

Planning Committee Dated: 6th August 2025

Summary List of Detailed Plans and Applications

Recommendation: Approved with Conditions	
Item:	1
Application No:	DM/0173/24/FUL
Application Type:	Full Application
Application Site:	Plot 105 Humberston Fitties Humberston North East Lincolnshire
Proposal:	Erection of chalet on existing vacant plot (Amended Flood Risk Assessment and Sequential and Exceptions Test 4.06)
Applicant:	Mr Robert Ashley
Case Officer:	Owen Toop
Recommendation: Refused	
Item:	2
Application No:	DM/0077/25/FUL
Application Type:	Full Application
Application Site:	Bull Rush Lakes Tetney Road Humberston North East Lincolnshire
Proposal:	Erection of a fishing holiday lodge on an established commercial fishing pond site (Amended Plans and Documents - Flood Risk Assessment, Amended Proposed Block Plan and Level Survey received 11.4.2025)
Applicant:	Mr Adam Rowlands
Case Officer:	Owen Toop

Recommendation: Refused	
Item:	3
Application No:	DM/0317/25/FUL
Application Type:	Full Application
Application Site:	Bull Rush Lakes Tetney Road Humberston North East Lincolnshire
Proposal:	Retention of engineering works and siting of containers to provide amenity space and sleeping accommodation for anglers with associated drainage works and retention of anglers wc/store building with associated works (revised description and amended plans uploaded 25.07.2025)
Applicant:	Mr Adam Rowlands
Case Officer:	Owen Toop

Recommendation: Approved with Conditions	
Item:	4
Application No:	DM/0207/25/FUL
Application Type:	Full Application
Application Site:	309 Louth Road Grimsby North East Lincolnshire DN33 2LA
Proposal:	Demolish existing garage, erect two detached bungalows with garages and parking, erect new garage for existing dwelling to include alterations to existing access with various associated works
Applicant:	Mr John Collis
Case Officer:	Richard Limmer

Recommendation: Approved with Conditions	
Item:	5
Application No:	DM/0981/24/FULA
Application Type:	Accredit Agnt - Hseholder application
Application Site:	51 Taylors Avenue Cleethorpes North East Lincolnshire DN35 0LH
Proposal:	Retrospective application for boundary wall with fencing to front and side
Applicant:	Mr William Ferrand
Case Officer:	Emily Davidson

Recommendation: Refused

Item:	6
Application No:	DM/0356/25/FUL
Application Type:	Full Application
Application Site:	Springfield Waltham Road Brigsley North East Lincolnshire
Proposal:	Raise roof height to include installation of new roof, convert existing loft to provide first-floor living space, erect single storey side and rear extensions with various associated internal and external alterations
Applicant:	Mr Steve Nelson
Case Officer:	Bethany Loring

PLANNING COMMITTEE - 6th August 2025

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

APPLICATION No: DM/0173/24/FUL

APPLICATION TYPE: Full Application

**APPLICATION SITE: Plot 105 , Humberston Fitties, Humberston, North East
Lincolnshire, DN36 4EZ**

**PROPOSAL: Erection of chalet on existing vacant plot (Amended Flood Risk
Assessment and Sequential and Exceptions Test 4.06)**

APPLICANT:

Mr Robert Ashley
160 Carr Road
Sheffield
S6 2WZ

AGENT:

Mr Alan Scoffin
Ross Davy Associates
Pelham House
1 Grosvenor Street
Grimsby
DN32 0QH

DEPOSITED: 14th February 2024

ACCEPTED: 7th March 2024

TARGET DATE: 2nd May 2024

PUBLICITY EXPIRY: 29th June 2025

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 7th April 2024

CASE OFFICER: Owen Toop

PROPOSAL

The application seeks to erect a chalet on an existing vacant plot.

The application is brought to Planning Committee following an objection from Humberston Village Council and the number of objections received.

SITE

Plot 105 Humberston Fitties is located within the Fitties holiday chalet park. The wider site hosts chalets and is located within a defined resort area within the North East Lincolnshire Local Plan. It is located close to the coast which is a specially protected

ecological area. Humberston Fitties is a conservation area due to its unique and special character and is further protected by an Article 4 direction. The Humberston Fitties also has an Asset of Community Value designation. Plot 105 itself is a vacant plot which is undeveloped. Previously on the plot there was a number of trees and shrubs which have been removed. It is adjoined by chalets to the sides as well as opposite. The boundaries of the plot are defined by hedges and trees to the rear and picket fencing to its sides.

RELEVANT PLANNING HISTORY

Site

DC/602/02/HUM - Erection of chalet bungalow & 1m high boundary fence - Refused 26th November 2002

Wider Planning History

Site Wide

08/92/0213 Continue use of land for holiday purposes. Approved 25th June 1992.

DM/0025/14/FUL - Amendment of planning condition 2 (Occupancy Detail) pursuant to application 08/92/0213 - by removing occupancy restrictions and replacing them with evacuation procedures - Refused 5th June 2014

New Chalets

DM/1194/23/FUL (Plot 192, Humberston Fitties) - Pending Consideration

DM/0778/22/FUL (Plot 80, Humberston Fitties) - Erect chalet with associated boundary treatments, hard landscaping and associated works - Refused at committee and subsequently dismissed at appeal. Appeal decision attached.

DM/0825/23/FUL (Plot 176, Humberston Fitties) - Approved

Replacement Chalets

DM/0274/23/FUL - 124 Humberston Fitties - Approved

DM/0563/22/FUL - 294 Humberston Fitties - Approved

DM/0115/21/FUL - 197 Humberston Fitties - Approved

DM/0671/20/FUL - 268 Humberston Fitties - Approved

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2023)

NPPF2 - Achieving sustainable development
NPPF11 - Making effective use of land
NPPF14 - Climate, flooding & coastal change
NPPF15 - Conserv. & enhance the natural environ.
NPPF16 - Conserv. & enhance the historic environ.

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

PO5 - Development boundaries
PO12 - Tourism and visitor economy
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

Drainage Officer - Accepts strategy provided subject to percolation tests to determine the size of the soakaway.

North East Lindsey Drainage Board - The Board notes the surface water drainage scheme, and makes reference to the ground floor bedrooms.

Highways Officer - No objections.

Heritage Officer - No objections subject to conditions to secure final materials.

Ecology Officer - Accepts recommendations within ecological appraisal and requires landscaping and habitat creation.

Environment Agency - No objections subject to the occupancy condition being applied. Also defers emergency planning measures to LPA for consideration.

Emergency Planning Officer - No objections following revised detail on Flood Warning Evacuation Measures.

Humberston Village Council - Objects to the application on the grounds that it should be left as green space for environmental and ecological reasons, flooding risk to the site from surface water run-off, and over intensification of development within a sensitive area.

Trees and Woodlands Officer - Considers that a landscaping scheme with 5 year replacement condition is required.

Natural England - No comment.

Environmental Health - Hours of construction condition.

Neighbour Representations

Objections have been received from the following addresses broadly on the grounds of adequacy of Sequential and Exceptions Test, flood risk safety, consistency with previous appeal decisions, pressure on infrastructure, commercial interests, removal of tree, loss of privacy and overlooking, comments relating to land owner/operator, loss of habitat, impacts to wildlife and ecology, fallback position of caravans/lodges, commercial operation, impact to heritage, conservation area and SSSI, fire safety, live enforcement cases, asset of community value designation, out dated road infrastructure, no further development needed, beauty being eroded, planning laws ignored, height and scale not in-keeping, increased traffic, against Design Guide, contrary to local and national policies and lack of ecological appraisal.

71 Carr Lane, Cleethorpes
24 Cooks Lane, Great Coates
77 Elliston Street, Cleethorpes
420 Hainton Avenue, Grimsby
40 Hope Avenue, Barnsley
10 Humberston Fitties, Humberston
30 Humberston Fitties, Humberston
34 Humberston Fitties, Humberston
56 Humberston Fitties, Humberston
77 Humberston Fitties, Humberston
82 Humberston Fitties, Humberston
85 Humberston Fitties, Humberston
86 Humberston Fitties, Humberston
101 Humberston Fitties, Humberston
103 Humberston Fitties, Humberston
113 Humberston Fitties, Humberston
153 Humberston Fitties, Humberston
188 Humberston Fitties, Humberston

195 Humberston Fitties, Humberston
222 Humberston Fitties, Humberston
228B Humberston Fitties, Humberston
252 Humberston Fitties, Humberston
253 Humberston Fitties, Humberston
296 Humberston Fitties, Humberston
303 Humberston Fitties, Humberston
308 Humberston Fitties, Humberston
310A Humberston Fitties, Humberston
311A Humberston Fitties, Humberston
313 Humberston Fitties, Humberston
317A Humberston Fitties, Humberston
320A Humberston Fitties, Humberston
321A Humberston Fitties, Humberston
185 Humberston Road, Cleethorpes
17 Lambert Road, Grimsby
2 Low Road, Scrooby, Doncaster
49 Marriott Avenue, Mansfield
49 Robert Pearson Mews, Grimsby
9 Spall Close, Grimsby
6 Wells Road, Healing

Neutral comments have been received from the following addresses broadly on the grounds of flood risk, development of vacant plots, fallback position, potential precedent and health and safety concerns.

185 Humberston Fitties, Humberston
263 Humberston Fitties, Humberston

A support comment has been received from the following address broadly on the grounds of being in line with Design Guide.

176 Humberston Fitties, Humberston

The Civic Society have objected to the proposal citing flood risk concerns, loss of trees and a previous council decision in 1998.

APPRAISAL

The planning considerations are:

- 1) Principle of Development
- 2) Flood Risk and Drainage
- 3) Character, Design and Heritage
- 4) Ecology, Landscape and Biodiversity Net Gain
- 5) Local Amenity

- 6) Highways
- 7) Community Asset Designation

1) Principle of Development

The proposal relates to the erection of a holiday chalet at vacant plot situated at an existing chalet park in Humberston. The North East Lincolnshire Local Plan 2013-2032 (adopted 2018) [NELLP] in setting out its spatial strategy discusses the importance of visitor recreational activity which is concentrated around the resort area of Cleethorpes. Figure 12.3 depicts the resort area, and the Humberston Fitties Chalet Park and Plot 105 is shown as being within this defined resort area. Policy 12 does support tourism related development. The site is also within Flood Zone 3a (as shown within the Environment Agency's Flood Maps) and it is also shown as an area of risk within the North East Lincolnshire's Strategic Flood Risk Assessment, and so the needs of supporting a growing tourist economy need to be balanced with managing impacts of flood risk. Indeed, this goes to the heart of the issue of whether or not the proposed development can be supported at this location.

Section 14 of the NPPF deals with meeting the challenge of climate change, flooding and coastal change. In making planning decisions, applications must apply a sequential, risk based approach to the location of development, taking into account all sources of flood risk and current and future impacts of climate change, so as to avoid, where possible, flood risk to people and property. The aim of this test is to steer new development to areas with the lowest risk of flooding from any source. Policy 33 of the NELLP accords with this advice. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Where it is deemed not possible for development to be located in areas with a lower risk of flooding (considering wider sustainable development objectives), the exception test may have to be applied.

The planning application requires the Sequential Test to be applied. It is acknowledged that in a recent previous planning decision (DM/0778/22/FUL [APP/B2002/W/23/3323783] for plot 80 on the Humberston Fitties) which was dismissed at appeal, the Planning Inspector made reference to the fact that the chalet park has not been formally allocated as being sequentially acceptable through the Local Plan process or through the application itself. In terms of the Local Plan, the inspector commented that 'Policy 12 does not set any targets for the provision of holiday accommodation, nor identify specific sites to be developed for such uses.' In terms of this application, the Inspector concluded that the 'absence of the application of the sequential test leads me to find that the proposal would be contrary to NELLP Policy 33 and the advice in the Framework and PPG on flood risk. This is sufficient for the appeal to fail.' This appeal is considered to be material to this decision.

