and allows ease of use by the applicant as it is to the end of their property. It also provides for a more serene environment for certain client groups. Whilst such reasoning is understandable, nevertheless, it is the type of use that could be located anywhere. It does not support diversification of an existing agricultural business nor an existing community facility. This application seeks planning permission retrospectively and the site does not currently have permission for the operation. As such in Policy 5 terms, the current proposal cannot be considered to retain and develop an

existing local service or community facility. Similarly, it does not support diversification of an existing agricultural business or other land base rural business and as noted before is not a rural leisure or tourism use.

Enterprise and home working is supported by the NPPF, but such development is very much within a context of an appropriate home-based scale. This development is significantly greater in scale to that anticipated within the NPPF with a relatively large workshop which is able to cater for large groups, 14 designated parking spaces and a large, landscaped area. This is underlined by operational data from a 6-month period with birthday parties, pre-booked community group workshops, pre booked Community Sessions and Private Workshop (including SEN school) attending the site. Between July 2023 and January 2024 there was a maximum of 8 events in any one week, (average of 3.5 events per week - 5.6 events during peak periods such as the summer holidays and Christmas) with a maximum number of visitors in any one event being 27 (carers and participants). The maximum number of cars attracted to any one event was 7. As such this indicates even in this early period of the use's operation it has generated substantial levels of activity which indicates that this enterprise goes beyond simply working from home and requires an alternative sustainable location.

No assessment of potential sustainable alternative site within Policy 3 and 5 compliant settlements has been supplied. The use is located within the open countryside but is of a type and scale which should be located within the defined settlement boundary of a sustainable settlement including Grimsby/ Cleethorpes. Support from users shows that whilst the serene location is a benefit, along with space and onsite parking they are willing to travel not insubstantial distances attend workshops. As such, locations within Laceby, or Grimsby and Cleethorpes would not be an unreasonable impediment for users. In such locations the development could support the vitality and growth of these areas, including if the right site was available within village, local or town centre locations. It is clear from the letters of support within the current but also previous application that custom is not localised but borough wide (and further) making the current site unsustainable compared with more central areas which can be accessed by a variety of public transport routes and modes along with allowing fully linked trips.

It is noted that the applicant has sought to change the direction of the business to limit children's parties and focus more on the Special Educational Needs (SEN), schools, community groups and the learning difficulties and disabilities sector. It is noted that this sector derives particular benefits from the current open countryside location and particularly assists participants by providing an area for quiet 'time out periods'. Whilst noting this, no evidence has been supplied to show that there are no other properties within the Development Area where similar facilities could be provided. Similarly, whilst the applicant seeks to increase workshops for special educational needs children or for those with mental or physical disabilities if permission were to be granted it could not control or condition one group of users over another. As such all elements of the business including workshops for children, private and community groups and adults, will be permitted and need to be assessed. For these reasons the current operation and submission, whilst positive is not sufficient justification for this use to be located within the

open countryside contrary to Policy 5 of the NELLP.

In addition to this, it is suggested that the application site is not wholly part of the residential curtilage of the property, indeed historic planning application files show the site as part of Limes Farm to the south. Similarly, maps indicate stables were originally erected on the site (although since removed) which point to the area being part of a paddock area outside of the residential curtilage of any dwelling. Whether such land falls within the historic ownership of the host property or applicant or not is not questioned but what is, is whether it falls within the curtilage of the Limes or is part of a wider paddock beyond and should therefore be classed as agricultural land.

This development therefore misses the opportunity to locate within a sustainable location accessible to all, supporting the vitality of a defined settlement or even a village, local or town centre and the need to be positioned within open countryside location has not been adequately demonstrated. As such, despite some benefits of this business, economically and socially, its position and lack of policy support for an open countryside location the proposal is considered contrary to policies: 3, 5 and 36 of the NELLP.

## 2) Highway safety

The site is located off the A46 dual carriageway opposite to the junction with Grimsby Road, Laceby, the village turn off and Astle BMW. The access is existing and serves both The Limes and Limes Farm. The access also adjoins the public footpath entrance which is shared with a horse grazing paddock. As a private access, the junction has no appreciable deceleration nor acceleration lanes and the access to the site is not obvious.

The development is in two parts, the production of chocolate and then the pre booked workshops. The production of chocolate for sale is generally a one-person operation. The applicant indicates all deliveries or mail drops are undertaken by herself through general domestic visits to Grimsby when postal services are accessed. No pickup of goods is available at the premises for retail sale. An objector has stated that multiple suppliers deliver base products to the site including LGV traffic to the site and lane. No detail or evidence has been supplied from the objector of such traffic and the applicant insists that any ingredients required are purchased by the applicant during general shopping visits.

The other element of the development is the pre booked workshops. These are a mixture of birthday workshops, pre booked community group workshops, pre booked community sessions and private workshops (which includes SEN and school parties) which can generate greater levels of traffic. Since the refusal of the last application the business has altered slightly, with greater emphasis on the SEN and mental health/ disability workshop side of the business.

A log of activities has been submitted which covers a six month period from July last year to January this year. Over that six month period of use, the workshop enterprise operated for 27 out of the 28 weeks available with the maximum number of events per week being 8 but with an average of 3.5 events each week. In peak periods such as the



summer holidays and Christmas this average increased to 4.5 events per week (July - Aug 2023) and 5.6 event per week (20th November - 11 Dec 2023). The applicant indicates that in general there could be a maximum of two workshop events could be accommodated on any one day (and only then at peak periods such as Easter and Christmas). The exception to this would be smaller private neurodiversity, disability workshops where the workshops are spaced out over three sessions but with a much smaller number of participants at each workshop. This is rarely done, but the applicant has indicated that this has worked better for participants and their special requirements. Birthday workshop have now been limited to 2 events per week with a maximum of 9 participants per event (plus carers/ supporters).

The logs submitted now show that, within the six months from July 2023 to January 2024:

- Birthday Workshops generated a maximum of 16 attendees (participants and carers/ supporters) with an average of 11 attendees, generating a maximum of 7 cars (Average 6 car per event),
- Pre booked community groups generated a maximum of 27 attendees (average 19) with a maximum number of cars being 6 (Average 5.4 cars per event),
- Pre booked Community Workshops generated a maximum 18 attendees (Average 8.8) with a maximum number of cars being 7 (Average 3.3 cars per event), and finally
- Private Workshops (including SEN children and schools) generated a maximum 15 attendees (Average 7.46) with a maximum number of cars being 5 (Average 2.3 cars per event).

What is not clear from the logs is whether any additional traffic was generated by attendees being dropped off at the site or whether the site was accessed by public transport or on foot. It is noted in the previous application refused in July last year that a large community party of walkers attended a workshop generating up to 50 attendees.

Equally, it should be noted that once approved the planning system cannot control vehicle numbers nor their type/ sizes. Similarly, the level of activity at this site, beyond the basic hours of operation and number of car parking spaces available on site, cannot be controlled. Therefore, should the general number of events increase, or groups sizes enlarge this cannot be controlled through the planning permission or conditions.

Whilst it is noted that visitors are requested to car share, this cannot be guaranteed and so the potential for significant additional traffic using this existing access is a real potential. Similarly, posts on social media outline that a group attending a workshop advocated parking within Laceby and walking across the A46 to access the site. This was despite the advice of the applicant.

