

North East Lincolnshire Local Development Order



Former Birds Eye factory site
Ladysmith Road Grimsby

Adopted 9 March 2016



Working in Partnership



1	Introduction	4
	Purpose of the LDO	4
2	The Ladysmith Road Local Development Order	6
	Conditions	7
3	Statement of reasons	12
	The site	12
	LDO timescales	12
	LDO conditions	12
	Legislative framework	13
	Statement of relevant Planning Policies	13
	Environmental Impact Assessment	14
	Relevant planning history	15
	Development considerations	15
	Heads of terms	17
4	Next steps	20
	LDO outline planning permission	20
	Reserved matters	20
	Application requirements	20
■	Appendices	
A	Location plan	22

Introduction

- 1.1** The Government is promoting the use of Local Development Orders (LDOs) to assist in the relaxation of planning requirements, allow greater certainty for prospective developers and create the conditions for successful development

Purpose of the LDO

- 1.2** This LDO relates to land associated with the former Birds Eye factory (now demolished), off Ladysmith Road, Grimsby. The four hectare cleared site is within a mixed-use area within Grimsby.
- 1.3** The site is in private ownership and has full planning permission for housing. North East Lincolnshire Council's (NELC) principal objectives through the preparation of this LDO, is to maximise the likelihood that the site is developed, adds to the range of housing in Grimsby and supports regeneration.
- 1.4** The LDO grants outline permission for the type of development specified by the Order, subject to conditions (see 'Conditions') and in so doing, removes the need for outline planning permission. The process of adopting a LDO is designed to ensure that the development permitted would not have unacceptable impacts on neighbours, the environment or the wider area.
- 1.5** The LDO does not remove the need to obtain other statutory consents or licences, nor pre-empt or prejudice the outcome of such applications. It remains the responsibility of developers to obtain all the necessary statutory consents relating to this site, as appropriate. It is also the case that a planning application can be submitted to develop the site, regardless of the LDO, which would then be dealt with under standard planning procedures. However, the LDO is designed to provide the council's preference as to how the site should be developed, whilst recognising the views of residents and statutory consultees, so as to allow development to proceed more quickly.
- 1.6** This LDO comprises three parts:
- The **Ladysmith Road Local Development Order** - this sets out the precise terms of the outline planning permission granted;
 - The **Statement of reasons** - outlining the reasons for its conditions; and
 - **Next steps** - which outlines the steps needed to be undertaken by developers when taking forward their proposed LDO development.

The Ladysmith Road Local Development Order

The Ladysmith Road Local Development Order

This LDO grants outline planning permission with details of access, for the erection of buildings and / or use of land for Class C3 with ancillary C2, A1, A2, A3, A5, B1 and D1 uses (see below for definitions). This promotes a high density residential-led, mixed use development on the site (see Location plan).

C2 and C3 Uses:

- C2 Residential Institutions - residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres.
- C3 Dwelling houses - for use by a single person or a family or not more than six unrelated individuals living together as a single household. This may include an element of care (this does not include a use categorised as a House in Multiple Occupation).

A1, A2, A3, A5 Uses:

- A1 Shops – preferably, convenience goods complementary to the residential use.
- A2 Financial and Professional Services – financial services such as bank and building societies, professional services and including estate agents and employment agencies. It does not include betting offices or pay day loan shops.
- A3 and A5 Restaurants, Cafés and Hot Food Takeaways - for the sale of food and drink for consumption on and off the premises, including restaurants, snack bars, cafés and hot food takeaways.

B1 Uses:

- B1(a) Business – Offices.

D1 Uses:

- D1 Non-Residential Institutions - Clinics, health centres, crèches, day nurseries, day centres, schools, art galleries (other than for sale or hire), museums, libraries, halls, places of worship, church halls, law court. Non-residential education and training centres.

