

## Planning Committee Dated: 26th February 2025

### Summary List of Detailed Plans and Applications

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<b>Recommendation: Approved with Conditions</b>	
<b>Item:</b>	<b>1</b>
<b>Application No:</b>	DM/0864/24/FUL
<b>Application Type:</b>	Full Application
<b>Application Site:</b>	Land Off Torbay Drive Waltham North East Lincolnshire
<b>Proposal:</b>	Variation of Condition 2 (Approved Plans) following DM/0285/22/FUL to revise layout for plots including dwellings, garages, roads and landscaping and revise house types for plots 3, 6, 7, 10, 11, 13-17, 20-27, 42-45 and 57-63 - Amended/Supporting Information
<b>Applicant:</b>	Mr Paul Snape
<b>Case Officer:</b>	Lauren Birkwood

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<b>Recommendation: Approved with Conditions</b>	
<b>Item:</b>	<b>2</b>
<b>Application No:</b>	DM/0889/24/FUL
<b>Application Type:</b>	Full Application
<b>Application Site:</b>	Land Off Hamont Road Grimsby North East Lincolnshire
<b>Proposal:</b>	Erect detached single storey domestic garage/lock-up store to include installation of roof lights, erect new gate and brick wall to the entrance of the site with associated parking and landscaping (Amended Plans received 14th January 2025 to reduce the footprint and rooflights of the garage and alter external materials)
<b>Applicant:</b>	Mr M Ringwood
<b>Case Officer:</b>	Bethany Loring

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<b>Recommendation: Refused</b>	
<b>Item:</b>	<b>3</b>
<b>Application No:</b>	DM/0860/24/FUL
<b>Application Type:</b>	Full Application
<b>Application Site:</b>	122 Middlethorpe Road Cleethorpes North East Lincolnshire DN35 9PR
<b>Proposal:</b>	Removal of conifer hedge and erection of 1.8m high boundary fence to side and front with associated planting
<b>Applicant:</b>	Mr Parkinson
<b>Case Officer:</b>	Lauren Birkwood
<b>Recommendation: Approved with Conditions</b>	
<b>Item:</b>	<b>4</b>
<b>Application No:</b>	DM/0733/24/FUL
<b>Application Type:</b>	Full Application
<b>Application Site:</b>	The Boundary Barnoldby Road Waltham North East Lincolnshire
<b>Proposal:</b>	Erect detached triple garage
<b>Applicant:</b>	Mr And Mrs Emson
<b>Case Officer:</b>	Becca Soulsby
<b>Recommendation: Approved with Conditions</b>	
<b>Item:</b>	<b>5</b>
<b>Application No:</b>	DM/0003/25/FUL
<b>Application Type:</b>	Full Application
<b>Application Site:</b>	36 Humberston Avenue Humberston North East Lincolnshire DN36 4SP
<b>Proposal:</b>	Variation of Condition 2 (Approved Plans) as granted on DM/0919/24/FUL to amend garage and house type to include second floor, roof lights and solar panels to Plot 1
<b>Applicant:</b>	Mr B Hedison
<b>Case Officer:</b>	Bethany Loring

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**Recommendation: Approved with Conditions**

**Item:** 6

**Application No:** DM/0935/24/FUL

**Application Type:** Full Application

**Application Site:** 43 Humberston Avenue Humberston North East Lincolnshire  
DN36 4SW

**Proposal:** Variation of Condition 1 (Approved Plans) pursuant to  
DM/0735/22/REM to allow for amended house type and  
repositioning of Plot 1 (Amended Description and Plans received  
15th January 2025 to revise design, layout and position of Plot 1)

**Applicant:** Mr T Davies

**Case Officer:** Bethany Loring

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**PLANNING COMMITTEE - 26th February 2025**

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

**APPLICATION No: DM/0864/24/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: Land Off Torbay Drive, Waltham, North East Lincolnshire,**

**PROPOSAL: Variation of Condition 2 (Approved Plans) following DM/0285/22/FUL to revise layout for plots including dwellings, garages, roads and landscaping and revise house types for plots 3, 6, 7, 10, 11, 13-17, 20-27, 42-45 and 57-63 - Amended/supporting information**

**APPLICANT:**

Mr Paul Snape  
Snape Homes Ltd  
Thornlea  
Ashby Cum Fenby  
Lincolnshire  
DN37 0QW

**DEPOSITED:** 2nd October 2024

**AGENT:**

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

**ACCEPTED:** 13th November 2024

**TARGET DATE:** 12th February 2025

**PUBLICITY EXPIRY:** 9th January 2025

**AGREED EXTENSION OF TIME DATE:** 28th  
February 2025

**CONSULTATION EXPIRY:** 8th December 2024    **CASE OFFICER:** Lauren Birkwood

**PROPOSAL**

This proposal is for the variation of condition 2 (Approved Plans) as granted on DM/0285/22/FUL (Erect 64 dwellings with associated access and landscaping). Condition 2 of the previous approval relates to the approved plans. The proposal seeks to revise the layout and dwelling types of plots 3, 6, 7, 10, 11, 13-17, 20-27, 42-45 and 57-63, the garages, roads and landscaping.

The application is presented to planning committee following a call-in from an elected member and due to the number of objections received from neighbouring residents and the Parish Council.

## **SITE**

This 4.55 hectare site is to the south west of Scartho and within the Parish of Waltham. The northern boundary to the site comprises of boundary treatments serving those existing properties at Emfield Road. To the east beyond the Public Right of Way are the residential streets of Torbay Drive and Boundary Road from where access is achieved. Those dwellings which are typically found to the north and east are bungalows or dormer bungalows. South and west are open fields in agricultural use. There is an existing landscape strip towards the south of the site. Construction on the site has commenced.

## **RELEVANT PLANNING HISTORY**

DM/0551/17/OUT - Outline application to erect 59 dwellings and garaging with access, scale, appearance and layout to be considered (Amended layout, relocation of open space and Plot 7 and amended road widths - Amended Plans of October 2017). Withdrawn.

DM/0033/18/OUT - Outline application for the erection of 51 dwellings and garaging with access, scale, appearance and layout to be considered. Refused.

DM/0777/21/FUL - Change of use to create new agricultural access with associated works. Withdrawn.

DM/0285/22/FUL - Erect 64 dwellings with associated access and landscaping (Amended/Additional Information - Plans and Ecology Spreadsheet (May), Planning Statement (June), Landscaping and Landscaping Management (June), Developers Statement (July), Tracking and Internal Road Layout (July), Landscape Character Assessment (August), Design and Access Statement; including play area information and land classification (September) and New Certificate (September)). Appeal allowed with conditions - 15th November 2023.

DM/0292/24/CND - Details in discharge of Condition 3 (Construction Management & Traffic Plan), Condition 4 (Roads & Footways), Condition 5 (Materials), Condition 6 (Air Quality), Condition 7 (Finished Levels), Condition 8 (Great Crested Newt Survey), Condition 9 (Ecological Enhancement), Condition 10 (Surface Water Drainage), Condition 11 (Management of Open Space), Condition 14 (Phasing and Implementation of Landscaping) and Condition 17 (Residential Travel Plan) pursuant to APP/B2002/W/22/3311282 (our ref DM/0285/22/FUL) - Conditions Complied With - 19th July 2024.

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

National Planning Policy Framework (2023)

NPPF5 - Delivering a sufficient supply of homes

NPPF12 - Achieving well designed places

NPPF14 - Climate, flooding & coastal change  
NPPF15 - Conserv. & enhance the natural environ.

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

PO3 - Settlement hierarchy  
PO4 - Distribution of housing growth  
PO5 - Development boundaries  
PO6 - Infrastructure  
PO15 - Housing mix  
PO17 - Housing density  
PO18 - Affordable housing  
PO22 - Good design in new developments  
PO33 - Flood risk  
PO34 - Water management  
PO36 - Promoting sustainable transport  
PO38 - Parking  
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**

Council's Environmental Health Officer - No comments.

Council's Highways Officer - No objections.

Council's Heritage Officer - No comments.

Council's Tree Officer - Details required in terms of landscaping management, phasing and protection.

Council's Public Right of Way Officer - Previously requested for the Public Footpath that runs along the eastern boundary of the site to be surfaced. Doesn't see this as included but acknowledges that this is not a requirement of the permission allowed on appeal.

Council's Drainage Officer - The drainage details are acceptable.

Council's Ecology Officer - Satisfied with the Landscape Management Plan which must be adhered to. Informative also recommended.

Natural England - No comments.

Council's Waste Officer - No objections. Informative recommended.

Anglian Water - No objections.

Environment Agency - No comments.

Humberside Fire and Rescue - No objections. Informative recommended.

Phillips 66 Ltd - No objections.

Waltham Parish Council - Objects on the grounds that it constitutes too great a change from the original plan, the dimensions of the properties are not clear from the plan, and some of the footpaths appear to have been removed, giving rise to a concern over accessibility.

Councillor Humphrey - Called the application into planning committee with concerns that the proposal is an extensive variation to a controversial development which was initially refused by Committee and granted on appeal. Will impact many local residents.

#### Public Representations

Grimsby and Cleethorpes District Civic Society - Objects on the grounds that the latest proposals are even more detrimental to the surrounding area.

The following residents have objected to the scheme:

65 Boundary Road, Grimsby  
22, 37, 43, 59, 91 Emfield Road, Grimsby  
27, 37 Torbay Drive, Grimsby  
5 Rivan Grove, Grimsby  
8 Rivan Avenue, Grimsby  
66 Pennistone Place, Grimsby  
67 Barnoldby Road, Grimsby  
138 Louth Road, Grimsby

Objects on the following grounds:

- Building properties on farmland
- Privacy issues

- Loss of light
- Dominance concerns
- Highways and parking issues
- Construction traffic issues
- Dust issues and mud on roads
- Public right of way concerns
- Drainage issues
- Pressure on local services
- Ecology issues

## **APPRAISAL**

The key planning material considerations are:

- Principle of Development
- Revisions
- Visual Impact
- Residential Amenity
- Highways Matters
- Drainage
- Landscaping
- Biodiversity Net Gain
- Public Rights of Way
- Section 106 Agreement

### Principle of Development

The principle of development on this site has been well established through previous approval on the site, namely DM/0285/22/FUL which was allowed on appeal on the 15th November 2023. Moreover, the development of dwellings on this site has commenced. This proposal seeks to vary the previously approved plans, particularly to revise the layout and dwelling types of plots 3, 6, 7, 10, 11, 13-17, 20-27, 42-45 and 57-63, the garages, roads and landscaping.

S.73 of the Town and Country Planning Act 1990 allows for applications for amendments to be made to an existing planning permission, and the application is then considered against the relevant Policies of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

It is considered that in principle the proposal is acceptable, and it falls to the judge the application on the site-specific impacts arising from the proposed amendments. These are discussed below.



## Revisions

The amendments include changes to dwelling types and garages of Plots 3, 6, 7, 10, 11, 13-17, 20-27, 42-45 and 57-63.

Plots 7 to 27 are located on the boundary shared with Emfield Road and Emfield Grove as per the original approval. Under application DM/0285/22/FUL, there were 7 semi-detached dwellings, 7 detached dwellings and 21 single storey garages on these plots. Amendments are for 4 semi-detached dwellings, 13 detached dwellings and 17 single storey garages. All dwellings would remain single storey as per the original approval, although the dwelling types change.

Plots 42 to 45 and Plots 57 to 63 are located centrally within the site as per the original approval. Under application DM/0285/22/FUL, there were 5 semi-detached dwellings and 2 detached dwellings. Amendments are for 1 semi-detached dwelling and 10 detached dwellings. All would remain two storeys as per the original approval, although dwelling types would again change. Under application DM/0285/22/FUL, there were 12 single storey garages approved, and the amendments also include 12 single storey garages. Therefore, there are no major changes to the garages.

