

## Planning Committee Dated: 30th October 2024

### Summary List of Detailed Plans and Applications

<b>Recommendation: Approved with Conditions</b>	
<b>Item:</b>	<b>1</b>
<b>Application No:</b>	DM/0353/24/REM
<b>Application Type:</b>	Reserved Matters
<b>Application Site:</b>	Land South Side Of Humberston Avenue Humberston North East Lincolnshire
<b>Proposal:</b>	Variation of Condition 1 (Approved Plans) to amend site layout and house types, and Variation of Conditions 2 (Materials), 3 (Public Right of Way), 4 (EV Charging Points) and 5 (Highways) to reword as compliance conditions following DM/1005/16/REM - amended site and house type plans July 2024
<b>Applicant:</b>	Countryside Partnerships Ltd
<b>Case Officer:</b>	Richard Limmer
<b>Recommendation: Approved Conditions and signing of S106</b>	
<b>Item:</b>	<b>2</b>
<b>Application No:</b>	DM/0761/23/FUL
<b>Application Type:</b>	Full Application
<b>Application Site:</b>	Land Off Louth Road New Waltham North East Lincolnshire
<b>Proposal:</b>	Erect 249 dwellings with associated garages, open space, landscaping, drainage, emergency access and associated infrastructure with new access from Louth Road - amended site layout and house types, additional Air Quality Assessment and Highway Report received January 2024 (amended Habitat Regulations August 2024)
<b>Applicant:</b>	Mr Steven Ibbotson
<b>Case Officer:</b>	Richard Limmer

		<b>Recommendation:</b>	<b>Refused</b>
<b>Item:</b>	<b>3</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 (amended plans received 11/09/2024 showing retention of gravel and closeboard fencing in situ)		
<b>Applicant:</b>	Mrs Mandy Moore		
<b>Case Officer:</b>	Owen Toop		

		<b>Recommendation:</b>	<b>Approved with Conditions</b>
<b>Item:</b>	<b>4</b>		
<b>Application No:</b>	DM/0422/24/FUL		
<b>Application Type:</b>	Full Application		
<b>Application Site:</b>	73 Welholme Avenue Grimsby North East Lincolnshire DN32 0PL		
<b>Proposal:</b>	Removal of chimney on north elevation		
<b>Applicant:</b>	Susan Croft		
<b>Case Officer:</b>	Emily Davidson		

		<b>Recommendation:</b>	<b>Approved with Conditions</b>
<b>Item:</b>	<b>5</b>		
<b>Application No:</b>	DM/0268/24/FUL		
<b>Application Type:</b>	Full Application		
<b>Application Site:</b>	45 Sea View Street Cleethorpes North East Lincolnshire DN35 8EU		
<b>Proposal:</b>	Change of use - Class E (shop) to a C1 (Air BnB/holiday let)		
<b>Applicant:</b>	Mr & Mrs McCartney		
<b>Case Officer:</b>	Owen Toop		

<b>Recommendation: Approved with Conditions</b>	
<b>Item:</b>	<b>6</b>
<b>Application No:</b>	DM/0386/24/FUL
<b>Application Type:</b>	Full Application
<b>Application Site:</b>	25 Chantry Lane Grimsby North East Lincolnshire DN31 2LP
<b>Proposal:</b>	Change of use and alterations from a commercial premises (offices) to a house in multiple occupation (HMO), erection of single storey extension to side, creation of cycle store and associated works
<b>Applicant:</b>	Mr Graham Chesterman
<b>Case Officer:</b>	Becca Soulsby
<b>Recommendation: Refused</b>	
<b>Item:</b>	<b>7</b>
<b>Application No:</b>	DM/0193/24/FUL
<b>Application Type:</b>	Full Application
<b>Application Site:</b>	2-4 (Part Of) Edward Street Grimsby North East Lincolnshire DN32 9HJ
<b>Proposal:</b>	Change of use from retail unit to dwelling with retrospective works including the removal and replacement of existing shop front, removal of existing first floor bay window on front elevation to replace with a standard window, alterations to window and door openings and various associated works (Revised Plans and Flood Risk Assessment Received 6/08/2024)
<b>Applicant:</b>	Mr Ishtiaq Hussain
<b>Case Officer:</b>	Owen Toop

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<b>Recommendation: Approved with Conditions</b>	
<b>Item:</b>	<b>8</b>
<b>Application No:</b>	DM/0085/24/FUL
<b>Application Type:</b>	Full Application
<b>Application Site:</b>	151 Scartho Road Grimsby North East Lincolnshire DN33 2AR
<b>Proposal:</b>	Partial demolition of existing bungalow, erection of two storey extensions to rear and side, installation of balcony to rear and associated external alterations (Construction Traffic Management Plan Received 27.09.2024)
<b>Applicant:</b>	Mr Matthew Rogers-Thomas
<b>Case Officer:</b>	Owen Toop

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**PLANNING COMMITTEE - 30th October 2024**

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

**APPLICATION No: DM/0353/24/REM**

**APPLICATION TYPE: Reserved Matters**

**APPLICATION SITE: Land South Side Of, Humberston Avenue, Humberston, North East Lincolnshire,**

**PROPOSAL: Variation of Condition 1 (Approved Plans) to amend site layout and house types, and Variation of Conditions 2 (Materials), 3 (Public Right Of Way), 4 (EV Charging Points) and 5 (Highways) to reword as compliance conditions following DM/1005/16/REM - amended site and house type plans July 2024.**

**APPLICANT:**

Countryside Partnerships Ltd  
C/O Agent  
DPP  
1 Park Row  
Leeds  
West Yorkshire  
LS1 5HN

**DEPOSITED: 9th April 2024**

**AGENT:**

Mr Jack Waugh  
DPP  
One Park Row  
Leeds  
LS1 5HN

**ACCEPTED: 19th April 2024**

**TARGET DATE: 19th July 2024**

**PUBLICITY EXPIRY: 5th October 2024**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 27th May 2024**

**CASE OFFICER: Richard Limmer**

**PROPOSAL**

The proposal is a variation of Condition 1 (Approved Plans) to amend site layout and house types on phases 8, 9 and 10, and Variation of Conditions 2 (Materials), 3 (Public Right Of Way), 4 (EV Charging Points) and 5 (Highways) to reword as compliance conditions following DM/1005/16/REM. Information has been provided to address the requirements of conditions 2, 3, 4 and 5.

In phases 9 and 10 the changes to the house types includes changes from the approved bungalows to houses. The general layout remains the same.

In phase 8 the proposed changes are to the layout and elevations of the houses.

This application has been brought to Planning Committee for consideration due to the number of objections received.

This application was deferred at Planning Committee meeting on the 2nd October 2024 for a site visit. The site visit being Monday 28th October 2024.

## **SITE**

The site is part of the development to the south of Humberston Avenue which was granted planning permission under DC/107/12/HUM for the erection of 400 dwellings and associated infrastructure. Phases 1-5 have been built out, phase 6 is under construction and phase 7 has been built out as a care home under a separate planning permission. This application relates to phases 8, 9 and 10 which have yet to be constructed. The site was previously agricultural land but has now been left to scrub.

## **RELEVANT PLANNING HISTORY**

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

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

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

### National Planning Policy Framework (2023)

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

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

PO5 - Development boundaries  
PO13 - Housing allocations  
PO15 - Housing mix  
PO22 - Good design in new developments  
PO33 - Flood risk  
PO34 - Water management

PO41 - Biodiversity and Geodiversity  
PO42 - Landscape

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

## **REPRESENTATIONS RECEIVED**

Highways Officer - no objections the applicant is currently going through the s.38 agreement process.

Drainage Officer- no objections

Ecology Officer- no objections, conditions for safe working practices

Cadent - no objections

ESP - no objections

Trees and Woodlands Officer - no objections in principle

Environmental Health - no objections

Humberside Fire Brigade - no objections

Environment Agency - no comments

Anglian Water - no comments

Heritage Officer- no comments

Public Rights of Way - no objections to amended detail

Drainage Board - no comments

Humberston Village Council - no objections, note the concerns raised by residents

## Neighbours

4 & 11 Sycamore Way  
32 & 35 Hawthorn Road  
10 Alder Avenue  
31 Blackthorne Ave  
Apartment 2, 3 Blackthorne Ave  
3 Blackthorne Ave (no apartment number provided)  
Greystones, Station Road, Nth Thoresby

These neighbours have all objected to the proposed amendments with concerns over the following matters:

- How the connection of the road would affect the over 55s area of the development due to traffic generation and disturbance;
- Ecological impact of the development;
- On street parking and highway safety;
- Lack of consultation;

Petition from neighbours has also been submitted with 54 signatures expressing similar concerns to those listed above.

## **APPRAISAL**

### Main Issues

1. Principle of Development
2. Impact on Neighbours
3. Impact on the Character of the Area
4. Drainage and Flood Risk
5. Highways
6. Other Matters

#### 1. Principle of Development

The principle of development on this site has been established through the granting of the outline permission under DC/107/12/HUM and further under DM/1005/16/REM for the reserved matters. Construction has been commenced with phases 1-5 having been completed and phase 6 under construction. This proposal is to amend the details of phases 8, 9 and 10 including change of house types and layout. This does not affect the principle of development on the site and it therefore remains established and not in question.

#### 2. Impact on Neighbours

It is noted that there have been several objections received from neighbouring properties, these are mostly from new dwellings within the site and raise concerns regarding the

impact from traffic generation and highway layout and the impact on their amenities. There are comments regarding the highway link through the development and that it should not be joined up to reduce impacts on the retirement properties to the east side of the site. However, the road connecting through the development has always been part of the site master plan and in the approved reserved matters for the site. So whilst residents have concerns about how linking the road through may affect their amenities, it has already been approved and is acceptable. This application does not seek to change that approved position.

In regard to the proposed changes to the house types and layout of phases 8, 9 and 10 of the site the main aspect of this is the proposal to change properties in phases 9 and 10 from bungalows to houses. The main impact from this change would be to the neighbours of the site boundaries; Hawthorn Road and Blackthorn Avenue to the north, Glebe Road and Lime Grove to the east and Alder Avenue to the west. Importantly plots 1-22 in the north west corner of phase 9, closest to Alder Avenue and Hawthorn Road remain as bungalows. Plots 23-59 in the north east corner of phase 9 change to houses, however are well separated from neighbours on Hawthorn Road, Blackthorn Avenue, Glebe Road and Lime Grove. Whilst these neighbours would see the change from bungalows to houses, the separation between the properties means that the neighbours would not suffer detrimental impact on their amenities. This is the same situation with the change from bungalows to houses on the eastern side of phase 10 and the relationship to neighbours on Lime Grove.

It is therefore considered that the proposed amendments would not cause a detrimental impact on the neighbours residential amenities in accordance with Policy 5 of the NELLP.

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

The proposed amendments to the approved scheme will change the appearance of the development but the proposed house types are similar to those in the earlier phases of the development. Whilst the proposed changes include changing from bungalows to houses and thus the overall height of phase 9 increases it is of no greater scale than earlier phases of the development and that of the houses on Glebe Road and Lime Grove.

A materials schedule has been provided to address condition 2 of DM/1005/16/REM. These materials are considered to work well with the designs of the dwellings and the surrounding area.

An updated landscaping scheme has been submitted as part of the scheme, this has been considered by Officers and considered to be acceptable.

It is therefore considered that the proposed amendments would not harm the overall character and appearance of the area in accordance with Policies 5 and 22 of the NELLP.

#### 4. Drainage and Flood Risk

The site has previously been assessed in regard to flood risk, this situation has not changed and the site remains in flood zone 1. The EA have not raised any concerns in regard to flood risk on the proposal.

Surface water drainage is a material consideration and a condition imposed on the outline permission that required the surface water drainage scheme to be agreed prior to development commencing. This was done but this proposal changes the site layout and house types mean that the surface water drainage scheme will need to be updated accordingly. This is still covered by the condition on the outline permission and a further condition is not required.

It is therefore considered that the proposal is acceptable in regard to flood risk and drainage in accordance with Policies 5 and 33 of the NELLP.

#### 5. Highways

The proposed amendments do not change the number of dwellings or scale of the site. The overall traffic generation from the site would not materially change and in turn neither would the impact on the immediate or wider highway network.

The comments from the neighbours relating to the eastern section of the built out part of the development connecting through to rest of the development have been considered but in regard to highway amenity the scale of the development requires two full access points. The road layout stays much the same as the approved scheme and as such remains acceptable.

The applicant is working with the Highway Authority to agree the s.38 Highway Agreement for the adoption of the roads. This has not yet been agreed and so it is considered that condition 5 should remain in place to be discharged. It is therefore considered that the proposed development accords with Policy 5 of the NELLP.

#### 6. Other Matters

An updated plan detailing electric vehicle charging points has been supplied, this has been considered and the Environmental Health team have confirmed that it is acceptable. It is considered that this updated detail addresses the requirements of condition 4 of DM/1005/16/REM.

It is also noted that there are conditions from the outline permission that remain in force and the changes proposed in this application may require the previous details that were approved to be updated and resubmitted.

## CONCLUSION

In conclusion, it is considered that the proposed amendments to not cause undue harm in regard to the impact on neighbours amenities, the character of the area, drainage and flood risk or highway amenity. The proposal therefore accords with Policies 5, 22, 33, 41 and 42 of the NELLP. The applicant also maintains that the proposed changes will make the development more deliverable which will aid the overall delivery of housing. It is therefore recommended for approval.

## RECOMMENDATION

### Approved with Conditions

#### (1) Condition

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

4035-42-AWSM-XX-XX-DR-A-100-P4 Master Plan  
4035-42-AWSM-XX-XX-DR-A-101-P5 Phasing plan  
4035-42-AWSM-XX-XX-DR-A-102-P6 Site plan phase 6 and 8  
4035-42-AWSM-XX-XX-DR-A-103-P9 Site plan phase 9 and 10  
4035-42-AWSM-XX-XX-DR-A-104-P5 Boundary treatment plan  
4035-42-AWSM-XX-XX-DR-A-105-P6 Site layout plan  
4035-42-AWSM-XX-XX-DR-A-105-S2-P6 Site plan for O55s

4035-42-AWSM-XX-XX-DR-A-110-S2-P2 Phase 8 Plover  
4035-42-AWSM-XX-XX-DR-A-111-S2-P3 Phase 8 Plover  
4035-42-AWSM-XX-XX-DR-A-112-S2-P2 Phase 8 Plover  
4035-42-AWSM-XX-XX-DR-A-113-S2-P2 Phase 8 Curlew  
4035-42-AWSM-XX-XX-DR-A-114-S2-P2 Phase 8 Curlew  
4035-42-AWSM-XX-XX-DR-A-115-S2-P2 Phase 8 Jackdaw  
4035-42-AWSM-XX-XX-DR-A-116-S2-P2 Phase 8 Jackdaw  
4035-42-AWSM-XX-XX-DR-A-117-S2-P2 Phase 8 Jackdaw  
4035-42-AWSM-XX-XX-DR-A-118-S2-P3 Phase 8 Dunnock and Dunlin  
4035-42-AWSM-XX-XX-DR-A-119-S2-P3 Phase 8 Dunnock and Eagle  
4035-42-AWSM-XX-XX-DR-A-120-S2-P2 Phase 8 Kingfisher  
4035-42-AWSM-XX-XX-DR-A-122-S2-P2 Phase 8 Goshawk  
4035-42-AWSM-XX-XX-DR-A-123-S2-P2 Phase 8 Goshawk

4035-42-AWSM-XX-XX-DR-A-146-S2-P2 Phase 9 GA Plan Layout  
4035-42-AWSM-XX-XX-DR-A-147-S2-P2 Phase 9 Roof plan  
4035-42-AWSM-XX-XX-DR-A-148-S2-P4 Phase 9 plots 1-22  
4035-42-AWSM-XX-XX-DR-A-149-S2-P4 Phase 9 plots 1-22  
4035-42-AWSM-XX-XX-DR-A-150-S2-P3 Phase 9 plots 1-22

4035-42-AWSM-XX-XX-DR-A-151-S2-P4 Phase 9 Walk up apartment  
4035-42-AWSM-XX-XX-DR-A-152-S2-P4 Phase 9 walk up apartment  
4035-42-AWSM-XX-XX-DR-A-153-S2-P4 Phase 9 quater houses  
4035-42-AWSM-XX-XX-DR-A-154-S2-P3 Phase 9 quater houses  
4035-42-AWSM-XX-XX-DR-A-155-S2-P3 Phase 9 Heron  
4035-42-AWSM-XX-XX-DR-A-156-S2-P2 Phase 9 Egret  
4035-42-AWSM-XX-XX-DR-A-157-S2-P2 Phase 9 Eider  
4035-42-AWSM-XX-XX-DR-A-158-S2-P3 Phase 9 Egret  
4035-42-AWSM-XX-XX-DR-A-159-S2-P2 Phase 9 Eider  
4035-42-AWSM-XX-XX-DR-A-160-S2-P2 Phase 9 Darland  
4035-42-AWSM-XX-XX-DR-A-161-S2-P2 Phase 9 Darland  
4035-42-AWSM-XX-XX-DR-A-162-S2-P3 Phase 9 Curlew  
4035-42-AWSM-XX-XX-DR-A-163-S2-P2 Phase 9 Curlew

4035-42-AWSM-XX-XX-DR-A-164-S2-P2 Phase 10 Curlew  
4035-42-AWSM-XX-XX-DR-A-165-S2-P2 Phase 10 Curlew  
4035-42-AWSM-XX-XX-DR-A-166-S2-P1 Phase 10 Dunlin  
4035-42-AWSM-XX-XX-DR-A-167-S2-P2 Phase 10 Kingfisher  
4035-42-AWSM-XX-XX-DR-A-168-S2-P2 Phase 10 Darland  
4035-42-AWSM-XX-XX-DR-A-169-S2-P2 Phase 10 Darland  
4035-42-AWSM-XX-XX-DR-A-170-S2-P1 Phase 10 Jackdaw  
4035-42-AWSM-XX-XX-DR-A-171-S2-P1 Phase 10 Jackdaw  
4035-42-AWSM-XX-XX-DR-A-172-S2-P1 Phase 10 Jackdaw  
4035-42-AWSM-XX-XX-DR-A-173-S2-P2 Phase 10 Eider  
4035-42-AWSM-XX-XX-DR-A-174-S2-P1 Phase 8 Plover  
4035-42-AWSM-XX-XX-DR-A-175-S2-P1 Phase 8 Plover  
4035-42-AWSM-XX-XX-DR-A-176-S2-P1 Phase 8 Plover  
4035-42-AWSM-XX-XX-DR-A-177-S2-P1 Phase 8 Dunnock and Dunlin  
4035-42-AWSM-XX-XX-DR-A-178-S2-P1 Phase 8 Dunnock and Eagle  
4035-42-AWSM-XX-XX-DR-A-179-S2-P1 Phase 10 Kingfisher

#### Reason

For the avoidance of doubt and in the interests of proper planning to accord to Policy 2, 13, 16, 20, 41 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

#### (2) Condition

The development shall be built out in accordance with the external materials plan ref: 4035-42-AWSM-xx-xx-DR-AS-107-P4, unless otherwise agreed in writing by the Local Planning Authority.