Given the limitations of the access described this could lead to drivers being unsure where the junction is, indicating and/or breaking late to turn into the driveway creating a potential for a collision. This is made worse by the lack of a deceleration lane keeping traffic on the main highway until close to the access. Equally, vehicles entering back onto the dual carriageway have to filter into fast moving traffic. Whilst visibility is not poor, the

level of passing traffic at times is significant. Passing traffic is not necessarily anticipating slower moving traffic to/from the left and tends to concentrate on decelerating vehicles moving into the right-hand side slip road to access the Laceby village turn. They are less likely therefore to anticipate vehicles to and from the application site driveway. Equally there would be a temptation for certain drivers to cut directly across the carriageway into Laceby (or U turn towards Grimsby) creating further slower moving and conflicting vehicle movements.

Members of the highways team, including highway safety advisors, have visited the site on a number of occasions most recently to consider the improvements offered by the applicant (including directional signage, cutting back of vegetation and a traffic mirror). Whilst accepting the access is existing, and certain improvements could be made, the Highways Officer does not consider this would be sufficient to override their safety concerns. The proposal would increase traffic at this location and exacerbate conflicting movements on and off the A46 at this busy junction location with fast-moving traffic which already has conflicting movements and would unacceptably impact on highway safety.

It should be noted that highway mirrors are not deemed safe within national highway guidance due to the limited visibility sphere - failing to indicate adequately the proximity of cyclists and motorcyclists, dazzle and on-going maintenance and damage, whilst the non-highway signs (such as the turn left sign only) can only be advisory. It is also noted that the highway team seek to limit traffic signage to roads to only those which are deemed absolutely necessary. Such an approach seeks to limit driver distraction and confusion to drivers and any additional signs could themselves be further collision obstacles. The regular cutting back of the verge is noted but any work undertaken is at the applicants own risk, due to the road being a 50mph dual carriageway and any formal conditions requiring such management activities to occur would be likely to require formal traffic management to the A46 to protect operatives, which in itself would cause congestion and confusion.

Laceby is well served by bus routes (nos. 53 and 250 and the more limited no. 4) providing regular day time services into the early evening but not at all on a Sunday. The nearest bus stop to the site is on Grimsby Rd, Laceby opposite Astle BMW. The village also benefits from the joint cycle/ footpath to Grimsby aiding safe pedestrian and cycle access to the village. The site is therefore close to these sustainable features but crucially these positive elements can only be accessed by crossing the busy A46 at its junction with Grimsby Road, Laceby. There are no crossing facilities at this point and no pavements to the application site side of the dual carriageway. Such a crossing is far from ideal, and whilst not impossible is perhaps unwise if accompanied by children, those with disabilities, or the infirmed. As such it is likely that the site will be accessed predominately by car traffic.

Since the last application car parking at the site has been shown to extend with 14 spaces now available. This indicates the potential levels of vehicular traffic which could be generated in any one event. The applicant requests that visitor's car share but as noted previously this cannot be guaranteed. In addition, it is noted that a large proportion

of the additional parking is located on the host dwellings driveway, but this is close to the A46 junction and in any case could lead to cars blocking each other in and so is not an ideal layout/location. Whilst it is noted that the applicant could marshal traffic to assist such manoeuvres, the narrowness of the access lane and the site's proximity to the A46 junction is such that this is far from ideal. Marshalling could not be guaranteed in any case and should the lane be blocked, tailbacks could prevent traffic gaining access off the A46 creating an additional hazard for drivers. A similar situation is also described by the objector outlining that multiple cars leaving the site at once blocked the access lane making access off the off the A46 very difficult leading to car remaining (fully or in part it is not clear) on the A46. Similarly, larger vehicles brought to site, whether delivery vehicles, mini buses or vans would not have a dedicated turning area and so could cause similar blockages.

Additional traffic movements would adjoin the access to the public footpath close to the host dwelling bringing additional conflict with pedestrians both just after leaving the A46 but also manoeuvring into or out of the applicants' driveway reducing the safety of users of the public footpath. This is made worse by the narrowness of the access lane, the gradient and its screened position to traffic leaving the A46. Conflicts with passing traffic along the driveway to the Limes Farm could also occur with 6/7 parking spaces requiring manoeuvres into this private driveway.

Having regard to the above it is considered that there are substantial highway safety concerns and the proposal is considered to be contrary to policies 5, 36 and 40 of the NELLP.

### 3) Residential amenity

The site is positioned in a location which is relatively remote from neighbours except for Limes Farm to the south. Even this property is positioned some 50 - 55m from the workshop building. The application building is single storey and is surrounded by 1.8m high hit and miss fencing. This together with the doors and main outlook being to the northern side and raised ground levels immediately south would limit the impact of general activities on neighbours. The exception to this, would be the increase in comings and goings to the site and using the access drive (3.7 - 4.1m) along with vehicle parking and manoeuvring causing nuisance.

The original application attracted a small number of neighbour objections, but only one has been received for this current proposal. Noise nuisance from the site would be limited due to the above-mentioned intervening distances and conditions could be imposed limiting hours of use and that no amplified music be played externally. A management plan for managing activities within the wider site could also be imposed. It is noted that the Council's Environmental Health Officer raises no objection.

The main issue, in terms of amenity appears to be the level of traffic to the driveway/private lane and the issues this creates in terms of nuisance. Whilst this is noted this is not deemed sufficient, alone, to recommend refusal on amenity, policy 5 grounds.

#### 4) Design and character

The application site is largely screened from most public views by trees but is quite obvious from the footpath running close to the site and indeed the driveway used to access Limes Farm. The application site is a large paddock/ garden area at the property and the erection of a large flat roof building has not particularly aided the character of the area. Since the last application, the structure has been finished in black stained timber cladding reducing its impact. The structure and landscaped garden area domesticise the character of the area for a small part of the footpath and open countryside. As paddock area, however, it would not be unusual to have a stable block or other such building on site. This would not be that dissimilar to the proposal albeit with perhaps a lesser developed character. Similarly, 1.8m hit and miss fencing could be erect under permitted development rights. As such the proposal would have a minor impact on the character of the area and it is not considered that there are grounds to justify a reason for refusal. As such the proposal would accord with Policies: 5 and 22 of the NELLP in this regard.

#### 5) Other issues

The proposal is located within a flood zone 1 for tidal and river flooding but is within a high-risk area for surface water flooding. The applicant has provided several options for surface water drainage including a French drainage system, or as shown a link into a combined mains system but these are not sufficient to meet current standards for sustainable drainage and water quality and therefore the Drainage Officer has recommended a drainage condition could be imposed to agree a suitable scheme ensuring surface water flooding downstream would not be exacerbated. The finished floor level of the building itself is approximately 150mm above ground level to limit flooding. As such this is a matter that could be resolved through the imposition of conditions.

The development is not liable for Biodiversity Net Gain under exceptions policy. It is also noted that the ecology manager has not raised any concerns with regard to ecology.

### **CONCLUSION**

The development undertaken does have positive benefits in that it promote enterprise and provides employment for the applicant. In addition, part of the business specialises in providing activities for those with Special Educational Needs and disabilities, which is clearly beneficial for those with such needs. The impact of the proposal on the character of the area would be limited and would not alter the overall character of the countryside surrounding Laceby.

However, the site is located within an unsustainable location outside of the development boundary of Laceby and in open countryside. It would not meet the exceptions tests for development to be acceptable in such a location and would fail to take the opportunity to support regeneration efforts within more sustainable locations within the defined

development boundaries or indeed allocated town centre locations.