Plots 3 and 6 are located adjacent to the boundary shared with Boundary Road as per the original approval. Under application DM/0285/22/FUL, both dwellings were detached and single storey in height. Under this application, both dwellings would remain detached and single storey in height, although the dwelling types would change. Under application DM/0285/22/FUL, there were 2 single storey garages approved, and the amendments also include 2 single storey garages. Therefore, there are no major changes to the garages.

Highway changes are minimal mainly involving the removal of a section of private drive. Landscaping changes relate the removal of a proposed tree at plot 7 and proposed trees to the frontage of plots 42-45 and plots 60 to 63. Additional planting is proposed instead to the side of plot 63 and the proposed play area.

## Visual Impact

Visually, the proposal would alter the design concept; by means of the dwelling type changes, garages, private roads and landscaping.

Plots 7 to 27, which would be located along the boundary shared with properties on Emfield Road and Emfield Grove would slightly alter position due to the amendments to the dwelling types. However, the altered positions would be minor. The dwellings would remain single storey in height. Furthermore, the overall height of the dwellings would be marginally lower than the originally approved properties. In terms of the garages, these would remain set back and single storey, ensuring the character and appearance of the area would be maintained.

Plots 42 to 45 and Plots 57 to 63 are located centrally within the site. Amendments include 1 semi-detached dwelling and 10 detached dwellings, and as such would alter position and orientation due to the amendments to the dwelling types. This in turn would also remove a private road which is considered a betterment visually. The dwellings would remain two storeys as per the original approval however they would face more appropriately onto the access road as opposed to being side facing on the original plans. The layout of the scheme is enhanced through this change.

In terms of Plots 3 and 6, these would be located adjacent to the boundary shared with Boundary Road. These dwellings would be detached and single storey which remains similar to the original approval. Therefore, visually, there would be no adverse harm to the general character and appearance of the immediate or wider area.

The significant landscaping element to the south and west of the site would remain unaffected.

Having regard to the above there are no concerns in relation to visual amenity and the proposal is in accordance with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

#### Residential Amenity

It is noted that comments have been received from neighbouring dwellings with concerns around residential amenity issues such as dominance and privacy issues. It is accepted that there will be a change in appearance when compared with the approved development.

Plots 7 to 27 are proposed to be changed as detailed above and are situated along the boundary shared with Emfield Road, Emfield Grove and Boundary Road. Most of the neighbours that surround the site perimeter are single storey or dormer styled dwellings. While the dwelling types of the plots would be amended, the dwellings would remain single storey in height. This keeps the scale of the development low, where it is most likely to impact. Dwellings on Emfield Road in particular have shallow rear gardens, but development remains adequately separated and given the single storey nature of the dwellings in this location there will be no adverse impact as a result of the proposed changes. The amended garages would also be single storey and sit within the rear gardens toward the back of plots. This relationship is the same as approved.

The approach of bungalows to the site perimeter ensures no detrimental massing or overlooking issues. Again, a condition restricting upper floor accommodation (through the removal of permitted development) on these plots is recommended as to ensure future amenity is protected.

Plots 3 and 6 would remain single storey and there will be no amenity concerns. Plots 42-45 and 57-63 remain 2 storey and located within the site, away from neighbouring dwellings protecting adjacent residential amenity.

In terms of construction, details regarding noise and dust mitigation were submitted within the Construction Management and Traffic Plan under discharge of condition application DM/0292/24/CND. This is recommended to be a condition again.

On this basis, it is considered that the proposal would not offer a detrimental impact to neighbours in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

### Highways Matters

There are no changes to the access to the site which would remain from the east from Torbay Drive. Each dwelling is still proposed to have off street parking spaces with the majority having garages.

Minor changes are proposed with the omission of a private drive and changes to layout of drives, but these have no adverse impact on the highway layout. Indeed, the omission of a private drive enhances the scheme. The Council's Highway Officer raises no concerns.

Full regard has been given to the highway issues raised by residents in terms of construction traffic and mud on the roads. A Construction Management and Traffic Plan was submitted under DM/0292/24/CND which the development must comply with. A condition is recommended to accord with this document. Thus, the proposal accords with Policies 5, 36 and 38 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

### Drainage

Due to the changes in the layout an updated drainage scheme has been submitted and agreed with the Council's Drainage Officer. The proposal is in accordance with Policies 33 and 34 of the North East Lincolnshire Local Plan 2013-2023 (Adopted 2018). A condition is recommended to ensure the development accords with these details.

### Landscaping

Some of the proposed landscaping would be altered as a result of the amendments as detailed in the report. It is considered that these minor changes are acceptable and respond to the layout changes where dwellings will now face the access roads. Updated details in terms of landscape management, phasing and protection have been submitted and are acceptable in line with Policies 41 and 42 of the North East Lincolnshire Local Plan 2013-2023 (Adopted 2018). A condition is recommended to ensure the development accords with these details.

### Biodiversity Net Gain (BNG)

As an application to vary a permission which pre dates mandatory BNG it is considered

that the application is exempt from these requirements.

### Public Rights of Way

The comments from the Council's Rights of Way Officer and residents regarding the surfacing of the public footpath that runs along the eastern boundary of the site are acknowledged. However, it should be noted that details of this are not a requirement of the conditions outlined in the previous permission allowed on appeal under reference DM/0285/22/FUL. Nevertheless, the details submitted show that the footpath is to be retained. The Council's Rights of Way Officer has acknowledged this.

### Section 106 Agreement

The Section 106 requirements with regard to education contributions, affordable housing and play area remain through the original permission.

## CONCLUSION

This application seeks to modify an earlier approval, a major development for the erection of 64 dwellings. The modifications proposed in this application are considered to be of an acceptable scale and nature and do not fundamentally alter the original design concept or create any significant additional impacts to the character of the area or to neighbours. The technical details have been thoroughly reviewed and deemed acceptable to consultees. The application is recommended for approval.

## RECOMMENDATION

### Approved with Conditions

#### (1) Condition

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

Proposed Site Plan - 02.335.22 REV O

House Type Holly - Proposed Plans and Elevations - HT5.0 REV A

House Type Cherry Bungalow - Proposed Plans and Elevations - HT14.0\_A

House Type Hazel Bungalow - Proposed Plans and Elevations - HT15.0\_A

House Type Mulberry - Proposed Plans and Elevations - HT10.0\_A

House Type Spruce - Proposed Plans and Elevations - HT12.0\_A

House Type Apple - Proposed Plans and Elevations - HT13.0\_A

House Type Maple - Proposed Plans and Elevations - HT9.0\_A

House Type Fuchsia - Proposed Plans and Elevations - HT11.0\_A

House Type Poppy - Proposed Plans and Elevations - HT7.0\_A

Proposed Garage Plans and Elevations - HT0.0\_A

Street Scene Elevation - Plots 7-27 - A1.0 REV A  
Proposed Materials - M1.2  
Proposed Materials - M1.3  
Proposed Materials - M1.4  
Drainage Detail - E844 STORM NET 1 (V2) 1 YR  
Drainage Detail - E844 STORM NET 1 (V2) 100YR + CC  
Drainage Detail - E844 STORM NET 1 (V2) 2 YR  
Drainage Detail - E844 STORM NET 1 (V2) 30 YR  
Drainage Area Plan - E844-DAP1 REV C  
Landscape Master Plan - LMP\_M010622\_AH REV 3  
Landscape Phasing Plan - TP\_L1.0 REV A  
E844-10 Rev M - Engineering layout Proposal  
E844-20 Rev G - Road and Sewer Longitudinal Sections  
E844-60 Rev I - Section 38 Layout  
E844-70 Rev E - S104 Layout

As approved under DM/0285/22/FUL;

Site Location Plan Drawing Number 01.335.22 Rev C;  
Heather Plans and Elevations Drawing Number 04.335.22;  
Elm House Plans and Elevations Drawing Number 11.335.21;  
Hornbeam Plans and Elevations Drawing Number 12.335.21;  
Walnut House Plans and Elevations Drawing Number 13.335.21;  
Aspen House Plans and Elevations Drawing Number 14.335.21 Rev A;  
Aspen Plans and Elevations Drawing Number 17.335.21 Rev A;  
Topographical Survey - 3.335.22;  
Topographical Survey - 4109/10/001;

#### Reason

For the avoidance of doubt in the interests of proper planning and in accordance with Policies 3, 4, 5, 6, 15, 17, 18, 22, 33, 34, 36, 38, 40, 41, 42 and 43 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

#### (2) Condition

The development shall be built out in strict accordance with the Construction Management and Traffic Plan as approved under DM/0292/24/CND unless otherwise agreed in writing by the Local Planning Authority.

#### Reason

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

(3) Condition

The roads and footways, and their management, shall be undertaken in strict accordance with the following details:

E844-10 Rev M - Engineering layout Proposal  
E844-20 Rev G - Road and Sewer Longitudinal Sections  
E844-60 Rev I - Section 38 Layout  
E844-70 Rev E - S104 Layout

And as approved under DM/0292/24/CND:

E844-31 Rev B - Highway Standard Details  
E844-21 Rev C - Road and Sewer Longitudinal Sections  
E844-22 Rev C - Road and Sewer Longitudinal Sections  
Play Equipment Plan Management Plan & Torbay Drive Management Plan Rev G - Play Equipment and Private Road Maintenance by Palmleaf Architects

unless otherwise agreed in writing by the Local Planning Authority. The approved roads and footways, and their management, shall then be fully implemented throughout the lifetime of the development.

Reason

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

(4) Condition

The development shall be undertaken in accordance with the following external material details:

Proposed Materials - M1.2  
Proposed Materials - M1.3  
Proposed Materials - M1.4

unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure the development has an acceptable external appearance and is in keeping with the visual amenity and character of the area in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(5) Condition

The development shall be built out in strict accordance with the Construction Management Plan Rev G by Palmleaf Architects as approved under DM/0292/24/CND unless otherwise agreed in writing by the Local Planning Authority.

Reason

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

(6) Condition

The development shall be built out in strict accordance with the finished floor levels specified on drawing E844-70 REV E (Section 104 Layout) unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of residential amenity and landscaping to accord with Policies 5, 22 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(7) Condition

The development shall accord with the mitigation measures outlined in the Great Crested Newt Survey & Ecology Enhancement Plan Version 1 - March 2024 as approved under DM/0292/24/CND unless otherwise agreed in writing by the Local Planning Authority.

Reason

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

(8) Condition

The ecological enhancements in the development shall be carried out in full accordance with the recommendations set out in the Great Crested Newt Survey & Ecology Enhancement Plan Version 1 - March 2024 approved under DM/0292/24/CND and the Landscaping Master Plan (LMP\_M010622\_AH Rev 3).

Reason

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

(9) Condition

All surface water drainage shall be implemented in accordance with the following approved details:

Engineering layout Proposal - E844-10 Rev M

Road and Sewer Longitudinal Section - E844-20 Rev G

Drainage Detail - E844 STORM NET 1 (V2) 1 YR

Drainage Detail - E844 STORM NET 1 (V2) 100YR + CC

Drainage Detail - E844 STORM NET 1 (V2) 2 YR  
Drainage Detail - E844 STORM NET 1 (V2) 30 YR  
Drainage Area Plan - E844-DAP1 REV C  
Landscaping Master Plan - LMP\_M010622\_AH Rev 3  
E844-70 Rev E - S104 Layout

And as approved under DM/0292/24/CND:

E844-21 Rev C - Road and Sewer Longitudinal Sections  
E844-22 Rev C - Road and Sewer Longitudinal Sections  
Play Equipment Plan Management Plan & Torbay Drive Management Plan Rev G - Play Equipment and Private Road Maintenance by Palmleaf Architects

unless otherwise agreed in writing with the Local Planning Authority.

Reason

To prevent an increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal in accordance with Policies 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(10) Condition

The open space and play area shall be implemented and managed in full accordance with the recommendations set out in the Play Equipment Plan Management Plan & Torbay Drive Management Plan Rev G - Play Equipment and Private Road Maintenance by Palmleaf Architects approved under DM/0292/24/CND and the Landscape Management Plan (QU-783-22-EQUANS).

