



PLANNING COMMITTEE

AGENDA

WEDNESDAY 25TH MAY, 2016

09.30 a.m.

GRIMSBY TOWN HALL



If telephoning, please ask for Beverly Stanton Tel: (32)6285

To: All Persons on the Distribution List of the Planning Committee

May 16th, 2016

Dear Councillor,

Planning Committee

The next meeting of the Planning Committee will take place on **Wednesday 25th May, 2016** commencing at **09.30 a.m.** in the **Grimsby Town Hall**.

The Agenda is set out overleaf.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'B. Stanton'.

Beverly Stanton
Scrutiny and Committee Advisor
for Chief Executive.

FILMING OF PUBLIC MEETINGS

“The Council supports the principle of transparency and encourages filming, recording and taking photographs at its meetings that are open to the public. It also welcomes the use of social networking websites (such as Twitter and Facebook) and micro-blogging to communicate with people about what is happening, as it happens.

There is no requirement to notify the Council in advance, but it should be noted that the Chairman of the meeting will have absolute discretion to terminate or suspend any of these activities if, in their opinion, continuing to do so would prejudice proceedings at the meeting.

The circumstances in which termination or suspension might occur could include:

- public disturbance or suspension of the meeting**
- the meeting agreeing to formally exclude the press and public from the meeting due to the confidential nature of the business being discussed**
- where it is considered that continued recording / photography / filming /webcasting might infringe the rights of any individual**
- when the Chairman considers that a defamatory statement has been made**

In allowing this, the Council asks those recording proceedings not to edit the film/recording/photographs in a way that could lead to misinterpretation of the proceedings, or infringe the core values of the Council. This includes refraining from editing an image or views expressed in a way that may ridicule, or show a lack of respect towards those being photographed/filmed/recorded.

Those intending to bring large equipment, or wishing to discuss any special requirements are advised to contact the Council's Communications Team in advance of the meeting to seek advice and guidance. Please note that such requests will be subject to practical considerations and the constraints of specific meeting rooms.

The use of flash photography or additional lighting will not be allowed unless this has been discussed in advance of the meeting and agreement reached on how it can be done without disrupting proceedings.

At the beginning of each meeting, the Chairman will make an announcement that the meeting may be filmed, recorded or photographed. Meeting agendas will also carry this message.”

PLANNING COMMITTEE AGENDA
Wednesday 25th May, 2016

	Page Number
1. <u>Apologies for Absence</u>	
To record any apologies for absence from this meeting	
2. <u>Declarations Of Interest</u>	-
To record any declarations of interest by any Member of the Committee in respect of items on this Agenda.	
Members declaring interests must identify the Agenda item and the type and detail of the interest declared.	
<u>(A) Disclosable Pecuniary Interest</u> ; or <u>(B) Personal Interest</u> ; or <u>(C) Prejudicial Interest</u>	
4. <u>Deposited Plans and Applications</u>	-
To consider plans and applications (copy under separate cover)	
5. <u>Plans and Applications Determined under Delegated Powers</u>	1
To receive plans and applications determined by the Director of Economy and Growth under delegated powers during the period 14 th April, 2016 to 11 th May, 2016 (copy attached).	
6. <u>Planning Appeals</u>	19
To receive a report from the Director of Economy and Growth regarding outstanding planning appeals (copy attached).	
7. <u>Urgent Business</u>	-
To consider any business which, in the opinion of the Chairman, is urgent by reason of special circumstances which must be stated and minuted.	
8. <u>Exclusion of Press and Public</u>	-
To consider requesting the press and public to leave on the grounds that discussion of the following business is likely to disclose exempt information within the relevant paragraphs of Schedule 12A of the Local Government Act 1972 (as amended).	

- (i) To consider a report detailing the investigation undertaken into breaches of planning control at Church Lane, Humberstone (copy attached).
- (ii) To consider a report detailing the investigation undertaken into breaches of planning control at Legsby Avenue, Grimsby (copy attached).
- (iii) To consider any requests from any Member of the Committee to discuss any enforcement issues.

ROB WALSH
CHIEF EXECUTIVE

PLANNING COMMITTEE

List of Applications Determined under Delegated Powers

From 14th April 2016 to 11th May 2016



APPLICATION NUMBER & TYPE	APPLICANT & SITE ADDRESS	PROPOSAL & DECISION
DM/0600/15/FUL Full Application	Mr Matt Ward North East Lincolnshire Council Edward Heneage School Edward Street Grimsby North East Lincolnshire DN32 9HL	Change of use of land, remediation works, erection of 3m high palisade fencing, gates and creation of vehicular access to provide playing field, installation of Multi Use Games Area (MUGA) with weldmesh fencing, contractor compound area and associated works. Approval with Conditions
DM/0657/15/FUL Full Application	NAViGO Diana Princess Of Wales Hospital Scartho Road Grimsby North East Lincolnshire DN33 2BA	Erection of a single storey building for health care purposes, including 18 bedrooms, shared facilities, office space, and external courtyards and associated car parking. Approval with Conditions
DM/0685/15/CND Disch tion	Mr Daljit Nijjar 280 Louth Road Grimsby North East Lincolnshire DN33 2LB	Details in Discharge of Condition 3 (Surface Water Drainage) pursuant to DM/0522/14/FUL (Proposed conservatory to rear, erection of detached garage to rear, erection of porch extension to the front and retrospective formation of concrete hardstanding and erection of boundary fence to front and side) Conditions Complied With
DM/0690/15/FUL Full Application	Mr & Mrs J Dixon 30 Abbey Park Road Grimsby North East Lincolnshire DN32 0HR	Erect boundary wall to match existing adjacent to the highway, remove existing garage & replace with triple garage with private office space above & erect greenhouse and garden store Approval with Conditions