Reason

To ensure the development has an acceptable external appearance and is in keeping with the visual amenity and character of the area in accordance with Policy 2 and 20 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(3) Condition

The footpaths on the site shall be constructed in accordance with the details on plan ref: 4035-42-AWSM-xx-xx-DR-AS-106-P5, and completed prior to the 50% of the dwellings on the site being occupied.

Reason

To protect and enhance the public right of way in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(4) Condition

The Electric Vehicle Charging Points and associated infrastructure, as shown on document 4035-42-AWSM-XX-XX-DR-A-105-P2, shall be installed prior to the occupation of each dwelling to which they relate and shall be retained at all times thereafter.

Reason

In the interest of air quality to accord to Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(5) Condition

Development shall not begin until these details have been approved by the Local Planning Authority:-

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

- (a) The wearing course materials proposed for the carriageways and footways and management of private areas;
- (b) Cross sections;
- (c) The highway drainage system;
- (d) The proposed locations of street lighting columns, all services and ducts for services, within the carriageways and footways;

The development shall be carried out in accordance with the details approved.

Reason

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

(6) Condition

The scheme of landscaping and tree planting shown on drawings ref:

GLY0077-LP01C

GLY0077-LP02C

GLY0077-LP03C

GLY0077-LP04C

shall be completed within a period of 12 months, beginning with the date on which development began or within such longer period as may be first agreed in writing by the Local Planning Authority. All planting shall be adequately maintained in accordance with the Management Plan ref: GLY0077-Landscape Management Plan, beginning with the date of completion of the scheme and during that period all losses shall be replaced during the next planting season.

Reason

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

(7) Condition

There shall be no removal of hedgerows, trees, shrubs or brambles between 1st March and 31st August inclusive, unless an up to date Ecology Survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

Reason

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

## **Informatives**

1 Reason for Approval

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or residential amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 5, 13, 22, 41 and 42.

## 2 Added Value Statement

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

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

## 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).

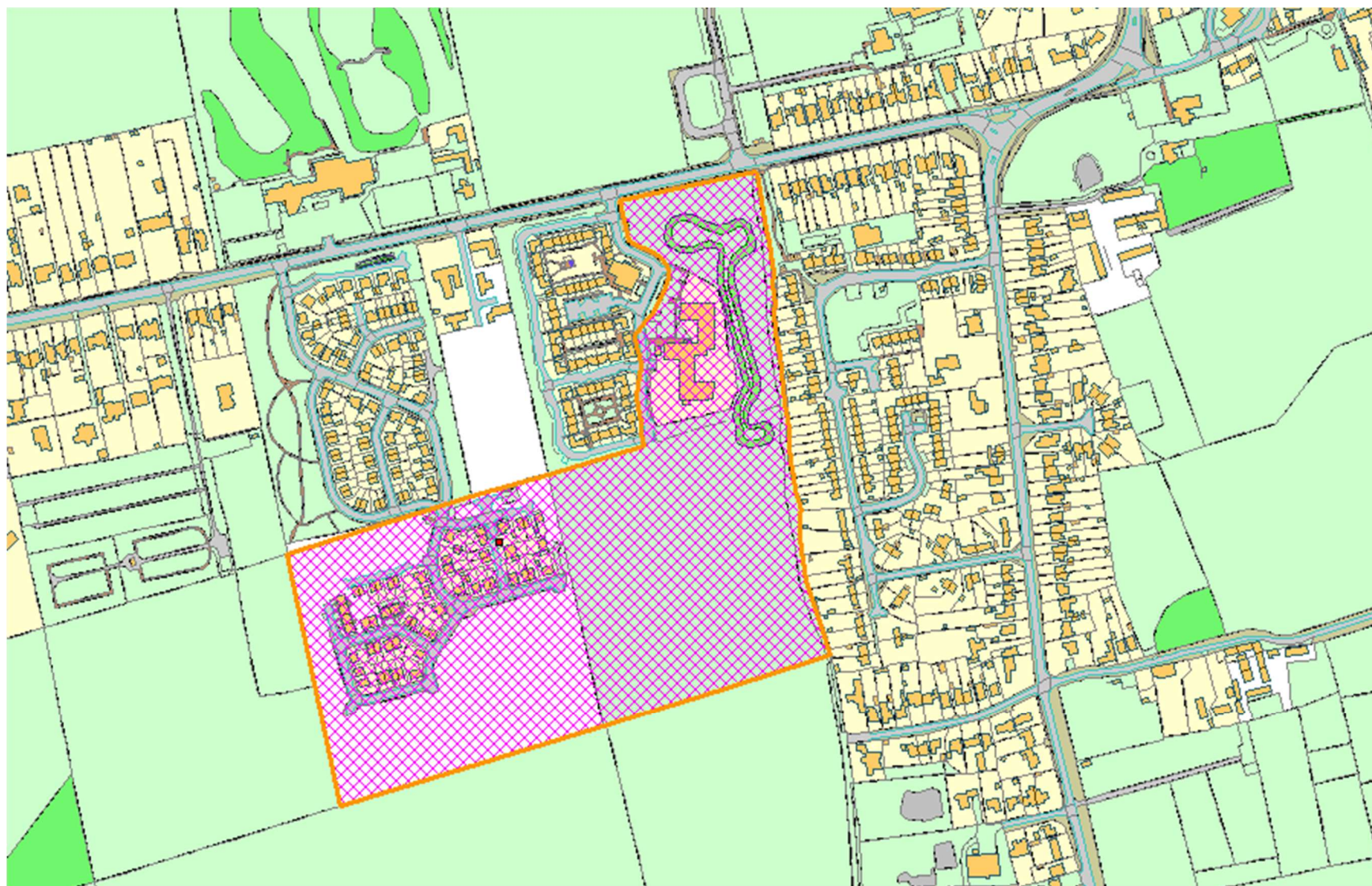
## 5 Informative

The applicant should be aware of the comments made by Cadent, Energy Assets and ESP submitted on 14th August 2024.

## 6 Informative

The applicant is reminded that there are conditions on the outline planning permission that are still relevant to this application and may need to be discharged again with up to date information.

DM/0353/24/REM – LAND SOUTH SIDE OF HUMBERSTON AVENUE, HUMBERSTON





**Approved Under Previous Application**

**Approved Under Previous Application**

**Legend:**

- Phase 1 (Blue)
- Phase 2 (Orange)
- Phase 3 (Green)
- Phase 4 (Purple)
- Phase 5 (Red)

**Note:** Designated Dwellings for persons over age of 55

**Vistry Partnerships**

Date: 11/08/2024  
 Drawn: March 2024  
 Approved: [Signature]  
 Project: [Project Name]

**Site Layout**

## Site Layout

**PLANNING COMMITTEE - 30th October 2024**

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

**APPLICATION No: DM/0761/23/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: Land Off, Louth Road, New Waltham, North East Lincolnshire,**

**PROPOSAL: Erect 249 dwellings with associated garages, open space, landscaping, drainage, emergency access and associated infrastructure with new access from Louth Road - amended site layout and house types, additional Air Quality Assessment and Highway Report received January 2024 (amended Habitat Regulations August 2024)**

**APPLICANT:**

Mr Steven Ibbotson  
Cyden Homes Ltd  
Laceby Business Park  
Grimsby Road  
Laceby  
North East Lincolnshire  
DN37 7DP

**AGENT:**

**DEPOSITED: 3rd August 2023**

**ACCEPTED: 23rd August 2023**

**TARGET DATE: 22nd November 2023**

**PUBLICITY EXPIRY: 5th September 2024**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 16th September 2023**

**CASE OFFICER: Richard Limmer**

**PROPOSAL**

The proposal is to erect 249 dwellings with associated garages, open space, landscaping, drainage, emergency access and associated infrastructure with new access from Louth Road, New Waltham.

The proposal consists of 52 two bed, 68 three bed, 125 four bed and 4 five bed dwellings. The public open space includes children's play equipment. The proposed site layout also includes surface water drainage infrastructure in the form of swales and balancing ponds and a foul water pumping station. A new pedestrian access to the

footpath along the old railway line that connects New Waltham and Holton Le Clay is also proposed. Site access is an altered signalised junction off Louth Rd (A16).

The application has been brought to Planning Committee due to the objections received from the local community and due to the objections of New Waltham Parish Council and other Parish Councils.

## **SITE**

The site is some 13.2ha of arable land, currently in agricultural use. The site itself has a gentle slope from north east to south west. To the northern boundary the site is adjacent to Maple Grove, Deaton Lane, Pretymens Crescent and David Place. The neighbouring properties along the northern boundary are a mix of houses, bungalows and dormer bungalows. The eastern boundary of the site has been drawn within the field but the field boundary is along the former railway line which is now vegetated with trees and hedging. Beyond the railway line are residential properties on Station Avenue and Priors Close, these neighbours are mostly bungalows. The southern boundary of the site is open to further agricultural land save in the south west corner of the site where Poplar Farm is located. To the west is Louth Road/A16 and on the far side of the road is a car sales garage and then a housing site currently under construction.

## **RELEVANT PLANNING HISTORY**

No relevant planning history on this site.

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

### National Planning Policy Framework (2023)

- NPPF5 - Delivering a sufficient supply of homes
- NPPF9 - Promoting sustainable transport
- NPPF14 - Climate, flooding & coastal change
- NPPF15 - Conserv. & enhance the natural environ.
- NPPF16 - Conserv. & enhance the historic environ.

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

- PO2 - The housing requirement
- PO3 - Settlement hierarchy
- PO5 - Development boundaries
- PO6 - Infrastructure
- PO13 - Housing allocations
- PO18 - Affordable housing
- PO22 - Good design in new developments
- PO33 - Flood risk
- PO34 - Water management

PO39 - Conserve and enhance historic environ  
PO41 - Biodiversity and Geodiversity  
PO42 - Landscape

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

## **REPRESENTATIONS RECEIVED**

New Waltham Parish Council - object to the proposed development concerns on neighbours amenities, traffic generation, highway safety, provision of local services.

Waltham Parish Council - objects on the grounds of over development of that area, detrimental impact on infrastructure in the area.

Holton le Clay Parish Council - object to the proposed development with concerns around the point of access on to the A16, traffic generation, highway safety, cycle provision, ecological impact, provision of services.

Highways Officer- no objections. Conditions suggested.

Natural England - no objections

Ecology Officer- no objections, suggest conditions for ecological protection and biodiversity enhancement.

Lincolnshire Wildlife Trust - no objections subject to conditions to secure ecological mitigation

Environmental Health Officer - no objections, recommend conditions in relation construction and any unconsidered contamination. In relation to air quality submitted report considered.

Civic Society - object to the proposal due to additional housing and support the comments made by the community.

Affordable Housing Officer - no objections, 20% affordable housing required and to be secured through legal agreement.



Cadent - no objections

Humberside Fire and Rescue - no objections. Standard advice.

Environment Agency - no objections.

Heritage Officer - no objections, recommend condition for archaeological recording.

Northern Power - no objections.

Drainage Board - no objections.

Drainage Officer - no objections to the drainage strategy submitted, condition for final details required.

Trees and Woodland Officer- no objections to the principle of the open space and landscape strategy, condition required for final planting details and management.

East Lindsey District Council - no objections.

Public Rights of Way Officer - no objections, provision for link to the old railway line footpath would be beneficial and improvements to this path should be secured.

Martin Vickers MP - objects to the proposed development with concerns over ecology, pollution, over development, impact on services, traffic generation and highway safety.

Victoria Atkins MP - Correspondence received in regards to concerns raised by Holton Le Clay Parish Council and that these should be taken into account.

#### Neighbours and Local Representations

7 Alder Avenue, 6 Lime Grove, 6 Farm House Mews, 1, 20, 25, 7, 46 Charles Avenue, 28A Trafalgar Park, 1 station Cottages, 15 Belmont Close, 24 Edward Street, 28, 29, 37, 49, 27, 61, 59, 43, 39, 45, 2, 44, 25, 26, 69, 73 Pretymen Crescent, 3 Apple Tree Court, 31 Thornton Crescent, 36 Granville Street, 9, 37 Janton Court, 58 Huddleston Rd, 20, 18, 13, 8, 17, 5, 6, 10, 11, 15, 12 Maple Grove, 44, 2, 16A, 6, 12, 29, 40, 19, 19B, 32 Station Avenue, 4, 14, 17, 23 David Place, 8, 13, 10, 12 Margaret Place, 2 Picadilly, 4 Countess Close, 421, 181, The Hollies, 133 Louth Road, 5 Beech Grove, 4 Kenford Court, 15, 27 Edinburgh Drive, 2, 3, 4, 7 Kaymile Close, 40 Stirling Crescent, 5, 6, Albery Way, 13 Mount Pleasant, 13 Stavanger Road, 15 Hawthorn Avenue, 15 Newstead Avenue, 2, 9, 16 Newlyn Close, 1A, 21 Priors Close, 3 Top Farm Gardens, 5 Glen Eagles, 9, 19, 22 Drury Lane, 4 Toll Bar Avenue, 40 South Field Road, 7 Savoy Court, 7 Holton Mount, 4 Kenfold Court, 10, 11 The Glade, 14 Clubhouse Way, 5, 12, 18 Pendeen Close, 19 Evendine Court, 27, 28 Southfield Road, 9 Spitfire Lane, 12 Landings Lane, 268, 48A, 49, 222B, 258 Station Road, 16 Pelham Road, 8 Wold View, 1, 10 Whisby Court, 52 Albatross Drive, 9 Imperial Avenue, 27, 35, 54 Grainsby Avenue, 76, 111, 41, 44, 54, 59,

89 Picksley Crescent, 1 Augusta Street, 19 The Drive, 5 Brambling Way, 8 Beech Grove, 10 Oderin Drive, 120 North Sea Lane, 2 Romsey Court, 25 Tennyson Street, 1, 4 Countess Court, 15 The Orchard, 3, 37, 52 Langton Road, 7 Cupis Orchard, 84 Coniston Crescent, Brambley Hedge Briggsley, 10 Sarge Close, 11 Kirmington Gardens, 6 Green Hill, 6, 26 Holme Avenue, 28 Danesfield Avenue, 4 Mount Pleasant, 39 Carmen Crescent, 8, 31A Pinfold Lane, 3 Nursery Gardens, 20 Tintagel Way, 2 Riby Court, 2 Adelphi Court, 19, 26 Lindsey Drive, 19 Champions Close, 16 Barbican Way, 113 High Street, 27 George Butler Close, 28 Windermere Avenue, 44, 131 Peaks Lane, 57 Weelsby Road, 11 Brunton Way, 4 Kristiansands Close, 8 Worlaby Road, 9, 38, 43 Tetney Lane, 6 Grange Farm Lane, 8 Elm Lane, 4 The Green, 1, 4 Vardo Close, 13 Whimbel Way, 20 Green Lane, 39 Lindsey Drive, 47 Hammerfest Avenue, 86 Clifton Road, 1 Anningson Lane, 1 Baatsfjord Close, 1 Hanger Lane, 1 Nursery Gardens, 11 Heron Way, 14 Arran Close, 14, 37 Church Lane, 28 The Crescent, 3 Humberston Avenue, 15 Clay Lane, 19 Runway Lane, 4 Bevers Way, 4 South View, 7, 40 Edinburgh Drive, 40 Newstead Avenue, 441 Louth Road, 5 Beech Grove, 52D Church Lane, 57 South View, 7, 17 Hawthorn Avenue, 17 Hawthorne Road, 88 Orion Way, 9 Carmen Crescent, 9 Mayfair Crescent, 98 Peaks Lane, Kristen Turton Close, 1 Countess Close, 1 Joseph Ogle Close, 1 Station Cottages, 10 Hangar Lane, 10 Pemberton Drive, 11 Tintagel Way, 11 Whisby Court, 12 Dunbar Avenue, 1 Harewood Grove, 134 Heneage Road, 14 Cambrian Way, 14 Chandlers Close, 14 Clubhouse Way, 14, 17 Maple Grove, 16 Queen Elizabeth Road, 16, 17A Station Avenue, 17 The Birches, 17 Trafalgar Park, 18 Arran Close, 18 Charles Avenue, 18 David Place, 18 Denby Drive, 181 Louth Road, 19 Evendine Court, 2 Bude Close, 2 Garden Drive, 2 Woodland Walk, 20 Kings Road, 24 Langton Road, 27 Station Avenue, 28 Hawthorne Avenue, 28 Janton Court, 289 Station Road, 3 Oderin Drive, 3 Wellington Court, 33 Priors Close, 34 Peaks Avenue, 35 Beech Grove, 36 Becklands Avenue, 36 Pretymen Crescent, 37 Tetney Lane, 38 Prior Close, 5 Beechwood Avenue, 5 Osborne Drive, 53 Pretymen Crescent, 59 Tetney Road, 6 Carisbrooke Close, 6 Holme Avenue, 6 Huntsman Chase, 7 Maple Grove, 7 Martin Way, 7 Worsley Close, 72 Louth Road, 7A Peaks Avenue, 8 Maple Grove, 87 Samphire Close, 97 Peaks Avenue, 1 Garden Drive, 10 Charles Avenue, 13 Pendeen Close, 15 Edinburgh Drive, 17A Station Avenue, 19 David Place, 19 Pemberton Drive, 228 Station Road, 26 Station Avenue, 35 Greenlands Avenue, 37 Newstead Avenue, 4 Kenford Court, 4 Marylebone Walk, 41 Enfield Avenue, 7 Asphodel Close, 1 Rutland Drive, 11 Charles Avenue, 13 Top Farm Gardens, 15 Belmont Close, 17 Drury Lane, 1A Priors Close, 2 Station Avenue, 20 Charles Avenue, 21 David Place, 24 Fairway, 28A Trafalgar Park, 30 Garrick Lane, 34 Charles Avenue, 36, 41 Pretymen Crescent, 39 Station Avenue, 7 Weelsby View, 9 Mayfair Crescent, 36 Nova Croft, 1 Newlyn Close, 6 Colonsay Court, 8 Pemberton Drive, 15 The Orchard, 66 Tetney Lane,

These neighbours have objected to the proposed development with concerns over the following matters:

- Traffic generation;
- Highway safety and amenity;
- Flooding and drainage;
- Ecology and impact on protected species;

- Need for additional housing;
- Over development of the area;
- Impact on residential amenities;
- Impact on services and general provision of services in the area;
- Impact on education provision;

Barratt and David Wilson Homes - object due to the proposed access junction arrangements.