The workshop use in particular would attract a good number of participants who would rely on motor vehicle transport. Although close to public transport routes, bus stops and paths are remote from the site and require the crossing of the busy 50 mph A46 bypass at this location to access, them making the development unsustainable. In addition to this, the access junction and drive is poor and not obvious and could lead to a number of last minute or difficult movements which would conflict with other fast moving traffic on the A46 to the detriment of highway safety. Similarly, the access to the site from the A46 is narrow and could lead to congestion and nuisance further reducing highway safety. This would be also be compounded by the proximity to the public footpath.

The concerns together these would outweigh the benefits of the scheme in this location contrary to Policies: 3, 5, 22, 36 and 40 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

## **RECOMMENDATION**

### **Refused**

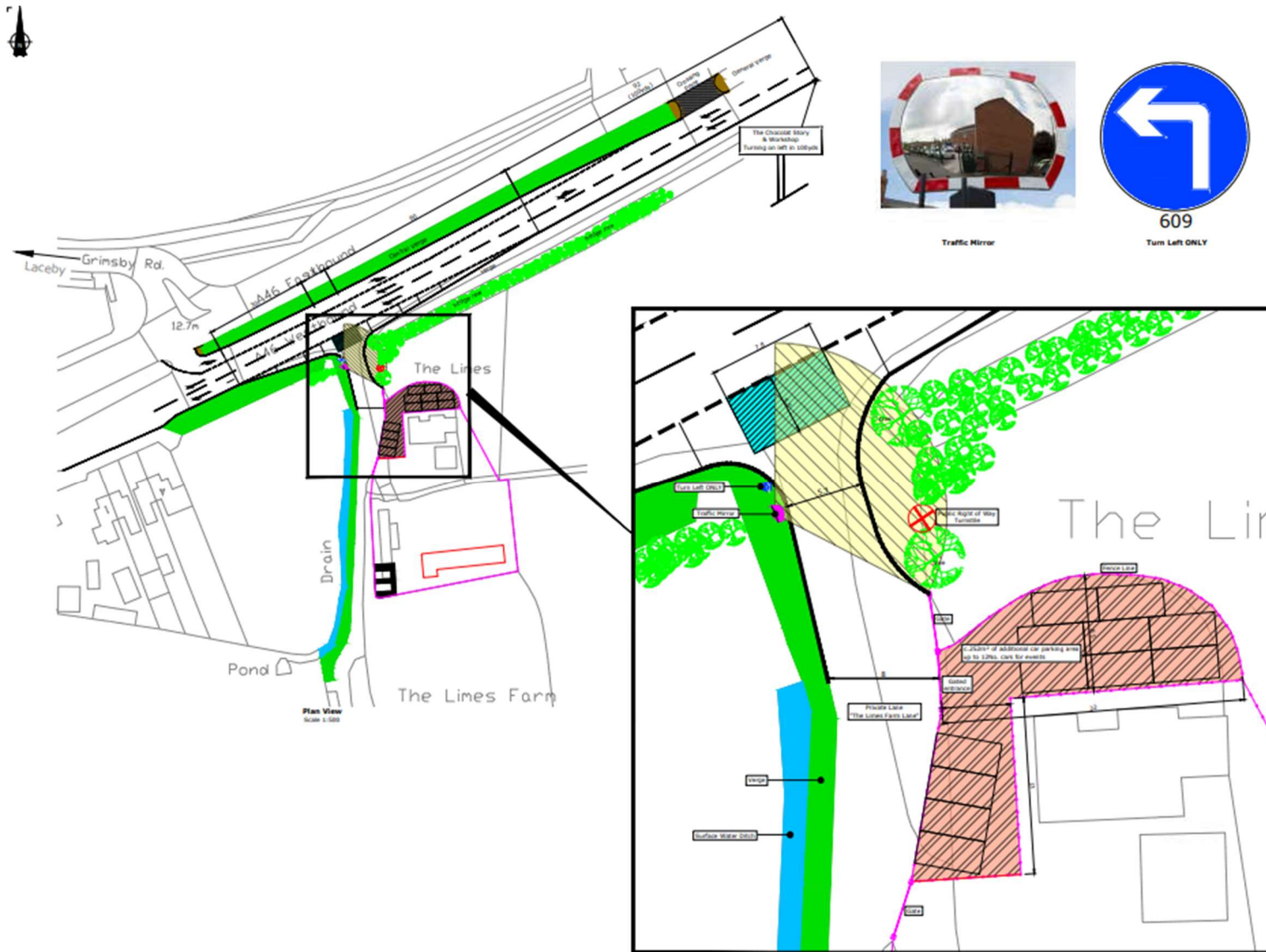
(1) The development is located outside of the defined development boundary in an area of open countryside. It's position to the south of the A46 dual carriageway would also limit safe sustainable traffic options and would lead to the use of motor vehicles for most movements. There are no material planning reasons to justify the siting of this commercial use in an open countryside location. The proposal is therefore considered to be contrary to the requirements of Policies 5 and 36 of North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and the core principles as set out in the National Planning Policy Framework 2023.

(2) The proposal would increase the use of the existing access point with additional slower moving vehicles entering and leaving a high speed dual carriageway with a potential for conflicting traffic movements within it. In addition access is close to a public footpath with limited manoeuvring space available leading to potential conflicts with pedestrians and traffic. This would represent a significant highway danger contrary to Policies 5 and 40 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018) and advice in the National Planning Policy Framework 2023.