Reason

To ensure suitable open space and play equipment is delivered and managed in a timely manner to accord with Policies 5, 42 and 43 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(11) Condition

The open space and woodland belt shall be completed in accordance with the approved landscaping scheme:

Landscaping Master Plan - LMP\_M010622\_AH Rev 3  
Landscaping Phasing Plan - TP\_L1.0 REV A  
Landscaping Management Plan - QU-783-22-EQUANS

The landscaping shall be implemented before occupation of the first dwelling and shall be maintained for the lifetime of the development.



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).

(12) Condition

All the trees and planting shown on:

Landscaping Master Plan - LMP\_M010622\_AH Rev 3

Landscaping Phasing Plan - TP\_L1.0 REV A

shall be protected, during the construction of the development, in accordance with the approved details.

Reason

To protect trees and landscaping to accord with Policy 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(13) Condition

The phasing and implementation of the landscaping shall be as specified on drawing TP\_L1.0 REV A (Landscaping Phasing Plan), within the Landscaping Management Plan (QU-783-22-EQUANS) and the Play Equipment Plan Management Plan & Torbay Drive Management Plan Rev G - Play Equipment and Private Road Maintenance by Palmleaf Architects approved under DM/0292/24/CND.

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).

(14) Condition

All planting, seeding or turfing comprised in the approved details of landscaping (other than the requirements of condition 11) shall be carried out in the first planting and seeding seasons following the occupation of the first dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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).

(15) Condition

Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

Reason

To ensure that any previously unconsidered contamination is dealt with appropriately and to accord with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(16) Condition

The development shall accord with the Travel Plan Statement June 2024 ref. jgv/24015/TPS/v2 by Northern Travel Planning Ltd as approved under DM/0292/24/CND unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of sustainable development and to accord with Policies 5 and 36 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(17) Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additions or alterations to the roof within Classes B and C shall be constructed on plots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27.

Reason

To protect residential amenity and to accord with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(18) Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is

that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

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

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

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

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

In Summary: Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply. It is considered that exemption number 3 applies.

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

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

permission relates was made before 12 February 2024.

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

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

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

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

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

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

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

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

4.5 Self and Custom Build Development, meaning development which:

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

4.5 Development forming part of, or ancillary to, the high speed railway transport network

(High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

#### Irreplaceable habitat

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

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

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

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

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

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

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

## **Informatives**

### **1 Reason for Approval**

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The amendments would not harm the area character or residential amenity and is acceptable under all other planning considerations including highways and landscaping matters. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 3, 4, 5, 6, 15, 17, 18, 22, 33, 34, 36, 38, 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 requesting additional information to overcome concerns.

## 3 Informative

The applicant's attention is drawn to the fact that the requirements of the Party Wall Act may apply and you should seek advice from your agent or suitably qualified person.

## 4 Informative

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

## 5 Informative

This application will require the creation of new postal addresses. You are advised to contact the Street Naming & Numbering Team on 01472 323579 or via email at [snn@nelincs.gov.uk](mailto:snn@nelincs.gov.uk) to discuss the creation of new addresses.

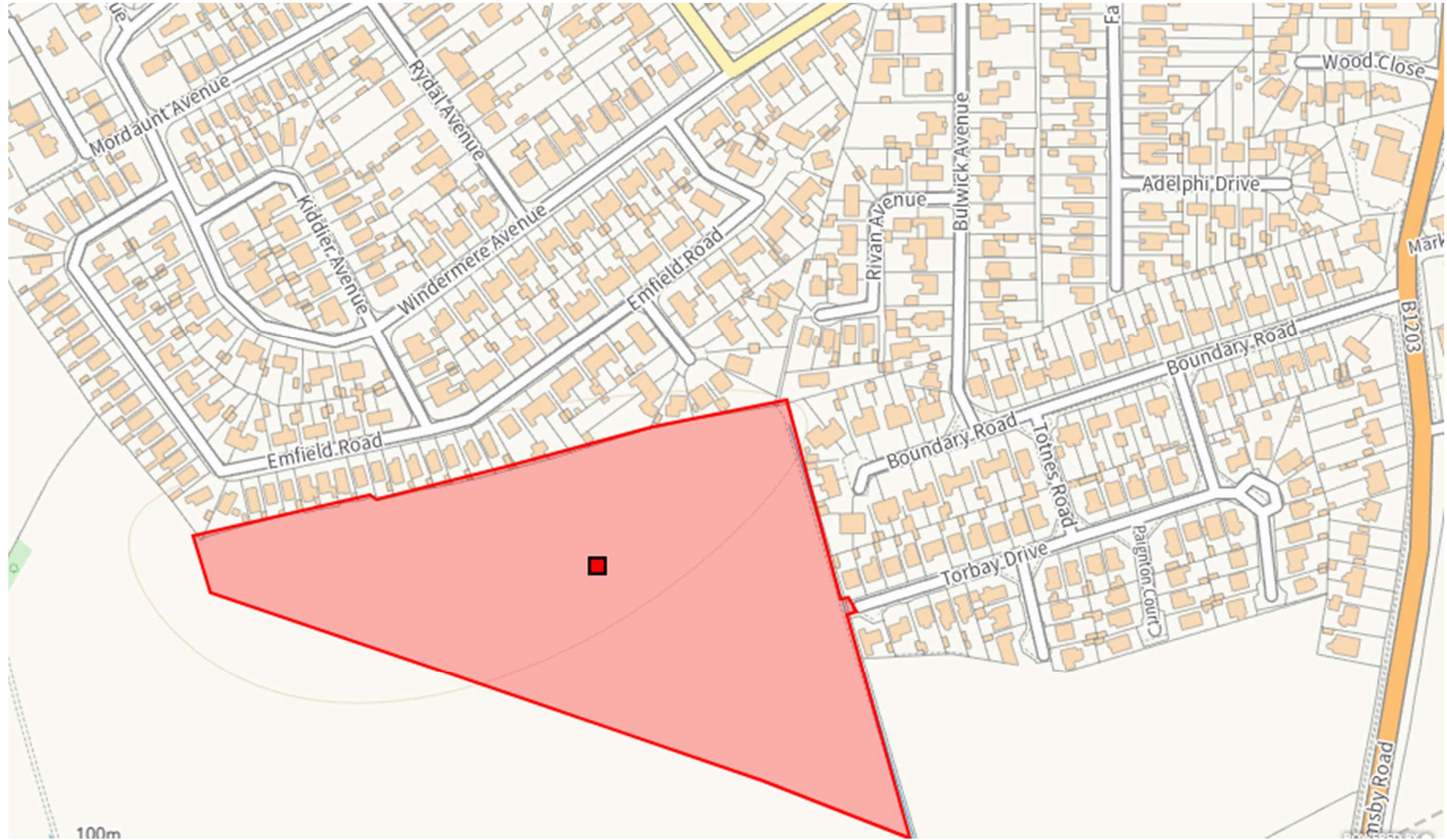
## 6 Informative

The applicant's attention is drawn to the comments from the Humberside Fire and Rescue and the Council's Waste Officer. Please go to [www.nelincs.gov.uk](http://www.nelincs.gov.uk) to view the comments.

## 7 Informative

The applicant's attention is drawn to the comments made by the Council's Highways Officer regarding technical approval. Please go to [www.nelincs.gov.uk](http://www.nelincs.gov.uk) to view the comments.

DM/0864/24/FUL – LAND OFF TORBAY DRIVE, WALTHAM









**PLANNING COMMITTEE - 26th February 2025**

**ITEM: 2**                      **RECOMMENDATION: Approved with Conditions**

**APPLICATION No: DM/0889/24/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: Land Off Hamont Road, Grimsby, North East Lincolnshire,**

**PROPOSAL: Erect detached single storey domestic garage/lock-up store to include installation of roof lights, erect new gate and brick wall to the entrance of the site with associated parking and landscaping (Amended Plans received 14th January 2025 to reduce the footprint and rooflights of the garage and alter external materials)**

**APPLICANT:**

Mr M Ringwood  
Versatile Engineering Services Ltd.  
46 Alberty Way  
New Waltham  
Grimsby  
North East Lincolnshire  
DN36 4WF

**DEPOSITED: 11th October 2024**

**AGENT:**

Miss Mia Redburn  
Ross Davy Associates  
Pelham House  
1 Grosvenor Street  
Grimsby  
DN32 0QH

**ACCEPTED: 11th October 2024**

**TARGET DATE: 6th December 2024**

**PUBLICITY EXPIRY: 4th February 2025**

**AGREED EXTENSION OF TIME DATE: 31st  
January 2025**

**CONSULTATION EXPIRY: 11th November  
2024**

**CASE OFFICER: Bethany Loring**

**PROPOSAL**

The application seeks to erect a detached single storey domestic garage/lock-up store to include the installation of roof lights, erect a new gate and brick wall to the entrance of the site with associated parking and landscaping.

The application is brought to planning committee following a call-in request from a local ward councillor. The scheme has been amended a few times during the process to establish acceptability and notably the latest change has been to change the usage from commercial to domestic only.

## **SITE**

The site was formerly part of the private garden ancillary to 109 Carr Lane, host to a garage which has now been demolished. The site has been sold off and is now a standalone site. The boundaries have been established by fencing of around 1.8 metres in height. The vehicle access is taken from Hamont Road. Residential neighbours border the site with bungalows predominately to the west and two storey dwellings to the east. The area is predominately residential in nature.

## **RELEVANT PLANNING HISTORY**

DC/535/09/HEN - Demolition of garage and erection of detached two storey dwelling - Refused

DM/0224/23/FUL - Demolish existing garage and outbuildings, erect two-storey dwelling with driveway, landscaping and associated external works - Refused

DM/1049/23/FUL - Demolish existing garage and outbuildings, erect single storey dwelling with driveway, landscaping and associated external works - Refused

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

National Planning Policy Framework (2023)

NPPF12 - Achieving well designed places

NPPF14 - Climate, flooding & coastal change

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

NPPF15 - Conserv. & enhance the natural environ.

PO5 - Development boundaries

PO22 - Good design in new developments

PO33 - Flood risk

PO34 - Water management

PO38 - Parking

PO41 - Biodiversity and Geodiversity

PO42 - Landscape

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

2018).

## **REPRESENTATIONS RECEIVED**

Councillor Sophia Farren - Call in request for further discussion.

Highways Officer - Approval no conditions.

Environment Team - Hours of construction/demolition condition.

Drainage Team - Sustainable drainage condition, no raising of ground levels or surface water run off onto the highway.

Heritage Officer - No input required.

Trees and Woodlands - No objection. Comment regarding suitability of tree species and number.

Environment Agency - No objection, recommends flood warning and evacuation plan.

Northern Powergrid - Cables informative.

Emergency Planning Officer - Happy with the flood warning and evacuation plan given the non-commercial use.

Ecology Officer - Satisfied with metric and BNG requirements.

### **Neighbour Representations**

No neighbour representations received.

## **APPRAISAL**

The material considerations are;

1. Principle of Development
2. Flood Risk and Drainage
3. Impact on the Visual Character of the Area and Layout
4. Impact on Neighbouring Properties
5. Highways and Parking
6. Landscaping, Ecology and BNG

1. Principle of Development

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

Policy 5 is the overarching policy for development in such areas. It seeks to assess proposals amongst a number of criteria in order to determine their suitability and sustainability.

This proposal seeks to erect a detached single storey domestic garage/lock-up store, for personal use only. It is acknowledged that this is not an usual arrangement given its position on a standalone plot, however such an arrangement would not be at odds with policy requirements.

The principle of development is therefore acceptable and is subject to the site specific assessment below.

## 2. Flood Risk and Drainage

Policy 33 of the NELLP sets out the requirements for developing in flood risk areas with Policy 34 seeking to ensure appropriate provisions are in place for water management.