## **APPRAISAL**

### Planning Considerations

- 1) Principle of Development
- 2) Impact on Neighbouring Land Uses
- 3) Impact on the Character of the Area
- 4) Drainage
- 5) Highways
- 6) Ecology
- 7) Section 106 Matters

#### 1) Principle of Development

The National Planning Policy Framework 2023 (NPPF) sets out the Governments requirements for planning and in particular relevance for this proposal, the requirements for housing delivery and delivering a sufficient supply of housing. Section 5 of the NPPF (Delivering a sufficient supply of homes) sets the requirements for Local Planning Authorities to identify sufficient land in their Local Plan to demonstrate a 5-year supply of housing land throughout the plan period.

Policy 2 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) (NELLP 2018) sets out the housing requirement for the borough over the plan period and establishes the basis of the Councils 5-year supply of housing. Strategic Objective 4 sets out the Councils aim to significantly boost the housing supply in the Borough to meet the existing and future housing needs of the whole community. Policy 3 of the NELLP 2018 sets out the settlement hierarchy and identifies New Waltham as being a Local Service Settlement and identifies these settlements as being suitable for housing developments and acknowledges that these would principally be on greenfield sites adjacent to but within the defined settlement development boundary. Policy 4 of the NELLP 2018 in turn then sets out the distribution of housing growth in the Borough and identifies the proportion of housing for Western and Southern Arc Settlements (30-35%) such as New Waltham. To this end the site has been allocated in Policy 13 of the NELLP 2018 for residential development. Site HOU104. This application does not include the whole Local Plan allocation at this stage due to highway considerations. This and all other matters are discussed in the paragraphs below.

The site is within the Development Area Boundary for New Waltham and allocated for residential development, thus in principle, is considered to be acceptable subject to the site-specific impacts set out in Policy 5 of the NELLP 2018 and the other relevant Policies set out in the NELLP 2018. It does not include the whole Local Plan allocation at this stage due to highway considerations. This and other matters are discussed in the paragraphs below.

It is noted that there have been a large number of comments from the public and Parish Councils that raise concerns over the lack of services in the area such as doctors and dentists and the impact that this development would have on them. There is no Policy requirement in the NELLP to provide such additional services and so there is no basis to ask for such contributions. There is however a requirement to support education, and this is secured through Policy 6 of the NELLP and is discussed later in the report.

## 2) Impact on Neighbouring Land Uses

Policy 5 of the NELLP requires that consideration is given to the impact of the proposed development on the neighbouring land uses, in particular in this instance the impact on neighbouring residential properties. There are residential neighbours to the northern boundary on Maple Grove, Deaton Lane, Pretymen Crescent and David Place. There are also neighbouring properties to the east on Station Avenue and Priors Close. Poplar farm is a residential property located to the south west corner of the site. There is agricultural land to the south of the site which would not be affected by the development. To the west of the site is a major residential development, which is under construction but not yet occupied.

The residential neighbours to the north on Maple Grove are a mix of two storey houses, bungalows and dormer bungalows. On the whole these properties front on to Maple Grove and towards the application site. The proposed site layout has been designed with an area of public open space between these neighbours and the proposed dwellings, this creates a significant separation distance which protects the neighbours residential amenities from any adverse overlooking, dominance or loss of light issues. The development would be visible to all of these neighbours and will change their outlook, but the proposal is not considered to be harmful to their general residential amenities.

The neighbouring properties on Deaton Lane mostly have very long rear gardens, save Sunbeam (bungalow) and Nampara (dormer bungalow) which are positioned closer to the site. These neighbours still back on to the area of open space but there is a proposed house to the south east of Nampara. However, it is still well separated and would not be unduly impacted upon by the proposed house.

The neighbouring properties on Pretymen Crescent back on to the proposed development. These neighbours are a mix of bungalows and dormer bungalows. The applicant has worked with Officers to amend the site layout and property types along this boundary to ensure that appropriately scaled properties including the use of bungalows, dormer bungalows and houses to minimise overall impact to properties on Pretymen

Crescent. However, in all instances good separation is maintained to ensure that there are no harmful impacts on the neighbours amenities.

In regard to the neighbours on David Place, these neighbours back onto an area where no development is proposed but a footpath link to the railway is proposed. The proposed development would not therefore cause harm to these neighbours amenities.

Beyond the railway line to the east of the site are neighbours on Station Avenue and Priors Close. These neighbours are very well separated from the development and screened by the landscaping along the railway line path. There would not be any harm caused to their residential amenities as a result of the development.

To the south west corner of the site is Poplar Farm, which is a detached house and farm buildings. The proposed development is well separated from this neighbour and screened by a large conifer hedge. To the west of the site is a car garage and the residential development being built out by Barratt Homes and David Wilson Homes. These properties are under construction but not yet occupied. However, they are well separated from the proposed development by the A16 and open space associated with the proposed development.

In terms of access into the site the access road is from the main A16 Louth Road and does not run through existing residential area. Moreover, the proposed housing development roads are separated from existing neighbours by the dwellings on the site. This arrangement will help to minimise the impact of noise and disturbance to neighbours from traffic to and from the site.

It is therefore considered that the proposed development would not harm the residential amenities of the neighbouring properties in accordance with Policy 5 of the NELLP.

### 3) Impact on the Character of the Area, Layout and Design.

Policies 5, 22 and 42 of the NELLP require due consideration be given to the impact of the proposed development on the visual character and appearance of the area. The site is located on the edge of the village of New Waltham and has existing development to the north and east with further development approved to the west as well which is under construction.

The NELLP Landscape Character Assessment considers the site to be within an area characterised as flat open farmland. It goes on to review the New Waltham sub-unit (NWi) and it details that there is capacity in the area for residential development whilst maintaining the gaps between settlements. This assessment helped inform the NELLP and the subsequent allocation of this site for residential development.

The proposed layout has been designed to create an outward looking development with the edges softened by additional and reinforced landscaping, particularly to the south and western boundaries. To Louth Road the built form of the development has been set back

from the road allowing for a well landscaped frontage. Street trees are proposed throughout. The layout is linear and allows for good connectivity strengthened by the open space design which will provide good amenity for the occupiers and includes equipped play space. Dwellings are mixed in type and form and respond to local vernacular both in design and use of materials. Open space areas are well overlooked and there is good and clear defensible space to individual dwellings responding to designing out crime opportunities. It is considered that layout and design are good and in accordance with Policy 5 and 22 of the NELLP and advice in the NPPF.

Whilst landscaping is included the development it would of course be visible to the public from Louth Road, Maple Grove and from the railway footpath. However, it is considered that the proposed development is well designed, and the landscaping will soften the visual impact of it from the aforementioned public views. The development would not therefore cause adverse harm to the immediate and wider visual character of the area in accordance with Policies 5, 22, 42 and 43 of the NELLP.

#### 4) Drainage

Policies 5 and 33 of the NELLP seek to ensure that new development is located in an appropriate location in regard to flood risk and then does not in itself increase the risk of flood either on or off the site. This application has been submitted with a detailed Flood Risk Assessment and Drainage Strategy. The site is located in Flood Zone 1 of the Environment Agency flood maps and at lowest risk in the NELC SFRA. The site is sequentially preferable in flood risk terms.

In regard to surface water drainage the application has been submitted with a detailed Drainage Strategy which includes the use of sustainable drainage measures such as swales and drainage lagoons both of which tie into the street infrastructure and green space and finally discharge into the water course that runs alongside the southern boundary of the site. The use of these measures allows the overall site discharge rate to be controlled down to 22.1 litres per second. This is calculated in line with green field run off rates and equates to a lower figure than QBar based on the site area and topography. This has been considered by the Drainage Team who acknowledge the quality of the drainage strategy proposed. Conditions are recommended conditions for final surface water drainage details. Foul water is proposed to be discharged to the foul sewer via a pumping station.

#### 5) Highways and Access

In regard to the impact on the highway network, traffic generation and highway safety it is noted that there have been a significant number of comments received that object to the application on these grounds. Policy 5 of the NELLP seeks to ensure that new development does not have an unacceptable impact on the highway network in regard to highway safety and amenity. The NPPF is clear that proposals for new developments should only be resisted where they would result in a severe impact, NPPF para.115 or is unsafe. The application has been submitted with a detailed Transport Assessment and

Air Quality Assessment. The Transport Assessment has been considered in detail by the Highways Officer and further considerations and assessments requested and subsequently provided. The Air Quality Assessment is considered acceptable by the Environmental Health Officer.

The proposed development includes a new signalised access onto the A16 Louth Road, this new access would tie into the access currently under construction to serve the development on the other side of Louth Road.

The Transport Assessment provided, and the subsequent updates consider, amongst others, three key junctions Toll Bar, Low Farm and A16/Weelsby Road.

In recent years extensive improvements have been made to the Toll Bar junction by the Council and these works were designed to improve flows and the capacity of the junction. As detailed in the Highways Officers comments these works were designed to accommodate future growth detailed in the NELLP and this included the application site as an allocation for additional housing. So, whilst the proposed development will add additional traffic using the junction, in particular during peak hours, it would not lead to an unacceptable or severe impact on the junction and no further improvement works are required.

The impact at the Low Farm has been considered in detail, the Assessment details that the largest impact on this junction would be during the AM peak. The Assessment shows that this junction operates at 86.5% Ratio Flow Capacity (RFC) and that the development would add an additional 3.3% of traffic through the peak hour taking the capacity of the junction 89.8%. Given this level of impact and the capacity of the junction it is not considered that any mitigation works are required.

In regard to the A16/Weelsby Road junction this is shown as already approaching capacity and with the development in 2029 the greatest RFC is 94.6% in the AM Peak, however without the development in the same Peak it is 92.8% and therefore only a 1.8% RFC increase. The Highways Officer has considered this impact and whilst there is an impact on the capacity of the junction during the Peak hour it is not considered to be severe and does not require any mitigation.

The Highways Officer has also been in detailed discussions with the applicant over the design of the main site access off the A16. The objections from Barratt's/David Wilson Homes who are developing opposite the site are acknowledged. This has been to ensure that the junction works suitably for the occupiers of the site, the site opposite and the users of the A16. To ensure that there is minimal disruption to road users through the construction of the development it is considered that the main site access should be installed prior to any dwelling being built and then used as the site construction access. This can be secured by a condition.

In regard to the amenity of the future occupiers of the development an emergency access is required for developments of 150 to 250 dwellings. Accordingly, an emergency access

is detailed on the site plans and this needs to be delivered prior to the 151st dwelling being occupied on the site. This can again be secured by a condition. The number of dwellings off one access is below 250 which is a highways requirement in terms of the amenity of the users of the site. Above 250 units a main secondary access is required in addition to any emergency access. It is not considered that this restriction adversely impacts the layout of the development nor is future linkage to the remainder of the allocation compromised by the layout should this issue be addressed in the future.

In the NELC Highway Design Guide the number of dwellings off one access is below 250 which is a highways requirement in terms of the amenity of the users of the site. Above 250 units a main secondary access is required in addition to any emergency access. It is not considered that this restriction adversely impacts the layout of the development nor is future linkage to the remainder of the allocation compromised by the layout should this issue be addressed in the future

The Highways Officer has considered the proposed development in detail and requested further detail and assessment on various aspects. It is concluded that the proposed development would not cause a severe impact on the highway network in regard to amenity and would not be unacceptable in regard to highway safety. The proposal is therefore considered to accord with Policy 5 of the NELLP and section 9 of the NPPF. The Highways Officer has recommended conditions in regard to the provision of the access junction, emergency access, construction detail, construction management and travel plans.

A key aspect of sustainable transport is to ensure that there is provision for occupiers of the development to access services without relying on the motor car. There is an existing combined footway/cycleway on the opposite side of the A16 to which this development will tie into via the signalised crossing at the access. This provides access to Toll Bar School and into New Waltham. A footpath is provided within the site along the A16 frontage that ties into the existing footway alongside the road at Maple Grove on the development side of the A16. This can be secured by a suitable condition. The proposal also details a footpath connection to the railway footpath which in turn links the site directly into the village centre and then further afield to Holton le Clay. The railway footpath has the potential to be enhanced in terms of its use and would benefit from works to make it more attractive to use. The applicant has shown willingness to do these works as part of the development.

## 6) Ecology

Policies 5 and 41 of the NELLP seek to ensure that development proposals do not have a detrimental impact on ecology and biodiversity.

It is noted that this application was submitted prior to the formal Biodiversity Net Gain coming into force and therefore under the requirements the development is considered to be exempt.



The application has been submitted with detailed Ecology Surveys which have been considered by Natural England, Lincolnshire Wildlife Trust and the Council Ecologist. Natural England are primarily concerned with the potential for the site to be linked to the Humber Estuary and its designation as a Special Protection Area for birds. In order to address this matter, the applicant has undertaken overwintering bird surveys and considered the potential impacts through a Habitat Regulations Assessment (HRA). The HRA concludes that the site is not functionally linked to the estuary and that any likely significant effects can be screened out. Natural England have reviewed this and confirmed that they have no objection to the development. The Council Ecologist has also reviewed the HRA and concurs with its findings. It is therefore considered that the Council as the Competent Authority can adopt the HRA.

The Council Ecologist and the Lincs Wildlife Trust have reviewed the information and neither have raised objections following negotiation and further information received. Regard has been had to ecology and protected species across the site including mitigation for Great Crested Newts and Water Voles in the form of safe working methods and habitat creation. This is through the drainage infrastructure and Water Vole banks being provided within the drainage pond. The proposed mitigation can be secured by a suitable condition.

The Council Ecologist has considered the ecology information provided and has not raised any concerns in regard to the impact of the development on ecology or biodiversity. There are a number of conditions required in regard to ecological protection and enhancement as standard. It is therefore considered that the proposed development accords with Policies 5 and 41 of the NELLP.

## 7) S.106 Matters

Policy 18 of the NELLP requires development in the high value post codes to provide 20% Affordable Housing. The applicant has confirmed that they are willing to meet this policy requirement and have submitted an affordable housing plan. The provision of affordable housing will be secured through the s.106 legal agreement.

Policy 6 of the NELLP seeks to ensure that development proposals for new dwellings provide adequate provision for education. This includes both primary and secondary and is done through financial contributions based on updated November 2022 figures. This financial contribution is secured through the s.106 legal agreement. The contribution will be calculated as follows:

- for primary education £16,900.40 per 4 eligible dwellings.
- for secondary education £25,464.68 per 5 eligible dwellings.

Eligible dwellings are those with 2 or more bedrooms and those which are not affordable dwellings secured through the s.106 legal agreement.

## CONCLUSION

In conclusion, whilst it is noted that the application has attracted a significant number of comments from neighbours and the wider community in objection to the development it is considered to accord with Policies 2, 3, 4, 5, 13, 22, 33, 34, 41, 42 and 43 of the NELLP and the core principles of the NPPF. This is in specific regard to the impact on neighbours, the character of the area, drainage and flood risk. Highway amenity and safety, ecology and provision of infrastructure. The site will provide for a significant number of dwellings on an allocated housing site in the North East Lincolnshire Local Plan supporting the Councils strategic objective of meeting existing and future housing needs of the whole community. It is therefore recommended that the application is approved subject to conditions and a s.106 legal agreement.