In this case, a Sequential and Exception Test Statement has been prepared (Rev B February 2025) as part of this application along with a revised Sequential Test relating to Plot 105 specifically was received on June 4th 2025. The case put forward is that the

proposed plot is within an area located within an already long-established holiday chalet park and that there are no other sites with a lower risk of flooding within the designated Resort Area. In addition, it states that whilst development is located within an area of flooding, the nature of the development as a chalet should be directed to areas capable of supporting the Cleethorpes resort. In addition to the case made as a vacant plot within an established holiday park of unique character within walking distance of the sea it does offer a unique holiday experience which is not replicated elsewhere in the Borough and indeed could not be replicated through new development.

The NPPG makes it clear that the Sequential Test should consider the spatial variation of risk within medium and then high flood risk areas to identify the lowest risk sites in these areas. It is also acknowledged that representation has been received in objection to the latest Sequential Test provided, noting that Plot 105 is at a higher level of risk.

In this regard the applicant's amended Sequential Test has considered whether, within the Borough as a whole, and within the Resort Area in particular, there are reasonably available alternative sites appropriate for the proposed development in areas with a lower risk of flooding. For example, the applicant's Sequential Test refers to whether there are sequentially preferable sites within Flood Zone 3a within the Resort Area.; it acknowledges that there are other vacant plots within the Humberston Fitties Chalet Park that are on the west side of St Anthony's Bank. However, the Sequential Test concludes that the level of risk is uniform in the sense that all plots would be at a level of risk. The applicant's Sequential Test states that the existing ground levels of the 7 plots located on the seaward side of the flood defence Anthony's Bank, have higher existing ground levels and proposed finished floor levels than the 4 plots of the landward side of the flood defence. However, if a breach of the defences does occur the presence of Anthony's Bank means that the part of the site north east of the bank experiences a higher peak flood level from a breach at the location directly adjacent to the site along the coastal frontage (EA reference H04). Whereas, the area to the south west of the bank experiences a higher peak flood level from a breach at the location to the south east of the site (EA reference H03).

Notably the applicants plot specific Sequential Test states 'in view of the fact that there are differing impacts of flooding throughout Humberston Fitties depending upon where a breach of the defences occurs, all 320 existing and 11 vacant plots will be at risk. The height of existing ground levels and proposed finished floor levels of chalets does not therefore provide a sequential preference as to the order in which chalets on the vacant plots, which are scattered throughout this long standing, unique holiday chalet park, should be sited.'

The Environment Agency have reviewed the amended information and have no objections to the scenarios presented with regard to H03 and H04 though it is acknowledged that there may be other scenarios that have not been modelled. Based on the above it is considered that the spatial variation risk has been explored as required but in this case there are no sequentially preferable sites within the Fitties.

Part A of the Exception Test states that it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk.

The NPPG sets out what wider sustainability benefits to the community could be. Local planning authorities need to set their own criteria for this assessment, having regard to the objectives of their Plan's Sustainability Appraisal framework, and provide advice which will enable applicants to provide relevant and proportionate evidence.

Examples of wider sustainability benefits to the community could include:

- The re-use of suitable brownfield land as part of a local regeneration scheme;
- An overall reduction in flood risk to the wider community through the provision of, or financial contribution to, flood risk management infrastructure.
- The provision of multifunctional Sustainable Drainage Systems that integrate with green infrastructure, significantly exceeding National Planning Policy Framework policy requirements for Sustainable Drainage Systems.

With regard to principle flood risk matters planning permission 08/92/0213 is also a key material consideration, because this permission sets out the fallback position for the wider site, including all remaining undeveloped plots within the holiday park. It must be acknowledged that in planning terms that this permission grants holiday use and this could mean non-operational holiday accommodation (for example a caravan) could be lawfully sited on the plot. This fall back has a realistic prospect of occurring. Indeed, previously vacant plots 33 and 75 now have caravans sited on them and therefore there is a realistic likelihood that the fall-back position would arise on this plot should permission be refused. The fall-back position is therefore given substantial weight in this case.

Such development under the 1992 permission would only be subject to the less restrictive occupancy period of eight consecutive weeks between November and March. Whereas it is proposed that a holiday chalet, if approved, would allow for more comprehensive flood risk controls as detailed below including the temporary approved limited period of 10 year and restricted occupancy during the entire winter (November through to end of March). A caravan would not be so controlled and therefore the risk from flood risk would be reduced by the proposed development. This is an example of a "wider sustainability benefits" to the community that would be brought about by the development.

Moreover, it is considered that the redevelopment of this site as a holiday chalet within an existing holiday park would at small scale support the economic development of the resort through a well-designed chalet which respects the character of the Humberston Fitties, contributing to tourism in accordance with Policy 12 of the NELLP. A caravan would not enhance the character of the conservation area or support the uniqueness of the Holiday Park in the same way.

It is therefore considered that the approval of a holiday chalet at the vacant plots would allow for some wider sustainable community benefits. It is therefore considered that part A) of the Exceptions Test has been satisfied.

The second part of the Exception Test, part B, is discussed below in the Flood Risk and Drainage Section of this report.

In summary it is considered that the principle of development in flood risk terms is supported in accordance with Section 14 of the NPPF and Policy 33 of the NELLP.

2) Flood Risk and Drainage

Turning to part 'B' of the Exception test and Policy 33 of the NELLP it also remains to consider the actual flood risk and whether the development can be made safe for its users, without increasing flood risk elsewhere and, where possible, reducing flood risk overall. This assessment is supported by a Flood Risk Assessment. To understand and consider this, consultation with the Environment Agency has taken place. There has been close working with the Agency on flood risk matters.

Consistent with other new chalets approved, including replacement ones, a 10-year temporary permission is recommended. This is an approach taken to chalet permissions granted on sites east of the Environment Agency's 'St Anthony Bank' defence which is a national defence. East of this and facing the sea the defence is locally maintained. The Environment Agency note that the current Shoreline Management Plan (SMP) requires a review of the policy covering the management of the defences at the Humberston Fitties by 2055 which puts some uncertainty on the long-term future of the defences. Whilst this is over 30 years away the SMP will be reviewed every 5 to 10 years where changes may be made depending on the evidence at the time. A 10-year permission would then be appropriate to deal with any changes which would impact on planning decisions and allow the planning system to react appropriately in the longer term. It would be open to apply to retain the chalet after this 10 years which then would be judged against the up-to-date situation. Already 10 year permissions have been renewed on this basis. Plot 176 under application DM/0825/23/FUL follows this approach.

A further mitigating condition is the use of an occupancy condition restricting occupancy during months November through to March when tidal inundation is at an increased risk. Again, this is consistent with permissions for new chalets including replacement ones.

In terms of the ability to impose more restrictive conditions than those which apply to the vast majority of existing chalets (other than recent replacement chalets) consideration has been given again to the 1992 permission, reference 08/92/0213. As noted, this granted a wide permission across the Fitties to continue to use the site for holiday purposes subject to an occupancy condition. This was not for flood risk reasons but to prevent the permanent residential use of the site.

In this regard it is considered that the starting point is to have due regard to the NELLP, and that Policy 33 makes it necessary to (1) have due regard to the sequential and where necessary the exception test and (2) that the development will be safe during its lifetime. It is then necessary to consider any material considerations that justify departing from the

NELLP and then consider what weight to give those considerations. Flood risk is an important material planning consideration for the type of development proposed and the advice of consultees such as the Environment Agency are very important. The position is clear in that the proposed development would not be safe without the proposed conditions and the planning history in relation to allowing for non-operational holiday accommodation (for example a caravan) does not justify not imposing the necessary conditions to make the operational development applied for safe.

Therefore, it is considered that the development will only meet Part B of the Exceptions test if conditions are imposed as outlined. With conditions the proposal would accord with Policies 5 and 33 of the NELLP 2018 and the provisions of the NPPG and NPPF.

In terms of surface water risks and comments raised by the public, it should be noted the drainage officer supports the use of the soakaway of the development. Final details can be secured through condition.

Having regard to the above, the proposal accords with Policies 5, 33 and 34 and Section 14 of the NPPF.

3) Character, Design and heritage

The unique character of the area is key when considering the design of the proposal. This character is recognised in its designation as a Conservation Area which is further protected by an Article 4 Directive. Policy 39 of the NELLP applies along with advice in the National Planning Policy Framework (NPPF) under section 16, Conserve and Enhance the Historic Environment. 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 also applies.

With an acceptable design it is not considered that the development of this vacant piece of land would be detrimental to the character of the wider street scene or the Conservation Area as the site is effectively a small vacant plot within a wider developed frontage. Due to its limited size and location, it does not provide any meaningful open space role.

It is considered that the design of the chalet has been well thought out and is in keeping with the Conservation Area. The materials and design for the new chalet are in keeping with the site as a whole and the height of the chalet at single storey and respecting of its neighbours which means it will not dwarf its neighbours or be overly prominent. The material palette with timber cladding, timber windows, and the use of felt/bitumen roof tiles are acceptable. The roof material is more unusual on the Fitties although not unique and , whilst it does add a slightly more domestic feature to the chalet overall this is considered to be minor and not negative and could be considered to add more variation to the site while still using approved materials. The Heritage Officer has raised no objections to the scheme though has requested final details which can be secured through condition.

The application is considered to be in accordance with Policy 5, 22 and 39 of the NELLP.

With regard to the NPPF and Section 16 the development protects the heritage asset as it is consistent with the areas conservation that being a chalet park, adds in a small way to its economic vitality by providing additional resort accommodation in a designated area in the NELLP and as stated through its design preserves the character of the Conservation Area.

4) Ecology, Landscape and Biodiversity Net Gain

It is noted that the site is currently undeveloped and is a grassed area with hedges and trees along its border. The Humberston Fitties Chalet Park as a whole is an established area with pockets of green space and a lot of the plots have large, grassed areas. The site also sits close to the ecologically protected Humber Estuary. A Preliminary Ecological Appraisal has been submitted with the application.

There are no ecological constraints to development, and this is supported by the Council's Ecologist who raises no objections to the proposal and recommends a condition that works are carried out in accordance with the ecology report.

The comments regarding the removal of trees prior to this application coming forward are noted. The application has addressed this by providing a replacement landscaping scheme. The Council's Trees and Woodlands Officer raises no concerns with the resultant scheme which can be secured through planning condition.

With regard to the protected Humber Estuary, it is considered that likely significant effects can be ruled out due to the established nature of the overall area, the small scale of the development and that this small site is of low potential to host any species that are designated as part of the Humber Estuary sites. No objections are raised by Natural England. The application is considered in accordance with Policy 41 and 42 of the NELLP.

It should also be noted that this application was submitted prior to Biodiversity Net Gain becoming mandatory resulting in this application being exempt from these requirements.

5) Local Amenity

The application site borders Plot 103 and Plot 107. There is an area of open space to the rear. Numerous objections have been received from people of North East Lincolnshire and beyond. The majority of these are made up of chalet owners from Humberston Fitties. A summary of these objections is provided in the report under the representations section.

In terms of the built form, it is not considered that the proposed chalet would have an adverse impact on the amenity of neighbouring chalets. It is single storey and of a small

scale and conforms to the prevailing character of the area. There would be windows facing all three of the properties surrounding the host site. These would be at a ground floor level. The impact in terms of overlooking would not be over and above that which would be expected in an area for holiday homes such as this. In terms of massing and overshadowing, there would be enough separation between the host site and the adjoining chalets to ensure there would be no undue affects. The use of the land for an additional holiday chalet would not increase the footfall to the plot to a level that would disturb neighbouring chalets.