DM/0417/24/FUL – THE LIMES, GRIMSBY ROAD, LACEBY

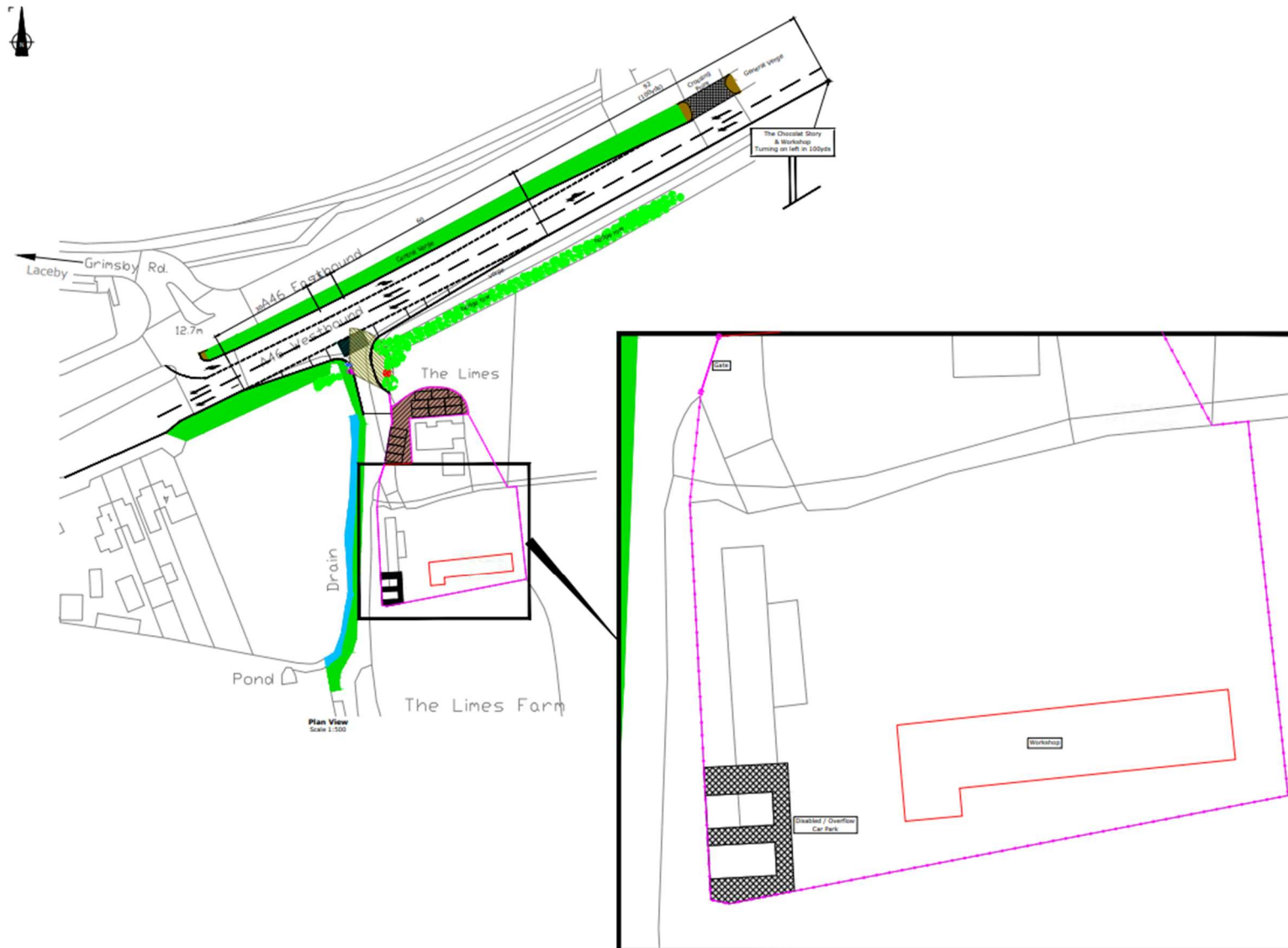


# DM/0417/24/FUL – THE LIMES, GRIMSBY ROAD, LACEBY





DM/0417/24/FUL – THE LIMES, GRIMSBY ROAD, LACEBY





**PLANNING COMMITTEE - 4th September 2024**

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

**APPLICATION No: DM/0347/24/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: 36 Humberston Avenue, Humberston, North East  
Lincolnshire, DN36 4SP**

**PROPOSAL: Variation of Condition 2 (Approved Plans) as granted on application  
DM/1090/22/FUL to amend house type and garage for plot 8 - amended site plan  
and garage details July 2024**

**APPLICANT:**

Mr John Collis  
Culzean House  
1A Jonathans Garth  
Tetney  
Grimsby  
North East Lincolnshire  
DN36 5GA

**DEPOSITED: 5th April 2024**

**AGENT:**

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

**ACCEPTED: 12th April 2024**

**TARGET DATE: 7th June 2024**

**PUBLICITY EXPIRY: 8th August 2024**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 8th August 2024**

**CASE OFFICER: Richard Limmer**

**PROPOSAL**

The proposal is to vary Condition 2 (Approved Plans) as granted on application DM/1090/22/FUL to amend the house type and garage for plot 8. The proposed dwelling and garage are both larger structures in terms of mass and footprint. The roof design is changed from a pitched roof with gable ends to a hipped roof. Additional accommodation is also provided within the roof space with two dormer windows to the front elevation and a roof light to the rear. The proposed garage increases in size and accommodates both an office room and a gym room.

The application has been brought to Planning Committee as it has been called in by

Councillors Shreeve, Harness and Dawkins.

## **SITE**

The site is made up of the former rear gardens of no.34 and no.36 Humberston Avenue, it has now been split off from these properties and the construction of dwellings on the site is well underway. The site itself is relatively flat with a gentle slope down towards Humberston Avenue. There are TPO trees throughout the site.

To the north of the main part of the site are the former hosts no.34 and no.36 Humberston Avenue, both large detached dwellings. These are now separated by close board fencing. To the east of the site is part of the rear garden of no.38 Humberston Avenue and properties backing onto the site off Parklands Avenue. To the south of the site is the Persimmon Homes development which is substantially built out now with properties on Parklands Avenue facing towards the site but separated by open space and drainage infrastructure. To the west of the site is the rear garden of no.32 Humberston Avenue.

## **RELEVANT PLANNING HISTORY**

DM/0881/16/OUT - Outline application for the erection of 5 dwellings - approved

DM/0356/17/OUT - Outline application for the erection of 5 dwellings - approved

DM/0258/18/FUL - Erect 6 dwellings and associated infrastructure - approved

DM/0052/22/FUL - Variation of DM/0258/18/FUL to change house types and positions - approved

DM/1090/22/FUL - Erect 8 detached dwellings with garages and private road to include widening existing access with associated works - approved

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

### National Planning Policy Framework (2023)

NPPF5 - Delivering a sufficient supply of homes

NPPF14 - Climate, flooding & coastal change

NPPF15 - Conserv. & enhance the natural environ.

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

PO5 - Development boundaries

PO22 - Good design in new developments

PO33 - Flood risk

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**

Drainage - no objections, condition required to secure updated drainage scheme.

Highways - no objections.

Environmental Health - no objections.

Heritage - no objections.

Tree Officer - detailed comments on the impact on adjacent trees and considerations around BS5837.

Civic Society - object but no detailed reasoning provided.

Humberston Village Council - no objections.

Neighbours

2 Parklands Avenue  
32, 34 and 36 Humberston Avenue

These neighbours have objected to the proposed development with concerns over the size, scale and mass of the proposed dwelling and the potential subsequent impact on their amenities. Concerns have also been raised on the impact on the trees on the site and the impact of the construction process on amenities.

## **APPRAISAL**

Material Considerations

1. Principle of Development
2. Impact on Neighbours
3. Impact on the Character of the Area and Trees
4. Drainage and Highways

## 1. Principle of Development

The principle of residential development on the site has been very well established through the planning history on the site. Indeed, the development approved under DM/1090/22/FUL has been implemented and construction is well underway. The proposal seeks to change the design and layout of plot 8 of the approved scheme and this does not affect the principle of development.

## 2. Impact on Neighbours

It is noted that neighbours have objected to the proposed development. The comments from no.2 Parklands Avenue are noted but relate more to the construction impacts of the development which are not relevant to this application. The location of the proposed amendments on plot 8 mean that they would not impact upon this neighbour.

Due to the nature and location of the proposed variation to the approved plans the impacts to neighbours are limited to nos.32 and 34 Humberston Avenue. Neighbours within the development site have not yet been fully built out. It is noted that no further comments have been received from these neighbours following the amended plans which sought to address concerns that had been raised.

In regard to the impact on no.32 Humberston Avenue the proposed dwelling is larger than the approved and moves closer to the neighbour. It would undoubtedly be visible to the neighbour, however, the scale and nature of the proposed amendments would not cause any additional impacts than the approved scheme. The proposed garage is again larger than the approved and would sit closer to the boundary with the neighbour, it would have a hipped roof which assists in reducing the mass of the roof structure. It is considered that, whilst it would sit closer to the site boundary and be larger, it would not cause harm to the residential amenities of the neighbour.

The proposed dwelling has increased in size and mass but has changed roof design from a gable ended roof to a hipped roof and presents its side elevation to no.34 Humberston Avenue. It has been moved as a result of negotiations with Officers and now sits 1.5m off the boundary, however the size and mass of the dwelling has not been reduced. It would be 22.3m from the rear elevation of no.34 and the side elevation of the proposed dwelling. It is considered that the proposed dwelling would cause unacceptable harm to the residential amenity of the neighbour, in regard to dominance and outlook, due to the scale and mass of it. The proposed dwelling is positioned directly to the south of the neighbour and would undoubtedly affect how the occupiers would enjoy their indoor and outdoor amenities.

