

## Planning Committee Dated: 23rd April 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/0806/24/FUL
<b>Application Type:</b>	Full Application
<b>Application Site:</b>	Land Adjacent To 9 Ashby Close And 19 Glenfield Road Ashby Close Grimsby North East Lincolnshire
<b>Proposal:</b>	Erection of two pairs of two storey semi-detached dwellings totalling four units to include associated tree works, hardstanding and landscaping (Amended plans received 17th March 2025 - omission of bay windows and canopies to all four plots, plot 2 garage omission replaced by car port, alterations to turning head and footpath dimensions)
<b>Applicant:</b>	Ramella
<b>Case Officer:</b>	Owen Toop

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<b>Recommendation: Approved with Conditions</b>	
<b>Item:</b>	<b>2</b>
<b>Application No:</b>	DM/0108/24/FUL
<b>Application Type:</b>	Full Application
<b>Application Site:</b>	Land Off Margaret Street Immingham North East Lincolnshire
<b>Proposal:</b>	Construction and operation of a solar farm (up to 49.9mw) and 30mw battery energy storage system (BESS) with associated works, equipment, infrastructure and landscaping - amended site layout plan Feb 2025
<b>Applicant:</b>	Mr James Wallwork
<b>Case Officer:</b>	Richard Limmer

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<b>Item:</b>	<b>3</b>	
<b>Application No:</b>	DM/0605/24/FUL	
<b>Application Type:</b>	Full Application	
<b>Application Site:</b>	26 Sea View Street Cleethorpes North East Lincolnshire DN35 8EZ	
<b>Proposal:</b>	Retrospective planning application to change the use of the premises into a bar/restaurant and for alterations to shop front including installation of window frames, doors and awning, painted brickwork and timber panelling -Amended description and plans	
<b>Applicant:</b>	Mr Paul Baker	
<b>Case Officer:</b>	Lauren Birkwood	
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		<b>Recommendation: Approved with Conditions</b>
<b>Item:</b>	<b>4</b>	
<b>Application No:</b>	DM/1025/24/FUL	
<b>Application Type:</b>	Full Application	
<b>Application Site:</b>	17 Queens Parade Cleethorpes North East Lincolnshire DN35 0DF	
<b>Proposal:</b>	Erect single and two storey rear extensions with roof light, alterations to windows and various associated works (amended proposal and description January 2024)	
<b>Applicant:</b>	Mr Mark Fox	
<b>Case Officer:</b>	Becca Soulsby	
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<b>Recommendation: Approved with Conditions</b>	
<b>Item:</b>	<b>5</b>
<b>Application No:</b>	DM/0086/25/FUL
<b>Application Type:</b>	Full Application
<b>Application Site:</b>	Land Adj 64 Chapel Road Habrough North East Lincolnshire
<b>Proposal:</b>	Variation of Conditions 2 (Approved Plans) and 10 (Existing Landscaping) following DM/0524/23/FUL to amend the house types from semi-detached to link properties, relocation of plots within the site and new planting to parking areas to the front
<b>Applicant:</b>	Mr L Metcalf
<b>Case Officer:</b>	Bethany Loring
<b>Recommendation: Approved with Conditions</b>	
<b>Item:</b>	<b>6</b>
<b>Application No:</b>	DM/0990/24/FUL
<b>Application Type:</b>	Full Application
<b>Application Site:</b>	29 - 31 Chantry Lane Grimsby North East Lincolnshire DN31 2LP
<b>Proposal:</b>	Change of use from doctors surgery to 11 self contained flats with associated works and internal and external alterations to include changes to doors and windows to the side and rear - AMENDED PLANS AND DESCRIPTION
<b>Applicant:</b>	Mr Andrew McQuillan
<b>Case Officer:</b>	Lauren Birkwood

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<b>Recommendation: Refused</b>	
<b>Item:</b>	<b>7</b>
<b>Application No:</b>	DM/0900/24/FUL
<b>Application Type:</b>	Full Application
<b>Application Site:</b>	R/O 171 Mill Road Cleethorpes North East Lincolnshire DN35 8JB
<b>Proposal:</b>	Demolition of existing lock up garages and erection of two dwellings with roof lights and central car port
<b>Applicant:</b>	Mr Peter Dalton
<b>Case Officer:</b>	Jonathan Cadd

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<b>Recommendation: Approved with Conditions</b>	
<b>Item:</b>	<b>8</b>
<b>Application No:</b>	DM/0523/23/FUL
<b>Application Type:</b>	Full Application
<b>Application Site:</b>	Willow Lakes Ashby Hill Top Farm Barton Street Ashby Cum Fenby North East Lincolnshire
<b>Proposal:</b>	Change of use of land from field/paddocks to 23 holiday cabins with vehicle parking, landscaping and associated works - updated foul drainage information February 2025
<b>Applicant:</b>	Mr John Collis
<b>Case Officer:</b>	Richard Limmer

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**PLANNING COMMITTEE - 23rd April 2025**

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

**APPLICATION No: DM/0806/24/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: Land Adjacent To 9 Ashby Close And 19 Glenfield Road,  
Ashby Close, Grimsby, North East Lincolnshire,**

**PROPOSAL: Erection of two pairs of two storey semi-detached dwellings totalling four units to include associated tree works, hardstanding and landscaping (Amended plans received 17th March 2025 - omission of bay windows and canopies to all four plots, plot 2 garage omission replaced by car port, alterations to turning head and footpath dimensions)**

**APPLICANT:**

Ramella  
Rameco Ltd  
Unit 2A Charlton Street  
Grimsby  
North East Lincolnshire  
DN31 1SQ

**DEPOSITED: 18th September 2024**

**AGENT:**

Mike Berryman  
Design & Innovate Ltd  
56 Augusta Street  
Grimsby  
DN34 4TJ

**ACCEPTED: 1st October 2024**

**TARGET DATE: 26th November 2024**

**PUBLICITY EXPIRY: 14th April 2025**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 28th October 2024**

**CASE OFFICER: Owen Toop**

**PROPOSAL**

This application seeks planning permission for the erection of two pairs of two storey semi-detached dwellings. The proposal includes associated tree works, hardstanding and landscaping. Part of the proposal is also the provision of works to the highway in the form of double yellow lines and alterations to reduce an existing turning head on Glenfield Road.

This application is brought to the attention of the Planning Committee due to the number

of public objections received.

## **SITE**

The application site is located at the very westerly side of both Ashby Road and Glenfield Road. The land is a hard surfaced area cordoned off by bollards restricting vehicular access though allowing for pedestrian access. There are two turning heads, one on Ashby Close and one on Glenfield Road.

Glenfield Road is situated south of the John Whitgift Academy, an existing secondary school. To the west of Glenfield Road and Ashby Close is a playing pitch associated with the school. To the east of the application site are existing residential properties at Glenfield Road and Ashby Close. These properties are primarily of a semi-detached form and are of a similar appearance in visual design terms. Similarly to the north and south of the proposed development site are residential properties that are semi-detached in nature and also visually similar.

## **RELEVANT PLANNING HISTORY**

38943 - Land Adjacent to 9 Ashby Close and 19 Ashby Close

Outline application for residential development.

This previous application (which covers the same area of this current application) was withdrawn and not approved or refused, in 1986.

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

### National Planning Policy Framework (2023)

NPPF2 - Achieving sustainable development  
NPPF11 - Making effective use of land  
NPPF4 - Decision-making  
NPPF5 - Delivering a sufficient supply of homes  
NPPF8 - Promoting healthy and safe communities  
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)

PO2 - The housing requirement  
PO3 - Settlement hierarchy  
PO4 - Distribution of housing growth  
PO5 - Development boundaries  
PO15 - Housing mix

PO17 - Housing density  
PO22 - Good design in new developments  
PO32 - Energy and low carbon living  
PO33 - Flood risk  
PO34 - Water management  
PO38 - Parking  
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**

Local Highway Authority - No objections to the application subject to conditions for adherence with Construction Traffic Management Plan, securing highway construction details including drainage, and recommends that a Traffic Regulation Order is entered into which requires a separate legal process.

Environmental Protection Team - No objections to the application subject to working hours and the Construction Management Plan being adhered to.

Drainage - No objections to the included sustainable surface water drainage scheme. This may be secured by planning condition.

Trees and Woodlands - Further to amended plans showing the replacement tree and clarification on distances of the proposal to the existing western hedgerow, no objections subject to conditions.

North East Lindsey Drainage Board - No comments.

Ecology - No requirement for Biodiversity Net Gain. Recommendations provided for ecological enhancement to be secured by planning condition. Details provided and agreed, with a condition for implementation.

Heritage - No heritage input required.

### Neighbour Representations:

As part of this application objections have been received from the public. In some cases, multiple letters from the same address have been received. Objections received from the following addresses:

- 52 Glenfield Road
- 13 Glenfield Road
- 10 Ashby Close
- 3 Ashby Close
- 50 Westerdale Way
- 48 Glenfield Road
- 50 Glenfield Road
- 46 Glenfield Road
- 7 Ashby Close
- 9 Ashby Close
- 66 Greyfriars
- 17 Glenfield Road
- 96 Timberley Drive
- 37 Eskdale Way
- 8 Ashby Close
- 9 Glenfield Road
- 4 Ashby Close
- 5 Ashby Close
- 20 Meadowbank
- 30 Cherry Tree Crescent
- 5 Larmour Road
- 8 Larmour Road
- 19 Glenfield Road
- 12 Anderby Drive
- 23 Wentworth Road
- 26 Melrose Way
- 2C Collingwood Crescent
- 8 Church View
- 20 Glenfield Road
- 8 Crosland Road

Broadly on the following grounds:

- Impacts of construction, in terms of increased traffic, impact to safety, noise, pollution and disruption to amenity.
- Impacts on residents' health.
- Over development of the site.
- Increased traffic, safety and parking concerns.
- Loss of a play area.
- Impacts to pedestrian safety, in particular school children.

- Impacts in terms of character and visual design.
- Ecological and environmental impacts.
- Introduction of double yellow lines.
- Lack of housing need.
- Loss of green/informal open space.
- Impacts on amenity from the houses in terms of noise, privacy and loss of light.

## **APPRAISAL**

The material planning considerations are:

- 1) Principle of Development
- 2) Access, Traffic Generation and Parking
- 3) Visual Design and Impact on the Character of the Area
- 4) Impact on Neighbours and Future Occupiers
- 5) Trees, Ecology and Biodiversity Net Gain
- 6) Drainage and Water Management
- 7) Contamination

- 1) Principle of Development

The proposal is located within the development boundary of Grimsby as defined within Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and relates to the erection of 4 dwellings (2 pairs of semi-detached properties) and associated works. The dwellings would all be market housing and would contain 4 beds each.

The site is within the Urban Area as defined within the Local Plan's Settlement Hierarchy (Policy 3) and the Local Plan aims to deliver new dwellings predominantly within this area as part of its distribution of housing growth (Policy 4). The site is an area of hardstanding at the western end of two existing residential streets, Ashby Close and Glenfield Road. In addition, the site is in Flood Zone 1 and the Local Plan aims to steer development to areas such as this as opposed to ones within areas of a higher flood risk. As such, although minor development, it would in a small way contribute to meeting local housing needed within a sustainable urban location.

It is noted that significant public representation has been received as part of this planning application. Many of the objections relate to the loss of a play area and green space as a result of the proposed development. Under Policy 43 of the NELLP (Green space and Recreation) the Council will safeguard against any loss of public or private green spaces, sport and recreation and equipped play facilities in recognition of their importance to the health and well-being of residents and visitors to the Borough, and their importance to biodiversity. The green spaces, sport and recreation and equipped play facilities that are safeguarded under this Policy are identified on the Policies Map together with playing fields which form part of identified education areas, cemeteries, and allotments. Under the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), the site is unallocated land and not one formally designated as either play space or green space.

Considering the previous planning history and its documentation (Reference: 38943), it is acknowledged that there may have been aspiration for this area to be used as a play space though this has never materialised in a formal land use allocation. The application site is hardstanding with cobbled areas that is restricted by bollards. It is appreciated that the land may be used by children and others as reflected by the objections that have been received. Whether there is potential for this land to become a formalised or designated play area is not what this planning application can seek to determine. The Local Planning Authority are required to determine the acceptability or otherwise of this scheme. With regard to both the existing housing and the housing units proposed, these are within walkable limits of existing green space and play areas.

Taking the above into account, in principle the erection of 4 dwellings at this location is acceptable. It is now subject to the site-specific assessment below.

## 2) Access, Traffic Generation and Parking

Policy 5 sets out that all development proposals will be considered with regard to suitability and sustainability, having regard to B) 'access and traffic generation.' The development proposed utilises the existing highway infrastructure with vehicular access taken from both Ashby Close and Glenfield Road; in total 4 new domestic access points are proposed. The turning head at Ashby Close is adopted highway, whereas at Glenfield Road the turning head is not adopted.

The 2 properties at Glenfield Road (Plots 1 and 2) include an attached car port each. The properties at Ashby Close (Plots 3 and 4) include an attached garage each. All properties include a parking space which is similar to other existing properties at Ashby Close and Glenfield Road. With each plot being a 4 bed-semi detached property, it is acknowledged that the proposal has the potential to create additional traffic generation and contribute to off-street parking demand from both future residents and visitor trips to the properties.

It is also recognised that the proposed development is at a location close to the existing John Whitgift Academy. The Academy generates traffic which impacts the surrounding residential area. In particular it is noted from site visits as part of the application that there is increased traffic during peak times, including parents collecting and dropping-off at school start and closing times. In particular, during site visit and assessment it is noted that the turning head adjacent to Plots 1 and 2 is used for this purpose. It was also noted that children use the application site to walk through from Ashby Close to Glenfield Road.

It is recognised that substantial public objection has been received in response to the consultation of the planning application. The main concerns raised in this regard are in relation to traffic generation from the proposed development, safety, the cumulative impact of this during school times, the loss of the ability to walk through the site, and the application's proposal for a Traffic Regulation Order (TRO) at Glenfield Road.

In response, the Local Highway Authority have reviewed the application and recommend

that the development is acceptable subject to conditions being in place. Due to the existing issues of parent's parking in the turning head during school collection and drop-off, a TRO at Glenfield Road is recommended to ensure that the existing turning head is not blocked. The new development has the potential to cause highway safety impacts as a result of cars being parked in the turning head which would be exacerbated at Glenfield Road by the fact that parents do park in these areas when picking up their children. It is noted that the TRO process is separate to the planning application process, though this application can recommend that a TRO be entered into because of the highway safety and amenity implications presented by the application in relation to Glenfield Road. The Local Highway Authority have confirmed that a TRO at Ashby Close is not needed. At any rate, the development if approved would fully restrict this route for pedestrians meaning that it would be unlikely that additional cars would be parked at Ashby Road associated with the school collection and dropping-off of children. Also, it should be noted that Ashby Road was not as heavily parked on as Glenfield Road. It is acknowledged that there is pedestrian access to Ashby Close from Waby Close to the south via a pathway which borders the Whitgift Academy's playing field. This then connects to Glenfield Road through the application site.

With regard to the loss of the area as a walking route, it should be noted that the walkway is not a designated public right of way. There would be a loss of a functioning path that connects Ashby Close to Glenfield Road but there are other pedestrian routes available which maintain permeability and allow walking routes in and out of the school. These are well established adopted routes.

Other matters raised relate to construction traffic management. The applicant has provided a Construction Traffic Management Plan (CTMP) which has been reviewed by the Local Highway Authority. The CTMP confirms that the site will be used for storage and contractor parking for the majority of the construction period and that Glenfield Road will be avoided. A condition survey will also be carried out. Additionally, deliveries are to be scheduled outside of school pick up and drop off times to prevent conflict. There are no objections to these details and with these measures in place it is considered that impacts of construction traffic can be mitigated, particularly with regard to potential conflict between construction vehicles and the school traffic aforementioned.

The Local Highway Authority have also requested final details of the construction make-up of the new domestic accesses which may be secured via planning condition, including any replacement drains required as a result of the alterations to the turning head at Glenfield Road. In addition, a section 38 license is recommended (for the adoption of the Glenfield Road turning head), and if the road is not adopted in the fullness of time, a planning condition is recommended to secure this area as a turning head and not for it to be used as anything other than highway. Based on the proposed plans which have included amendments, the proposal would likely be of an adoptable standard. The Local Highway Authority have confirmed that a section 278 license is not required, though the relevant section 184 licenses will be needed. The relevant highway informatives are included in this recommendation. It should be noted the relevant tracking details have been provided to demonstrate that safe access can be achieved to serve the dwellings.

Paragraph 116 of the NPPF states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network are severe, taking into account all reasonable future scenarios'. The representations from the public have been taken into consideration, as have all the details received as part of this planning application.

In summary, the proposal would increase traffic generation through the provision of 4 new dwellings. That being said, such increases would not be detrimental to highway safety or amenity. The proposal would likely generate additional parking demand, and each plot provides a minimum of 1 formalised parking space and additional garages and car ports to cater for this. Glenfield Road in particular experiences parking pressures due to its proximity to the school. The TRO would thereby provide highway safety benefits as it would restrict the turning head from parking by residents (existing and future), visitors to the adjacent plots and parents. Impacts on existing parking provision are not considered to be adverse. The design and layout of the highway and the footpaths would all be acceptable, and final details may be secured by conditions and relevant licenses. The development's impact during construction in highway safety terms may also be mitigated through the provided Construction Traffic Management Plan. Taking the above into account, in planning highway safety, pedestrian safety and amenity terms the proposal accords with Policies 5 and 38 of the Local Plan.

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

Policy 22 of the Local Plan establishes the considerations that will apply when assessing the design quality of development proposals. There is strong emphasis on considering each site's particular context and on the important roles of high quality and inclusive design in delivering sustainable development.

The form and scale of the dwellings is typical of the area character and overall density. Plots 1 and 2 contain a car port to the side and Plots 3 and 4 contain a garage to their side. These would all be integral to the main dwellinghouses and each would contain a dressing room above. The frontages of each of the dwellings include visual features that are existing within the current street scene and the application includes a street-scene plan which illustrates the dwellings in this context. It is acknowledged that some of the objections received by the public refer to the visual design as being inconsistent with the area character. The proposed dwellings include the use of contemporary materials and finishes which would create this contrast. Though it remains that the scale and form, including the window sizes and positions for example, resemble those of the existing neighbouring properties.