Other issues raised in objections received include those in terms of the principle of the development, flood risk, pressure on the area, design and heritage, sale of the plots and community asset designation, ecology and highways. These are addressed separately in the report.

All considered, the application would not harm the amenity of the neighbouring chalets and is in accordance with Policy 5 of the NELLP.

6) Highways

Concerns have been raised in regard to the additional pressure that will be put on existing services such as roads and the drainage system. This proposal would only introduce one additional chalet which would be minimal in terms of the scale of the overall site. The Council's Highways Officer has raised no concerns with the application. The proposal is in accordance with Policy 5 of the NELLP in this regard.

7) Community Asset Designation

Several representations have made reference to the fact that the vacant plots within the Fitties along with other defined areas are registered as community assets under the wider Asset of Community Value designation. The latest registration is dated November 2019. This point is acknowledged, and the sale of the land and any restrictions thereon would be a matter for that process.

In terms of the land use planning considerations, it is considered that these link to the conservation and heritage matters discussed above and the value of the site. The reason for the designation as a registered community asset was that land on the Fitties, including vacant plots, contribute to the unique character of the site, and whilst land overall is primarily enjoyed for holiday or recreational use, it is not limited to this and is free and open to the wider public. By the very nature and location of the Fitties, and that there has been no significant changes to it, it has been allowed to remain undeveloped for many years, and as such benefits from its natural surroundings. This in the opinion of the Local Authority furthers the social wellbeing or interests of the public. It is therefore considered that the land use planning issue is whether this would be prejudiced by the development proposed. To this end and for the reasons articulated in section three of the report it is not considered that the unique character will be adversely impacted on therefore protecting the social well-being or interests of the public.

CONCLUSION

The proposed holiday chalet accords with the use of the area and would not cause harm to the amenity of the neighbouring chalets or the character of the conservation area. The development would not be detrimental to the Asset of Community Value designation. It would also be acceptable in flood risk terms subject to conditions.

The application is considered in accordance with Policy 5, 12, 22, 33, 34, 39, 41, and 42 of the NELLP and is recommended for approval.

RECOMMENDATION

Approved with Conditions

(1) Condition

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

Reason

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

(2) Condition

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

Site Location Plan - RD:5316 - 01

Proposed Block Plan RD: 5316 04

Proposed Plans and Elevations - RD:5316 03

Reason

For the avoidance of doubt in the interests of proper planning and in accordance with Policies 5, 12, 22, 33, 34, 39, 41, 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(3) Condition

The chalet shall be removed in its entirety from the site and the land reinstated as a cleared site on or before 8th August 2035

Reason

To enable the Local Planning Authority to monitor the risk to human life and property from flooding in accordance with Policy 33 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(4) Condition

The chalet hereby permitted shall not be occupied between the 1st November in any year and the 14th March in the following year.

Reason

To ensure the holiday use of the chalet and ensure it is not occupied at a time when flood risk from the sea is at its highest so as to reduce the risk to life during a flood event to accord to Policy 33 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(5) Condition

Prior to the commencement of development, a final scheme of surface water drainage to include details of the rain water garden and permeable paving shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be implemented in full before the development is occupied.

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

(6) Condition

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

Reason

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

(7) Condition

The development shall be carried out in accordance with materials provided within the approved plans and elevations.

Reason

In the interest of good visual design and to conserve and enhance heritage assets to comply with Policies 5, 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(8) Condition

The development shall be carried out in accordance with the Flood Risk Assessment Sequential and Exception Test Statement Rev B February 2025, namely the finished floor levels of the chalet shall be set at 4.25(mAOD) prior to occupation of the chalet and shall be retained at this level for the lifetime of the development.

Reason

To reduce the risk and impact of flooding and in accordance with Policy 33 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(9) Condition

Prior to the commencement of the development a further assessment of any protected species and required mitigation and enhancement shall be submitted to and approved in writing by the Local Planning Authority in accordance with the recommendations in the submitted Preliminary Ecological Appraisal by CGC Ecology. All construction work shall accord with the approved details.

Reason

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

(10) Condition

Prior to any first holiday occupation of the chalet, final details of the air source heat pump, including details of acoustic performance and any required noise mitigation, shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall be carried out in accordance with the approved details prior to any first holiday occupation and subsequently retained for the lifetime of the development.

Reason

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

(11) Condition

The chalet shall be occupied in accordance with the additional Flood Warning Evacuation details received on 2.12.2024, unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of safety and flood risk and in accordance with Policy 33 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(12) Condition

The landscaping shall be carried out in strict accordance with the details on plan no. RD 5316 03 A. All planting shall be carried out in accordance with the approved details within 12 months of the date of commencement of the development or within such longer time as agreed in writing with the Local Planning Authority and all planting shall thereafter be maintained for a period of 5 years with all losses in that period replaced with the same plant and standard.

Reason

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

(13) Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission, would be North East Lincolnshire Council, or the Secretary of State (where they have determined under sections 62A, 76A or 77 of the Town and Country Planning Act 1990 (as amended) that such applications must be made to them) or the Planning Inspectorate or Secretary of State where they have so specified in determining an appeal under s 78 of the Town and Country Planning Act 1990 (as amended).

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. It is the applicant or developers responsibility to make sure that they are complying with the requirements of this legislation.

Where this permission has the effect of requiring or permitting the development to proceed in phases, the modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

In Summary: Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply. It is considered that exemption number 4.1 applies.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition can be found at <https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out)

applies.

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

(i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or

(ii) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

i) the application for planning permission was made before 2 April 2024;

ii) planning permission is granted which has effect before 2 April 2024; or

iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

* "original planning permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

4.2 Development below the de minimis threshold, meaning development which:

i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.5 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

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 Conservation Area character, holiday amenity and is acceptable in flood risk terms and 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, 12, 22, 33, 34, 39, 41 and 42.

2 Added Value Statement

Article 31(1)(cc) Statement - Positive and Proactive Approach In accordance with the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to problems arising, by securing amended details to alleviate concerns and to address flood risk 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

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. Prior to carrying out works, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

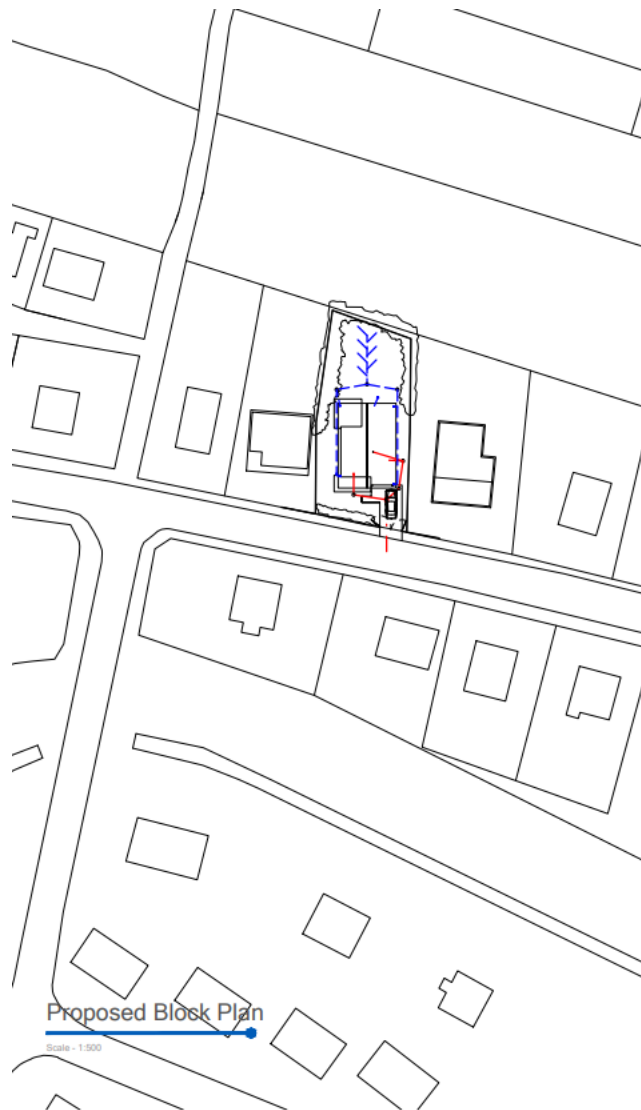
DM/0173/24/FUL

Plot 105 Humberston Fitties



DM/0173/24/FUL

Plot 105 Humberston Fitties



PLANNING COMMITTEE - 6th August 2025

ITEM: 2 **RECOMMENDATION: Refused**

APPLICATION No: DM/0077/25/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Bull Rush Lakes, Tetney Road, Humberston, North East Lincolnshire,

PROPOSAL: Erection of a fishing holiday lodge on an established commercial fishing pond site (Amended Plans and Documents - Flood Risk Assessment, Amended Proposed Block Plan and Level Survey received 11.4.2025)

APPLICANT:

Mr Adam Rowlands
Bull Rush Lakes
Tetney Road
Humberston
North East Lincolnshire

AGENT:

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

DEPOSITED: 31st January 2025

ACCEPTED: 25th February 2025

TARGET DATE: 22nd April 2025

PUBLICITY EXPIRY: 18th August 2025

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 22nd March 2025

CASE OFFICER: Owen Toop

PROPOSAL

The application seeks planning permission for the erection a fishing holiday lodge on an established commercial fishing pond site.

The application is brought to Planning Committee following a call in request from a Local Ward Councillor.

SITE

The existing site is used in association with fishing activities. The applicant has

formalised the access point to allow for vehicular access to the site. The access adjoins the adopted highway Tetney Road which is classified and is a 60mph limit at this location.

RELEVANT PLANNING HISTORY

DC/228/04/HUM - Construction of pond for flood water (retrospective) & change of use of existing pond for fishing purposes by a club - Approved with Conditions

DM/0892/22/FUL - Retrospective application for change of use of land to form parking and hardstanding associated with fishing lakes use, including alterations to existing vehicular and pedestrian access, and erection of fencing and gates. Erection of workshop/store with solar panels to roof and associated works (also retrospective) - Approved with Conditions

DM/0317/25/FUL - Engineering works and siting of containers to provide amenity space for anglers with associated drainage works and retention of anglers wc/store building with associated works - Pending Consideration

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.

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

PO5 - Development boundaries
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

Ecology Officer - Satisfied with updated Block Plan and biodiversity gain proposal as a minimum of 10% can be achieved on site.

Drainage Officer - Drainage proposals are satisfactory.

Environment Agency - Objects as FRA does not adequately address flood risk concerns.

Humberston Village Council - No objections.

Drainage Officer - Water butts with overflow acceptable.

Highways Officer - Approval no conditions.

Environmental Health - Hours of construction/demolition condition.

Trees and Woodlands Officer - No objection, landscaping acceptable in principle.

Lindsey Marsh Drainage Board - Boards consent is required.

Heritage Officer - No input required.

Prax Fina Line Pipeline - Not affected by proposal, no comments.

Cadent Gas - No objections.

Linesearch - Lines found.

Cllr Stan Shreeve - Called in to further discuss flood risk concerns.

Neighbour Representations

No neighbour representations received.

APPRAISAL

The planning considerations are:

- 1) Principle of Development (Including Sequential Test)
- 2) Flood Risk and Drainage
- 3) Design and Visual Impact on the Character of the Area
- 4) Impact on Neighbours
- 5) Ecology, Landscaping and Biodiversity Net Gain
- 6) Highways and Access

- 1) Principle of Development (Including Sequential Test)

The proposal is located outside of the development boundary of Humberston and within the open countryside as defined within Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018). The application seeks the erection of a holiday lodge on an established commercial fishing pond site. The proposal is a form of residential accommodation. It is noted that the holiday lodge is proposed to be used by anglers also using the established fishing lake. It is not considered that the small scale of the site and limited offer justifies the principle of new build holiday accommodation of the type proposed. It would not constitute sustainable development.