It is acknowledged that the approved dwelling is of a large scale and would be very visible to the neighbour but this proposal is of a greater scale and mass and would cause the aforementioned harm. The proposed garage building would not cause harm to this

neighbour.

It is therefore considered that the proposed amended design, scale, mass and position of the proposed dwelling causes unacceptable harm to the neighbours residential amenities contrary to Policies 5 and 22 of the NELLP.

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

The proposed dwelling sits in a small development of 8 dwellings off Humberston Avenue. It would be a large dwelling but the area is characterised by large dwellings, including those within the development and immediate neighbours. The proposed amendments do not cause harm to the immediate or wider appearance or character of the area.

In regard to the impact on trees, the approved scheme took care to protect certain trees in the site and particular to this proposal, which only effects plot 8, T1 was afforded this protection. The proposed amendments would result in more hardstanding and built form within the Root Protection Area (RPA) of T1. The Tree Officer has considered the proposal in some detail and has had due regard to BS5837 (Trees in Relation to Design, Construction and Demolition). The proposal would result in 16% of the RPA being taken up by hardstanding and built form. BS5837 suggests that up to 20% of the RPA can be encroached upon without causing undue harm to the tree subject to suitable construction methods, where encroachment is unavoidable. In regard to this development the applicant suggests that it is unavoidable in order to achieve what they desire.

On balance, considering the proposal and the potential impact on T1 it is considered that as the encroachment is under the 20% detailed in BS5837 it is considered that the development would not cause undue harm to T1 and is considered acceptable in regard to Policy 42 of the NELLP.

### 4. Drainage and Highways

The proposed amendments would result in a change to the plot layout and the amount of impermeable area. As such the Drainage Officer has requested that the Drainage Scheme is updated to reflect these changes to ensure that there is not a detrimental impact on drainage and flood risk. This could be achieved through a suitable condition and would accord with Policies 33 and 34 of the NELLP.

The proposed amendments would not change the road layout of the site and would not change the impact on the highway network. The Highway Officer has confirmed that they have no objections to the proposed amendments in accordance with Policy 5 of the NELLP.

## **CONCLUSION**

In conclusion, it is considered that the proposal, due to its size, scale, mass and position, would result in an unacceptable impact on the residential amenities of no.34 Humberston Avenue. This is in conflict with Policies 5 and 22 of the NELLP. The application is therefore recommended for refusal.

## **RECOMMENDATION**

### **Refused**

(1) The proposed development, due to the size, scale, mass and position of the dwelling, would result in an unacceptable impact on the residential amenities of no.34 Humberston Avenue with specific regard to over dominance and outlook. This is in conflict with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

## **Informatives**

### **1 Informative**

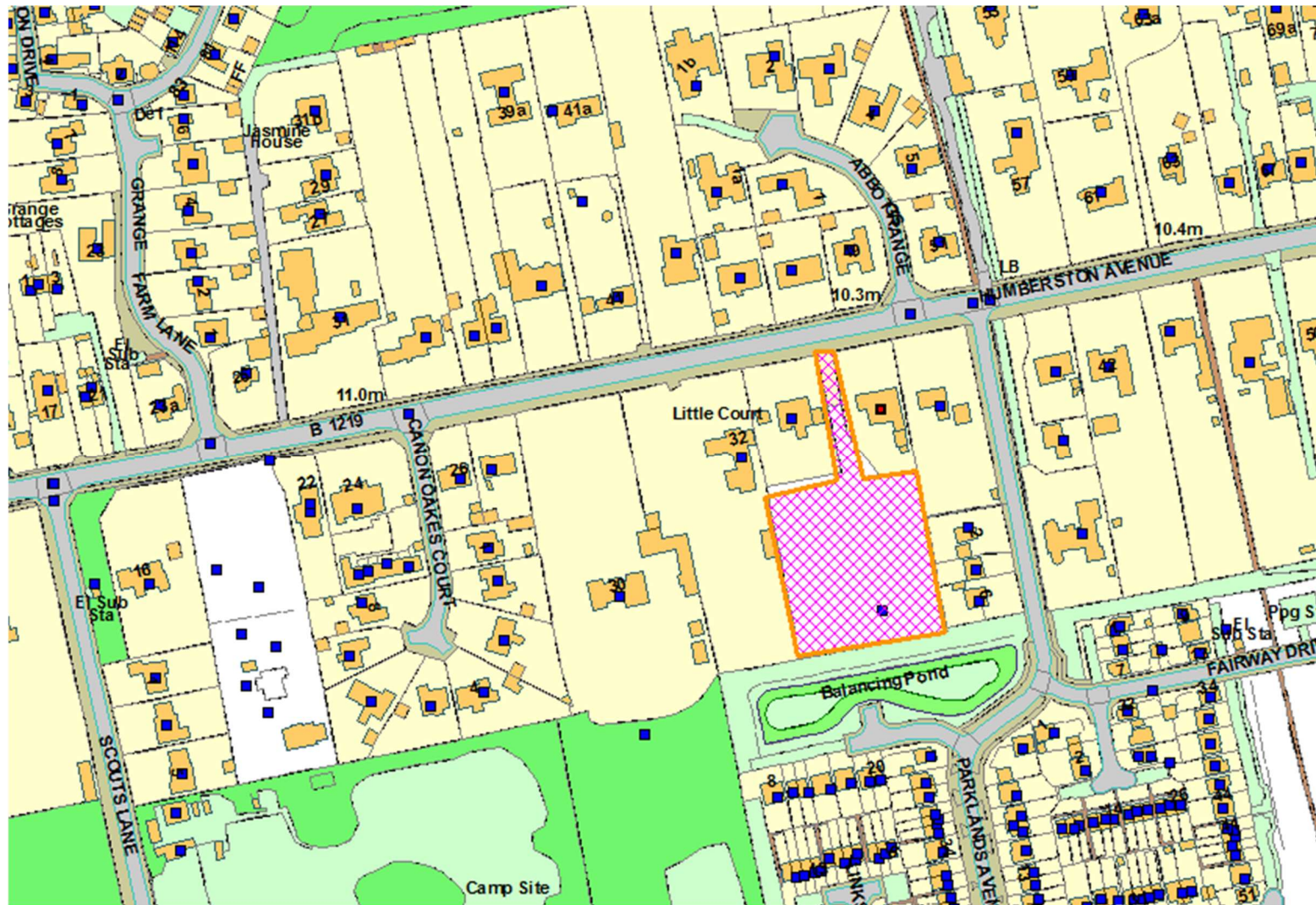
This application has been considered using the following plans: RD5583-02D, RD5583-03A, RD5583-04D, RD5583-05.

### **2 Added Value Statement**

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

In accordance with paragraph 187 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to problems arising, by seeking amendments to the scheme to make it acceptable. However, this could not be achieved.