As part of the application, amended plans have been received in response to comments from the Local Highway Authority. In particular, bay windows and canopies have been omitted as to avoid overhang or encroachment onto the adopted highway. Equally these have been removed to address concerns that such features were uncharacteristic.



It is therefore considered that the proposal is acceptable in visual design terms and final materials may be confirmed through a planning condition in accordance with Policies 5 and 22 of the Local Plan.

#### 4) Impact on Neighbours and Future Occupiers

The proposed development is located within an established residential area. The site is bounded by residential properties to the north, north-east, south and south-east, whilst to the west is the playing pitch for the John Whitgift Academy.

Policy 5 of the NELLP allows for an assessment of development and their impact upon neighbouring land uses by reason of noise, air quality, disturbance or visual intrusion. This includes impacts to neighbours of massing, dominance and overlooking from new buildings.

All plots incorporate a first-floor landing window at the side elevations. It is considered that Plots 2 and 4 will require these windows to be obscurely glazed given their position to the side in relation to neighbouring properties at Ashby Close and Glenfield Road respectively. With this secured it is considered that there are no adverse impacts from overlooking in relation to neighbouring residential amenity. All remaining openings are considered to be reasonable in terms of position and overall separation to neighbours.

The closest part of the proposed dwellings to adjacent neighbours (who are closest) are the proposed garages. Whilst the garages and car ports of Plots 2 and 4 are higher (as a result of their first floors being utilised as dressing rooms) compared to neighbouring garages, their positioning away from the main neighbouring dwellings reduces their impact to an acceptable level. The proposed dwellinghouses themselves are then sufficiently separated resulting in there being no adverse impacts in terms of massing or overshadowing. All other neighbours are further away and well separated to ensure no adverse impacts.

It is acknowledged that objections have been received with regard to noise and disturbance in respect of construction works but equally once the dwellings are occupied. In response, the addition of four dwellings would not be excessive in terms of overall noise in what is essentially an established residential area. Equally the area currently is unrestricted from people using it and thus could be used at any time - day or night. For construction, the applicant has addressed this by submitting a Construction Management Plan which details hours of operation, as well as dust and noise suppression methods, which has been reviewed by the Environmental Health Department and deemed appropriate. With the CMP in place as a planning condition, the development is acceptable in this regard.

The properties themselves are closer to one another than neighbouring examples at Glenfield Road and Ashby Close. Over development has been raised as an issue in the representations received. Whilst these may be closer, it is not considered that the density

is such that it would result in an over development of the site. The layout responds to the site constraints. It is considered that such an arrangement would not present undue impacts to the future amenity of occupiers. It is noted however, that permitted development can be extensive and given the layout of the site, it is recommended that permitted development rights are removed both in the interests of future amenity but also the amenity of neighbours. It is confirmed that each new property would have their own private garden, parking and bin storage areas as would be expected in a residential setting.

Taking all the above into account, the proposed development would be acceptable both in terms of impact relating to neighbouring land uses and to future occupiers subject to conditions, in accordance with Policy 5 of the NELLP.

#### 5) Trees, Ecology and Biodiversity Net Gain

As part of the planning application consideration has been given to ecology and existing trees. A tree is proposed to be removed close to Glenfield Road, and a replacement landscaping scheme has been submitted which includes a replacement tree in a revised location but still close to Glenfield Road. There is also an existing boundary hedge which contains trees at the west and the car ports and hard surfacing will be required to be installed sensitively to avoid conflict with these green features. Conditions for both aspects are recommended.

The Ecology Officer has recommended ecological mitigation enhancements be secured which the applicant has addressed.

As such with the relevant landscaping and ecology conditions securing these details the development is acceptable in accordance with Policies 5, 41 and 42.

The Ecology Officer has also confirmed that the development is exempt from the requirements of the Biodiversity Net Gain Condition.

#### 6) Drainage and Water Management

Also, as part of the application consideration has been given to surface water and foul drainage. Foul water would be disposed of through the mains sewer and the relevant building regulations would need to be secured. The proposed scheme includes a sustainable surface water drainage scheme which has been reviewed by the Drainage Team. With a condition to secure these schemes, the proposed development is acceptable in this regard and accords to Policies 5 and 34 of the NELLP.

It is considered that a water management condition should be applied to accord with Policy 34 of the NELLP.

#### 7) Contamination

The Environmental Health Officer has confirmed that a contaminated land survey is not

required. The standard land quality condition is recommended however in the event that unexpected contamination is found as a result of development, in accordance with Policy 5 of the NELLP.

## **CONCLUSION**

Having regard to the scheme, the proposal would contribute to the housing requirement of the borough. The development would not unduly impact neighbouring residential amenity, nor compromise highway safety. In addition it would not harm the area character and with landscaping and ecology conditions would secure biodiversity enhancement, a replacement tree and retention of the hedgerow. Though representations have been received in objection, it is considered that the development is acceptable and accords with local and national planning policies. It 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:

Site Location Plan - PL(A)001

Proposed Block Plan - PL(A)050 I

Proposed Site Plan - PL(A)051 I

Proposed Drainage Plan - PL(A)055 E

Proposed Landscaping Plan - PL(A)060 I

Proposed Elevations Plots 1 & 2 - PL (A)250 C

Proposed Elevations Plots 3 & 4 - PL(A)252 E

Proposed Floor Plans Plots 1 & 2 - PL(A)150 B

Proposed Floor Plans Plots 3 & 4 - PL(A)151 E

#### **Reason**

For the avoidance of doubt in the interests of proper planning and in accordance with Policies 5, 12, 17, 22, 33, 34, 38, 41 and 42 of the North East Lincolnshire Local Plan

2013-2032 (adopted 2018).

(3) Condition

Prior to any construction commencing, final details of all external materials for the dwellinghouses and garages/carports shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall be carried out in accordance with the approved details.

Reason

In the interests of visual design considerations in order to comply with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and Section 12 of the National Planning Policy Framework.

(4) Condition

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

Reason

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

(5) Condition

The development shall be carried out in accordance with the sustainable surface water drainage measures detailed within PL(A)055 E. The sustainable surface water drainage scheme for each dwelling shall be completed prior to occupation of that dwelling. Once each dwelling has been completed in accordance with the sustainable surface water drainage specific to that plot, these details shall be retained throughout the lifetime of the development.

Reason

In the interest of securing a sustainable drainage scheme for 4 new dwellinghouses in accordance with Policies 5, 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(6) Condition

Foul water drainage for each plot shall be as stated in the application form. All foul water drainage connections must be installed and fully connected prior to occupation of any dwelling.

Reason

In the interest of managing foul water drainage in accordance with Policies 5, 33 and 34

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

(7) Condition

The development authorised by this permission shall not begin until the Local Planning Authority has approved in writing a scheme of off-site highway improvements to include a review of parking restrictions as a means of managing vehicle movements associated with the approved development leading to the submission of a Traffic Regulation Order application.

Should a Traffic Regulation Order be successful the scheme of off-site highway improvements as approved shall be implemented within 6 months of the Order being confirmed or prior to any occupation (whichever is the earlier) unless otherwise agreed with the Local Planning Authority.

Reason

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

(8) Condition

If during development contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately, and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. Once approved, development shall proceed in strict accordance with the agreed details.

Reason

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

(9) Condition

The landscaping shall be carried out in strict accordance with the details on drawing no. PL(A)060 I. All planting shall be carried out in accordance with the approved details within 12 months of the date of commencement of the development or within such longer time as agreed in writing with the Local Planning Authority and all planting shall thereafter be maintained for a period of 5 years with all losses in that period replaced with the same plant and standard.

Reason

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

(10) Condition

The development shall be carried out in accordance with the Ecological Enhancement Measures identified in the following plans:

- PL(A)060 I
- PL (A)250 C
- PL(A)252 E

The Ecological Enhancement Measures shall be installed prior to occupation of each dwelling and these shall be retained for the lifetime of the development.

Reason

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

(11) Condition

The development shall be carried out in accordance with the construction and construction traffic management mitigation measures within the following documents:

- Construction Management Plan Uploaded 17th March 2025
- Construction Transport Management Plan Uploaded 17th March 2025

The mitigation measures shall be adhered to for the entirety of the construction period.

Reason

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

(12) Condition

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any statutory amendment thereto), no development under Schedule 2 Part 1, Classes A, B, C, D, E, or F shall be permitted within the curtilage of the dwellings.

Reason

To protect residential amenity, the visual character of the area and drainage capacity in accordance with Policies 5, 22 and 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(13) Condition

The development shall be constructed in accordance with the details identified in drawing nos. PL(A)060 I and PL(A)150 B in relation to works in proximity to the tree along the western boundary which shall be retained for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interest of protecting the existing tree in accordance with Policies 5, 41 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(14) Condition

Prior to any occupation of the development, details of how each dwelling of the development will adhere to the Water Efficiency Standard of 110l per person per day, shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the measures shall be implemented for each dwelling in accordance with the approved details before it is occupied. It shall be retained thereafter.

Reason

In the interests of water management and to accord with Policies 5 and 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(15) Condition

The first floor side windows on Plots 2 and 4 shall be obscurely glazed to a minimum level of 3 on the Pilkington Scale prior to any occupation of these dwellings. They shall be retained at this level of obscurity for the lifetime of the development.

Reason

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

(16) Condition

Before each of the dwellings are first occupied the boundary walls and fences serving it as shown on approved plans shall be erected and retained as such thereafter.

Reason

To retain residential amenity and privacy in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(17) Condition

Development shall not begin until details showing the location, layout, design and method of construction of any new or altered vehicular access, parking and manoeuvring space,

including any necessary piping or culverting of any ditch or watercourse, have been submitted to and approved in writing by the Local Planning Authority, and before any part of the development 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. The turning head within the site at Glenfield Road shall not be used for any other purpose.

#### 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).

#### (18) Condition

Prior to any construction works commencing to the turning head at Glenfield Road, construction details of the alteration works to the turning head including any replacement drains shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall be carried out in accordance with the approved details prior to plots 1 and 2 being occupied and it shall be retained in perpetuity.

#### Reason

In the interests of highway management and drainage in accordance with Policies 5 and 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

#### (19) 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 4.2 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, 3, 4, 5, 17, 22, 33, 34, 40, 41 and 42.

### **2 Added Value Statement**

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

In accordance with the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to problems arising, by seeking amended plans and applying planning conditions to overcome concerns.

### **3 Informative**

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

4 Informative

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

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

As highways within the site are to be adopted by the Council, please contact Highway Management Team on 01472-324484 well in advance of works commencing regarding a Section 38 License.

7 Informative

As works are required within the existing highway to enable the development to take place, please contact Highways Management Team on 01472-324431 well before works begin.

8 Informative

Section 184 Licenses will be required for the works to form new domestic accesses, please contact the Highway Management Team on 01472-324484.

9 Informative

Please note the comments from the Ecology Officer in regard to removal of the tree and pruning of the hedgerow. The applicant is reminded of their duties under The Wildlife and Countryside Act 1981.

DM/0806/24/FUL – LAND ADJ 9 ASHBY CLOSE AND 19 GLENFIELD ROAD, GRIMSBY



DM/0806/24/FUL – LAND ADJ 9 ASHBY CLOSE AND 19 GLENFIELD ROAD, GRIMSBY





**PLANNING COMMITTEE - 23rd April 2025**

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

**APPLICATION No: DM/0108/24/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: Land Off, Margaret Street, Immingham, North East  
Lincolnshire,**

**PROPOSAL: Construction and operation of a solar farm (up to 49.9mw) and 30mw  
battery energy storage system (BESS) with associated works, equipment,  
infrastructure and landscaping - amended site layout plan Feb 2025**

**APPLICANT:**

Mr James Wallwork  
One Planet Developments Limited  
Biddlesgate Farm  
Wimborne  
Dorset  
BH21 5RS

**DEPOSITED:** 30th January 2024

**AGENT:**

Ms Rhian Thomas  
SLR Consulting Ltd  
86 Princess Street  
Manchester  
M1 6NG

**ACCEPTED:** 22nd February 2024

**TARGET DATE:** 23rd May 2024

**PUBLICITY EXPIRY:** 4th May 2025

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY:**

**CASE OFFICER:** Richard Limmer

**PROPOSAL**

The proposal is to construct and operate a solar farm (up to 49.9mw) and 30mw battery energy storage system (BESS) with associated works, equipment, infrastructure and landscaping.

The site area would cover some 93.99ha. The proposed solar panels sit approximately 3m above the ground level. The battery storage aspect would be located adjacent to Queens Road. There would be a cable connection to the electricity sub station on the other side of Queens Road. The proposal also includes extensive areas of landscaping. An existing public right of way would be re-routed, a new public right way created and a new permissive path opened.



The application is presented to Planning Committee due to the number of objections received.

## **SITE**

The site is located to the south of the town of Immingham and is split into two land parcels by the A180. The larger of the two to the north and the smaller to the south. The land is currently all in agricultural production as arable land. The site as a whole covers some 93.99ha. Within the site there are various field boundaries of hedges and ditches. The site is relatively flat with only slight undulations across it. The Mauxhall Farm solar farm sits to the south and adjoins this site.

## **RELEVANT PLANNING HISTORY**

DM/0295/25/SCR - EIA Screening Opinion for this proposal - Construction and operation of a solar farm (up to 49.9mw) and 30mw battery energy storage system (BESS) with associated works, equipment, infrastructure and landscaping - amended site layout plan Feb 2025 - EIA Negative

Land to the south:

DM/1145/19/FUL - Construction and operation of an energy park comprising photovoltaic (PV) solar panels together with energy (battery) storage and associated infrastructure - Approved

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

### National Planning Policy Framework (2023)

NPPF11 - Making effective use of land  
NPPF12 - Achieving well designed places  
NPPF14 - Climate, flooding & coastal change  
NPPF15 - Conserv. & enhance the natural environ.  
NPPF6 - Building a strong, competitive economy  
NPPF9 - Promoting sustainable transport  
NPPF10 - Supporting high quality communications

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

PO5 - Development boundaries  
PO22 - Good design in new developments  
PO31 - Renewable and low carbon infrastructure  
PO33 - Flood risk  
PO34 - Water management  
PO39 - Conserve and enhance historic environ  
PO40 - Developing green infrastructure network  
PO41 - Biodiversity and Geodiversity

## PO42 - Landscape

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

### **REPRESENTATIONS RECEIVED**

Drainage Officer - no objections, consultation with Drainage Board required.

Drainage Board - no objections.

Environmental Health - no objections, conditions to secure noise mitigation.

National Highways - no objections, condition for landscaping.

Spatial Planning - no comments.

Heritage Officer - no objections, condition for archaeological investigation.

Highways Officer- no objections.

Humberside Fire Brigade - no objections.

Public Rights of Way Officer - no objections, conditions recommended to secure proposed plans.

Civic Society - concerns around noise and position of the BESS, landscape screening is welcomed.

Anglian Water - no objections.

Environment Agency - no objections, conditions for flood risk.

Police - no objections, condition for security measures.

Tree and Woodlands Officer - no objections, comments on landscaping scheme and maintenance.

Ecology Officer - no objections, conditions for landscape maintenance and the Habitat

Regulations Assessment can be adopted.

Lincs Wildlife Trust - no objections

Natural England - no objections

Cadent - no objections

National Gas - no objections, condition for electrical monitoring

Orsted - no comments

Harbour Energy - no objections

Phillips 66 - no objections

Fulcrum pipelines - no objections

Stallingborough Parish Council - comments on loss of agricultural land and BESS location

Immingham Town Council - no objections

Neighbours and other representations

5 Fair Isle Rise  
4 and 5 Orkney Place  
1 and 2 Lundy Court  
52 Hadleigh Road  
27 Jersey Place

The above have objected to the proposed development with concerns over the following matters:

- Lack of consultation by the developer
- Location of the proposed BESS element
- Noise from the BESS element
- Loss of agricultural land
- Impact on the landscape
- Outlook from residential properties
- Cumulative impact of solar developments
- Impact on nature and ecology
- Impact on health from magnetic radiation

## **APPRAISAL**

The material considerations are:

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

- 1) Principle of Development

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

In terms of the National Planning Policy Framework (NPPF), the position is clear under Section 14 that 'The planning system should support the transition to net zero by 2050'. In doing so, it goes on to support renewable and low carbon energy. Under para 168 the NPPF notes that decisions should not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future;

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

required to be considered by the NPPG in regard to the specific detail will be covered in other sections of this report.

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

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

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

- The size of the land required;
- That renewable forms of technology already exist in the form of solar farms with associated infrastructure adjacent to the site;
- The proximity to the grid connection, which seeks to maximise the energy output;
- That there are no environmental designations in the site area.

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

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

The application is supported by an Agricultural Quality report. The area of the total site boundary i.e., approximately 93.99ha, consists of (i) approximately 74.21 ha of land that is proposed for locating the ground-mounted solar PV panels and BESS facility and the remainder is landscaped areas. The quality of agricultural land within the total site area is limited mainly by soil wetness to predominantly subgrade 3b (50.36 ha of the Site), with smaller proportions of Grade 2 (3ha), and subgrade 3a (36.68ha of the Site). A small portion of the site, approximately 3ha is not agricultural land. The report confirms that the majority of the land that will be utilised is not 'the best and most versatile agricultural land'. The nature of solar installations are that they are temporary installations, and it is

common that conditions are imposed on solar installations that they are removed after a time period, the applicant has requested in their application that the time period is 40 years. This is the usual period and aligns with other solar farms in the borough.

Mitigation can also be provided through a Soil Management Plan (SMP) which would be secured through conditions. The aim of the SMP is preservation of the soil resource and avoiding the loss of soil material and soil functional capacity. Measures include using the appropriate selection of plant, and safe removal of all below ground features at decommissioning. This condition would assist in ensuring that the land could be brought back into arable agricultural use after the development has been decommissioned.

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

Justification on site selection has been given by the applicant and the factors above demonstrate that the tests through local and national planning policy have been met. Thus, the use of the site for solar is justified and would not result in the permanent loss of agricultural land in accordance with Policies 5 and 31 of the NELLP and the principles set out in the NPPG and the NPPF.