The site falls within Flood Zone 3 and is accompanied by a Flood Risk Assessment.

The Environment Agency have commented and have concluded, because of the amended plans and details, that they have no objections to the scheme however a Flood Warning and Evacuation Plan has been recommended. This has been provided and confirmed to be acceptable by the Emergency Planning Officer. A condition to secure adherence to these details has been included.

Furthermore, the application has been reviewed by the Drainage Officers and a sustainable drainage condition has been recommended. This is accepted by the applicant.

It is therefore considered that the proposal accords with Policies 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and Section 14 of the NPPF.

## 3. Impact on the Visual Character of the Area and Layout

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 building would be single storey in height adopting a rectangular footprint. The garage would be open plan internally with a small WC in the corner. There would be openings installed to the front and side elevations which would face onto the existing boundary fence and toward the street. This would include a traditional garage opening and window and single access door. The garage would sit at around 4.3 metres in height and would adopt a hipped roof arrangement to include two roof lights. This would be constructed of

red brickwork and grey concrete roof tiles. Furthermore, the window and door openings would utilise grey composite.

To the frontage, the existing yard would be retained however, following the demolition of the outbuildings, more external space has become available. This has allowed for better access and parking into the site. Furthermore, a gate, at around 1.6 metres in height, would be installed to the street frontage along Hamont Road.

In terms of the garage, in view of the predominant character, the proposal would not be at odds in this residential setting. The site can accommodate for the amount of development proposed and no adverse visual impacts are expected.

Having regard to the above, the proposal would accord with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

#### 4. 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 garage would sit in an area which was formerly host to outbuildings associated with 109 Carr Lane. The garage would be of similar height to that of the former outbuildings however would be set further back in the plot. This would result in it being set back against the rear garden space of 2 Hamont Road and 109 Carr Lane, which run parallel to the site. 109 Carr Lane is a bungalow, and the garage would sit around 2.1 metres from the boundary and 2.9 metres from the boundary with 2 Hamont Road.

As a result, it is not considered that the garage would present an overbearing and dominant development with the adjoining neighbours due to its height, scale and position along the boundary. In relation to loss of privacy and overlooking, the window openings would only be positioned to the front and rear, adjacent to the rear garden and host street, and therefore is not considered to cause an adverse impact to residential amenity in this instance. There have been no objections received from neighbours as part of the planning process.

Having regard to the above it is considered that the proposal would accord with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) in regard to residential amenity.

#### 5. Highways and Parking

Access to the site would be taken from Hamont Road, utilising the existing opening however with new replacement boundary treatments including walls and a gate at a maximum height of 1.6 metres. This would replicate that of the existing along this boundary. A driveway would be included to the frontage to allow for parking and turning as well as a bin storage area. Furthermore, parking provision would be included which

would also provide sufficient space for turning.

The Highways Officer has reviewed the details and confirmed that they are happy with the information provided and recommend no further conditions in this instance. It is therefore considered that the proposal would not lead to a severe/significant impact on the wider highway network or cause a detrimental impact to highways safety and sufficient provision has been included for access, turning and parking within the site's curtilage.

It is therefore considered to be in accordance with Policies 5 and 38 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

## 6. Landscaping, Ecology and BNG

The proposal is not a householder development given that the site is positioned away from the intended user's property. It is therefore subject to the mandatory BNG requirements as the proposal would affect more than 25sqm of habitat.

A BNG Metric has been provided to confirm the details of the site and its baseline and it is proposed that one small tree would be planted to the eastern boundary in order to achieve the required net gain on site. The Ecology Officer and Trees and Woodlands Officer have reviewed the details and confirmed that this is acceptable.

It is therefore considered that the proposal accords with Policy 41 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018). The relevant condition has been imposed.

## CONCLUSION

In conclusion, it is considered that the proposed development would not unduly harm the appearance of the street scene, the wider character of the area or neighbours' residential amenities.

It is therefore in accordance with Policies 5, 22, 33, 34, 38, 41 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and Sections 12, 14 and 15 of 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:

Site Location Plan - RD5670-01A

Proposed Site Plan - RD5670-04I

Proposed Floor Plans and Elevations - RD5670-05F

Proposed Street Scene Elevations - RD5670-06F

Reason

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

(3) Condition

The proposal shall be constructed using materials specified on drawing no. RD5670-05F and unless otherwise first approved in writing by the Local Planning Authority.

Reason

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

(4) Condition

No development shall commence until a final scheme for the sustainable provision of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The development shall then be built out in accordance with the approved details and the drainage implemented prior to use.

Reason

To prevent an increased risk of flooding by ensuring the provision of a satisfactory means of surface disposal in accordance with Policies 5, 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(5) 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 and in accordance with Policy 5 of the North

East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(6) Condition

Use of the development shall be in accordance with the agreed Flood Warning and Evacuation Plan measures (ref: RD5670LA11.07.2024 REV A; received 12th December 2024), for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.

Reason

To ensure the safety in the event of a flood of the users of the proposed development and future users and in accordance with Policy 33 of the North East Lincolnshire Local Plan (Adopted 2018).

(7) Condition

The building shall be used only for private and domestic purposes only and not for any commercial, industrial or business purposes at any time.

Reason

To ensure the use is suitable for and in character with the existing residential area and in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013 - 2032 (Adopted 2018).

(8) Biodiversity Net Gain

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

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

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

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



legislation.

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

In summary: Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

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

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
  - (i) the original planning permission to which the section 73 planning permission relates\* was granted before 12 February 2024; or
  - (ii) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
  - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
    - i) the application for planning permission was made before 2 April 2024;
    - ii) planning permission is granted which has effect before 2 April 2024; or
    - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates\* was exempt by virtue of (i) or (ii).

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

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

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

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

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

4.5 Self and Custom Build Development, meaning development which:

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

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

#### Irreplaceable habitat

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

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

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

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

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

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

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

## **Informatives**

### **1 Reason for Approval**

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or residential amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 5, 22, 33, 34, 36, 38, 41 and 42.

### **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 and securing a betterment to the scheme to protect the residential amenity of neighbours.

### **3 Informative**

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

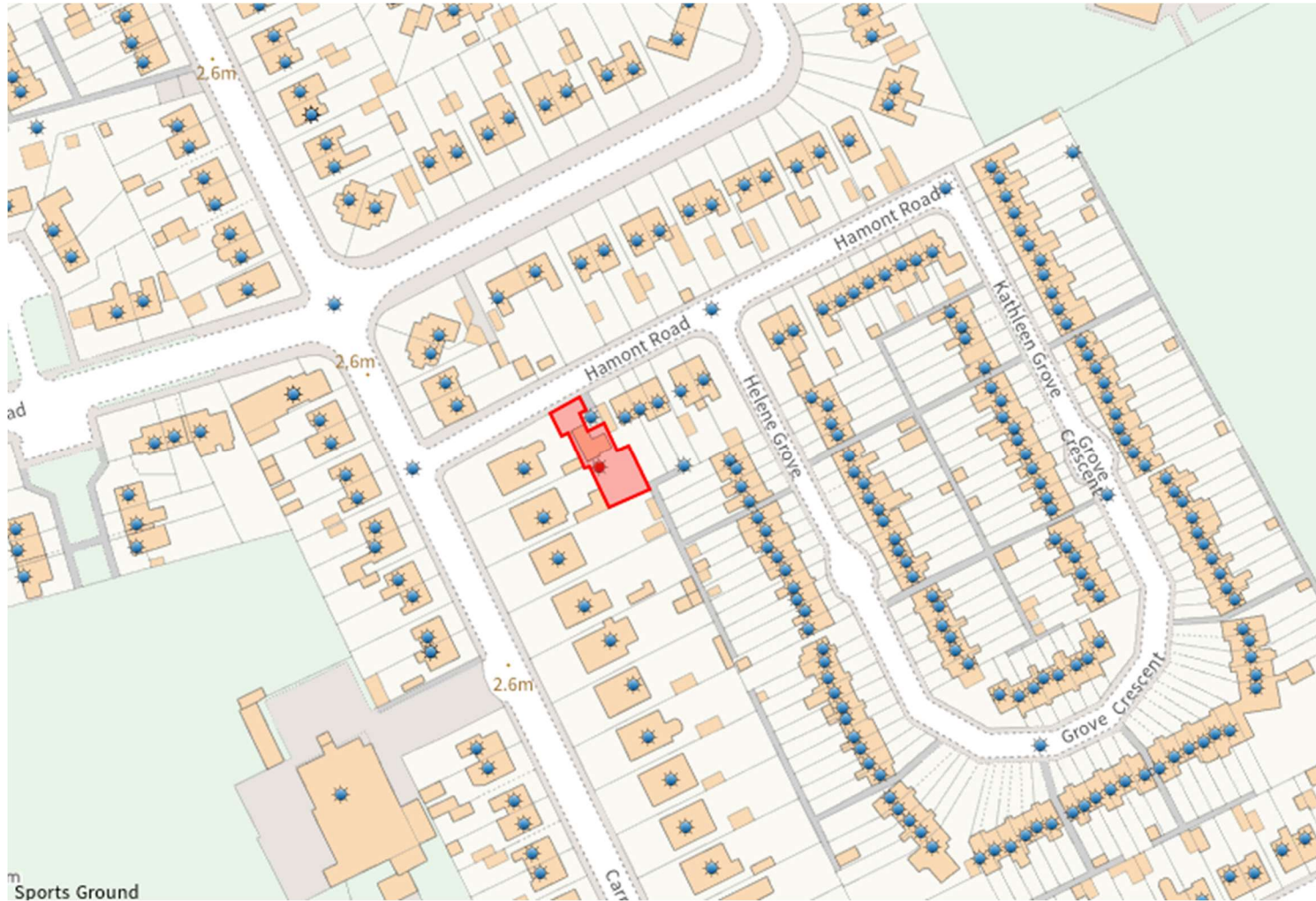
4 Informative

The applicant's attention is drawn to the fact that the requirements of the Party Wall Act may apply and you should seek advice from your agent or suitably qualified person.

5 Informative

Please note the informative advice provided by Northern Powergrid related to their assets and the Drainage Officer in relation to levels which can be viewed under this reference number on the Council's website.

DM/0889/24/FUL – LAND OFF HAMONT ROAD, GRIMSBY





**PLANNING COMMITTEE - 26th February 2025**

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

**APPLICATION No: DM/0860/24/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: 122 Middlethorpe Road, Cleethorpes, North East Lincolnshire, DN35 9PR**

**PROPOSAL: Removal of conifer hedge and erection of 1.8m high boundary fence to side and front with associated planting**

**APPLICANT:**

Mr Parkinson  
122 Middlethorpe Road  
Cleethorpes  
North East Lincolnshire  
DN35 9PR

**AGENT:**

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

**DEPOSITED: 2nd October 2024**

**ACCEPTED: 2nd October 2024**

**TARGET DATE: 27th November 2024**

**PUBLICITY EXPIRY: 7th November 2024**

**AGREED EXTENSION OF TIME DATE: 28th  
February 2025**

**CONSULTATION EXPIRY: 3rd November 2024**    **CASE OFFICER: Lauren Birkwood**

**PROPOSAL**

The proposal is for the removal of hedging and erection of a 1.8m high boundary fence to the side and front boundary with associated planting at 122 Middlethorpe Road in Cleethorpes.

The application is presented to planning committee as the applicant is Councillor Parkinson, an elected member of the Council.

## **SITE**

122 Middlethorpe Road is a detached property located on the corner of Middlethorpe Road and Taylors Avenue in Cleethorpes. The property benefits from off-street parking to the front. To the side is a large garden with a garage. Boundary treatments surrounding the site include brick walls and landscaping. The area is primarily residential; Middlethorpe Road is made up of various dwelling types and designs.

## **RELEVANT PLANNING HISTORY**

No relevant planning history.

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

### National Planning Policy Framework (2023)

NPPF12 - Achieving well designed places

NPPF15 - Conserv. & enhance the natural environ.

