

Planning Committee Dated: 24th April 2024

Summary List of Detailed Plans and Applications

	Recommendation: Approved Conditions and signing of S106
Item:	1
Application No:	DM/1241/23/FUL
Application Type:	Full Application
Application Site:	Former Western School Site Cambridge Road Grimsby North East Lincolnshire
Proposal:	Hybrid application seeking full planning permission for the erection of 318 residential units and outline planning permission for an extra care facility with access to be considered - Amended plans relating to boundary treatments and hedge, drainage and highways
Applicant:	Abigail Upton
Case Officer:	Cheryl Jarvis

	Recommendation: Approved Limited Period
Item:	2
Application No:	DM/1022/23/FUL
Application Type:	Full Application
Application Site:	30 Cambridge Street Cleethorpes North East Lincolnshire DN35 8HD
Proposal:	Variation of Condition 1 (Plan) and Condition 3 (Courtyard Restriction) following DM/0315/19/FUL to extend opening hours (Amended Details to reduce opening hours to 10pm for rear courtyard and Additional Statement provided 5th March 2024)
Applicant:	Mr Brett Smith
Case Officer:	Bethany Loring

	Recommendation: Refused
Item:	3
Application No:	DM/0273/24/FUL
Application Type:	Full Application
Application Site:	Land Rear Of 37 - 39 Peaks Avenue New Waltham North East Lincolnshire
Proposal:	Erect one detached bungalow to include driveway/parking area to front with associated works (Resubmission of DM/0928/23/FUL)
Applicant:	Mr Lee Standland
Case Officer:	Bethany Loring

	Recommendation: Refused
Item:	4
Application No:	DM/0025/24/FUL
Application Type:	Full Application
Application Site:	61 Glebe Road Humberston North East Lincolnshire DN36 4JP
Proposal:	Alterations to create roof terrace above existing double garage and passage, to include metal railings and glass infill to surround with external metal staircase to rear (Amended Description and Plan received 5th March 2024 to reduce expanse of roof terrace and amend side boundary to be 1.2 metre high metal railings with glass infill to match that of the front and rear)
Applicant:	Mr Haydon Dawkins
Case Officer:	Bethany Loring

Recommendation: Approved with Conditions

Item: 5

Application No: DM/1156/23/FUL

Application Type: Full Application

Application Site: Land West Of Bradley Road Bradley North East Lincolnshire

Proposal: Proposed construction, operation and decommissioning of a solar photovoltaic farm, a Battery Energy Storage System (BESS) facility, associated connection including a POC mast and substation, temporary construction compound, perimeter fencing, landscaping and associated infrastructure (sHRA for the attention of Natural England dated 8/3/2024)

Applicant: Renewable Connections Developments Limited

Case Officer: Owen Toop

PLANNING COMMITTEE - 24th April 2024

ITEM: 1 **RECOMMENDATION: Approved Conditions and signing of S106**

APPLICATION No: DM/1241/23/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Former Western School Site, Cambridge Road, Grimsby, North East Lincolnshire,

PROPOSAL: Hybrid application seeking full planning permission for the erection of 318 residential units and outline planning permission for an extra care facility with access to be considered - Amended plans relating to boundary treatments and hedge, drainage and highways

APPLICANT:

Abigail Upton
Keepmoat Homes
The Waterfront
Lakeside Boulevard
Doncaster
DN4 5PL

AGENT:

Keepmoat Homes
Keepmoat Plc
The Waterfront
Lakeside Boulevard
Lakeside
Doncaster
DN4 5PL

DEPOSITED: 21st December 2023

ACCEPTED: 19th January 2024

TARGET DATE: 19th April 2024

PUBLICITY EXPIRY: 24th April 2024

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 15th February 2024

CASE OFFICER: Cheryl Jarvis

PROPOSAL

This is a hybrid planning application seeking full planning permission for the erection of 318 residential units and outline planning permission for an extra care facility with access to be considered.

The 318 dwellings include a combination of 1 bed apartments, 2 bed bungalows and 2, 3 and 4 bedroom houses. The dwellings include single storey, two storey, two and a half storey and three storey dwellings across the site.

In regards to the proposed extra care facility, it is confirmed for assessment purposes that this would contain 90 beds.

There are two main access points into the site, these are to the north of the site via the existing roundabout and to the south west from Littlecoates Road. The main spine roads lead to a series of smaller cul-de-sacs.

The extra care facility is proposed to the north end of the site with residential development extending beyond. A play area, pumping station and detention basin are proposed to the east of the site.

The application is presented to planning committee due to the number of objections received.

SITE

The site comprises the former Western School site which equates to approximately 9.3 hectares of land set out in roughly an L shape. The former school historically occupied the north portion of the site with the south being former playing field land. It is now largely grassland. The site borders Littlecoates Road to the west and Cambridge Road to the north with the roundabout connecting the two roads to the north west corner of the site.

In terms of site context residential development in the form of two storey dwellings exists to the south and west on Littlecoates Road and Sherwood Road. To the north is the single storey Fairways Care Home and The Pelham Suite. To the east is Grange Primary School and Cambridge Park Academy. To the south east are residential two storey properties at Carnforth Crescent.

Boundaries to the site are varied across each of its perimeters but include palisade fencing, timber fencing and landscaping in the main.

RELEVANT PLANNING HISTORY

DM/0975/20/FUL - Hybrid planning application consisting of full planning permission for site access and roads within the site. Outline planning permission for up to 297 residential units and a 90 bed extra care facility and the associated infrastructure and landscaping with means of access and landscaping to be considered. Approved with S106.

DM/0509/20/SCR - EIA Screening. EIA negative.

DM/0677/15/LDO - Outline planning permission with details of access for the erection of buildings and / or use of land for Class A1, A2, A3, B1, C3 and D1 uses associated with the provision of a new residential neighbourhood, including commercial / community uses. Approved.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2023)

- NPPF2 - Achieving sustainable development
- NPPF5 - Delivering a sufficient supply of homes
- NPPF6 - Building a strong, competitive economy
- NPPF8 - Promoting healthy and safe communities
- NPPF9 - Promoting sustainable transport
- NPPF11 - Making effective use of land
- NPPF12 - Achieving well designed places
- NPPF14 - Climate, flooding & coastal change
- NPPF15 - Conserv. & enhance the natural environ.
- NPPF16 - Conserv. & enhance the historic environ.

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

- PO3 - Settlement hierarchy
- PO4 - Distribution of housing growth
- PO5 - Development boundaries
- PO6 - Infrastructure
- PO13 - Housing allocations
- PO14 - Development of strategic housing sites
- PO15 - Housing mix
- PO16 - Provision-elderly person's housing needs
- PO17 - Housing density
- PO18 - Affordable housing
- PO22 - Good design in new developments
- PO32 - Energy and low carbon living
- PO33 - Flood risk
- PO34 - Water management
- PO36 - Promoting sustainable transport
- PO38 - Parking
- PO39 - Conserve and enhance historic environ
- PO40 - Developing green infrastructure network
- PO41 - Biodiversity and Geodiversity
- PO42 - Landscape
- PO43 - Green space and recreation

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

Crime Reduction Officer - No objections to the layout. Advise on security specifics and of the process for obtaining Secured By Design Accreditation.

Highways - No objections. Agree with the conclusions of the reports. Conditions recommended for construction details, construction traffic management and travel plans. Informatives regarding works to the highway and adoption are recommended.

Trees - No objections. The specific detail around the landscaping is still required and this should be secured by condition. A cellular root system will be needed.

Ecology - Satisfied with the Ecology Reports, mitigation and enhancement details and recommends conditions for implementation along with the submission of a management plan.

Environment Agency - Does not wish to make any comments.

Northern Powergrid - Provides informative advice and maps of their apparatus in the local area.

North East Lindsey Drainage Board - Does not wish to make comments.

Cadent Gas - No objections as the high pressure pipelines in the area would not be impacted by the proposals.

Environmental Health - Advise conditions for working hours, construction management, land quality, contamination, remediation and verification. Considers the noise impact assessment is acceptable and the mitigation identified should be secured via a condition.

Education Officer - Advise a financial contribution to local primary education is required for this proposal.

Heritage Officer - No objections. Recommends conditions in relation to a scheme of archaeological works and a written scheme of investigation.

Anglian Water - Advise that the foul drainage from this development is in the catchment of Pyewipe Water Recycling Centre that will have available capacity for the flows arising from this development. Additionally, the sewerage system at present has available capacity for these flows. Informative advice on connections to their network and infrastructure locations are provided. Recommends a condition securing the surface water management strategy.

Drainage - Following amendments, agree the principles of the drainage strategy and the

discharge rate. Condition recommended to secure final detail of mitigation requirements.

Sport England - No objections. Recommends a condition in relation to the playing field re-provision.

Grimsby and Cleethorpes District Civic Society - Welcome development on a brownfield site, recommends archaeological work is undertaken in advance of works on site. Consideration of ecology will need to be given, given the time that has lapsed since the school was demolished. Would request further detail on the care provision. There are concerns over the impact of traffic levels at the roundabout. Welcome the recreational area and landscape features. Overall support the application.

Neighbours

Grange Primary School - Concerns expressed over safeguarding given potential overlooking from the proposed dwellings, the location of the play ground and the potential for antisocial behaviour and drainage.

157 Sherwood Road - Objects. Concerns over bats, access from Sherwood Road and the resultant impact on traffic and safety in Sherwood Road.

39 Sherwood Road - Objects. Concerns over the loss of the hedgerow and trees and the impact on ecology, drainage and the potential for Sherwood Road to become a rat run.

31 Sherwood Road - Objects. Concerns over the potential loss of the back hedge and the impact on wildlife. Clarity is required.

35 Sherwood Road - Objects. Concerns broadly over flooding and drainage, loss of ancient hedgerows and traffic impacts.

61 Sherwood Road - Objects. Concerns around traffic, noise levels and drainage. Additionally concerned about the impact upon ecology and landscaping and the loss of the tree close to their boundary.

Please note the consultation for the amended plans expires on the 24th April 2024, any subsequent comments will be forwarded to the planning committee.

APPRAISAL

The material planning considerations are considered to be:

1. Principle of Development
2. Sport England and Playing Field Re-provision Requirements
3. Impact on Character and Visual Amenity
4. Impact upon Neighbouring Amenity
5. Highways, Parking and Traffic

6. Drainage and Flood Risk
7. Heritage
8. Landscaping and Ecology
9. Section 106 and Development Requirements

1. Principle of Development

The site is within the urban area of Grimsby. Policy 3 of the NELLP recognises this as a Level 1 settlement, in recognition of its access to key services and amenities. Policy 4 of the NELLP goes on to state that 60-65% of all new homes will be expected to be constructed within and on the fringes of the urban area. Policy 5 is the overarching policy for proposals within the development boundary, it raises no in principle issues to residential development in the urban boundary but requires a site assessment on the scheme particulars which will be assessed in the remainder of this report.

With the exception of a small slither of land to the south, the site is allocated for housing under Policy 13 (ref HOU128), with an indicative site capacity of 390 dwellings. The additional land to the south of the site which has been included is essentially unallocated. The application proposes 318 residential units, with an indicative number of 90 for the extra care facility. The site also has a history of gaining residential consents following the demolition of the school buildings.

In principle, the proposal for the site's residential development is acceptable under these policies and it is the site specific impacts of the development which now need to be considered.

2. Sport England and Playing Field Reprovision Requirements

The site is a former school site and under Policy 13 of the NELLP, it noted the Council's commitment to replacing any sports pitches which were proposed for alternative uses like this one in the Plan. In addition to Policy 13, Policy 43 accepts the loss of playing pitches whereby alternative replacement provision is provided. This view is supported by Sport England who note in their response the need to ensure any reprovion is secured and delivered in a timely manner.

The Council have been delivering the reprovion for this site as part of their proposals at Clee Fields, Grimsby (Ref DM/0014/22/FUL). This reprovion is nearing completion. Given this is not yet complete and to ensure the delivery meets with the expectations of Sport England, the condition around reprovion which has been recommended is imposed. This ensures compliance with Policies 13 and 43 of the NELLP.

3. Impact on Character and Visual Amenity

Policy 5 of the NELLP requires an assessment on the impact to the character of the area and visual amenity by virtue of size, scale and density with Policy 17 further seeking to ensure an appropriate level of density; reflective of settlement character and Policy 22

setting out the requirements for 'good design' and the need to ensure safe and suitable development to reduce the fear and opportunity for crime.

The site has been vacant since the school was demolished. The site is essentially now grassland; except for the few roads which have been installed within it. The boundaries of hedging and trees remain a feature of the site which positively contribute to its character, particularly along Littlecoates Road. The proposal of 318 dwellings and an extra care facility on a 9.3 hectare site is considered to be an efficient use of the land. In the context of the wider area, it would not be at odds with the general density set by existing development.

In terms of the mix and scale of the development, this would range from single storey bungalows upto three storey dwellings and between 1 bed to 4 bed. This variation in the type and range of properties would positively add to the housing mix in the area. Given the extent of the site, it is considered the variation in physical scale can be accommodated. A number of properties are also indicated for 'over 55's, this includes 50 of the plots. A large proportion of these are to the western and southern boundary of Grange Primary School.

The dwellings themselves will create their own identity and character. Particular features of the house types include window header and cills, bays and canopies. The dwelling types would add interest and variation to the street scenes. This approach is justified in the developer's supporting planning statement. An important component of the design is the solar PV which is proposed to the dwelling roofs, such an approach is recognised under Policy 32 which supports energy efficient and low carbon development. Dwelling orientation being a factor in how this can be achieved. The developer's sustainability statement goes into further detail on how the construction and design further seeks to support this notion and how this has influenced the design ethos.

Access is proposed from two locations, to the north from the Littlecoates Road/Cambridge Road roundabout and from the west off Little Coates Road. A series of spine roads and cul de sacs would stem from them. To the far east of the site is an area of open space, which has been designed to house the proposed play equipment. Houses in this location have been designed to either front on or side on to the open space, which is recognised as a form of good design. This helps to promote natural surveillance and safety of this area. The Crime Reduction Officer raises no in principle objections to the scheme. The plans through negotiation have been amended to increase security principles through the site and the developer is working towards a Secured by Design accreditation.

In relation to the proposed extra care development, the details of this are reserved for subsequent approval and the physical impacts of this on the area character will be assessed at the relevant reserved matters stage. In terms of the context of the area, this facility would not result in an over provision in the area under Policy 16.

The proposal would change the aesthetics of the site given its undeveloped nature

however, the proposal is within the urban area and the scheme responds to the site and wider area in an acceptable manner in accordance with Policies 5, 15, 16, 17, 22, and 32.

4. Impact upon Neighbouring Amenity

Policy 5 of the NELLP requires an assessment on the impact to neighbouring land users.

Some letters of representation have been received from neighbours, and these are set out in the 'representations received' section of this report. Full regard has been given to the nature and content of these.

Firstly, it is accepted that there will be a change in outlook as a result of the physical presence of development, especially given the site has not been used for a number of years. This is acknowledged but it is the degree of impact of the development on those neighbours which is the material consideration.

There are a variety of neighbours who bound the site. This includes Grange Primary School to the north and Cambridge Park Academy to the north east. Residential dwellings adjoin to the south east on Carnforth Crescent and south on Sherwood Road. Across the road to the west on Littlecoates Road are further dwellings.

Grange Primary School have been engaged with this application and the developer has sought to meet with the school following their initial comments and concerns raised. This has resulted in amendments to the scheme. Importantly a number of bungalows are proposed to the school perimeter to respond in part to concerns over safeguarding and to reduce overlooking. The boundary treatments have also been amended to include a 2.4m high fence which provides added security for the school and also residential occupiers. Following such amendments, the relationship of the residential development to the school is similar to many other schools in the borough and the impact is considered acceptable. Conditions securing the implementation of the boundary treatment and a restriction on additional roof accommodation are recommended to preserve this relationship in the longer term.

To the south and south east, the relationship between existing dwellings and proposed dwellings is on the main, back to back, with the exception of plots 1, 104, 149, 172, 171, 170, 169, 168. It is acknowledged that the degree of separation is greater to the south west than to the south east. In both cases, the levels of separation are considered suitable to ensure adverse levels of massing and overlooking are avoided. Where properties side on i.e plots 1, 104 149 and 172, the ground and upper floor windows serve a bathroom and en-suite (either over both floors or just one) and these can be conditioned to be obscurely glazed to avoid undue overlooking.

In terms of the impact to those properties on Little Coates Road, this is mainly a visual impact. The concept of properties facing one another across the main road is a common arrangement as is the window to window relationship. Such arrangements are common in an urban setting.

Developing the site for the amount of development proposed, will increase the levels of activity on and adjacent the site. The development on the main is inward facing however and accesses are not directly adjacent neighbouring properties which limits noise from the main access roads.

In relation to the proposed extra care development, the details of this are reserved for subsequent approval and the physical impacts of this on neighbours will be assessed at the relevant reserved matters stage.

In regards to future occupiers amenity, a Noise Impact Assessment has been provided which outlines that the site is already influenced by dominant road traffic noise. Some mitigation measures are outlined in the report to reduce noise impacts to dwellings and gardens. Subject to securing implementation of these measures in line with the report, acceptable levels of amenity in respect of noise can be achieved. Additionally, the plots allow for reasonable levels of external amenity to serve the proposed dwellings.

It is understood that construction can create noise and disturbance for neighbours and a development of this scale needs to be managed appropriately. Therefore on the advice of consultees, conditions for construction management will be imposed. Furthermore, it is noted that an Air Quality Assessment has been provided. This has sought to assess impacts both during construction and from operation. Mitigation measures are considered to be required through construction and it is recommended that a Construction Traffic Management Plan be prepared which addresses this mitigation. This will allow acceptable impacts. In regards to operation, the report details that no mitigation is necessary and that impacts would be 'not significant'.

Whilst there would be impacts associated with the development, these would not be at a level that is considered to be detrimental and subject to conditions, the proposal accords with Policy 5 of the NELLP.