Conditions

2.1 Development is granted by this LDO, subject to the following conditions:

Condition	Reason
1 Applications for approval of the matters referred to in Condition 2 (known as reserved matters) shall be made within five years of the date of this LDO being adopted, and the development to which it relates shall begin no later than whichever is the later of the following dates: a. Five years from the date of the adoption of this LDO; or, b. Two years from the final approval of the reserved matters, or in the case of approval on different dates, final approval of the last such matter to be approved.	This permission is in outline form with details of access and the information is necessary for consideration of the detailed proposal as required by S.92 of the Town and Country Planning Act 1990.
2 No development shall begin until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: a. layout; b. scale; c. appearance, and d. landscaping.	The information is necessary for consideration of the detailed proposal as required by S.92 of the Town and Country Planning Act 1990.
3 The development must accord with the following plans: <ul style="list-style-type: none"> Figure A.1 'Ladysmith Road - Site Location Plan'. 	To ensure the site is developed in accordance with the LDO, for the avoidance of doubt, and in accordance with saved Policy GEN1 of the North East Lincolnshire Local Plan 2003.
4 The development hereby approved, is for a maximum of 300 dwellings (use class C3).	To ensure the site is developed in accordance with the LDO, for the avoidance of doubt, and in accordance with saved Policy GEN1 of the North East Lincolnshire Local Plan 2003.
5 Collectively, the floorspace of the retail/commercial uses (C2, A1, A2, A3, A5,	To ensure the site is developed in accordance with the LDO, and is

Condition		Reason
	B1, D1) hereby approved, shall not exceed 2,500m ² .	in keeping with the character of the area, in accordance with saved Policy GEN1 of the North East Lincolnshire Local Plan 2003.
6	<p>If contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing within seven working days to the Local Planning Authority and no further development shall be undertaken within that phase of development until the following steps have been complied with. An investigation and risk assessment must thereafter be undertaken and where remediation is necessary a Remediation Scheme must be prepared and a Plan for Implementation, which is subject to the approval in writing of the Local Planning Authority. Once approved, the remediation measures shall be implemented as approved.</p>	To ensure risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors and in accordance with saved Policy GEN1 of the North East Lincolnshire Local Plan 2003.
7	<p>No phase of development shall commence until a Construction Management Plan including details of:</p> <ul style="list-style-type: none"> • dust suppression techniques; • noise reduction measures; • hours of working; • wheel cleaning facilities; • the location and details of any construction compound; and • construction related traffic routing. <p>is submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved Management Plan.</p>	To ensure that the construction process is carried out in a safe manner, which will not impact adversely on the amenities of nearby residents, or on the safety of the adjacent highway network, in accordance with saved Policy GEN1 of the North East Lincolnshire Local Plan 2003.
8	Access to the site shall be taken from Ladysmith Road and/or Ropery Street, and/or Granville Street and/or Welholme Road. No phase of development shall commence until	In the interests of highway safety and to accord with saved Policy GEN1 of the North East Lincolnshire Local Plan 2003.

Condition	Reason
<p>full technical details of the form, design and layout of the proposed access(es), including demonstrating adequate forward visibility for vehicles entering and exiting the site, have been submitted to and approved in writing by the Local Planning Authority. This shall include details of the closure and making good of any redundant highway access(es) into the site. Once approved, the development shall be carried out in strict accordance with the approved details.</p>	
<p>9 No dwelling shall be occupied and no use shall commence in any phase until the access, parking and manoeuvring arrangements which serve it are available for use. Once completed, they shall be retained thereafter.</p>	<p>To ensure that the proposed access roads, parking and turning areas are constructed appropriately, in the interests of public and highway safety and in accordance with saved Policy GEN1 of the North East Lincolnshire Local Plan 2003.</p>
<p>10 None of the dwellings hereby permitted shall be occupied until the existing pelican crossing in Ladysmith Road has been up-graded, a barrier has been provided in the footway of Ladysmith Road where the proposed footpath emerges from the site, the two bus stops in Ladysmith Road have been up-graded to cater for low-floor buses and the footways abutting the site in Ropery Street and Granville Street have been reinstated, unless, an alternative timescale for implementation is submitted to and approved in writing by the Local Planning Authority.</p>	<p>In the interests of road safety and pedestrian safety, to improve the accessibility of public transport for the residents of the proposed development and to accord with saved Policy GEN1 of the North East Lincolnshire Local Plan 2003.</p>
<p>11 Residential development to be a minimum of two storeys with ground floor levels set not less than 300mm above modelled flood levels.</p> <p>Or</p>	<p>To reduce the risk and impact of flooding and in accordance with saved Policy GEN1 of the North East Lincolnshire Local Plan 2003.</p>