The site sits within a flood zone on both the Environment Agency flood maps and the SFRA. The application has thus been submitted with a supporting flood risk assessment (FRA). Section 14 of the NPPF deals with meeting the challenge of climate change, flooding and coastal change. In making planning decisions, applications must apply a sequential, risk - based approach to the location of development, taking into account all sources of flood risk and current and future impacts of climate change, so as to avoid, where possible, flood risk to people and property. The aim of this test is to steer new development to areas with the lowest risk of flooding from any source. Policy 33 of the NELLP accords with this advice. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Where it is deemed not possible for development to be located in areas with a lower risk of flooding (considering wider sustainable development objectives), the exception test may have to be applied.

As a form of residential accommodation the proposal is subject to the Sequential Test. The Sequential Test should examine whether there is another site available in the Borough which would be at a lower risk of flooding than the proposed. With regard to the holiday use, whilst this is a residential use it could be restricted by planning condition in terms of occupancy.

The nature of the proposed development of as holiday accommodation means that the scope of the Sequential Test should be extensive and Borough wide. The holiday lodge could reasonably be sited elsewhere, on a site at a lower risk of flooding. It is noted that the use would be related to the existing fishing site. In this instance, should a planning condition be applied to restrict the holiday users to be ancillary to the existing fishing site only, the scope of the sequential test should still be Borough wide. There are other fishing sites within the Borough that are at lower risk of flooding. That these sites are not within the ownership of the applicant is not a justification for the Sequential Test to be passed. The existing fishing site has operated for a long period of time without the need for holiday accommodation and whilst it may be seen as a positive to the existing business to supplement their existing site with a form of residential accommodation, it remains that the site is within a flood zone and that there are other sites at a lower risk of flooding.

Moreover the Environment Agency have considered the content of the FRA and have provided objections to the development due to the inadequacy of the information and assessment provided. Even if it was deemed that the sequential test has been passed the development would not be safe in flood risk terms failing the Exception Test. The

NPPF is clear that both tests must be passed in order for the development to be supported.

It is considered that the proposed development would pose an undue risk of flooding in conflict with Policy 33 of the NELLP as a result.

2) Flood Risk and Drainage

As stated above there are in principle issues with the location of the development due to flood risk. It should be re-iterated that the EA have objected to the scheme.

With regard to surface water drainage from the development, the drainage officer has confirmed that the scheme proposed is acceptable. Consent from the Lindsey Marsh Drainage Board is also required separate to this application process. Whilst the surface water of the development could be managed, in accordance with Policies 5 and 33 of the NELLP, the inadequate FRA and design and mitigation of the build results in there being adverse flood risk impacts in conflict with Policy 33 of the NELLP.

3) Design and Visual Impact on the Character of the Area

As the proposed development is a new structure located within the open countryside, it has the potential to impact the rural character of the area. In particular, the design proposed is one that resembles a typical domestic dwellinghouse which would appear as wholly uncharacteristic of this location. Such a design pays no regard to the sensitivity of this location, which is very much isolated with a limited built form. Neither does it respond to what would be a typical and appropriate holiday lodge in this location.

The design of the holiday accommodation within this location is considered to be a visual intrusion that would be at detriment to the rural character of the area. The proposal would therefore fail to accord with Policies 5 and 22 of the NELLP in this regard.

4) Impact on Neighbours

With regard to the impact on neighbouring land uses, the main planning considerations are to assess the impact of the development in terms of massing and overlooking from the development. In this regard, the holiday lodge is contained within the existing fishing site and a significant distance away from the nearest neighbouring property, Kirby House, and indeed other neighbours and so there would be no adverse impacts.

Considering the above the proposal is acceptable in terms of its impact to local and residential amenity and accords with Policy 5 of the NELLP.

5) Ecology, Landscaping and Biodiversity Net Gain

With regard to landscaping and ecology, the development includes a scheme of tree planting. This has been reviewed by the ecology officer and trees and woodlands officer

and is acceptable in principle. Final details to secure species and implementation may be secured by relevant planning conditions in accordance with Policies 41 and 42 of the NELLP. In terms of Biodiversity Net Gain, the ecology officer has confirmed that the details provided are acceptable with net gain provided on site in accordance with Section 15 of the NPPF.

6) Highways and Access

The Local Highway Authority have reviewed the scheme and have no objections to the proposal. However given that the highway fronting the site is subject to a national single lane carriageway speed limit restriction (60mph), the Highway Authority would not be supportive of kerbside deliveries at this location for the construction of the development. Any such activity must take place within the curtilage of the site and in the interest of highway safety, sufficient on-site space should be provided to enable delivery vehicles to both enter and rejoin the highway in a forward-facing gear. This detail may be secured through planning condition in accordance with Policy 5 of the NELLP.

CONCLUSION

The application seeks planning permission for the erection a fishing holiday lodge on an established commercial fishing pond site.

The development would present an undue risk of flooding due to its failure to pass the Sequential Test and would fail the Exception Test. The design of the holiday lodge is also considered to be a visual intrusion on the open countryside at detriment to the character of the area. The development is therefore contrary to Policies 5, 22 and 33 of the NELLP and contrary to the NPPF. It is therefore recommended for refusal.

It should be noted that due to the need for an additional consultation it is recommended that the issuing of the decision be delegated to the Assistant Director of Regeneration on the completion of this period of consultation on the 18th August 2025 subject to no significant additional planning issues being raised.

RECOMMENDATION

Refused

(1) The proposal is contrary to Policy 33 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and Section 14 of the National Planning Policy Framework in that the development is located within an area of flood risk. The proposed development fails to pass the flood risk sequential test for development. Without the sequential test being passed it is not considered to be sustainable development and the development cannot be justified on flood risk grounds. In any event it would also fail the Exception Test as it has not been demonstrated that the development can be made safe in flood risk terms.

(2) The proposal as a result of its poor and unsympathetic design is considered to be a visual intrusion into the open countryside that would cause significant adverse impacts to the rural and isolated character of the area. Moreover it is not considered that the small scale of the site and limited offer justifies the principle of new build holiday accommodation of the type proposed. It would not constitute sustainable development contrary to Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and Section 12 of the National Planning Policy Framework.

Informatives

1 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 receiving amended plan in response to landscaping and ecology.

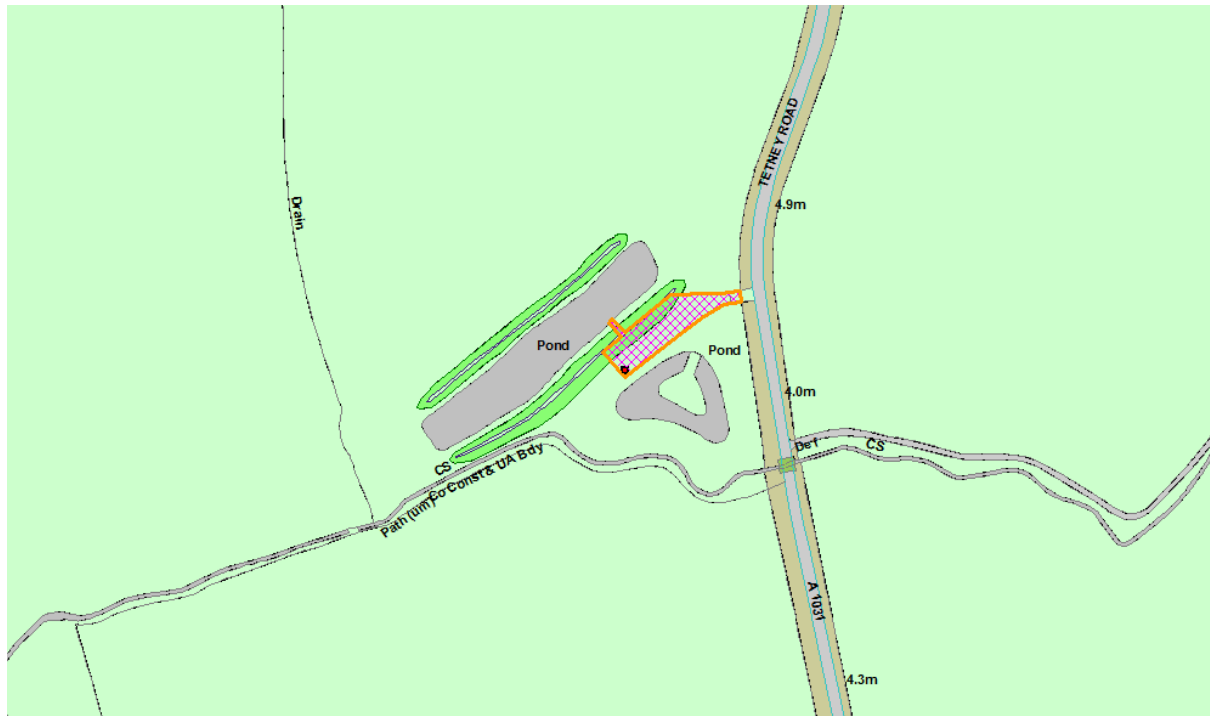
2 Informative

The application has been considered in accordance with the following plans and documents:

- RD:5790 - 01A
- RD:5790 - 02 B
- RD:5790 - 03 D
- RD:5790 - 06
- Flood Risk Assessment: RD570 Rev A

DM/0077/25/FUL

Bull Rush Lakes



DM/0077/25/FUL

Bull Rush Lakes



PLANNING COMMITTEE - 6th August 2025

ITEM: 3 **RECOMMENDATION: Refused**

APPLICATION No: DM/0317/25/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Bull Rush Lakes, Tetney Road, Humberston, North East Lincolnshire,

PROPOSAL: Retention of engineering works and siting of containers to provide amenity space and sleeping accommodation for anglers with associated drainage works and retention of anglers wc/store building with associated works (revised description and amended plans uploaded 25.07.2025)

APPLICANT:

Mr Adam Rowlands
Bull Rush Lakes
Tetney Road
Humberston
North East Lincolnshire

AGENT:

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

DEPOSITED: 17th April 2025

ACCEPTED: 7th May 2025

TARGET DATE: 2nd July 2025

PUBLICITY EXPIRY: 18th August 2025

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 18th August 2025

CASE OFFICER: Owen Toop

PROPOSAL

The application is to retain engineering works and site containers to provide amenity space for anglers with associated drainage works to include the retention of the existing anglers wc/store building with associated works. It has been clarified that the unit would be used for overnight sleeping.

The application is brought to Planning Committee following a call in request from a Local

Ward Councillor.

SITE

The existing site is used in association with fishing activities. The applicant has formalised the access point to allow for vehicular access to the site. The access adjoins the adopted highway Tetney Road which is classified and is a 60mph limit at this location.

RELEVANT PLANNING HISTORY

DC/228/04/HUM - Construction of pond for flood water (retrospective) & change of use of existing pond for fishing purposes by a club - Approved with Conditions

DM/0892/22/FUL - Retrospective application for change of use of land to form parking and hardstanding associated with fishing lakes use, including alterations to existing vehicular and pedestrian access, and erection of fencing and gates. Erection of workshop/store with solar panels to roof and associated works (also retrospective) - Approved with Conditions

DM/0077/25/FUL - Erection of a fishing holiday lodge on an established commercial fishing pond site (Amended Plans and Documents - Flood Risk Assessment, Amended Proposed Block Plan and Level Survey received 11.4.2025) - Pending Consideration

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2023)

NPPF12 - Achieving well designed places
NPPF14 - Climate, flooding & coastal change

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

PO5 - Development boundaries
PO22 - Good design in new developments
PO33 - Flood risk
PO34 - Water management

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

REPRESENTATIONS RECEIVED

Lindsey Marsh Drainage Board - Board consent is required.