5. Highways, Parking and Traffic

Policy 5 of the NELLP requires an assessment of the impacts of the proposal in regard to access and traffic generation with Policy 36 seeking to promote sustainable travel and Policy 38 setting out the requirements for parking. A Transport Assessment (TA) accompanies this application.

Access into the site as stated is via the north of the site and from the west, with a series of main spine roads and smaller cul-de-sacs. In terms of the potential impacts arising from the capacity of this development it is important to note that key infrastructure was delivered in the form of the new roundabout to facilitate the growth expected by this proposal. Each access provides the necessary visibility to ensure safe ingress and egress. In terms of overall trip generation which accounts for both for the care facility and the dwellings, this is summarised at section 5.6 of the TA. The report concludes that the level of traffic created by the amount of development would not result in a severe impact

on the local highway network.

It should be noted that the site is sustainable in terms of its location with good access to services and local and town centres. There are also bus stops outside the site on Little Coates Road. Cycle storage serving the dwellings is also included on the proposed site plan. The location of the site in regards to access to services and transport supports the position of the extra care accommodation under Policy 16.

At least 1 parking space per dwelling is provided for. There are no set standards in terms of Policy 38 and thus, there is no conflict in this regard.

The Highways Officer has reviewed the details and agrees with the conclusions of the TA. With the significant improvements that were delivered to facilitate access and increase capacity on the network, the proposal is acceptable with regards to highway safety and amenity. Conditions are recommended for technical construction details, final travel plans and construction traffic management. With these in place, the proposal accords with Policies 5, 36 and 38 of the NELLP.

6. Drainage and Flood Risk

Policy 33 of the NELLP sets out the requirements in relation to flood risk with Policy 34 seeking to ensure appropriate provisions are in place for water management. A Flood Risk Assessment and Drainage Strategy accompany the application.

Nearly the entire site is in flood zone 1, where the risk and impact of flooding is at its lowest. Such locations are sequentially preferable for residential development. All of the residential accommodation is within this area. There is a very small amount of flood zone 2 in the top eastern corner. This is where the open space is. The Environment Agency have not sought to raise any concerns on flood risk grounds.

In terms of the drainage the strategy includes a pumping station to the far east of the site and a detention basin. A series of swales are also incorporated along the road edges. Through negotiations a revised discharge rate has been agreed. The Drainage Officer confirms that the discharge rate and the strategy are acceptable. Further details in respect of the 1 in a 100 year event are requested and a condition reflecting this is recommended.

Anglian Water confirm that in regards to foul drainage, the existing systems have the capacity to accommodate the level of development proposed in this application. A number of informatives are recommended in regards to specific connections which are imposed. They have however identified that they seek more clarity on the surface water drainage approach and with this, they have recommended a condition.

Under Policy 34, there is a requirement to achieve a minimum standard for water efficiency. To ensure this is achieved, a condition for its detail is recommended.

Subject to conditions securing the final details and management arrangements, the proposal would accord with Policies 33 and 34 of the NELLP in relation to drainage.

7. Heritage

Policy 39 of the NELLP seeks to preserve or enhance the historic environment, this includes below and above ground heritage.

Previous archaeological investigations have taken place at the site which did include trenching. An Archaeological Trench Evaluation Report dated 2021 accompanies the application. The Heritage Officer has recommended in light of previous finds that a Written Scheme of Investigation be secured via condition.

Subject to the condition outlined by the Heritage Officer, archaeology can be fully understood and addressed in accordance with Policy 39 of the NELLP.

8. Landscaping and Ecology

Policy 41 of the NELLP requires that regard is had to biodiversity. It advises that biodiversity should be protected or mitigated where necessary. Policy 42 places an emphasis on the natural environment. An Ecology Appraisal, Landscape Masterplan and Landscape Management Plan accompany the application along with a Biodiversity Net Gain Assessment.

Firstly in regards to ecology, the reports state there is no ecological constraint to development. The Ecologist agrees with the conclusions of the technical information that has been provided. The documents include precautionary working measures along with specific mitigation and enhancements. Conditions for these are recommended. Management plans are also recommended by the Ecologist to confirm such arrangements.

In regards to Biodiversity, net gain requirements do not apply to this proposal as it was received pre 12th February 2024 before the regulations came in making it mandatory to achieve 10%. Notwithstanding this, the developer is making enhancements to biodiversity and these are as set out in the Ecology Reports.

An Arboricultural Report, Tree Constraints Plan and a Tree Protection Plan all accompany the application, as does a landscape plan. This shows pockets of open space within the development as well as more focused areas of open space both in the centre of the site and to the east. Street trees are included in the design which would create not only pleasant streetscapes but also help to address climate change. Such an approach is identified in the National Design Guide. Through negotiations, the hedge to the southern and western boundaries will now be retained. The hedges in these locations are seen as positive and historic features and their retention is important to the setting of this development, as well as the inherent ecology benefit they also provide.

The Tree Officer still requires the final landscape plan and the technical detail around how it will be achieved, though no in principle objections are made. Conditions for the detail are recommended.

Subject to specific conditions on ecology and landscaping the proposal can be made acceptable in accordance with Policies 5, 22, 41 and 42 of the NELLP.

9. Section 106 and Development Requirements

Policy 6 of the NELLP requires that appropriate infrastructure is provided to support the development with Policy 18 setting out the Affordable Housing requirement. Policy 42 of the NELLP requires that where the number of dwellings exceeds 50, a children's play area should be provided.

The developer has agreed to provide a compliant development in terms of Section 106 contributions.

This includes:

- An agreement to provide a primary education contribution - in line with Policy 6. The education officer has confirmed there is no requirement for secondary provision. The developer seeks to formally designate the 50 plots identified on the site plan for over 55's. These are discounted from the education contribution and the S106 will reflect this.

In the event of an approval, the above will be secured through a Section 106 Agreement.

As the site is within a low market area, there is no requirement for affordable housing under Policy 18. Notwithstanding this, keepmoat are exploring options outside of this process to look at affordable housing delivery on site.

In regards to development requirements, it is proposed to provide an on site play area in line with Policy 42. This is proposed to the east of the site within the open space. The area benefits from natural surveillance from the proposed dwellings and the adjacent schools. No consultee objections to its position or type have been provided. Conditions 23 and 24 deal with the play area details and future management.

CONCLUSION

The proposal is hybrid in form and has sought approval for an extra care facility along with 318 residential units. The submission is comprehensive and is supported by a number of technical reports, plans and documents. Full regard has been given to the comments made by neighbours and consultees. Improvements have been made to the scheme through negotiations to address specific issues. The proposal in its amended form is considered acceptable in principle but also in regards to its specifics and its impacts on the environment, neighbours and highways. This is subject to the conditions outlined.

It is recommended that the application is approved subject to the signing of a Section 106 agreement and subject to no new planning issues being raised upto and including 24th April. It is therefore requested that the application be deferred back to allow the decision to be issued at such a time the consultation has expired and the S106 is finalised with the decision be delegated to the Assistant Director for Regeneration to allow this to occur.

RECOMMENDATION

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

(1) Condition

The development hereby granted full planning permission 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 hereby granted full planning permission shall be carried out in accordance with the following plans:

- Site Location Plan - (Full) - 101-2021-299
- Engineering Feasibility - E23/8046/01E
- Electrical Charging Point Plan - 2097-KMH-275 Rev A
- Tree Constraints Plan - 415.064439.00001-ARB-D-001 Rev 01
- Tree Protection Plan - 415.064439.00001-ARB-D-002 Rev 01
- Proposed Boundary Treatment Plan - KMH.2097.BTP.01 Rev E
- Proposed Materials Plan - KMH.2097.MP.01 Rev A
- Refuse Tracking and Swept Path Analysis - LTP/3632/T1/01/01 Rev C
- Fire Tender Swept Path Analysis - LTP/3632/T1/02/01 Rev C
- Proposed Site Plan - 101-2023-003 Rev E
- Management Company Plan - KMH/2097/MC/01 Rev A
- Proposed Plans and Elevations The Leadmill CA2- 1320 Rev 2 Sheet 201
- Proposed Plans and Elevations - The Leadmill CA1 - 1320 Rev 2 Sheet 201
- Proposed Plans and Elevations - The Leadmill CA1 - 1320 Rev 2 Sheet 201
- Proposed Plans and Elevations - The Pepper House Type - 1400 Rev 1 Sheet 201
- Proposed Plans and Elevations - The Pepper Front Plot CA4 - 1400 Rev 1 Sheet 201
- Proposed Plans and Elevations - The Pepper CA1 - 1400 Rev 4 Sheet 201
- Proposed Plans and Elevations - The Pepper CA1 - 1400 Rev 4 Sheet 201
- Proposed Plans and Elevations - The Pepper CA3 - 1400 Rev 4 Sheet 201

- Proposed Plans and Elevations - The Pepper CA5 - 1400 Rev 4 Sheet 201
- Proposed Plans and Elevations - The Pepper CA5 - 1500 Rev 4 Sheet 201
- Proposed Plans and Elevations - The Esthwaite CA2 - 5010 Rev 2 Sheet 201
- Proposed Plans and Elevations - The Esthwaite CA1 - 5010 Rev 2 Sheet 201
- Proposed Plans - The Baysdale CA4 - 5020 Rev 3 Sheet 201
- Proposed Elevations - The Baysdale CA4 - 5020 Rev 3 Sheet 202
- Proposed Plans and Elevations - The Covenham CA2 - 5030 Rev 2 Sheet 201
- Proposed Plans and Elevations - The Covenham CA3 - 5030 Rev 2 Sheet 201
- Proposed Plans and Elevations - The Covenham CA5 - 5030 Rev 2 Sheet 201
- Proposed Plans and Elevations - The Holgate CA2 - 5050 Rev 2 Sheet 201
- Proposed Plans and Elevations - The Holgate CA2 - 5050 Rev 2 Sheet 201
- Proposed Plans and Elevations - The Holgate CA3 - 5050 Rev 2 Sheet 201
- Proposed Plans and Elevations - The Holgate CA5 - 5050 Rev 2 Sheet 201
- Proposed Plans and Elevations - The Holgate CA1 - 5050 Rev 2 Sheet 201
- Proposed Plans and Elevations - The Devoke CA1 - 5070 Rev 3 Sheet 201
- Proposed Plans and Elevations - The Devoke CA1 - 5070 Rev 3 Sheet 201
- Proposed Plans and Elevations - The Selset CA2 - 5090 Rev 3 Sheet 201
- Proposed Plans and Elevations - The Selset CA5 - 5090 Rev 3 Sheet 201
- Proposed Plans and Elevations - The Prenton CA5 - 5170 Rev 3 Sheet 201
- Proposed Plans and Elevations - The Longford CA2 - 5180 Rev 2 Sheet 201
- Proposed Plans and Elevations - The Longford CA3 - 5180 Rev 2 Sheet 201
- Proposed Plans and Elevations - The Selset CA1 - 5190 Rev 3 Sheet 201
- Proposed Plans and Elevations - The Oldbury CA1 - 5210 Rev 3 Sheet 201
- Proposed Plans and Elevations - The Oldbury CA2 - 5210 Rev 3 Sheet 201
- Proposed Plans and Elevations - The Oldbury CA5 - 5210 Rev 3 Sheet 201
- Proposed Plans and Elevations - The Oldbury CA1 - 5210 Rev 3 Sheet 201
- Proposed Plans and Elevations - The Padbury CA2 - 5220 Rev 3 Sheet 201
- Proposed Plans and Elevations - The Padbury CA3 - 5220 Rev 3 Sheet 201
- Proposed Plans and Elevations - The Padbury CA4 - 5220 Rev 3 Sheet 201
- Proposed Plans and Elevations - The Padbury CA5 - 5220 Rev 3 Sheet 201
- Proposed Plans and Elevations - The Seacourt CA2 - 5250 Rev 2 Sheet 201
- Proposed Plans and Elevations - The Seacourt CA4 - 5250 Rev 2 Sheet 201
- Proposed Plans and Elevations - The Seacourt - 5250 Rev 2 Sheet 201
- Proposed Plans and Elevations - The Prenton CA2 - 5270 Rev 3 Sheet 201
- Proposed Plans and Elevations - The Oldbury CA2 - 5310 Rev 3 Sheet 201
- Proposed Plans and Elevations - The Denton CA2 - 5330 Rev 3 Sheet 201
- Proposed Plans and Elevations - The Denton CA5 - 5330 Rev 3 Sheet 201
- Proposed Plans and Elevations - The Thirlmere CA5 - 5340 Rev 3 Sheet 201
- Proposed Plans and Elevations - The Killington CA2 - 5360 Rev 3 Sheet 201
- Proposed Plans and Elevations - The Killington CA5 - 5360 Rev 3 Sheet 201
- Proposed Plans and Elevations - The Padbury CA1 - 5220 Rev 3 Sheet 201
- Proposed Plans and Elevations - The Denton CA1 - 5330 Rev 3 Sheet 201
- Proposed Plans and Elevations - The Denton CA1 - 5330 Rev 3 Sheet 201
- Proposed Elevations - The Baysdale CA2 - 5020 Rev 3 Sheet 202
- Proposed Plans - The Baysdale CA2 - 5020 Rev 3 Sheet 201
- Proposed Plans and Elevations - The Longford CA3 - 5280 Rev 2 Sheet 201

- Proposed Plans and Elevations - The Longford CA2 - 5380 Rev 2 Sheet 201
- Proposed Site Plan - 101-2023-003 Rev C
- Topographical Survey - 4080-10-001
- Public Open Space Provision Plan - 6017-91-01 Rev A
- Proposed Street Scenes - Sheet 1
- Proposed Landscaping Plan - 6017-99-01 Rev F

Reason

For the avoidance of doubt and in the interests of proper planning and in accordance with Policies 5, 6, 13, 15, 16, 17, 22, 32, 33, 34, 36, 38, 39, 40, 41, 42 and 43.

(3) Condition

In regards to the development hereby granted outline planning permission; applications for approval of the matters referred to in Condition 4 (known as reserved matters) shall be made within three years of the date of this permission and the development to which it relates shall begin no later than whichever is the later of the following dates:

- (a) Three years from the date of the grant of outline planning permission
- (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.

Reason

This permission is in outline only and the information is necessary for consideration of the detailed proposal as required by S.92 of the Town and Country Planning Act 1990.

(4) Condition

No development shall begin on the development hereby granted outline planning permission until full details of the following reserved matters have been submitted to and approved by the Local Planning Authority:

- (a) Layout, Landscaping, Scale and Appearance of the development;
- (b) The method of drainage.

Reason

This permission is in outline only and the information is necessary for consideration of the detailed proposal as required by S.92 of the Town and Country Planning Act 1990.

(5) Condition

In regard to the development hereby granted outline planning permission, the development is approved in accordance with the following plans:

- 101-2023 Rev E

Reason

For the avoidance of doubt and in the interests of proper planning and in accordance with Policies 5, 6, 13, 15, 16, 17, 22, 32, 33, 34, 36, 38, 39, 40, 41, 42 and 43.

(6) Condition

Prior to development commencing on any dwelling on the site, a plan for the relocation of existing sports provision must be submitted to and approved in writing by the Local Planning Authority (after consultation with Sport England). Thereafter the plan should be implemented in accordance with the approved details and the replacement sports facilities made available for use prior to occupation of the 194th dwelling of the development hereby permitted.

Reason

To ensure appropriate playing pitch re-provision in a timely manner in accordance with Policies 5 and 43 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(7) Condition

Prior to occupation of any of the dwellings, final details of how water will be reused and recycled on site shall be submitted to and agreed in writing by the Local Planning Authority. Once approved, the details shall be adhered to at all times following occupation.

Reason

To ensure the efficient use of water and in accordance with Policy 34 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(8) Condition

The development granted full planning permission shall be carried out in accordance with the approved material details shown on plan KMH.2097.MP.01 Rev A unless otherwise submitted to and agreed in writing by the Local Planning Authority.

Reason

To ensure an acceptable design and finish to the development in the interests of visual amenity and character and in accordance with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(9) Condition

Prior to works commencing on the development hereby granted outline or full planning permission a detailed phasing plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in accordance with the approved phasing plan.

Reason

To ensure the development is delivered in an ordered manner to protect the general amenities of the area in accordance with Policy 5 of the of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(10) Condition

Prior to works commencing on any phase or sub phase (phases to be in accordance with the approved phasing plan) of the development hereby granted outline or full planning permission, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in accordance with the approved details. The plan shall contain:

- Working hours with no construction 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;
- Noise, vibration and dust mitigation measures.

Reason

In the interests of protecting the residential amenities of the neighbouring properties in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(11) Condition

Prior to occupation of any house in the area covered by the full planning permission, a final Travel Plan which builds on the principles set out in the Travel Plan dated March 2024 shall be submitted to and approved in writing by the Local Planning Authority. Once approved, it shall be adhered to with actions implemented and monitored at all times following occupation in line with its terms.

Reason

In the interests of sustainable travel in accordance with Policies 5 and 36 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(12) Condition

The development granted outline planning permission shall not be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. Once approved, it shall be adhered to with actions implemented and monitored at all times following occupation in line with its terms.

Reason

In the interests of sustainable travel in accordance with Policies 5 and 36 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(13) Condition

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence on either the outline or full planning permission until conditions 14 to 16 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 17 has been complied with in relation to that contamination.

Reason

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

(14) Condition

An investigation and risk assessment, in accordance with the recommendations found within the Preliminary Geoenvironmental Investigation prepared by Lithos Consulting, report reference 4670/1A dated September 2023, must be completed to further assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

human health,

property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

adjoining land,

groundwaters and surface waters,

ecological systems,

archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

Reason

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

(15) Condition

A detailed remediation scheme to bring the site to a condition suitable for the intended

use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason

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

(16) Condition

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development covered under either the outline of full planning permission; other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason

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

(17) Condition

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 15, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 16, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 17.