Condition		Reason
	Any residential development shall incorporate, for the lifetime of the development, non-habitat uses at ground floor level, with flood resilient construction to 300mm above modelled floor levels and demountable defences to 600mm above floor level.	
12	No phase of development shall commence until a scheme for the provision and implementation of foul and surface drainage works have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed as approved and retained thereafter.	To prevent increased pollution of the water environment and to prevent increased risk of flooding in accordance with saved Policy GEN1 of the North East Lincolnshire Local Plan 2003.
13	Prior to first occupation of any retail/commercial uses in any phase, details of the proposed hours of opening shall be submitted to approved in writing by the Local Planning Authority. The approved hours of opening shall thereafter be adhered to.	To ensure that the uses do not adversely impact on the amenities of nearby residents, in accordance with saved Policy GEN1 of the North East Lincolnshire Local Plan 2003.
14	<p>Prior to the commencement of any phase of development, an agreement under Section 106 of the Town and Country Planning Act 1990, shall be entered into with the Local Planning Authority in relation to:</p> <ul style="list-style-type: none"> the provision of Affordable Housing where 15 dwellings or more (for the site overall) are proposed; a financial contribution to mitigate the development's impact on primary education provision, where 10 dwellings or more are proposed (for the site overall); a financial contribution to mitigate the development's impact on the local highway network; and the management and maintenance of open space and any sustainable urban drainage systems. 	To ensure adequate provisions, to mitigate the impacts of development, for the avoidance of doubt and in accordance with saved Policy GEN1 of the North East Lincolnshire Local Plan 2003.

Table 2.1 Conditions

Statement of reasons

- 3.1** The former Birds Eye site off Ladysmith Road is important for the regeneration of Grimsby.
- 3.2** The site has been vacant and undeveloped for several years, despite a planning permission for 177 dwellings, approved in 2006. Subsequent amendments were approved to this in 2013, which reduced the number to 176. Permission has been implemented through demolition/ground works.
- 3.3** The LDO's principal objective is to maximise the likelihood of development, through removing the need to obtain outline planning permission, thereby lessening the risk associated with development.
- 3.4** The preferred approach is a residential-led, mixed use development which will contribute to the range of accommodation in Grimsby and help to meet wider housing and regeneration aims.
- 3.5** The site also offers opportunity to enhance the quality of the local environment, provide new public open space, and support community facilities.

The site

- 3.6** This site is four hectares in area (4,000m²) and is approximately 1.5 kilometres to the south east of Grimsby town centre. It is roughly rectangular in shape. The immediate area includes a mix of uses. (See Appendix A 'Location plan').
- 3.7** The site is close to local services and public transport links.

LDO timescales

- 3.8** This LDO takes effect on the date on which it is adopted and expires after five years.
- 3.9** Prior to the LDO expiring, it will be reviewed.

LDO conditions

- 3.10** The conditions imposed on this LDO are necessary to ensure development is acceptable in planning terms.
- 3.11** The conditions are used to:
- confirm the approved land uses;
 - ensure development is designed to reduce impacts on the environment, neighbours, the local area and road network;
 - require the submission of reserved matters; and
 - ensure impacts are appropriately mitigated.

Legislative framework

- 3.12** This LDO has been prepared and executed in accordance with the terms set out within The Town and Country Planning (Development Management Procedure) (England) Order 2015.

Statement of relevant Planning Policies

Local Plan

- 3.13** The requirement for LDOs to implement local plan policies was removed in 2009. The statutory development plan is the North East Lincolnshire Local Plan (adopted 24th November 2003) and includes saved policies (2007)⁽¹⁾.
- 3.14** The provisions of this LDO seek to adhere to the policies set out within the North East Lincolnshire Local Plan, which identifies the site as Industrial Land. The site is also within a flood risk area.
- 3.15** Local plan policies of relevance to this LDO include:
- **Policy GEN1 Development areas** - outlines that within the defined development areas on the proposals map, proposals should adhere to a number of criteria to ensure their suitability;
 - **Policy GEN3 Development and landscaping** - stipulates that 'where appropriate' a comprehensive landscape appraisal and landscaping scheme will be required in support of all development proposals;
 - **Policy GEN8 Protection of water resources** - outlines that development proposals likely to cause an unacceptable threat to the quality and/or quantity of groundwaters or surface waters will not be permitted;
 - **Policy E1 Industrial land** - states that within the industrial areas, as defined on the Proposals Maps, development proposals for the B1, B2, B8 will be permitted. It also states that uses A1, A2, A3, D1 and D2 will be permitted where they primarily serve the interests of the adjoining industrial area. This is providing that the development does not cause unacceptable harm to the character of the area, the environment or the amenities of neighbouring land uses due to its size, scale, layout, appearance, operation or traffic generation;
 - **Policy T6 Development proposals and the provision of parking** - outlines that proposals will be expected to provide a level of parking no greater than the maximum standards required by the Council's Mobility and Parking Standards;
 - **Policy T7 Car Parking Provision for those with mobility impairments** - states that approximately 5% of total parking bays in new developments should be designed and located to meet the needs of people with mobility impairments;