## 2) Landscape Character and Visual Amenity

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

A Landscaping and Visual Impact Assessment (LVIA) has been submitted as part of the application. A multitude of viewpoints have also been included to accompany this assessment. The LVIA includes a comprehensive assessment on the visual baseline including impact to those sensitive receptors such as from highways, public rights of way and bridleways. It categorises the degree of effect from these areas of land and summarises that the impact would not fall within the major category, but rather a 'low level of significance.' The assessment includes the cumulative impact with the adjacent Mauxhall Farm solar farm.

The topography of the site along with intervening vegetation would limit the extent of views across the site. It is considered that the layout has been designed in a sensitive way given its position in the open countryside and it is noted that the mitigation strategy in the LVIA includes for a series of measures to integrate the development into the landscape. These measures are clear in the site layout with extensive landscaped areas to the north of the site adjacent to the edge of Immingham. Existing field boundaries are retained and reinforced with landscaping to help maintain the landscape character and reinforce passageways for nature. Further landscaping is also proposed along the

boundary with the A180 which will help screen views but also address concerns raised by National Highways. The BESS element of the development has a line of landscaping to the western edge to help screen it from the town. The BESS element is one of the higher parts of the development with the battery storage units raised up by 2.4m to address flood risk, this makes the top of the units 5.4m off ground level. The customer building and control room are also raised and would be 6m high in total. The connection infrastructure adjacent to the BESS has various electrical components with a maximum height of 6.5m.

It should be added that considerable dialogue has taken place to improve the submitted landscaping scheme with additional hedge planting secured within the site, particularly at the sensitive areas to enhance the public rights of way.

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

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

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

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

### 3) Neighbouring Amenity

Policies 5 and 31 are the relevant Policies from the NELLP. Policy 5 in particular seeks to protect neighbouring amenity from noise, air quality, disturbance or visual intrusion. Policy 31 follows a similar theme. In total, seven neighbour objections have been received to the proposal. The objections raise concerns in relation to the lack of consultation by the developer, location of the proposed BESS element, noise from the BESS element, loss of agricultural land, impact on the landscape, outlook from residential

properties, cumulative impact of solar developments, impact on nature and ecology and impact on health from magnetic radiation.

The site area itself is extensive and has immediate neighbours on the southern edge of Immingham and separated neighbours on the eastern edge of the town. However, the proposed development has been designed and set out to try and minimise the potential impacts to these neighbouring properties. This has been achieved by creating a large landscape buffer between the proposed solar arrays and the neighbours, this is typically in excess of 50m and includes a mix of landscaping, including a 10m strip of tree planting.

The BESS element is separated from the eastern edge of Immingham by approximately 300m. The scheme has been designed with landscaping to the edges of the BESS element and the backdrop from here is the industrial landscape. It is also noted that on the far side of the A1173 is the approved Immingham Green Energy Terminal Development Consent Order. Thus, much of the impact arising from the development will be a visual one arising from the panels themselves and the associated infrastructure being visible to the neighbours rather than the physical impact of the development on neighbours' amenities.

The panels are proposed to be no more than 3m in total height, which at the distances from neighbours would be relatively low lying when accounting for field boundaries, landscaping and the site's topography. The supporting infrastructure is also set further away from neighbours which limits any adverse massing or dominance issues for neighbours.

A Noise Assessment accompanies the application, it concludes that operational noise from the solar farm, in particular the BESS and substation elements, during the likely operating hours would be relatively low. It recommends mitigation to ensure that noise does not cause adverse impact to the neighbours' amenities which includes insulating the containers. The Environment Team have reviewed the assessment and have agreed that the mitigation measures should be secured by conditions.

A Glint and Glare Assessment accompanies the application, it does not raise any concerns in regard to neighbours' amenities, this is primarily due to the location of the site to those neighbours being to the south and the proposed panels facing south.

Gatehouse Farm and The Bungalow are located to the west of Stallingborough Road and separated from the site in excess of 100m, there is existing landscaping to the east of Stallingborough Road which will assist in screening the site from these neighbours. Given the separation distance and the landscaping, it is considered that there would not be an undue impact on these neighbours.

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



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

#### 4) Ecology

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

The application has been submitted with a Wintering Bird Survey, Preliminary Ecology Appraisal, a Biodiversity Net Gain Assessment and information to inform a Habitat Regulations Assessment (iHRA).

The iHRA concluded that the proposed development would have no likely significant impacts on the designated features of the Humber Estuary and as such no appropriate Assessment or mitigation is required. This has been considered by Natural England, and they have concluded that they have no objections, and the Council Ecologist has confirmed that the iHRA can be adopted.

The submitted BNG Assessment and proposed landscaping scheme, including ecological enhancements, concludes that the proposed development would deliver a significant BNG improvement from the existing site. Whilst this application was submitted prior to BNG becoming a statutory requirement it is still a material consideration.

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

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

#### 5) Access and Highways

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

The application has been submitted with a detailed Transport Statement and Traffic Management Plan. The nature of the proposed development means that it will have very

few associated traffic movements during operation, it is the construction phase where there would be the greatest number of vehicles accessing the site. The maximum number identified through the construction is 15 two-way trips (10 HGV's and 5 smaller vehicles). During the operational phase it is detailed as 2 vehicles per week for serving and cleaning of plant.

The information provided has been reviewed by the Local Highway Authority who conclude that no objections are raised and that conditions can be utilised to minimise the impact to an acceptable level during construction. This can form part of a wider Construction Management Plan condition.

The proposal includes the provision of a realigned footpath, creation of a bridleway and creation of a new permissive path. The realigned footpath is to follow the walked route of the path around an existing field boundary. The proposed bridleway would link up Stallingborough Road and A1173. The concept behind the proposed rights of way layout is to improve access and create attractive routes through the proposed. This has been done with consultation with the PROW Officer.

The Public Rights of Way Officer has reviewed the proposed details and has confirmed that they have no objections to the proposed development and rights of way. The proposed surfacing of the proposed rights of way should be agreed by condition. The formal diversion will need to go through its own process.

As stated in earlier sections of this report, a Glint and Glare Assessment accompanies the application. It assesses the impact upon road, rail and airports. It concludes that no mitigation is required and that there is no impact on rail and airports. Humberside Airport have been consulted and have not provided a response. The Assessment pays particular regard to the potential impact on the A180 and there have been extensive discussions with National Highways, they have confirmed that they have no objections subject to conditions for the landscaping to help screen the solar panels from the A180.

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

## 6) Drainage and Flood Risk

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

The Environment Agency (EA) Flood Map for planning shows the application site is located within Flood Zone 1, 2 and 3 and as such a detailed Flood Risk Assessment has been submitted with the application along with a sequential test for the location of the site. This has been considered by the EA and no objections have been raised. In regard

to the location of the development and sequential test the site is located within close proximity of the high voltage substation and whilst the BESS and electrical infrastructure are at a higher risk the majority of the site area is low risk solar panels. Having reviewed the submitted FRA and Sequential test it is considered that they are acceptable. Conditions are recommended to ensure that the mitigation measures within the FRA are implemented which includes finished floor levels and flood mitigation measures.

The EA have requested a sustainable surface water drainage strategy is conditioned.

Anglian Water raise no objections to the proposal.

There are drains adjacent to and within the site which are managed by the North East Lindsey Drainage Board. The necessary easements will be required and through discussions with the Board have been detailed on the proposed plans. The Drainage Board have no objections in principle to the development, and the applicant is reminded that these easements must be adhered to.

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

## 7) Heritage

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

A full heritage assessment has been provided, and the Heritage Officer has concluded that no further heritage input is required for most of the site. There is an area which may have further archaeological interest and further investigation is required. This can be achieved through suitable conditions. The conditions should only apply to the identified area, the Heritage Officer has confirmed this approach is acceptable.

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

## 8) Other Matters

The site lies outside of the HSE consultation zone.

Orsted, National Gas, Cadent, Harbour Energy, Northern Power and Phillips 66 have been consulted and have provided no objections to the consultation. National Gas have

requested a condition in relation to electrical and other safety issues.

Cadent Gas have responded with no objection subject to informative advice, which is included.

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

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

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

Provision is also made for a fire water tank with sufficient volume in accordance with the latest guidance from the National Fire Chiefs Council (delivering 1,900L per minute for 2 hours).

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

## **CONCLUSION**

The proposal is for a large ground mounted solar farm to the south of Immingham. Local and National Planning policies support the principle of transitioning to the use of renewable and low carbon energy.

Full regard has been given to the location of the site and its impacts on the area and its environment. The submission is thorough in its detail and with mitigation and the conditions outlined, the proposal can be made acceptable and is recommended for approval in accordance with the NELLP and the NPPF.

## **RECOMMENDATION**

**Approved with Conditions**

(1) Condition

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

Reason

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

(2) Condition

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

O-LO-R70-036637-Rev 4 - BESS 1/2

O-LO-R70-036637-Rev 4 - BESS 2/2

O-LO-R70-036637-Rev 01 - Proposed transformer elevations

O-LO-R70-036637-Rev 01 - Proposed power conversion systems elevations

OPL003-PL-01\_Rev19 Site layout plan

OPL003-PRW-01-Rev01 - PROW plan

OPL003-SP-01-Rev09 - Site location plan

OPL003-SD-02-Rev03 Proposed elevations container details

OPL003-SD-03-Rev03 Proposed elevations welfare units

OPL003-SD-01-Rev03 Fence and gate details

OPL003-SD-04-Rev02 CCTV

OPL003-SD-05-Rev02 Switch gear

OPL003-SD-11-Rev03 Solar power station

OPL003-SD-12-Rev03 PV Panel details

Reason

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

(3) Condition

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

Reason

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

(4) Condition

The development hereby approved shall be built out in accordance with the Landscaping Plan Ref: 088 210 rev B, dated 28 February 2025. All landscaping works shall be implemented in accordance with the approved scheme prior to development first coming into use.

All planting shall thereafter be maintained in accordance with the Landscaping Maintenance and Management Plan to be agreed under condition 5 of this permission. All losses within the first 10 years shall be replaced with the same plant and standard in the next available planting season. Unless otherwise agreed in writing by the Local Planning Authority.

Reason

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

(5) Condition

No development shall take place until an updated Landscaping Maintenance and Management plan (LMMP), based on the submitted LMMP has been submitted to, and approved in writing by, the local planning authority. The approved LMMP shall then be implemented in full throughout the lifetime of the development.

Reason

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

(6) Condition

The development shall be built out in accordance with the submitted documents including the Preliminary Ecology Appraisal December 2023, Wintering Bird Surveys, Biodiversity Net Gain Assessment and Habitat Regulations Assessment and the recommendations set out within these documents.

Reason

In the interests of ecological protection and enhancement in accordance with Policy 41 of

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

(7) Condition

Prior to development commencing an Electrical Risk Assessment, written in accordance with the National Gas submission of 20th March 2025, shall be submitted to and approved in writing with the Local Planning Authority. The development shall then be built out and operate in accordance with the approved details, unless otherwise approved in writing with the Local Planning Authority.

Reason

To protect the nearby National Gas pipeline and human health in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(8) Condition

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

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

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

Reason

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

(9) Condition

Prior to development commencing final details of all fencing, including shade netting on the site and an overall security plan is submitted to and approved in writing by the Local Planning Authority. The details shall include timings for implementation and maintenance and management and the development shall then be built out in accordance with the approved details.

Reason

In the interest of highway amenity, security and designing out crime in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(10) Condition

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

Reason

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

(11) Condition

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

Reason

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

(12) Condition

Prior to development commencing a detailed Soil Management Plan, designed to protect the soil quality and character during construction, operation and decommissioning, shall be submitted to and approved in writing by the Local Planning Authority. The development and decommissioning shall then proceed in accordance with the approved Soil Management Plan.

Reason

To protect soil health and the Agricultural Land Values of the site in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and the National Planning Policy Framework.

(13) Condition

Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.



#### Reason

To ensure that any proposed piling, does not harm groundwater resources in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013- 2032 (Adopted 2018).

#### (14) Condition

The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water has been submitted to, and approved in writing by, the local planning authority. The drainage scheme shall be implemented as approved.

#### Reason

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

#### (15) Condition

The development shall be carried out in accordance with the submitted flood risk assessment (4 December 2023, ref J-14903 by Nijhuis Saur Industries), including the following mitigation measures detailed in section 6.0 and Appendix A part 2:

- Battery energy storage systems elements to be raised to 2.4m above ground level;
- Water sensitive equipment within customer and distribution network operator (DNO) compounds to be mounted on a steel structure with a building floor level of 2.0-2.4m above ground level;
- Flood resilience and resistance measures to be incorporated into the proposed development as stated.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

#### Reason

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

#### (16) Condition

Prior to development commencing details of the surfacing of the rights of way on the site, shown on plan ref: OPL003-PRW-01-Rev01, shall be submitted to and approved in writing by the Local Planning Authority. The approved surfaces shall then be fully installed prior to the site first coming into use and the paths available to use throughout the lifetime of the development.

#### Reason

In the interests of amenity and recreation protection in accordance with Policy 5 and 40 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

#### (17) Condition

Prior to development commencing full details of noise mitigation measures, as outlined in the Noise Impact Assessment dated 18th January 2024, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be built out and operated in full accordance with the approved details.

#### Reason

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

#### (18) Condition

No development shall take place in the area identified on plan ref:OPL003-PL-01-Rev19 as 'Archaeology Area' until the applicant has:-

(i) submitted a Written Scheme of Investigation or Specification for Works, for a programme of archaeological work, to the Local Planning Authority.

(ii) received written approval of the Written Scheme of Investigation for a programme of archaeological work from the Local Planning Authority.

(iii) implemented, or secured implementation of the Written Scheme of Investigation for a programme of archaeological work.

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

(iv) published, or secured the publishing of the findings resulting from the programme of archaeological work within a suitable media.

(v) deposited, or secured the deposition of the resulting archive from the programme of archaeological work with an appropriate organisation.

#### Reason

In the interest of Heritage protection and understanding in accordance with Policy 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

#### (19) 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 1 applies.

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

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

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

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

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

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

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

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

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

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

4.5 Self and Custom Build Development, meaning development which:

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

4.5 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the

transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

#### Irreplaceable habitat

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

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

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

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

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

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

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

### **Informatives**

#### **1 Reason for Approval**

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would provide for significant renewable energy and would not harm the area character, local or residential amenity and is acceptable in terms of ecology and flood risk and under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 2, 22,31, 33, 34, 39, 40, 41, 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 working with the applicant to overcome issues as they arose through the Planning process.

## 3 Informative

Cadent own and operate a High Pressure gas pipeline running through the middle of the application boundary . Cadent hold a deed of grant for an easement on this High Pressure gas pipeline and no development is permitted inside the easement without written permission from Cadent.

No structures of any sort are permitted inside the easement and no changes of ground level without written permission.

Cadent will need to be contacted and liaised with before any construction/ground works commence as there will be multiple restrictions for working in the vicinity of High Pressure gas pipelines.

Cadent will also require proof that the solar farm will not affect the cathodic protection scheme that protects the gas pipeline from corrosion will not be affected from stray DC interference from the solar farm.

## 4 Informative

The applicant's attention is drawn to the comments of National Grid Transmission dated 20th March 2025.

## 5 Informative

The applicant's attention is drawn to the comments of Humberside Fire Brigade.

## 6 Informative

The applicant's attention is drawn to the comments and advice of the Environment Agency dated 6th January 2025.

## 7 Informative

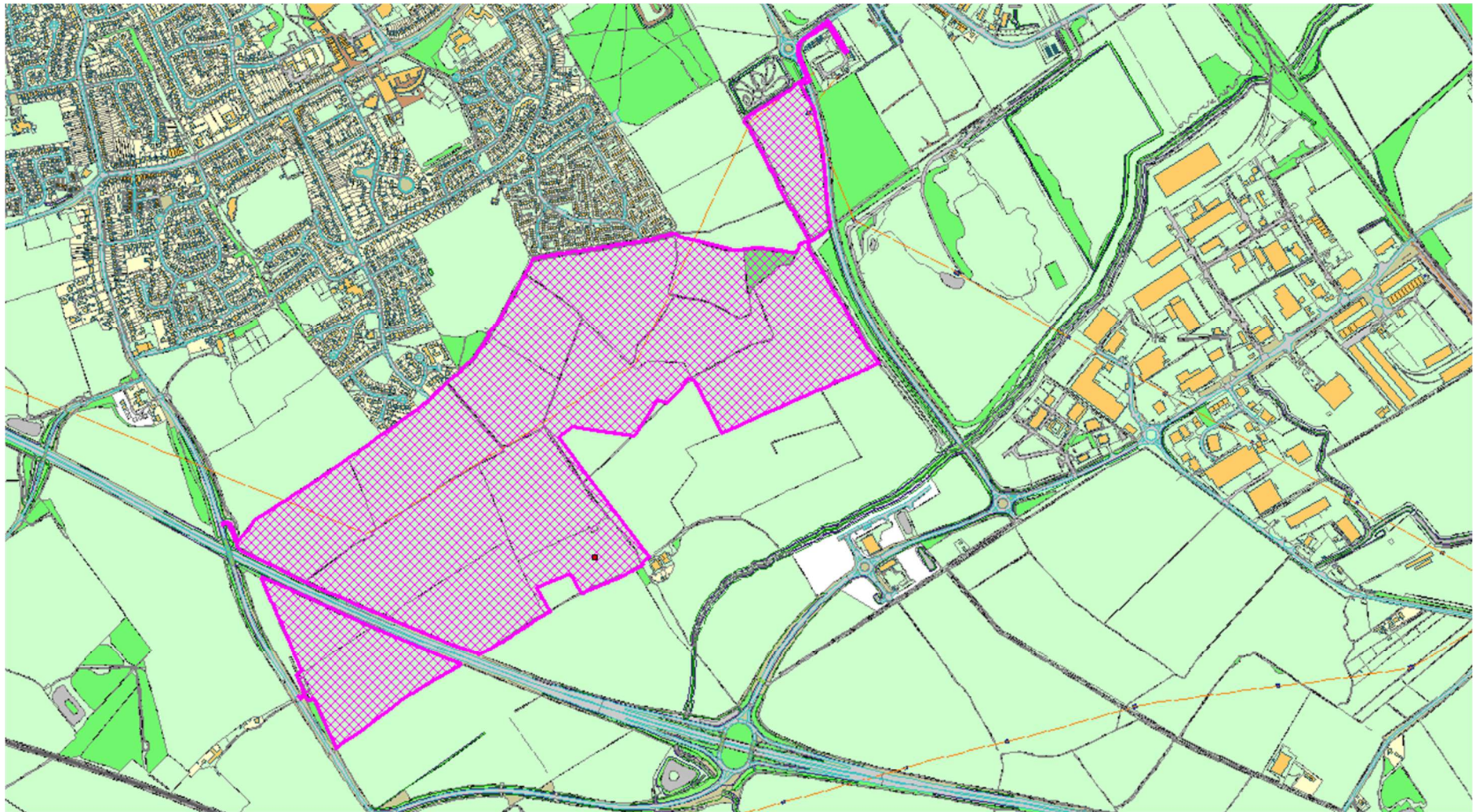
The applicants reference to compliance with NFCC's fire safety guidance and other safety legislation is acknowledged. It is also acknowledged that the developer will liaise with the Local Fire Authority.