Reason

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

(18) Condition

Before construction begins on the area granted full planning permission, full and final details of how the development integrates the mitigation set out in the Noise Impact Assessment, Cambridge Road, Grimsby, prepared by SLR Consulting Limited dated 26th March 2024 Rev 02 shall be submitted to and approved in writing by the Local Planning Authority. Once approved, development shall be completed in accordance with the approved details prior to occupation of each dwelling and such measures shall be retained thereafter.

Reason

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

(19) Condition

Development shall only proceed in strict accordance with the measures set out in the Ecological Impact Assessment by SLR dated 3rd November 2023. This includes pre-commencement requirements under section 5.4.4.

Reason

In the interests of protecting ecology in accordance with Policies 5 and 41 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(20) Condition

Prior to the area granted outline or full planning permission commencing, a Biodiversity Enhancement and Management Plan is required to be submitted and approved by the Local Planning Authority. This shall accord with the recommendations set out in the Ecological Impact Assessment. Once approved, enhancement shall be completed in line with its terms and management to proceed in accordance with the approved Plan at all times following first occupation.

Reason

In the interests of protecting and enhancing ecology in accordance with Policies 5 and 41 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(21) Condition

Before development commences in any phase on either the outline or full planning permission, the tree protection shown on plan 415.064439.00001-ARB-D-002 Rev 01 shall be installed in accordance with the detail set out in the Arboricultural Report dated 21st September 2023 Rev 01. It shall be retained on site throughout the duration of construction works in any phase unless an alternative is submitted to and approved in writing by the Local Planning Authority. All works in any phase to accord with the Arboricultural Report.

Reason

In the interests of tree protection and in accordance with Policies 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(22) Condition

No development on either the outline or full planning permission shall take place until the applicant has:-

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

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

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

Reason

In the interests of archaeology and in accordance with Policies 5 and 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(23) Condition

The development hereby granted full planning permission shall not commence until full details of the play equipment for the open space as indicated on plan 101-2023-003 Rev E and a final design for the barrier to be used and a timescale for implementation have been submitted to and approved in writing by the Local Planning Authority. Once approved, the play area shall be completed in accordance with the approved details and retained thereafter.

Reason

To promote healthy communities and ensure adequate open space and play provision to support the scale of the development and in accordance with Policies 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(24) Condition

Prior to any works commencing on the development hereby granted full planning permission, a management plan for the:

- Suds;
- Open Space;
- Private roads;
- Play area;
- Landscaping;

as shown on plan KMH-2097-MC-01 shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall accord to the management arrangements at all times, unless otherwise submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of ensuring suitable management and maintenance of private areas and to protect the visual amenity value of the development and in accordance with Policies 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(25) Condition

A final scheme for drainage for the area covered by the full planning permission shall be submitted to and approved in writing by the Local Planning Authority. It shall be designed in accordance with the detail set out in the Drainage Statement and Flood Risk Assessment - Rev A - April 2024 and drawing 8046_01 Rev E including any mitigation requirements and include full details of the pumping station and detention basin. Once approved, the drainage serving each property shall be completed before it is occupied. The detention basin and pumping station shall be installed and ready for use prior to any occupation. The drainage shall be retained in accordance with the detail approved.

Reason

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

(26) Condition

Before each dwelling under the full planning permission is occupied, the electrical vehicle charging point serving it as shown on plan 2097-KMH-DR-275A shall be completed. It shall be retained thereafter.

Reason

In the interests of providing a sustainable and efficient development and in accordance with Policies 5 and 32 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(27) Condition

The boundary treatments serving each plot as shown on KMH.2097.BTP.01 Rev E shall be installed before each plot is occupied. Boundary treatments shall accord with the

measures set out in the Ecological Impact Assessment. They shall be retained as approved thereafter unless variations are submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of security and ecology in accordance with Policies 5, 22 and 41 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(28) Condition

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any statutory amendment thereto), no development under Schedule 2 Part 1, Class B or C shall be permitted within the curtilage of the dwellings listed as plots 173, 174, 175, 176, 177, 178, 178, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 199, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216 and 217.

Reason

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

(29) Condition

The side windows facing south on the following plots 1, 104, 149, and 172 shall be obscurely glazed to a minimum of level 3 on the Pilkington scale before they are occupied. The glazing shall be retained to the same specification thereafter.

Reason

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

(30) Condition

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

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

- (a) the proposed layout of the carriageways and footways on the development;
- (b) the wearing course materials proposed for the carriageways and footways;
- (c) cross sections;
- (d) the highway drainage system;
- (e) the proposed locations of street lighting columns, all services and ducts for services, within the carriageways and footways;
- (f) the number, location and layout of the vehicle garaging and/or parking facilities within the site to serve the proposed development;

(g) management arrangements for any carriageways, footways and/or landscaped areas not to be adopted by the local authority;

(h) swept path analysis demonstrating turning manoeuvres for emergency vehicles on all carriageways (adopted and private), and refuse vehicles on all adopted carriageways;

Reason

To ensure that the proposed access roads are made up as soon as possible and in the interests of public safety and in accordance with Policies 5 and 38 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(31) Condition

No works related to the outline or full planning permission hereby approved shall begin until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP should include, but not be limited to the following:

1. Contact details of the person with responsibility for the implementation of the CTMP;
2. The expected number, types and size of vehicles during the entire construction period;
3. The proposed daily hours of operation during the construction period;
4. Details of on-site parking provision for construction related vehicles;
5. Details of on-site storage areas for materials, if required;
6. Details of expected delivery schedules and how this will be managed to eliminate waiting on the public highway (i.e. call ahead or pre-booking scheduling system), if required; and
7. Details of wheel washing facilities (locations, types etc.).

The relevant details must accord with the mitigation measures set out in the Air Quality Assessment dated October 2023.

Once approved, the CTMP shall be adhered to at all times during construction.

Reason

To ensure adequate access facilities are provided during construction, and for environmental and highway safety reasons and in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(32) Condition

Prior to construction on the full planning permission a final scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of the retention of the hedge to the south and western boundaries, a scheme for phasing and a scheme for implementation of the landscaping. The details of the cellular root system shall be included. Once approved, the landscaping shall be implemented as approved.

All tree planting shall be maintained in accordance with the Management Plan to be approved under condition 24. Any losses within the first 10 years of development commencing shall be replaced during the next available planting season.

Reason

To ensure early establishment of tree and hedge planting and the satisfactory appearance and setting for the approved development in the interests of amenity and to accord with Policies 5, 22 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(33) Condition

The dwellings shown on plan 101-2023-003 Rev E marked with an asterisk shall be for the over 55's only and prior to the occupation of any such dwelling a scheme of occupancy compliance shall be submitted to and agreed in writing by the Local Planning Authority. The dwellings shall thereafter be occupied in accordance with the details approved.

Reason

To define the permission in terms of providing for infrastructure and a mix of housing types to accord with Policies 5 and 6 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

Informatives

1 Reason for Approval

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would bring forward a housing scheme on an allocated and brownfield site in the urban area. Subject to conditions it would not harm the area character, residential amenity, ecology, heritage, drainage, flood risk and highways 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, 6, 13, 15, 16, 17, 22, 32, 33, 34, 36, 38, 39, 40, 41, 42 and 43.

2 Added Value Statement

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

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

neighbour and consultee feedback.

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

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.

5 Informative

Please note the informative advice of:

- Northern Powergrid
- Anglian Water
- Police

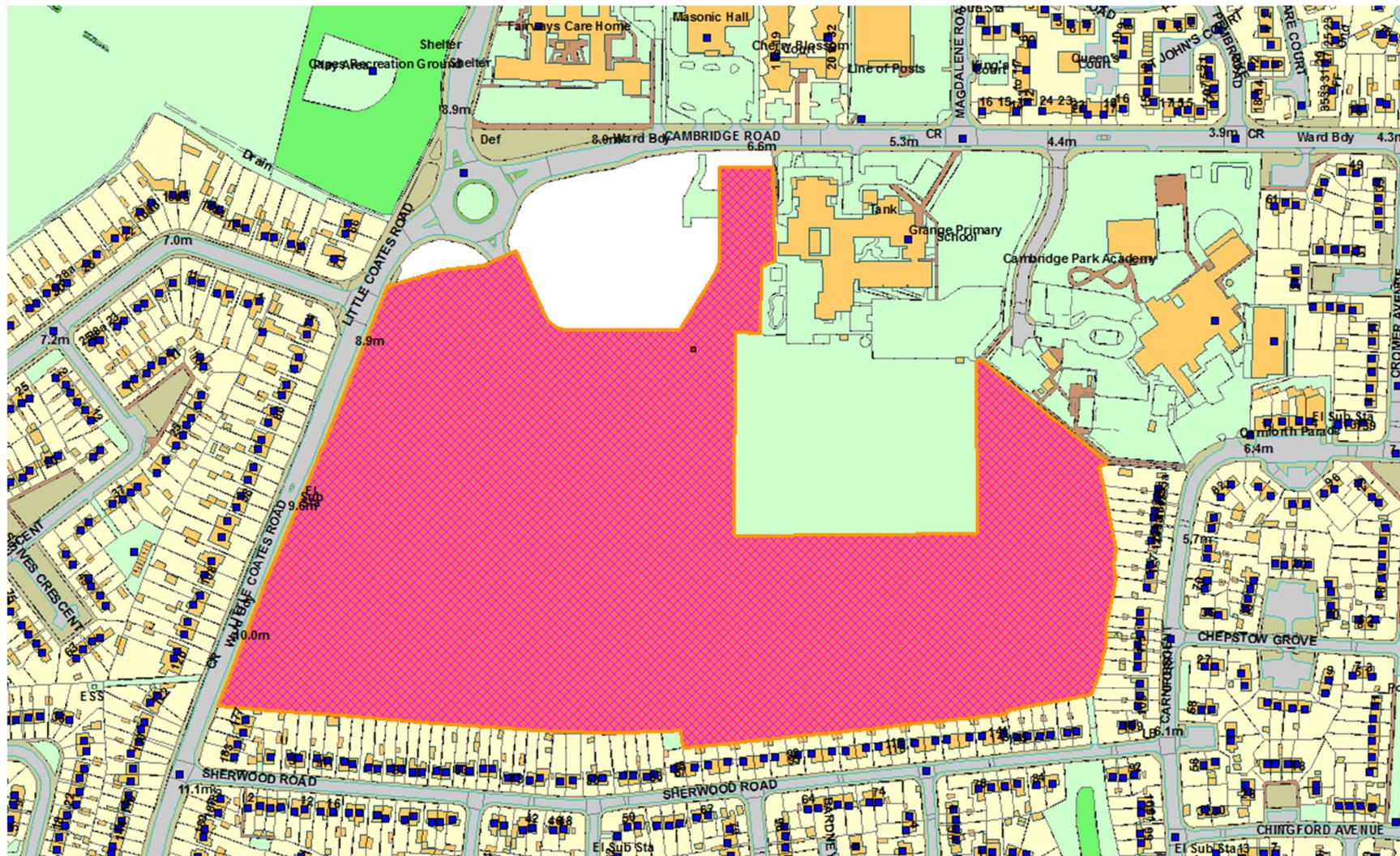
Details of which can be viewed on the Council website.

6 Informative

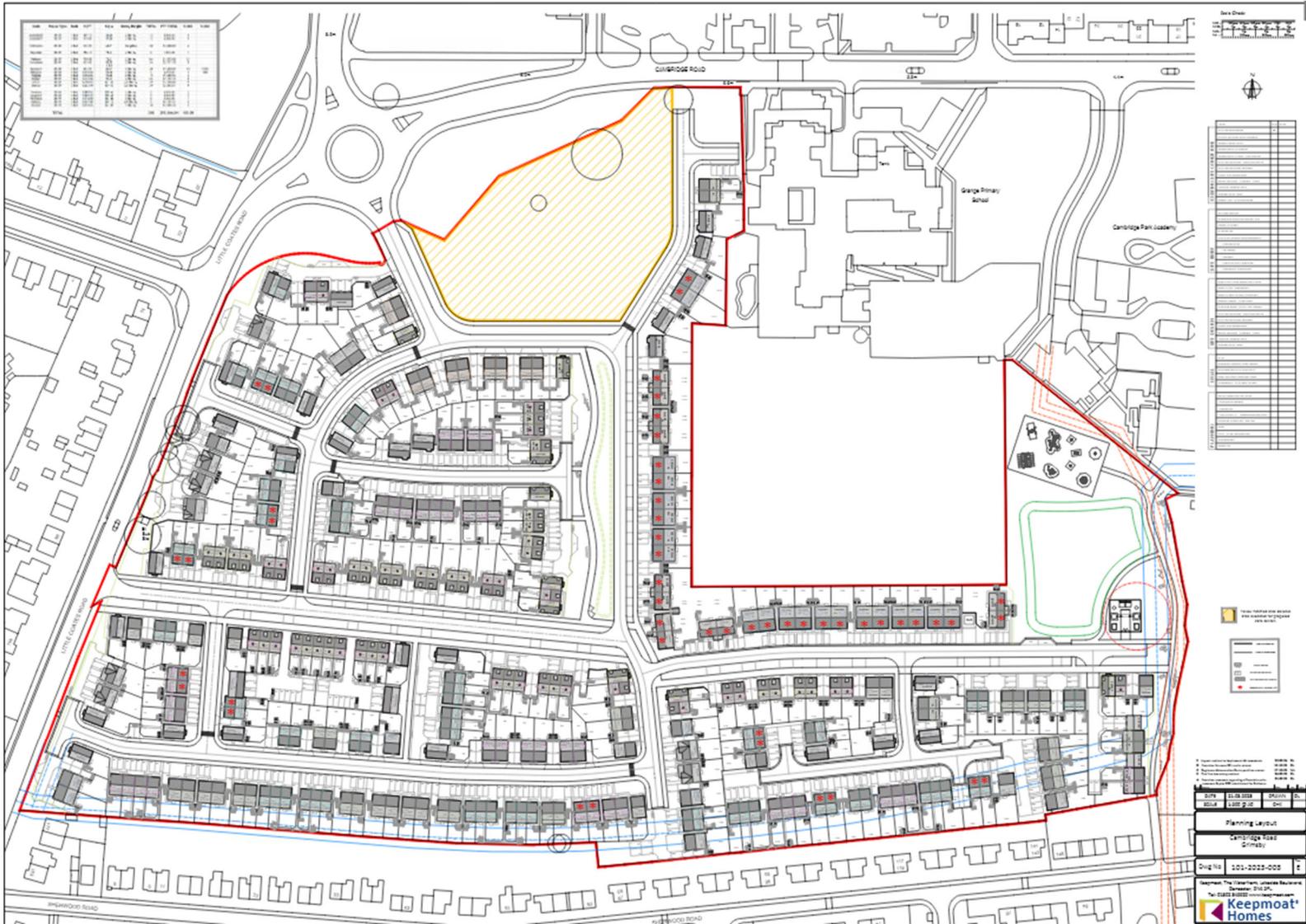
If the highways within the site are to be adopted by the Council, in accordance with Section 38 of the Highways Act 1980, please contact the Highway Management Team six months in advance of the commencement of works. (Tel: 01472 324505).

As works are required within the existing highway, in accordance with Section 278, Highways Act 1980, in order to enable the development to take place, please contact the Highway Management Team at least 6 months in advance of the commencement of works (Tel: 01472 324505).

DM/1241/23/FUL – FORMER WESTERN SCHOOL SITE, CAMBRIDGE ROAD, GRIMSBY



DM/1241/23/FUL – FORMER WESTERN SCHOOL SITE, CAMBRIDGE ROAD, GRIMSBY



PLANNING COMMITTEE - 24th April 2024

ITEM: 2 **RECOMMENDATION: Approved Limited Period**

APPLICATION No: DM/1022/23/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: 30 Cambridge Street, Cleethorpes, North East Lincolnshire, DN35 8HD

PROPOSAL: Variation of Condition 1 (Plan) and Condition 3 (Courtyard Restriction) following DM/0315/19/FUL to extend opening hours (Amended Details to reduce opening hours to 10pm for rear courtyard and Additional Statement provided 5th March 2024)

APPLICANT:
Mr Brett Smith
Folk Kitchen and Deli
30 Cambridge Street
Cleethorpes
North East Lincolnshire
DN35 8HD

AGENT:

DEPOSITED: 17th October 2023

ACCEPTED: 15th November 2023

TARGET DATE: 10th January 2024

PUBLICITY EXPIRY: 26th March 2024

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 24th December 2023

CASE OFFICER: Bethany Loring

PROPOSAL

The application seeks planning permission to vary conditions 1 (Plan) and 3 (Courtyard Restriction) pursuant to DM/0315/19/FUL to amend the layout of the external courtyard area and extend hours of operation up to 22.00 hrs in the rear courtyard.

The application is brought to Planning Committee following a call in request from a local ward councillor and objections from neighbours.

SITE

The site is located on the eastern side of Cambridge Street between the junction of Sea View Street and Knoll Street. It lies within a commercial frontage and immediately adjoining the site is a deli associated with the operation at Folk, to which this application relates, and the courtyard to Casa Nostra which is a restaurant. Immediately to the rear are residential properties off Knoll Street. Above the premises is a flat that is leased to the applicant.

The site is within the Cleethorpes Central Seafront Conservation Area.

RELEVANT PLANNING HISTORY

DM/0058/16/FUL - Original change of use from retail shop (A1) to restaurant (A3).

DM/0988/16/CND - Discharge of conditions pursuant to DM/0058/16/FUL.

DM/0959/17/FUL - Variation of conditions 2 (opening hours) and 8 (approved plans) as granted on DM/0058/16/FUL (Change of use from retail shop (A1) to restaurant (A3)) in relation to extending morning opening hours to 8am and making alterations to the rear doors and the installation of decking.

DM/0315/19/FUL - Variation of condition 2 (rear courtyard) granted on DM/0959/17/FUL to allow permanent use of the rear courtyard, retaining the double doors and decking - Approved with Conditions

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2023)

NPPF8 - Promoting healthy and safe communities
NPPF12 - Achieving well designed places
NPPF16 - Conserv. & enhance the historic environ.