DM/0839/15/FUL Full Application	Mr John Ollard Wold Newton Farms Field Rear Of North Farm Main Road Wold Newton North East Lincolnshire	Installation of 50kWp ground mounted solar photovoltaic array (Amended plans 28th January 2016) Approval with Conditions
DM/0844/15/CND Discharge Condition	Mr Raymond Kirk Evolve Wealth 13 Wellowgate Grimsby North East Lincolnshire DN32 0RA	Details in Discharge of Condition 2 (Surface Water Drainage) pursuant to DM/0567/15/FUL (Re-surfacing existing car park with tarmac) Conditions Complied With
DM/0980/15/CND Discharge Condition	Mr & Mrs D Clifton 30 Phillips Lane Laceby Grimsby North East Lincolnshire DN37 7BL	Details in Discharge of Conditions 3 (Drainage), 4 (Archaeology), 5 (Landscaping), 8 (Access), 10 (Details) pursuant to DM/0632/15/FUL (Erect detached dwelling (Revised dwelling type on previously approved DM/0968/14/FUL)) Conditions Complied With
DM/1083/15/FUL Full Application	Mr Richard Wells Spiders Web Carr Lane Grimsby North East Lincolnshire DN32 8LN	Retrospective application for the erection of childrens climbing frame and swings Refused
DM/1086/15/FUL Full Application	Taylor Made Fun Ltd The Mint Central Promenade Cleethorpes North East Lincolnshire DN35 8SE	Install new canopy, re-site metal shutters and partially brick up windows (Amended Plans March 2016) Refused

<p>DM/1116/15/CND</p> <p>Discharge Condition</p>	<p>Dr Anand Shirgaonkar</p> <p>142 Humberston Avenue Humberston Grimsby North East Lincolnshire DN36 4SY</p>	<p>Details in Discharge of Condition 2 (Materials) pursuant to DM/0283/15/REM (Reserved matters application pursuant to DM/0956/14/OUT (Outline application for the erection of one dwelling with means of access to be considered) for the erection of one dwelling)</p> <p>Conditions Complied With</p>
<p>DM/1162/15/FUL</p> <p>Full Application</p>	<p>FCC Environment (UK) Limited</p> <p>Landfill Site Queens Road Immingham North East Lincolnshire DN40 1QR</p>	<p>Demolish existing corrugated steel store and erect reverse osmosis leachate treatment plant and associated pipeline and leachate/acid tanks</p> <p>Approval with Conditions</p>
<p>DM/1204/15/FUL</p> <p>Full Application</p>	<p>Mr Gary Cooper</p> <p>The Grange Aylesby Road Great Coates Grimsby North East Lincolnshire DN37 9NT</p>	<p>Variation of Condition 2 (Approved Plans) as granted on DM/1001/14/FUL (Erect a dwelling and detached garage with associated boundary treatments and landscaping) to amend the drive access to provide separate drives for both the new and existing houses</p> <p>Approval with Conditions</p>
<p>DM/0034/16/CND</p> <p>Discharge Condition</p>	<p>Mr Raymond Pembroke</p> <p>Greenlands Old Main Road Barnoldby Le Beck North East Lincolnshire DN37 0BE</p>	<p>Details in Discharge of Condition 1 (Plans), 2 (Construction Management Plan), 3 (Drainage), 4 (Materials), 7 (Landscaping) pursuant to DM/0863/15/REM (Reserved matters application pursuant to DM/0177/14/OUT (Demolish existing bungalow and erect two dwellings with altered access) to erect a detached dwelling with integral garage)</p> <p>Conditions Complied With</p>
<p>DM/0043/16/FUL</p> <p>Full Application</p>	<p>Mr J Collin Zurich Life Assurance Company Limited</p> <p>Alexandra Retail Park Corporation Road Grimsby North East Lincolnshire</p>	<p>Replace existing light columns across Retail Park and re-clad existing retail units</p> <p>Approval with Conditions</p>

<p>DM/0046/16/CND</p> <p>Discharge Condition</p>	<p>Miss M Chapman</p> <p>Greenlands Old Main Road Barnoldby Le Beck North East Lincolnshire DN37 0BE</p>	<p>Details in Discharge of Condition 5 (Vehicle Details) pursuant to DM/0863/15/REM (Reserved matters application pursuant to DM/0177/14/OUT (Demolish existing bungalow and erect two dwellings with altered access) to erect a detached dwelling with integral garage</p> <p>Conditions Complied With</p>
<p>DM/0059/16/FUL</p> <p>Full Application</p>	<p>Mr Mark Barford</p> <p>Land South Of Georgian House Main Road Barnoldby Le Beck North East Lincolnshire</p>	<p>Retrospective application for the temporary siting of a caravan during the construction phase of adjacent dwellings granted under planning application DC/778/13/WOL</p> <p>Approved Limited Period</p>
<p>DM/0060/16/FUL</p> <p>Full Application</p>	<p>Mr Michael Coaton</p> <p>Dovecote 23 Cooks Lane Great Coates Grimsby North East Lincolnshire DN37 9NW</p>	<p>Retrospective application to install flue</p> <p>Approval with Conditions</p>
<p>DM/0064/16/FUL</p> <p>Full Application</p>	<p>Dr Anand Shirgaonkar</p> <p>142 Humberston Avenue Humberston Grimsby North East Lincolnshire DN36 4SY</p>	<p>Variation of Condition 1 (Approved Plans) as granted on DM/0283/15/REM (Reserved matters application pursuant to DM/0956/14/OUT (Outline application for the erection of one dwelling with means of access to be considered) for the erection of one dwelling) for removal of additional trees and new boundary fence with native species hedge planting</p> <p>Approval with Conditions</p>
<p>DM/0258/16/LBC</p> <p>Listed Building Consent</p>	<p>Mr Michael Coaton</p> <p>Dovecote 23 Cooks Lane Great Coates Grimsby North East Lincolnshire DN37 9NW</p>	<p>Listed Building Consent to install flue</p> <p>Approval with Conditions</p>