DM/0347/24/FUL – 36 HUMBERSTON AVENUE, HUMBERSTON





DM/0347/24/FUL – 36 HUMBERSTON AVENUE, HUMBERSTON





**PLANNING COMMITTEE - 4th September 2024**

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

**APPLICATION No: DM/0319/24/FULA**

**APPLICATION TYPE: Accredited Agent - Homeholder application**

**APPLICATION SITE: 22 South Marsh Road, Stallingborough, North East  
Lincolnshire, DN41 8AN**

**PROPOSAL: Raise roof height to create first floor accommodation, erect extensions to front and rear and installation of front and rear dormers, demolish existing garage and front boundary wall, erect new detached garage to rear and retrospective permission for new boundary wall with pillars and gates to front with associated internal and external alterations**

**APPLICANT:**

Mrs K Kaur  
22 South Marsh Road  
Stallingborough  
North East Lincolnshire  
DN41 8AN

**AGENT:**

Mr Byron Smith  
By Design  
47 The Avenue  
Healing  
Grimsby  
N E Lincolnshire  
DN41 7NA

**DEPOSITED: 27th March 2024**

**ACCEPTED: 27th March 2024**

**TARGET DATE: 22nd May 2024**

**PUBLICITY EXPIRY: 27th April 2024**

**AGREED EXTENSION OF TIME DATE: 6th  
September 2024**

**CONSULTATION EXPIRY:**

**CASE OFFICER: Lauren Birkwood**

**PROPOSAL**

The proposal is for the erection of extensions to the front and rear of 22 South Marsh Road in Stallingborough including raising the roof height to create first floor accommodation and installation of front and rear dormers. It also includes the demolition of an existing garage and front boundary wall, and the erection of a new detached garage to the rear.

The proposal also includes retrospective permission for a new boundary wall with pillars and gates to the front of the site.

The application has been brought to planning as it has been called in by Councillor Crofts.

## **SITE**

22 South Marsh Road is a detached bungalow located to the south east side of South Marsh Road in Stallingborough. The area is primarily residential and made up of various dwelling types and designs including two-storey detached. To the north west of the site lies the open countryside. Neighbouring properties include 20 South Marsh Road (to the south west) and 24 South Marsh Road (to the east).

## **RELEVANT PLANNING HISTORY**

No relevant planning history.

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

### National Planning Policy Framework (2023)

NPPF12 - Achieving well designed places

NPPF14 - Climate, flooding & coastal change

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

PO5 - Development boundaries

PO22 - Good design in new developments

PO33 - Flood risk

PO34 - Water management

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

## **REPRESENTATIONS RECEIVED**

Council's Highways Officer - No objections.

Council's Drainage Officer - No objections. Informative recommended.

Council's Ecology Officer - No objections. Informative recommended.

Council's Heritage Officer - No objections.

Council's Environmental Health Officer - No objections. Informative recommended.

Stallingborough Parish Council - No objections.

#### Neighbouring Representations

12 & 24 South Marsh Road, Stallingborough, 134 Station Road, Stallingborough and 12 Manor Court, Stallingborough - Objects to the development with concerns regarding overshadowing and privacy issues, the development would be out of character with the area and would create drainage issues.

67 The Ridgeway, Grimsby - Supports the development due to needs and the context of the area.

### **APPRAISAL**

The key planning material considerations are:

- Principle of Development
- Impact on Character and Appearance of the Area and Heritage
- Impact on Residential Amenity
- Highways and Parking
- Other Matters

#### Principle of Development

The application site is within the development area of Stallingborough (Policy 5) and relates to alterations and extensions to an existing dwelling and the erection of a detached garage and boundary wall. The principle of development is therefore acceptable provided that the proposal does not give rise to significant issues in terms of residential amenity and that the design is in accordance with Policies 5, 22, 33 and 34 of the North East Lincolnshire Local Plan 2013- 2032 (Adopted 2018) and sections 12 and 14 of the NPPF.

#### Impact on Character and Appearance of the Area

The proposal is for the erection of extensions to the front and rear, raise the roof height to create first floor accommodation and installation of front and rear dormers. It also includes the demolition of an existing garage and front boundary wall, and the erection of a new detached garage to the rear. The works also includes retrospective permission for a new boundary wall with pillars and gates to the front of the site.

The works are reasonably extensive, increasing the footprint of the property. However, the proposed extensions would be single storey and remain within the confines of the site boundaries. Although the extensions would be viewable from the street scene, they would be set back within the site. Materials proposed would also match the existing dwelling. On this basis, they would not unduly harm the character and appearance of the area.

The roof height would be raised by approximately 2 metres to provide first floor accommodation. It is considered that although this alteration is extensive, in character terms it would not be considered out of keeping as South Marsh Road is made up of a variety of two storey properties. The change to create a hipped roof would have more impact in visual terms but is not an unusual design in this type of setting. The dormer extensions and alterations would be seen in the context of the immediate area. However, the dormers would be proportionate to the existing dwelling and would be externally faced in materials that would match those used in the construction of the existing dwelling, and this would therefore ensure the character and appearance of the building and wider area is maintained.

The proposed garage would replace an existing garage and would be situated within the rear garden area. Therefore, it would not be readily viewable within the street scene. It would be single storey and built with materials matching the existing dwelling. It is therefore considered appropriate.

In terms of the boundary treatments to the front of the property, it has been increased to approximately 2 metres in height. The materials include brickwork for the pillars and render for the walls. Although this is a significant change in terms of height and materials, it is not considered out of keeping as South Marsh Road consists of various boundary treatments, including that adjacent at 20 South Marsh Road.

On this basis, it is considered to be in accordance with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and section 12 of the NPPF.

#### Impact on Residential Amenity

Neighbouring properties include 20 South Marsh Road (to the south west) and 24 South Marsh Road (to the east). It is noted that objections have been received from neighbouring properties within concerns regarding overshadowing and privacy issues.

Firstly, in terms of the boundary treatments, it is not considered that these works create residential amenity issues. The wall, pillars and gates are situated away from neighbours and therefore considered acceptable. The detached garage would be situated along the boundary shared with 20 South Marsh Road. Given the single storey nature of the garage and it would be adjacent to an existing structure within the rear garden of the neighbour, it is not considered that it would create massing or overshadowing issues.

There would be dormers installed to the front and rear facing onto the host properties garden area and then obliquely onto neighbours on South Marsh Road. The dormers

would be relatively minor and would not unduly impact neighbours in terms of overlooking.

The concerns raised by 24 South Marsh Road in terms of overshadowing are noted. A light test was undertaken by the applicant which shows that, although the development would increase in height, there would be no issues in terms of overshadowing. Nevertheless, the combination of the proposed extensions and increase in roof height would significantly increase the overall size of the dwelling. The roof height of the host property would be increased by approximately 2 metres which is considered significant. The single storey extension and raised roof would sit directly along and very close to the boundary shared with 24 South Marsh Road. The neighbour has windows on the side elevation which would face the proposal, and it is considered that the resultant dominance and massing would be detrimental to the residential amenity of 24 South Marsh Road.

It is therefore considered, due to issues outlined above in terms of massing and dominance on neighbour 24 South Marsh Road, that the proposal would be contrary to Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

#### Highways and Parking

The Council's Highways Officer has reviewed the information provided and has confirmed that the front boundary wall does not impact visibility splays and the property retains sufficient within-curtilage space for vehicle turning to enable access and egress from the site on to the classified road in a forward-facing gear. Similarly, existing parking arrangements at the site remain unchanged. The Council's Highways Officer is content with this information and has no objections.

#### Other Matters

A Flood Risk form has been provided which confirms that the floor levels would be set no lower than the existing levels and flood proofing would be incorporated into the scheme. This is considered acceptable. The Council's Drainage Officer has reviewed the information provided and has no objections, subject to an informative. The proposal therefore accords with Policies 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

In terms of Biodiversity Net Gain, this application is subject to exemptions as an exemption applies in relation to planning permission for a development which is the subject of a householder application.