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

PO5 - Development boundaries
PO22 - Good design in new developments
PO23 - Retail hierarchy and town centre develop
PO39 - Conserve and enhance historic environ

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status

of the development plan as the starting point for decision making. The development plan for the area is comprised of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

REPRESENTATIONS RECEIVED

Environment Team - Consideration given to historic complaints made with licensing conditions included prior to the application. Interventions considered acceptable to prevent congregation to frontage. Deemed acceptable to allow for extension to the hours for use of the courtyard on a temporary basis.

Drainage Team - No drainage comments.

Heritage Officer - No input required.

Highways Team - Approval no conditions.

Ecology Officer - No comment.

Cllr Reynolds - Objects based on concerns relating to noise issues, anti-social behaviour, fire safety, use of courtyard and proximity to residential properties.

Neighbour Representation

Objections have been received from the following addresses broadly on the grounds of noise and disturbance, operational issues regarding the doors, impact to residential area, query relating to hours of operation internally, installation of a DJ booth, reduction in covers, inaccuracies with floor plan and queries use as a restaurant.

27 Cambridge Street (x3)
2 Knoll Street (x2)
4 Knoll Street (x4)
6 Knoll Street (x2)

Comments of support have been received from the following addresses broadly on the grounds of benefits for wider area, removing customers from host street, viability, neighbouring business hours and positive contribution to the area.

25 Cambridge Street
37-39 Cambridge Street
53 Cambridge Street
41-43 Sea View Street
49 Sea View Street
25 Wardall Street

APPRAISAL

The material planning considerations are;

1. Principle of Development and Planning History
2. Condition to be Varied
3. Local Amenity
4. Visual Character and Heritage
5. Other Matters

1. Principle of Development and History

An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. In this respect the application seeks to vary conditions 1 (Plan) and 3 (Courtyard Restriction) pursuant to DM/0315/19/FUL which in itself varied the original planning permission for the use and development of the site through application DM/0058/16/FUL. The permission for the change of use of the premises to a restaurant has been implemented and has been operating for a number of years now. The principle of the use is therefore established and as a variation of condition it is the nature of that variation which is to be considered.

The application site is within the development area of Cleethorpes (policy 5) and is currently a restaurant. The premises is located close to the resort area (policy 12) and Cleethorpes Town Centre (policy 23). These policies support such establishments as they can add to the vitality and viability of these areas. It is not unusual to see outdoor courtyard area associated with such establishments in this area as well as the wider resort.

The planning history is as noted and includes the previous permission for the temporary approval for the courtyard to the rear, that was granted permission in January 2018. The courtyard was then subsequently granted permanent permission in May 2020 however was given restrictions in terms of the hours of operation limiting this to 21:00hrs. The application seeks to extend the hours of operation, of the rear courtyard, to 22:00hrs, an increase of 1 hour. In addition, the knock-on effect of this change would result in the removal of some of the measures associated with access to the rear courtyard and therefore these have been highlighted within an amended floor plan, as secured by condition 1.

2. Conditions to be Varied

Condition 1 of the previous planning permission DM/0315/19/FUL states:

Condition

The development is approved in accordance with the courtyard plan received by email from Mr B Smith on 10th October 2019 and the gates and signage as detailed on the email and photographs from Mr B Smith received on 4th May 2020.

Reason

In the interests of proper planning and the avoidance of doubt in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032.

The plan has been altered as a result of some changes in licensing conditions and following the removal of some aspects within the courtyard itself. These include the removal of the gates, tiered seating, artificial grass area beneath the covered canopy, raised decking area and associated barriers. The courtyard now includes mostly seating both under the covered area and to the area of artificial grass.

The condition refers to the plan in relation to the courtyard only, akin with the wording of the condition above, and therefore the other changes are internal and do not deter from the previous approval. The amendments to the plan are considered minor and reflective of the overall courtyard, in terms of its size and use, to that originally approved. The amendments do not substantially alter the layout and are not considered to present any additional concerns or issues.

Condition 3 of the previous planning permission DM/0315/19/FUL states:

Condition

The rear courtyard shall only be used by patrons between the hours of 1000 to 2100 hrs Mondays to Fridays, Sundays, Public and Bank Holidays and between the hours of 0800 to 2100 hrs on Saturdays. Outside these hours the courtyard shall be closed for use/business through the restriction measures of the roped boundary and gates shown on the courtyard plan received by email from Mr B Smith on 10th October 2019 and the gates and signage as detailed on the email and photographs from Mr B Smith received on 4th May 2020. After this time outside access will only be allowed for use of the toilets.

Reason

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

There has always been a courtyard as approved through the original planning permission but what occurred through the 2017 application DM/0959/17/FUL was an amendment to it in terms of decking and more significantly how it was accessed. Double doors were introduced to the rear to allow a direct access from within the restaurant as opposed to the original side door. This change was granted a temporary period to assess the impact. This was then further varied to be made permanent with restrictions on the hours of use.

This current application has evolved through the process and been amended to reduce the proposed extended hours from 23:00hrs to 22:00hrs following comments and advice received. Therefore, the application seeks to vary condition 3 to allow for use of the rear courtyard until 22:00hrs, an extension of one hour to that already approved.

3. Local Amenity

The main consideration is in relation to residential amenity and those residents on Knoll Street. Objections have been received from 2, 4 and 6 Knoll Street and 27 Cambridge Street mainly on the grounds of noise and disturbance and anti-social behaviour. It must be acknowledged that the site consists of an existing restaurant and the outside courtyard benefits from historic permissions. The issue has therefore focused on the overall consideration of noise and disturbance in relation to the existing rear courtyard and how this is utilised.

Historically restrictions have been included to manage and mitigate this aspect. The hours of operation for the property have not changed and this application purely seeks to extend the time of use of the rear courtyard only with all previous safeguarding conditions retained as previously approved including restricting the use of amplified music to the courtyard. It is noted that the courtyard does host the patron toilet area and therefore access to this area must remain until the close of the business at 23.00 hrs to allow customers to use these. To this end there has been close working and negotiations with the Environmental Health Officer (EHO) and the applicant. The Environmental Health Officer has commented on the proposal and notes the historic noise complaints, in 2016 and 2019, in relation to the use of the courtyard and reiterates the need to have control measures in place. Furthermore, after discussions with the applicant, it has been accepted that the hours for the courtyard should be reduced to 22.00 hrs from the originally proposed 23.00hrs and that a temporary permission for one year be included to allow actual assessment of this extra hour after which time a further planning permission would be required for continued permanent use to this time.

The comments from neighbours in regard to noise have been fully taken in account. It is considered having regard to the negotiations with the EHO, who raises no objections, and the controls that are to be imposed that the additional one hour, for use of the rear courtyard, is acceptable. The extra hour will keep usage more within the framework of the existing time and not be close to the more unsociable time of 23.00 hrs thus protecting neighbouring residential amenity but will allow the business that additional time. Moreover, the use of a temporary permission will allow the monitoring of this additional hour. The changes to the layout of the courtyard include the removal of some of its features such as the tiered seating but the area stays the same in terms of its overall size.

The operation and management of the premises itself also remains subject to licensing for both the sale of alcohol and for the playing of music. As such there are existing controls in place for the operation of the premises to ensure that any noise nuisance is suitably controlled. The site is within close proximity to the existing resort area where uses of this nature are present and expected. There are premises which surround the site, including adjoining, which operate similarly to this and also include outdoor provisions which benefit from longer hours of operation.

Subject to appropriate conditions to control the operation of the external courtyard it is

considered that there is no objection to the extension of the hours of use of the courtyard, on a temporary basis, and the proposal is acceptable under Policy 5 of the North East Lincolnshire Local Plan 2018.

4. Visual Character and Heritage

The site is within Cleethorpes Central Conservation Area. The courtyard is positioned the rear of the premises and therefore not visible from the host street.

The Heritage Officer has reviewed the details and raises no objections.

Therefore, it is considered that it accords with policies 5, 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) in relation to design and heritage.

5. Other Matters

As a variation of condition application, the other conditions from the previous permission, DM/0315/19/FUL, still apply and they are reiterated under this recommendation. These are detailed below:

Condition 1 is subject to this application. It includes alterations to the layout of the rear courtyard removing certain aspects and features.

Condition 2 relates to the hours of opening restricting opening to Monday to Saturday from 8am to 11pm and Sundays and Public/ Bank Holidays to 10am to 11pm. It is considered that this condition remains necessary and should be applied to any permission granted under this submission.

Condition 3 is also the subject of this application. The hours of use are extended to allow this to be used Monday to Friday, Sundays and Public Bank Holidays from 10am to 9pm and Saturdays to 8am to 9pm. This also includes further condition wording to secure a temporary permission for 12 months in order to monitor the provision of an additional hour of use for the rear courtyard.

Condition 4 relates to a requirement that there shall be no external ventilation or extraction equipment used on the premises except that approved under the discharge of planning condition (DM/0988/16/CND pursuant to application (DM/0058/16/FUL) unless first approved in writing by the Local Planning Authority. It is considered that this condition is still relevant and should be attached to any permission granted under this submission.

Condition 5 relates to the restriction of amplified music and address systems within the rear courtyard. This is also considered to be pertinent and should be attached to any further permission granted under this submission.

Condition 6 requires that sound proofing measures as previously approved are retained.

This is also considered to be pertinent and should be attached to any further permission granted under this submission.

Condition 7 relates to external lighting provision and precludes further lighting. This is also considered to be pertinent and should be attached to any further permission granted under this submission.

CONCLUSION

This application seeks to modify an earlier approval. The modifications proposed in this application do not fundamentally alter the original design concept or is it considered that the proposal will create any adverse impacts to the locality. The potential impacts of the proposal can be addressed through the use of suitable conditions. The application can therefore be approved in accordance with policies 5, 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018), and sections 12 and 16 of the NPPF.

RECOMMENDATION

Approved Limited Period

(1) Condition

The development is approved in accordance with the Site Location Plan and Proposed Floor Plan (drawing no. LDC4245-PL-01_A) in relation to the courtyard layout only.

Reason

In the interests of proper planning and the avoidance of doubt in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032.

(2) Condition

The premises shall not be open for trading outside the following hours:-

Mondays to Saturdays	0800 hrs to 2300 hrs;
Sundays, Public and Bank Holidays	1000 hrs to 2300 hrs.

Reason

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

(3) Condition

The proposed extended hours of operation of the courtyard shall commence within three years from the date of this permission and within a period of one week of the commencement of hours of operation for the rear courtyard, between the hours of between 10:00hrs to 22:00hrs Monday to Friday, Sundays and Public Bank Holidays and 08:00hrs to 22:00hrs on Saturdays written confirmation shall be given to the Local Planning Authority of the date the extended hours of use commenced. The rear courtyard shall then only operate between 10:00hrs to 22:00hrs Monday to Friday, Sundays and Public Bank Holidays and 08:00hrs to 22:00hrs on Saturdays

Within 12 months of the extended hours of use commencing between the hours of 10:00hrs to 22:00hrs Monday to Friday, Sundays and Public Bank Holidays and 08:00hrs to 22:00hrs Saturdays the hours of use for the courtyard shall revert back to only take place between the hours of 10:00hrs to 21:00hrs Monday to Friday, Sundays and Public Bank Holidays and 08:00hrs to 21:00hrs Saturdays unless before that date, an extension of the period has been granted on a further application by the Local Planning Authority.

Reason

In the interests of protecting residential and local amenity in accordance with Policy 5 of the North East Lincolnshire Local Plan, 2013-2032.

(4) Condition

There shall be no external ventilation or extraction equipment used on the premises except that approved under the discharge of planning condition DM/0988/16/CND (pursuant to application (DM/0058/16/FUL) unless first approved in writing by the Local Planning Authority.

Reason

To ensure satisfactory ventilation and extraction systems are provided to protect surrounding residents from the adverse effects of cooking smells in accordance with saved Policy 5 of the North East Lincolnshire Local Plan 2013-2032.

(5) Condition

No system of public address, loudspeaker system or amplified music shall be operated within the courtyard.

Reason

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

(6) Condition

The soundproofing measures for the rear boundary wall and pergola to overhang the

courtyard shall be retained in accordance with the details approved under reference DM/0988/16/CND (pursuant to application DM/0058/16/FUL) whilst the courtyard is used for the business.

Reason

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

(7) Condition

The external lighting shall be retained as approved under reference DM/0988/16/CND (pursuant to application DM/0058/16/FUL). Any changes to external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to installation.

Reason

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

Informatives

1 Reason for Approval

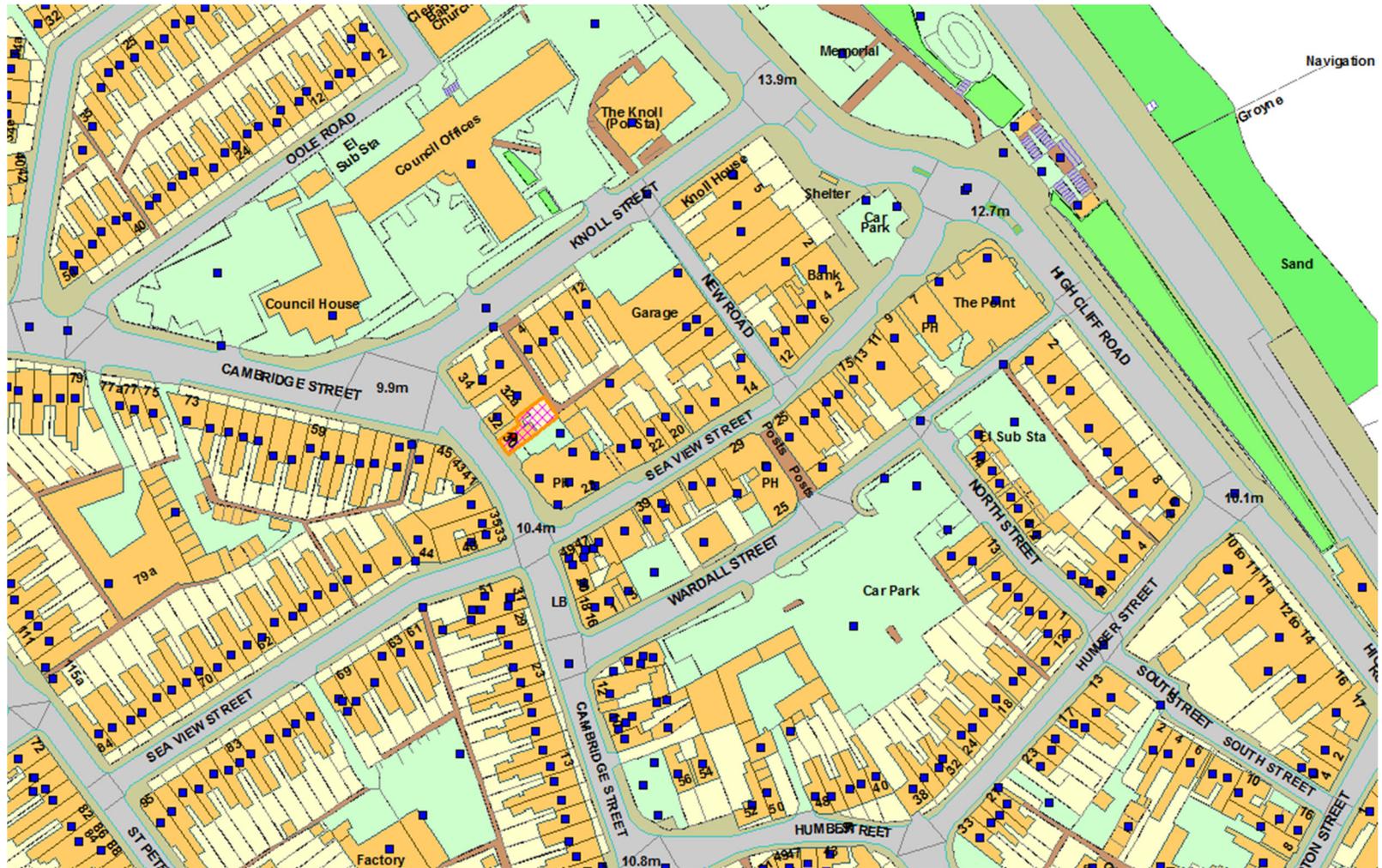
The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or residential amenity and is acceptable under all other planning considerations. This proposal is approved in accordance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

2 Informative

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

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

DM/1022/23/FUL- 30 CAMBRIDGE STREET, CLEETHORPES



PLANNING COMMITTEE - 24th April 2024

ITEM: 3 RECOMMENDATION: Refused

APPLICATION No: DM/0273/24/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Land Rear Of, 37 - 39 Peaks Avenue, New Waltham, North East Lincolnshire,

PROPOSAL: Erect one detached bungalow to include driveway/parking area to front with associated works (Resubmission of DM/0928/23/FUL)

APPLICANT:

Mr Lee Standland
C/O Agent
Unit 2 Cleethorpes Business Centre
Jackson Place
Wilton Road
Grimsby
DN36 4AS

AGENT:

Mr Dieter Nelson
Dieter Nelson Planning Consultancy
Unit 2
Cleethorpes Business Centre
Jackson Place
Wilton Road
Humberston
Grimsby
DN36 4AS

DEPOSITED: 13th March 2024

ACCEPTED: 13th March 2024

TARGET DATE: 8th May 2024

PUBLICITY EXPIRY: 14th April 2024

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 13th April 2024

CASE OFFICER: Bethany Loring

PROPOSAL

The application seeks to erect one detached bungalow to include driveway/parking area to front with associated works.

The application is brought to planning committee following a call in request from local ward councillors.

SITE

The site is currently made up of vacant land which sits to the rear of properties along Peaks Avenue however the frontage is positioned along Wayside Drive. There is a vehicle access point off Wayside Drive with an existing timber gate. The area is predominately residential with properties surrounding the site.