1 A new Local Plan is in preparation.

- **Policy H10: Development of Dwellings in Gardens, adjoining land and infilling** - states that housing development proposals within adjoining land of properties will be permitted where it can be shown that the proposal will not lead to a range of adverse effects, including amenity, overlooking or loss of privacy, unacceptable levels of nuisance and disturbance from vehicles and visitors, and an unduly adverse effect on the general character and appearance of the neighbourhood in which it is to be located;
- **Policy LTC4 Children's equipped play areas** - states that where major development proposals (50 or more new dwellings) cause a deficiency in equipped playgrounds for children the Council will seek, by negotiation, the provision of such facilities to address the deficiency either on the proposed development or, if appropriate on a site in the immediate vicinity; and
- **Policy NH3 Protected species** - states that development proposals likely to cause harm to species protected by law, or to lead to the destruction or obstruction of their habitats, will be permitted only if arrangements can be made through Planning Agreements or conditions to secure the protection of the species.

Supplementary Planning Guidance

3.16 In addition, the following Supplementary Planning Guidance notes prepared by the Council to provide further detail and guidance to support the local plan policies, are relevant to this LDO:

- **North East Lincolnshire Supplementary Planning Guidance (SPG) Note No.3 - Mobility and Parking Standards Adopted April 2004** - This guidance outlines provisions for car and cycle parking and promotes sustainable travel;
- **North East Lincolnshire Supplementary Planning Guidance (SPG) Note No. 4 – Developer Contributions to Education Facilities Adopted April 2005** - This guidance relates to the need for planning obligations to secure financial contributions (or equivalent) to mitigate the impacts of development on education provisions; and
- **Interim Affordable Housing Statement Adopted 1st November 2010** – This details requirements relating to Affordable Housing.

Environmental Impact Assessment

3.17 A formal Screening Opinion (Reference DM/0764/15/SCR) in relation to the site's development, confirmed on 3rd September 2015, that an Environmental Impact Assessment is not required.

Relevant planning history

- 3.18** Reference: DC/1224/06/HEN - Redevelopment of the former Birds Eye factory site for a residential development of 177 mixed dwellings. Approved 26-06-2007.
- 3.19** Reference: DC/630/12/HEN - Erection of 13 dwellings (plots 11-23) in lieu of 14 dwellings (plots 11-24) previously approved under DC/1224/06/HEN. To include vehicular/pedestrian access, boundary treatments, parking and revised alignment of footpath. Approved 18-02-2013.

Development considerations

- 3.20** Matters of detail are dealt with through the imposition of planning conditions. The following should be given consideration in the preparation of reserved matters:

Development considerations	
Design Considerations	<ul style="list-style-type: none"> • Range of building heights, reflecting local character; • A visual focal point through a landmark, well designed building(s) on the corner of Ladysmith Road/Granville Street; • Achieve 'Building for Life 12' accreditation, incorporating measures which promote sustainability; • Subdivision/phasing of distinctive plots or character areas, which provide visual and physical connectivity to the town centre; • Integration of quality of public realm and landscaping; and • Active frontages to promote natural surveillance and safety, achieving 'Secured By Design'.
Transport and Access	<p>Given the site's accessibility, a flexible approach will be taken to the amount of onsite car/cycle parking provision. Any provision should broadly meet the adopted SPG Note 3.</p> <p>The promotion of sustainable transport/travel is encouraged. Consideration should be given to those with mobility impairments, by incorporating kerbs and crossings.</p> <p>Provision of electrical vehicle charging points should be considered.</p> <p>A Travel Plan will be required.</p> <p>Access should be available for emergency vehicles, as should the provision of water supplies for firefighting.</p>