Drainage Officer - No drainage comments.

Trees and Woodlands Officer - No comments.

Ecology Officer - Satisfied with BNG calculation, a minimum 10% gain can be achieved on site.

Highways Officer - Approval no conditions.

Environmental Health - No comments.

Cadent Gas - No objection.

Prax Fina Line - Pipeline not affected, no comments.

Heritage Officer - No input required.

Linesearch - Lines found.

Cllr Stan Shreeve - Called in for further discussions relating to flood risk.

Neighbour Representations

No neighbour representations have been received.

APPRAISAL

The planning considerations are:

- 1) Principle of Development (Including Sequential Test)
- 2) Flood Risk and Drainage
- 3) Design and Visual Impact on the Character of the Area
- 4) Impact on Neighbours
- 5) Ecology, Landscaping and Biodiversity Net Gain
- 6) Highways and Access

- 1) Principle of Development (Including Sequential Test)

The proposal is located outside of the development boundary of Humberston and within the open countryside as defined within Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018). The application seeks planning permission for engineering works and siting of containers to provide amenity space for anglers with associated

drainage works and retention of an anglers wc/store building. As part of this application, the applicant has confirmed that the amenity space would be used as sleeping accommodation for anglers using the fishing lakes.

Whilst ancillary development to the existing use may be acceptable in principle the site sits within a flood zone on both the Environment Agency flood maps and the SFRA. The application has thus been submitted with a supporting flood risk assessment (FRA). Section 14 of the NPPF deals with meeting the challenge of climate change, flooding and coastal change. In making planning decisions, applications must apply a sequential, risk-based approach to the location of development, taking into account all sources of flood risk and current and future impacts of climate change, so as to avoid, where possible, flood risk to people and property. The aim of this test is to steer new development to areas with the lowest risk of flooding from any source. Policy 33 of the NELLP accords with this advice. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Where it is deemed not possible for development to be located in areas with a lower risk of flooding (considering wider sustainable development objectives), the exception test may have to be applied.

As a form of overnight sleeping accommodation the Sequential Test applies. The Sequential Test should examine whether there is another site available in the Borough which would be at a lower risk of flooding than the proposed.

In this instance, should a planning condition be applied to restrict the users of the containers to be ancillary to the existing fishing site only, the scope of the sequential test should still be Borough wide. There are other fishing sites within the Borough that are at lower risk of flooding. That these sites are not within the ownership of the applicant is not a justification for the Sequential Test to be passed. The existing fishing site has operated for a long period of time without the need for sleeping accommodation and whilst it may be seen as a positive to the existing business to supplement their existing site with a form of accommodation, it remains that the site is within a flood zone and that there are other sites at a lower risk of flooding.

Moreover the Environment Agency have considered the content of the FRA and have provided objections to the development due to the inadequacy of the information and assessment provided. Even if it was deemed that the sequential test has been passed the development would not be safe in flood risk terms failing the Exception Test. The NPPF is clear that both tests must be passed in order for the development to be supported.

It is considered that the proposed development would pose an undue risk of flooding in conflict with Policy 33 of the NELLP as a result.

2) Flood Risk and Drainage

As stated above there are in principle issues with the location of the development due to

flood risk. It should be re-iterated that the EA have objected to the scheme due to the inadequacy of the FRA and the vulnerability of the users, given that sleeping would occur at the site.

With regard to surface water drainage from the development, the drainage officer has confirmed that they have no comments to make. Consent from the Lindsey Marsh Drainage Board is also required separate to this application process. Whilst the surface water of the development could be managed, in accordance with Policies 5 and 33 of the NELLP, the inadequate FRA and design and mitigation of the build results in there being adverse flood risk impacts in conflict with Policy 33 of the NELLP.

3) Design and Visual Impact on the Character of the Area

As the proposed development is a new structure located within the open countryside, it has the potential to impact the rural character of the area.

At this point it is important to discuss the existing site and the planning history. The fishing site was originally approved just as a lake but over the years further development has taken place. It is important to take the existing context into consideration and the cumulative impacts of multiple structures at a single location. However taking this into account the structure is relatively small in scale, single story and is integrated into the landscape by way of the bund. It is also located to the rear of the site and therefore it is not considered that the works are visually harmful. The proposal is acceptable in those terms under Policy 5 and 22 of the NELLP.

4) Impact on Neighbours

With regard to the impact on neighbouring land uses, the main planning considerations are to assess the impact of the development in terms of massing and overlooking from the development. In this regard, the containers and store are contained within the existing fishing site and a significant distance away from the nearest neighbouring property, Kirby House, and indeed other neighbours and so there would be no adverse impacts.

Considering the above the proposal is acceptable in terms of its impact to local and residential amenity and accords with Policy 5 of the NELLP.

5) Ecology, Landscaping and Biodiversity Net Gain

With regard to landscaping and ecology, the development includes a scheme of tree planting. This has been reviewed by the ecology officer as acceptable in principle. The Trees and Woodlands Officer has no comments to make. Final details to secure species and implementation may be secured by relevant planning conditions in accordance with Policies 41 and 42 of the NELLP. In terms of Biodiversity Net Gain, the ecology officer has confirmed that the details provided are acceptable with net gain provided on site in accordance with Section 15 of the NPPF.

6) Highways and Access

The Local Highway Authority have reviewed the scheme and have no objections to the proposal. The site benefits from an existing access which has recently been subject to highway improvements. There proposal presents no issues with regards to highway safety or amenity in accordance with Policy 5 of the NELLP.

CONCLUSION

The proposed development would present an undue impact in terms of flood risk. The proposal is not considered to accord with Policy 33 of the NELLP due to design and flood risk issues in principle and it is recommended that the application be refused.

It should be noted that due to the confirmation of the overnight sleeping accommodation consultation on this has been taken and it is therefore recommended that the issuing of the decision be delegated to the Assistant Director of Regeneration on the completion of this period of consultation on the 18th August 2025 subject to no significant additional planning issues being raised.

RECOMMENDATION

Refused

(1) The proposal is contrary to Policy 33 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and Section 14 of the National Planning Policy Framework in that the development is located within an area of flood risk. The proposed development fails to pass the flood risk sequential test for development. Without the sequential test being passed it is not considered to be sustainable development and the development cannot be justified on flood risk grounds. In any event it would also fail the Exception Test as it has not been demonstrated that the development can be made safe in flood risk terms.

Informatives

1 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 receiving amended plans.

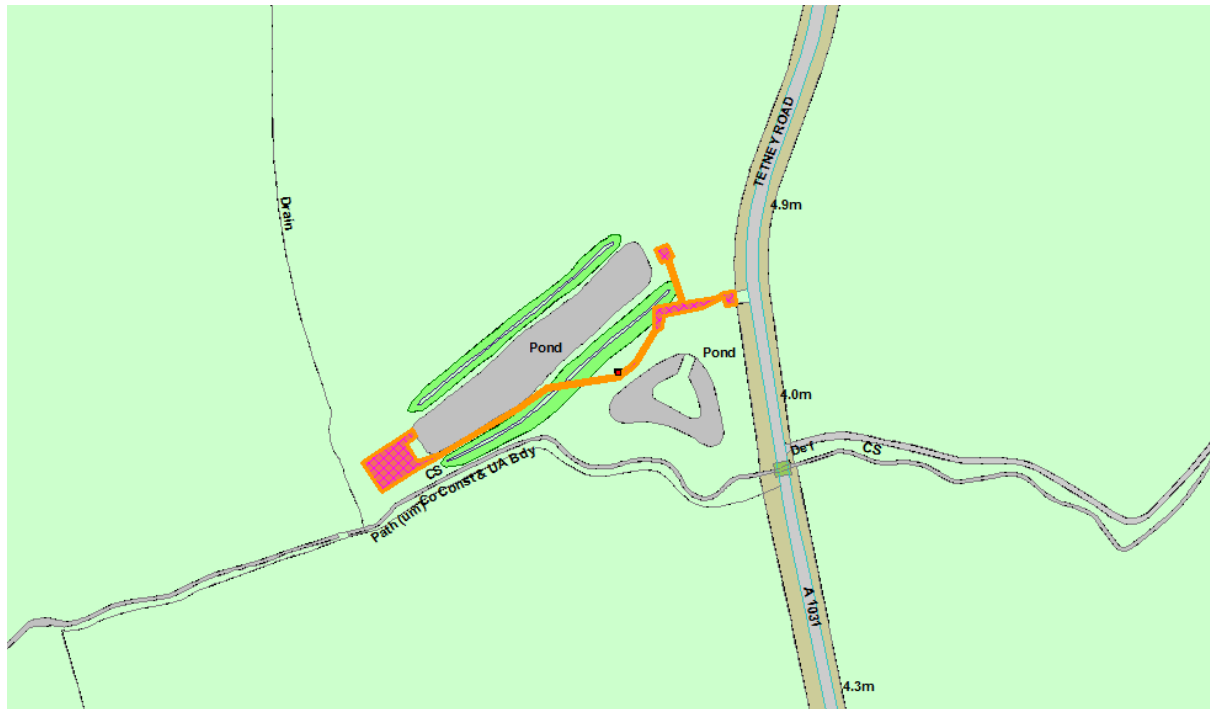
2 Informative

The application has been determined in accordance with the following plans and information:

- RD: 5855 01 A
- RD: 5855 04 C
- RD: 5855
- RD5855 - Flood Risk Assessment

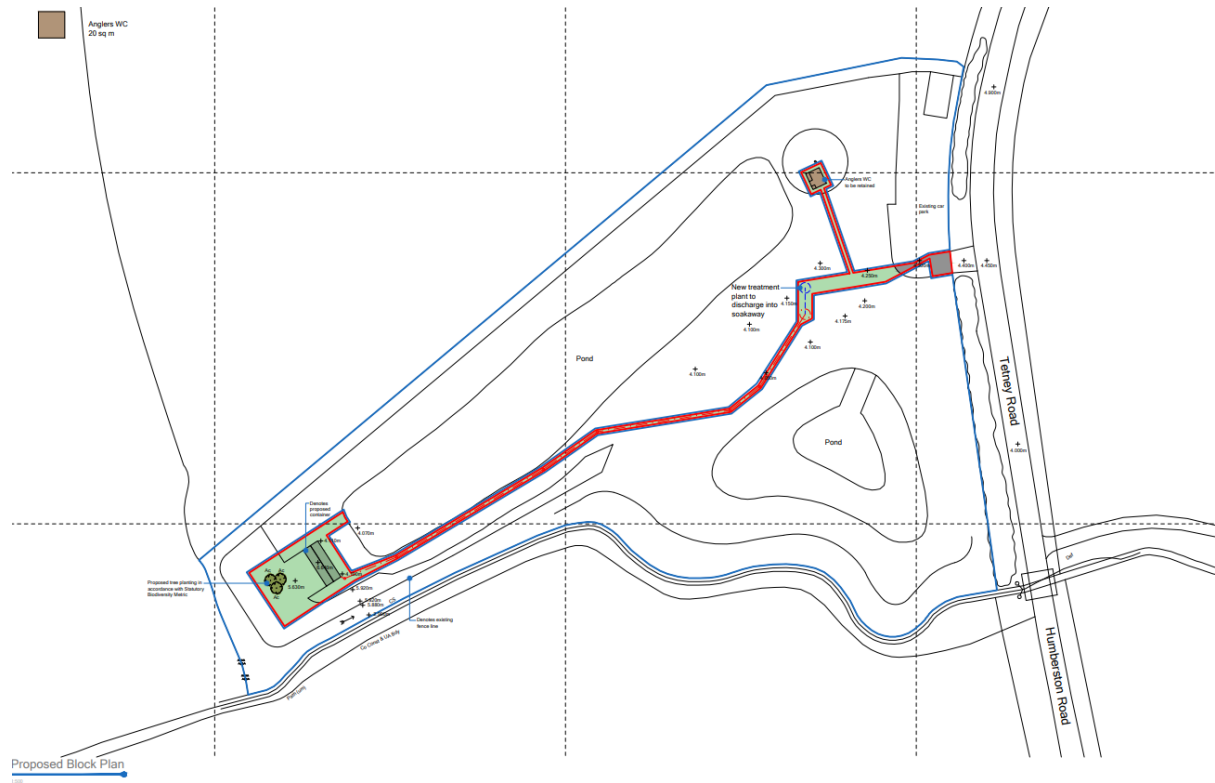
DM/0317/25/FUL

Bull Rush Lakes



DM/0317/25/FUL

Bull Rush Lakes



PLANNING COMMITTEE - 6th August 2025

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

APPLICATION No: DM/0207/25/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: 309 Louth Road, Grimsby, North East Lincolnshire, DN33 2LA

PROPOSAL: Demolish existing garage, erect two detached bungalows with garages and parking, erect new garage for existing dwelling to include alterations to existing access with various associated works

APPLICANT:

Mr John Collis
John Collis Builders
Culzean House
1A Jonathans Garth
Tetney
Lincolnshire
DN36 5GA

DEPOSITED: 20th March 2025

AGENT:

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

ACCEPTED: 20th March 2025

TARGET DATE: 15th May 2025

PUBLICITY EXPIRY: 17th July 2025

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 24th April 2025

CASE OFFICER: Richard Limmer

PROPOSAL

The proposal is to demolish the existing garage, erect two detached bungalows with garages and parking, erect new garage for existing dwelling to include alterations to the existing access with various associated works. This is essentially a resubmission of DM/1021/22/FUL which expires on 15th August 2025.