RELEVANT PLANNING HISTORY

DC/225/11/HUM - Erection of a pair of semi detached chalet bungalows and 1 detached chalet bungalow and associated external works - Refused. Appeal Dismissed. (site adjacent)

DM/0069/14/FUL - Erect a pair of semi detached dwellings with attached garages with external alterations - Approved with Conditions. (site adjacent)

DM/0973/22/FUL - Erect a detached bungalow to include driveway/parking area to front with associated works, creation of a new pedestrian/vehicular access off Wayside Drive and replacement tree planting to front (Amended Description and Plans received 15th February 2023 to reduce height and roof design of bungalow and location of replacement tree included) - Withdrawn

DM/0928/23/FUL - Erect a detached bungalow to include driveway/parking area to front with associated works (Amended Plans received 30th November 2023 to revise design of frontage and tree details) - Refused for the following reason;

'The proposal by virtue of the limited size of the site and position of the dwelling would represent adverse impact to a tree protected by a Tree Preservation Order which could result in its future loss or adverse works. This would be detrimental to the character of the area and is not justified. The proposal is therefore considered to be contrary to the requirements of Policies 5, 22 and 42 of North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and the core principles as set out in the National Planning Policy Framework'

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2023)

NPPF5 - Delivering a sufficient supply of homes
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
PO33 - Flood risk

PO34 - Water management
PO42 - Landscape

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

REPRESENTATIONS RECEIVED

Trees and Woodlands - Objects following unauthorised removal of protected tree and loss of the visual amenity value, concerns regarding the removal of replacement trees and further amenity value loss and alternative species and location in order to replicate the loss of the amenity value.

Highways Team - Approval no conditions.

New Waltham Parish Council - Approved. Full support for the scheme due to the site experiencing anti-social behaviour, positive contribution to the community, welcomes donations of trees within the village and enhancement in the wider area. Also acknowledge the creation of additional employment and council tax through housing and that the proposal will allow the Atlantis Cedar to flourish in an alternative location.

Environment Team - Hours of construction/demolition condition.

Drainage Team - Surface water condition. Ground level informative.

Heritage Officer - No input required.

Civic Society - Does not oppose application.

Linesearch - Owners identified and consulted.

Cllr Shreeve and Cllr Harness - Call in request for application to be determined at committee due to support of the Parish Council.

Neighbour Representations

Objections have been received from the following addresses broadly on the grounds of removal of protected tree, loss of amenity, not in keeping with the character of the area and noise and disturbance. No evidence of anti social behaviour. Also that no further

applications should be put in following refusal. The donation of trees does not replicate amenity value to this area.

37 Peaks Avenue
37A Peaks Avenue
17 Wayside Drive

Comments of support have been received from the following addresses broadly on the grounds of good design, historic anti-social behaviour, shortage of housing and site currently being an eyesore.

4 Countess Close
39 Peaks Avenue
1 Wayside Drive (x2)

APPRAISAL

The material considerations are;

1. Principle of Development
2. Amendments following previous decision
3. Protected tree and visual amenity.
4. Design
5. Highways
6. Drainage
7. Impact on Neighbouring Properties

1. Principle of Development

The application site is located within the development area of New Waltham, and as such policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) applies.

According to this policy the principle of residential development is acceptable, and it is the site-specific implications which need to be considered. In this case the impact on a tree protected by a Tree Preservation Order (TPO), design and residential amenity and highway safety.

2. Amendments following previous decision

The scheme has evolved since the last submission and subsequent determination at Planning Committee on 31st January 2024 when application DM/0928/23/FUL was refused. The current scheme has evolved in an attempt to respond to that refusal and this application now includes details on the removal and donation of the replacement protected Atlantis Cedar tree, currently in situ on the site, to New Waltham Parish Council on land which belongs to the Parish Council at land to the east of Priors Close. On the site itself a new tree is proposed to be planted of a different species, specifically a Silver

Birch. This would be further forward than the existing Atlantis Cedar. The applicant has stated that they would be happy for a ten-year management condition to ensure that appropriate maintenance takes place as well as a requirement for a further replacement should the tree suffer loss in the future.

Furthermore, the applicant has included details to include donations of 10 trees in total, including that of the Atlantis Cedar, to be planted within the New Waltham area on land within the Parish Council's ownership. This has also been considered in light of the North East Lincolnshire Council's Tree Strategy which seeks to establish appropriate replacements following removal of trees akin with the size, species and loss.

3. Protected Tree and Visual Amenity

The site has a tree on it which is subject to a TPO which was made in 2008. The TPO related to three trees, a cedar, purple maple and horse chestnut on land rear of 39 Peaks Lane, New Waltham. The application site has the Cedar on it. The presence of the TPO's influenced the planning decisions on the development of land adjacent this site which is referenced in the planning history.

In 2022, the protected cedar tree was felled without permission and a subsequent enforcement case was opened. This has been investigated and the landowner has complied with their duty to plant a replacement tree in a location that had been agreed and considered to correspond with the original position. It should be acknowledged that prior to the unauthorised removal of the Cedar tree, its size and form was already a significant feature within the residential landscape. Measurements of this tree were taken, during an unrelated site visit, in relation to an application to carry out remedial pruning works. At this time, around June 2018, the tree had a height of approximately 13 metres, a canopy spread of 12 metres and a stem diameter of 67cm. The tree, by virtue of its form and character, provided good landscape to the residential environment to the benefit of the areas visual amenity.

The scheme has evolved since the previous submission following the last Planning Committee meeting as detailed above. The offsite works are acknowledged and considered positive to the local amenity that could be achieved to these areas of New Waltham. However, it is important to note that the loss of the protected tree on this site, and the subsequent replacement, has been secured in an attempt to achieve future amenity value to this specific locality. It is not considered that the alternative species, Silver Birch, in this alternative location would provide the level of the amenity that was once experienced and that could be experienced again from the replacement Atlantis Cedar. It is acknowledged that the replacement tree is currently in its infancy, and this will take some time to establish and mature to a scale which replicates that of the one removed and that this will require specific management and maintenance, in order to reach its potential, to include soil volume and hydrology.

The proposal is for the development of a residential bungalow. Therefore, consideration must be given to the future pressure on the tree as a result of the sites physical

development and following the occupation of the bungalow in relation to the potential inconvenience and nuisance that could be presented. Whilst the relocation of the tree would mitigate this issue, the loss of future amenity to this location in New Waltham is considered to outweigh the relocation of the tree and the alternative species as outlined above.

As for the previous application The Trees and Woodlands Officer has reviewed the details and concluded that the development of the plot would impact the ability for the replacement tree to establish and mature, at least to the size of the original tree, and it would be difficult to effectively manage and maintain this. Furthermore, there are concerns as to the future pressure for the replacement tree to be felled or undergo excessive works due to its position in relation to the proposed dwelling.

It should be noted that if the application were to be approved, in its current form, that the existing Order on the Cedar tree would be overridden and therefore would result in a complete loss of a TPO on this site. The alternative planting is acknowledged but as stated it is not considered that the Silver Birch will provide the amenity value of the existing replacement tree on site and whilst the off site planting is to some degree laudable and will provide amenity in those locations the important issue is that the amenity value of the site and immediate environment will not be secured. This is not justified by the site's development for one dwelling. The proposal is therefore considered to be contrary to Policy 5, 22 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

4. Design

Policy 5 of the North East Lincolnshire Local Plan requires an assessment on the impact to the character of the area and visual amenity with Policy 22 setting out the requirements for 'good design'. The National Planning Policy Framework (NPPF) states that a high standard of design should always be secured with a good level of amenity for existing and future occupiers of land and buildings.

The proposal is for one detached bungalow located on the vacant land positioned to the rear of properties along Peaks Avenue however fronting Wayside Drive. The property would be accessed from the existing access point which adjoins Wayside Drive and into the site. In view of the predominant character, the proposal would represent a similar density to other plots in the locality which are typically a mix of two storey dwellings and bungalows. The principle of one detached bungalow on this plot would not be seen as out of character in this context as Wayside Drive and Peaks Avenue both have a diverse character, of varied scale and design, which would be reflected in the design of the proposed dwelling.

The bungalow would be of a single storey scale, adopting an 'L' shaped footprint, to include a bay window protrusion to the front to serve Bedroom 1. This would include flat roofs with a chimney to the rear. A series of openings would be installed to all elevations however the side profile of Bedroom 2 would be blank. A terrace area would be included

to the rear garden space. The bungalow would sit at around 3.6 metres in height to highest flat roof element, with the chimney at 1.3 metres, totalling 4.5 metres in maximum height, and would adopt a differing flat roof elements with a maximum eaves height of around 3.3 metres. Two rooflights would be installed to the middle and rear flat roof elements. This would be constructed of light facing brickwork, and black timber cladding in parts, and a typical GRP arrangement for the flat roof elements with timber fascia detailing. The windows and doors would utilise black framing.

The materials are considered to present a modern, contemporary design whilst adopting features to reflect the existing character of the area. The overall design and finish are considered to be modern and due to its position and modest scale would be assimilated into the street scene.

The scheme does include sufficient outside amenity space, as part of their domestic curtilage, positioned to the front and rear. This would provide ample external amenity space for the occupiers and would include pathways surrounding the property with a terrace area to the rear. A driveway would also provide parking.

It is therefore considered that the design of the dwelling is acceptable under Policy 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) but in overall visual terms the development would be harmful to the area due to the impact on the TPO tree.

5. Highways

Access to the site would be taken from an existing access point with a driveway to the frontage. The Highways Officer has reviewed and accepted the details and considers that there would be no highway safety impact.

It is therefore considered to be in accordance with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) in terms of highway safety and amenity.

6. Drainage

Policy 33 and 34 of the Local Plan relates to water management within a site. The proposal includes an increase to the built form on the site and results in further appreciable alteration to the drainage or surface water drainage of the site. As such, the Council's Drainage Officer has requested details of surface water drainage methods.

Details relating to water reuse are also required and this could be conditioned along with a condition relating to surface water drainage.

Therefore, it is considered that this would be in accordance with policies 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and the guidance in section 14 of the NPPF 2021.

7. Impact on Neighbouring Properties

Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) requires an assessment on the impact on neighbouring land properties and users.

The site is bound by typical 1.8-metre-high fencing all of which would be retained. The design includes openings to all the elevations which would be adjacent to residential properties to the east, south and west. The plot would sit close to the boundaries with its neighbours, specifically 1 Wayside Drive and 37, 37A and 39 Peaks Avenue, however this is a common theme in this area. The scale of the bungalow is considered acceptable in relation to the relationship with the layout with the immediate neighbours. The openings would be screened by the existing boundary treatments. Furthermore, the side elevations of the bungalow would be adjacent to side and rear elevations of the neighbours. It is considered that the impact of these openings would not negatively affect the privacy of these neighbours or present an unacceptable arrangement in relation to overlooking given the separation, arrangements of the layouts of the properties and boundary treatments. Moreover, due to the sensitive design of the dwelling with a low height and overall reduced scale there should be no adverse massing. In relation to other neighbours, these are considered to be separated and screened by existing boundary treatments.

Given that the area is host to a number of residential properties, the Environment Team has suggested that issues with regard to construction could be controlled through an hours of construction condition.

Having regard to the above it is considered that the proposal would accord with policy 5 of the North East Lincolnshire Local Plan 2013-32 (Adopted 2018) in terms of residential amenity.

CONCLUSION

It is considered that the site cannot be developed without compromising the replacement tree on the site subject to a Tree Preservation Order. The development would likely result in the removal of the protected tree, and subsequently the Tree Preservation Order associated with the site. This would have an adverse impact on the visual amenity of the area. The mitigation proposed does not overcome this concern.

The application is therefore recommended for refusal, as it fails to accord with Policies 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

RECOMMENDATION

Refused

(1) The proposal would result in the loss of a protected tree and the Tree Preservation Order associated with this site. This would be detrimental to the character of the area and is not justified. The proposal is therefore considered to be contrary to the requirements of Policies 5, 22 and 42 of North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and the core principles as set out in the National Planning Policy Framework.

Informative

1 Informative

This application has been considered in line with the following plans;

Site Location Plan - 1434-0001

Existing and Proposed Block Plans - 1434-002D

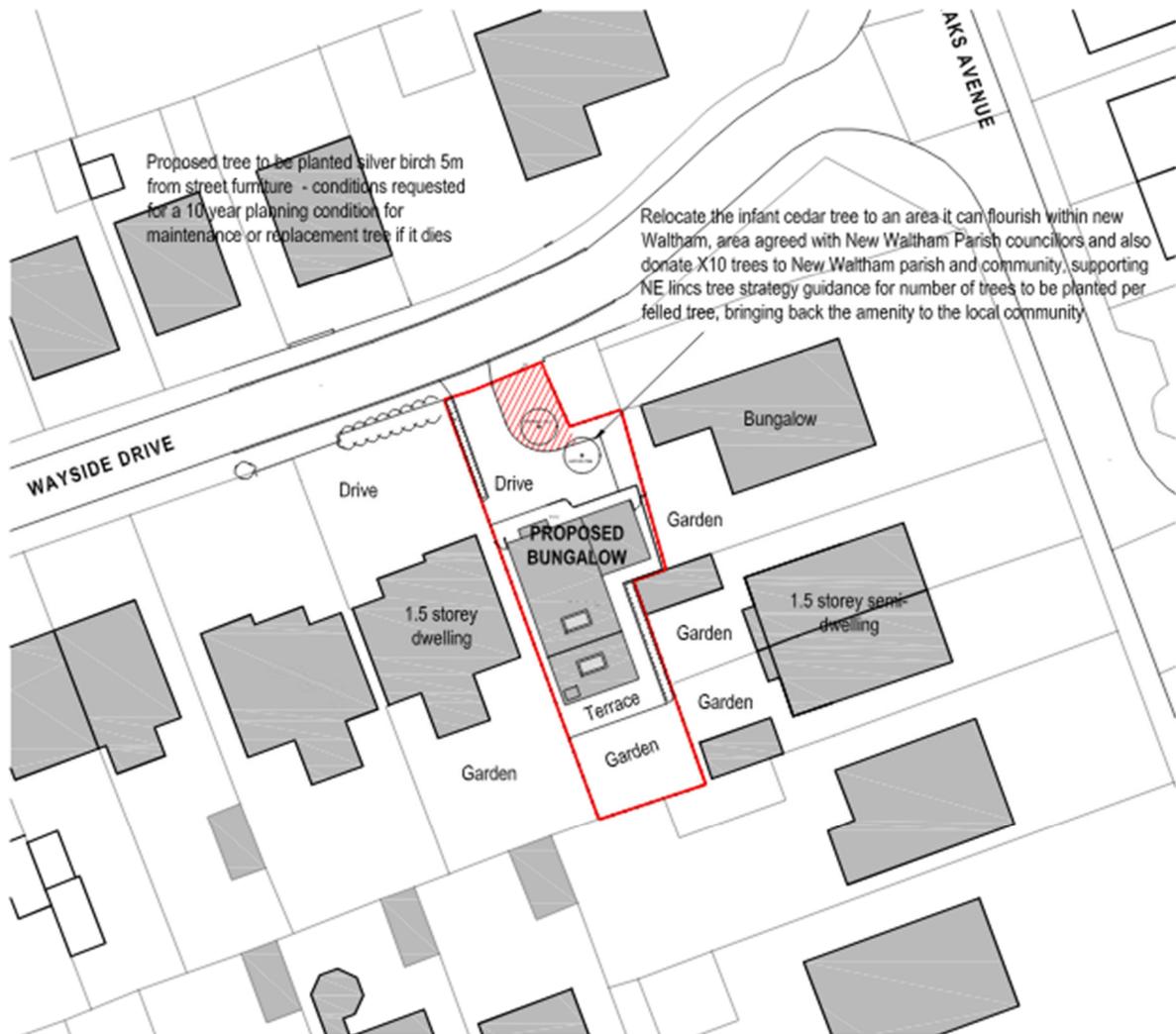
Proposed Site Plan - 1434-004D

Proposed Floor Plan, Elevations and Roof Plan - 1434-005C

DM/0273/24/FUL – LAND REAR OF 37-39 PEAKS AVENUE, NEW WALTHAM



DM/0273/24/FUL – LAND REAR OF 37-39 PEAKS AVENUE, NEW WALTHAM



PLANNING COMMITTEE - 24th April 2024

ITEM: 4 **RECOMMENDATION: Refused**

APPLICATION No: DM/0025/24/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: 61 Glebe Road, Humberston, North East Lincolnshire, DN36 4JP

PROPOSAL: Alterations to create roof terrace above existing double garage and passage, to include metal railings and glass infill to surround with external metal staircase to rear (Amended Description and Plan received 5th March 2024 to reduce expanse of roof terrace and amend side boundary to be 1.2 metre high metal railings with glass infill to match that of the front and rear)

APPLICANT:
Mr Haydon Dawkins
61 Glebe Road
Humberston
North East Lincolnshire
DN36 4JP

AGENT:
Martyn Shepherd
16 Connaught Avenue
Grimsby
North East Lincolnshire
DN32 0BS

DEPOSITED: 10th January 2024

ACCEPTED: 19th January 2024

TARGET DATE: 15th March 2024

PUBLICITY EXPIRY: 26th March 2024

AGREED EXTENSION OF TIME DATE: 26th April 2024

CONSULTATION EXPIRY: 26th March 2024

CASE OFFICER: Bethany Loring

PROPOSAL

The application seeks to make alterations to create a roof terrace above the existing double garage and passage, to include metal railings with glass infill to surround it with external metal staircase to rear at an existing semi-detached dwelling.

The application was brought to planning committee as the applicant is an elected member on 28th February 2024. The application was deferred for amendments to be made to the scheme and the application is brought back to committee following these amendments.

SITE

The property is a semi-detached, two-storey dwelling located on the north side of Glebe Road in Humberston. The area is primarily residential; Glebe Road itself is made up of various dwelling types and designs including two-storey dwellings and bungalows. The plot benefits from a paved driveway to the front. The host dwelling has an open vehicle access point with the boundaries made up of low picket fencing.