## RECOMMENDATION

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

#### (1) Condition

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

#### Reason

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

#### (2) Condition

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

- 175 - A1 002 Rev H Proposed Layout
- 175 - A1 010 Rev C Separation and Open Space Views
- 175 - A1 015 Rev C Levels Layout
- 175 - A1 101 Rev A - dH507 Plot 2, 57
- 175 - A1 101 Rev A - dH507 Plot 13, 69
- 175 - A1 103 Rev A - dH410 Plot 3, 4, 55, 70, 110, 125, 180, 185, 230
- 175 - A1 104 Rev B - dH418 Plot 107, 129, 160, 179, 210, 216
- 175 - A1 105 - dH418 Plot 52, 64, 143
- 175 - A1 106 - dH417 Plot 12, 26, 31, 48, 68, 175, 220, 224
- 175 - A1 107 Rev A - dH414 Plot 30, 112, 128, 178, 187, 229
- 175 - A1 108 - dH414 Plot 1, 56, 183
- 175 - A1 109 Rev B - dH420 Plot 66, 115, 122, 208
- 175 - A1 110 - dH433 Plot 154, 155
- 175 - A1 111 Rev B - dH409 Plot 29, 63, 72, 111, 116, 127, 182, 186

175 - A1 112 Rev A - dH408 Plot 62, 126, 181, 222  
 175 - A1 113 Rev B - dH404 Plot 14, 28, 61, 65, 71, 114, 119, 130, 157, 211, 217  
 175 - A1 114 - dH403 Plot 6, 109, 123, 158, 159, 184  
 175 - A1 115 Rev B - dH421 Plot 5, 43, 44, 51, 73, 113, 124, 161, 168, 169, 177, 189, 205, 221  
 175 - A1 116 Rev A - dH421 Plot 58, 178, 188, 209  
 175 - A1 117 Rev A - dH402 Plot 156, 190, 223  
 175 - A1 118 Rev B - dH402 Plot 11, 24, 27, 32, 47, 67, 79, 104, 162, 165, 170, 173, 225, 228  
 175 - A1 119 - dH401 Plot 23, 25, 78, 105, 106, 163, 164, 171, 172, 174, 191, 192, 226, 227  
 175 - A1 120 - dH401 Plot 7, 8  
 175 - A1 121 - sH322-329 Plot 19-20, 45-46, 49-50, sH329-322 Plot 41-42, 53-54, 138-137  
 175 - A1 122 Rev A - sH322-322 Plot 118-117, 132-131, 139-140, 141-142  
 175 - A1 123 Rev B - sH303-303 Plots 17-18, 75-74, 77-76, 134-133, 136-135, 167-166, 202-201, 204-203, 213-212, 215-214, 219-218, 245-246  
 175 - A1 124 Rev A - sH330-330 Plots 97-96, 99-98, 144-145  
 175 - A1 125 - tH330-331-332-330 Plots 103-100, 146-145  
 175 - A1 126 - sH201-201 Plots 9-10, 15-16, 120-121 tH235-232-232-235 Plots 33-36, 37-40  
 175 - A1 127 - tH231-232-232-235 Plots 87-84, 196-193 tH235-232-232-231 Plot 200-192  
 175 - A1 128 - tH202-201-201-202 Plots 83-80, 91-88 tH232-231-231-232 Plots 95-92, 150-153  
 175 - A1 129 - dH304 Plots 21, 59, 60, 207  
 175 - A1 130 - dH304 Plots 22, 206  
 175 - A1 131 - Garages sheet 1 of 3  
 175 - A1 132 - Garages sheet 2 of 3  
 175 - A1 133 Rev A - Garages sheet 3 of 3  
 175 - A1 134 - dB308 Plots 233, 234 dB309 Plots 232, 241  
 175 - A1 135 - dB214 Plots 235, 236, 237, 238, 239, 240  
 175 - A1 136 - dB309 Plots 249, 108  
 175 - A3 027 Rev A Red Line Site Plan

#### Reason

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

#### (3) Condition

The development shall be built out in accordance with the external construction materials detailed on plan ref: 175-A1-005-Rev D, unless otherwise approved in writing by the Local Planning Authority.

#### Reason

In the interests of visual amenity and good design in accordance with Policies 5 and 22 of

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

(4) Condition

No development shall commence until:

- (a) A detailed scheme of landscaping, based on plan ref: 175-A1-004-Rev C, showing the details of the number, species, sizes, spacing and planting positions of all trees and shrubs to be planted;
- (b) A plan including details of all trees to be retained, any to be felled, hedgerows to be retained, any sections of hedgerow or trees to be removed;
- (c) Measures for the protection of trees and hedges during construction work;
- (d) A detailed phasing plan for the implementation of the landscaping scheme;
- (e) A detailed site wide Landscape and Openspace Management Plan.

have been submitted to and approved in writing by the Local Planning Authority. The development shall then be built out in accordance with the approved details, with the landscaping implemented in accordance with the approved implementation and phasing plan and the site then managed in full accordance with the approved Landscape and Openspace Management Plan.

Reason

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

(5) Condition

No development shall commence until a final scheme for the sustainable provision of surface and foul water drainage, based on the submitted Flood Risk Assessment and Drainage Strategy, has been submitted to and approved in writing by the Local Planning Authority. The development shall then be built out in full accordance with the approved scheme.

Reason

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

(6) Condition

Prior to construction commencing on plots 1, 2, 3, 11, 12, 13, 29, 30, 31 and 32 a detailed Noise Mitigation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details to mitigate noise from traffic to both external gardens and internal habitable rooms as discussed within the submitted Noise Report and where identified a ventilation scheme to prevent overheating. The

properties shall then be built out in accordance with the approved Noise Mitigation Strategy.

Reason

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

(7) Condition

Prior to development commencing on the site full details of the Children's Play Equipment and a Management Plan for its future maintenance, repair and replacement shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be fully installed prior to the 50th dwelling on the site being occupied.

Reason

In the interests of general amenity in accordance with Policy 43 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(8) Condition

No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate and include the following matters,

- details of dust and noise suppression methods to be employed during the construction period,
- construction working hours and no construction work shall be carried out on or before 08:00 or after 18:00 Mondays to Fridays inclusive, before 08:00 or after 13:00 on Saturdays and at any time on Sundays or Bank Holidays.
- the routing of construction traffic,
- the parking of vehicles by site operatives and visitors,
- the storage of plant and materials used in the construction of the development,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway,
- details of public engagement both prior to and during construction works,
- the hours of vehicle movements associated with the construction of the development.

Reason

In the interests of highways safety and the amenities of the area to accord with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(9) Condition

No development shall take place until the applicant has:-

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

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

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

Reason

The site contains a Historic Environment Asset which requires recording prior to alteration or destruction to accord to Policy 39 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(10) Condition

Prior to development commencing final details of the garden levels of plots 229 to 249 and plot 108 shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be built out in accordance with the approved details.

Reason

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

(11) Condition

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any statutory amendment thereto), no development under Schedule 2 Part 1, Class B and C shall be permitted on plots 229 to 249 and plot 108.

Reason

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

(12) Condition

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

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

- (a) the proposed layout of the carriageways and footways on the development;
- (b) the wearing course materials proposed for the carriageways and footways;
- (c) cross sections;
- (d) the highway drainage system;
- (e) the proposed locations of street lighting columns, all services and ducts for services, within the carriageways and footways;
- (f) management arrangements for any carriageways, footways and/or landscaped areas not to be adopted by the local authority;
- (g) Full details of any proposed construction access;

(ii) A Stage 1 and 2 Road Safety Audit (RSA) must be provided. The Road Safety Audit must be undertaken by a fully qualified independent Road Safety Auditor.

Reason

To ensure that the proposed 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).

(13) Condition

The submitted Residential Travel Plan (dated August 2023) shall be implemented in accordance with its terms and recommendations set out within it, unless otherwise approved in writing with the Local Planning Authority.

Reason

In the interests of sustainable development in accordance with Policy 9 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(14) Condition

Prior to development commencing full details of Street Trees to be planted including species, sizing, position, planting infrastructure, maintenance and a scheme for the implementation of the planting shall be submitted to and approved in writing by the Local Planning Authority. The street trees shall then be planted out and maintained in accordance with the approved details.

Reason

To protect the amenities of nearby residents in accordance with Policy 5, 22 and 42 of the North East Lincolnshire Local Plan 2013-2023 (adopted 2018).

(15) Condition

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

Reason

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

(16) Condition

Prior to the commencement of development a detailed scheme for the construction, timing of delivery, maintenance and management of the footpath link to the railway path and the clearance and improvement of the railway path, from Station Road, New Waltham to the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of work shall then be completed in accordance with the details within it including the timing of delivery.

Reason

In the interest of amenity and sustainability in accordance with Policies 5 and 9 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(17) Condition

The main vehicular site access shall be fully constructed and operational prior to works commencing on the construction of any dwelling on the site. The site emergency access shall be fully constructed and available to use prior to the occupation of the 151st dwelling on the site.

Reason

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

(18) Condition

Prior to development commencing full layout, construction details and timing of delivery of the footpath connection from the site to Maple Grove adjacent to the A16, as annotated on plan ref: 175-A1-002-Rev H. The footpath shall then be constructed in accordance with the approved details.

Reason

In the interests of amenity in accordance with Policy 5 of the North East Lincolnshire



Local Plan 2013-2032 (adopted 2018).

(19) Condition

Prior to development commencing a detailed Ecological Mitigation and Improvement Plan based on submitted documents;

- Letters from HS Ecology dated 15th March 2024 and 22nd May 2023 regarding Water Voles;
- Letter from HS Ecology dated 25th October 2023 regarding Great Crested Newts;
- Preliminary Ecological Appraisal dated April 2022;

shall be submitted to and approved in writing by the Local Planning Authority. It shall include full details of the implementation of all aspects of the Ecological Mitigation and Improvement Plans. The approved Ecological Mitigation and Improvement Plan shall then be implemented in full accordance with the approved details.

Reason

In the interests of ecological protection and biodiversity improvement in accordance with Policies 5 and 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

## **Informatives**

### **1 Reason for Approval**

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or residential amenity and is acceptable in highway safety and amenity terms and has considered the ecological impacts of the proposal. It is also acceptable under all other planning considerations and will deliver a significant number of dwellings to support the Councils strategic objective of meeting existing and future housing needs of the whole community. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular Policies 2, 3, 5, 6, 13, 18, 22, 33, 34, 39, 41, 42 and 43.

### **2 Added Value Statement**

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

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

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.

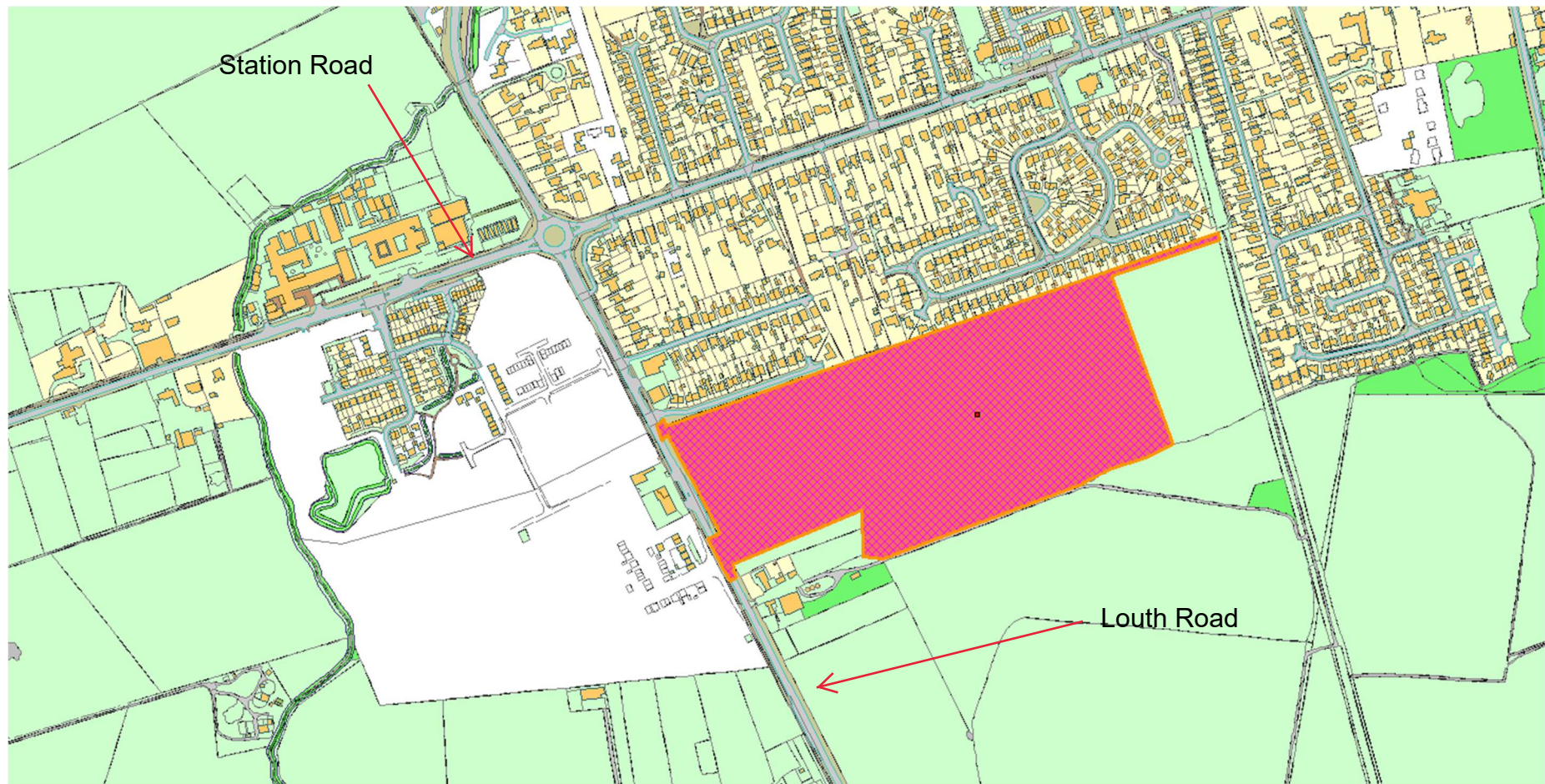
4 Informative

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/0761/23/FUL – LAND OFF LOUTH ROAD, NEW WALTHAM





## DM/0761/23/FUL – LAND OFF LOUTH ROAD, NEW WALTHAM



**PLANNING COMMITTEE - 30th October 2024**

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

**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 (amended plans received 11/09/2024 showing retention of gravel and closeboard fencing in situ)**

**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: 6th October 2024**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY:**

**CASE OFFICER: Owen Toop**

**PROPOSAL**

This application is retrospective in nature and relates to works at an existing holiday chalet. As part of the application process, amended plans have been received throughout its considerations which have resulted in changes to the proposal. The application seeks the retention of a gravel, driveway edging stones and close boarded fencing.

The application was originally brought to the attention of the Planning Committee on Wednesday 4th September 2024 due to the number of public objections received and the objection from the Humberston Village Council. However this was on the basis of amended plans reducing the amount of gravel and replacing the close boarded fencing with picket fencing. This application was recommended for approval due to the amendments proposed. However at the Planning Committee the applicant confirmed

their wish to retain the extent of gravel and close boarded fencing and not implement the scheme applied for. The planning committee agreed to defer the item to allow the further amendment of the plans back to the original proposal.

For clarity application is therefore for the full extent of gravel, driveway edging stones and close boarded fencing which have all been installed at the site.

## **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 - provides objections in response to the deferred scheme.

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 known ecological issues.

Humberston Village Council - Following reconsultation on the deferred item, objections raised regarding the adverse impact on the Conservation Area in relation to the originally proposed fencing and driveway arrangement.

### **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 and Deferred Scheme
- 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]. Works have taken place and the application is therefore retrospective in nature.

The principle of development is 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 planning matters as follows:

#### 2) Design and Heritage and Deferred Scheme

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.

As noted above there has been a number of iterations of the scheme. First to retain as undertaken and then to respond to concerns raised when an acceptable scheme was agreed through the reduction in gravel and the use of picket fencing. Following the committee meeting, the applicant has amended the plans to show again the scheme to what is currently on site. This shows two close boarded fences to the side and two gravel driveways and associated paving stones. Reconsultation has taken place and the Heritage Officer and the Village Council have reiterated initial concerns. These concerns have been taken into account and it is considered that the amount of gravel dominates the plot and the close boarded fencing does not respond to the character of the Conservation Area and is contrary to the advice in the Humberston Fitties Design Guide. The result of the proposal is one of visual harm to the character of the Humberston Fitties Conservation Area. The Heritage Officer notes that repeated small and individual contraventions result in cumulative harm to the conservation of the Humberston Fitties as a whole.

It is acknowledged that the application was recommended for approval at the September Planning Committee on 4th September 2024 but this was on the basis of the negotiated improvements in the scheme. Now that it reverts to that originally submitted the application can no longer be supported for the reasons stated above.

Having reconsidered the scheme, the proposal fails to accord with Policies 5, 22 and 39 of the NELLP in this regard.



### 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 do 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 objections are noted. The impact that is considered to be pertinent is in relation to visual design and harm to the conservation area as discussed above. The close board fencing and gravel is not considered to cause harm to the amenity of the neighbouring holiday chalets.

In terms of impact from a highways perspective the introduction of the gravel driveway allows 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 retrospective in nature and relates to works at an existing holiday chalet. As part of the application process the application has been amended again following the 4th September Planning Committee. Consultation has taken place and objections have been raised by the Humberston Village Council and Council's Heritage officer. The proposal is not acceptable in visual design terms and has an adverse impact on the Humberston Fitties Conservation Area. It is there recommended for refusal as it fails to accord with Policies 5, 22 and 39 of the NELLP.