DM/0096/16/FUL Full Application	Mr Ryan Maddison 70 Station Road Stallingborough Grimsby North East Lincolnshire DN41 8AR	Install drop kerb for vehicular access including footway crossovers to front Approval with Conditions
DM/0103/16/FUL Full Application	Mr & Mrs S Howard 3 Thirkleby Crescent Grimsby North East Lincolnshire DN32 8PY	Erect single storey rear & side extensions to include changes to roof space and structure Approval with Conditions
DM/0134/16/TPO Works to a tree with a TPO	Mr Howard Baker 44 Brigsley Road Waltham Grimsby North East Lincolnshire DN37 0JY	Reduce Silver Birch height by 4 metres leaving the tree at 10 metres tall. Reduce the tree spread to 3 metres from the trunk, the current spread being 5 metres. Canopy lift by removal of four lower branches Approval with Conditions
DM/0144/16/FUL Full Application	Mr Simon Dennis 27 Gayton Road Cleethorpes North East Lincolnshire DN35 0HN	Erect two storey extension to rear and dormer extension Approval with Conditions
DM/0152/16/FUL Full Application	Mr Clive Moore 48 Cromwell Road Cleethorpes North East Lincolnshire DN35 0AW	Erect single storey extension to rear and side with installation of rooflights and creation of new driveway access and drop kerb Approval with Conditions
DM/0156/16/FUL Full Application	Mr S Stockdale 5 Waddingham Place Habrough Immingham North East Lincolnshire DN40 3AQ	Erect single storey extensions to side and rear and erect detached garage/garden store. Approval with Conditions

DM/0165/16/FUL Full Application	Mr & Mrs Wakefield 59 Taylors Avenue Cleethorpes North East Lincolnshire DN35 0LH	Demolish existing conservatory and erect single storey rear extension with external rendering and terrace Approval with Conditions
DM/0167/16/REM Reserved Matters	Bramall Properties Ltd Land Off Altyre Way Humberston North East Lincolnshire	Reserved Matters application as granted on DM/0107/14/FUL (Hybrid mixed use application for residential development of up to 50 houses (outline), up to 4645sqm (across 5 units) B1 / B8 uses including trade counters with ancillary showrooms (outline) and 1585sqm (across 8 units) B1a / B1b units (Full) with associated access, car parking and landscaping) for landscape strip adjacent to 1585sqm (across 8 units) B1a / B1b units (Full) bordering B1 / B8 uses including trade counters with ancillary showrooms (outline) Approval with Conditions
DM/0168/16/FUL Full Application	Mr David Moore 13 Ings Lane Waltham Grimsby North East Lincolnshire DN37 0EX	Erect single storey extension to side and rear to include installation of rooflights Approval with Conditions
DM/0171/16/FUL Full Application	Ashley Lidgard c/o Lincs Design Consultancy Ltd 9 Kings Road Cleethorpes North East Lincolnshire DN35 0AJ	Proposed extensions and alterations and erection of proposed outbuilding and amendment to previously approved application DM/1002/14/FUL (Erect extensions and alterations including the creation of a second floor with a balcony to the front) Approval with Conditions
DM/0173/16/CND Discharge Condition	Mr & Mrs L Cook 29 Kirkgate Waltham Grimsby North East Lincolnshire DN37 0LP	Details in Discharge of Condition 3 (Materials & Windows) pursuant to DM/0598/15/FUL (Demolish existing rear extension, erect two storey extension, demolish existing shed and replace with detached garage) Conditions Complied With

<p>DM/0175/16/FUL</p> <p>Full Application</p>	<p>Mr Michael Nicholson</p> <p>44 Malcolm Road Grimsby North East Lincolnshire DN34 5NL</p>	<p>Erect first floor side extension with car port below to include removal of front canopy and alterations</p> <p>Approval with Conditions</p>
<p>DM/0176/16/CND</p> <p>Discharge Condition</p>	<p>Mr Colin Evans Evans European Transport</p> <p>Unit C Jackson Place Humberston Grimsby North East Lincolnshire DN36 4AS</p>	<p>Details in Discharge of Condition 3 (Surface Water Drainage) pursuant to DM/0498/15/FUL (Single storey side extension to steel frame industrial warehouse)</p> <p>Conditions Complied With</p>
<p>DM/0180/16/CND</p> <p>Discharge Condition</p>	<p>Mr Laurence Hamilton Enque Investment Limited</p> <p>Hazelmere 2 - 4 Welholme Avenue Grimsby North East Lincolnshire DN32 0HP</p>	<p>Details in Discharge of Condition 4 (Landscaping) pursuant to DM/0387/15/FUL (Removal of Condition 9 (dormers and rooflights) and Variation of Condition 13 (approved plans) relating to DC/833/12/PAR (Alterations and conversion of vacant care home to create 13 self-contained apartments and change of use and alterations of detached building to form residential unit. Erection of fencing, formation of parking and associated works) for amendments to internal layouts including additional bedrooms, external alterations, revisions to parking layout, cycle and bin stores)</p> <p>Conditions Complied With</p>
<p>DM/0181/16/FUL</p> <p>Full Application</p>	<p>Mr Scott Indian</p> <p>33 Danesfield Avenue Waltham Grimsby North East Lincolnshire DN37 0PZ</p>	<p>Demolish existing garage and erect single storey rear extension</p> <p>Approval with Conditions</p>