RELEVANT PLANNING HISTORY

No relevant planning history.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2023)

NPPF12 - Achieving well designed places

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

PO5 - Development boundaries

PO22 - Good design in new developments

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

Humberston Village Council - Objects due to concerns relating to intrusion to neighbour and not in keeping with the area. Following re-consultation no further comments to be made.

Heritage Officer - No input required.

Environment Team - No comment.

Drainage Team - No comments.

Highways Team - Approval no conditions.

Neighbour Representation

Objections received from the following neighbours in relation to loss of privacy, overlooking and disturbance.

65 Glebe Road (x2)
242 Humberston Avenue (received since previous committee)

Comments of support received from the following addresses;

53 Glebe Road
55 Glebe Road
57 Glebe Road
59 Glebe Road
60 Glebe Road
64 Glebe Road
66 Glebe Road

Neutral comment received from the following address highlighting concerns over noise;

12 Tetney Road

APPRAISAL

Material Planning Considerations

Amendments following Deferral

The applicant has amended the scheme following the previous committee meeting. These amendments include reducing the expanse of the roof terrace to move this further away from the neighbours at 63 and 65 Glebe Road. Furthermore, the boundary treatment to the side has also been changed from a 1.6 metre high fence to a 1.2 metre high railing with glass infill, to coincide with the front and rear boundaries, resulting in the entire perimeter matching in terms of the height and finish.

The considerations below are reflective of the amendments that have been submitted.

Principle of Development

The application site is within the development area of Humberston (Policy 5) and relates to alterations to create a roof terrace above the existing double garage and passage, to include metal railings to surround it with external metal staircase to the rear of an existing semi-detached dwelling.

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 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and section 12 of the NPPF.

Design and Impact to the Character of the Area

The property currently includes a double garage and covered passage which adjoins the sidewall of the existing dwelling which includes a flat roof. The proposal seeks to create a roof terrace above this with a surround to the perimeter.

The boundaries would be made up of 1.2-metre-high railings to cover the entire perimeter. The railings would include a glass infill. A spiral staircase would be installed to the rear to allow for access which would adjoin the existing rear garden.

Policy 5 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 to ensure a good level of amenity for both existing and future occupiers of land and buildings. The introduction of a roof terrace would be highly visible from the street. The scale and finish of the roof terrace through its boundary treatments, within such a prominent location, constitutes poor design, which is considered detrimental to the character of the area. The works are considered to present an alien feature within the street scene.

As such, it is considered that the proposal in terms of design quality would harm the street scene to a significant degree and conflict with both national and local planning policy, that being section 12 of the NPPF and Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032.

Impact on Neighbours

The main impact of this development would be to 63 and 65 Glebe Road, Humberston which are flats adjacent to the site. A letter of objection from 65 Glebe Road has been received and letters of support from other properties in the area have been received. These are as referenced in the representations section. These are all acknowledged.

The roof terrace would sit above the existing flat roof, which is adjacent to the neighbours at numbers 63 and 65 Glebe Road. The terrace would sit just over 4 metres away from the sidewall of both properties. The access doors to the flats are positioned along this elevation as well as a first-floor window opening serving 65 Glebe Road which is noted to serve a landing. The close proximity of the works, and inclusion of 1.2 metre high railings, is considered to present harm to the neighbouring property in terms of the overbearing nature of the physical works and the terraced use proposed and resultant adverse impact on residential amenity. The potential for disturbance and actual and perceived

overlooking so close to the neighbour's small rear garden is considered unacceptable. Indeed, the amended lowering of the side boundary to 1.2 metres has reduced an element of side screening therefore exacerbating the overlooking concern.

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

It is therefore considered that the proposal would have an unacceptable impact on residential amenity in this instance and would not accord with policy 5 of the North East Lincolnshire Local Plan 2013-2032 and section 12 of the NPPF.

CONCLUSION

In conclusion, it is considered that the proposed development would fail to accord with policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and section 12 of the NPPF due to its adverse impacts to the area and to neighbours. The application is therefore recommended for refusal.

RECOMMENDATION

Refused

(1) The proposed development would, by virtue of its design, scale and position be detrimental to the character and visual amenity of the street scene and wider area. This would be in direct conflict 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.

(2) The proposed development by virtue of its design, scale and position would be visually intrusive and have an overbearing impact on neighbouring property to the detriment of residential amenity. This would be in direct conflict with 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

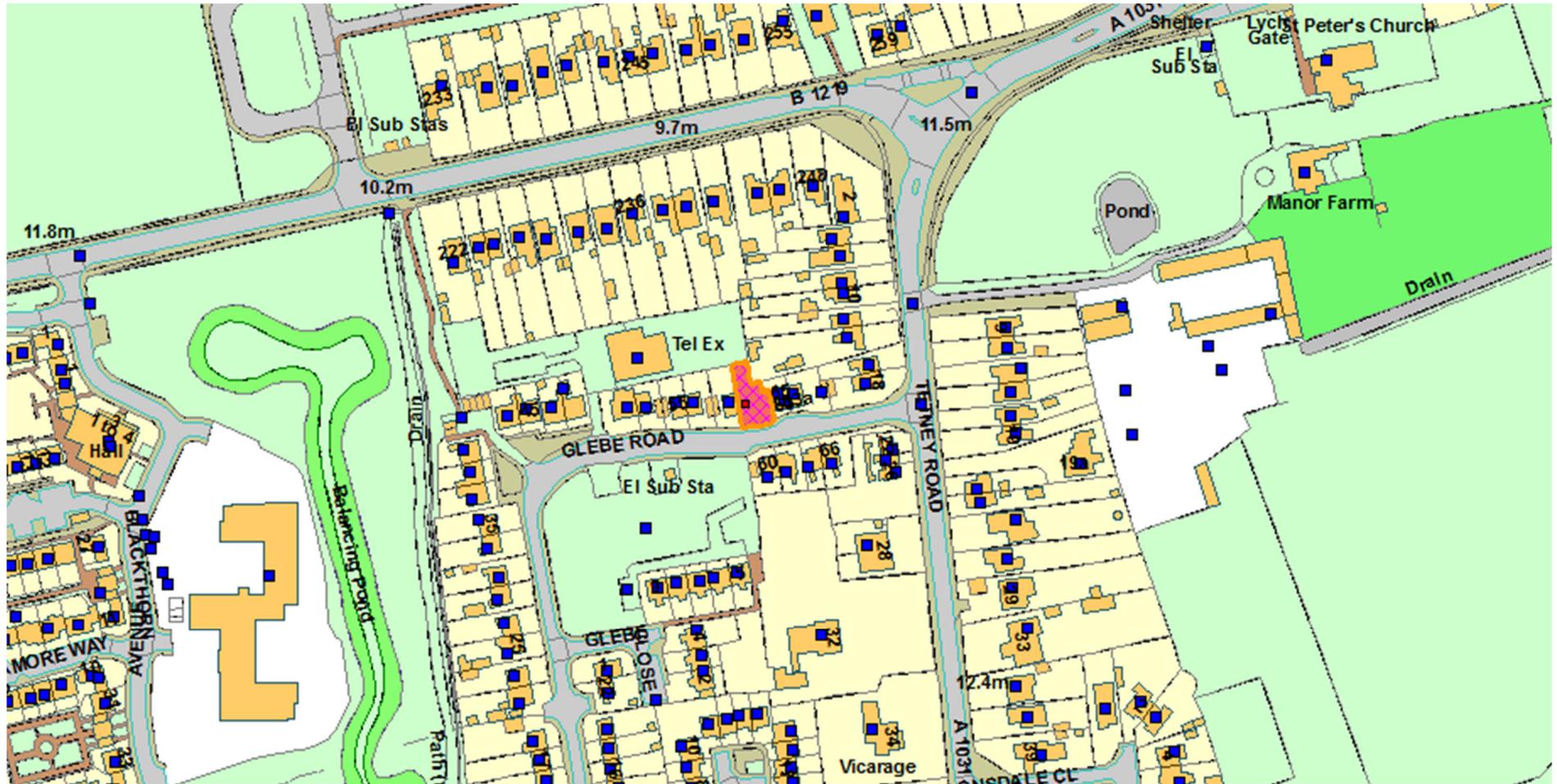
This application has been considered using the plan referenced 5-3-24.

2 Added Value Statement

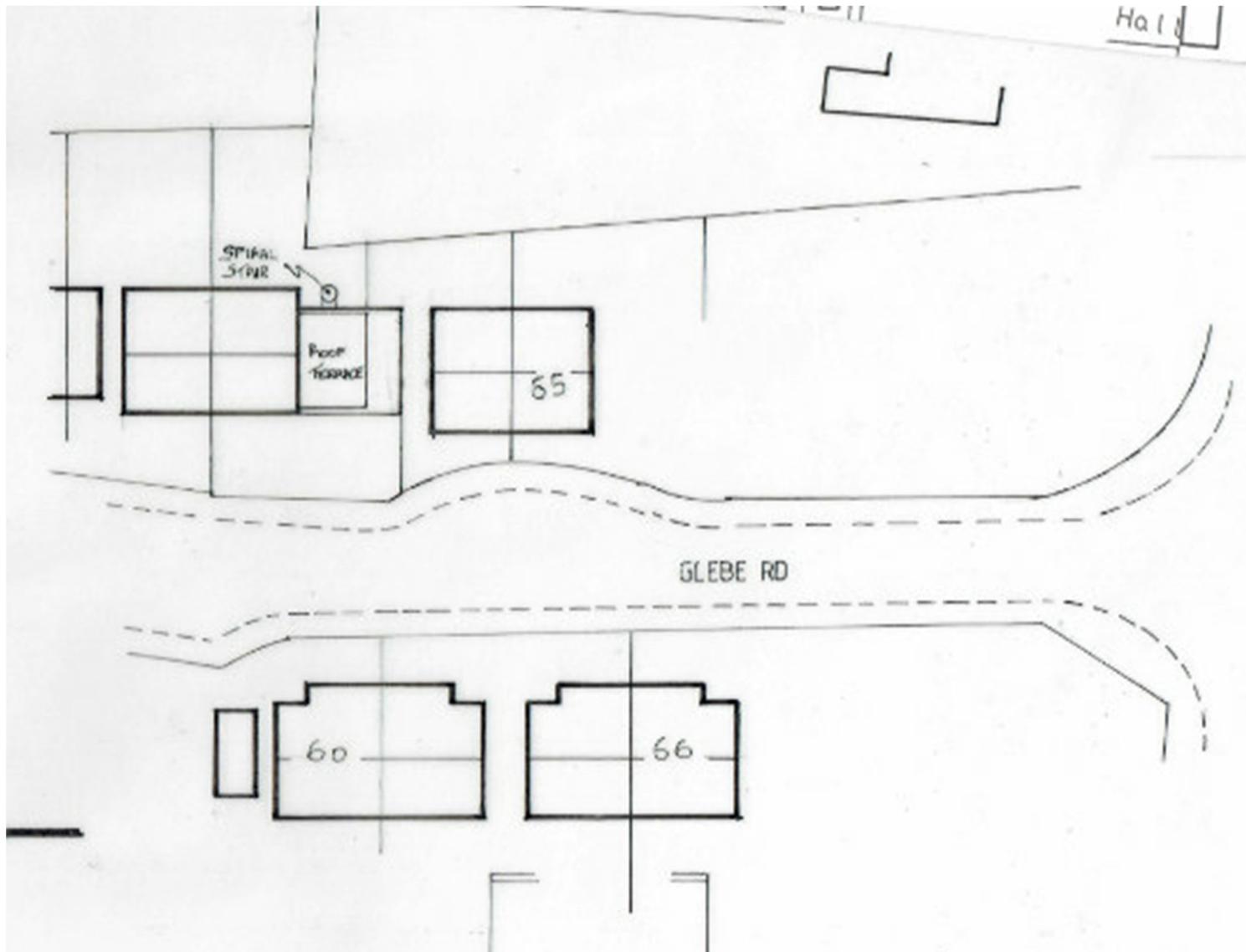
Article 31(1)(cc) Statement - Positive and Proactive Approach

In accordance with paragraph 187 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner by dealing with the application in a timely manner. The issues of concern would not be addressed through this application.

DM/0025/24/FUL – 61 GLEBE ROAD, HUMBERSTON



DM/0025/24/FUL – 61 GLEBE ROAD, HUMBERSTON



PLANNING COMMITTEE - 24th April 2024

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

APPLICATION No: DM/1156/23/FUL

APPLICATION TYPE: Full Application

**APPLICATION SITE: Land West Of, Bradley Road, Bradley, North East
Lincolnshire,**

PROPOSAL: Proposed construction, operation and decommissioning of a solar photovoltaic farm, a Battery Energy Storage System (BESS) facility, associated connection including a POC mast and substation, temporary construction compound, perimeter fencing, landscaping and associated infrastructure (sHRA for the attention of Natural England dated 8/3/2024)

APPLICANT:

Renewable Connections Developments Limited
Level 4
LDN:W
3 Noble Street
London
EC2V 7EE

AGENT:

Miss Maureen Darrie
GP Planning Ltd
ICon Innovation Centre
Eastern Way
Daventry
NN11 0QB

DEPOSITED: 28th November 2023

ACCEPTED: 28th November 2023

TARGET DATE: 27th February 2024

PUBLICITY EXPIRY: 7th April 2024

AGREED EXTENSION OF TIME DATE:

**CONSULTATION EXPIRY: 28th December
2023**

CASE OFFICER: Owen Toop

PROPOSAL

This proposal seeks full planning permission for the installation of a solar farm in the form of ground mounted solar photovoltaic solar panels occupying an area of 81.7ha on land to the west of Bradley Road.

The entire solar array would have an export capacity of approximately 43.7MW and include a 10MW BESS (battery energy storage system). These ground mounted solar arrays would be laid out in multiple parallel rows running east to west across various field

enclosures. The mounting structure and solar panels would all be static and south facing. Typically the distance from each array would be between 3.5 and 6 metres.

The BESS facility would comprise of battery units, ancillary equipment including transformer units, inverter units, fencing, access tracks and CCTV cameras. The battery units would be positioned in rows with a maximum height of 2.84m above ground level (agl), which are connected to the inverter units. A POC (point of connection) mast is included with this scheme as a means of connecting the farm to the National Grid.

Access to the site is proposed to the west from Bradley Road. This involves the creation of a new access point (requiring the removal of a length of hedgerow) to the north of Netherwood Farm and includes associated access tracks to connect into the existing farm tracks.

The solar farm includes security measures in the form of perimeter fencing which would be 2m high and supported by wooden fence posts at 2.5-3.5m intervals. Additionally steel mesh gates are proposed to gain access into the individual fields and CCTV columns are located throughout at regular intervals along the perimeter fence line.

The proposed development would, typically, have a life of up to 40 years at the end of which it would be decommissioned and removed from the site, with the land returning to its current state.

The application is brought to the attention of Planning Committee due to the comments raised by Barnoldby Parish Council.

SITE

The site is extensive in area at approximately 87.1ha and is located adjacent to Bradley Road, a road with a 60mph speed limit. This road runs north-south and is to the east of the site. There are farm buildings that are associated with Netherwood Farm which are located between Bradley Road and the site.

The site also lies north of the village of Barnoldby Le Beck which is approximately 650 metres from the proposed farm. Waltham is located approximately 200 metres to the south east. The nearest residential properties being located at the recent Aspen Park development.

Bradley Lakes, a fishing site, lies on the northern boundary of the site, and beyond this is Bradley Woods, a designated Local Wildlife Site. There is an existing solar farm which abuts part of the site's western boundary and another which abuts the northern boundary. To the west is Barton Street and beyond that is the Lincolnshire Wolds, a designated AONB (Area of Outstanding Natural Beauty).

To the south boundary of the site is Team Gate Drain and beyond this are agricultural fields.

There is a right of way (Wanderlust Trail and Bridleway no.93) which runs along the western boundary and then through the centre of the Site northwards into Bradley Woods. There are a number of Public Rights of Way (PROW) in the vicinity of the Site. Bridleway 93 (BW93) crosses through the application site and runs in a north-south direction. It connects with Bridleway 165 which runs in an easterly direction and Footpath 95 in a westerly direction. Bridleway 165 is located along the northern boundary of the Site and crosses Bradley Road. Footpath 95 runs along the eastern boundary of the Site and connects with Bridleway 165 to the north. It crosses Bradley Road and changes into Footpath 71 which runs in an easterly direction.

The Hornsea One and Two Offshore Wind transmission cables run between the northern and southern Development Zones (outside the planning application boundary). There are also 2 overground overhead electric lines crossing the Site.

RELEVANT PLANNING HISTORY

Adjacent to the site (north)

DM/0483/15/FUL - A 21MW solar farm to the north of the site was approved 9th October 2015.

- DM/0778/16/CND, DM/0639/18/CND, DM/0761/18/CND dealt with the discharge of conditions relating to the above permission.
- DM/1093/19/FUL was a minor material amendment application which varied the original temporary permission of the solar farm from 30 to 40 years.

Also adjacent (west)

DM/0174/15/FUL - A 27.14 MW solar panel development, erection of fencing/gates, substation, containers, CCTV and associated works which was approved on 19th June 2015.

- DM/0094/16/CND and DM/0087/16/CND dealt with the discharge of planning conditions relating to the above permission.
- DM/0380/16/NMA and DM/0236/18/NMA dealt with non-material amendments to vary minor aspects of the solar farm.

Screening opinion DM/0410/23/SCR. Decision EIA negative as follows;

'Having taken into account the selection criteria set out in Schedule 3 of the Regulations, it is the opinion of the Local Planning Authority that the development is not an 'EIA development', as it is unlikely to have significant effects on the environment by virtue of factors such as its nature, size or location.'