Development considerations	
Drainage	<p>The permeable surfacing of external areas, as part of a detailed landscaping scheme, is encouraged, as is the use of sustainable drainage techniques. For example, green roofs and rainwater harvesting. The drainage strategy should be designed to mimic natural drainage patterns as closely as possible, taking account of land levels.</p> <p>Anglian Water should be contacted to check the capacity of existing systems.</p>
Utilities	<p>A water main runs along parallel to Ladysmith Road and impacts on the developable site area. An existing water main also crosses the development site. Therefore, the site layout should take these into account and accommodate these assets within either prospectively adoptable highways or public open space. Anglian Water will need to be consulted with regard to any detailed design to ensure adequate easement and access for future maintenance. If this is not practical then the water mains will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or if appropriate a build over agreement will be required.</p>
Amenity	<p>Detailed design proposals should fully address environmental and amenity issues associated with the development/uses.</p>
Other	<p>Specifications of piling/foundations will be needed, as regard should be had to reducing noise, vibration and pollution.</p> <p>Consideration to be given to a Waste Management Statement, identifying good waste management practises and policies within the Groundwater Protection: Principles and Practice (GP3) given the site's location within a Source Protection Zone.</p>

Table 3.1 Development considerations

Heads of terms

3.21 A legal agreement, under S106 of the Town and Country Planning Act 1990 (as amended), may be required, subject to the scale and nature of the proposed scheme. The draft Heads of Terms are outlined below. A flexible approach will be adopted, subject to adequate evidence of a scheme's viability:

- the provision of Affordable Housing; where 15 dwellings or more are proposed;
- a financial contribution to mitigate the development's impact on primary education provision, where 10 dwellings or more are proposed;
- a financial contribution to mitigate the development's impact on the local highway network; and
- the management and maintenance of open space and any sustainable urban drainage systems.

Draft head of terms	
Affordable Housing	An Affordable Housing contribution is required which is compliant with Affordable Housing/Planning Policy and delivered on site.
Education	A financial contribution, in accordance with the adopted Developer Contributions to Education Facilities (SPG), is required for schemes of 10 dwellings or more. The contribution is calculated on the basis of £11,276.64 payable for every four houses, excluding affordable and one bedroom houses.
Public Open Space	The maintenance and management of open space, in perpetuity.
Sustainable Urban Drainage Systems (SuDS)	The maintenance and management of SuDS, in perpetuity.
Highway Improvements	A Transport Assessment has been undertaken. This highlights that a developer will be required to contribute £9,000 (nine thousand pounds) towards junction improvements near to the site (based on 300 residential units), to mitigate the impacts of their development on the local highway network.

Table 3.2 Draft heads of terms

Next steps

- 4.1** This section is written mainly for the benefit of developers wishing to carry out LDO development. It identifies the steps that need to be taken by developers to ensure their proposals are right for the LDO site and that they can be processed smoothly and determined quickly.

LDO outline planning permission

- 4.2** You should familiarise yourself with the Local Development Order (LDO) document and the conditions that go with it.
- 4.3** Please note that the outline planning permission granted by the LDO is not a permission to start work on a LDO site. The LDO states which matters have been reserved for later approval. When all the reserved matters have been approved, and, where appropriate, conditions discharged, work may begin on the LDO site.

Reserved matters

- 4.4** A reserved matters planning application for the following is required:
- **Layout** - includes buildings, routes and open spaces within the development and the way they are laid out/considered in relation to buildings and spaces outside the development;
 - **Scale** - includes information on the size of the development, including the height, width and length of each proposed building;
 - **Appearance** - aspect of a building looks, including the exterior of the development; and
 - **Landscaping** – includes proposed landscaping and public/private realm works.
- 4.5** In the event your application is acceptable, you will receive a decision from the Council which will signify that you have reserved matters approval.
- 4.6** Our approval of reserved matters may include conditions in addition to those already required by the LDO.

Application requirements

- 4.7** The Council has a Reserved Matters Checklist which is available at <http://www.nelincs.gov.uk/resident/planning-and-development>. A fee will be payable.
- 4.8** Advice on the above can be obtained from the Development Management Team, who can be contacted on 01472 326289 option 1 or by email to: planning@nelincs.gov.uk.