DM/0182/16/FUL Full Application	Mr David Logan 7 Joseph Ogle Close New Waltham Grimsby North East Lincolnshire DN36 4WP	Demolition of existing sun room and erect a single storey extension to side and rear Approval with Conditions
DM/0183/16/FUL Full Application	Mr D Adams 26 Sinderson Road Humberston Grimsby North East Lincolnshire DN36 4TY	Raise roof and chimney height to create first floor rooms in roofspace with external alterations Approval with Conditions
DM/0186/16/ADV Advertisement Consent	Mr Paul Wood Pygott and Crone Unit 2 75A St Peters Avenue Cleethorpes North East Lincolnshire DN35 8HF	Display one internally illuminated fascia sign Approval with Conditions
DM/0187/16/FUL Full Application	Mr Graham House 13 Oakwood Drive Grimsby North East Lincolnshire DN37 9RN	Erect single storey rear extension and extension to front dormer Approval with Conditions
DM/0191/16/FUL Full Application	Mr Neil Grice Land Adj Brewery Street Grimsby North East Lincolnshire	Installation of wrought iron gates to fill the entrance to the alleyway Approval with Conditions

DM/0192/16/LBC Listed Building Consent	Mr Neil Grice Land Adj Brewery Street Grimsby North East Lincolnshire	Listed Building Consent for the installation of wrought iron gates to fill the entrance to the alleyway Approval with Conditions
DM/0195/16/FUL Full Application	Mr D Cook 111 Oxford Street Cleethorpes North East Lincolnshire DN35 0BJ	Erect single storey extension to rear to include installation of rooflights and external alterations Approval with Conditions
DM/0198/16/FUL Full Application	Mr & Mrs Karl Heffernan 37 Parker Street Cleethorpes North East Lincolnshire DN35 8TH	Retrospective application to erect single storey extension to rear, loft conversion to include dormer at rear and external alterations Approval with Conditions
DM/0206/16/FUL Full Application	Miss S Powton 4 Paignton Court Grimsby North East Lincolnshire DN33 3DH	Demolish existing conservatory and erect a single storey rear extension Approval with Conditions
DM/0222/16/ADV Advertisement Consent	Mcdonalds Restaurants Ltd Mcdonalds Grimsby Road Cleethorpes North East Lincolnshire DN35 7DQ	Relocate 2 existing menu signs, display one non-illuminated 'Any Time Any Lane' poster sign and display two internally illuminated menu signs Approval with Conditions
DM/0223/16/FUL Full Application	Mr Keith Bell Diana Princess Of Wales Hospital Scartho Road Grimsby North East Lincolnshire DN33 2BA	Retrospective application for two portacabins Approved

DM/0224/16/FUL Full Application	Mr & Mrs J Maclennan 24 Robert Close Immingham North East Lincolnshire DN40 2EH	Erect single storey extension to rear to include the installation of rooflights Approval with Conditions
DM/0225/16/FUL Full Application	Mr Darren Burnett 15 Haverstoe Place Cleethorpes North East Lincolnshire DN35 9QG	Demolish existing single storey extension at rear and erect new single storey extension to rear with installation of rooflight Approval with Conditions
DM/0233/16/TPO Works to a tree in a Conservation Area	Miss Sharon Loughton 2 Westlands Avenue Grimsby North East Lincolnshire DN34 4SP	Willow tree in rear garden: Fell Reason: tree has been previously pollarded and is now considered too large for garden. Approval with Conditions
DM/0234/16/TPO Works to a tree in a Conservation Area	Miss Sharon Loughton Westlands House Westlands Avenue Grimsby North East Lincolnshire DN34 4ST	Sycamore: Fell Reason: tree blocks out light and falling leaves are a nuisance Approval with Conditions
DM/0237/16/ADV Advertisement Consent	Mrs Joyce Parry Abbys Wine Bar & Bistro Ltd Riverside & Holmhirst Hotel 2 & 3 Alexandra Road Cleethorpes North East Lincolnshire DN35 8LQ	Display 3 non-illuminated fascia signs and 1 illuminated fascia sign Approval with Conditions
DM/0242/16/FUL Full Application	Mr Alan Tofton AT Auto (Grimsby) Ltd Land Off Ladysmith Road Grimsby North East Lincolnshire	Erect single storey detached vehicle storage unit to rear of existing workshop Approval with Conditions

<p>DM/0243/16/FUL</p> <p>Full Application</p>	<p>Mr D Jaines-White North East Lincolnshire Council</p> <p>Land At Cartergate Grimsby North East Lincolnshire</p>	<p>Erect new substation with external cladding and enclosed by 2.4m high paladin fencing</p> <p>Approval with Conditions</p>
<p>DM/0245/16/FUL</p> <p>Full Application</p>	<p>Mr G Ornsby</p> <p>124A Station Road Healing Grimsby North East Lincolnshire DN41 7RQ</p>	<p>Erect single storey rear extension and render cladding to side elevation of existing single storey rear projection</p> <p>Approval with Conditions</p>
<p>DM/0247/16/FUL</p> <p>Full Application</p>	<p>Mr S Leary</p> <p>1 Fernie Place Cleethorpes North East Lincolnshire DN35 0RT</p>	<p>Erect single storey side extension to include the installation of rooflights</p> <p>Approval with Conditions</p>
<p>DM/0254/16/PNH</p> <p>Prior Approval Householder</p>	<p>Mrs Sonia Axcell</p> <p>11 Hawerby Road Laceby Grimsby North East Lincolnshire DN37 7AZ</p>	<p>Prior Notification to erect single storey extension to rear: Extend beyond rear wall: 3.6m Maximum height: 3.27m Height at eaves: 2.1m</p> <p>Householder Permitted Development</p>
<p>DM/0255/16/FUL</p> <p>Full Application</p>	<p>Mr & Mrs Myers</p> <p>99 Peaks Lane New Waltham Grimsby North East Lincolnshire DN36 4LZ</p>	<p>Erect two storey rear extension to create additional living space with an additional bedroom above & replace garage to rear</p> <p>Approval with Conditions</p>