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

PO5 - Development boundaries

PO22 - Good design in new developments

PO41 - Biodiversity and Geodiversity

PO42 - Landscape

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

## **REPRESENTATIONS RECEIVED**

Highways Officer - No objections.

Drainage Officer - No objections.

Heritage Officer - No comments.

Ecology Officer - Biodiversity Net Gain not required. Informatives recommended.

Tree Officer - Objects to the proposal as it would be detrimental to the existing ambience



and character of Taylors Avenue.

No neighbour representations received.

## **APPRAISAL**

The key planning material considerations are:

- Principle of Development
- Impact on Character and Appearance of the Area
- Impact on Residential Amenity
- Other Matters

### **Principle of Development**

The application site is within the development area of Cleethorpes (Policy 5) and relates to the removal of hedging and the erection of a 1.8 metre high boundary fence to the front and side boundary of an existing detached property. The principle of development is therefore acceptable and is subject to the site specific assessment below.

### **Impact on Character and Appearance of the Area**

Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) require that account is taken of the impact of proposals upon the character of the area in which they are sited. This requirement is reflected in the National Planning Policy Framework through the advice found in Section 12 'Achieving Well Designed Places'. The NPPF calls for all development to be of a high quality. Additionally, Policy 42 is the relevant policy where proposals impact on the landscape and natural environment and this is supported by Section 15 of the NPPF.

The introduction of a 1.8 metre high boundary fence would be highly visible from adjoining streets, particularly Taylors Avenue, as well as the adjoining public footway given its prominent position on a corner plot. It is noted that there are fences in the area, however the surrounding area is mostly made up of landscaping which contribute to its pleasant appearance. It is noted that existing hedging on site would be removed. The Council's Tree Officer has expressed concerns that the removal of the hedging in this location would have a detrimental impact to the existing ambiance and character of Taylors Avenue and has objected on this basis. In addition, the fence is considered detrimental to the visual character of the area in this instance by reason of its stark and solid finish and its height. Painting or staining the fence in its current form and as proposed would not mitigate this impact. Equally, whilst planting is proposed behind the fence, this would take time to establish and would do little to mitigate the visual impacts of the fence. Additionally, whilst there are other fences on the other side of the road, their impact is greatly reduced by the verge at these location which step them back substantially from the road, reducing the level of impact.

As such, it is considered that the proposal which includes the removal of the hedge and its replacement with a solid fence would harm the street scene to a significant degree and conflict with both national and local planning policies including Sections 12 and 15 of the NPPF and Policies 5, 22 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

#### Impact on Residential Amenity

Due to the position of the proposed fence and its overall height, it would not create adverse impacts on the nearby residential properties. It is also noted that no neighbour representations were received during the planning process.

It is therefore considered that the proposal would not have an unacceptable impact on residential amenity in this instance, and accords with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

#### Other Matters

The Council's Highways and Drainage Officers have reviewed the details provided and have no objections to the scheme.

The Council's Ecology Officer has no objections, subject to an informative highlighting the need for works to be carried out outside of the bird nesting season. In terms of Biodiversity Net Gain, this application is exempt as it relates to planning permission for a householder development.

### **CONCLUSION**

In conclusion, it is considered that the proposal would have a detrimental impact to the street scene and wider character of the area and it is therefore recommended that planning permission is refused as the proposal fails to accord to Policies 5, 22 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018), and Sections 12 and 15 of the National Planning Policy Framework.

### **RECOMMENDATION**

#### **Refused**

(1) The removal of the existing hedging and erection of fencing at this location would be detrimental to the visual appearance of the street, particularly Taylors Avenue, and general character of the area due to its height, design, prominence and expanse across the side boundary of the property. As such, the proposal is contrary to Policies 5, 22 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and Sections 12 and 15 of the National Planning Policy Framework.

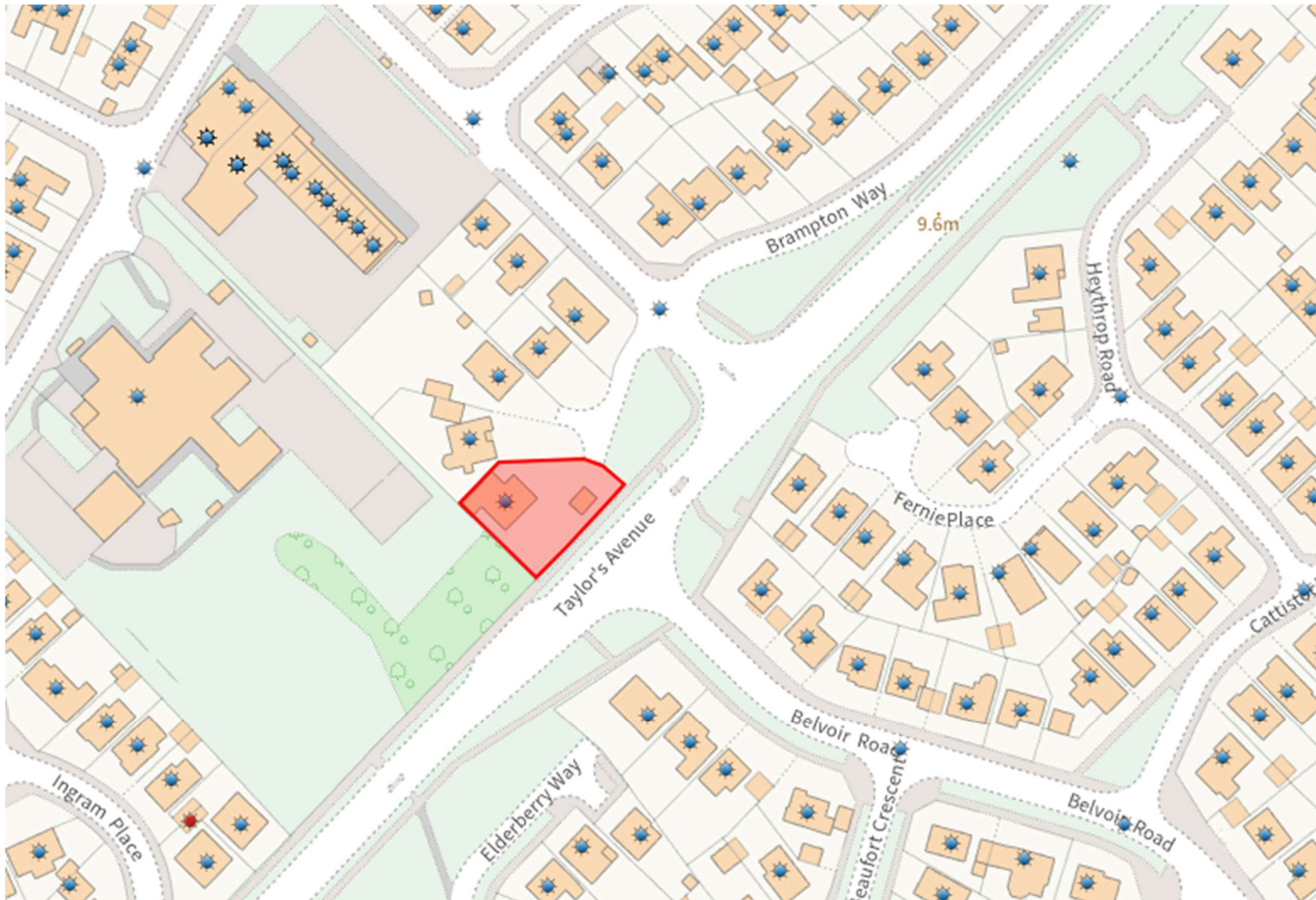
## **Informative**

### **1 Informative**

This application has been considered using the plan referenced:

Site Location Plan, Existing and Proposed Block Plans, Existing and Proposed Elevations  
- 900-1A

DM/0860/24/FUL – 122 MIDDLETHORPE ROAD, CLEETHORPES



DM/0860/24/FUL – 122 MIDDLETHORPE ROAD, CLEETHORPES



**PLANNING COMMITTEE - 26th February 2025**

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

**APPLICATION No: DM/0733/24/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: The Boundary , Barnoldby Road, Waltham, North East  
Lincolnshire, DN37 0EB**

**PROPOSAL: Erect detached triple garage**

**APPLICANT:**

Mr And Mrs Emson  
The Boundary  
Barnoldby Road  
Waltham  
North East Lincolnshire  
DN37 0EB

**AGENT:**

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

**DEPOSITED: 23rd August 2024**

**ACCEPTED: 29th October 2024**

**TARGET DATE: 24th December 2024**

**PUBLICITY EXPIRY: 1st December 2024**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 23rd November  
2024**

**CASE OFFICER: Becca Soulsby**

**PROPOSAL**

The proposal is to erect a detached triple garage adjacent to the front boundary with Bradley Road.

The application is brought to planning committee due to an objection from Waltham Parish Council.

## **SITE**

The Boundary is a detached property located on a corner plot at the junction of Bradley Road and Waltham Road. The area surrounding the property is residential in nature to the north, east and west of the site, with green fields present to the south of the site across the road. A Tree Preservation Order (TPO) covers some trees within the application site.

## **RELEVANT PLANNING HISTORY**

No relevant planning history.

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

### National Planning Policy Framework (2023)

NPPF12 - Achieving well designed places  
NPPF14 - Climate, flooding & coastal change  
NPPF15 - Conserv. & enhance the natural environ.

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

PO5 - Development boundaries  
PO22 - Good design in new developments  
PO33 - Flood risk  
PO34 - Water management  
PO41 - Biodiversity and Geodiversity  
PO42 - Landscape

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

## **REPRESENTATIONS RECEIVED**

Consultees

Heritage - No input required.

Trees - If minded to approve the application, various conditions requested RE the provision of foundation design details, the provision of a construction method statement,

the provision of tree protection measures, the planting of an oak tree and the retention of the existing hedge.

Highways - Approval with conditions. Conditions requested for the provision of adequate turning space to allow forward facing access and egress from the site, and all drives and any parking or turning areas to be surfaced in a hard bound material (not loose gravel) for a minimum of 10m behind the Highway boundary.

Drainage - Condition requested for the provision of a surface water drainage scheme. Informative requested RE existing ground levels.

Ecology - Application is subject to a householder planning application and is therefore considered exempt from the mandatory bio-diversity net gain condition. No known ecological issues.

Waltham Parish Council - Object due to the comments received from the Drainage, Highway and Trees and Woodlands Officers.

Neighbours

No neighbour representations received.

## **APPRAISAL**

Material Considerations

Principle of Development

The site is located within the development boundary of Waltham, therefore Part 1 of Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) (NELLP 2018) applies. Policy 42 also applies due to the application site containing trees covered by a Tree Preservation Order. Policies 5 and 42 do not preclude works of this nature in principle within the defined development boundaries. It is therefore considered in principle that the proposed development is acceptable subject to the site-specific impacts discussed below.

Design

The detached triple garage is proposed along the eastern boundary in close proximity to the existing vehicle access. The garage is to span a width of 9.1 metres, with a depth of 6.1 metres. The eaves of the garage is proposed at 2.1 metres in height, with the height to the top of the monopitch roof proposed at 2.45 metres. The roof is proposed to slope away from the front elevation to a height of 2.3 metres at the rear. The garage is proposed to be finished in timber cladding. Three garage doors are proposed within the front elevation, with a single door proposed in the south side elevation and two small high level windows proposed within the north side elevation. No window or door openings are



proposed within the rear elevation.

Established trees and hedges are present along the eastern boundary of the application site, with the existing hedge along this boundary measuring approximately 2.1 metres in height. Due to the location and position of the proposed garage adjacent to the existing trees and hedges, there would be minimal visibility of the proposal within the street scene and wider area due to the screening provided by the existing boundary treatments. It is proposed to condition the hedge to be retained and maintained at a height of no less than 2 metres so that the boundary treatments are retained to maintain the visual character of the site and provide the necessary screening to limit adverse impacts.