#### **CONCLUSION**

In conclusion, it is considered that the proposal represents a detrimental impact to the amenity of the neighbour by reason of dominance and massing. The proposal is therefore contrary to Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018)

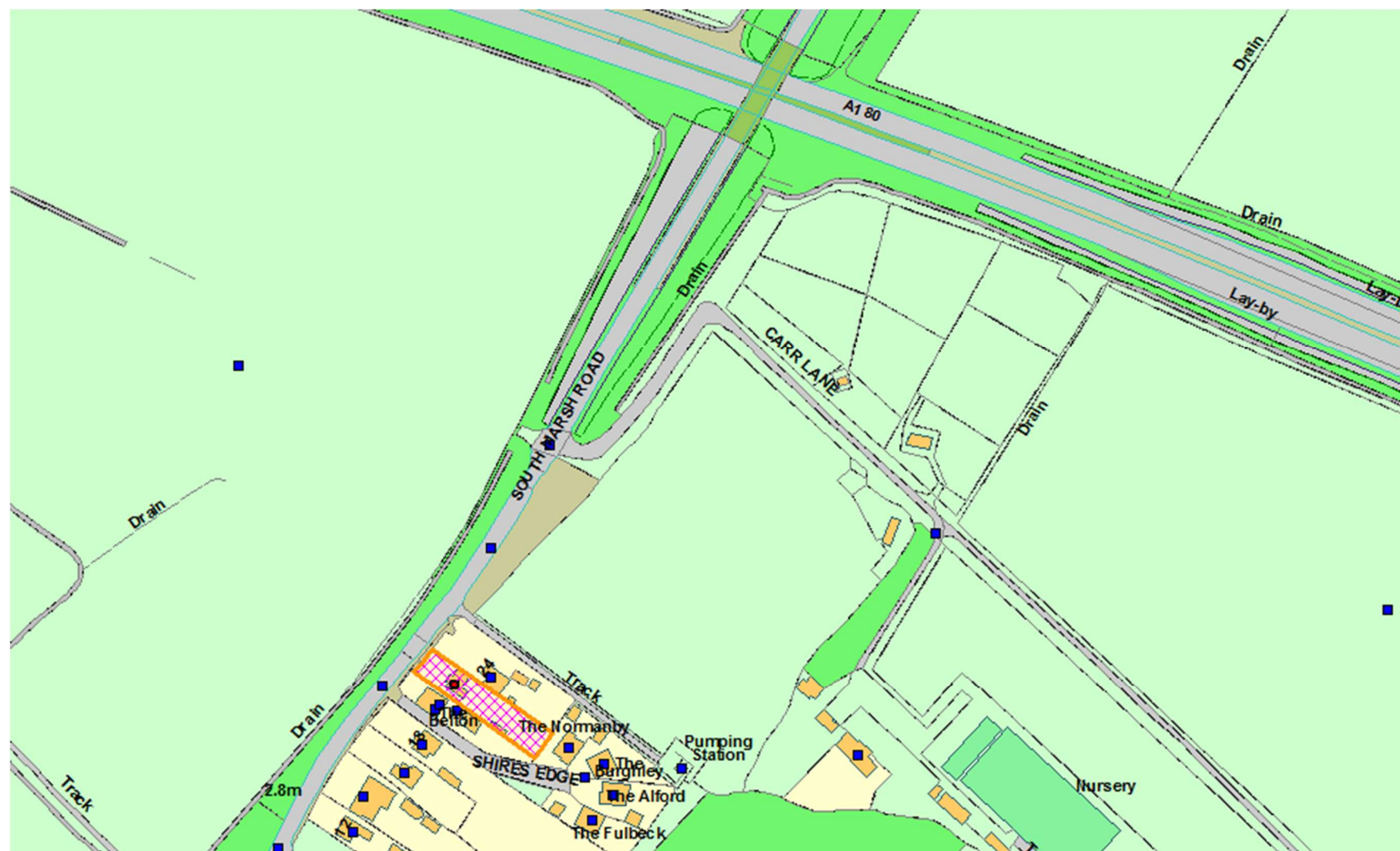
and is recommended for refusal.

## **RECOMMENDATION**

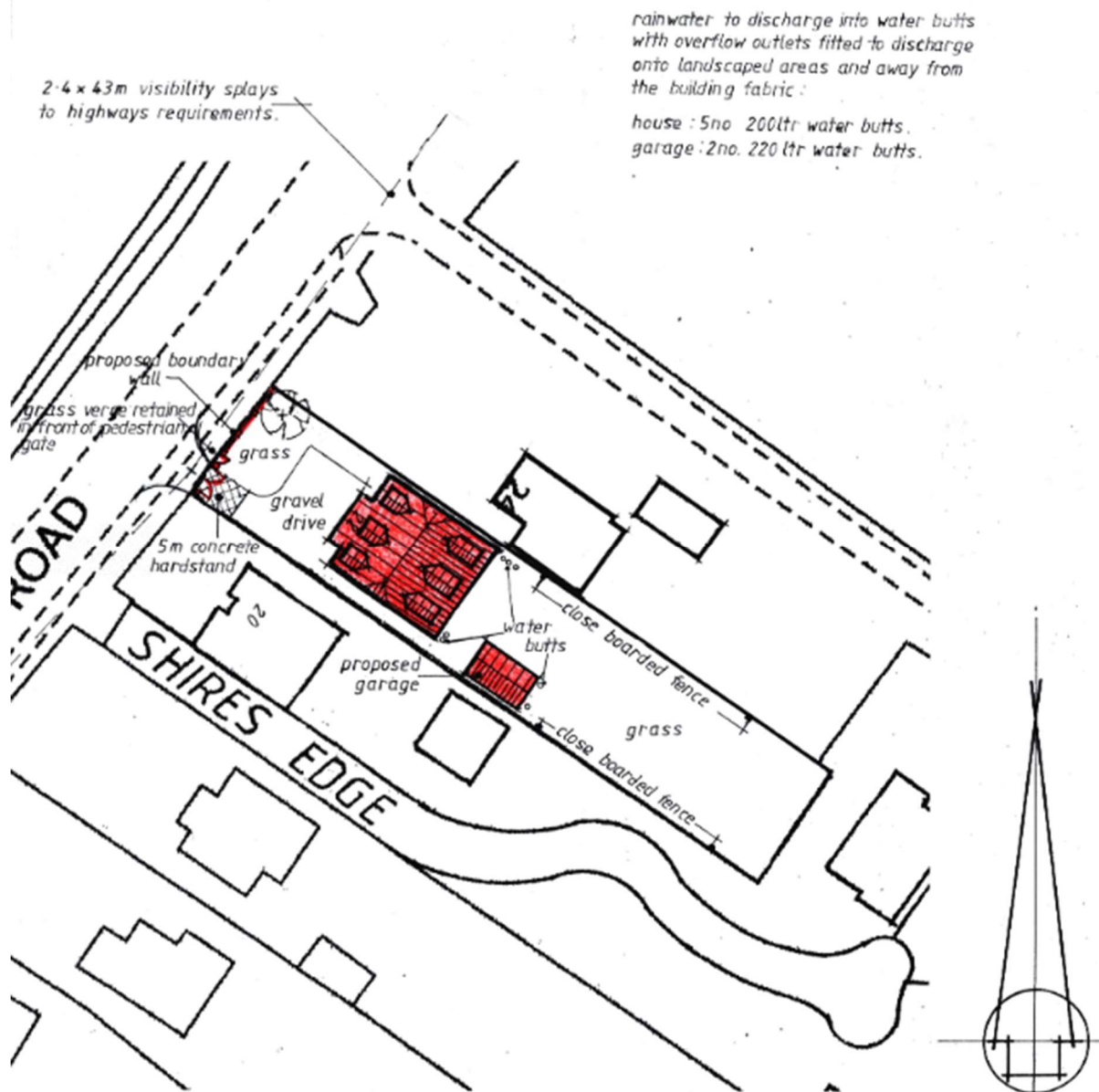
### **Refused**

(1) The proposal would be detrimental to the residential amenities of the neighbouring property by virtue of dominance and adverse massing contrary to Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