<p>DM/0257/16/TPO</p> <p>Works to a tree with a TPO</p>	<p>Mr Donald Waddingham</p> <p>3 Oak Road Healing Grimsby North East Lincolnshire DN41 7RJ</p>	<p>Rowan: Fell Reason: poor condition</p> <p>Approval with Conditions</p>
<p>DM/0259/16/FUL</p> <p>Full Application</p>	<p>Mrs Karen Bradley</p> <p>94 Patrick Street Grimsby North East Lincolnshire DN32 9NT</p>	<p>Install bay window to front to include side entrance porch with canopy roof above</p> <p>Approval with Conditions</p>
<p>DM/0261/16/FUL</p> <p>Full Application</p>	<p>Mr Ray James Grimsby Shopping Centre, C/O BMO Retail Partners</p> <p>Freshney Place Shopping Centre Brewery Street Grimsby North East Lincolnshire</p>	<p>Variation of Condition 5 (Demolition Working Hours) following application DM/1076/14/FUL (Change of use, extensions and alterations to existing car park to provide new retail floor space and change of use of existing retail/ancillary floor space to provide customer toilets) to allow 24 hour working during a defined demolition period</p> <p>Approval with Conditions</p>
<p>DM/0264/16/CND</p> <p>Discharge Condition</p>	<p>Mr H And Mrs A E Lachguer</p> <p>234 Laceby Road Grimsby North East Lincolnshire DN34 5DW</p>	<p>Details in Discharge of Condition 2 (Surface Water Drainage) pursuant to DM/1047/15/FUL (Erect single storey rear extension)</p> <p>Conditions Complied With</p>
<p>DM/0265/16/ADV</p> <p>Advertisement Consent</p>	<p>Enterprise Rent-A-Car UK Ltd</p> <p>Gilbey Road Auto Services Gilbey Road Grimsby North East Lincolnshire DN31 2RP</p>	<p>Display two internally illuminated fascia signs, one non-illuminated fascia sign and one internally illuminated free standing sign</p> <p>Approval with Conditions</p>

<p>DM/0271/16/CND</p> <p>Discharge Condition</p>	<p>Mr Rick Tunney</p> <p>16C Cardiff Avenue New Waltham North East Lincolnshire</p>	<p>Details in Discharge of Conditions 2 (Materials), 3 (Construction Details), 4 (Construction Management Plan) & 9 (Surface Water Drainage) pursuant to application DM/1139/15/FUL (Erect detached dwelling with integral garage, associated parking and access)</p> <p>Conditions Complied With</p>
<p>DM/0273/16/NMA</p> <p>App for Non-Material Amendments</p>	<p>Mr Ray James Grimsby Shopping Centre C/O BMO Retail Partners</p> <p>Freshney Place Shopping Centre Brewery Street Grimsby North East Lincolnshire</p>	<p>Non Material Amendment following application DM/0261/16/FUL Variation of Condition 5 (Demolition Working Hours) following application DM/1076/14/FUL (Change of use, extensions and alterations to existing car park to provide new retail floor space and change of use of existing retail/ancillary floor space to provide customer toilets) to allow 24 hour working during a defined demolition period.</p> <p>Non-Material Amendment -Accepted</p>
<p>DM/0275/16/CND</p> <p>Discharge Condition</p>	<p>Mr Gary Rafferty Lidl UK GmbH</p> <p>183 Cromwell Road Grimsby North East Lincolnshire DN31 2BB</p>	<p>Details in Discharge of Conditions 3 (Landscaping), 4 (Highway Detail), 5 (Construction Management Plan) & 7 (Method Statement) pursuant to DM/0728/15/FUL (Demolish seven dwellings and one commercial property to accommodate an extension to the existing car park)</p> <p>Conditions Complied With</p>
<p>DM/0279/16/FUL</p> <p>Full Application</p>	<p>Mr And Mrs G Hammond</p> <p>2 Brampton Way Cleethorpes North East Lincolnshire DN35 9PW</p>	<p>Erect single storey extension to rear</p> <p>Approval with Conditions</p>
<p>DM/0281/16/FUL</p> <p>Full Application</p>	<p>Ms S Harris</p> <p>78 Mendip Avenue Grimsby North East Lincolnshire DN33 3AN</p>	<p>Erect two storey side extension to form kitchen, utility and two bedrooms at first floor</p> <p>Approval with Conditions</p>