The application has been brought to Planning Committee as it is a departure from the Local Plan as the site is located outside the defined development boundary for Grimsby.

SITE

309 Louth Road is a large detached dormer bungalow with extensive grounds to the front and rear. The proposed development is to the rear of the main dwelling. The site has a 1.2m high fence along the northern boundary and a mixed high hedge to the east and south. The site itself is relatively level with little change across it. The closest residential neighbour (other than 309) is 307 Louth Road which is located to the north west of the site beyond 309. The main part of the site is located in the Parish of New Waltham.

RELEVANT PLANNING HISTORY

DC/540/97/HUM - Erect detached dwelling - refused 1997.

DM/0553/22/FUL - Demolish garage at 309 Louth Road, erect 2 detached bungalows with garages, erect detached garage for 309 Louth Road, erect fencing and various associated works - Approved.

DM/1021/22/FUL - Variation of condition 2 (Approved plans) pursuant to DM/0553/22/FUL - Amended design, size, layout and position of dwelling and garage to Plot 1, garage for 309 Louth Road removed from the scheme- Approved.

DM/0567/25/CND - Details in Discharge of Conditions 5 (Landscaping), 7 (Drainage) and 10 (Boundaries) pursuant to DM/1021/22/FUL - Under consideration.

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
PO22 - Good design in new developments
PO33 - Flood risk
PO34 - Water management
PO38 - Parking
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

Ecology Officer - no objections, exempt from BNG as a self-build development.

Drainage Officer - proposed surface water drainage system is acceptable.

Civic Society - no objections.

Tree Officer - proposed landscaping scheme and hedge maintenance is acceptable.

NELC Waste - there will need to be a bin collection point adjacent to the highway.

Heritage Officer - no comments.

Highways - no objections, recommend conditions.

Environmental Health - recommends conditions.

Cadent - informative advice.

Neighbours

309 Louth Road - no objections.

APPRAISAL

Material Considerations

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

1. The Principle of Development

The site is located outside of the defined Development Boundary for Grimsby on the NELLP Inset Maps, this means that the site is considered to be in the open countryside and the proposed development represents a departure from the Plan. Whilst Policy 5 does not readily allow for new residential development in the open countryside

consideration must be given to the Councils 5 year housing supply figure which is currently at 3.6 years.

As the Council is unable to demonstrate a 5-year supply of deliverable housing land, the tilted balance flowing from paragraph 11d)ii of the NPPF is engaged in the assessment of the scheme. Whilst the most important policies for determining the application would be deemed out of date in this context, it does not mean the policies carry no weight, and the NELLP would remain the starting point in the decision making process. With the tilted balance engaged, the NPPF indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole. It is also noted that the previous planning permission DM/1021/22/FUL is extant and whilst it has not yet been implemented it could be and this is considered to be a material consideration.

In regard to sustainability the site is located on the very edge of Grimsby (Scartho) and has good access to shops, services and schools in Scartho village centre and New Waltham. Louth Road is served by the no.8 and no.50 bus routes providing access to Grimsby Town Centre and Cleethorpes. The site is therefore considered to be in a sustainable location.

The site is in flood zone 1, an area at lowest risk of flooding, such sites are sequentially preferable for development.

It is therefore considered, in principle, that the development boundaries set out in the Inset Maps of the NELLP cannot be strictly enforced and the proposed development is acceptable subject to the site specific considerations of Policy 5 and the other main Policies of the NELLP as a whole as discussed in the report below.

2. Impact on Neighbours

The site is located in the rear garden of no.309 Louth Road. There are only limited residential neighbours to the site including nos. 305 and 307 Louth Road and nos.2 and 4 Side Lane. The position of the proposed bungalows is a substantial distance from all of these neighbours and whilst there may be some limited views from the neighbours these would not be significant. No. 309 retains a good amount of garden space and would not be overlooked by the proposed dwellings. As the proposed dwellings are single storey they would not have a detrimental impact on the residential amenities of the neighbouring properties. No objections have been received and the proposal is in accordance with Policy 5 of the NELLP.

3. Impact on the Character of the Area

The site is located to the rear of 309 Louth Road, this presents an odd arrangement in the street scene and 309 is set well back from Louth Road and the site extends beyond the rear boundaries of the neighbours on Louth Road and Side Lane. The proposal would therefore create an unusual step out from the rear building line of Louth Road. However,

there is a strong boundary to the south in the form of a high hedge which will screen the main bulk of the proposed dwellings, which as bungalows are naturally of a low scale. It is therefore considered that the proposed development may offer some limited views to Louth Road but this would not create a significantly detrimental impact on the visual character and appearance of the area in accordance with Policies 5 and 22 of the NELLP.

4. Drainage

The site is currently the garden space of no.309 Louth Road and is grassed, in drainage terms this is a greenfield site. The proposal has been submitted with a surface water drainage scheme which has been considered by the Drainage Engineer and confirmed that it is acceptable. It is therefore considered that the proposed development would not create an increased risk of flooding to the neighbouring properties in accordance with Policies 5 and 34 of the NELLP.

5. Highways

The proposal seeks to utilise the existing access to no.309 Louth Road as the shared access for the proposed development. The access would be improved to have space for cars to pass at the junction with Louth Road and then 2 further passing places along it. It is noted that the proposed layout does not fully meet the current Highways Design Guide for private accesses, however, highways have reviewed the scheme in detail and conclude that it does not present a highway safety issue. This is subject to conditions to secure the implementation of the access layout and passing places. The proposal therefore accords with Policy 5 of the NELLP.

6. Ecology

As a self build development, the proposal is exempt from Biodiversity Net Gain. This has been confirmed by the Council's Ecologist. The proposal therefore accords with Policy 41 of the NELLP.

CONCLUSION

In conclusion, as the Council cannot demonstrate a 5 year supply of housing and in accordance with the NPPF the tilted balance falls in favour of sustainable development. The proposed development is located in a sustainable location and would not unduly harm neighbouring properties residential amenity, the visual character of the area, drainage and flood risk and highway safety. The proposal therefore accords with the core principles of the NPPF and Policies 5, 22, 33, 34, 41 and 42 of the NELLP. It is therefore recommended for approval.

RECOMMENDATION

Approved with Conditions

(1) Condition

The development hereby permitted shall begin within 3 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:

RD5084-03I Proposed Site Plan
RD5084-04D Plot 1 Plans and Elevations
RD5084-06A Garage Plans and Elevations
RD5084-01 Site Location Plan
RD5084-02 Existing Site Plan
RD5084-05 Plans and Elevations

Reason

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

(3) Condition

The hereby approved development shall be built out in accordance with the materials specified on the application forms unless otherwise agreed in writing with the Local Planning Authority.

Reason

To protect the visual amenity of the area in accordance 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

The scheme of landscaping and tree planting shown on plan ref: RD:5084:13 Rev A 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 maintenance notes on the aforementioned plan for 5 years, beginning with the date of completion of the scheme and during that period all losses shall be replaced during the

next planting season.

Reason

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

(6) Condition

The development shall be built out in accordance with the drainage scheme as detailed on plan ref: 1115-2307-CIV-10-P1 and 1115-2307-CIV-30 P1. The approved drainage scheme shall be fully installed prior to the occupation of any dwelling on the site and thereafter maintained and retained.

Reason

In the interests of flood risk and drainage to accord with in accordance with Policies 5, 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(7) Condition

All construction works shall proceed in strict accordance with the submitted Construction Management Plan ref: RD5084.

Reason

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

(8) Condition

The modifications to the access including the passing places shall be installed in accordance with plan RD5084-03-REV I before any of the dwellings hereby approved are occupied. Once installed, the details shall be retained as approved.

Reason

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

(9) Condition

The scheme for the retention and management of the site boundary hedges as detailed on plan ref: RD:5084-13 Rev A shall then be implemented prior to the first occupation of any dwelling on the site. The hedges shall thereafter be retained and managed in accordance with the details approved unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of protecting the visual character and appearance of the area in accordance with Policies 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(10) Condition

The water reuse measures outlined in:

- Plot 1 Water Use Calculations - Rev F
- Plot 2 Water Use Calculations - Rev F

shall be implemented in full before each dwelling is brought into use. The measures shall be retained to the same specification thereafter.

Reason

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

(11) Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission, would be North East Lincolnshire Council, or the Secretary of State (where they have determined under sections 62A, 76A or 77 of the Town and Country Planning Act 1990 (as amended) that such applications must be made to them) or the Planning Inspectorate or Secretary of State where they have so specified in determining an appeal under s 78 of the Town and Country Planning Act 1990 (as amended).

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. It is the applicant or developers responsibility to make sure that they are complying with the requirements of this legislation.

Where this permission has the effect of requiring or permitting the development to proceed in phases, the modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

In Summary: Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply. It is considered that exemption number 4.5

applies.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition can be found at <https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- i) the application for planning permission was made before 2 April 2024;
- ii) planning permission is granted which has effect before 2 April 2024; or
- iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

* "original planning permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

4.2 Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the

curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.5 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

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, 41 and 42.

2 Added Value Statement

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

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

3 Informative

Please note the informative comments from Environmental Health, NELC Waste Services, Cadent Gas, Ecology and Highways which can be viewed on the council's website.