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2023)

- NPPF2 - Achieving sustainable development
- NPPF6 - Building a strong, competitive economy
- NPPF11 - Making effective use of land
- NPPF12 - Achieving well designed places
- NPPF14 - Climate, flooding & coastal change
- NPPF15 - Conserv. & enhance the natural environ.
- NPPF16 - Conserv. & enhance the historic environ.
- NPPF17 - Facilitating sustainable use of minerals

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

- PO5 - Development boundaries
- PO6 - Infrastructure
- PO22 - Good design in new developments
- PO31 - Renewable and low carbon infrastructure
- PO32 - Energy and low carbon living
- PO33 - Flood risk
- PO34 - Water management
- PO39 - Conserve and enhance historic environ
- PO40 - Developing green infrastructure network
- PO41 - Biodiversity and Geodiversity
- PO42 - Landscape
- PO44 - Safeguard minerals/related infrastru

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

Natural England - Original comments from Natural England requested a HRA. Comments also referred to landscaping, agricultural land quality, soil protection and biodiversity. Following receipt of HRA, no further comments to make. Make reference to Impact Risk Zones and standing advice.

Ecology - No objections to recommendations within ecology appraisal and biodiversity measures. Adopts sHRA.

Environmental Protection - No objections and hours of construction/demolition condition recommended. CMP required.

Trees and Woodlands - No objections following amended landscaping scheme.

Lincolnshire Wildlife Trust - Advisory comments.

Highways - No objections subject to conditions for temporary traffic regulation order, construction traffic management plan and details of vehicular access.

Environment Agency - Informative on battery energy storage system. No objections.

National Grid - No assets impacted.

Humberside Fire and Rescue - Standard comments provided.

Heritage Officer - No input required.

MOD - No objections.

PROW - Informative comments, condition required.

Drainage - Surface water drainage scheme satisfactory.

North East Lindsey Board - Drainage Board question - No objections in principle.

Anglian Water - No comments.

National Gas - No assets impacted.

Harbour Energy and AECOM - No impact on Viking Pipeline DCO. No impact on Harbour Energy asset.

Northern Powergrid - Standard comments provided.

Barnoldby Parish Council - Concerns raised in relation to Natural England, Fire Safety, and the Community Trust Fund.

Waltham Parish Council - Supports proposal.

Bradley Parish Council - No objections.

Brigsley Parish Council - No response.

Police Crime Reduction Officer - No response.

Cadent Gas - No objection, informative advice provided.

Humberside Airport - No response.

British Horse Society - No response.

ESP Utilities - No response.

Laceby Parish Council - No response.

Phillips 66 - No impact on their assets.

Orsted - No objections, informative advice and guidance provided.

Active Travel England - No response.

Lincolnshire Wolds Officer - No response.

Neighbour/Public Representation: 3 letters of objection received from the following addresses:

3 Church Lane (objection)

3 Juniper Lane (objection)

54 Bradley Road (does not object in principle but raises concerns)

broadly on the following grounds:

- construction traffic management
- concerns raised by consultees
- health risks
- traffic and pollution
- impact on property prices
- proximity to residential properties
- loss of farmland and agriculture
- impact on biodiversity

APPRAISAL

The material considerations are:

- 1) Principle of Development
- 2) Landscape Character and Visual Amenity
- 3) Neighbouring Amenity
- 4) Ecology
- 5) Access and Highways
- 6) Drainage and Flood Risk

- 7) Heritage
- 8) Other Matters

1) Principle of Development

Policies 5 and 31 are the key relevant Policies from the NELLP along with Sections 14 and 15 of the NPPF.

In terms of the National Planning Policy Framework (NPPF), the position is clear under Section 14 that 'the planning system should support the transition to a low carbon future'. In doing so, it goes on to say in particular this includes support for 'renewable and low carbon energy and associated infrastructure'. Under para 158, Local Planning Authorities in determining applications should 'a) not expect applicants to demonstrate the overall need for renewable or low carbon energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions'. Clearly, there is national support in terms of the principles of solar energy as a renewable energy source.

The National Planning Practice Guidance (NPPG) provides additional guidance to support the Policies within the NPPF and provides a specific focus for planning considerations which need to be taken account of when dealing with large ground mounted solar farms. It specifies that large scale solar farms should be focused 'on previously developed and non-agricultural land, provided that it is not of high environmental value' and 'where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays'. This is also highlighted in a speech given by the Minister for Energy and Climate Change (2015). In response, the site is greenfield and is in agricultural use and the impacts on land quality will be discussed below. Land quality is considered important to the overall acceptability in principle. Other matters which are required to be considered by the NPPG in regard to the specific detail will be covered in other sections of this report.

Locally, the aspirations and acceptability around renewables are found in Policy 31 of the NELLP where it states that 'the Council will support opportunities to maximise renewable energy capacity within the Borough'. The Council will support opportunities to maximise renewable energy capacity within the Borough and seeks to deliver at least 75MW of installed grid-connected renewable energy by 2032. Renewable energy capacity is most likely to be increased through further solar farm development and this development presents an opportunity to contribute to renewable energy capacity.

In terms of the wider context in NELC, the area is establishing itself as an Energy Estuary and the proposal for solar would link to wider area aspirations and goals towards a low carbon future. As stated, the site is greenfield and is in agricultural use. It is within the open countryside, an area that forms a strategic green infrastructure corridor but also an

area which contains existing solar farms.

As noted above the NPPG requires development to be located on brownfield or non-agricultural land of low environmental value in the first instance. A number of factors have led to this particular site selection and have meant looking outside of brownfield or non-agricultural land, this includes:

- The size of the land required;
- That renewable forms of technology already exist in the form of solar farms with associated infrastructure adjacent to the site, and that electricity pylons exist on the landscape and that cabling has been installed to serve the Hornsea Offshore Wind Farm;
- The proximity to the grid connection, which seeks to maximise the energy output;
- That there are no environmental designations in the site area.

It is therefore considered that there is appropriate justification to consider this site and its suitability for solar development.

The NPPF states 'where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality'. It categorises the best and most versatile agricultural land as land in grades 1, 2 and 3a of the Agricultural Land Classification.

The application is supported by an Agricultural Quality report in the Planning Design and Access Statement (section 17). The area of the total site boundary i.e., approximately 81.7 ha, consists of (i) approximately 73.7 ha of land that is proposed for locating the ground-mounted solar PV panels and BESS facility, and (ii) approximately 8.0ha of land that is proposed as a skylark mitigation area. The quality of agricultural land within the total site area (i.e. 81.7ha) is limited mainly by soil wetness to predominantly subgrade 3b (i.e. 70 ha or 85.7% of the Site), with smaller proportions of Grade 2 (i.e. 0.8 ha or 1% of the site), and subgrade 3a (i.e, 10.9 ha or 13.3% of the Site). However, it is important to note that all the Grade 2 land (i.e., 3.0 ha), and approximately half of the subgrade 3a land (i.e., 6.7 ha), is in the skylark mitigation area. This part of the site does not include any ground mounted solar PV panels or BESS infrastructure. As grassland, the proposed skylark mitigation area would not significantly adversely affect, or change the grade of, the agricultural land in this part of the site. The report confirms that the majority of the land that will be utilised is not 'the best and most versatile agricultural land' and that consideration has been given to whether the higher-grade land could be avoided. In this instance it would be particularly difficult to avoid for the reasons set out earlier regarding the dispersed nature of the different soil types.

The NPPG recognises that solar farms are temporary structures which do not prevent use of agricultural land in the long term and indeed the applicants statement confirms that the use of solar does not prevent some farming practices. Equally, the land underneath the solar can be conserved for the future and potentially enhanced if the soils are rested.

Justification on site selection has been given by the applicant and the factors above

demonstrate that the tests through local and national planning policy have been met. Thus, the use of the site for solar is justified and would not result in the permanent loss of agricultural land in accordance with Policies 5 and 31 of the NELLP and the principles set out in the NPPG and the NPPF. Para 158 of the NPPF states in such cases, applications should be approved 'if its impacts are (or can be made) acceptable'. Such impacts are discussed in more detail below.

2) Landscape Character and Visual Amenity

Policies 5, 22, 31, 40 and 42 are the relevant Policies from the NELLP. These focus on maintaining character, securing good design and conserving the natural landscape. Sections 12 and 15 are the relevant Sections from the NPPF.

A Landscaping and Visual Impact Assessment (LVIA) has been submitted as part of the application. This is located within Section 7 of the Planning Design and Access Statement and a multitude of viewpoints have also been included to accompany this assessment. The LVIA includes a comprehensive assessment on the visual baseline including impact to those sensitive receptors such as from highways, public rights of way and bridleways. It also references views from within the designated Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB), although it should be noted that the site sits outside of this designated area. It categorises the degree of effect from these areas of land and summarises that the impact would not fall within the major category, but rather a 'moderate level of significance.'

The topography of the site along with intervening vegetation would limit the extent of views across the site and indeed the extent of any wider reaching views such as from the AONB. It is considered that the layout has been designed in a sensitive way given its position in the open countryside and it is noted that the mitigation strategy in the LVIA includes for a series of measures to integrate the development into the landscape including:

- creating access for the development immediately off Bradley Road straight into the site for the duration of the build and lifespan of the development is a positive point, ensuring works would not be undertaken at any distance from the site, limiting the change in character that would be undertaken. The change in character would be contained to the main fields only.
- The use of deer fencing as the perimeter fence (2m tall supported by wooden fence posts located at 2.5-3.5m intervals) is a practical option, ensuring it is in keeping with the area and in a natural unobtrusive material as possible.
- Land adjacent to the solar panels cannot be densely planted to deflect views and screen the Site as this would compromise the solar gain (overshadowing). However, space has been left outside of the perimeter fence, and within the Site boundary to be planted with grassland seed mixes. In addition, where needed the Site boundary would be strengthened either by installing new hedgerows and infilling gappy hedgerows.
- Not using external artificial lighting within the larger element that is the solar farm, would ensure that the night scene would not change, and the majority of the field would remain

in darkness.

It should be added that considerable dialogue has taken place to improve the submitted landscaping scheme with additional hedge planting secured within the site, particularly at the sensitive areas to protect the character of Wanderlust Way (which runs centrally within the site).

The Trees and Woodlands Officer has considered the landscape impacts alongside the submitted LVIA and considers that an acceptable methodology has been used and that any impacts would be relatively short term and that the landscaping mitigation strategy has the potential to significantly reduce the visual impacts over the lifetime of the development. A condition for the final landscaping detail and implementation is recommended.

The principles of the landscape strategy have the potential to reduce the impacts of the proposal and integrate it within its surroundings. It is also acknowledged that these visual improvements through the new landscaping strategy would in theory extend beyond the operational lifespan of the solar farm to the long-term benefit of the landscape and in turn provide for improved biodiversity.

In regard to the impact on the Strategic Green Infrastructure Corridor, the development remains of a temporary nature and the presence of solar farms already establishes the principle of renewable sources of energy on the landscape. Such corridors are important to retain settlement identity and prevent their coalescence. The proposal whilst extensive in area would be low lying and it is not considered to impact negatively on the nature or function of the green infrastructure corridor and indeed, remains well separated from the settlement edges.

A point of connection mast (23.4 metre high with a 3-metre lightning conductor) is included with the application. This would connect into the existing pylon and whilst visible its harm on the landscape character of the area is considered to be reduced as a result of its proximity to the pylon.

As such, the impacts to the landscape and to the area are considered to be justified when considered alongside the proposed mitigation planting, in accordance with Policies 5, 22, 31, 40 and 42 of the NELLP and the principles in the NPPG and the NPPF.

3) Neighbouring Amenity

Policies 5 and 31 are the relevant Policies from the NELLP. Policy 5 in particular seeks to protect neighbouring amenity from noise, air quality, disturbance or visual intrusion. Policy 31 follows a similar theme.

In total, two neighbour objections have been received to the proposal. Another neutral comment has been received that comment on construction traffic management. The two objections raise concerns in relation to loss of farmland, impact on biodiversity, human

health and pollution. The impact in regard to health will be discussed below. It should also be noted that Barnoldby Parish Council have raised concerns in relation to fire safety, ecology and in relation to the applicant's pledged community trust fund. Letters are also noted from various parish and village councils either in support or raising no objections.

The site area itself is extensive but has few immediate neighbours given it is in agricultural use. Thus, much of the impact arising from the development will be a visual one arising from the panels themselves and the associated infrastructure.

The panels are proposed to be no more than 5m in total height, which at the distances from neighbours would be relatively low lying when accounting for field boundaries, landscaping and the site's topography. The supporting infrastructure is also set into the site away from the boundaries of this extensive site which limits any adverse massing or dominance issues for neighbours.

A Noise Assessment accompanies the application, it concludes that operational noise from the solar farm during the likely operating hours would be relatively low. The Environment Team have reviewed the assessment and have agreed that no conditions are required.

A Glint and Glare Assessment accompanies the application, it concludes that 'upon reviewing the actual visibility of the receptors, glint and glare impacts reduce to 'Low' at two receptors and to 'None' at all remaining receptors. This confirms that the impact in this respect is acceptable as there would not be significant detrimental harm. An important factor in coming to this conclusion is the existing topography and vegetation that provides mitigation for residential receptors.

With regard to health considerations, which has been raised by one neighbour, there are no planning stipulations which state that this is an issue. In any event, the solar panels are well separated from residential properties.

On this basis, the development would have an acceptable relationship and impact to neighbours in accordance with Policies 5 and 31 of the NELLP and the principles in the NPPG and the NPPF.

4) Ecology

Policy 41 is the relevant Policy from the NELLP. It seeks to conserve the natural environment, ensuring any impacts to ecology are or can be made acceptable. This is echoed in Section 15 of the NPPF. It is also noted that some of the objections refer to the impact on ecology and so this section will seek to address those concerns.

An ecological assessment (ref: BMD.23.0010.RPE-P1.801.-.Ecology) of the Site was undertaken by BMD in 2023 that refined the scope of Phase 2 surveys required to inform the planning application. A phase 2 ecological assessment survey has been submitted. A total of 30 species were recorded holding territory during the survey period. Of these 28

species held territories within the Study area; the remaining two species held territories just beyond the boundary of the Study area. The assessment concludes that development of the site is not considered to have a negative ecological impact on the local area if best practice mitigation is followed.

The council's ecologist has reviewed the information and has no objections subject to the recommendations being adhered to. To secure the biodiversity net gain and ecology mitigation proposed, it is considered that the submission of a Landscape Ecological Management Plan is required, and this is conditioned.

Following comments from Natural England, a Habitat Regulations Assessment (HRA) has been provided. The HRA demonstrates that, based on a combination of data searches and field surveys, that there is no evidence of regular use of the site by SPA/Ramsar species. It is concluded that there is no evidence to suggest that the application site supports Functionally linked land (FLL) that is frequently used by SPA/Ramsar species and this use is critical or necessary to supporting the integrity of the designated site for that feature. As the application site is not considered to be FLL the project cannot act in-combination with other plans and projects as it will have no likely significant effects. The potential for likely significant effects, alone or in-combination with other plans or projects, can be ruled out at screening and there is no need for an Appropriate Assessment to be undertaken.

The council's ecologist and Natural England were consulted on the contents of the HRA. Natural England have provided a response stating they are unable to comment. The council's ecologist has reviewed the information and agrees with the conclusions and adopts the HRA, confirming that there would be no significant likely effects on the integrity of the conservation objectives of the designations.

Subject to the conditions and enhancement outlined, the proposal would not harm ecology or indeed protected sites in accordance with Policy 41 of the NELLP and the principles in the NPPG and the NPPF.

5) Access and Highways

Policy 5 is the relevant Policy from the NELLP. It seeks to ensure safe and suitable access can be achieved. Additionally, Policy 31 states that proposals for renewable and low carbon energy generating systems will be supported where any significant adverse impacts are satisfactorily minimised. Proposals will be assessed subject to a number of considerations, including: "highway safety and network capacity".

Section 15 (Transport) of the submitted Planning Design and Access Statement provides data in relation to traffic volume as well as a road safety audit and details of the construction period. It is anticipated that most of the traffic generated by the Solar Farm would take place during the construction phase. The construction phase would take place over a limited period of 6 months and a new access is proposed from Bradley Road to serve both the constructional and operational phases of the development. The reports

states that the proposed development is likely to generate a maximum of 10 two-way HGV movements per day (5 trips to the Site and 5 trips from the Site) and 14 two-way LGV movements per day to and from the Site. The calculations have been based on the potential construction period of 24 weeks with 5.5 working days each week. Based on a 5-hour delivery window, this would equate to 2 two-way HGV movements an hour. During the operational phase only maintenance visits would be necessary, and these would be made via LGV 4x4 vehicles or vans less than 7.5t. The expected number of visits includes one trip (2 two-way movements) per month, and the report concludes that the traffic impact from this phase is negligible.

The information provided has been reviewed by the Local Highway Authority who conclude that no objections are raised and that conditions can be utilised to minimise the impact to an acceptable level during construction, including the use of a temporary traffic regulation order for the construction period. These are recommended.

The Public Rights of Way Officer has reviewed the construction details in respect of the public rights of way and as construction traffic would need to utilise and cross the rights of way to access the site, it is recommended that a condition be secured to survey the rights of way prior to and post construction, to identify any remedial works required to reinstate any damages incurred and return the public rights of way to at least their original condition.

As stated in earlier sections of this report, a Glint and Glare Assessment accompanies the application. It also assesses the impact upon road, rail and airports. It concludes that no mitigation is required and that there is no impact on roads, rail and airports. Humberside Airport have been consulted and have not provided a response and the MOD raise no objections.

Subject to conditions in regard to access and construction management/traffic management, the proposal accords with Policies 5 and 31 of the NELLP, which would maintain the safety and capacity of the highway network. There are no other issues with regard to other transport infrastructure.

6) Drainage and Flood Risk

Policies 5, 33 and 34 are the relevant Policies from the NELLP. These seek to reduce the risk and impact of flooding to people, buildings and land and to ensure suitable water management. Section 14 is the relevant Section from the NPPF.

The Environment Agency (EA) Flood Map for planning shows that most of the application site is located within Flood Zone 1. There is however a small area of Flood Zone 2 and 3 which follows the Team Gate Drain, an area described as "high probability" of flooding. This is acceptable given the equipment that is located in these areas is noted as being acceptable in flood risk terms.