In respect of design, it is therefore considered that the proposal is in accordance with Policies 5 and 22 of the NELLP 2018.

### Neighbouring Amenity

The host property adjoins 1 Bradley Road to the north, 2, 4 and 6 Bradley Road to the east, fields to the south (across the road) and Windsor to the west. There have been no neighbour representations received in relation to this application.

The proposal is well separated from neighbouring properties, being separated from the side boundary with the neighbour at 1 Bradley Road by a driveway width. It is acknowledged that the proposal will be visible from this neighbour, however there is not considered to be an adverse impact posed in this regard.

The proposal is again, well separated from the neighbours at 2, 4 and 6 Bradley Road to the north due to being separated by the width of Bradley Road. The proposal would not be visibly prominent to these neighbours, with the existing hedging and trees providing a high level of screening. As such, there is considered to be no adverse impact posed as result of the proposed works.

The proposed garage will not be visible from the neighbour to the west at Windsor due to the position and location of the garage being behind the existing dwelling. There is no adverse impact to the neighbours amenity as a result of the proposal.

In respect of neighbouring amenity, the proposal is considered to be in accordance with Policies 5 and 22 of the NELLP 2018.

### Trees and Hedging

Some of the trees within the application site are subject to a Tree Preservation Order. The Trees and Woodlands Officer has provided comment to request conditions relating to the design of the foundations for the garage, the submission of a construction method statement, details of tree protection measures, the planting of an oak tree and retention of the existing hedge. Such measures are considered necessary to protect the existing trees and hedges, provide the necessary visual screening and to maintain the character

of the area in such a prominent location. With conditions, the proposal is considered to be in accordance with Policy 42 of the NELLP 2018.

### Other Considerations

The Council's Heritage Officer raises no concerns with the proposal.

The Highways Officer has requested conditions to be attached to the decision in respect of the provision of adequate turning space to allow forward facing access and egress from the site, and all drives and any parking or turning areas to be surfaced in a hard bound material (not loose gravel) for a minimum of 10m behind the highway boundary. Conditions in this regard are recommended in the interests of safety and to accord with Policy 5 of the NELLP 2018.

The Drainage Officer has requested a condition for the provision of a surface water drainage scheme, with an informative also requested in relation to existing ground levels. These are recommended to accord with Policies 5, 33 and 34 of the NELLP 2018.

The Ecology Officer has confirmed that as a householder planning application it is exempt from the mandatory bio-diversity net gain condition, with no known ecological issues to raise.

The comments of the Parish Council are noted. It should be noted that there are no objections from consultees or neighbours, and conditions have been included for any necessary detail.

### **CONCLUSION**

The proposed garage is considered to be of reasonable size, scale and appearance. It is considered that the garage proposed will not pose adverse impact to the amenity of neighbouring properties, the street scene or the wider character and appearance of the area. The proposal is considered to be in accordance with Policies 5, 22, 33, 34, 41 and 42 of the NELLP 2018 and is therefore recommended for approval with conditions.

### **RECOMMENDATION**

#### **Approved with Conditions**

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

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

##### **Reason**

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

(2) Condition

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

F3176-A1-01B - Site Location Plan, Block Plan, Proposed Plans and Elevations  
Arboricultural Report received 15th January 2025

Reason

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

(3) Condition

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

Reason

In the interests of design and in accordance with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(4) Condition

Prior to commencement of development, details for the adequate turning of vehicles within the curtilage of the dwelling to enable vehicles to enter and leave the site in a forward facing gear shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details and shall be thereafter retained unless otherwise approved by the Local Planning Authority.

Reason

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

(5) Condition

Prior to the commencement of development, details of the hard bound materials proposed for drive and parking and turning area for a minimum of 10 metres behind the Highway boundary shall be submitted to and approved by the Local Planning Authority. Once approved it shall be completed as approved and retained for the life of the development unless otherwise approved by the Local Planning Authority.

Reason

To reduce the possibility of deleterious material being deposited on the public highway in

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

(6) Condition

No development shall commence until a final scheme for the sustainable provision of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The development shall then be built out in accordance with the approved details and the drainage implemented prior to use of the garage and retained thereafter.

Reason

To prevent an increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal in accordance with Policies 5, 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(7) Condition

Prior to the commencement of development, final details of the foundations to be used to support the garage shall be submitted to and approved in writing by the Local Planning Authority. Once approved the proposal shall be carried out in accordance with the approved details.

Reason

To protect existing trees and landscaping and to accord with Policies 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(8) Condition

Prior to the commencement of development, a tree protection plan which also includes the siting of materials during the construction phase shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the tree protection measures shall be installed in accordance with the details agreed before works on site commence and shall thereafter be so retained at all times during the construction period. All construction materials shall be stored as approved throughout the entire construction period.

Reason

To protect existing trees and landscaping and to accord with Policy 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(9) Condition

Prior to the commencement of development, a Construction Method Statement (CMS) shall be submitted to and approved in writing by the Local Planning Authority. Once approved the CMS shall be adhered to throughout all construction works.

Reason

To protect existing trees and landscaping and to accord with Policy 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(10) Condition

Before construction commences on site, details of the single fastigate oak tree (including exact size, species and position) to be planted within the site boundary shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the oak tree shall be planted as approved within the next available planting season following construction being completed unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of visual amenity and to accord with Policy 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(11) Condition

The hedge along the eastern boundary of the site shall be retained and maintained to a height of no less than 2 metres unless otherwise approved in writing by the Local Planning Authority.

Reason

To maintain visual amenity and landscape character to accord to Policies 5, 22 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(12) Biodiversity Net Gain

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

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

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

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

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

In Summary: Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply. It is considered that exemption number 4.3 applies.

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

1. The application for planning permission was made before 12 February 2024.
  2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
  3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
    - (i) the original planning permission to which the section 73 planning permission relates\* was granted before 12 February 2024; or
    - (ii) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.
  4. The permission which has been granted is for development which is exempt being:
    - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
      - i) the application for planning permission was made before 2 April 2024;
      - ii) planning permission is granted which has effect before 2 April 2024; or
      - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates\* was exempt by virtue of (i) or (ii).
- \* "original planning permission to which the section 73 planning permission relates"

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

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

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

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

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

4.5 Self and Custom Build Development, meaning development which:

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

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

#### Irreplaceable habitat

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

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

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the

adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

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

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

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

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

## **Informatives**

### **1 Reason for Approval**

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or neighbouring amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular Policies 5, 22, 33, 34, 41 and 42.

### **2 Added Value Statement**

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

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

### **3 Informative**

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



4 Informative

Existing ground levels should not be increased otherwise surface water drainage problems may result. There must be no surface water discharge onto the public highway.

5 Informative

Please note the comments from the Council's Ecologist in relation to bats and birds which can be viewed on the Council's website at [www.nelincs.gov.uk](http://www.nelincs.gov.uk).

DM/0733/24/FUL – THE BOUNDARY, BARNOLDBY ROAD, WALTHAM



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**PLANNING COMMITTEE - 26th February 2025**

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

**APPLICATION No: DM/0003/25/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: 36 Humberston Avenue, Humberston, North East  
Lincolnshire, DN36 4SP**

**PROPOSAL: Variation of Condition 2 (Approved Plans) as granted on  
DM/0919/24/FUL to amend garage and house type to include second floor, roof  
lights and solar panels to Plot 1**

**APPLICANT:**

Mr B Hedison  
Banchory Lodge  
Station Road  
North Thoresby  
Grimsby  
DN36 5QS

**AGENT:**

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

**DEPOSITED: 3rd January 2025**

**ACCEPTED: 3rd January 2025**

**TARGET DATE: 28th February 2025**

**PUBLICITY EXPIRY: 16th February 2025**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 7th February 2025**

**CASE OFFICER: Bethany Loring**

**PROPOSAL**

The application seeks to vary condition 2 (Approved Plans) pursuant to DM/0919/24/FUL, which was for an amendment to Plot 7. This amendment relates to alterations to the approved house type at Plot 1 to the rear of 36 Humberston Avenue.

The application is brought to planning committee following an objection from Humberston Village Council.

## **SITE**

The site is made up from part of the rear gardens of 34 and 36 Humberston Avenue. The site itself is relatively flat with a gentle slope down towards Humberston Avenue. There are TPO trees throughout the site. The proposed access is positioned between two TPO trees and has been set out to avoid further protected trees within the site. Both 34 and 36 are large, detached dwellings typical of Humberston Avenue. To the rear of the site is the Persimmon Homes development. The site has been separated off from 34 and 36 by a 2m close board fence. Works have commenced on the site and some plots are currently under construction however Plot 1 has not yet commenced.

## **RELEVANT PLANNING HISTORY**

DM/0881/16/OUT - Outline application for the erection of 5 dwellings - Approved with Conditions

DM/0356/17/OUT - Outline application for the erection of 5 dwellings - Approved with Conditions

DM/0258/18/FUL - erect 6 dwellings and associated infrastructure - Approved with Conditions

DM/0052/22/FUL - Variation of DM/0258/18/FUL to change house types and positions - Approved with Conditions

DM/1090/22/FUL - Erect 8 detached dwellings with garages and private road to include widening existing access with associated works - Approved with Conditions

DM/0549/23/CND - Details in Discharge of Conditions 3 (Materials), 4 (Construction Management Plan), 5 (Management of Unadopted Areas), 6 (Highway Details), 10 (Bat Survey and Biodiversity Improvement) and 11 (Water Reuse) pursuant to DM/1090/22/FUL - Conditions Complied With

DM/0347/24/FUL - Variation of Condition 2 (Approved Plans) as granted on application DM/1090/22/FUL to amend house type and garage for plot 8 - Approved with Conditions

DM/0589/24/FUL - Variation of Condition 2 (Approved Plans) following DM/0347/24/FUL to amend house type and garage - Plot 2 - Approved with Conditions

DM/0919/24/FUL - Variation of Condition 2 (Approved Plans) as granted on DM/0589/24/FUL for revision to allow for minor alterations to house type to include installation of solar panels, extension and alterations to garage to Plot 7 - Approved with Conditions

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

### National Planning Policy Framework (2023)

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

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

PO5 - Development boundaries  
PO22 - Good design in new developments  
PO33 - Flood risk  
PO34 - Water management  
PO41 - Biodiversity and Geodiversity  
PO42 - Landscape

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

## **REPRESENTATIONS RECEIVED**

Drainage Team - No drainage comments.

Highways Officer - Approval no conditions.

Environmental Health - No comment.

Trees and Woodlands Officer - No comment.

Heritage Officer - No input required.

Humberston Village Council - Objection as still an infill development and objected to original scheme.

Ecology Officer - No comment, no known ecological issues.

Neighbour Representations

No neighbour representations received.

## **APPRAISAL**

The material planning considerations are:

1. Principle of Development
2. Revisions
3. Impact to Neighbours

1. Principle of Development

The application seeks vary condition 2 (approved plans) of the earlier approval to allow for amendments to the house type and garage of Plot 1.

The principle of the development has already been established under the original permission and the considerations of this application are merely those relating to the impacts arising from the proposed amendments.

2. Revisions

The amendments to Plot 1 include alterations to the external appearance of the dwelling. Most significantly this would see the footprint retained as an 'L' shape however this would become flush all the way around the property removing the chimney and any recesses across all floors. This would include the removal of the dormer to the side at first floor and would result in the main ridge becoming level. Furthermore, the second-floor roof space would be converted to provide two additional bedrooms, one with an ensuite, and a landing. There would be changes to the elevations, in terms of alterations to the proportions of the openings, positions and number. This would also include rooflights and solar panels installed to the rear roof slope. Furthermore, solar panels would be installed centrally to the rear. The dwelling would remain as approved in terms of overall scale.

Furthermore, the garage would be retained as detached and of the same footprint as approved. The height would also be retained as approved. The rear elevation would be changed to include a single door relocated from the side elevation.