## **RECOMMENDATION**

### **Refused**

(1) The development fails to preserve or enhance the Humberston Fitties Conservation Area due to the use of excessive gravel and the use of close board fencing. Consequently the development results in harm to the Humberston Fitties Conservation Area contrary to 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.

DM/0134/23/FUL – 121 HUMBERSTON FITTIES, HUMBERSTON



DM/0134/23/FUL – 121 HUMBERSTON FITTIES, HUMBERSTON



**PLANNING COMMITTEE - 30th October 2024**

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

**APPLICATION No: DM/0422/24/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: 73 Welholme Avenue, Grimsby, North East Lincolnshire, DN32 0PL**

**PROPOSAL: Removal of chimney on north elevation**

**APPLICANT:**

Susan Croft  
40 St Augustine Avenue  
Grimsby  
North East Lincolnshire  
DN32 0LD

**AGENT:**

Mr Douglas Stewart  
ID Architecture  
The Hive, Dudley Street  
Grimsby  
North East Lincolnshire  
DN31 2AW

**DEPOSITED: 29th April 2024**

**ACCEPTED: 5th June 2024**

**TARGET DATE: 31st July 2024**

**PUBLICITY EXPIRY: 27th October 2024**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY:**

**CASE OFFICER: Emily Davidson**

**PROPOSAL**

The proposal is for the removal of the chimney on the north elevation. Originally, the proposal included the change of use to the existing 1st and 2nd floor flat from a C3 Dwelling to a C4 house in multiple occupation (HMO) with landlord storage on the 2nd floor and the obscuring of 4 windows. These elements have been removed from the proposal.

The application is presented to Planning Committee due to a call in request from Councillor Augusta and due to the number of objections received.

## **SITE**

73 Welhome Avenue is a detached, two storey building consisting of two flats located in the Wellow Conservation area. The area is residential in character mostly made up of detached and semi detached properties.

## **RELEVANT PLANNING HISTORY**

No relevant planning history.

## **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  
PO41 - Biodiversity and Geodiversity

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

## **REPRESENTATIONS RECEIVED**

### Consultee Representations

Highways Officer - Approval, no conditions.

Drainage Officer - No drainage comments.

Heritage Officer - Recommends repair rather than removal of chimney.

Ecology Officer - Informative for the protection of bats and birds.

Waste Management Officer - Notes the requirements of the landlord and recommends



bins are labelled.

Environmental Protection Officer - Recommends hours of construction condition and sound proofing informative.

Trees and Woodlands Officer - No comments.

Civic Society - Considers a HMO harmful to the conservation area.

Councillor Augusta - Calls the application to Committee on the grounds that the resident at the property below has raised several issues around turning the flat above into a HMO, including parking on the property, age and space of the property and noise pollution. This is combined with issues around emergency exits. There is wide public interest with residents from neighbouring properties making contact to object.

### Neighbour Representations

The following addresses have commented in objection to the application:

The Old Stables, 8, 18, 20, 22, 26, 32, 33, 38, 42, 45, 46, 47, 51, 53, 58, 63, 64, 67, 71, 73A, 75, 79, 81, 83, 85, 89 Welholme Avenue. 73, 79, 95, 111 Abbey Road. 2 King Street. 6, 10 Bargate Avenue. 123 St Peters Avenue. 17 Charles Avenue. 15 Park Drive.

Broadly on the grounds of:

Previous poor experience of short term lets, disturbance, anti-social behaviour, crime, highways issues including parking and access, littering/waste collection, environmental impacts, impacts on the historic area and assets, overlooking, setting of a precedence for HMOs, proposal not compliant with the North East Lincolnshire Local Plan, the application is commercial, impact to the area character, impact to the community, increased risk of fire and leaks, loss of privacy, lack of maintenance, removal of the chimney, impact on house values, loss of family accommodation, impact to residential amenity, the existence of a legal covenant and disagreement with the certificate B.

## **APPRAISAL**

### Planning Considerations

- 1) Principle of Development
- 2) Design and Heritage
- 3) Neighbouring Amenity
- 4) Highways
- 5) Biodiversity
- 6) Other Considerations

## 1) Principle of Development

The site is located within the development boundary of Grimsby, therefore Part 1 of Policy 5 of the North East Lincolnshire Local Plan (NELLP) 2018 applies. Policy 5 does not preclude works of this nature in principle within the defined development boundaries. The application is located within a Conservation area, therefore, Policy 39 also applies. It is considered in principle that the proposed development is acceptable subject to the site-specific impacts discussed below.

Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990 requires planning applications to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas and historic buildings and this is considered in this report.

## 2) Design and Heritage

The proposal is located within the Wellow Conservation area. Therefore, consideration is given to any impacts the proposal may have on this historic designation.

The application originally proposed a change the use of the property to a HMO and the obscuring of two first floor windows, however, these elements have now been removed from the application. The proposal is now only for the removal of a chimney. The proposal would not increase the footprint of the flat.

Whilst there is a preference to original property features being retained, its loss is considered to have a neutral impact on the conservation area in this case given its location to the side of the property and its size. The chimney is also unsafe. It is noted that the Council's Heritage Officer requests the chimney is repaired, however, on balance in this instance the loss is considered acceptable given the reasons listed above.

Overall, it is considered that the proposal would not harm the historic area character and is in accordance with Policies 5, 22 and 39 of the NELLP 2018 in this regard.

## 3) Neighbouring Amenity

The building consists of two flats with the site sitting above its immediate neighbour number 73a which is the ground floor flat. Numbers 71 and 75 border the host site to the sides. Numbers 40 and 42 sit opposite and numbers 12, 13 and 14 Park Drive sit to the rear beyond an access track. A number of objections have been received and these comments are addressed under the relevant sections of this report. It is noted that comments have been made in relation to the Certificate B and the legal rights to undertake the works, mention of a legal covenant and house value. These are not considered to be grounds to raise a planning objection against the proposal. It should be noted that most of the comments received are in relation to the now removed HMO element of the proposal. During the consideration of the application, an updated certificate was received to reflect the ownership of the site.



Given the nature of the works, there would be no massing, overlooking or overshadowing issues to consider.

The Council's Environmental Protection Officer recommends a working hours condition to protect neighbouring amenity during works and a soundproofing informative. Given that these were largely due to the conservation works now removed, the condition and informative are no longer considered necessary.

The proposal is considered in accordance with Policy 5 of the NELLP 2018.

#### 4) Highways

Comments have been raised in objection in regard to highways safety and parking. Again, it is noted that comments were received in relation to the HMO element of the proposal which is now no longer proposed. There are no highway concerns regarding the removal of the chimney. The proposal is considered to be in accordance with Policy 5 of the NELLP 2018 in this regard.

#### 5) Biodiversity

The application has been assessed against the planning regulations in relation to Biodiversity Net Gain and is considered to meet the de minimus exemption as it would not impact more than 25sqm of habitat. The Officer also makes reference to the need to ensure no bats and birds are not disturbed as a result of the proposal and an informative is recommended. The application is considered in accordance with Policy 41 of the NELLP 2018.

#### 6) Other Considerations

The Council's Drainage and Trees and Woodlands officers raise no concerns to the proposal.

### **CONCLUSION**

The removal of the chimney would have a neutral impact to the conservation area and would not harm neighbouring amenity. The proposal is in accordance with Policies 5, 22, 39 and 41 of the NELLP 2018 and is recommended for approval.

### **RECOMMENDATION**

**Approved with Conditions**

(1) Condition

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

Reason

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

(2) Condition

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

Site Location Plan and Block Plan - 23016.001.V01

Proposed Elevations - 23016/011 V04

Reason

For the avoidance of doubt in the interests of proper planning and in accordance with Policies 5, 22, 39 and 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

## **Informatives**

1 Reason for Approval

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the historic area character or neighbouring amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular Policies 5, 22, 39 and 41.

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 removing an element of the proposal to alleviate concerns.

3 Informative

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

4 Informative

Please refer to the comments made by the Council's Ecologist in relation to the protection of bats and birds. These comments should be taken into account when carrying out the works and you are reminded of your obligations under the Wildlife and Countryside Act 1981.

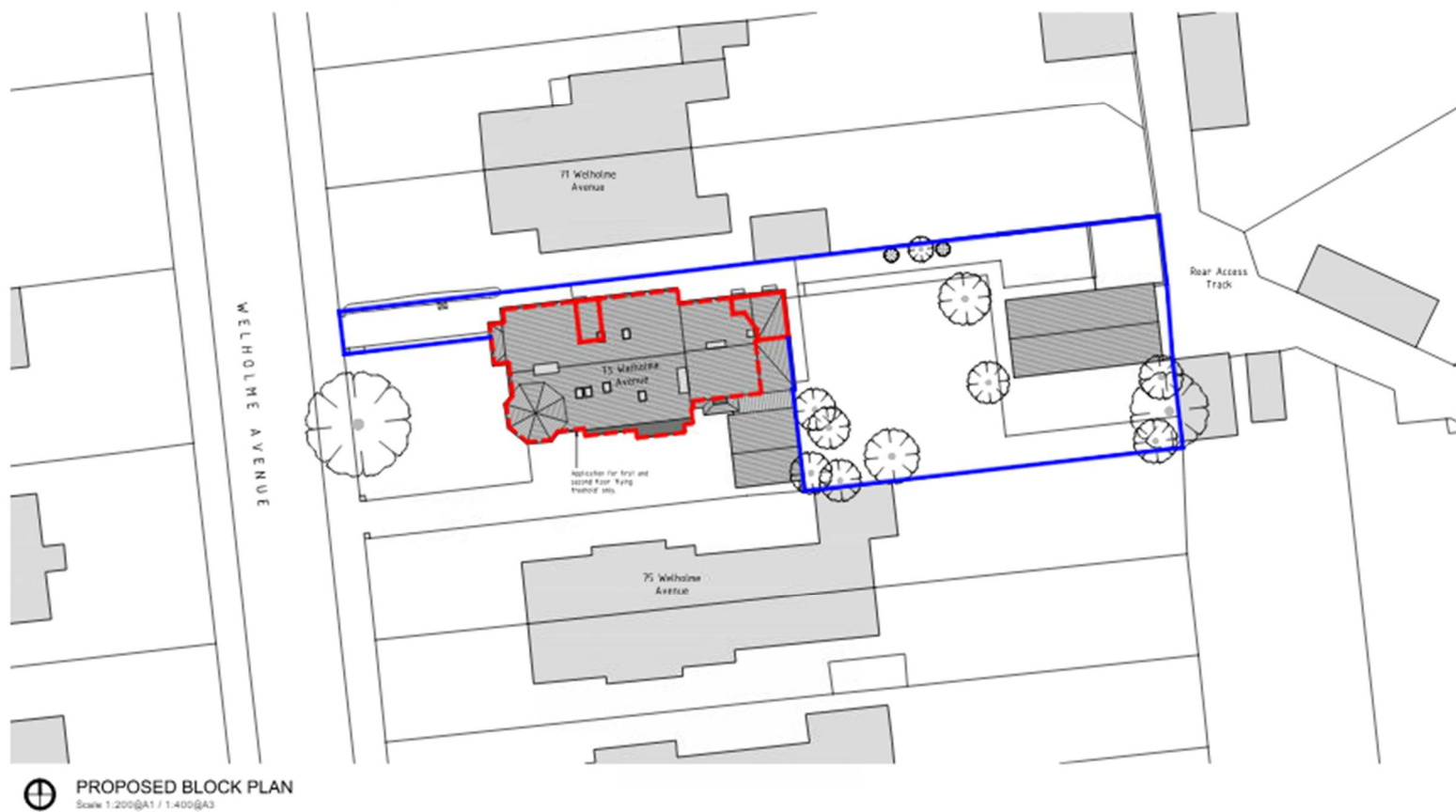
5 Informative

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/0422/24/FUL – 73 WELHOLME AVENUE, GRIMSBY



DM/0422/24/FUL – 73 WELHOLME AVENUE, GRIMSBY



**PLANNING COMMITTEE - 30th October 2024**

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

**APPLICATION No: DM/0268/24/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: 45 Sea View Street, Cleethorpes, North East Lincolnshire, DN35 8EU**

**PROPOSAL: Change of use - Class E (shop) to a C1 (Air BnB/holiday let)**

**APPLICANT:**

Mr & Mrs McCartney  
Stars & Stones  
45 Sea View Street  
Cleethorpes  
North East Lincolnshire  
DN35 8EU

**AGENT:**

Helen Lavric Robinson  
Design Intervention  
14 The Avenue  
Healing  
North East Lincolnshire  
DN41 7NG

**DEPOSITED: 12th March 2024**

**ACCEPTED: 12th March 2024**

**TARGET DATE: 7th May 2024**

**PUBLICITY EXPIRY: 15th April 2024**

**AGREED EXTENSION OF TIME DATE: 24th  
July 2024**

**CONSULTATION EXPIRY: 7th April 2024**

**CASE OFFICER: Owen Toop**

**PROPOSAL**

This proposal relates to a change of use of an existing shop (Class E) to an Air BnB/Holiday Let. The application is brought to the attention of planning committee due to it being called in by Councillor Freeston.

**SITE**

45 Sea View Street is a two storey property located in the middle and south side of Sea View Street, a prominent retail and leisure area within the heart of Cleethorpes. The area as such includes a wide range of shops, bars, pubs and restaurants, as well as financial and property services. There are also a number of residential units primarily at first floor level as well as hotels, also at first floor level. The street is characterised by adjoining

properties of differing styles with many of these properties retaining important historical and architectural features. The street is located in a vibrant part of the resort area and is within the Cleethorpes Central Seafront Conservation Area.

Whilst 45 Sea View Street is a two storey property, it is one that is small in scale and height in comparison to other properties at this location. Currently the building is a shop at ground floor with storage above. To the rear is a commercial yard associated with properties at the rear which are outside the site area. The shopfront currently contains a shutter and signage; above is a very small window. Beyond Cambridge Street to the west Sea View Street continues but here are predominantly residential dwellinghouses and flats. To the rear of the site are properties at Wardall Street.

## **RELEVANT PLANNING HISTORY**

none relevant.

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

### National Planning Policy Framework (2023)

- NPPF2 - Achieving sustainable development
- NPPF4 - Decision-making
- NPPF6 - Building a strong, competitive economy
- NPPF7 - Ensuring the vitality of town centres
- NPPF8 - Promoting healthy and safe communities
- NPPF12 - Achieving well designed places
- NPPF15 - Conserv. & enhance the natural environ.
- NPPF16 - Conserv. & enhance the historic environ.

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

- PO5 - Development boundaries
- PO12 - Tourism and visitor economy
- PO22 - Good design in new developments
- PO23 - Retail hierarchy and town centre develop
- PO39 - Conserve and enhance historic environ
- PO41 - Biodiversity and Geodiversity

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

## REPRESENTATIONS RECEIVED

Environmental Protection Team - The Environmental Protection Team notes that it has received noise complaints from residential properties within the area due to amplified entertainment from licensed premises in Seaview Street. To address concerns, the applicant has provided a Noise Impact Assessment. The Environmental Protection Team accept the recommendations within the assessment which may be secured through condition.

Ecology - No comments.

Heritage - No objections to the change of use in principle from a heritage perspective. The removal of the shutter is supported.

Townscape Heritage Officer - Comments provided in relation to internal shutters and concerns over any potential painting of the property. Advice given on potential materials and internal shutters style. These works do not require planning permission in themselves.

Drainage - No comments.

Highways - No objections from a highways amenity or safety perspective.

Grimsby, Cleethorpes and District Civic Society - Opposes the change of use application.

### Public Representations

Objections received from the following addresses:

23 Lindsey Road  
37-39 Cambridge Street  
49 Sea View Street

Broadly on the following grounds:

- concerns of loss of retail use
- ground floor uses in this area should be retained as retail, leisure, hospitality etc
- there are other sites for holiday accommodation
- goes against regeneration principles

Letters of Support received from the following addresses:

10 Sea View Street  
17 Sea View Street  
18 Sea View Street



39a Sea View Street

Broadly on the following grounds:

- boost to tourism from increased football
- would be an alternative use to bars and hospitality
- supports the local economy by increasing spending

No other representations received.

## **APPRAISAL**

The material planning issues are:

- 1) Principle of Development
- 2) Visual Design and Heritage
- 3) Impact on Neighbours
- 4) Impact on Future Occupiers and Noise Pollution
- 5) Other Matters

- 1) Principle of Development

The proposal is located within the development boundary of Cleethorpes as defined within Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) (NELLP). It is also located within the Cleethorpes Town Centre as defined within Policy 23. Within the Cleethorpes Town Centre, Policy 23 states that development will only be supported where it contributes to vitality and vibrancy of the Town Centre. This is wholly consistent with Section 7 of the NPPF which states that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Policy 23 of the NELLP following on from the principles of the NPPF also recognises that residential development often play an important role in ensuring the vitality of centres and encourages residential development on appropriate sites.

The proposal is to change an existing commercial unit into an Air BnB/holiday let. It is considered that Air BnB's fall under the C3 dwellinghouse use class currently, though it was the intention of the previous government to implement a new C5 use class for Air BnB's. This may still be enacted but has not yet. Clearly full Air BnB's/holiday lets are not a permanent form of residential accommodation when compared to a traditional dwellinghouse. They are a form of accommodation with a temporary occupancy period and are typically used as a form of holiday accommodation. It is the applicant's intention to utilise the building as an Air BnB/holiday let for holiday accommodation with a controlled occupancy.