## 8 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).



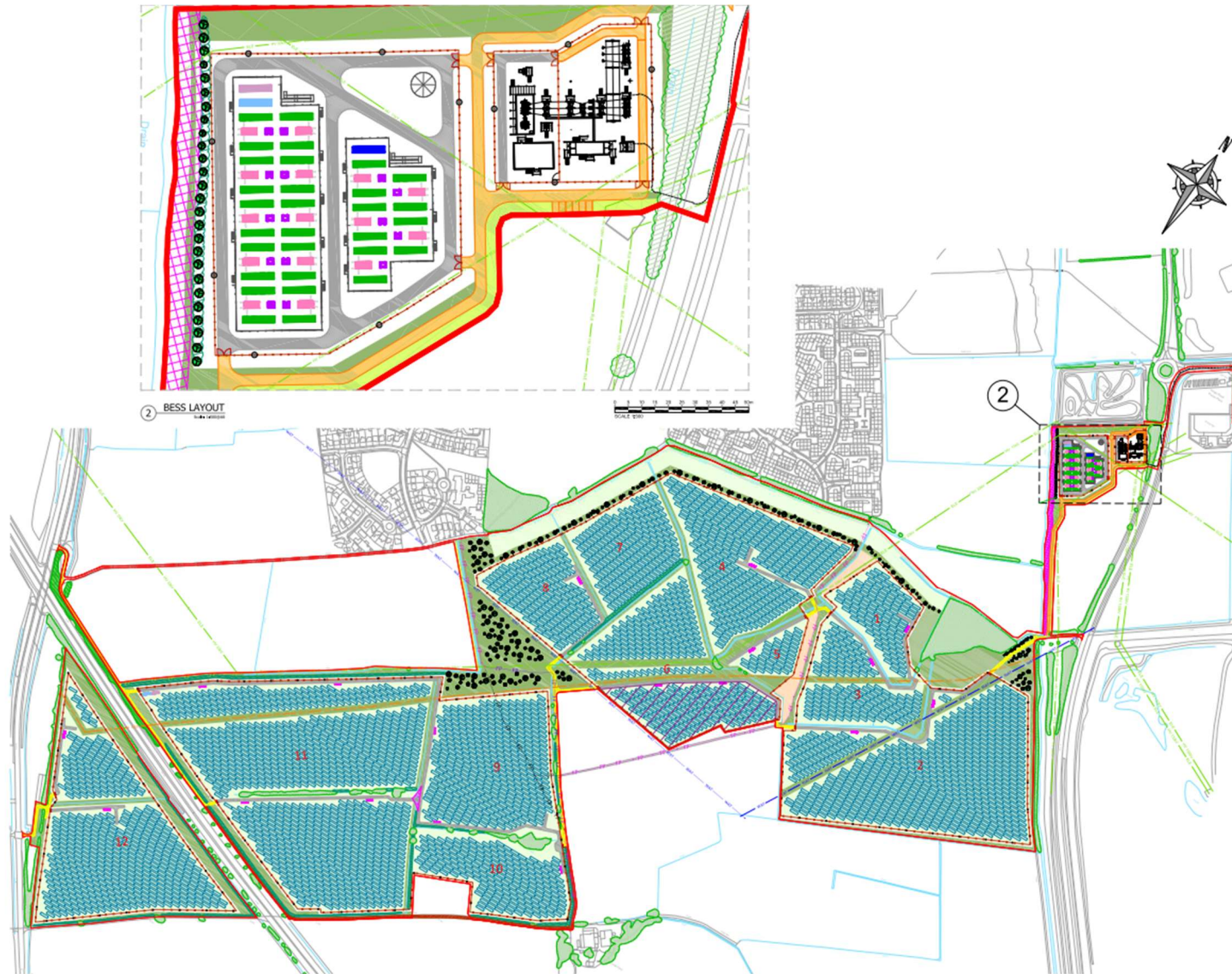
DM/0108/24/FUL – LAND OFF MARGARET STREET, IMMINGHAM





DM/0108/24/FUL – LAND OFF MARGARET STREET, IMMINGHAM

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**PLANNING COMMITTEE - 23rd April 2025**

**ITEM: 3**                      **RECOMMENDATION: Approved with Conditions**

**APPLICATION No: DM/0605/24/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: 26 Sea View Street, Cleethorpes, North East Lincolnshire, DN35 8EZ**

**PROPOSAL: Retrospective planning application to change the use of the premises into a bar/restaurant and for alterations to shop front including installation of window frames, doors and awning, painted brickwork and timber panelling - Amended description and plans**

**APPLICANT:**

Mr Paul Baker  
c/o Ross Davy Associates  
Lowtherm Construction Ltd  
113 Railway Street  
Grimsby  
Grimsby  
North East Lincolnshire  
DN327BN

**DEPOSITED: 8th July 2024**

**AGENT:**

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

**ACCEPTED: 8th July 2024**

**TARGET DATE: 2nd September 2024**

**PUBLICITY EXPIRY: 23rd March 2025**

**AGREED EXTENSION OF TIME DATE: 25th April 2025**

**CONSULTATION EXPIRY: 8th August 2024**

**CASE OFFICER: Lauren Birkwood**

**PROPOSAL**

This proposal seeks retrospective planning permission for change of use of 26 Sea View Street in Cleethorpes into a bar/restaurant and alterations to the shop front including the installation of window frames, doors and an awning, painted brickwork and timber panelling.

The applicant is presented to planning committee due to the number of objections received from neighbouring and other representations.

## **SITE**

26 Sea View Street is a two storey mid terraced property. To the west is a pizza restaurant with an outdoor seating area within a courtyard. To the east is 24 Sea View Street a retail shop with flat above. The majority of uses along Sea View Street in this block are commercial in nature with varying forms of residential use at first floor. Opposite the site across Sea View Street are further commercial uses but also food and drink uses again with varying residential accommodation above. To the rear are residential properties.

The site is located within the allocated Town Centre within the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and the Central Cleethorpes Seafront Conservation Area.

## **RELEVANT PLANNING HISTORY**

DC/835/05/CRB - Resubmission of DC/60/05/CRB for demolition and rebuilding and extension to existing shop to form cafe bar - Approved 2005.

DC/1417/06/CRB - Change of use from Class A1 shop to Class A3 & A5 Cafe and associated works - Approved 2007.

DM/0583/21/FUL - Retrospective creation of roof garden with outside seating area for existing premises - Refused 2021.

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

### National Planning Policy Framework (2023)

NPPF7 - Ensuring the vitality of town centres  
NPPF12 - Achieving well designed places  
NPPF16 - Conserv. & enhance the historic environ.

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

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

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

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

## **REPRESENTATIONS RECEIVED**

Council's Environmental Health Officer - No objection. Condition recommended for development to accord with submitted Noise Management Plan.

Council's Ecology Officer - No BNG required.

Council's Highways Officer - No objections. Conditions recommended.

Council's Drainage Officer - No comments.

Council's Heritage Officer - No objections. Conditions recommended.

Crime Reduction Officer - Comments made regarding roller shutters. Informative recommended.

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

Grimsby, Cleethorpes & District Civic Society - This is a marked improvement from the original design, and it will fit better with the conservation area status. However, with Sea View Street being a vehicular thoroughfare, outdoor seating is not acceptable, with the loss of footpath space and street scene appearance.

### **Neighbour and other representations**

27 Cambridge Street, Cleethorpes - Objects to the proposal on the grounds that the frontage would be out of keeping with the area and would result in an unacceptable loss in the amenity to nearby residents due to noise, disturbance and anti-social behaviour.

31 Sea View Street, Cleethorpes - Objects to the proposal as it would encourage customers onto the street.

39A Sea View Street, Cleethorpes - Objects to the proposal as it would create unacceptable noise issues.

2-4 Albert Street, Cleethorpes - Objects to the proposal on the grounds that the frontage would be out of keeping with the area and would create unacceptable noise issues.

1 Charles Avenue, New Waltham - Objects to the proposal as it would create unacceptable noise issues.

50B St Marys Lane, Louth - Objects to the proposal as it would create unacceptable

noise issues and anti-social behaviour.

## **APPRAISAL**

The key planning material considerations are:

- 1) Principle of Development
- 2) Use Proposed and Impact on Neighbouring Amenity
- 3) Impact on Character and Appearance of the Area and Heritage
- 4) Other Matters

- 1) Principle of Development

The proposed development is located in the development boundary of Cleethorpes (Policy 5) and the Central Cleethorpes Seafront Conservation Area (Policy 39) as designated in the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018). The development relates to retrospective permission for change of use of a building into a bar/restaurant and also proposes external alterations to the existing shop front, including the installation of window frames, doors and an awning, painted brickwork and timber panelling. The site is also located in the Cleethorpes Town Centre (Policy 23).

Given that the site is within an established Town Centre it is considered that the principle is acceptable. Policy 23 does refer to proposals contributing to a mixture of mutually compatible uses and in the absence of a protected shopping frontage it is not considered that the drinking establishment element proposed would conflict with that element of the policy. The restaurant element sits in the wider Class E use' which includes retail etc. The proposal is considered to accord to Policy subject to a consideration of the specific details.

- 2) Use Proposed and Impact on Neighbouring Amenity

The proposed site is within an established mixed commercial area of Cleethorpes. As such there a variety of uses within this area, notably retail, bars, restaurants, estate agents, and hairdressers are just some of the uses within the nearby vicinity. There are also residential uses including first floor flats above businesses and residential to the rear.

It is acknowledged that the proposal relates to the creation of a sui generis bar use mixed with the restaurant use. The restaurant use falls within the 'wider Class E' use as noted above and is the previous lawful use in any case. Policy 5 of the NELLP requires an assessment on the impact to neighbouring land users by virtue of noise, disturbance and visual intrusion. There have been objections received from the neighbouring businesses and local residents. These are detailed in the report.

One of the main concerns that has been raised is the increased level of noise and disturbance and anti-social behaviour that would be generated by the proposal. These issues have been fully taken into account and has involved consultation with the Environmental Health Officer (EHO). To help address concerns raised, an amended scheme has been provided detailing a Noise Management Plan. One particular issue raised is that of the double doors in the shopfront. The plan sets out measures to control and mitigate against noise and nuisance and the measures have been considered by the EHO as acceptable. It should also be noted that the premises will be subject to licensing controls.

Due to the conversion of the premises to include a bar, there could be increased activity at the site, and the level of noise and disturbance to neighbours would potentially intensify. This would be from activity within the premises and from persons visiting the site in the later hours. Within the premises, it is considered that measures to reduce noise and disturbance can be achieved by the use of opening hour controls and noise management measures as outlined within the submitted plans.

With respect to activity along Sea View Street, the site is close to other eating and drinking premises on Sea View Street. The area is one of activity which includes evenings, and it is not considered that the use proposed will materially increase the potential for noise and disturbance to such a degree so as to adversely impact on the amenity of the area including residential amenity. It must also be acknowledged that the previous use of the premises was as a licensed restaurant and the degree of change to include a bar is not considered to be so significant so as to justify a planning objection. However it is considered that the opening hours should be controlled to respond to the applicants Noise Management Plan. These are stated as between 11.00am and 10.00pm Thursday to Sunday. In terms of anti-social behaviour, issues have been raised regarding outside seating. As public highway this would be controlled through the use of a pavement licence.

In relation to the previous operators of the premises there was an unauthorised rear balcony which had caused noise and disturbance to residents to the rear of the site. Whilst this area is proposed to be used as a fire escape the applicants have confirmed that it will not be a balcony. Plans detail this.

The proposed shop frontage is considered minor and would not result in any significant effect upon the residential amenity of the neighbouring buildings in terms of dominance or privacy.

Having considered the detail and the likely impacts on local amenity from the use it is considered that it will not be adverse so as to raise a planning objection in this mixed commercial location subject to the conditions recommended. The proposal accords with Policy 5 of the NELLP in this regard.

### 3) Impact on Character and Appearance of the Area and Heritage

The site is within the Central Cleethorpes Conservation Area and Policy 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) applies. Policy 39 is consistent with section 16 of the NPPF which also requires the preservation of the historic environment. The requirements under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area also apply.

Prior to re-opening, the building was vacant for sometime and therefore the reuse of the building is considered positive in relation to the Conservation Area.

The development also comprises of the installation of a new shop front to replace unauthorised work carried out. The current unauthorised shop front in place is considered unsympathetic to the character and appearance of the Conservation Area and Sea View Street as a whole. Significant negotiations have been undertaken with the applicant and the Heritage Officer to install a shop front that both preserves and enhances the building and locality. The replacement shop front would include timber panelled entrance doors and windows, a new awning above the entrance and painting the existing first floor brickwork. The existing timber fascia and side pilasters would be retained and painted black. The existing external shutter is proposed to be installed internally. These negotiations have resulted in a shopfront which will respect the character of the Conservation Area and represents an enhancement.

Subject to conditions, the proposal accords with policies 5, 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

#### Other Matters

The applicant has been reviewed by the Council's Highways and Drainage Officers and they have no objections to the scheme, subject to safeguarding conditions.

In terms of Biodiversity Net Gain, this application is exempt as the development is considered to be de minimis.

#### **CONCLUSION**

In conclusion the impacts to the building, to amenity and to the locality are deemed to be acceptable and not adverse. The proposal would have a neutral impact to the Conservation area. The application can therefore be approved in accordance with policies 5, 22, 23 and 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and Sections 7, 12 and 16 of the NPPF, subject to a number of safeguarding conditions.

## **RECOMMENDATION**

### **Approved with Conditions**

(1) Condition

The development is approved in accordance with the following plans:

Site Location Plan - RD:5414-02 REV A

Block Plan - RD:5414-07

Proposed Plans and Elevations - RD:5414-05 REV D

Proposed Elevations and Section - RD:5414-08 REV A

Proposed Plans and Elevations - RD5414-11 REV C

Joinery Elevations and Section - RD:5414-09

Joinery Elevations and Section - RD:5414-10

Awning Photo - Received 15th October 2024

Reason

For the avoidance of doubt in the interests of proper planning and in accordance with Policies 5, 22, 23 and 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(2) Condition

The use shall operate in accordance with layout plan 'Proposed Plans and Elevations - RD5414-11 REV C' and with the Noise Management Plan by Ross Davy Associates, received 11th February 2025 to include the opening times as defined;

The premises shall only be open for use Thursday to Sunday between the hours of 11.00 am to 10.00 pm.

Reason

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

(3) Condition

The proposed doors shall be of such design as to ensure that at no time in the course of operation or when in the open position shall they extend outwards over the adopted highway.

Reason

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



(4) Condition

The rear flat roofed external area shall accord to the layout as shown on the Proposed Plans and Elevations - RD5414-11 REV C plan and shall not be used as a balcony or outside seating, eating or drinking area whatsoever and there shall be no external amplified music.

Reason

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

(5) Condition

All materials and finishes shall be as detailed on plan - Proposed Plans and Elevations - RD:5414-05 REV D.

Reason

To protect the character and appearance of the Conservation Area to accord to Policy 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(6) 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 4.2 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 is an acceptable use which would preserve the Conservation Area and would not be detrimental to residential or local 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, 23 and 39.

### **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 amendments and additional information to overcome heritage 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

The applicant's attention is drawn to the comments received from the Crime Reduction Officer. Please go to [www.nelincs.gov.uk](http://www.nelincs.gov.uk) to view the comments.

6      Informative

The applicant's attention is drawn to the comments received from the Licensing Officer regarding a new premises licence. Please go to [www.nelincs.gov.uk](http://www.nelincs.gov.uk) to view the comment.

DM/0605/24/FUL – 26 SEA VIEW STREET, CLEETHORPES



DM/0605/24/FUL – 26 SEA VIEW STREET, CLEETHORPES



**PLANNING COMMITTEE - 23rd April 2025**

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

**APPLICATION No: DM/1025/24/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: 17 Queens Parade, Cleethorpes, North East Lincolnshire, DN35 0DF**

**PROPOSAL: Erect single and two storey rear extensions with roof light, alterations to windows and various associated works (amended proposal and description January 2024)**

**APPLICANT:**

Mr Mark Fox  
17 Queens Parade  
Cleethorpes  
North East Lincolnshire  
DN35 0DF

**AGENT:**

Mr M Vernam  
RMV Design Ltd  
20 The Meadow  
Caistor  
Market Rasen  
Lincolnshire  
LN7 6XD

**DEPOSITED: 6th December 2024**

**ACCEPTED: 16th December 2024**

**TARGET DATE: 10th February 2025**

**PUBLICITY EXPIRY: 21st February 2025**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 9th January 2025**

**CASE OFFICER: Becca Soulsby**

**PROPOSAL**

The proposal is to erect single and two storey rear extensions with a roof light proposed within the single storey element, alterations to windows and various other associated works.

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



## **SITE**

17 Queens Parade is a semi-detached property located to the southeast side of the road. The area surrounding the property is residential in nature, with a combination of detached, semi-detached and terraced properties within the immediate vicinity of the application site. Bradford Avenue Conservation Area adjoins the rear boundary of the application site.

## **RELEVANT PLANNING HISTORY**

19 Queens Parade - DM/0104/25/FUL - Erect single storey rear extension with roof lights and associated works - Approved.

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

### National Planning Policy Framework (2023)

NPPF16 - Conserv. & enhance the historic environ.  
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  
PO34 - Water management  
PO39 - Conserve and enhance historic environ  
PO41 - Biodiversity and Geodiversity

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

## **REPRESENTATIONS RECEIVED**

### Consultees

Heritage - No heritage input required.

Drainage - Informative requested in relation to surface water run-off.