Location plan

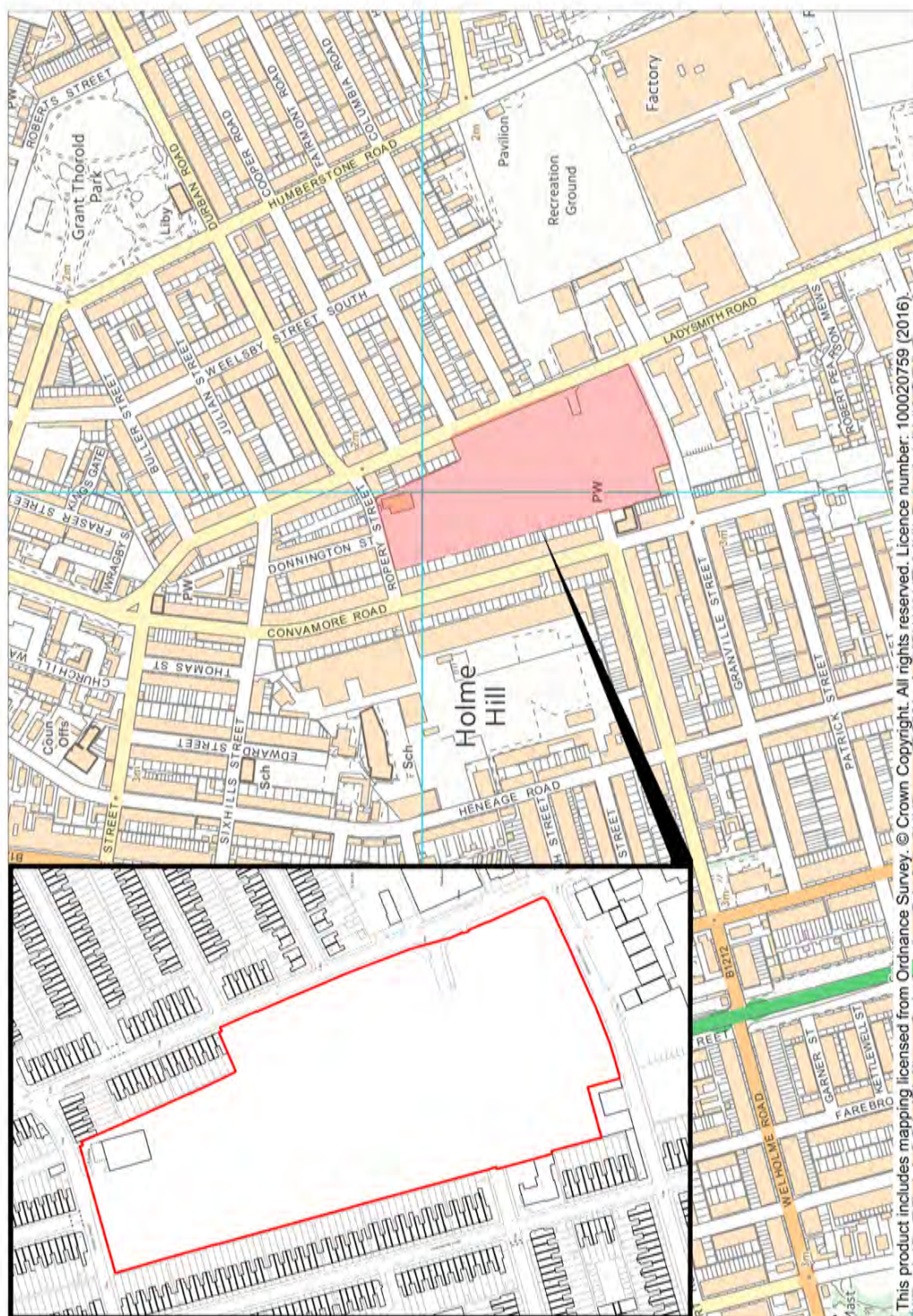


Figure A.1 Ladysmith Road - Site Location Plan

Document Availability

If you would like to receive this document in any other language or in another format such as large print, Braille or on audiotape, please contact:

Spatial Planning Team
Telephone: 01472 324272
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North East Lincolnshire Council and ENGIE, working in partnership to deliver a stronger economy and stronger communities