DM/0289/16/ADV Advertisement Consent	Lidl UK GmbH 183 Cromwell Road Grimsby North East Lincolnshire DN31 2BB	Display 1 internally illuminated free standing pylon sign Approval with Conditions
DM/0292/16/TPO Works to a tree with a TPO	Mr A Reed 1 Lea Drive Grimsby North East Lincolnshire DN32 9FB	LIME (T1) - LIFT CROWN TO 5M BY REMOVING 2 LOWEST LIMBS TO WEST OF CROWN TO INCREASE DAYLIGHT ACCESS Approval with Conditions
DM/0295/16/TCA Works to a tree in a Conservation Area	Mr Craig Acquorff 72 Station Road Great Coates Grimsby North East Lincolnshire DN37 9NN	Monteray Cypress, front garden: fell Reason: excessive shading and birds roosting in tree resulting in bird mess being walked into the house. Approved
DM/0296/16/TCA Works to a tree in a Conservation Area	Mrs White 78 Bradford Avenue Cleethorpes North East Lincolnshire DN35 0BH	T1 Birch, Fell T2 Birch, Reduce by 2m see photo's. Approved
DM/0336/16/FULA Accredit Agnt - Hseholder application	Mrs Helen Horder 16 Dunbar Avenue New Waltham Grimsby North East Lincolnshire DN36 4PY	Erect single storey extension to front to form bay window and single storey rear extension to include the installation of rooflights Approval with Conditions
DM/0302/16/FUL Full Application	Mr Paul Coutts 44 Chichester Road Cleethorpes North East Lincolnshire DN35 0HZ	Erect first floor extension to rear with installation of balcony, alterations to existing roof to match proposed and internal alterations Approval with Conditions

DM/0303/16/FUL Full Application	Mr Brian McShane 228 Chelmsford Avenue Grimsby North East Lincolnshire DN34 5DE	Erect two storey side extension, demolish existing garage and erect detached double garage in rear garden with the installation of rooflights Approval with Conditions
DM/0304/16/FUL Full Application	Mr Stephen Foster 32 Signhills Avenue Cleethorpes North East Lincolnshire DN35 0BT	Erect single storey and two storey rear extensions with the installation of rooflights and single storey extension to front of existing detached garage Approval with Conditions
DM/0307/16/TCA Works to a tree in a Conservation Area	Mr And Mrs Garton 3 Bargate Avenue Grimsby North East Lincolnshire DN32 0EB	Conifer as shown in attached photograph; Fell Approved
DM/0315/16/NTC Notification Telecom	Gareth White Sitec Infrastructure Services Ltd Hutchison 3G Site Dn0082 Clee Road Cleethorpes North East Lincolnshire	Prior Notification application to install two cabinets, replace 3 antennas, replace 6 Nokia MHAs with 3 RD MHAs within existing cabinet and replace 3 Mk1 UCU with 3 Mk2 UCUs within existing cabinet No Observations
DM/0320/16/TCA Works to a tree with a TPO	Ready Teddy Go 40 Bradford Avenue Cleethorpes North East Lincolnshire DN35 0BD	x2 Rowan trees: Fell Reason: pushing wall over Approved
DM/0324/16/FUL Full Application	Ms Susan Leyland 1 Nelson Way Grimsby North East Lincolnshire DN34 5RA	Demolish existing outbuilding and erect two storey side extension with internal and external alterations and canopy to front Approval with Conditions

DM/0337/16/TCA Works to a tree in a Conservation Area	Mr Mark Brenan 29 Park Drive Grimsby North East Lincolnshire DN32 0EG	Walnut: Fell Approved
DM/0334/16/NTC Notification Telecom	Openreach S/O 1 Church View Waltham Grimsby North East Lincolnshire DN37 0PH	Prior Notification to install 1 x DSLAM electronic communication apparatus No Observations
DM/0335/16/FULA Accredit Agnt - Hseholder application	Mr Chris Marshall 39 Mellor Way New Waltham Grimsby North East Lincolnshire DN36 4GW	Conversion of roofspace to create bedroom and installation of rooflights to rear elevation Approval with Conditions
DM/0338/16/TPO Works to a tree with a TPO	Mr Joseph Tynan Shoreline Housing Partnership 6 Murfin Court Cleethorpes North East Lincolnshire DN35 7AA	T1 - Silver Maple - reduce crown by 4m all round to increase daylight access Approval with Conditions
DM/0339/16/CND Discharge Condition	Mr Stephen Brown 5 Mayfields Court Stallingborough North East Lincolnshire DN41 8FL	Details in Discharge of Condition 2 (Surface Water) pursuant to application DM/0111/15/FUL (Erect ground floor extension to side to form hobbies/games room and alterations to garage to remove existing doors and fit new double door) Conditions Complied With

DM/0351/16/FUL Full Application	Mr & Mrs Mortimer Brown 5 Holly Close Stallingborough Grimsby North East Lincolnshire DN41 8TG	Erect two storey extension to side Approval with Conditions
DM/0357/16/NTC Notification Telecom	Jonathon Croasdell Bilfinger Telecommunication Mast 2 - 4 St Peters Avenue Cleethorpes North East Lincolnshire DN35 8HH	Prior Notification application for the replacement of 6 no. antennas with new on existing support poles and replacement of 1 no. cabinet with 2 no. cabinets and associated development No Observations
DM/0362/16/NTC Notification Telecom	Catherine McKerrigan WHP Wilkinson Helsby Fabricom Kings Road Immingham DN40 1BL	Prior Notification for the installation of new 0.3m dish at a height of 28m No Observations
DM/0395/16/NTC Notification Telecom	Gavyn Smyth EE Limited Telecommunication Mast 2 - 4 St Peters Avenue Cleethorpes North East Lincolnshire DN35 8HH	Prior Notification to install 1 HUAWEI 3900A cabinet, 1 FCOA cabinet and retain existing 6 antennas on existing tower No Observations



DEVELOPMENT MANAGEMENT

APPEALS LIST – 12th May 2016

APPLICATION NUMBER & SITE ADDRESS	APPEAL REFERENCE & STATUS	OFFICER & PROCEDURE
DM/0156/15/CEA 174 Humberston Fitties Humberston Grimsby North East Lincolnshire DN36 4HE	AP/008/15 INPROG	Simon Johnson Informal Hearing
DM/0398/15/OUT Land At Beck Farm Mews Barnoldby Le Beck North East Lincolnshire	AP/014/15 INPROG	Richard Limmer Written Representations
DM/0127/15/FUL Land South Of Georgian House Main Road Barnoldby Le Beck North East Lincolnshire	AP/015/15 INPROG	Richard Limmer Written Representations