In Section 9 of the Planning Design and Access Statement, a sustainable surface water

drainage strategy is proposed which involves the creation of soakaways to be maintained for the lifetime of the development.

Anglian Water and the Environment Agency raise no objections to the proposal. The proposal is adjacent to the Team Gate Drain which is managed by the North East Lindsey Drainage Board. The necessary easements will be required, and the applicant has sought to demonstrate the distance from the site boundary fencing to the drain to show that easements can be made. The Drainage Board have no objections in principle to the development, and the applicant is reminded that these easements must be adhered to.

The drainage officer confirms the drainage approach is acceptable and subject to conditions securing implementation of the detail, the proposal accords with Policies 5, 33 and 34 of the NELLP and the principles in the NPPG and the NPPF.

7) Heritage

Policy 39 is the overarching heritage policy in the NELLP, it states 'proposals for development will be permitted where they would sustain the cultural distinctiveness and significance of North East Lincolnshire's historic urban, rural and coastal environment by protecting, preserving and, where appropriate, enhancing the character, appearance, significance and historic value of designated and non-designated heritage assets and their settings'. Section 16 is the relevant Section from the NPPF.

A full heritage assessment has been provided within the Planning Design and Access Statement (Section 11) and the heritage officer has concluded that no further heritage input is required, with no conditions recommended. There are no designated heritage assets that would be impacted and in terms of archaeological requirements, the heritage officer is content that no further archaeological assessments are required.

The impact to the historic environment is acceptable and the proposal is considered to be in accordance with Policies 5 and 39 of the NELLP and the principles in the NPPG and the NPPF.

8) Other Matters

The site lies outside of the HSE consultation zone.

Orsted and Phillips 66 have been consulted and have provided no objections to the consultation; informative advice is recommended from Orsted which is highlighted in an informative note to the applicant. It is acknowledged the solar farm is in close proximity to the Hornsea One and Two Offshore Wind transmission cables. They run between the northern and southern development zones of the site and these are therefore outside the planning application boundary. The site has been designed with this in mind to avoid conflict.

Northern Powergrid have provided standard advice in regard to apparatus in the area and

an informative note to the applicant has been recommended. Cadent Gas have responded with no objection subject to informative advice, which is included, and National Grid have also raised no objections in regard to the development and its proximity to their assets.

The Environment Agency have raised no objections, and they have provided comments in relation to the regulation of BESS. An informative is recommended as BESS are regulated outside of the planning system.

The NPPG also provides guidance in relation to BESS, particularly in regard to fire safety. The National Fire Chiefs Council (NFCC) has recently published guidance for Grid Scale Battery Energy Storage System planning. It is also noted that fire safety has been raised as a concern by Barnoldby Parish Council. As part of this application, Humberside Fire and Rescue Service has been consulted and have provided standard comments.

All of the battery containers would be fitted with integral safety features. These would include 24/7 control and monitoring and an early warning system to ensure that any abnormal battery conditions or other operational abnormalities are detected. The safety system would enable the affected elements to be separately controlled or shut down to provide the opportunity for the Site maintenance team to assess and rectify the abnormality.

Provision is also made for a fire water tank with sufficient volume (245m³) in accordance with the latest guidance from the National Fire Chiefs Council (delivering 1,900L per minute for 2 hours). Access to site would be from a new access from Bradley Road.

As such there are no safety concerns in accordance with Policy 5 of the NELLP.

Policy 44 protects the extraction of important minerals within the NELC borough. The proposed solar farm is partially covered by a Mineral Safeguarding Area for sand and gravel. A Mineral Resource Assessment (MRA) has been undertaken and accompanies the Planning application. The findings conclude that there is no potential value in extracting these minerals, the extent and nature of which would not be commercially viable to extract. As there is no prospect of extraction, and an overriding need for the development in regard to the NELLP's renewable energy vision, it is considered that the development accords with Policy 44 and Section 17 of the NPPF in this regard.

Natural England have provided comments in relation to soil protection during construction, and the applicant has agreed to provide further detail on this matter within their overarching Construction Environmental Management Plan in accordance with Policy 5 of the NELLP.

CONCLUSION

The proposal is for a large ground mounted solar farm at land off of Bradley Road. Local and National Planning policies support the principle of transitioning to the use of

renewable and low carbon energy.

Full regard has been given to the location of the site and its impacts on the area and its environment. The submission is thorough in its detail and provides the necessary basis for making a determination.

With mitigation and the conditions outlined, the proposal can be made acceptable and is recommended for approval in accordance with the NELLP and the NPPF.

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:

RCN1010-SP-01 Rev 9 - Site Location Plan
RCN1010-PLE-01 Rev 9 - Site Layout Plan
ALD942_PL401 P04, ALD942_PL402 P05 - Landscaping Planting Sheets
RCN1010-200 Rev A - PV Array Details
RCN1010-202 Rev 0 - Inverter Mounting Details
RCN1010-210 Rev 0 - Trench section details
RCN1010-CP-01 Rev 0 - Cable Route Plan
RCN1010-220 Rev 0 - DNO Details
RCN1010-221 Rev A - Customer Substation
RCN1010-222 Rev 0 - Spare Parts Container
RCN1010-223 Rev A - Power Station Details
RCN1010-226 Rev 0 - Auxiliary Transformer Details
RCN1010-230 Rev 0 - Access Track Section Details
RCN1010-231 Rev 0 - Fence and Gate Section Details
RCN1010-232 Rev 0 - CCTV Pole Mounting Details
RCN1010-250 Rev 0 - Battery Container Details
RCN1010-255 Rev 0 - PCS Container Details
0140-4034-1001 Rev P1 - POC Mast Cross Section
Water Tank Details - Sheets 1-4

Development Zones Layout - RCN1010-DZ-01 Rev 9

Reason

For the avoidance of doubt and in the interests of proper planning and to accord with Policies 5, 6, 22, 31, 32, 33, 34, 39, 40, 41, 42 and 44 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(3) Condition

Within 1 month of the date of first export of electricity to National Grid (the date of first export) confirmation shall be given in writing to the Local Planning Authority of the same. The development hereby permitted shall cease on or before the expiry of a 40 years period from the date of first export. The land shall thereafter be restored to its former condition in accordance with a scheme of decommissioning work and an ecological assessment report detailing site requirements in respect of retaining ecological features. The scheme of decommissioning work and the ecological assessment report shall be submitted to and approved in writing by the Local Planning Authority no later than 39 years from the date of first export and subsequently implemented as approved.

Reason

In recognition of the expected life of the development and the renewable energy to be provided, the protection of the rural character of the area and to allow future consideration of agricultural production and to accord with Policies 5 and 31 of the North East Lincolnshire Local Plan 2013- 2032 (Adopted 2018).

(4) Condition

No development shall take place until a landscape and ecological management plan (LEMP) has been submitted to, and approved in writing by, the local planning authority. The LEMP shall include the following:

- I. Description and evaluation of features to be managed
- II. Ecological trends and constraints on the site that might influence management.
- III. The aims and objectives of management.
- IV. Appropriate management options for achieving aims and objectives.
- V. Prescriptions for management action.
- VI. A work schedule, including an annual work plan capable of being rolled forward over five-year periods to a minimum period of 30 years from the date of first export of electricity to the grid.
- VII. Details of the organisation responsible for implementation of the plan.
- VIII. Ongoing monitoring and remedial measures.
- IX. Details of species selected to achieve target habitat conditions as identified in the biodiversity metric 4.0, and stated and marked on plans.
- X. Measures to provide grassland, mitigation and to safeguard wildlife, in accordance with paragraphs 4.1.20-21, 4.1.23-24, 4.1.26, 4.1.31 and 5.1.1 of the Ecological Assessment Report ref BMD.23.0010.RPE-P2.802.-.Ecology.

XI. The means by which contingencies and/or remedial action will be identified, agreed and implemented in order that the development delivers the biodiversity objectives of the approved scheme.

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

Reason

To ensure a satisfactory appearance and setting for the development and protection of existing features in the interests of local amenity and ecology to accord with Policies 5, 22, 41 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(5) Condition

Notwithstanding the new planting detail shown on plan numbers: ALD942_PL401 P04 and ALD942_PL402 P05, a final plan including;

- a) Details of all hedgerows to be retained and any sections of hedgerow or trees to be removed.
- b) Measures for the protection of trees and hedges during construction work.

shall be submitted to and approved in writing by the Local Planning Authority before works on site commence. Once approved, the tree protection shall be installed in accordance with the approved details prior to any construction works commencing. It shall be retained on site throughout construction works as agreed.

All hedgerows shall be retained or removed in accordance with the detail approved.

All new planting as identified on the above plans shall be carried out 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. All planting shall thereafter be maintained in accordance with the Management Plan to be agreed under condition 4. All loses within the first 5 years shall be replaced with the same plant and standard in the next available planting season. Unless otherwise agreed in writing by the Local Planning Authority.

Reason

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

(6) Condition

The development shall be carried out in accordance with the Flood Risk Assessment and Drainage Strategy dated 22/11/2023. All drainage to be installed in accordance with the agreed details before the solar farm becomes operational, unless otherwise submitted to and agreed in writing by the Local Planning Authority.

Reason

In the interests of a satisfactory means of surface water disposal and flood risk and to accord with Policies 5, 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(7) Condition

The construction phase authorised by this permission shall not begin until the local planning authority has approved in writing a scheme of off-site temporary highway alterations as a means of managing vehicle movements associated with the construction phase leading to the submission of a Temporary Traffic Regulation Order application (TTRO). Should a TTRO application be successful it shall be implemented within 6 months of the Order being confirmed and prior to any construction works commencing, unless otherwise agreed with the Local Planning Authority.

Reason

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

(8) Condition

The construction of the development hereby approved shall be carried out in strict accordance with the Construction Traffic Management V2 Plan prepared by Origin dated 20.11.2023. The details shall be implemented throughout the entirety of the construction period.

Reason

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

(9) Condition

Prior to commencement of development, a condition survey will be carried out for all public rights of way and bridleways crossing the site (Bridleways 93 and 165 and Footpath 95). The condition survey will be submitted to the Local Planning Authority for their agreement in writing that it is an accurate record. A further condition survey will be carried out within two months post construction. This condition survey will identify any remedial works required to reinstate any damages incurred and return the public rights of way to at least their original condition including a timescale for completion. The condition survey will be submitted to the Local Planning Authority for approval prior to any remediation works being carried out. Once approved, works shall be undertaken in accordance with the approved details.

Reason

To ensure that the public rights of way and bridleways are maintained to an appropriate standard in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032

(Adopted 2018).

(10) Condition

Development shall not begin until details showing the location, layout, design and method of construction of any new or altered vehicular access, parking and manoeuvring space, including any necessary piping or culverting of any ditch or watercourse, have been submitted to and approved in writing by the Local Planning Authority, and before the development hereby permitted is brought into use the vehicular access, parking and manoeuvring space shall be constructed in accordance with those approved details and shall thereafter be so retained.

Reason

To ensure adequate parking and turning facilities are provided within the site for highway safety reasons in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(11) Condition

No development shall take place (including demolition, ground works and vegetation clearance) until a construction environmental management plan (CEMP) has been submitted to, and approved in writing by, the local planning authority. The CEMP shall include details of the following:

- I. A timetable for the construction works.
- II. The control and management of noise and dust during the construction phase.
- III. On-site waste management.
- IV. A risk assessment of potentially damaging construction activities.
- V. Identification of biodiversity protection zones.
- VI. Physical measures and sensitive working practices to avoid or reduce impacts during construction (which may be provided as a set of method statements).
- VII. The location and timing of sensitive works to avoid harm to biodiversity features.
- VIII. The times during the construction period when specialist ecologists need to be present on site to oversee works.
- IX. Responsible persons and lines of communication.
- X. The role and responsibilities on site of an ecological clerk of works or similar competent person.
- XI. The use of protective fences, exclusion barriers and warning signs.
- XII. Soil management across the site.
- XIII. Construction and storage compounds, and post-construction reinstatement of these areas.

The development shall be implemented in accordance with the approved CEMP throughout the construction period.

Reason

To safeguard the living conditions of nearby residents and to ensure that construction works do not have a harmful environmental effect and to safeguard soils in accordance with Policies 5 and 44 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

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

Informatives

1 Reason for Approval

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would support the transition towards renewable and low carbon energy. Full regard has been given to the location of the site and its impacts on the area and its environment with no detrimental impacts identified. The proposal is acceptable under all planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018), in particular policies 5, 22, 31, 32, 33, 34, 39, 40, 41, 42 and 44.

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 clarifying points raised by consultees, by securing additional information and by imposing planning conditions.

3 Informative

If the footway or carriageway is damaged as a consequence of any excavation or any other operations relating to the development, the Highway Authority may make good the damage and recover expenses reasonably incurred. You are required to contact the Highway Management Team at least 4 weeks prior to commencement of works to arrange for a highway pre-condition inspection (Tel: 01472 324431).

4 Informative

Please note that land drainage consent may be required wherever there is culverting or alterations proposed for the local land drainage system.

5 Informative

During construction the Public Rights of Way and Bridleway must not be obstructed, if during the construction the Public Rights of Way and/or Bridleways require closing this would require prior authorisation from the Public Rights of Way Mapping Officer with at least 5 weeks before commencement. A charge of £500 will be levied to the applicant to cover the Council's costs in arranging the legal closure order. A formal application must be submitted to the Public Rights of Way Mapping Officer via email to prow@nelincs.gov.uk or by telephoning 01472 324789.

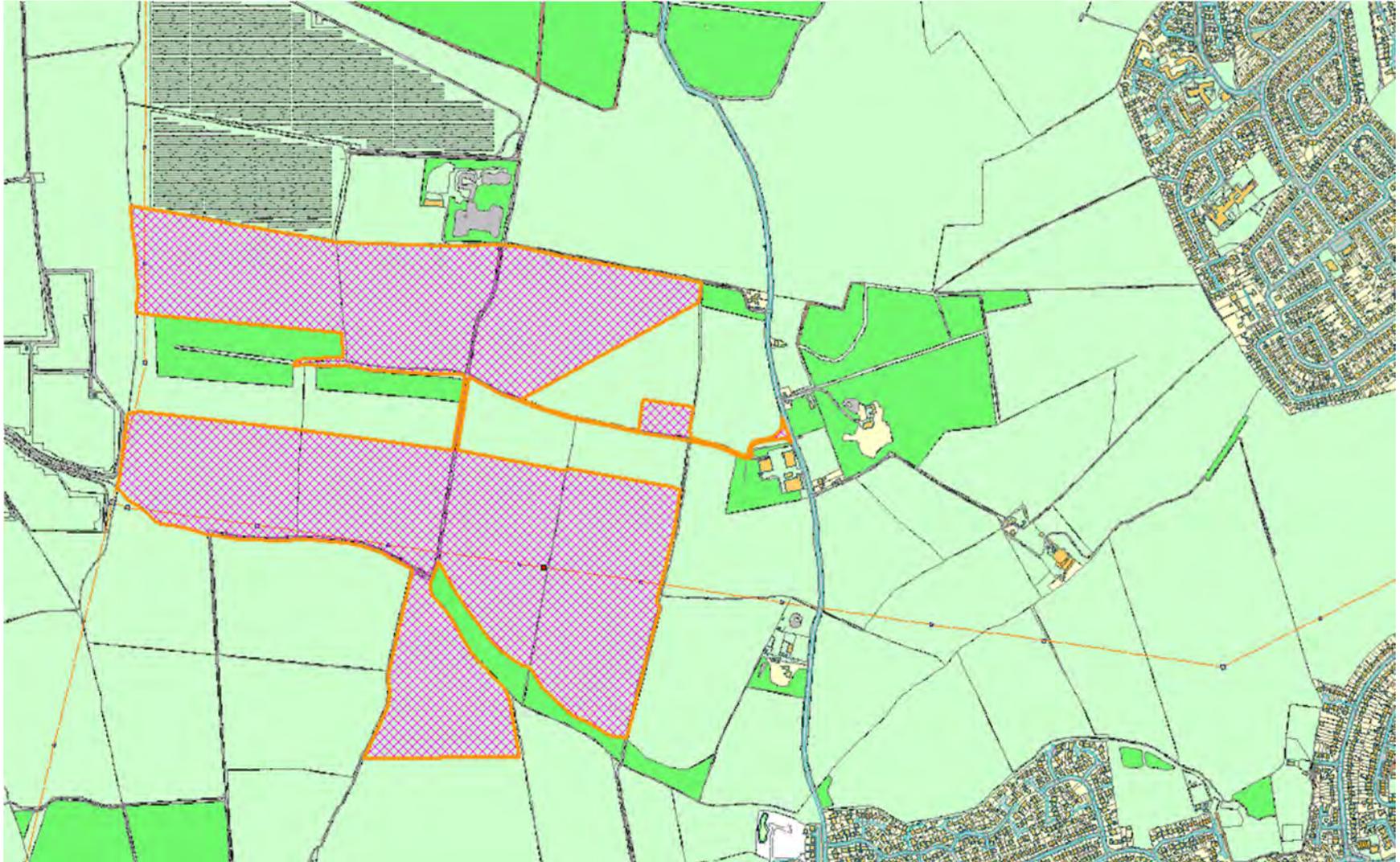
6 Informative

Please note the advice from Cadent Gas, Orsted, Northern Powergrid, Humberside Fire and Rescue, and the Environment Agency submitted as part of this application. These can be viewed on the Council website. Some include requirements for pre-commencement contact.

7 Informative

Please note that at least six months in advance of work commencing on site you are required to contact the Highway Management Team with respect to the formation of a vehicular access within the existing highway. This will enable a S184 licence to be granted within appropriate timescales. No works should commence within the highway boundary until such licence is obtained. (Tel: 01472 325734).

DM/1156/23/FUL – LAND WEST OF BRADLEY ROAD, BRADLEY



DM/1156/23/FUL – LAND WEST OF BRADLEY ROAD, BRADLEY