4 Informative

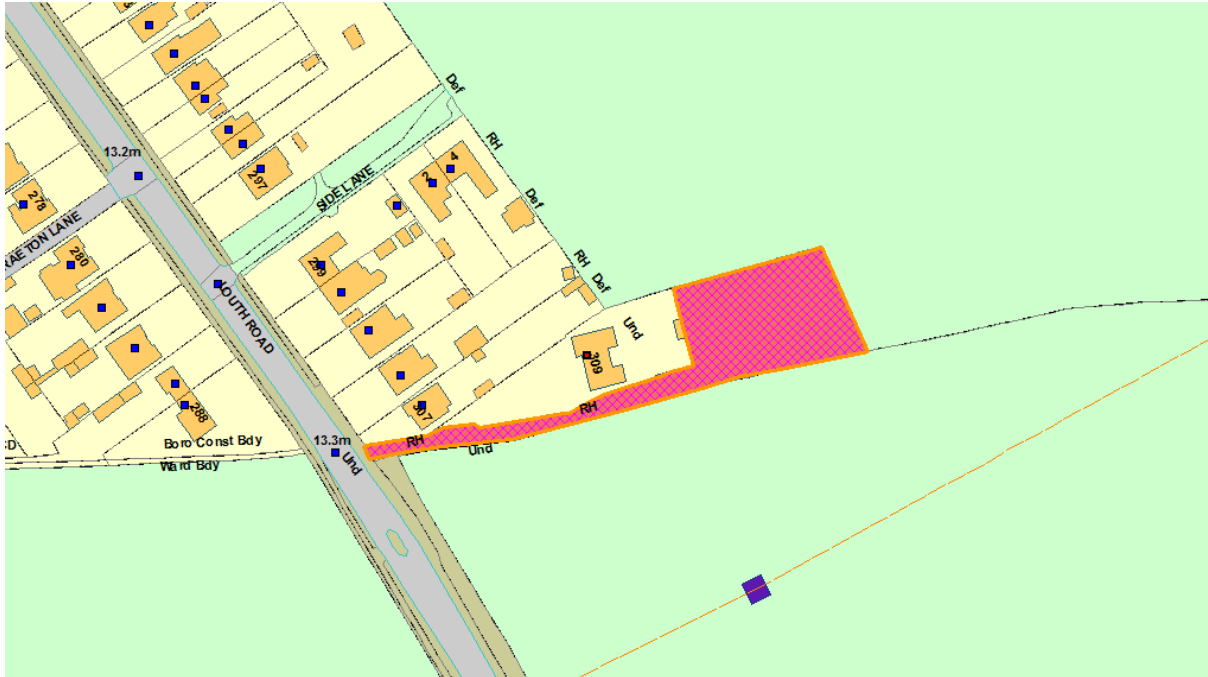
Please note that you may also require Building Regulations. You are advised to contact them in advance of work on site commencing (Tel: 01472 326289 - Option 2).

5 Informative

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 to discuss the creation of new addresses.

DM/0207/25/FULA

309 Louth Road



DM/0207/25/FUL

309 Louth Road



PLANNING COMMITTEE - 6th August 2025

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

APPLICATION No: DM/0981/24/FULA

APPLICATION TYPE: Accredited Agent - Homeholder application

APPLICATION SITE: 51 Taylors Avenue, Cleethorpes, North East Lincolnshire, DN35 0LH

PROPOSAL: Retrospective application for boundary wall with fencing to front and side

APPLICANT:

Mr William Ferrand
51 Taylors Avenue
Cleethorpes
North East Lincolnshire
DN35 0LH

AGENT:

Geoffrey Wagstaff
52 Marlborough Way
Cleethorpes
N E Lincolnshire
DN35 0TR

DEPOSITED: 19th November 2024

ACCEPTED: 21st November 2024

TARGET DATE: 16th January 2025

PUBLICITY EXPIRY: 16th June 2025

AGREED EXTENSION OF TIME DATE: 11th August 2025

CONSULTATION EXPIRY: 20th December 2024

CASE OFFICER: Emily Davidson

PROPOSAL

The proposal is retrospective in nature and is for a high boundary wall with fence panels in between to the front and side.

The application is presented to Planning Committee due to a call-in request from Councillor Parkinson.

SITE

51 Taylors Avenue is a two-storey detached dwelling located on the corner of Taylors Avenue and Chichester Road. The area surrounding the property is residential in nature made up of mostly detached dwellings. The property has a large garden which wraps

around the property with a portion of the garden being adjacent to the road.

RELEVANT PLANNING HISTORY

No relevant planning history.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2023)

NPPF12 - Achieving well designed places

NPPF15 - Conserv. & enhance the natural environ.

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

PO5 - Development boundaries

PO22 - Good design in new developments

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 comments.

Heritage Officer - No heritage input required.

Ecology Officer - Confirms exemption from BNG. No other comments.

Neighbour Representations

Comments were received in support of the application from the following addresses:

109, 116, 182, 213 Chichester Road, 11 The Glade, 13 Quinton Road, 144 Grimsby Road, 2 Wesley Crescent, 27 Alvingham Avenue, 3 Chandlers Close, 31 Hart Street, 31

Nicholson Street, 33 Oak Way, 4 Lindsey Road, 5 Clixby Close, 5 Grainsby Avenue, 54 Middlethorpe Road, 49, 57 Pearson Road, 64 Queens Parade, 75 Ashby Road, 78 Daggett Road, 8 Cordeaux Drive, 86 Woodhall Drive, 1 Clarence Avenue, 31 Meadowsweet Way, 11 Wellington Avenue, 2B Manly Gardens, 45, 118 Taylors Avenue, 20 Gayton Road

Support comments were made broadly on the grounds of: Acceptable appearance and increased privacy and safety for homeowners.

APPRAISAL

Material Considerations:

- o Principle of Development
- o Design
- o Neighbouring Amenity
- o Ecology
- o Other

Principle of Development

The site is located within the development boundary of Cleethorpes, 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. It is therefore considered in principle that the proposed development is acceptable subject to the site-specific impacts discussed below.

Design

The proposal includes a 2m, 1.8m and 1.6, high wall with fence panels in between that has been constructed. The wall runs mostly parallel to Chichester Road. Negotiations were sought to reduce the mass of the wall however these weren't forthcoming. Since then however, the wall and fencing has been completed and the quality of the wall and fencing is acknowledged. It is therefore considered on balance given the quality of the finish and the considered nature of the design which includes recessed panels, the impacts are at an acceptable level.

The proposal does not negatively impact the street scene and wider area character and in this regard, is in accordance with Policies 5 and 22 of the NELLP 2018.

Neighbouring Amenity

The host property borders No.215 Chichester Road and No.53 Taylors Avenue to the sides and rear. No.49 Taylors Avenue sits opposite over the junction and No.'s 98 and 100 sit opposite. Several neighbour comments have been received in support of the proposal. All comments are addressed in the relevant section of this report.

Given the nature and location of the works in relation to the surrounding properties, there is considered to be little impact to the neighbouring properties amenity when considering massing, overlooking, and overshadowing. In this regard, the proposal is considered in accordance with Policy 5 and 22 of the NELLP 2018.

Ecology

As a householder application, the proposal is exempt from the mandatory Biodiversity Net Gain. This has been confirmed by the Ecology Officer who raises no concerns. The proposal therefore accords with Policy 41 of the NELLP 2018.

Other Considerations

The Council's Highways, Drainage and Heritage Officers raised no concerns in relation to the application.

CONCLUSION

The proposal on balance does not harm the area character or neighbours and accords with the Local Plan and is recommended for approval.

RECOMMENDATION

Approved with Conditions

(1) Condition

The development is approved in accordance with the following plans:

Site Location and Block Plan - Received 25/11/2024

Proposed Layout and Elevations - GWWF/TA/1

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).

Informatives

1 Reason for Approval

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

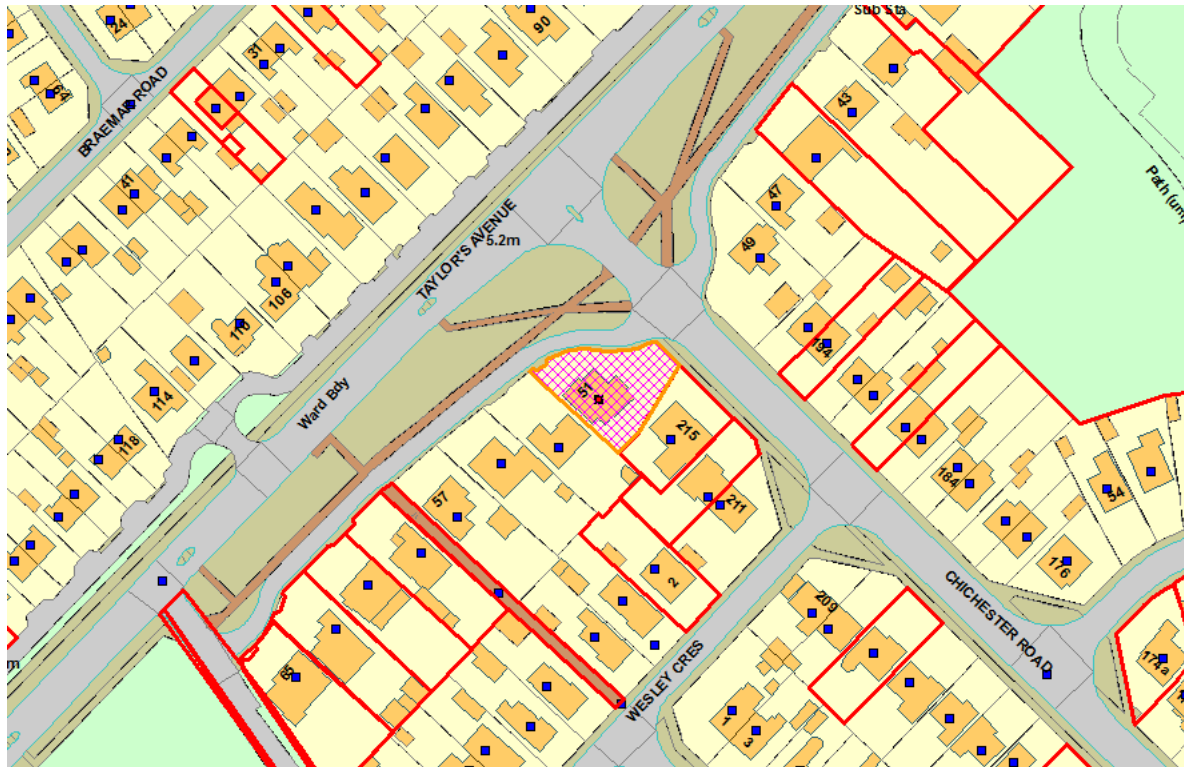
2 Added Value Statement

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

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

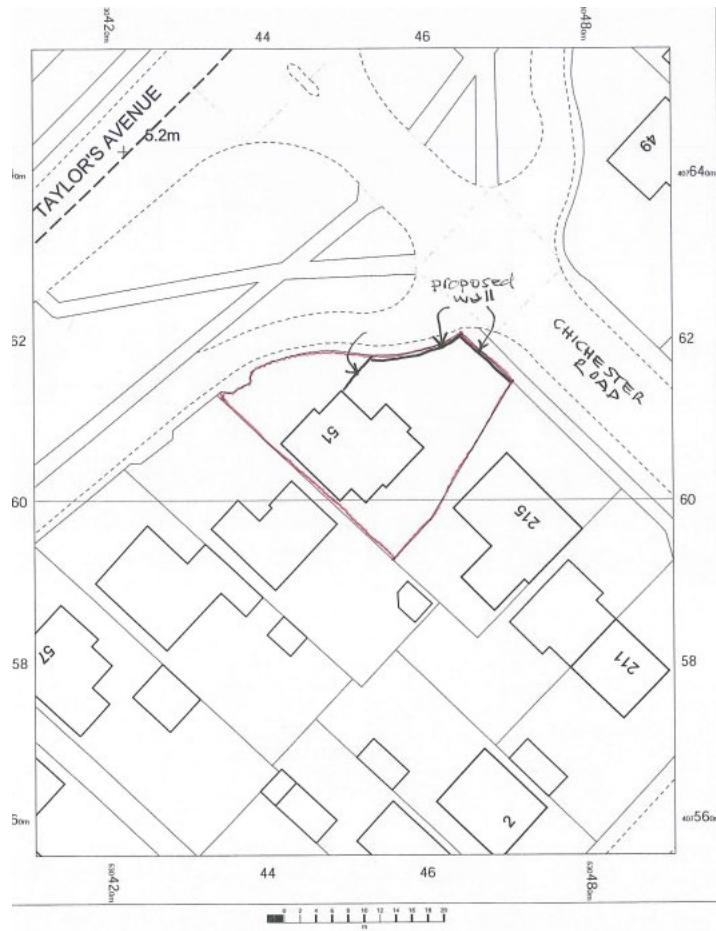
DM/0981/24/FULA

51 Taylors Avenue



DM/0981/24/FULA

52 Taylors Avenue



PLANNING COMMITTEE - 6th August 2025

ITEM: 6 **RECOMMENDATION: Refused**

APPLICATION No: DM/0356/25/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Springfield , Waltham Road, Brigsley, North East Lincolnshire, DN37 0RQ

PROPOSAL: Raise roof height to include installation of new roof, convert existing loft to provide first-floor living space, erect single storey side and rear extensions with various associated internal and external alterations

APPLICANT:

Mr Steve Nelson
Springfield
Waltham Road
Brigsley
North East Lincolnshire
DN37 0RQ

DEPOSITED: 2nd May 2025

AGENT:

Mr Richie Tutill
RT Architects Ltd
45 Aspen Drive
Barnoldby Le Beck
DN37 0ZA

ACCEPTED: 13th May 2025

TARGET DATE: 8th July 2025

PUBLICITY EXPIRY: 15th June 2025

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 6th June 2025

CASE OFFICER: Bethany Loring

PROPOSAL

The application seeks to raise the roof height to include the installation of a new roof, conversion of the existing loft to provide first-floor living space, erection of single storey side and rear extensions with various associated internal and external alterations at an existing semi-detached bungalow.