DM/0270/15/FUL Land Rear Of Garth Cottage Main Road Ashby Cum Fenby North East Lincolnshire	AP/002/16 INPROG	Simon Johnson Written Representations
DM/0552/15/FUL R/O 171 Mill Road Cleethorpes North East Lincolnshire DN35 8JB	AP/004/16 INPROG	Cheryl Jarvis Written Representations
EN/0640/15 20 Cambridge Street Cleethorpes North East Lincolnshire DN35 8HB	AP/005/16 INPROG	Martin Ambler Written Representations
DM/0767/15/FUL 20 Cambridge Street Cleethorpes North East Lincolnshire DN35 8HB	AP/006/16 INPROG	Ian Trowsdale Written Representations
DM/0773/15/FUL Land Between 3 And 5 Dover Street Grimsby North East Lincolnshire	AP/007/16 INPROG	Ian Trowsdale Written Representations
DM/0882/15/FUL R/O 12 Rydal Avenue Grimsby North East Lincolnshire DN33 3EL	AP/008/16 INPROG	Martin Dixon Written Representations

DM/0697/15/FUL Land Adj Netherwood Bradley Road Bradley North East Lincolnshire	AP/009/16 INPROG	Ian Trowsdale Written Representations
DM/0005/16/LBC 43 High Street Laceby Grimsby North East Lincolnshire DN37 7AB	AP/010/16 INPROG	Ian Trowsdale Written Representations
DM/0004/16/FUL 43 High Street Laceby Grimsby North East Lincolnshire DN37 7AB	AP/011/16 INPROG	Ian Trowsdale Written Representations



Appeal Decision

Site visit made on 21 April 2016

by **Peter D. Biggers MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 May 2016

Appeal Ref: **APP/B2002/W/15/3140546**

148 Caistor Road, Laceby, North East Lincolnshire DN37 7JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Oliver Margaron against the decision of North East Lincolnshire Council.
 - The application Ref DM/0565/15/FUL, dated 19 June 2015, was refused by notice dated 8 December 2015.
 - The application sought planning permission for change of use from motorhome showroom to a warehouse and storage facility (Class B8) without complying with a condition attached to planning permission Ref DC/68/13/WOL, dated 16 April 2013.
 - The condition in dispute is No 3 which states that: No activities will take place at the premises outside of the following hours: - Monday to Friday 9am to 6pm or at any time on Saturdays, Sundays, Public and Bank Holidays.
 - The reason given for the condition is: Using the premises outside these hours would be detrimental to the residential amenity by virtue of noise and disturbance and to accord with saved policy GEN1 of the North East Lincolnshire Local Plan 2003.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from motorhome showroom to a warehouse and storage facility (Class B8) at 148 Caistor Road, Laceby, North East Lincolnshire DN37 7JG in accordance with the application Ref DM/0565/15/FUL made on the 16 April 2013 without complying with condition Nos 1 and 3 set out in planning permission Ref DC/68/13/WOL granted on 16 April 2013 by the North East Lincolnshire Council, but otherwise subject to the following conditions :

1) Activities and operations on the site shall only be carried out between the hours of:

08.00 and 18.00 on Mondays to Fridays and

09.00 and 17.00 on Saturdays

and not at any time on Sundays or on Bank or Public Holidays.

2) Deliveries to and collections from the site shall only be carried out between the hours of:

09.00 and 18.00 on Mondays to Fridays

and not at any time on Saturdays, Sundays or on Bank or Public Holidays.

3) The development shall continue to be carried out in accordance with the approved plans and information date stamped 15 and 20 February 2013 including the application form dated 30 January 2013 all under planning permission DC/68/13/WOL.

Main Issue

2. The main issue is the effect that varying the hours of operation currently controlled by condition No 3 would have on the living conditions of present and future occupants of neighbouring properties in Caistor Road in terms of the potential for noise and disturbance.

Reasons

3. The appeal site is located close to the busy junction of the A46 and A18 and fronts onto Caistor Road, a cul-de-sac access road running on the north side of the A46 Grimsby Road. The road terminates just beyond the site at the adjacent motor engineer's. The Electrolve site comprises an industrial-style building occupying the eastern half of the site and open raked storage to the western half. Car parking and a small number of parked caravans and camper vans occupy the frontage within the fenced boundary. With the exception of the motor engineers on the west side and the road to the south the site is bounded by residential properties. The site's yard area is well screened from neighbouring houses on the northern boundary by high fencing and trees and the Electrolve building itself screens the garden of No 146 Caistor Road from the main yard area. At the time of my visit (12.00 noon) there was no outside activity at the site and no deliveries in progress. The audible noise in the vicinity was from traffic on the two main roads and construction work on the highway services on the west side of the junction.
4. The *National Planning Policy Framework* (the Framework) in its core planning principles at paragraph 17 seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. At paragraph 123 it states that planning decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life and should mitigate and reduce to a minimum other adverse impacts arising from noise, including by the use of conditions. The Framework refers to the *Noise Policy Statement for England* to assist in the interpretation of noise impacts. The Statement identifies 3 types of noise and it would be 'neighbourhood noise' that would be likely to be at issue in this case – i.e. noise arising from trade and business premises. The statement acknowledges that noise exposure can cause annoyance which can have an impact on quality of life but states that there is a need to consider the economic and social benefit of the activity alongside the environmental effects including noise.
5. Saved Policy GEN 1 of the *North East Lincolnshire Local Plan 2003* is consistent with the Framework in seeking to restrict development that would impact upon neighbouring land uses by reason of noise, disturbance or visual intrusion. The business operation at the site left without any controls on hours of operation could conceivably operate 24/7 which, given the close proximity of residential properties, would not be appropriate.
6. As such, in terms of the tests on conditions in the *Planning Practice Guidance* (PPG), a condition controlling hours of operation is necessary, relevant and reasonable. However, the PPG states at paragraph 004 that if a condition is wider in scope than justified to achieve its objective it would fail the test of need and a condition which places unjustifiable and disproportionate burdens on an applicant will fail the test of reasonableness.
7. The present condition restricts operations and activity at the site to the hours of 09.00 to 18.00 on Mondays to Fridays only. I accept that in an area where there are residential properties in close proximity any operation on Sundays or public