It is accepted that Air BnB's/holiday lets can contribute positively to Town Centre's generally by bringing increased footfall to the resort area, thereby supporting the

commercial core. It is acknowledged that the existing retail use has been in decline, as is noted through the increasing number of vacant units due to market conditions. Indeed the character of the area is changing as a result of the market and retail offer. The applicant has stated that the property has been on the market for some time with no interested buyers which highlights this issue. These issues are indeed echoed around the country and are not in isolation. It is also acknowledged that planning authorities should play their part in adapting town centres to present economic circumstances. The council has sought to do this at Sea View Street by allowing changes of use from retail to hospitality. More recently application DM/0205/23/FUL approved the change of use of a retail unit to a drinking establishment and ancillary community use. In this case having regard to the more diverse uses along Sea View Street it is not considered that a C3 use at ground floor of one property, provided it is for holiday accommodation, would undermine the viability and vitality of this part of the Town Centre and is therefore acceptable in principle. A condition is recommended to secure the property for 'holiday use'. It is also recognised that C3 uses can indeed strengthen the commercial core, and whilst advocated at first floor through Local Plan Policy 23, the fallback position is acknowledged. The government have relaxed planning rules to allow for permitted development, allowing changes of Class E (commercial) to residential (C3) subject to prior approval criteria.

Having regard to the above it is not considered that the use undermines the strategy which Policy 23 seeks and the development is therefore considered acceptable. The proposal may only be supported however provided that there are no detrimental impacts regarding the site specific planning considerations. These are considered below.

## 2) Visual Design and Heritage

As the site is within the Cleethorpes Central Seafront Conservation Area 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 apply along with Policy 39 of the NELLP.

The proposal seeks to change the use of an existing retail unit to an air bnb/holiday accommodation. The only external change involves removing the external shutter. The heritage officer has been consulted as part of this planning application and supports the scheme as a result. The proposal in heritage terms would enhance the character and appearance of the conservation area in accordance with Policy 39 of the NELLP (which is wholly consistent with the above Act).

## 3) Impact on Neighbours

Policy 5 of the NELLP seeks to assess the impact of proposals on neighbouring land uses by reason of noise and disturbance. In this case, the proposed use is not considered to cause any detrimental impacts given that there are no external changes other than the removal of the shutter. It is not considered that the use itself at such a minor level would cause any adverse noise and disturbance. The public representation in objection is however noted and is considered to have been addressed in the above

section pertaining to the principle of the development. The proposal therefore accords with Policy 5 of the NELLP in this regard.

#### 4) Impact on Future Occupiers and Noise Pollution

Policy 5 of the NELLP also seeks to assess the impact of proposals on future occupiers in respect of existing land uses, for example whether noise pollution could adversely impact it.

The Environmental Protection Team have been consulted on this application and have recommended a noise report be undertaken to ensure that amenities of occupiers of the property be protected. There is a history of noise complaints from existing residential properties in relation to existing commercial uses. A Noise Impact Assessment has been submitted as part of ongoing discussions. The assessment has been reviewed by the Environmental Protection Team who are content with its recommendations. The mitigation which will be double glazed windows, can be secured by condition. This is without detriment to the historic character as the applicant has confirmed that the existing window frames can be retained for this. It is also considered that the use of the premises as a holiday let (as opposed to a traditional dwellinghouse) helps to mitigate potential impact as the occupiers will be more transient and will have a choice as to the acceptability of the location. The occupancy to ensure holiday use can be secured through planning condition and this is recommended.

The proposal accords with Policy 5 of the NELLP in this regard.

#### 5) Other Matters

The Ecology, Highways and Drainage Officer have no issue to raise in relation to the change of use. The site is not within a Flood Risk Zone.

With regard to Bio Diversity Net Gain the application predates the requirements for this type of application.

### **CONCLUSION**

The proposal seeks planning permission for a change of use from an existing shop (Class E) to air bnb/holiday accommodation. The change of use would support the local economy of Cleethorpes Town Centre at Sea View Street without harming the amenity of its occupiers or the local amenity of neighbouring properties. In addition it would not harm the character of the Cleethorpes Central Seafront Conservation Area. It is therefore recommended for approval with conditions in accordance with Policies 5, 22, 23 and 39 of the NELLP.

## **RECOMMENDATION**

### **Approved with Conditions**

(1) Condition

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

Reason

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

(2) Condition

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

Site Location and Block Plans - 268.01.03

Proposed Plans - 268.01.02a

Reason

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

(3) Condition

Prior to any occupation of the development taking place, an acoustic verification report demonstrating that the provisions provided within the noise assessment entitled 'Proposed Residential Conversion 45 Sea View Street, DN35 8EU - Noise Impact Assessment-, reference: NIA-11702-24-11910-v1 Cleethorpes, have been fully implemented shall be submitted to and approved in writing by the Local Planning Authority. The approved and implemented scheme shall thereafter be retained and maintained for the lifetime of the development.

Reason

In the interest of protecting future amenity of occupiers and to accord with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(4) Condition

No one shall occupy the accommodation unit for more than three calendar months in any year provided that and without prejudice to the foregoing, once the unit has been occupied by a person or persons for a total of three calendar months in any year, that person or persons shall not occupy again the unit until an interval of at least two months has elapsed from the date of expiry of the said three month period.

## Reason

To ensure the site is occupied for holiday purposes in the interest of supporting the vitality of Cleethorpes Town Centre and the amenity of future occupiers in accordance with Policies 5 and 23 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, 23 and 39.

### 2 Added Value Statement

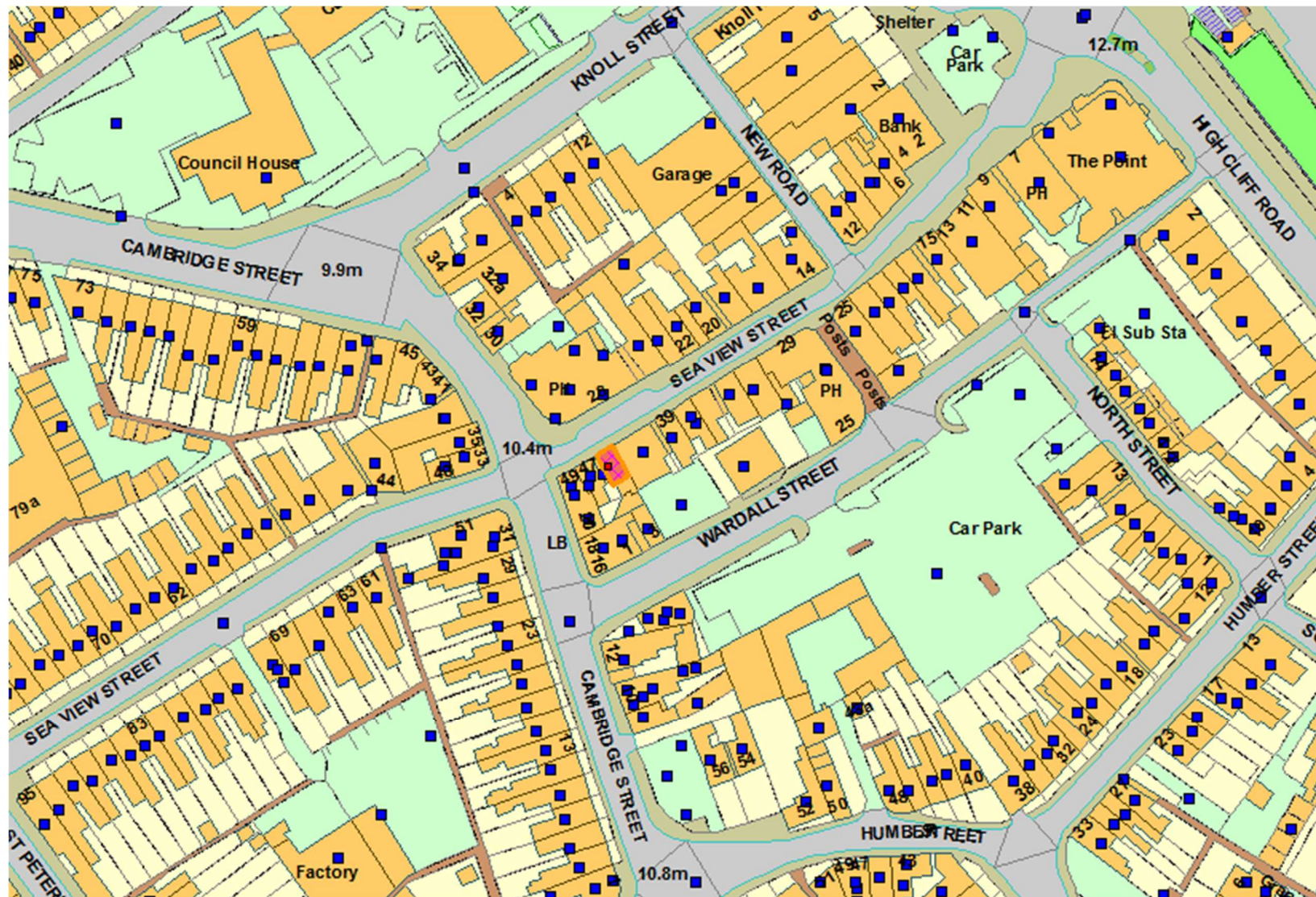
#### Article 31(1)(cc) Statement - Positive and Proactive Approach

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 negotiating on refusals and receiving a noise assessment to make an informed recommendation.

### 3 Informative

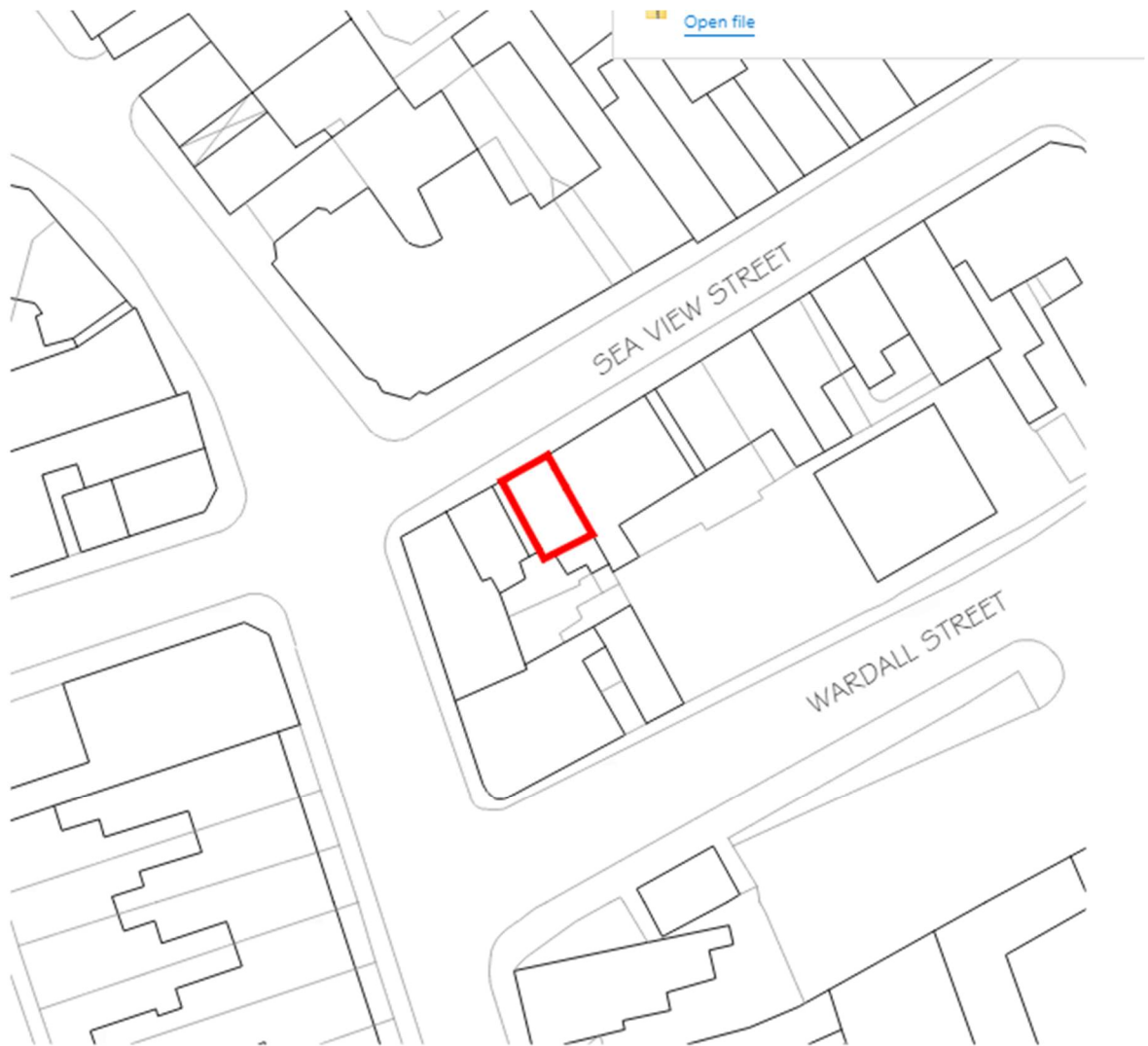
Please note that you may also require Building Regulations. You are advised to contact them in advance of work on site commencing (Tel: 01472 326289 - Option 2).

DM/0268/24/FUL – 45 SEA VIEW STREET, CLEETHORPES





DM/0268/24/FUL – 45 SEA VIEW STREET, CLEETHORPES



**PLANNING COMMITTEE - 30th October 2024**

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

**APPLICATION No: DM/0386/24/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: 25 Chantry Lane, Grimsby, North East Lincolnshire, DN31 2LP**

**PROPOSAL: Change of use and alterations from a commercial premises (offices) to a house in multiple occupation (HMO), erection of single storey extension to side, creation of cycle store and associated works**

**APPLICANT:**

Mr Graham Chesterman  
28 Church Road  
Uxbridge  
UB8 3NA

**AGENT:**

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

**DEPOSITED: 17th April 2024**

**ACCEPTED: 19th April 2024**

**TARGET DATE: 14th June 2024**

**PUBLICITY EXPIRY: 19th May 2024**

**AGREED EXTENSION OF TIME DATE: 18th  
October 2024**

**CONSULTATION EXPIRY: 16th May 2024**

**CASE OFFICER: Becca Soulsby**

**PROPOSAL**

The proposal is for a change of use with alterations from a commercial premises (offices) to a ten person house in multiple occupation (HMO), the erection of a single storey side extension, the creation of a cycle store and other associated works. The other associated works include the removal of the ramp along the front elevation, alterations to the frontage to create a bay window in place of the existing shop front and alterations to window and door openings on various elevations.

The application is brought to planning committee due to receiving four objections.



## **SITE**

25 Chantry Lane is a semi-detached property located to the south side of the road, with the Wellow Conservation Area adjacent to the rear boundary of the property. The area surrounding the property is mixed in use, with a combination of commercial and residential properties within the immediate vicinity of the application site. The application site is located within flood zone 1.

## **RELEVANT PLANNING HISTORY**

DC/810/01/MAR - Erection of 2.4m high palisade security fencing - Approved with conditions.

DC/191/97/MAR - Erection of disabled access ramp - Approved with conditions.

P42778 - Extension to form office - Approved with standard conditions.

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

### National Planning Policy Framework (2023)

NPPF12 - Achieving well designed places

NPPF14 - Climate, flooding & coastal change

NPPF15 - Conserv. & enhance the natural environ.

NPPF16 - Conserv. & enhance the historic environ.

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

PO4 - Distribution of housing growth

PO5 - Development boundaries

PO22 - Good design in new developments

PO33 - Flood risk

PO34 - Water management

PO39 - Conserve and enhance historic environ

PO41 - Biodiversity and Geodiversity

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

## **REPRESENTATIONS RECEIVED**

### **Consultees**

Ecology - Informative requested regarding standing advice for bats and birds. Considers the provision of the small site metric and bio-diversity net gain statement within the design & access statement submitted to adequately evidence that the proposal meets the de-minimus threshold.

Environmental Health - Condition requested regarding hours of construction / demolition with an informative in relation to soundproofing details.

Highways - Site is in a highly sustainable location due to being in a town centre, with amenities and transport links nearby. Condition requested for the cycle store to remain in situ for the lifetime of the use. Approve with conditions.

Heritage - No heritage input required.

Drainage - Informative requested for sustainable drainage.

Housing - Room sizes and amenities are adequate. Waste management strategy to be secured by condition.

### **Neighbours and Public Representations**

Grimsby and Cleethorpes District Civic Society - Oppose the application due to its unsuitable location and poor access / egress.

Flat 1 6 Queens Parade - Object based on highways issues, maintenance of property and concerns over anti-social behaviour.

4 Queens Parade - Objects due to loss of B1a, B1c, B2 and B8 floorspace, impacts to local economy due to loss of office space, lack of parking provision, concerns over anti-social behaviour, excessive HMO density, loss of biodiversity and outdoor garden space for residents and concerns over foul drainage.

5 Queens Parade - Objects due to anti-social behaviour issues, concerns over removal of fence at the rear of the property, impacts to character of the area due to loss of business and too many HMO's present within the area.

## **APPRAISAL**

The considerations are:

- 1) Principle of Development

The property is located within the development area of Grimsby (Policy 5 of the NELLP 2018). Policies within the current NELLP 2018 seek to assess development by taking account of various detailed considerations and site specific considerations as noted below in 2) Design and Heritage, 3) Local Amenity, 4) Highways and Parking, 5) Flood Risk and Drainage and 6) Ecology. As such, subject to detailed considerations, there are no policies in principle within the Local Plan that would prohibit the change of use proposed.

## 2) Design and Heritage

The application is primarily for the change of use and associated alterations to create a 10 person house in multiple occupation (HMO) but includes the erection of a small scale, single storey side extension as well as the creation of a cycle store. The premises itself is located within a mixed use area including residential and commercial operations. It is considered that the change of use and associated works would not be at odds with the area more generally.