Ecology - The proposal is subject to a householder planning application; therefore the

proposal is considered to be exempt from the mandatory bio-diversity net gain condition. Informative requested regarding standing advice for bats and birds.

Highways - Approval no conditions.

Trees and Woodlands - No comment.

## Neighbours

Objections received from 4, 8, 10, 15 and 56 Queens Parade broadly on the grounds of:

- Loss of light and overshadowing impacts
- Loss of outlook
- Impacts of enclosure
- Proximity of extension to neighbouring property (15 Queens Parade)
- Scale, mass and overbearing nature of extension
- Overdevelopment of host property

## APPRAISAL

### Material Considerations

#### Principle of Development

The site is located within the development boundary of Cleethorpes, therefore Part 1 of Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) (NELLP 2018) applies. Due to the application site affecting the setting of Bradford Avenue Conservation Area, Policy 39 also applies. Policies 5 and 39 of the NELLP 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 and Heritage

It is important to note that works have started on site in relation to the single storey element of the proposal subject to this planning application. The proposal is for the erection of a single and two storey rear extension to accommodate a kitchen and dining area at ground floor, with an additional bedroom proposed at first floor. The extension is proposed to project 3.2 metres from the original rear wall of the property and is proposed to span the existing width of the property at 5.75 metres. The two storey element of the extension is proposed to the eastern proportion of the rear elevation, with the eaves height of this element proposed at 5.1 metres. The maximum height of this element is proposed at 6.5 metres. The roof is proposed to be hipped and to be set below the existing roof height by 1.7 metres. The eaves of the single storey element of the extension are proposed at a height of 2.5 metres, with a maximum height to the top of the monopitch roof of 3.5 metres.

In respect of window and door openings, bifold doors are proposed at ground floor within

the rear elevation, with a window proposed at first floor within the rear elevation of the two storey projecting element of the extension. The existing first floor window opening within the rear elevation is to be replaced with a window unit of a differing design to match that of the proposed window units. A small high level window at first floor is proposed within the side elevation to accommodate an en-suite window - the window is to be obscurely glazed and a condition is to be attached to the decision in respect of this.

The extension is proposed to be rendered externally to match the existing property. Concrete roof tiles are proposed to match the existing roof tiles, with the window and door units proposed to be uPVC as existing and dark grey in colour.

In respect of the street scene, the proposal is to be located at the rear of the host property and will not be overly visible from the front of the property, if at all. The design is subservient to the existing dwelling with a lowered ridge and hipped roof to the two storey element and a monopitched roof to the single storey element. The plot is also of a size that can accommodate the scale of the proposals comfortably.

In respect of heritage considerations, the application site adjoins Bradford Avenue Conservation Area at the rear. The requirements under Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area therefore apply. Due to the position of the works proposed, their design and overall scale, there is considered to be no adverse impact on the conservation area, with the Heritage Officer raising no objections to the scheme.

In light of the above, the proposal is considered to be in accordance with Policies 5, 22 and 39 of the NELLP 2018 in respect of design and heritage considerations.

### Neighbouring Amenity

The host property adjoins 15 and 19 Queens Parade to the sides, 36 and 38 Bradford Avenue to the rear, and faces onto various properties within Queens Parade at the front. Objections have been received from properties within Queens Parade which are acknowledged and discussed below. These are also noted in the representations section of the report.

The primary concern highlighted is in relation to impacts of loss of light and overshadowing to number 15 Queens Parade. 15 Queens Parade is adjacent to the northeast side boundary of the host property, with the extensions proposed to the southwest of the side elevation of this neighbour. It is important to note that the rear elevation of the host property subject to this application is set further back than the building line of the rear elevation of 15 Queens Parade. Through consideration of the application, a request was made to the agent to provide a 25 degree light test in order to assist the assessment for overshadowing and loss of light. The 25 degree light test submitted shows the existing rear profile of the host property and the existing impact to the secondary ground and first floor windows at 15 Queens Parade, as well as indicating

the proposed rear profile of the host property in comparison to the windows of the neighbour. The light test submitted shows loss of light to the ground floor windows as existing due to the existing profile and position of the host property, with the additional ground and first floor windows to be impacted as a result of the proposed extensions being secondary windows. The first floor side windows do not fail the 25 degree light test when considered in line with the proposed extensions. It is therefore acknowledged that there is an existing issue in respect of overshadowing to 15 Queens Parade. It is accepted that whilst the proposal will have an impact on additional secondary windows to this neighbour, it is the degree of impact that needs to be considered. In this case it is not considered to be unduly detrimental over and above the existing situation.

A further concern highlighted through the representations is in relation to loss of outlook for 15 Queens Parade, primarily from the first floor bedroom window within the side elevation. This concern is acknowledged; however, the window currently faces out onto the existing side elevation of the host property. It is accepted that there is some visibility beyond the first floor aspect of the host property, however it is considered that the loss of outlook would not be adverse when considered with the existing situation. Whilst loss of a view is typically not a material planning consideration it is accepted that it is more the impact of a solid structure and its sense of enclosure when viewed from the neighbour which is the planning consideration. In this manner, the built form of both the host property and 15 Queens Parade would be relatively typical of a residential relationship, with a 2.4 metre separation between each of the properties side elevations. The extensions subject to this application are not proposed to project towards the side elevation of the neighbouring property and as already confirmed would not extend beyond no. 15's rear building line. It is therefore considered that there are no adverse impacts arising in respect of this. As stated in an earlier section of the report, it is recommended the first floor side window be obscurely glazed, to protect the neighbours amenity.

Representations received have also raised concerns in respect of the scale, mass and overbearing nature of the extensions proposed, as well as the proposal being deemed to be an overdevelopment to the host property. These concerns are acknowledged and such matters have already been discussed in earlier sections of this report.

The single storey element of the extensions is proposed closest in proximity to the neighbour at 19 Queen Parade. The extension is proposed adjacent to the side boundary shared with this neighbour and is proposed to project 2.8 metres from the existing rear wall of the property. The single storey extension is proposed with a monopitch roof, with the eaves proposed at a height of 2.5 metres and an overall height of 3.5 metres to the top of the roof. It is important to note that 19 Queens Parade has recently received planning permission for a single storey rear extension adjacent to the shared side boundary with the host property. In the current, on ground situation, it is not considered that the proposed single storey extension subject to this application would have an adverse impact on this neighbour, due to its scale and nature, in respect of massing, dominance, overshadowing or overlooking. Should the neighbour construct their extension, this would still be the case with no adverse impacts to this neighbour expected

as a result of the extensions subject to this application. The two storey element is well separated from them and no first floor openings are proposed in the side elevations facing them, resulting in no adverse impacts from this element.

Given the levels of separation, position and scale of the extensions, no adverse impacts to any other neighbours are expected. Such an arrangement would not be unusual in this type of residential setting.

In respect of neighbouring amenity considerations, it is accepted that there would be an impact to the neighbour at no. 15, but this is not expected to be detrimental in this instance, particularly given the existing situation. The proposal is therefore considered to be in accordance with Policies 5 and 22 of the NELLP 2018.

#### Other Considerations

The Councils Trees and Woodlands and Highways Officers raise no objections to the proposal. The Drainage Officer has requested an informative be attached to the decision in respect of sustainable drainage methods.

The Ecology Officer confirms that the proposal is subject to a householder planning application and is therefore considered to be exempt from the mandatory bio-diversity net gain condition. An informative has been requested in relation to standing advice for bats and birds.

### **CONCLUSION**

The extensions proposed are considered to be of reasonable size, scale and appearance. It is considered that the works will not pose an adverse impact to the amenity of neighbouring properties, the street scene, heritage or the wider character and appearance of the area. The proposal is considered to be in accordance with Policies 5, 22, 34, 39 and 41 of the NELLP 2018 and is therefore recommended for approval.

### **RECOMMENDATION**

#### **Approved with Conditions**

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

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

Site Location Plan received 27th January 2025

Block Plan received 27th January 2025

020125-02 - Proposed Floor Plans

020125-03 REV A - Proposed Elevations and Roof Plan

#### Reason

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

#### (2) 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

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

#### (3) Condition

The window to be created in the first floor side elevation of the extensions hereby approved shall be glazed in obscure glass only to an obscurity level of 3 or above as measured on the 'Pilkington Scale' and shall be non-opening below a height of 1.7 metres measured from the internal finished floor level. The window shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

#### Reason

In the interests of residential amenity in order to comply with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

#### (4) 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 historic 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, 34, 39 and 41.

### **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 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

The use of water butts or similar sustainable surface water drainage arrangements such as a soakaway are encouraged on a proposal of this nature. Please refer to the drainage officers comments.

5 Informative

The applicant's attention is drawn to the comments received from the Ecology Officer in relation to standing advice for bats and birds.

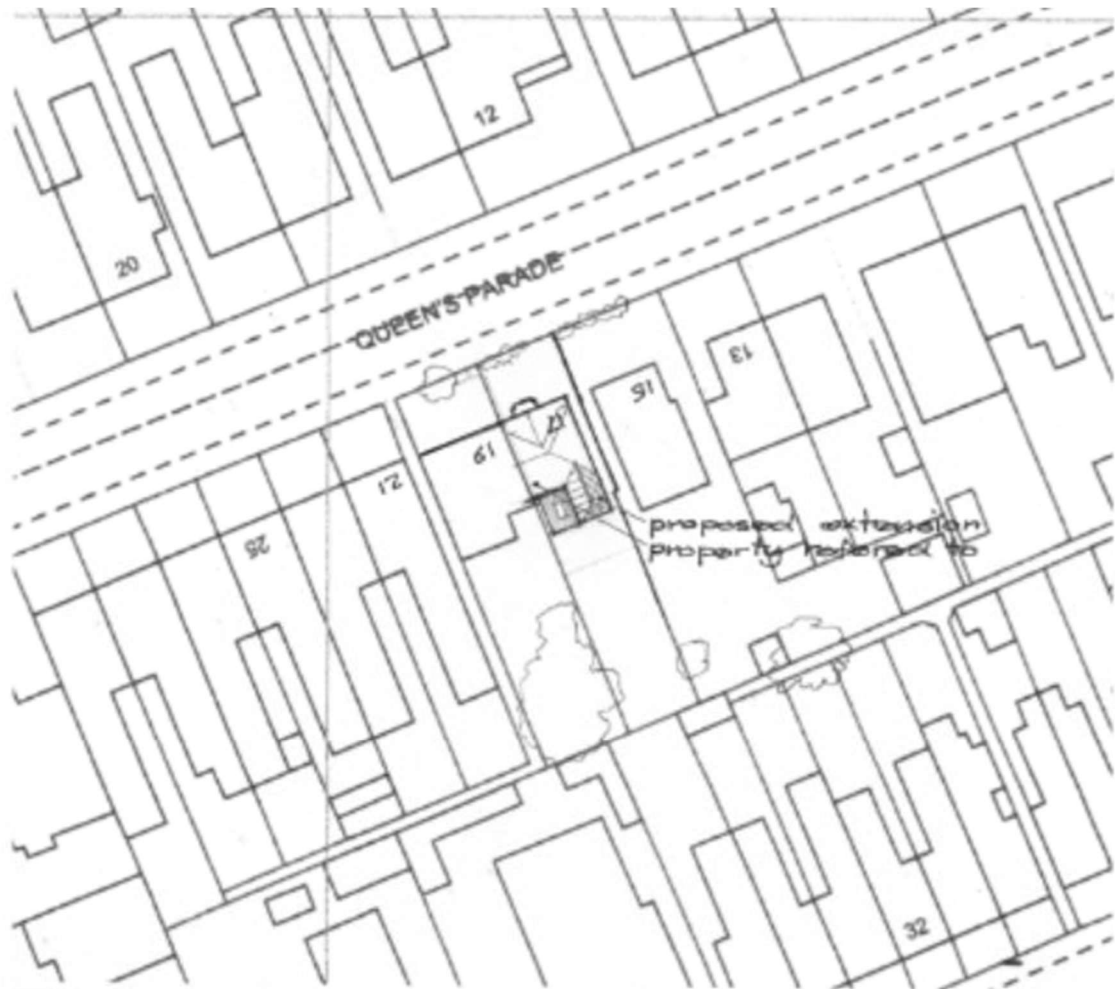
6 Informative

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.

DM/1025/24/FUL – 17 QUEENS PARADE, CLEETHORPES



DM/1025/24/FUL – 17 QUEENS PARADE, CLEETHORPES



**Block Plan scale 1:500**

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**PLANNING COMMITTEE - 23rd April 2025**

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

**APPLICATION No: DM/0086/25/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: Land Adj 64, Chapel Road, Habrough, North East  
Lincolnshire,**

**PROPOSAL: Variation of Conditions 2 (Approved Plans) and 10 (Existing  
Landscaping) following DM/0524/23/FUL to amend the house types from semi-  
detached to link properties, relocation of plots within the site and new planting to  
parking areas to the front (Amended Description provided for clarity)**

**APPLICANT:**

Mr L Metcalf  
C/O Agent  
Unit 2, Cleethorpes Business Centre  
Jackson Place  
Wilton Road  
Humberston  
DN36 4AS

**AGENT:**

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

**DEPOSITED: 6th February 2025**

**ACCEPTED: 6th February 2025**

**TARGET DATE: 3rd April 2025**

**PUBLICITY EXPIRY: 27th March 2025**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 27th March 2025**

**CASE OFFICER: Bethany Loring**

**PROPOSAL**

The application seeks to vary conditions 2 (Approved Plans) and 10 (Existing Landscaping) pursuant to DM/0524/23/FUL, which was for the erection of four dwellings with parking. This amendment seeks to change the approved house types from two pairs of semi-detached dwellings to a row of four linked dwellings, along with other minor works.

The application is brought to planning committee given the number of objections from neighbours.

## **SITE**

The site sits on the corner of Chapel Road and West End Road in Habrough. The site is level and has several large poplar trees on the western boundary. The site has mixed treatments on the boundaries including hedging and some sections of fencing. The site is located within the development boundary for Habrough.

## **RELEVANT PLANNING HISTORY**

DC/586/12/IMM - Erect two detached dwellings - Approved with Conditions.

DM/0998/16/FUL - Erect two pairs of semi detached dwellings to include new access and parking - Approved with Conditions.

DM/0524/23/FUL - Erection of four dwellings with associated works to include new access and parking - Approved with Conditions.

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

### National Planning Policy Framework (2023)

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

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

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

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

2018).

## **REPRESENTATIONS RECEIVED**

Environmental Health - No further comments to those under the previous permission.

Heritage Officer - No input required.

Trees and Woodlands Officer - No comment.

National Grid Electricity - No assets in the area.

National Gas - No assets in the area.

Highways Officer - Approval with previous comments and informatives to be included. Condition to limit height of landscaping around parking areas. Acknowledges concerns raised by neighbours. Previous CTMP condition remains and needs to be discharged.

Councillor Trevor Crofts - Comment provided relating to road safety and drainage.

Drainage Officer - Previous drainage comments still apply as well as previous drainage condition.

### **Neighbour and other Representations**

Grimsby Cleethorpes District Civic Society: Comments recorded for this development under DM/0524/23/FUL. The site is not suitable for such a development.

Objections have been received from the following addresses broadly on the grounds of character, road safety, loss of light and privacy, inadequate drainage provision and flooding, existing state of the site, position of bin storage, overlooking, construction traffic, access and parking and overdevelopment.

60 Chapel Road  
62 Chapel Road  
Annexe at 66 Chapel Road  
66 Chapel Road  
13 Kesteven Court  
The Old Farmhouse

## **APPRAISAL**

The material planning considerations are:

1. Principle of Development

2. Revisions
3. Impact on the Character of the Area
4. Impact to Neighbours
5. Other Matters

1. Principle of Development

The application seeks vary conditions 2 (Approved Plans) and 10 (Existing Landscaping) of the earlier approval to allow for amendments to the house types, layout and further landscaping features.

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 the house types would alter the properties from two pairs of semi-detached properties to one row of link properties. The overall number of properties would remain as four. The amendment would result in the row of properties being repositioned within the plot. The row would be set back a further metre from the frontage, specifically those plots to the east, and closer to the rear boundary by around 1.8 metres. The scale would remain as previously approved.

The parking would also remain as approved in terms of numbers which is two spaces per property, this would remain at the front, however some additional planting would be included to surround the parking area. Given the repositioning of the plots, the parking would be separated from the front of the properties by around 2 metres. In terms of the existing landscaping features positioned to the boundaries, these would all be retained.

3. Impact to the Character of the Area

Visually, the proposal would alter the design concept; given the proposed changes to the position and approach to create the linked dwellings. The overall size would be retained in terms of footprint, as well as the scale of the dwellings. The number of dwellings would be retained as four. Whilst resulting in a visual change, the proposal would not be considered detrimental, particularly compared with the consented scheme.

The inclusion of the additional landscaping would soften the visual impact to the street scene once established and this is considered to be acceptable. The Trees and Woodlands Officer has stated there are no comments to make. It is considered that the overall plot can accommodate changes of this nature and ultimately the scheme is still one of a residential nature.

Having regard to the above, the amendment is acceptable under Policies 5, 22 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).



#### 4. Impact to Neighbours

There have been a number of objections received from neighbours from the immediate vicinity as well as the wider village area of Habrough. All of these comments are noted and acknowledged. It is important to note that the principle of the development has already been established and therefore the considerations are purely in relation to the proposed changes in this instance given the nature of the application presented.

Most of the comments received refer to highways safety and drainage. These aspects have already been fully assessed during the previous application. It is considered that the revisions would result in no material change from the previous approval. Importantly, all the previous conditions remain and have been carried forward as a result which include surface and foul water drainage and construction management which are required to be discharged prior to works commencing. The amendments are considered acceptable to the Drainage and Highways Officer and therefore would not result in any additional impacts as a result.

The main impact of the amendment would be to 60 Chapel Road, to the east, and the most significant alteration would be the relocation of the plots. The amendment would result in the plots becoming one block of dwellings, rather than two, however this would be pulled away from the boundary from 1.6 metres to 3.3 metres and pushed further back. This would further result in the built form being more adjacent to the rear protrusion of the neighbour creating a greater separation between the sidewalls. It is important to note that there would only be one opening installed to the side elevation, at first floor, which would serve a bathroom and therefore would be obscurely glazed. Therefore, it is considered that there would be no adverse overlooking or loss of privacy impacts.