Visually, the proposal would alter the design concept; given the proposed changes. However, the overall size and scale of the dwelling and garage would be retained. The alterations and additions would be minor in nature. Although the design would be changed, the alterations are not considered to present an issue visually. It is considered that the plot can accommodate for works of this nature. The works are not unusual in a residential setting.

3. Impact to Neighbours

The main impact of the amendment would be to Plot 2, of the overall site to the east, and 38 Humberston Avenue, to the north, and 36 Humberston Avenue to the west, with the

most significant alteration being the alteration of the ridge. The amendments would result in the ridge height becoming flush however it would be of the same height as previously approved. Furthermore, the dwelling would also become flush, adjacent to the boundary with 38 Humberston Avenue. This would result in the dwelling sitting slightly closer to this neighbour, to create the flush elevation. This change would be minimal and with the good separation and orientation between the properties being retained, there would be no adverse impacts.

In relation to the neighbour at Plot 2, the garage would be positioned adjacent to the sidewall of the property approved at this plot and therefore would be partially screened from view. The garage would be positioned along the boundary shared with this neighbour following the removal of the small footway alongside. However, other than the slight repositioning and relocation of the door, the garage would remain as approved. Given the orientation, scale and design of the neighbouring property, the amended design would not be considered to present additional impact in relation to the residential amenity of this neighbour.

In regard to 36 Humberston Avenue, this would sit on the same footprint as approved and would include the same amount of openings. It is therefore considered that this would not cause any additional impacts to this neighbour as a result of the amendments due to its design, finish and position. The reasonable separation and orientation of the properties would be retained.

The overall works are not considered to present any additional impact to the area or neighbours. The changes are considered to be minor in nature and therefore it is not considered that these would present an adverse impact to neighbours given the nature of the amendments along the boundaries.

Having regard to the above, the amendment is acceptable under Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

## **CONCLUSION**

This application seeks to modify an earlier approval, which was for the erection of eight dwellings. In this case for plot 1, the modifications proposed in this application are considered to be of an acceptable scale and nature and do not fundamentally alter the original design concept or create any significant additional impacts to the character of the area or to neighbours.

## **RECOMMENDATION**

**Approved with Conditions**



(1) Condition

The development hereby permitted shall begin by 11th May 2026.

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 for Plot 1 only:

Proposed Site Plan - RD5770-02

Proposed Floor Plans and Elevations for House and Garage - RD5770-01A

As approved under DM/0919/24/FUL for Plot 7;

Proposed Site Plan - RD5719-02A

Proposed Floor Plans and Elevations for House and Garage - RD5719-01

As approved under DM/0589/24/FUL for Plot 2;

Proposed Block Plan - RD5661-02A

Proposed Plans and Elevations for Plot 2 - RD5661-01

Proposed Plans and Elevations for Garage - RD5661-03

As approved under DM/0347/24/FUL for Plot 8 only;

Proposed Site Plan - RD5583-02D

Proposed Plans and Elevations for Plot 8 - RD5583-03A

Proposed Plans and Elevations for Garage - RD5583-04D

As approved under DM/1090/22/FUL;

Site Location Plan - RD5247-01

Existing Block Plan - RD5247-02

Proposed Block Plan - RD5247-04C

Proposed Plans and Elevations for Plot 1 - RD5247-05A

Proposed Plans and Elevations for Plot 3 - RD5247-07A

Proposed Plans and Elevations for Plot 4 - RD5247-08A

Proposed Plans and Elevations for Plot 5 - RD5247-09A

Proposed Plans and Elevations for Plot 6 - RD5247-10A

Proposed Plans and Elevations for Plot 7 - RD5247-11A

Proposed Plans and Elevations for Garage for Plots 1 and 7 - RD5247-13

Reason

For the avoidance of doubt and in the interests of proper planning and in accordance with

Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(3) Condition

The development shall be built out in accordance with the materials detailed in the Supporting Document ref: RD5340 (approved under DM/0549/23/CND), other than the following plots:

- Plot 2 which shall be in accordance with drawing no. RD5661-01 as approved under DM/0589/24/FUL;
- Plot 7 which shall be in accordance with drawing no. RD5719-01 as approved under DM/0919/24/FUL;

Plot 1 shall be in accordance with drawing no. RD5770-01A under this permission, unless otherwise agreed in writing with the Local Planning Authority.

For Plot 8 only, development shall not begin until details of the materials for the exterior walls and roof have been submitted to and approved in writing by the Local Planning Authority. The development shall then be built out in accordance with the approved details.

Reason

To ensure the development has an acceptable external appearance and is in keeping with the visual amenity and character of the area in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(4) Condition

The development shall be built out in accordance with the Construction Management Statement ref:RD5247 (approved under DM/0549/23/CND) unless otherwise approved in writing by the Local Planning Authority.

Reason

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

(5) Condition

The development shall be built out and managed in accordance with the Highways Management Details (approved under DM/0549/23/CND) unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interests of public safety in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(6) Condition

The development shall be built out in accordance with the Highways Construction Details ref: 1115-2305-CIV-130-P3 and 1115-2305-CIV-S278-P2 (approved under DM/0549/23/CND) unless otherwise approved in writing by the Local Planning Authority. Before the development hereby permitted is brought into use the vehicular access, parking and manoeuvring space serving it 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).

(7) Condition

Unless otherwise approved in writing, the development shall be built out in accordance with the surface water drainage scheme (as approved under DM/1090/22/FUL) detailed on plans ref:

Drainage Calculations - 1115-2305

Proposed Levels - 1115-2305-CIV-01-P1

Construction Work Details - 1115-2305-CIV-30-P1

Drainage Construction Details - 1115-2305-CIV-50-P1

Drainage Construction Details - 1115-2305-CIV-51-P1

As approved under DM/0589/24/FUL for Plot 2 only;

Drainage Layout - 1115-2305-CIV-10-P4

As approved under this permission for Plot 7 only;

Proposed Site Plan - RD5661-02A

All drainage shall be installed and available for use for each dwelling, before that dwelling is occupied. It shall be retained thereafter.

Prior to development commencing on plot 8 a scheme for sustainable surface and foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. It shall then be fully implemented prior to the dwelling being occupied and thereafter retained.

Reason

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

(8) Condition

The development shall be carried out in accordance with the Arboricultural Method Statement submitted 9th February 2023 (as approved under DM/1090/22/FUL) other than prior to development commencing on plot 8 for which an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved document shall then be fully implemented throughout the construction of the development. The Tree Protection measures detailed within all Arboricultural Method Statements shall be fully retained on site during the construction of the development and remain in place until the development is complete.

Reason

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

(9) Condition

The scheme of landscaping and tree planting shown on plan ref: TP\_R1\_260123 Rev 1 (as approved under DM/1090/22/FUL) shall be completed within a period of 24 months, beginning from the date of this permission. All planting shall be adequately maintained for 5 years, beginning with the date of completion of the scheme and during that period all losses shall be replaced during the next planting season.

Reason

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

(10) Condition

The development shall be carried out in accordance with the Biodiversity Improvement and Management Plan ref:RD5247 (approved under DM/0549/23/CND) unless otherwise approved in writing by the Local Planning Authority. The approved Biodiversity Improvement and Management Plan shall then be fully implemented within 12 months of the first dwelling being occupied and thereafter managed in accordance with the approved plan.

Reason

To improve the biodiversity value of the site in accordance with Policy 41 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(11) Condition

The development shall be carried out in accordance with the Water Use Calculations dated 2nd August 2023 (approved under DM/0549/23/CND) with all measures for each

plot, installed before that dwelling is occupied unless otherwise approved in writing by the Local Planning Authority, other than Plot 8 for which 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 of the dwelling and the other dwellings on the site shall be built out in accordance with the Water Use details approved under DM/0549/23/CND.

**Reason**

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

**(12) Condition**

The first-floor windows on the northern side elevation of Plot 8 shall be obscurely glazed prior to the first occupation of the dwelling and thereafter retained.

**Reason**

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

**(13) Biodiversity Net Gain**

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

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

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

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

Where this permission has the effect of requiring or permitting the development to proceed in phases, the modifications in respect of the biodiversity gain condition which

are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

In Summary: Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply. It is considered that exemption number 3(i) applies.

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

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
  - (i) the original planning permission to which the section 73 planning permission relates\* was granted before 12 February 2024; or
  - (ii) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
  - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
    - i) the application for planning permission was made before 2 April 2024;
    - ii) planning permission is granted which has effect before 2 April 2024; or
    - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates\* was exempt by virtue of (i) or (ii).

\* "original planning permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.
  - 4.2 Development below the de minimis threshold, meaning development which:
    - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
    - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater

than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

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

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

4.5 Self and Custom Build Development, meaning development which:

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

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

#### Irreplaceable habitat

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

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

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

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

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to

the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

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

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

## **Informatives**

### **1 Reason for Approval**

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The amended proposal would not harm the area character or residential amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 5, 22, 33, 34, 41 and 42.

### **2 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.

### **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**

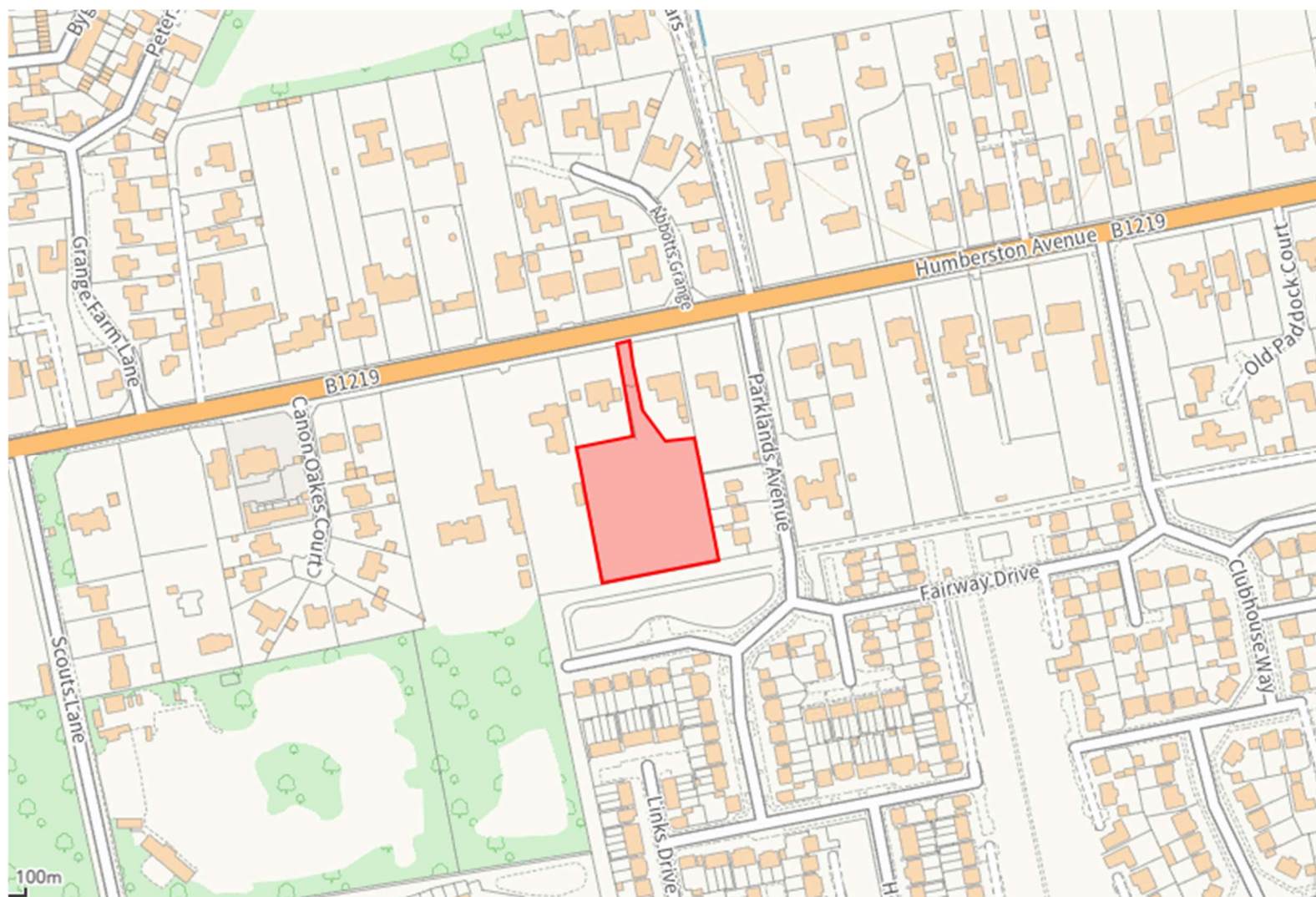
This application will require the creation of new postal addresses. You are advised to contact the Street Naming & Numbering Team on 01472 323579 or via email at [snn@nelincs.gov.uk](mailto:snn@nelincs.gov.uk) to discuss the creation of new addresses.