The proposed single storey side extension is to project 1.5 metres from the existing side elevation, spanning a length of 4 metres. The extension will measure 2.6 metres in height, attaching to the existing roof of the undercroft present within the property. Its position, scale and design would not be at odds with the area or property character. A gate is to be installed to the side of the extension proposed, enabling access via the undercroft to the rear aspect of the property. The proposal also includes the replacement of various windows within the front, side and rear elevations with uPVC, as well as the creation of a bay window within the front elevation to replace the existing shop front window. This is considered to be a betterment in respect of design and which provides visual interest within the street scene and wider area.

The application includes the installation of a 1.8 metre high fence to the side boundary, projecting across to the side elevation of the property in line with the front elevation. A single gate is proposed adjacent to the side elevation of the property enabling pedestrian access into the side and rear areas. No adverse impacts from this element are expected.

The cycle store is proposed to be sited within the rear of the site and is proposed to span a width of 4.2 metres, with a depth of 1.9 metres. The eaves height is proposed at 1.8 metres with a maximum height of 2.2 metres to the top of the monopitch roof. Due to the positioning of the cycle store being within the rear aspect of the property, there will be no impacts on the street scene or wider character of the area.

In respect of heritage, the application site adjoins Wellow Conservation Area along the rear boundary, however the site itself is not sited within the conservation area. The external alterations are considered to be well separated from the conservation area boundary and are not considered to pose any adverse impacts in respect of heritage. The Council's Heritage Officer raises no objections to the proposal.

In light of the above, the proposal is considered to be in accordance with Policies 5, 22

and 39 of the NELLP 2018.

### 3) Local Amenity

The host property adjoins an accountant's office (23 Chantry Lane) and a retail unit and residential property (27 Chantry Lane) to the sides. The rear of the site adjoins a vehicular access and properties along Queens Parade, with the front of the property adjoining various residential properties along Chantry Lane.

Objections from three neighbours have been received as well as from Grimsby and Cleethorpes District Civic Society who also oppose the application. The nature of the objections are noted in the representations received part of this report.

It is acknowledged that some of the objections refer to the loss of the retail unit. Importantly, the site is not allocated or protected as a shopping area and in any event the town centre, where commercial development should be encouraged, is a short distance away.

The change of use to a 10 person HMO is unlikely to be significantly more intense than a commercial unit if at all in respect of comings and goings. It is acknowledged from the floor plans that the rooms in the HMO which are likely to be the most active are not directly adjoining the neighbouring party wall which is positive. The new openings to the first floor follow an existing concept and their position on the building relative to neighbours provides an acceptable relationship. The external alterations proposed do not pose an adverse impact on neighbouring amenity in respect of massing, dominance, overshadowing or overlooking given their position, design and scale.

In response to concerns about the number of HMO's in the area, a review of the local area would suggest this proposal would not intensify the level of this form of accommodation to an unacceptable level.

In respect of the construction, the Environmental Health Officer has requested a condition be attached to the decision regarding the hours of conversion and construction which would assist in mitigating any adverse impacts to neighbouring amenity through the construction/conversion period. An informative has been requested for soundproofing details which would aid in limiting noise impacts to future occupiers.

Policy requires consideration be given to future amenity of future occupiers. The Council's Housing Officers have reviewed the proposal and have considered the room sizes and amenities proposed to be adequate to prospective occupiers. In respect of amenity for occupiers, whilst this is limited within the site, the site's sustainable location and proximity to local amenities is acknowledged. A condition has been requested to secure a waste management strategy and this is recommended.

The proposal would not have an adverse impact to neighbouring or future amenity and is therefore considered to be in accordance with Policies 5 and 22 of the NELLP 2018.

#### 4) Highways and Parking

The application site is within a highly sustainable location due to being within Grimsby town centre, with amenities and various transport links nearby. A secure cycle store is proposed within the rear of the property which supports active travel. The Council's Highways Officers requested a condition to be attached to the decision for the provision of a secure by design scheme for the cycle parking facilities, the details of which have been provided upfront and confirmed acceptable, with a condition to be attached to the decision for the cycle parking facilities to be installed and retained for the lifetime of the use of the property as a HMO. This is recommended.

The proposal does not seek to add to or remove existing car parking spaces. Concerns raised by neighbours regarding the additional need for parking due to the creation of a 10 person HMO are acknowledged. In response, it is unlikely that all future occupiers of the property will be vehicle owners. In addition to the various sustainable travel methods available within close proximity to the site and the town centre location and that there is unrestricted parking available along Chantry Lane, and both unrestricted and time limited parking available within surrounding residential streets to cater for any moderate parking demand, the arrangements are considered acceptable.

The Highway Authority are of the view that the proposed change of use would not amount to an unacceptable impact on highway safety and the impact to the capacity of the public road network would not be severe.

The proposal is therefore considered to be in accordance with Policies 5, 22 and 36 of the NELLP 2018.

#### 5) Flood Risk and Drainage

The application site is located within flood zone 1 on the strategic flood risk assessment maps. In respect of flood risk, the proposal is considered to be in accordance with Policy 33 of the NELLP 2018.

In terms of drainage, the Council's Drainage Officers have requested an informative be attached to the decision in respect of sustainable drainage methods to manage surface water runoff. This is recommended.

The proposal is considered to accord with Policies 5, 33 and 34 of the NELLP 2018.

#### 6) Ecology

The Ecology Officer has considered that the proposal meets the de-minimis threshold for biodiversity net gain based on the evidence supplied within the design and access statement submitted, namely the small sites metric and bio-diversity net gain statement. Standing advice is also recommended for bats and birds. The proposal is therefore

considered to be in accordance with Policy 41 of the NELLP 2018.

## **CONCLUSION**

In conclusion, it is considered that the proposed development would not unduly harm the appearance of the Wellow Conservation area, the street scene or wider character of the area, local amenity, drainage and flood risk, highways or ecology.

It is therefore considered that the proposal is in accordance with Policies 5, 22, 33, 34, 36, 39 and 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and is recommended for approval.

## **RECOMMENDATION**

### **Approved with Conditions**

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

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

#### **Reason**

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

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

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

RD5554 - 02 - REV - E - Proposed Plans and Elevations

RD5554 - 03 - REV - B - Proposed Site Plan

RD5554 - 04 - Site Location Plan

Design, Access and Heritage Statement received 19th April 2024

#### **Reason**

For the avoidance of doubt in the interests of proper planning and in accordance with Policies 5, 22, 33, 34, 36, 39 and 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

#### **(3) Condition**

The proposal shall be constructed using materials specified within the application form and on the approved plans received unless otherwise first approved in writing by the Local Planning Authority.

Reason

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

(4) Condition

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

Reason

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

(5) Condition

Prior to occupation or operation of the site, the cycle store shown on plan RD5554 - 03 - REV - B shall be implemented in its entirety. The cycle store shall thereafter be retained for the lifetime of the use of the property as a House in Multiple Occupation (HMO).

Reason

To ensure appropriate facilities are provided for cyclists as part of the development and in accordance with Policy 36 of the North East Lincolnshire Local Plan (adopted 2018).

(6) Condition

Prior to any occupation or use of the development, a waste management strategy shall be submitted to and approved in writing by the Local Planning Authority. The plan and the storage area shall be implemented in accordance with the approved scheme before any part of the development is occupied. It shall be retained as such thereafter.

Reason

To maintain residential and local amenity in accordance with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(7) Condition

This development hereby approved shall accommodate no more than 10 people, with each bedroom shown on plan RD5554 - 02 - REV - E being single occupancy only.

Reason

To maintain a reasonable level of amenity and in accordance with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

## **Informatives**

### **1 Reason for Approval**

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or neighbouring amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular Policies 5, 22, 33, 34, 36, 39 and 41.

### **2 Added Value Statement**

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

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

### **3 Informative**

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

### **4 Informative**

The use of water butts or similar sustainable surface water drainage arrangements such as a soakaway are encouraged on a proposal of this nature.

Please refer to the drainage officers comments.

### **5 Informative**

The applicant's attention is drawn to the comments received by the Ecology Officer regarding standing advice for bats and birds. You are reminded of your obligations under the Wildlife and Countryside Act 1981.

### **6 Informative**

Soundproofing should be installed in line with the requirements under Building Regulations.



7 Informative

The applicants 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/0386/24/FUL – 25 CHANTRY LANE, GRIMSBY



DM/0386/24/FUL – 25 CHANTRY LANE, GRIMSBY



CHANTRY LANE

**PLANNING COMMITTEE - 30th October 2024**

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

**APPLICATION No: DM/0193/24/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: 2-4 (Part Of) Edward Street, Grimsby, North East Lincolnshire, DN32 9HJ**

**PROPOSAL: Change of use from retail unit to dwelling with retrospective works including the removal and replacement of existing shop front, removal of existing first floor bay window on front elevation to replace with a standard window, alterations to window and door openings and various associated works (Revised Plans and Flood Risk Assessment Received 6/08/2024)**

**APPLICANT:**

Mr Ishtiaq Hussain  
Majestic Property Partners Ltd  
196 Parkinson Lane  
Halifax  
HX1 3UW

**AGENT:**

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

**DEPOSITED: 22nd February 2024**

**ACCEPTED: 23rd February 2024**

**TARGET DATE: 19th April 2024**

**PUBLICITY EXPIRY: 1st September 2024**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY:**

**CASE OFFICER: Owen Toop**

**PROPOSAL**

This proposal seeks planning permission for the change of use of a retail unit to a single dwelling. The development includes the removal and replacement of the existing shop front, the removal of the existing first floor bay window on the front elevation and its replacement with a standard window, alterations to window and door openings and various associated works. The dwellinghouse would have two bedrooms at first floor as well as a bathroom. At ground floor there would be a lounge and kitchen.

External alterations to the frontage have taken place as well as rendering, and so the application is part retrospective in nature. The change of use has not occurred, though internal works have taken place including the lowering of the ceiling at the ground floor. The ground floor and first floor windows have been replaced.

As part of the application amended plans and documents have been received aiming to address concerns raised. This includes a revised Flood Risk Assessment and amended plans showing a low boundary wall to the front of the property. The low boundary wall has been partially constructed, though not completed at the time of writing.

The application is brought to Planning Committee due to a call in request from Councillor Clough.

## **SITE**

2-4 Edward Street is an existing disused retail unit, formerly known as 'Manders Hi-Fi'. It is located in close proximity to Grimsby Town Centre and borders Pasture Street. The application is only part of the original building which was used by 'Manders Hi-Fi'.

The surrounding area is mostly residential in nature and is comprised of terraced properties. There are a mixture of retail and residential units at Pasture Street.

## **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

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

PO5 - Development boundaries

PO22 - Good design in new developments

PO33 - Flood risk

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

2018).

## **REPRESENTATIONS RECEIVED**

Environment Agency - Objects to the application on grounds of flood risk.

Emergency Planning Officer - The Flood Warning Evacuation Plan has been reviewed and requires further information in order to be acceptable.

Heritage Officer - Comments refer to the loss of the traditional shopfront, though note the property is outside of any conservation area.

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

Ecology Officer - Provides standing advice in relation to nesting birds and bats.

Highways Authority - No objections.

North East Lindsey Drainage Board - No comments.

Drainage - No comments.

### **Public Representations**

Grimsby, Cleethorpes and District Civic Society - Concerns raised regarding the loss of the shopfront.

## **APPRAISAL**

The planning considerations are:

- 1) Principle of Development and Flood Risk
- 2) Visual Design and Character
- 3) Impact on Neighbours and Future Amenity of Occupiers
- 4) Other Matters

- 1) Principle of Development and Flood Risk

The proposal is located within the development boundary of Grimsby as defined within Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) [NELLP] and relates to a change of use and alterations of an existing retail unit to form a single residential dwellinghouse.

The proposal is also located within Flood Zone 3 as shown in the 2016 North East Lincolnshire Strategic Flood Risk Assessment and Environment Agency Hazard

Mapping. In accordance with Policy 33 of the NELLP, development in flood zones must be safe during its lifetime. The application was accompanied by an initial Flood Risk Assessment and concerns were raised with this by the Environment Agency. This was subsequently updated and their objections were removed. However, ceiling levels have now been recessed which means that the previous mitigation recommended cannot be achieved, in particular, finished floor levels of the ground floor of the dwelling cannot be set 1 metre above existing ground levels. The Environment Agency have reviewed the scheme and the most up-to-date Flood Risk Assessment and have provided objections as a result. Without acceptable flood risk mitigation the development fails to accord with Policy 33 of the NELLP and future occupiers would not be safe for the life of the development. Consequently the development cannot be supported in principle.

A Flood Warning Evacuation Plan has been produced as part of the application. The Emergency Planning Officer has reviewed the details and requests further information. It is considered that if this application was to be approved, then this could be secured by condition. Notwithstanding this, there are principle flood risk concerns as stated above.

This report continues to address the other key planning considerations as is required by Policy 5 below.

## 2) Visual Design and Character

The alterations associated with the change of use involve the removal of the existing shopfront and its replacement with a traditional dwelling entrance. In addition the existing first floor larger bay window is proposed to be replaced with a flush window. The other window at the first floor frontage is proposed to be bricked up. Moreover two new side windows, also flush, are proposed fronting Pasture Street.

Some of the external works, but not all, have been completed. The two side windows facing onto Pasture Street have been installed, and the shopfront has been removed. In addition ground floor windows and the first floor window (with existing bay removed) to the front have been installed, render has been applied and part of the front wall has been erected.

The Heritage Officer and Grimsby, Cleethorpes and District Civic Society have expressed concerns with the loss of the traditional features. The concerns are noted, though it should be acknowledged that the site is not within any Conservation Area, nor is a designated heritage asset. For these reasons, and the opportunities re-use of the building would bring to this area, it is considered that there are no grounds that can weigh against the application from a heritage perspective. Additionally, such works have already been undertaken.

With regard to the removal of the first floor bay window and its replacement with a flush window, this does not detract from the character of the area, as flush windows are common at this location.

The rendering and first floor side windows facing onto Pasture Street do not cause any visual design concerns, though painting of the exterior walls would assist in securing a more appropriate finish. This could have been secured via condition in the event of any approval. The character of the area is varied overall. The placement of the low frontage wall to create a front garden area when fully completed would be a visual change at this corner of the street, though its low height would not cause any visual design concerns. Gardens with low boundary walls are common in the surrounding area.

Having regard to the above, the proposal accords with Policies 5 and 22 of the NELLP in relation to visual design and character.

### 3) Impact on Neighbours and Future Amenity of Occupiers

Policy 5 of the NELLP requires an assessment of the development's impact to neighbouring land uses. No neighbour comments have been received.

The proposed use of the building as residential in principle would not cause any adverse impacts to neighbouring properties, given the largely residential nature of the area already established. The proposal includes new windows at the side and a replacement window at the front, all at first floor level. The side windows installed onto Pasture Street do not cause any adverse impacts to neighbouring residential amenity. First floor windows at these locations are common at Edward Street and Pasture Street. The front elevation already includes first floor windows, and so the removal of the bay and replacement windows also does not harm neighbours in this regard. Other changes involve the removal of the shopfront and the creation of a boundary wall; the shopfront has been removed and the wall has been partially completed, and these would not present any adverse impacts with regards to residential amenity when fully completed. The wall proposed is of a low height that does not cause any overshadowing and would not when fully completed.

Policy 5 of the NELLP also requests that regard be paid to the amenity of the future occupiers of the development. The property would include bedrooms with adequate natural lighting and the development is within a sustainable location. Amenity space is provided. In this regard, there are no concerns.

Having regard to the above, the proposal accords with Policy 5 when considering the impacts to residential amenity and the amenity of the future occupiers of the development.

### 4) Other Matters

The application predates Biodiversity Net Gain requirements.

The Drainage Officer has no comments to make on the scheme. There would be no increase in surface water run-off.



The Environmental Protection Team have recommended the standard hours of construction condition.

## **CONCLUSION**

The proposal seeks planning permission for a change of use from a retail unit to a single dwellinghouse, with associated external alterations. Many of the external works have already occurred.

The proposal would result in an unjustified development where the future occupants would be at risk from the harmful effects of flooding. As such, in the absence of acceptable flood risk mitigation, it is contrary to Policies 5 and 33 of the North East Lincolnshire Local Plan, 2013-2032 and advice in the National Planning Policy Framework.

## **RECOMMENDATION**

### **Refused**

(1) The proposal would result in an unjustified development where the future occupants would be at risk from the harmful effects of flooding. As such, in the absence of acceptable flood risk mitigation, it is contrary to Policies 5 and 33 of the North East Lincolnshire Local Plan, 2013-2032 and advice in the National Planning Policy Framework.