The works overall are not considered to present any adverse impacts to any neighbours and are considered to be acceptable.

Having regard to the above, the amendment is acceptable under Policies 5, 22, 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

#### 5. Other Matters

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

### **CONCLUSION**

This application seeks to modify an earlier approval, which was for the erection of four dwellings with parking. The modifications proposed in this application are considered to be of an acceptable scale and nature and do not create any adverse impacts to the character of the area or neighbours. All matters have been addressed or are captured by the proposed conditions. The application is recommended for approval.

## **RECOMMENDATION**

### **Approved with Conditions**

(1) Condition

The development hereby permitted shall begin by 3rd November 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 plan:

Site Location Plan, Block Plan, Proposed Floor Plans and Elevations and Vehicle Access Details - F3131-A1-01C

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

Development shall not begin until details of all external materials to be used in construction of the buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall then commence in accordance with the approved details.

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.

(4) Condition

No development shall commence until a scheme for the provision of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall be implemented in accordance with the approved details prior to any of the dwellings being occupied.

Reason

To prevent an increased risk of flooding by ensuring the provision of a satisfactory means

of surface and foul water disposal in accordance with Policies 5, 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(5) Condition

Prior to the occupation of any dwelling, a scheme for water re-use to achieve an efficiency standard of 110 litres per person per day shall be submitted and approved in writing by the Local Planning Authority. Once approved, the dwellings shall be occupied in strict accordance with the agreed details.

Reason

In the interests of efficient water management and to accord with Policies 5 and 34 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(6) Condition

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

Reason

To protect the amenities of nearby residents and ecology and in accordance with Policies 5 and 41 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(7) Condition

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

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

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

Reason

To ensure adequate access facilities are provided during construction for highway safety

reasons, for amenity and to protect residential amenity to accord with Policies 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(8) Condition

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

(9) Condition

The window openings to first-floor side elevation, serving the bathrooms as identified on the floor plans, hereby approved shall be glazed in obscure glass only to an obscurity level of 3 or above as measured on the 'Pilkington Scale'. The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

Reason

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

(10) Condition

The existing and proposed tree planting, as shown on drawing no. F3131-A1-01C, shall be retained and planted as stated unless an alternative landscaping scheme is submitted and approved by the Local Planning Authority. The landscaping as approved shall be implemented within 12 months of the date of the commencement of development and shall be maintained for a period of five years with any losses replaced with trees of the same standard and species unless otherwise agreed in writing. Any trees or shrubs alongside the parking area shall not exceed a height of 1.05 metres above the carriageway level of the adjoining highway.

Reason

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

## (11) Biodiversity Net Gain

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

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

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

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

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

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

For the avoidance of doubt this permission does not permit the raising of ground levels or permit water run-off onto the public highway.

### **5 Informative**

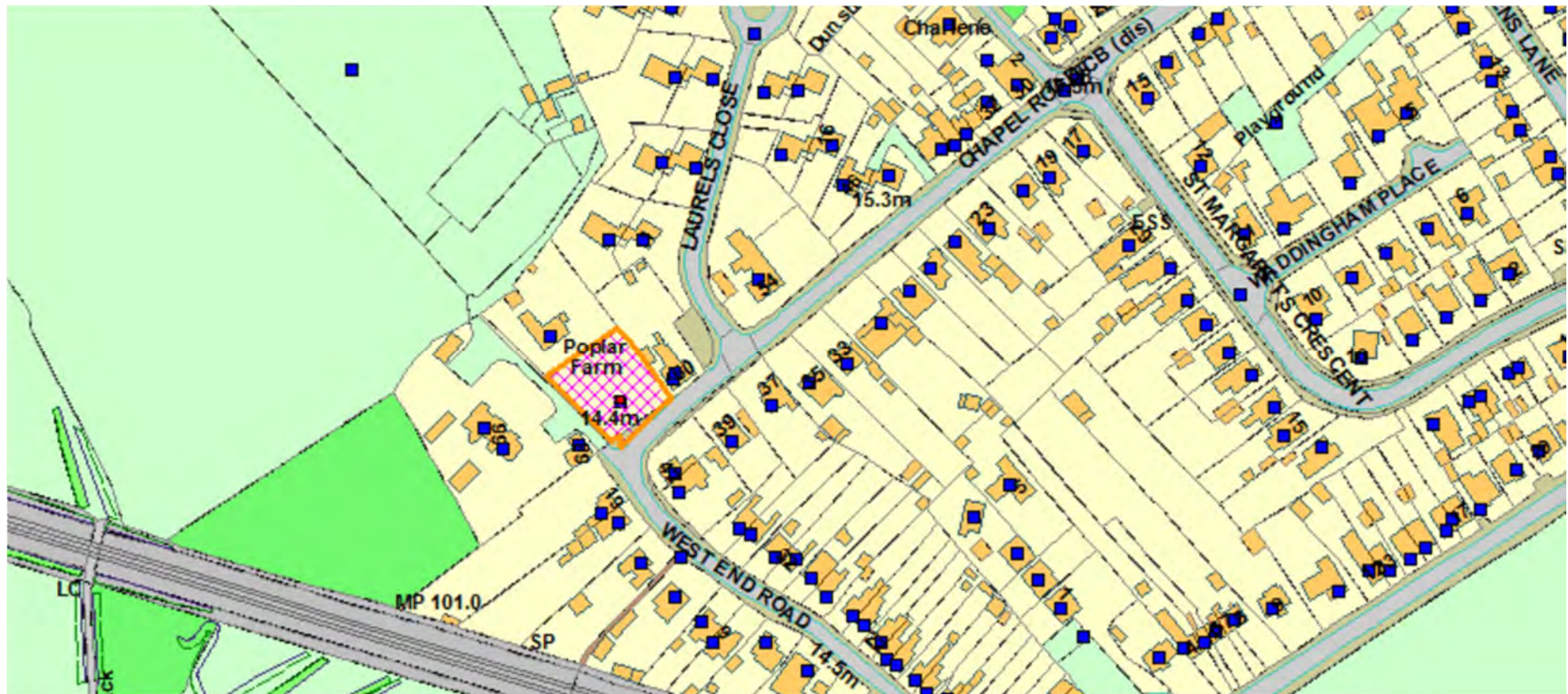
This application will require the creation of new postal addresses. You are advised to contact the Street Naming & Numbering Team on 01472 323579 or via email at [snn@nelincs.gov.uk](mailto:snn@nelincs.gov.uk) to discuss the creation of new addresses.

### **6 Informative**

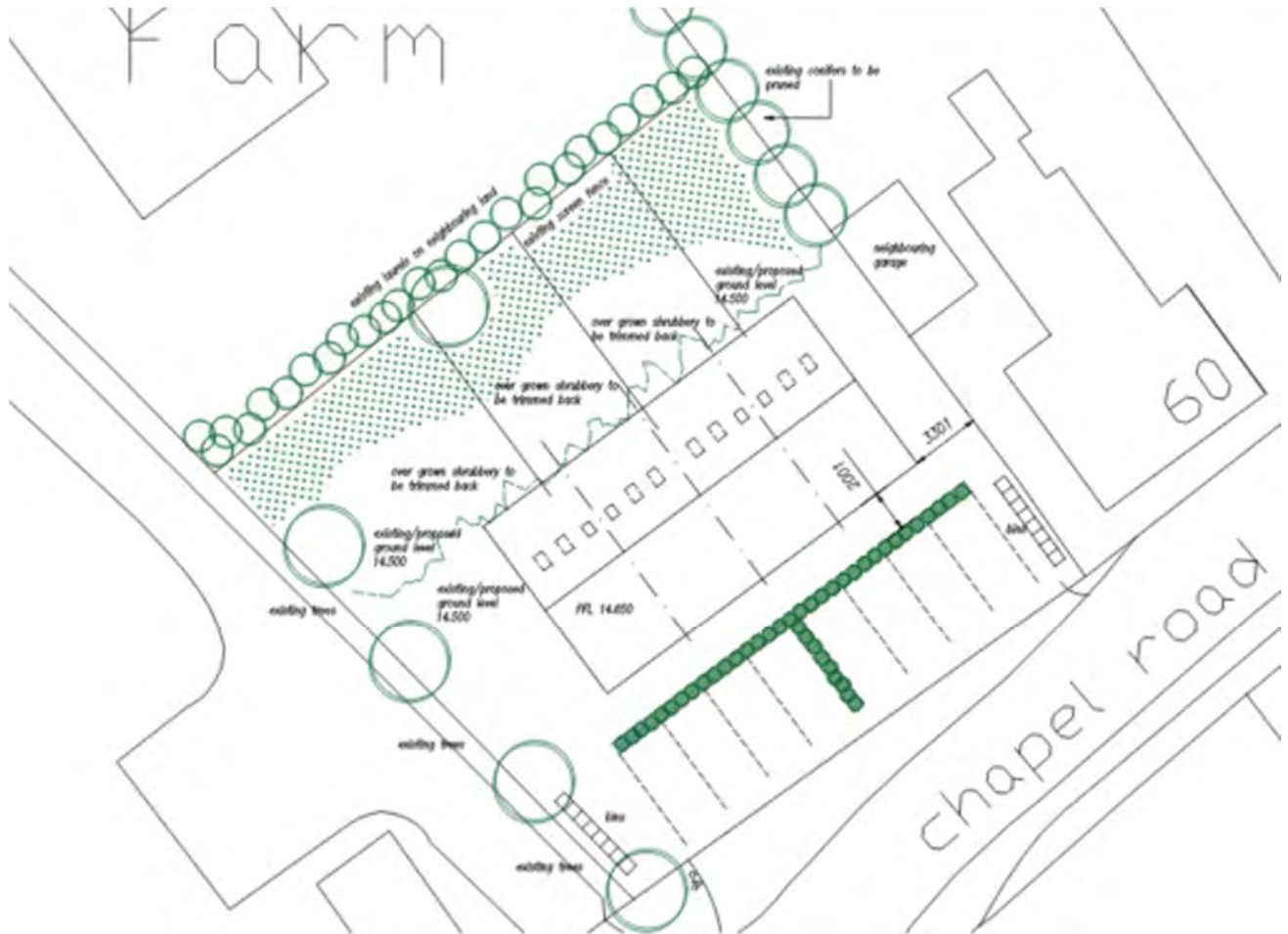
In accordance with Approved Document S of the Building Regulations you will be required to install electric vehicle charging points as part of the development.



DM/0086/25/FUL – LAND ADJ 64 CHAPEL ROAD, HABROUGH



DM/0086/25/FUL – LAND ADJ 64 CHAPEL ROAD, HABROUGH



**PLANNING COMMITTEE - 23rd April 2025**

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

**APPLICATION No: DM/0990/24/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: 29 - 31 Chantry Lane, Grimsby, North East Lincolnshire, DN31 2LP**

**PROPOSAL: Change of use from doctors surgery to 11 self contained flats with associated works and internal and external alterations to include changes to doors and windows to the side and rear - AMENDED PLANS AND DESCRIPTION**

**APPLICANT:**

Mr Andrew McQuillan  
DEJ Developments Ltd  
107 Cleethorpe Road  
Grimsby  
N E Lincolnshire  
DN31 3HW

**DEPOSITED: 21st November 2024**

**AGENT:**

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

**ACCEPTED: 5th December 2024**

**TARGET DATE: 6th March 2025**

**PUBLICITY EXPIRY: 17th April 2025**

**AGREED EXTENSION OF TIME DATE: 25th April 2025**

**CONSULTATION EXPIRY: 5th January 2025**

**CASE OFFICER: Lauren Birkwood**

**PROPOSAL**

This proposal seeks planning permission to change the use of a former doctors surgery at 29-31 Chantry Lane in Grimsby into eleven self-contained flats with associated works including minor alterations to the building such as changes to doors and windows to the side and rear, car parking, cycle stands and a bin storage area.

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

## **SITE**

The site sits on Chantry Lane and consists of a former doctors surgery premises at numbers 29 and 31. The premises are vacant. The area is mixed in use with some commercial and community uses along Chantry Lane, and properties opposite and at the rear on Queens Parade are residential. The boundaries on the site vary and include fencing and brick walls.

## **RELEVANT PLANNING HISTORY**

DC/928/12/WMA - Change of use of former doctors surgery into eleven residential units with associated bin storage & vehicle & cycle parking- Approved 5th April 2013.

DC/928A/12/WMA - Details in Discharge of Conditions 3 (Covered Parking Details), 5 (Security Lighting), 6 (Changes to Rear Gates) & 8 (Windows & Doors) pursuant to DC/928/12/WMA - Conditions Complied With 4th October 2013.

## **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.  
NPPF16 - Conserv. & enhance the historic environ.

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

PO5 - Development boundaries  
PO13 - Housing allocations  
PO22 - Good design in new developments  
PO33 - Flood risk  
PO34 - Water management  
PO36 - Promoting sustainable transport  
PO38 - Parking  
PO39 - Conserve and enhance historic environ  
PO41 - Biodiversity and Geodiversity  
PO42 - Landscape

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

for the area is comprised of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

## **REPRESENTATIONS RECEIVED**

Council's Environmental Health Officer - No objection. Condition and informative recommended.

Council's Highways Officer - No objections. Conditions recommended.

Council's Drainage Officer - No comments.

Council's Heritage Officer - No objections.

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

Council's Ecology Officer - No objections. Informative recommended. BNG not required.

Building Control - No objections.

Waste Management Officer - No objections. Informative recommended.

Anglian Water - No objections. Informative recommended.

School Estates Manager - No contributions required.

Humberside Fire and Rescue - No objections. Informative recommended.

### **Neighbour Representations**

Grimsby, Cleethorpes & District Civic Society - No objections to the use of the building, but raises objections regarding car parking and bin collections.

9 Queens Parade, Grimsby, 54 Chantry Lane, Grimsby and 58 Chantry Lane, Grimsby - Objects to the development with concerns regarding traffic and car parking.

## **APPRAISAL**

The key planning material considerations are:

- Principle of Development
- Visual Amenity and Heritage
- Neighbouring and Future Occupier Amenity
- Highways and Parking
- Drainage and Flood Risk
- Landscaping and Ecology

## - Contributions

### Principle of Development

The site is within Grimsby's urban area. Policy 5 of the North East Lincolnshire Local Plan 2013- 2032 (Adopted 2018) does not prohibit such uses or development in this area in principle, subject to an assessment of the site specific impacts. The site consists of a vacant building on Chantry Lane. Chantry Lane is a well-used route into the town centre and as a result the building is prominent in the street scene and the site is sustainable due to its inner urban location. The reuse of the building for residential purposes represents a good use for the building and one which will contribute to the regeneration of this important route into the central core of Grimsby. The site's planning history for residential use is also noted.

The application site is allocated in the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) for housing (HOU303). The principle of housing development of this scale and capacity, on this application site, is considered acceptable in planning policy terms and would make a contribution to the Council's housing requirements on a brownfield site.

As such, the proposal is acceptable in principle under Policies 5 and 13 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and it falls to judge the application on the site specific impacts.

### Visual Amenity and Heritage

The proposal would change the use of a former doctors surgery into eleven self-contained flats, with minor alterations to the premises including changes to doors and windows to the side and rear elevations. Given the scale and position of the external works, impacts on the character and appearance of the area would be limited. A condition is recommended to control the materials used. Furthermore, the reuse of this vacant building will be positive and would enhance the vitality of the locality. There would be internal alterations to achieve the desired floor space for the flats.

The site is adjacent to the Wellow Conservation Area. The requirements under Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area apply. Retaining and reusing the building will be beneficial to the Conservation Area. The external works are limited and no issues have been raised by the Heritage Officer.

Existing boundary treatments and landscaping would define the curtilage to the premises and would retain the character and appearance of the site. As such, the proposal would not adversely impact upon visual amenity and heritage and accords with Policies 5, 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

## Neighbouring and Future Occupier Amenity

The area is mixed in use with some commercial and community uses along Chantry Lane, and properties opposite and at the rear on Queens Parade are residential. It is not expected the change in use itself would be of detriment to neighbours, particularly given the former use as a doctors surgery which would have generated its own activity.

Policy requires that the amenities of future residents be considered. Although there would be no dedicated amenity space allocated within the site, the flats are situated close to the Grimsby Town Centre whereby amenities are available and they will have provision for bin storage on the site. Such an approach is not unusual in more urban areas like this one. The flats are also to an appropriate size standard and benefit from openings for light and ventilation.

The proposal does not involve extending the building in any way and window and door openings are either existing or are in positions where no harm is expected. Thus there are no dominance, massing or loss of privacy issues.

In regards to amenity, the proposal is acceptable and accords with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

## Highways and Parking

It is noted that comments have been received with concerns regarding traffic and parking. The site is within a sustainable location in Grimsby with bus links close by. Additional residential units are unlikely to generate significant traffic movements. Particularly given the site's historic use as a surgery.

In terms of access, the Council's Highways Officers have confirmed that in the main, vehicular and construction access should be taken from Queens Parade given its betterment in terms of visibility and overall width. Though it is acknowledged Chantry Lane provides existing access. Therefore, to prevent any though access onto Chantry Lane, a condition is recommended. With regard to the level of use, whilst eleven units are proposed, it is not considered over intensive for this site and its location. Areas within the site are also proposed to provide for limited car parking and the provision of bins. Parking includes 3 spaces at the rear and 1 space to the front and due to the sustainable location of the site, it is considered that this is not a ground for objection in this instance. Eleven cycle stands are also proposed which is considered acceptable in promoting sustainable travel.

Therefore, subject to conditions, there are no highway objections. As such the proposal accords with Policies 5, 36 and 38 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).



## Drainage and Flood Risk

The site is not within a Flood Zone on the Environment Agency flood maps or the Council's Strategic Flood Risk Assessment. A sequential test is not needed for change of use applications. Therefore, there are no concerns in terms of flood risk.