The application is brought to Planning Committee following a call-in request by a Councillor Pettigrew.

SITE

The property is a semi-detached bungalow located to the east side of Waltham Road in Brigsley. The site benefits from a concrete driveway to the front and side. The boundaries are established by walls, fencing and landscaping. The property has a modest rear garden.

RELEVANT PLANNING HISTORY

DM/0617/22/FUL - Raise in roof height, convert existing loft and install rear dormer to accommodate extension at first floor, erect single storey rear extension and various associated internal and external alterations - Refused.

DM/0148/24/FUL - Demolish existing timber garage and erect detached garage - Approved with Conditions.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2023)

NPPF15 - Conserv. & enhance the natural environ.

NPPF12 - Achieving well designed places

NPPF14 - Climate, flooding & coastal change

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

PO41 - Biodiversity and Geodiversity

PO42 - Landscape

PO5 - Development boundaries

PO22 - Good design in new developments

PO34 - Water management

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

REPRESENTATIONS RECEIVED

Brigsley Parish Council - No objection.

Drainage Officer - Sustainable drainage method and ground levels informatives.

Trees and Woodlands Officer - No comment.

Highways Officer - Approval no conditions.

Heritage Officer - No input required.

Councillor Pettigrew - Call in to discuss application further.

Neighbour Representations

No neighbour representations received.

APPRAISAL

The material planning considerations are:

1. Principle of Development
2. Design and Impact on the Character of the Area
3. Impact on Neighbouring Properties
4. Landscaping and Ecology

1. Principle of Development

The application site is within the development area of Brigsley (Policy 5), and relates to the raising of the roof height to include the installation of a new roof, conversion of the existing loft and erection of single storey side and rear extensions with various associated internal and external alterations at an existing semi-detached bungalow.

The principle of development is therefore acceptable provided that the proposal does not give rise to adverse issues in terms of residential amenity and that the design is in accordance with Policies 5, 22 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and Sections 12 and 15 of the NPPF.

2. Design and Impact on the Character of the Area

The roof height would be raised from around 4.6 metres to around 7 metres as a result of the installation of a new pitched roof with an eaves height of 2.6 metres. This would allow for the existing roof space to be converted to provide a first-floor element to include two additional bedrooms, an en-suite, bathroom and landing area including a stairwell. In addition, extensions would be erected to the side and rear to increase the width from 7.7 metres to 8.7 metres and the length from 12.3 metres to 13.4 metres. This would see the property reconfigured at the ground floor to provide an open plan kitchen, living and dining space, utility, hall, lounge, shower room and bedroom. The extensions would also provide additional floor space to adjoin the existing converted roof space. There would be new window and door openings installed to the front, side and rear, to include bi-fold doors to the rear to face into the host rear garden, with rooflights to each side roof slope.

Other works include alterations to the existing external openings, specifically to the side and rear, and internal reconfiguration works to alter the layout.

The extension would be constructed of facing brickwork with a pantile roof which are differing in appearance to the existing dwelling specifically the wall material. Furthermore, it is proposed to utilise uPVC for the new window and door openings.

The roof lift would be clearly visible from the street.

Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 requires that account is taken to the impact of proposals upon the character of the area in which they are sited. This requirement is reflected in the NPPF through the advice found in section 12 'Achieving Well Designed Places'.

The NPPF calls for all development to be of a high quality and provide a good level of amenity for both existing and future occupiers of land and buildings. The introduction of a roof lift, at an additional 2.4 metres, would be substantial and highly visible within the street scene. The host property adjoins the neighbouring bungalow and would present a juxtaposition to the neighbour which would result in a negative visual impact which would be a noticeable feature within the street. As a semi-detached property, the change in their respective roof heights in the form proposed would result in an awkward visual appearance which would be detrimental to the wider character of the area. The property as extended would appear overbearing to its attached neighbour.

As such, it is considered that the proposal in terms of design quality would harm the street scene and conflict with both national and local planning policy, section 12 of the NPPF and Policy 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

3. Impact on Neighbouring Properties

The main impact of this development would be to Field House, Waltham Road, Brigsley.

The host property is a semi-detached bungalow and adjoins the neighbouring property to the south. The properties mirror each other in terms of height and chimneys and the introduction of an increased ridge would create a negative arrangement visually and would also present an unacceptable relationship in terms of massing and dominance to this neighbour which would be detrimental to the residential amenity that the occupier of that property should be expected to enjoy. This would be as a result of the increase in height and the overall scale of the property as altered onto the boundary with this neighbour. In addition, the extension to the rear would overhang the boundary which has the potential to negatively affect the residential amenity of this neighbour in relation to future management and maintenance.

In relation to other neighbours, the works are considered to be well-separated from these. This would therefore ensure no adverse overlooking or privacy issues, specifically as the

majority of the works are to the rear.

It is therefore considered that the proposal would have an unacceptable impact on residential amenity in this instance and would be contrary to Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and Section 12 of the NPPF.

4. Landscaping and Ecology

The site includes a tree covered by a Tree Preservation Order within the rear garden. However, the works affect the host property and are sufficiently separated from the affected tree. The Trees and Woodlands Officer has commented to state that they have no comments to make.

The application is exempt from BNG requirements as it is a householder development.

It is therefore considered that the proposal would be in accordance with Policy 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and Section 15 of the NPPF.

CONCLUSION

It is therefore considered that the proposal would have a detrimental impact to the street scene, wider character of the area and to neighbours residential amenity.

Having regard to the above, it is recommended that planning permission is refused as the proposal conflicts with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018), and Section 12 of the National Planning Policy Framework.

RECOMMENDATION

Refused

(1) The proposed development would, by virtue of its design, scale and overall massing be detrimental to the character and visual amenity of the street scene and wider area contrary to Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and Section 12 of the National Planning Policy Framework.

(2) The proposed development would, by virtue of its design, scale and overall massing be overbearing to the adjoining neighbouring property to the detriment of the residential amenity that the neighbouring property should be expected to be able to enjoy contrary to Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and Section 12 of the National Planning Policy Framework.

Informatives

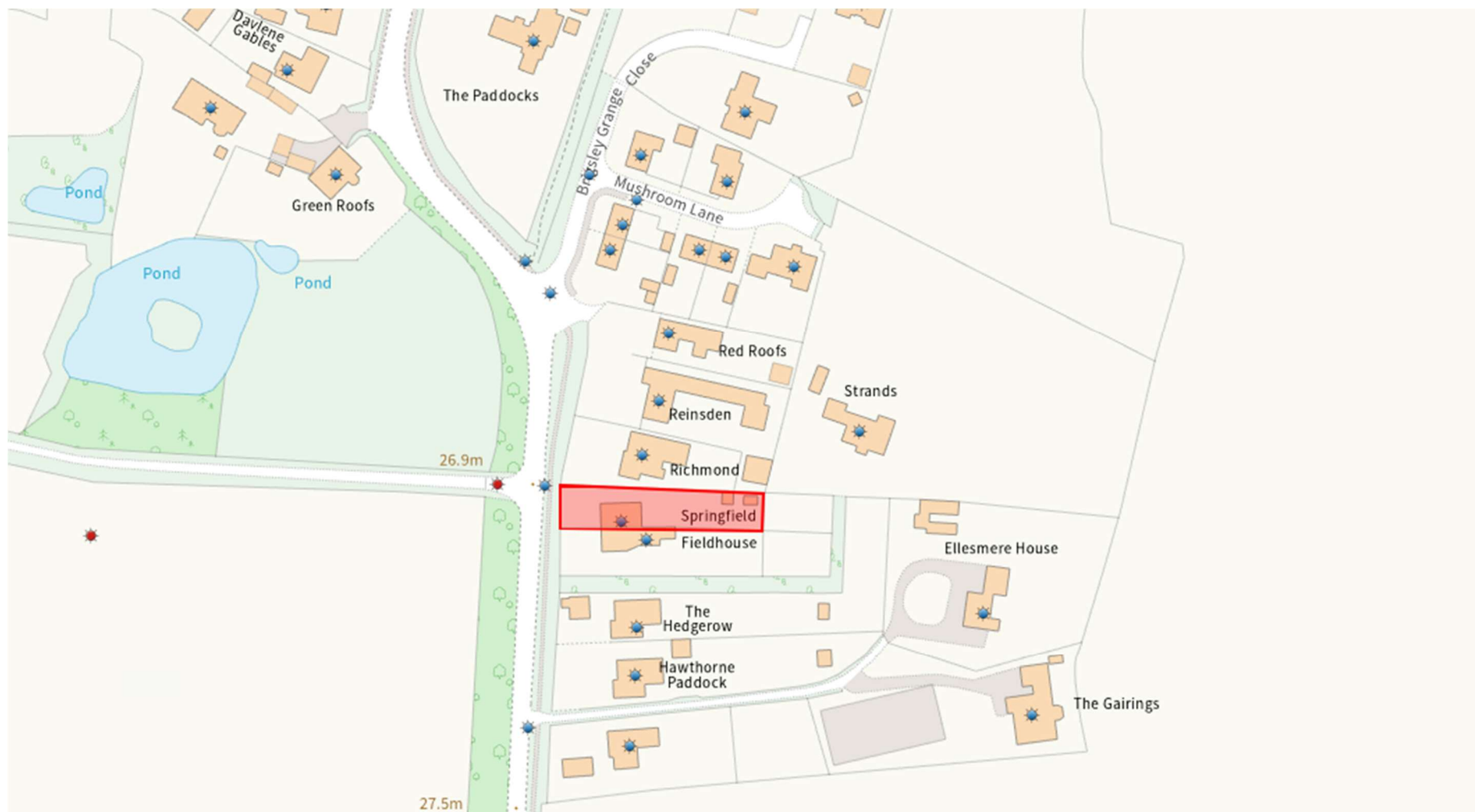
1 Informative

This application has been considered using the plans referenced:

Site Location Plan, Existing Block Plan, Floor Plans and Elevations - SP_A0.0_02

Proposed Block Plan, Floor Plans and Elevations - SP_A1.0_04

DM/0356/25/FUL – SPRINGFIELD, WALTHAM ROAD, BRIGSLEY



DM/0356/25/FUL – Springfield, Waltham Road, Brigsley