## 5 Informative

As works are required within the existing highway, you are required to contact the Highways Management Team at least six months in advance of the commencement of works (Tel: 01472 324431).

DM/0003/25/FUL – 36 HUMBERSTON AVENUE, HUMBERSTON



# DM/0003/25/FUL – 36 HUMBERSTON AVENUE, HUMBERSTON



**PLANNING COMMITTEE - 26th February 2025**

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

**APPLICATION No: DM/0935/24/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: 43 Humberston Avenue, Humberston, North East  
Lincolnshire, DN36 4SW**

**PROPOSAL: Variation of Condition 1 (Approved Plans) pursuant to  
DM/0735/22/REM to allow for amended house type and repositioning of Plot 1  
(Amended Description and Plans received 15th January 2025 to revise design,  
layout and position of Plot 1)**

**APPLICANT:**

Mr T Davies  
Humberston Avenue Ltd  
33 - 43 Church Lane  
Grimsby  
DN32 7DD

**AGENT:**

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

**DEPOSITED: 30th October 2024**

**ACCEPTED: 30th October 2024**

**TARGET DATE: 25th December 2024**

**PUBLICITY EXPIRY: 5th February 2025**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 25th November  
2024**

**CASE OFFICER: Bethany Loring**

**PROPOSAL**

This application seeks to vary condition 1 (Approved Plans) pursuant to DM/0735/22/REM, which was for the erection of two dwellings and garages. This amendment relates to changes to the approved house type and repositioning of Plot 1.

This application is brought to planning committee following an objection from Humberston Village Council.

## **SITE**

The site is currently part of the curtilage to 43 Humberston Avenue and has the appearance of a paddock. The host property has recently been demolished to allow for the approved rebuild of the dwelling. Furthermore, a boundary fence has been erected to separate the host site from the approved rear plot land. The site contains a number of trees, some protected by Tree Preservation Orders. These are located mainly along the northern and eastern boundaries however some works have been conducted as indicated on previous approvals.

Access to the site runs to the west of the host property (as was) with the property itself (as was) to the south. The access point and a drainage run has been implemented as part of the previous approval resulting in the permission being extant. As existing, grassland and garden lie to the north.

All of the site boundaries have a selection of mature trees, hedges and fencing along them.

## **RELEVANT PLANNING HISTORY**

Site to the rear of 43 Humberston Avenue:

DM/1166/19/OUT - Outline application for the erection of two bungalows and garages with access to be considered - Refused then Allowed On Appeal.

DM/0735/22/REM - Reserved matters application following DM/1166/19/OUT to erect two dwellings and garages with appearance, landscaping, layout and scale to be considered - Approved With Conditions.

43 Humberston Avenue:

DM/0412/24/FUL - Demolish existing bungalow and erect replacement 2 storey dwelling to include associated landscaping, access and parking works and drainage - Approved With Conditions.

## **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)

PO2 - The housing requirement

PO5 - Development boundaries

PO15 - Housing mix  
PO22 - Good design in new developments  
PO33 - Flood risk  
PO34 - Water management  
PO41 - Biodiversity and Geodiversity  
PO42 - Landscape

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

## **REPRESENTATIONS RECEIVED**

Drainage Team - Query regarding material of additional length of driveway. Now clarified and deemed acceptable.

Highways Team - Approval no conditions.

Environmental Health - Comments as per original approval which secured CMP.

Humberston Village Council - Objects on the basis that they are against any further infill housing in this location and following objection made by the Trees and Woodlands Officer, support his comments.

Ecology Officer - No comment, no known ecological issues.

Trees and Woodlands - Previously objected. Amendments made and now no concerns or objections.

Heritage Officer - No input required.

North East Lindsey Drainage Board - No comments.

Neighbour Representations

No neighbour representations received.

## **APPRAISAL**

Material Planning Considerations:



1. Principle of Development
2. Revisions
3. Impact to Neighbours
4. Landscaping
5. Other Matters

## 1. Principle of Development

The application seeks vary condition 1 (approved plans) of the earlier approval to allow for amendments to the house type and positioning of Plot 1. The permission has been implemented and is extant.

The principle of the development has already been established under the original permission and the considerations of this application are merely those relating to the impacts arising from the proposed amendments.

## 2. Revisions

The amendments to Plot 1 would include a small addition to the west to provide an extended footprint to the open plan dining room and kitchen to create a day room. This would include full glazing to this part of the elevation. Furthermore, the plot would be repositioned slightly further north and west however the approved separation to the rear boundary would be retained.

Visually, the proposal would alter the design concept; given the proposed changes to the position and external appearance. The overall size would be increased in terms of footprint, however the scale of the dwelling would be retained. Although the design and size would be changed, the alterations are not considered to present adverse impacts in character or visual amenity terms and the plots can still be accommodated for comfortably.

## 3. Impact to Neighbours

The main impact of the amendment would be to 41A Humberston Avenue, to the west, and the most significant alteration would be the addition of the extension to form the day room with its resultant glazing. The amendments would result in the footprint sitting closer to the neighbour and would include an additional opening. However, the neighbour has an existing extension which is made up of a blank elevation. It is important to note that the boundary hedge has always been indicated to be retained however this has, at some point, been removed. It is proposed that the applicant would replace the hedge to ensure that the boundary is established to ensure appropriate levels of amenity and privacy for each site. With this, it is considered that there would be no adverse overlooking or loss of privacy impacts. Additionally, it is not considered such changes to the form of development, given levels of separation and scale, would create any undue massing or overshadowing impacts.

The works overall are not considered to present any adverse impacts to the area or to neighbours.

Having regard to the above, the amendment is acceptable under Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

#### 4. Landscaping

The site includes Tree Preservation Orders to the eastern and northern boundaries of the site. An Arboricultural Report had been provided, at Outline stage and had assigned 10 individual trees as moderate quality and value however 2 of these trees were located off site. The previous approval indicated landscaping including planted hedges and new trees. Some existing features were also proposed to be retained. A Tree Protection Plan had also been included to show how the existing trees and roots would be protected during construction.

The Trees and Woodlands Officer previously objected to the scheme given that the plot was indicated to be relocated further north which would have resulted in the built form being beyond the build line and within the root protection areas of third-party trees. Therefore, sufficient mitigation would not have been possible and would have resulted in potential further pressure and subsequent removal of these. However, the position of the dwelling has been amended and the build line maintained with a small addition to the footprint to the west. The objection has now been removed and the amendments are deemed acceptable to the Trees and Woodlands Officer.

It is therefore in accordance with Policy 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and section 15 and of the NPPF.

#### 5. Other Matters

The amendments are considered acceptable to the Drainage and Highways Officers and there would be no adverse impacts as a result.

The application is exempt from BNG requirements as the original application was submitted and approved prior to the mandatory requirements coming into force.

### **CONCLUSION**

This application seeks to modify an earlier approval, which was for the erection of two dwellings and garages. The modifications proposed in this application are considered to be of an acceptable scale and nature and do not fundamentally alter the original design concept or create any adverse impacts to the character of the area or neighbours.



## **RECOMMENDATION**

### **Approved with Conditions**

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

The development shall be carried out in accordance with the following plans approved under this application:

Proposed Site Plan - RD5162-03G

Proposed Floor Plans and Elevations for House and Garage for Plot 1 - RD5162-04B

And the following as approved under DM/0735/22/REM;

Site Location Plan - RD5162-01

Proposed Plans and Elevations for Plot 2 - RD5162-05C

Proposed Landscape Plan - LP882022

Engineering Layout - 1115-2207-CIV-10-P2

Proposed External Works Construction Details - 1115-2210-CIV-30 Rev P1

#### **Reason**

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

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

The proposed development shall be erected in strict accordance with the materials as stated on drawing nos. RD5162-04B (for Plot 1) under this application and RD5162-05C (for Plot 2) as approved under DM/0735/22/REM, unless otherwise approved in writing by the Local Planning Authority.

#### **Reason**

To maintain the character of the area and in accordance with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and the provisions of the National Planning Policy Framework.

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

The development shall be built out in strict accordance with the Construction Management Plan (RD5162A25-07-22), as approved under DM/0735/22/REM, at all times.

#### **Reason**

In the interests of residential and highway amenity in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(4) Condition

The dwellings hereby approved shall not be occupied until the surface water drainage scheme hereby approved (drawing nos. 1115-2210-CIV-50 Rev P1, 1115-2210-CIV-51 Rev P1 and 1115-2207-CIV-10 Rev P2), as approved under DM/0735/22/REM, has been fully completed and is available for use and which shall be so retained at all times thereafter unless otherwise agreed in writing by the Local Planning Authority. There shall be no raising of the existing ground levels.

Reason

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

(5) 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 A, B, C, D or E shall be permitted within the curtilage of the dwellings.

Reason

To protect residential amenity and the visual character of the area, in accordance with the outline permission and in accordance with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013 - 2032 (Adopted 2018) and the provisions of the National Planning Policy Framework.

(6) Condition

The Tree Protection measures as shown on drawing no. TP582022, as approved under DM/0735/22/REM, shall be installed before construction works on site commence. It shall remain on site for the duration of construction works.

Reason

To protect existing trees and in accordance with Policy 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(7) Condition

The scheme of landscaping and tree planting as detailed on plan LP882022, as approved under DM/0735/22/REM, and RD5162-03G, shall be completed within a period of 12 months, beginning with the date on which development began or within such longer period as may be first agreed in writing by the Local Planning Authority. All planting shall be adequately maintained for 5 years, beginning with the date of completion of the scheme and during that period all losses shall be replaced during the next planting

season.

#### Reason

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

#### (8) Biodiversity Net Gain

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

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

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

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

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

In Summary: Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply. It is considered that exemption number 3(i) applies.

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

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
  - (i) the original planning permission to which the section 73 planning permission relates\* was granted before 12 February 2024; or
  - (ii) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
  - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
    - i) the application for planning permission was made before 2 April 2024;
    - ii) planning permission is granted which has effect before 2 April 2024; or
    - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates\* was exempt by virtue of (i) or (ii).

\* "original planning permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.
  - 4.2 Development below the de minimis threshold, meaning development which:
    - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
    - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
  - 4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.
  - 4.4 Development of a biodiversity gain site, meaning development which is undertaken

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

4.5 Self and Custom Build Development, meaning development which:

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

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

Irreplaceable habitat

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

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

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

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

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

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

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

compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

## **Informatives**

### **1 Reason for Approval**

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or residential amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 2, 5, 15, 22, 33, 34, 41 and 42.

### **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.

### **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](mailto:snn@nelincs.gov.uk) to discuss the creation of new addresses.

### **5 Informative**

The applicant is reminded that the relevant conditions of the outline planning permission still apply. In particular 5 (access details) and 8 (water reuse).

DM/0935/24/FUL – 43 HUMBERSTON AVENUE, HUMBERSTON



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