In terms of surface water drainage, the Council's Drainage Officer has reviewed the details provided and has confirmed they have no objections to the development. Therefore, in regards to drainage and flood risk, the proposal therefore accords with Policies 5, 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

## Landscaping and Ecology

There are trees, including some protected by Tree Preservation Orders, within the site. The details provided show that the existing landscaping within the site would be retained. The Council's Tree Officer has reviewed the details and confirmed they have no objections, subject to an informative. The proposal therefore accords with Policy 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

The Council's Ecology Officer has confirmed that the proposal does not impact a priority habitat and impacts less than 25 square meters of onsite habitat with a biodiversity value greater than zero (as measured by the statutory metric) and on less than 5 metres of onsite linear habitat so the de minimis condition is met and the proposal is exempt from the Biodiversity Gain condition. They also have no objections to the development, subject to an informative. The proposal therefore accords with Policy 41 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

## Contributions

Due to the level of residential development proposed there is a need to consider any necessary contributions under the Local Plan. Due to the type of accommodation to be provided which mainly consists of one bed units, the Council's School Estates Manager confirms that there is no requirement for an education contribution in this instance. In terms of affordable housing, the site is within a low value area, and thus there is no requirement to provide this.

## CONCLUSION

The proposal to change the use of a former doctors surgery into eleven flats with associated works is considered to be acceptable and compatible in this area. The impacts to the building, to amenity and to the locality are deemed to be acceptable and not adverse. Matters relating to highways, parking, flood risk, drainage, ecology and landscaping have all been assessed and deemed to be satisfactory. The application can therefore be recommended for approval in accordance with Policies 5, 13, 22, 33, 34, 36, 38, 39, 41 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018)



and sections 5, 12, 14, 15 and 16 of the NPPF, subject to a number of safeguarding conditions.

## **RECOMMENDATION**

### **Approved with Conditions**

(1) Condition

The conversion 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 - Received 21st November 2024

Block Plan, Existing Ground and First Floor Plans - GWAM/CL/1

Proposed Ground and First Floor Plans - GWAM/CL/2

Existing and Proposed Side Elevations - GWAM/CL/3

Swept Paths - GWAM/CL/3

Proposed Side and Rear Elevations - GWAM/CL/4

Reason

For the avoidance of doubt in the interests of proper planning and in accordance with Policies 5, 13, 22, 33, 34, 36, 38, 39, 41 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(3) Condition

No further development shall take place until details of the measures to prevent through access from Queens Parade to Chantry Lane have been submitted to and approved in writing by the Local Planning Authority. Once approved, the measures shall be implemented in accordance with the approved details prior to any further development taking place unless otherwise agreed in writing by the Local Planning Authority. Such arrangements shall be so retained thereafter.

Reason

In the interests of highways safety to accord to Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(4) Condition

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

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

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

Reason

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

(5) Condition

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

Reason

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

(6) Condition

Prior to the occupation of any residential unit hereby approved, the car parking and cycle stands shall be provided in accordance with drawing GWAM/CL/1 (Block Plan, Existing Ground and First Floor Plans) and shall be so retained at all times thereafter.

Reason

To ensure appropriate parking and cycle provision at the site to accord to Policies 5, 36 and 38 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(7) Condition

All external materials shall be as specified on the application form and approved plans unless otherwise first approved in writing by the Local Planning Authority.

Reason

This condition is imposed in the interests of design considerations in the context of the existing buildings in order to comply with Policies 5, 22 and 39 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 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 4.2 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 including landscaping, ecology and highways matters. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 5, 13, 22, 33, 34, 36, 38, 39, 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 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 following consultees:

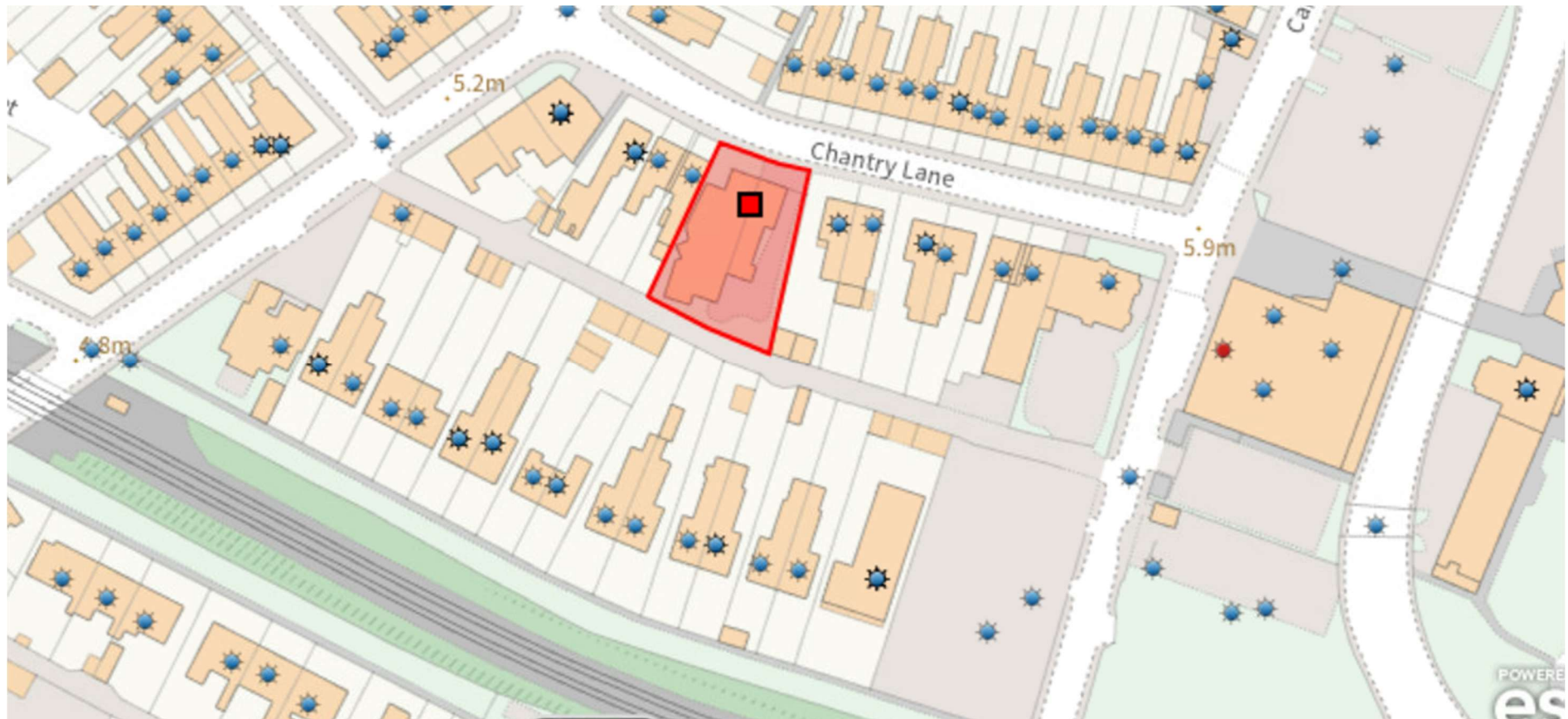
Anglian Water  
Humberside Fire and Rescue  
Council's Waste Management Officer  
Council's Ecology Officer  
Environmental Health

To view the comments, please go to [www.nelincs.gov.uk](http://www.nelincs.gov.uk).

#### 7 Informative

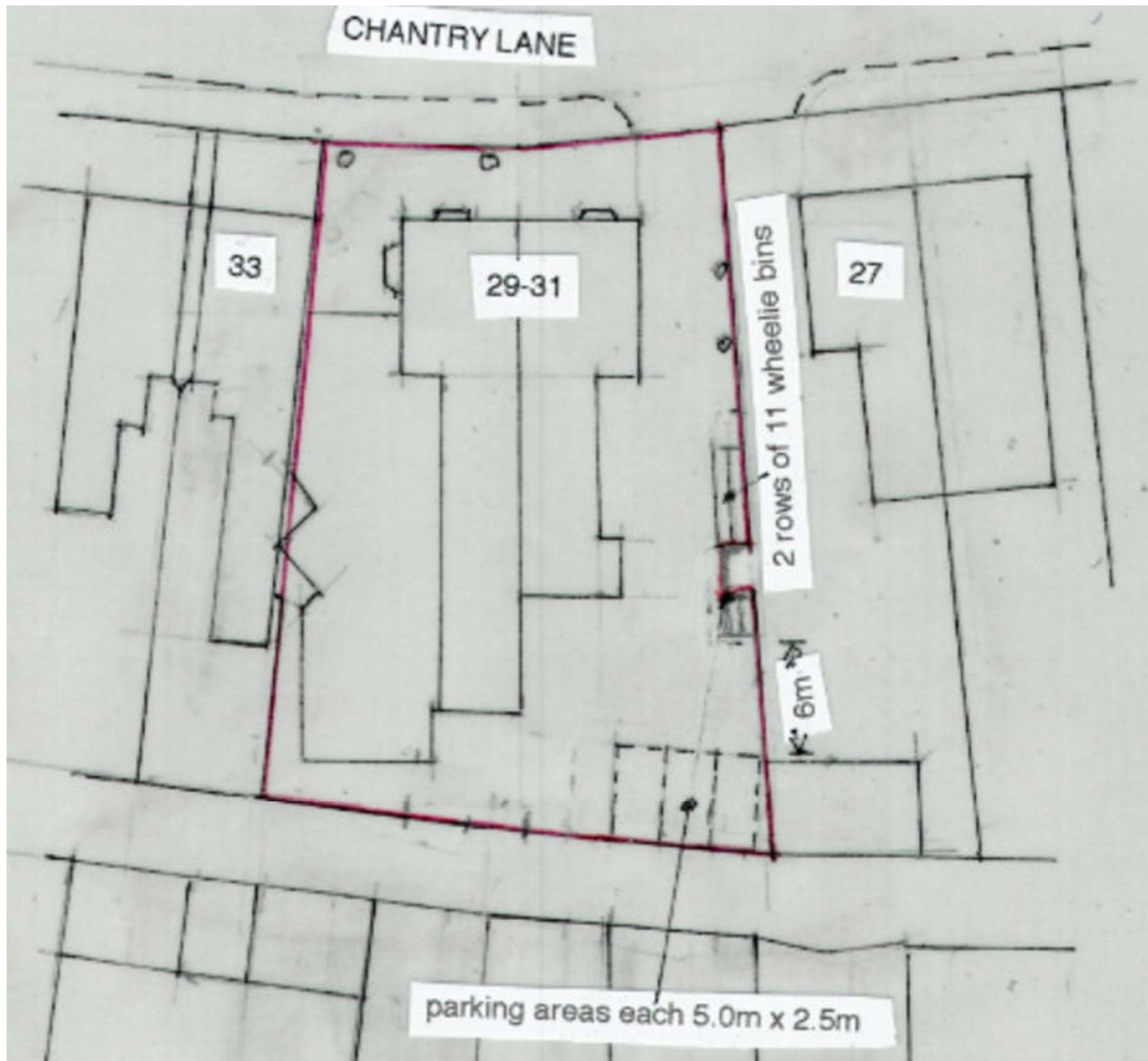
If access to the rear of the site is required, tree works may be required and therefore a Tree Preservation Order application may be required to be submitted. Please contact the Council's Tree Officer for further information.

DM/0990/24/FUL – 29-31 CHANTRY LANE, GRIMSBY





DM/0990/24/FUL – 29-31 CHANTRY LANE, GRIMSBY



**PLANNING COMMITTEE - 23rd April 2025**

**ITEM: 7**                      **RECOMMENDATION: Refused**

**APPLICATION No: DM/0900/24/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: R/O 171 Mill Road, Cleethorpes, North East Lincolnshire, DN35 8JB**

**PROPOSAL: Demolition of existing lock up garages and erection of two dwellings with roof lights and central car port.**

**APPLICANT:**

Mr Peter Dalton  
Unit 16  
Wickham Road  
Grimsby Docks  
Grimsby  
North East Lincolnshire  
DN31 3SX

**AGENT:**

Mr Neville Burnett  
Planning Consultant  
29 Priors Close  
New Waltham  
Grimsby  
N E Lincolnshire  
DN36 4QZ

**DEPOSITED: 16th October 2024**

**ACCEPTED: 12th March 2025**

**TARGET DATE: 7th May 2025**

**PUBLICITY EXPIRY: 17th January 2025**

**AGREED EXTENSION OF TIME DATE: 25th April 2025**

**CONSULTATION EXPIRY: 29th December 2024**

**CASE OFFICER: Jonathan Cadd**

**PROPOSAL**

This application seeks permission to demolish a terrace of concrete garages and replace them with two small 2 bedroom dwellings. Centrally between the dwellings two car ports are proposed. The dwellings would be two storey in height but with lowered rear eaves to properties at Trinity Road. Access to the site would be via an existing private access lane to Mill Road. This is shared with dwellings 167, 167a and 169 Mill Road and garages associated with 163 and 165 Mill Road.

The application is brought to committee at the request of the Ward Councillor, Councillor Jervis.

## **SITE**

The site is within the development area of Cleethorpes. It is located to the south-east and to the rear of 171 Mill Road and north-east, and to the rear of, 96 and 94 Trinity Road.

The site is accessed from Mill Road, which is a one-way street heading towards Trinity Road.

The access off Mill Road currently serves a number of garages and dwellings. The proposal site is 143 metres squared and contains 11 pre-fabricated flat roofed garages with timber entrance gates. Other garages and dwellings are located opposite the site, served by the same access track, including 167, 167A and 169 Mill Road, which are modern developments utilising traditional features and materials.

The area is predominantly residential in character with historic development forming the majority of the surrounding residential plots, particularly those on Mill Road. The site is also located within the Mill Road Conservation Area.

The site is wide and shallow and is characterised by the current concrete garages which occupy the site. The plot is located on roughly the same level as the access track which gently slopes down to the south east.

The nearest residential dwellings which are likely to be affected by the proposal are 94 and 96 Trinity Road to the rear (south-west) and those properties which are also served by the access road 167, 167a and 169 Mill Road (to the south east). All dwellings, except for numbers 94 and 96 (whose boundaries adjoin the proposal site), are over 15 metres away from the site. Dwellings to the north-west, north and east are located over 20 metres from the site.

## **RELEVANT PLANNING HISTORY**

DM/0552/15/FUL - Demolition of existing lock up garages and construction of two dwellings with central car port (resubmission of DM/0339/14/FUL). Refused 9 Oct 2015 - Appeal dismissed 15.06.2016.

DM/0339/14/FUL - Demolition of 11 lock up garages and erection of 2 dwellings with central car port. Refused 02.06.2014.

DC/1271/08/CRB - Conservation Area Consent to demolish the existing garages on the site to make way for 2 new mews style dwellings. Refused 09.03.2009.

DC/1270/08/CRB - Demolish the existing garages on site & erect 2 new mews style dwellings. Refused 10.02.2009.

DC/341/07/CRB - Resubmission of DC/953/06/CRB - Demolition of 11 lock up garages &

erection of 2 mews style dwellings Refused 30.05.2007 Appeal Dismissed 14.04.2008.

DC/953/06/CRB - Demolition of 11 garages and erection of 2 mews style dwellings.  
Refused 09.11.2006.

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

### National Planning Policy Framework (2023)

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

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

PO2 - The housing requirement  
PO3 - Settlement hierarchy  
PO5 - Development boundaries  
PO22 - Good design in new developments  
PO33 - Flood risk  
PO34 - Water management  
PO38 - Parking  
PO39 - Conserve and enhance historic environ  
PO41 - Biodiversity and Geodiversity

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

## **REPRESENTATIONS RECEIVED**

All comments made in summary.

Highways: The existing access to the site is non standard and is too narrow but the removal of 11 garages (which could all be potentially be used) and their replacement with two houses would represent a reduction in use. As such, as an existing access lane, this

is deemed acceptable. Equally even with the garage usage as currently described the impact on the highway would not be dissimilar to now. The site is located within a sustainable location. The objections based on the impact of additional vehicles attracted to the site and parking on the shared access are noted. It is in the interests of future residents to always use the carport at their dwelling to keep this area clear. As a private site, however, this cannot be controlled by the Highway Authority. The surrounding area is heavily restricted (particularly close to the access to the site entrance) with only small areas of on street parking available. As there is limited provision for parking for visitors on the highway and no additional provision on site this could exacerbate issues for users of the private lane as noted by objectors but again this could not be controlled by the Highway Authority. Any impact on the highway would not equate to being severe. No objection to the scheme can therefore be recommended. Due to the constrained nature of the site however, a construction traffic management plan is recommended.

Waste Management: No access is possible to the private lane to collect bins. Bins must be presented to Mill Road. Owners to be advised of this.

Heritage Officer: No objection to the loss of garages, questions over palette of materials remain and the lack of front garden space and pavement is not in keeping with the conservation area.

Trees & Woodland Officer: No objections.

Drainage Officer: Drainage rates should be limited to Greenfield run off rates. No ground level increase should occur and no surface water should be discharged onto the public highway. Request surface water drainage condition. Ground level advice note is recommended.

Cadent Gas: No objection but request advice note be placed on any decision.

Ecology Manager: Proposal is exempt from BNG as it does not impact on a priority habitat and impacts less than 25 m<sup>2</sup> of on site habitat and less than 5m linear habitat. Standing advice on bats and birds is recommended to remind the developer of their responsibilities.

Environmental Protection: Request conditions - hours of construction, construction management plan, demolition condition and advice notes on contamination and asbestos.

Councillor Jervis - Call in request on the basis that the regeneration benefits needs to be considered alongside the impacts to neighbours.

Public notice, site notice and neighbours:

Objections:

94 & 96 Trinity Road, 153, 161, 165, 167, 167A, 169, 171 Mill Road (some include

multiple letters from the same address).

Broadly on the grounds of:

- Design and character
  - Design is out of character with the area - lack of gardens and pathways to front.
  - Lack of amenity space.
  - Small houses in an area of large properties.
- Density and residential amenity
  - Loss of privacy.
  - Scale, dominance and oppressive nature of proposal given relationship to surroundings, particularly to the west due to proximity to neighbouring properties boundaries and dwellings.
  - No significant reduction in scale to the last plans refused and dismissed at appeal in 2016.
  - Consider proposal should be a single bungalow only.
  - Residential amenity of future occupiers would be limited by poor outlook, lack of privacy and noise and nuisance from vehicles entering/ leaving the properties opposite and manoeuvring directly in front of properties.
  - Level of traffic down the access is already high causing noise, nuisance and congestion. Will be made worse by the proposal.
  - Nuisance from building works - not just noise.
- Highway safety & capacity
  - Current usage of garages is low despite what is stated. Partially due to poor maintenance. Lack of garages in the area and it would be better if they were maintained and rented to existing residents.
  - If more than one car is owned by each occupier of the dwellings, which would not be an unreasonable assumption, this would lead to a substantial increase in traffic and parking issues. Deliveries and visitors would make matters worse.
  - Lack of available parking on site and in the area leading to congestion and nuisance and danger. Limited access space has already led to the delay in an emergency vehicle getting to one of the current dwellings opposite the site. Additional parked vehicles would make access worse. The access road is owned by 167, 167a and 169 and is 4m in width only. This provides insufficient space to manoeuvre. Even current properties and cars have been damaged due to limited space when others are manoeuvring. Larger vehicles have had to reverse out of the lane which is a danger.
  - Only a right of access across the lane is possible not any other area including other parking areas shown.
  - Visibility at junction with Mill Road is poor. This is a busy road and well used by school children. Additional traffic using the access would create an additional hazard.
- Drainage
  - No foul drainage to site is possible.
  - Surface water will not be dealt with by water butts as consider they wont be sufficient.