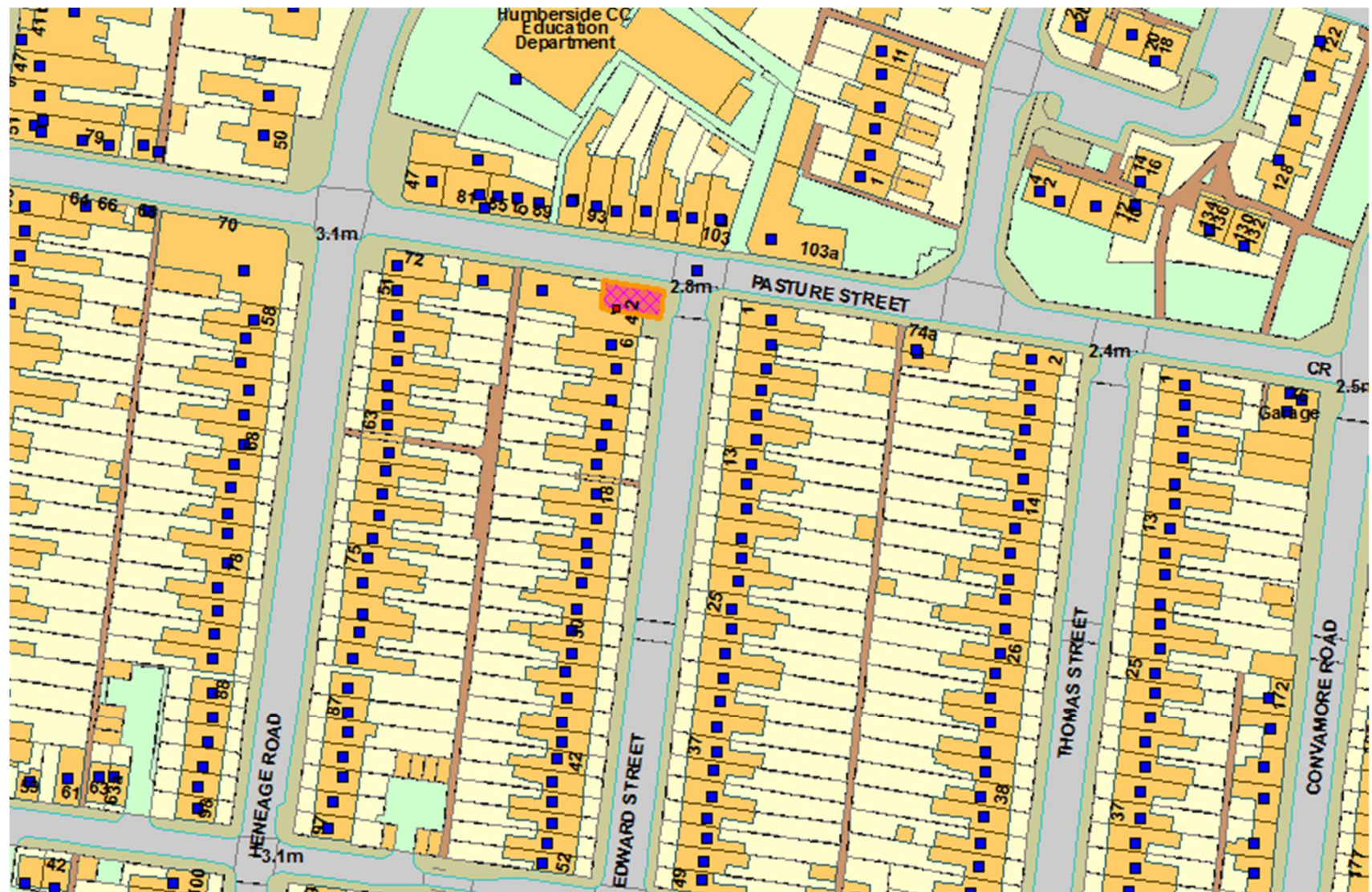
### **Informative**

#### **1 Informative**

This recommendation relates to the following plans and documents:

- Site Location Plan - RD5561-01 Rev 0
- Proposed Plans and Elevations - RD5561-03 Rev D
- Block Plan - RD5561-04
- Flood Risk Assessment - Rev A

DM/0193/24/FUL – 2-4 EDWARD STREET, GRIMSBY



DM/0193/24/FUL – 2-4 EDWARD STREET, GRIMSBY



**PLANNING COMMITTEE - 30th October 2024**

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

**APPLICATION No: DM/0085/24/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: 151 Scartho Road, Grimsby, North East Lincolnshire, DN33 2AR**

**PROPOSAL: Partial demolition of existing bungalow, erection of two storey extensions to rear and side, installation of balcony to rear and associated external alterations (Construction Traffic Management Plan Received 27.09.2024)**

**APPLICANT:**

Mr Matthew Rogers-Thomas  
151 Scartho Road  
Grimsby  
North East Lincolnshire  
DN33 2AR

**AGENT:**

Rick Bass  
RPB Design & Build Limited  
6 Rosemary Avenue  
Grimsby  
North East Lincolnshire  
DN34 4NL

**DEPOSITED: 22nd January 2024**

**ACCEPTED: 24th June 2024**

**TARGET DATE: 19th August 2024**

**PUBLICITY EXPIRY: 27th October 2024**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 18th July 2024**

**CASE OFFICER: Owen Toop**

**PROPOSAL**

This application seeks planning permission for the partial demolition of an existing bungalow, the erection of two storey extensions to the rear and side, and the installation of a balcony to the rear and associated external alterations.

To address concerns raised, the applicant has submitted a Construction Traffic Management Plan as part of the application.

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

## **SITE**

The proposed development is located at an existing detached bungalow, 151 Scartho Road. The property is accessed via a long private lane which is accessed from Scartho Road to the west. This also serves 153 Scartho Road. It is noted that 39 Cragston Avenue appears to have a outbuilding with shuttered access onto the lane. To the rear of the site is an existing large outbuilding which the applicant indicates is used for personal car storage/renovation. To the north is the Scartho Cemetery which contains Grade II Listed heritage assets. To the south are neighbouring residential properties at Lisburn Grove. There are also neighbouring residential properties to the west adjoining the private lane, including those located at Cragston Avenue, Melbourne Avenue and Lyndhurst Avenue.

## **RELEVANT PLANNING HISTORY**

151 Scartho Road

DM/0418/17/FUL - extension to the bungalow, approved.

## **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 - No input required.

Drainage Officer - Recommends sustainable surface water drainage condition.

Highways Authority - No objections following receipt of Construction Traffic Management Plan.

Environmental Protection - Recommends hours of construction and demolition condition.

Trees and Woodlands Officer - No comments.

Public Representations:

Objections received from the following addresses:

- 18 Lyndhurst Avenue
- 20 Lyndhurst Avenue
- 21 Lyndhurst Avenue

- 19 Cragston Avenue
- 39 Cragston Avenue

broadly based on the following grounds:

- narrowness of lane, construction traffic, safety concerns.
- previous traffic incidents down the lane.
- concern over types of construction vehicle used.
- surface water drainage concerns.
- impact on Scartho Road.
- impact on Scartho Cemetery from noise and disturbance.
- impact on residential amenity from noise and disturbance.
- impact on neighbouring gardens.
- concern over potential increased commercial activity at the property as a result of the works.

two neutral comments received:

1 Weelsby Grove - highlights highway safety concerns and provides suggestions. The comment also requests legal assurances regarding damage to the lane and that the property will remain residential and not commercial in the future.

37 Cragston Avenue - no objections to the main development provided a level of amenity is maintained for neighbours. Requests made in regards to the access during demolition and construction to limit noise and impacts to neighbours.

## **APPRAISAL**

The planning considerations are:

- 1) Principle of Development
- 2) Visual Design and Character
- 3) Impact on Highways
- 4) Impact on Neighbours
- 5) Surface Water Drainage
- 6) Other Matters

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

The proposal is located within the development boundary of Grimsby as defined within Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) [NELLP] and relates to the partial demolition and extension and alteration of an existing detached residential bungalow. The principle of development is acceptable and the proposal may be supported in accordance with the NELLP provided that there are no detrimental impacts regarding the site specific planning considerations. In this case, these are considered to be visual design (Policies 5 and 22), impact on highways (Policy 5), impact on neighbours (Policy 5) and surface water drainage considerations (Policies 5, 33 and 34).

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

The proposal seeks alterations and extensions to an existing bungalow, including its partial demolition. The extensions are two storey in nature and would be located at the north side and rear of the property. The property itself is located down a private lane and would not be visible from the public streetscene. Whilst ultimately higher than the existing bungalow, it is considered the extensions have been designed considering the original bungalow. The frontage would contain features, such as the chimney and windows, that appear visually sympathetic to the bungalow. The bungalow would appear subservient to the extension, though this not considered to be at the detriment to the visual character of the area, given the private location of the property. The proposal also includes a balcony to the rear which also would not be visible from any public location. It is also recessed within the building.

Considering the above, the proposal does not present any detrimental impacts in visual design terms and accords with Policies 5 and 22 of the NELLP in this regard.

It should also be noted that the proposal is located adjacent to the Scartho Cemetery which contains Grade II Listed assets. A Heritage Statement has been provided and the application advertised accordingly. The Heritage Officer has reviewed the application and has confirmed that no heritage input is required. It is considered there is no adverse impacts to their setting given the nature and position of the works. The proposal therefore accords with Policy 39 of the NELLP.



### 3) Impact on Highways

Policy 5 of the NELLP requires an assessment of new development proposals in relation to their impact on the local highway network in terms of safety and amenity.

As part of the application, a number of representations have been received in objection to the proposal. The representations are acknowledged above.

Many of the concerns raised relate to construction traffic. It is noted that the existing private lane is accessed from Scartho Road which is a busy route in and out of Grimsby Town Centre. As such consideration must be had in regard to the demolition and construction involved. That being said, the lane is private and a number of objections raised relate to potential safety concerns occurring as part of the construction down the lane. This is noted though it should also be acknowledged that this is an existing access leading onto storage garages before concluding at the host property. There is a level of activity which is already attributed to the existing site.

The Highways Authority have reviewed the scheme and the submitted Construction Traffic Management Plan (CTMP). The CTMP clarifies the volume and type of vehicles associated with the development as well as measures to manage traffic arriving and leaving the site. The Highways Authority have no objections to raise in regard to the CTMP and have primarily considered the details in relation to highway safety and Scartho Road. This will need to be strictly adhered to at all times through the demolition and construction phases. The CTMP when implemented would protect highway safety with regard to Scartho Road, it would also help to alleviate concerns raised by neighbours with regard to the private lane, though it should be noted that such matters would be a private matter. The applicant has been made aware of this. The comments from neighbours regarding previous incidents and the requests for legal assurances are noted but the potential incidents and legal assurances cannot be controlled through this application due to the private nature of the lane. This would be a civil matter.

Other highways concerns raised relate to the existing garage building to the rear of the bungalow and query if the proposed development to the bungalow would increase traffic, i.e, if the works to the bungalow were to be of a commercial nature. In this regard, the proposal is solely for domestic works to an existing residential property and would not present any highway safety concerns. This is supported by the Highways Authority. Moreover, that building referred to in the representations is an existing one which already uses the existing lane. The application is solely for the domestic works to the bungalow, and whilst the existing situation is acknowledged, this cannot be controlled through this planning application.

Having regard to the above, the proposed development accords with Policy 5 of the NELLP in this regard.



#### 4) Impact on Neighbours

The proposed development is located at the end of a private lane. The domestic alterations and extensions would increase the size and height of the property. Though there would be new first floor windows facing in the direction of neighbours to the west, these are not considered to cause any harm to neighbouring residential amenity in terms of overlooking due to the separation distance between the development and the neighbours.

The works to the property are situated to the side and rear. The side faces toward the Scartho Cemetery and to the rear is a large area of grassland which then leads onto agricultural fields. The rear elevation incorporates a balcony but this is recessed into the property. As such neighbours to the south would not be adversely impacted in terms of overlooking.

The extensions and alterations to the bungalow would not cause any massing or overshadowing issues to neighbours given the large separation distances involved.

With regard to the above, the proposed development would not adversely impact neighbouring residential amenity and so accords with Policy 5 of the NELLP in this regard.

#### 5) Surface Water Drainage

The proposed development needs to be managed with regard to surface water drainage in accordance with Policies 5, 33 and 34 of the NELLP.

In this regard the Drainage Officer has requested that a sustainable surface water drainage scheme be conditioned. The applicant has agreed to this pre-commencement condition. With this, the proposal therefore accords with Policies 5, 33 and 34 of the NELLP.

#### 6) Other Matters

The application predates the requirements of Biodiversity Net Gain.

### **CONCLUSION**

This application seeks planning permission for the partial demolition of an existing bungalow, the erection of two storey extensions to the rear and side, and the installation of a balcony to the rear and associated external alterations. The proposed development would not present any detrimental impacts with regards to the planning considerations aforementioned and so is recommended for approval with conditions in accordance with Policies 5, 22, 33, 34 and 39 of the NELLP.

## **RECOMMENDATION**

### **Approved with Conditions**

(1) Condition

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

Reason

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

(2) Condition

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

Proposed Rear Elevation - Produced by Design and Build Ltd and Received on 22nd January 2024.

Proposed Front Elevation - Produced by Design and Build Ltd and Received on 22nd January 2024.

Proposed First Floor Plans and Elevation - Produced by Design and Build Ltd and Received on 22nd January 2024.

Proposed Ground Floor Plan - Produced by Design and Build Ltd and Received on 22nd January 2024.

Block Plan - Produced by Design and Build Ltd and Received on 29th January 2024.

Site Location Plan - Dated 24th June 2024.

Reason

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

(3) Condition

The proposed development shall be constructed using materials specified within the submitted application form, unless otherwise first approved in writing by the Local Planning Authority.

Reason

In the interest of good design in order to comply with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(4) Condition

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

on Sundays or Bank Holidays.

**Reason**

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

**(5) Condition**

All demolition and construction works shall be carried out in strict accordance with measures stipulated within the Construction Traffic Management Plan produced by Design and Build Ltd (amended 27/09/2024).

**Reason**

In the interests of highway safety and to accord with Policy 5 of the North East Lincolnshire Plan 2013-2032 (adopted 2018).

**(6) Condition**

Prior to any construction works commencing, a sustainable surface water drainage scheme for the development approved shall be submitted to and agreed in writing by the Local Planning Authority. Once approved, the sustainable surface water drainage scheme shall be completed in full prior to any use of the extensions and shall be retained for the lifetime of the development.

**Reason**

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

## **Informatives**

**1 Reason for Approval**

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

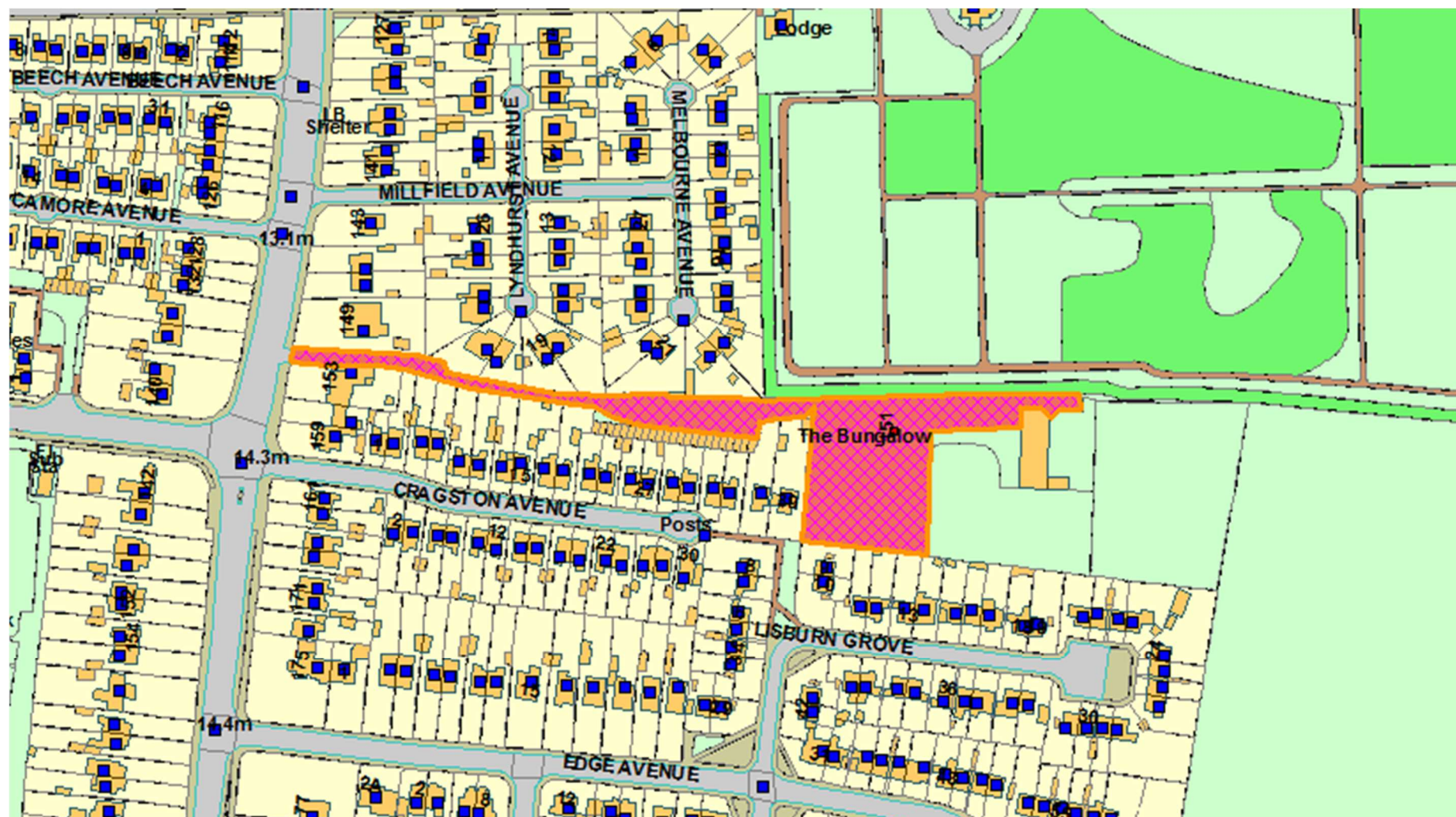
3 Informative

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/0085/24/FUL – 151 SCARTH ROAD, GRIMSBY



DM/0085/24/FUL – 151 SCARTH ROAD, GRIMSBY