8. I acknowledge from the evidence before me that there appears to have been problems in the recent past whilst the company was breaking and removing pallets when the hours of operation condition No 3 was breached and there was reportedly excessive noise from the site. However at the time of my visit there was no sign that any such activity was ongoing at the yard which was predominantly in use for storage of plastic trays and crates, some pallets and a small number of caravans and camper vans. The predominant noise at the site during my visit was sourced from traffic on the two main roads and the construction site to the west of the junction. Given the nature of the business which I observed on site and the limited external noise, condition No 3 preventing Saturday operation altogether places an unjustifiable and disproportionate burden on the appellant's business and fails the test of reasonableness. It also ignores the Noise Policy Statement's advice to consider economic benefits alongside environmental issues including noise.
9. In terms of what would be reasonable alternative hours to those in the existing condition I will deal first with delivery and collection. In the evidence provided by the appellant there are no deliveries or collections outside the operating hours already permitted on the site, ie 09.00 to 18.00 on Mondays to Fridays. There is therefore no need to alter these hours other than apply them specifically to deliveries and collections in a separate condition to ensure they can be enforced.
10. With regard to the operating hours of the site itself during the week, if the trading day commences at 09.00 it seems reasonable to expect that a business would need its employees on site to prepare for the day in advance of that time. The starting time of 08.00 is not unusually early and is not a time which would give rise to undue disturbance to neighbouring households during the week. Although the appellant and the council propose slightly different hours for inside and outside the building I am not convinced that such a distinction would be enforceable. In opening up the site each day the company is just as likely to need to work outside as inside the building. Provided there would not be noise and disturbance for residents outside reasonable hours there is no need to create a situation where enforcement would be difficult meaning the condition would fail the PPG test.
11. Accordingly a start time of 08.00 during the week does not seem unreasonable for the yard and business to open. The appellant has indicated that he would be prepared to open earlier to accommodate parking for the Mercedes dealership staff at 07.00 thus resolving some parking issues in the turning head on Caistor Road. However this could give rise to disturbance for residents and as it would not be necessary for the appellant's business it would not be justified or reasonable.
12. Regarding the end of the working day, the appellant has made no specific case for an extension of time beyond 18.00 although both he and the Council proposed 19.00 for the building and 18.00 for the yard. As with the morning start time, closing down the business for the day is just as likely to involve outside activity as inside activity and certainly movement of vehicles in the yard. Therefore the different timing would be problematic. An extension of hours of operation to 19.00 would take business activity into the period when most residents will have returned home and not a time at which they would still expect the site to be active. As the appellant has not expressed a particular need for an extension after 18.00 I do not propose to extend the period further into the evening.
13. In respect of Saturday operation it has been put to me by the appellant that

this would not be a normal trading day and it would be used for 'catch-up' work in the office with no need for any outside working or vehicle movements. A slightly later start time and earlier finish time in recognition of the fact that for many residents Saturday is not a working day would be a reasonable balance between business needs and the need to respect living conditions. An opening and closing time of 09.00 and 17.00 would be unlikely to have any undue impact on residents.

14. I conclude in respect of the disputed condition No 3 that although a condition controlling hours of operation is necessary to protect the living conditions of neighbouring occupants from potential noise and disturbance, its terms are currently unnecessarily and unreasonably restrictive. As a result Condition No 3 as currently worded does not meet the tests in the PPG or paragraph 206 of the Framework. A limited alteration to the hours of operation, effectively controlled, would not result in any significant intensification of use nor impact unduly upon neighbouring land uses by reason of noise and disturbance, the test in policy GEN1, nor give rise to significant adverse impacts on health and quality of life – the test in the Framework.

Other Matters

15. Neighbouring third parties have raised other matters of concern in addition to the potential for noise and disturbance principally related to litter, loss of visual amenity as a result of outdoor storage, high level lighting and traffic congestion. Some of these do not appear to be directly related to the hours of operation although I accept that altered hours may require lighting to be on longer in the winter months. However, from my observations on site, lighting was mounted at eaves level on the building and therefore not at a particularly high level. With regard to traffic congestion, by allowing the yard to open earlier in the morning the circumstances where employees are waiting outside for the yard to open, potentially causing congestion in the access road and turning head, would be eased. In any event it would appear from the evidence before me and on site that some of the traffic issue relates to the Listers Mercedes dealership on the south side of the A46 rather than the appellant's company. As I propose to apply a separate hours condition in respect of deliveries and collections which would be no different to the hours in the current condition there will not be the opportunity for deliveries over an extended period.

Conclusions

16. For the reasons given above, the appeal should be allowed and a new permission granted with two new conditions controlling hours of operation and hours within which delivery and collection can take place. The condition relating to compliance with approved plans attached to the original permission remains necessary and is also attached.

P. D. Biggers

INSPECTOR