DM/0319/24/FULA – 22 SOUTH MARSH ROAD, STALLINGBOROUGH



DM/0319/24/FULA – 22 SOUTH MARSH ROAD, STALLINGBOROUGH





**PLANNING COMMITTEE - 4th September 2024**

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

**APPLICATION No: DM/0134/23/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: 121 Humberston Fitties, Humberston, North East Lincolnshire, DN36 4EZ**

**PROPOSAL: Retrospective application to replace fencing and installation of new gravel drives to front**

**APPLICANT:**

Mrs Mandy Moore  
121 Humberston Fitties  
Humberston  
North East Lincolnshire  
DN36 4EZ

**AGENT:**

**DEPOSITED: 20th February 2023**

**ACCEPTED: 24th April 2023**

**TARGET DATE: 19th June 2023**

**PUBLICITY EXPIRY: 21st May 2023**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY:**

**CASE OFFICER: Owen Toop**

**PROPOSAL**

This application is part retrospective in nature and relates to works at an existing holiday chalet. As part of the application process, amended plans have been received which have resulted in changes to the proposal. As a result, the application seeks the retention of a gravel drive, the removal of a gravel drive, the removal of close board fencing and the erection of picket fencing.

The application is brought to the attention of the planning committee due to the number of public objections received. and the objection from the Humberston Village Council.

**SITE**

121 Humberston Fitties is an existing holiday chalet located within the Humberston Fitties

Chalet Park in Humberston. The site is also within the Humberston Fitties Conservation Area.

The property is located at 1st Main Road and backs on the dunes. To the front and opposite and to the side are existing holiday chalets.

## **RELEVANT PLANNING HISTORY**

none relevant.

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

### National Planning Policy Framework (2023)

NPPF12 - Achieving well designed places  
NPPF14 - Climate, flooding & coastal change  
NPPF16 - Conserv. & enhance the historic environ.

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

PO5 - Development boundaries  
PO22 - Good design in new developments  
PO33 - Flood risk  
PO34 - Water management  
PO39 - Conserve and enhance historic environ

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

## **REPRESENTATIONS RECEIVED**

Heritage Officer - Issues raised which have been responded to.

Drainage - No objections, noting permeable material is acceptable.

Highways - No objections, 1st Main Road is not an adopted highway.

Grimsby, Cleethorpes and District Civic Society - objections raised.

Ecology - No response.

Humberston Village Council - Objections raised regarding the adverse impact on the Conservation Area in relation to the originally proposed fencing and driveway arrangement. An email has been sent to notify the clerk that their concerns have been addressed through amended plans, though no response has been received at time of writing this report.

## Public Representations

In some cases more than one representation from the same address has been received.

Objections received from the following addresses:

156 Tudor Road  
9 The Green  
284 Humberston Fitties  
31 Lindsay Drive  
101 Humberston Fitties  
10 Ferndale Way  
85 Humberston Fitties

broadly on the following grounds:

- retrospective nature of works
- impact on the conservation area, nature, and character of the area
- materials harmful

neutral comments received from:

310A Humberston Fitties - makes points regarding Tingdene's management of the site in relation to parking.

## **APPRAISAL**

The material considerations are:

- 1) Principle of Development
- 2) Design and Heritage
- 3) Impact on Local Amenity
- 4) Drainage

- 1) Principle of Development

The proposal is located within an existing holiday park and relates to works at an existing chalet. The existing chalet is within a defined resort area as indicated within the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) [NELLP].

The principle of development is therefore acceptable and the proposal may be supported in accordance with the NELLP provided that there are no detrimental impacts in relation to the site specific material planning matters as follows:

## 2) Design and Heritage

The proposal is within the Humberston Fitties Conservation Area and the requirements under Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area thus apply. Policy 39 of the NELLP also applies as the site is within the Conservation Area.

The application has been amended to respond to design and heritage concerns raised. Consultation has taken place with the Heritage Officer. Following amended plans which now show replacement picket fencing to the sides, the omission of the northern gravel drive, and removal of paving stones, the proposal now would be consistent with the Humberston Fitties Design Guide and is considered acceptable in terms of the appearance and setting of the Conservation Area. The reduction in gravel and the reinstatement into grass, as well as the removal of close boarded fencing and inclusion of picket fencing preserves the character of the Humberston Fitties Conservation Area. There would remain a singular gravel drive and this would not dominate the plot or adversely harm the character of the area.

Having considered the above, the proposal accords with Policies 5, 22 and 39 of the NELLP.

## 3) Impact on Local Amenity and Parking

The site is within an area of established holiday chalets and all development proposals must be assessed in relation to their neighbouring land uses. The proposed driveways and boundary treatments would not cause any detrimental impact to the amenity of neighbouring holiday chalets given their size, nature and scale, in terms of massing or overlooking.

The comments from the public and Village Council are noted. It is considered that these concerns have been addressed as a result of the amended plans.

In terms of impact from a highways perspective the introduction of the gravel driveway would allow off-street parking. From the Highways Authority perspective, as the road is non-adopted, there are no objections.

Representations received have made reference to Tingdene management of the overall site in relation to parking however this is not considered to be a substantive highway consideration in this case.

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

#### 4) Drainage

The proposal has been reviewed by the Drainage Officer and no objections have been received. The proposal is also within a Flood Risk Zone, but given the nature of the works relating to fencing and driveways at an existing chalet, there are no flood risk issues. Having considered this the proposal accords with Policies 5, 33 and 34 of the NELLP.

#### 5) Other Matters

The proposal is exempt from biodiversity net gain as it was submitted before 2nd April 2024.

### **CONCLUSION**

This application is part retrospective in nature and relates to works at an existing holiday chalet. As part of the application process, amended plans have been received which have resulted in changes to the proposal. As a result, the application seeks the retention of a gravel drive, the removal of a gravel drive, the removal of close board fencing and the erection of picket fencing. The proposal is considered acceptable as there are no issues as a result of the amended design. The application is therefore recommended for approval with conditions in accordance with local and national planning policies.

### **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:

Proposed Driveways and Fences - 23-519 100 E

##### Reason

For the avoidance of doubt in the interests of proper planning and in accordance with

Policies 5, 22, 33, 34 and 39 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(3) Condition

The proposed development shall be constructed using materials specified within the approved plan, Proposed Driveways and Fences - 23-519 100 E unless otherwise first approved in writing by the Local Planning Authority.

Reason

In the interests of protecting the character and appearance of the Conservation Area in order to comply with policies 5, 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

## **Informatives**

1 Reason for Approval

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would preserve the character of the Conservation Area and would not harm local amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular Policies 5, 22, 33, 34 and 39.

2 Added Value Statement

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

In accordance with the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to problems arising, by seeking amended plans to address design and heritage matters.

3 Informative

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

4 Informative

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

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