Water will flow into the lane, and due to the gradient this will flow into garages and gardens at the end of the yard area. It will create flooding elsewhere. Also, there is no room for drainage to the rear with roofs/ gutters overhanging properties to the west.

- Concerns over the stability of the foundations and retention of higher ground directly to the west.

- General concerns

- No maintenance agreement with owners to maintain the road.
- Questions remain about dimensions of the site and the garages - as a mini car can only just fit into garages - houses cannot be accommodated on this plot.
- Errors to plans and submission documents- no affordable homes on site currently and there is no boundary treatment to 94 and 96 Trinity Road, the garages are in essence the retaining wall to high ground levels to the west.
- Lack of history of refusals outlined in the submission.
- Reduced security.
- Questions over whether the gates at the site proposed will be used and if electrically operated, who will operate, maintain and pay for them.
- Loss of landscaping hedging and foliage from the site entrance which will affect wildlife.
- Opening windows will obstruct the access road.
- Lack of connection to services in general.
- Impact on telephone lines.
- No need for budget homes in this location.
- Loss of property value.
- Loss of view.
- Costs of damage to properties.
- Request planning committee visit the site.

In response, loss of a view and the value of property are not considered to be material planning considerations and the impact and cost of damage to property is considered to be a private matter between parties. The applicant has also indicated that he has the right to use and amend the access lane including to create a connection to the sewers on Mill Road.

Support

Grimsby, Cleethorpes and District Civic Society: Support the proposals if the design uses timber windows and doors.

## **APPRAISAL**

Appraisal

Main issues

- A) Policy Issues
- B) Design and character

- C) Residential amenity
- D) Highway safety and capacity
- E) Flood risk, drainage and ecology
- F) Other

#### Assessment

##### A) Policy Issues

The application site is located centrally within Cleethorpes which is noted as a sustainable location for new house building within the NELLP. It is close to local facilities such as local schools, shops, the youth centre, health facilities and workplaces. The proposal also provides two additional small dwellings which would assist to meet housing need. North East Lincolnshire cannot establish a five-year housing supply and as such the presumption in favour of sustainable development is activated (para. 11 of the NPPF). In principle, therefore the proposal would accord with Policies: 2, 3, 4 and 5 of the NELLP.

##### B) Design and character

The site is located within a back land type area, which has previously been developed for three houses in the early 2000's, apart from the application site's concrete garages. The site is set back from the frontage of Mill Road, but nonetheless falls within the Mill Road Conservation Area. As a single storey design the current garages are not readily visible from the street and because of this, they do not readily impact on the character of the area. As a result, the benefits of their demolition on the conservation area are neutral.

The new units, as two storey hipped roofed houses would be more obvious. The applicant indicates that the layout proposed would create a type of courtyard development. Whilst noting the intent, traditional development within Mill Road is based on frontage development rather than courtyards. As such the proposal would not be in character with the area, especially as the houses would not include features such as small front gardens and/or pavements, which are a design feature of Mill Road frontages. Nevertheless, more recent development has taken place at depth within the conservation area and as such, subject to an acceptable choice of materials, the proposal is not deemed to have a such an impact on the character of the conservation area that permission should be resisted on these grounds.

The proposal follows numerous previous planning applications and appeals on site for a range of similar small two storey dwelling designs. The current design continues this theme with a full height hipped roof to the front and sides but with lowered eaves to the rear (west). None of these considerations are deemed to detract in a significant manner from the conservation area. The choice of brick for the walls and slate for the roof seeks to maintain the palette found within the surrounding area, as would wooden windows and doors. This could be conditioned. As such the proposal is deemed to maintain the character and appearance of the area and Mill Road Conservation Area and would accord with Policies: 5, 22 and 39 of the NELLP.



### C) Residential amenity

A significant number of similar previous applications have, over the years, been resisted largely on amenity grounds. This was mainly due to the scale of the two storey designs proposed and their position directly to the rear of properties to Trinity Road, specifically numbers 94 and 96. The rear of these properties include extended kitchen and dining room areas and at first floor bedrooms which face onto rear gardens and the appeal site directly at the property boundaries.

The current proposal reduces the scale of the dwellings proposed with ridge heights of 6 and 5.6 metres respectively (north to south) and an eaves height of 3 - 3.5 metres. The width of the dwellings would be approximately 8.4m. These dimensions are not dissimilar to ridge and eaves heights of the 2016 scheme which was dismissed at appeal (ridges 5.9m in height and eaves 3.5m - when measured from the rear with a width of 8.4m). Whilst recognising the changes, the reductions are not considered to significantly alter the impact on the properties to Trinity Road. In 2016 the Inspector stated:

'Furthermore, despite the slightly elevated position of Nos 94 and 96 above the appeal site, the scheme, due to its height, blank elevation and proximity to the boundary, would be overbearing and instil a sense of enclosure on the occupiers of those properties. As a result, it would have an adverse effect on, and cause material harm to, the outlook of neighbouring occupiers and would still dominate the adjoining properties, appearing unacceptably oppressive.'

The additional gap between properties now proposed, to accommodate the small patio/garden area and lower car ports, does not sufficiently ease the dominating appearance of the proposal from these adjoining properties.

Similar to the 2016 appeal, concerns over future occupiers' amenities are again highlighted as the proposed dwellings are small and have limited outlook, light and sunlight within habitable areas. Examples of this are the lounge and dining room with patio windows and doors which would open onto a small 2 metre deep, 4m wide patio/garden area but which would be dominated by the carport and indeed the corresponding dwelling. This would lead to dark main rooms which would also be dominated by a parked vehicle within the parking areas. Despite the kitchen area having a large window, which would share some light with the lounge/dining room, this would not significantly improve the situation. In addition, these east facing windows would directly front onto the access road and parking areas of the adjoining properties (167, 167a and 169 Mill Road). Due to the lack of width and control over this area future occupiers would be subject to noise, nuisance and fumes from vehicles arriving, manoeuvring and leaving, along with associated noise from people, car stereos and doors banging etc and all of which would occur directly outside the proposed dwellings reducing privacy and creating nuisance and an unacceptable living environment for future residents. Finally, the dwellings would also have a very limited outdoor area, reducing amenity further.

The lack of space on site requires that future occupiers would have to use the car port each time they parked at the site. Human nature is such that there will be times that

vehicles are parked in front of properties, or deliveries are received, and this could cause nuisance and/or hinder access to existing occupiers' properties or at worse obstruct emergency vehicles. Implementation of parking within the car port cannot be enforced through the planning system in this case. Such occurrences could, however, also occur today with the 11 garages. As such whilst not an ideal situation, similar issues could occur today. A greater concern would be the limited access that would be available for fire appliances. It is usual that access points be 3.7m wide to allow access for a fire tender with pinch points of a minimum of 3.1m. In this instance, the main access to the site is between two houses with a tarmac driveway of approximately 3.2m albeit with landscaping either side (including a telegraph pole). Once within the wider site, the access and servicing area widens out but could not accommodate vehicle turning. Such a situation would not be ideal and the scheme may not be able to meet Building Regulations. As such in land use planning terms this raises a question as to whether the site is indeed suitable for additional houses, and whether future occupiers of the two houses should have to accept a less than satisfactory situation.

The limited scale of the site, and its impact on neighbours and future occupiers is therefore an indication that the proposal remains an overdevelopment of the site contrary to Policy 5 of the NELLP.

#### D) Highway safety and capacity

Many of the concerns raised by objectors relate to the ability to safely access the site but also the limited ability to manoeuvre, turn and park within the site without causing an obstruction or nuisance to other neighbours.

The access from Mill Road is existing and is presently utilised by a number of existing residential properties (167, 167a and 169 Mill Road), several domestic garages linked to further dwellings on Mill Road, but also the 11 garages which form the application site. As such the existing access is established and is acceptable in principle and it is only the potential intensification of the use of the access which is under consideration as a result of the two dwellings proposed. Whilst accepting that not all of the garages are used on a regular basis, the potential for all 11 garages to generate vehicle activity remains. When considering activity generated by two houses, which this would be more regular and wide ranging, it would still represent a reduction in usage compared to the 11 garages. Even with the reduction of garage use as indicated by objectors this would not be dissimilar to the level of use generated by two small houses. As such it is not considered that the proposal would have a detrimental impact on the use of the junction with Mill Road. In addition to this, the site's sustainable location, would limit the need for occupiers to use cars for all activities. It is considered that for these reasons the proposal would accord with Policies 5, 36 and 38 of the NELLP.

#### E) Flood risk, drainage and ecology

The site is in flood zone one and is therefore sequentially acceptable for residential development.

The applicant indicates that the site would be connected to existing foul drainage

although the location of this has not been identified. Objectors raise concerns that this would not be possible and is a private system where connection could be denied. The applicant has confirmed that he has the legal right to form an approved drainage connection to take the foul water from the proposed development and connect to the main combined sewer located in Mill Road. As such, conditions could be placed on any approval to ensure that the detail and acceptability of any connection is agreed with the Local Planning Authority. Similarly, whilst sustainable drainage through water butts is noted, the capacity of the water butts given the lack of potential usage for the stored water increases concerns that adequate drainage could not be achieved through this method. As with foul drainage a similar condition with respect to surface water could be recommended in the event of an approval to control any proposed discharge to accord with Policies: 33 and 34 of the NELLP.

It is noted that the site is wholly developed and as such the scheme would be exempt from BNG requirements. Nonetheless, the garages could potentially accommodate bats and birds, although regular use may limit this possibility, and as a result advice notes are recommended to ensure that demolition should only occur on a positive basis taking account of this potential. Also, swift and bat bricks/ boxes are recommended to be created within the proposed houses in the event of an approval and this could be conditioned. For this reason, it is considered that the proposal would therefore accord with Policies: 5 and 41 of the NELLP.

#### F) Other

It is noted that the application site includes the access drive to Mill Road. Although the applicant owns the garages, having taken legal advice it is clear that there is a right to utilise the access in conjunction with the garages, as with several other properties in the area. Legal advice was also taken on the ownership of the driveway and despite investigations no owner could be identified. Having established this, the applicant has undertaken the required public notices (both on site and within a local newspaper) to try to establish the owner in accordance with Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, as it is not clear who owns the access. As such as no responses were received indicating ownership by the 31st March 2025, and as such the applicant is deemed to have accorded with planning requirements and a determination can now be made on this proposal.

## **CONCLUSION**

North East Lincolnshire cannot demonstrate a 5-year housing supply and the presumption in favour of sustainable development is activated. The development of two new dwellings in such a sustainable location would therefore assist, albeit in a small way, to meet the housing needs of North East Lincolnshire. Within the planning balance this must be given substantial weight.

Despite neighbour's concerns, the impact on highway safety and capacity and indeed the operation of the private lane/ parking areas is not considered to be unacceptable given the potential activity which could occur through the renting out of all the garages and the

limited nature of the proposal. Similarly, despite concerns the applicant has confirmed that connection to foul and surface water mains within Mill Road is possible, albeit details would need to be agreed.

The scale of the development, however, relative to the small size of the site, its nature and relationship to neighbouring properties is such that the proposal would represent an overdevelopment of the site. This would lead to an unacceptable impact on the residential amenity of existing occupiers of adjoining properties due to appearing unacceptably dominant and oppressive. In addition, the site, scale of development and relationship with the access and parking areas would lead to future occupiers experiencing a loss of privacy, noise and nuisance, lack of light and sunlight and limited outdoor amenity space. These are significant concerns, that cannot be dismissed and would count against the proposal.

The NPPF places great weight on sustainable housing development. Para 11 of the NPPF 2025 indicates that for the decision taker this means:

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Whilst accepting the tilted balance in favour of sustainable housing development is activated by the lack of a 5 year housing supply, in this instance, the benefits of only two new houses compared to the impact on both existing and future occupiers amenities is such that it is considered that the proposal should be refused being contrary to Policies: 5 and 22 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

## **RECOMMENDATION**

### **Refused**

(1) The application site is inadequate for the scale of development proposed having regard to its limited size and juxtaposition with the adjoining properties leading the proposal to, if approved, dominate the adjoining properties leading to an unacceptable reduction in the standard of residential amenity which the occupiers of the adjacent dwellings might reasonably be expected to enjoy. In addition to this, future occupiers would enjoy limited privacy, light and sunlight and a lack of outdoor

amenity space and would have to endure unacceptable noise and nuisance from adjoining properties and traffic. The limited space available is likely to reduce residential amenities in terms available access and parking which may prevent access to and ease of parking but could also hamper emergency vehicles. Together these indicate the proposal would be contrary to Policies 5 and 22 of North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018) and the provisions of the NPPF (2025).

## **Informative**

### **1 Informative**

This decision relates to the following plans:

- Site Location Plan;
- Existing Block Plan;
- Proposed Block Plan;
- Existing Plans and Elevations;
- Proposed Floor Plans and Elevations.

DM/0900/24/FUL – REAR OF 171 MILL ROAD, CLEETHORPES



[illegible]

Note: All site levels remain as existing and not affected by the proposal. New dwellings set min 150mm above ground level at lowest point.

Note: No track  
will be affected  
by the proposals.  
All outside application  
site.

Note: No trees will be affected by the proposals all outside the application site

**PLANNING COMMITTEE - 23rd April 2025**

**ITEM: 8**                      **RECOMMENDATION: Approved with Conditions**

**APPLICATION No: DM/0523/23/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: Willow Lakes Ashby Hill Top Farm , Barton Street, Ashby Cum Fenby, North East Lincolnshire, DN37 0RU**

**PROPOSAL: Change of use of land from field/paddocks to 23 holiday cabins with vehicle parking, landscaping and associated works - updated foul drainage information February 2025**

**APPLICANT:**

Mr John Collis  
Willow Lakes Ashby Hill  
Top Farm Barton Street  
Ashby Cum Fenby  
North East Lincolnshire  
DN37 0RU

**AGENT:**

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

**DEPOSITED: 1st June 2023**

**ACCEPTED: 7th June 2023**

**TARGET DATE: 6th September 2023**

**PUBLICITY EXPIRY: 14th March 2025**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 7th July 2023**

**CASE OFFICER: Richard Limmer**

**PROPOSAL**

The proposal is to change of use of part of the Willow Lakes site from field/paddocks to site 23 holiday cabins with vehicle parking, landscaping and associated works. This is an additional 23 holiday cabins to those already on site and those approved but not yet delivered.

This application has been brought to Planning Committee due to an objection from Ashby cum Fenby Parish Council.



## **SITE**

The site is adjacent to the A18 at Ashby Hill Top near the village of Ashby cum Fenby. The site forms part of the Willow Lakes holiday park which stretches from the A18 north east and equates to some 18h and currently includes café, holiday cottages, holiday lodges, stables, livery, horse paddocks and 2 fishing lakes.

The site is located adjacent to the Lincolnshire Wolds AONB, the A18 forms the boundary of the AONB. The site drops down off the edge of the Wolds to the Humber valley below. The change in levels is roughly 30m from the top of the site adjacent to the A18 to the bottom of the site to the north east. The site has various boundary treatments from large native hedgerows to low fences. There is various landscaping features within the site. Currently the main buildings on the site are located at the top adjacent to the A18, 14 holiday cabins have been erected down at the bottom of the site adjacent to a large fishing lake. There are extant planning permissions for a further 18 holiday cabins.

## **RELEVANT PLANNING HISTORY**

No relevant planning history on this part of the site. There is an extensive planning history on the wider site.

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

### National Planning Policy Framework (2023)

NPPF2 - Achieving sustainable development  
NPPF6 - Building a strong, competitive economy  
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  
PO12 - Tourism and visitor economy

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

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

## **REPRESENTATIONS RECEIVED**

Environment Agency - no objections, recommend conditions for foul water drainage and informative for the necessary licenses.

Drainage Officer - no objections, recommend conditions for drainage management.

Highways Officer- no objections, recommend conditions.

Ecology Officer- no objections, recommend conditions.

Trees and Woodland Officer- no objections, recommend conditions for further landscaping details and management.

Heritage Officer- no comments.

Environmental Health - no objections, recommend conditions for construction.

Natural England - no objections.

Fire Brigade - no objections.

Public Rights of Way - no objections, adjacent PROWs need suitable protection.

Cadent - no objections.

Ashby cum Fenby Parish Council - object to the proposed development with concerns over foul water drainage, lack of provision of a bund to protect neighbours, over intensive development, too close to the village and will cause issues from noise and light, proximity to the AONB.

HSE - Do not advise against.

### **Neighbours and other representation**

The Hall and Ash Trees have objected to the proposal with concerns over the following matters:

- Noise;
- Light;
- Flooding in the village;
- Proximity to the village;

- Overall size of the development and wider complex;
- Impact on the tourism offer of Cleethorpes.

## **APPRAISAL**

### Planning Considerations

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

#### 1. Principle of Development

Agricultural diversification comes in many forms and Policy 5 of the NELLP 2018 in part 3 embraces development proposals that would support a prosperous rural economy.

Willows Lakes is an established holiday complex with a multitude of activities authorised within the site. The NPPF 2025 and NELLP 2018 acknowledge the contribution that land based activities, that require a rural location, can have on the wider economy.

Willow Lakes, whilst established, is still developing and in response to a changing tourism market a number of planning applications have been submitted to respond to market demands in recent years. This application is for 23 additional holiday cabins to expand and sustain the business at Willow Lakes and improve the wider leisure and tourism offer in the borough is supported by Policies 5 and 12(e). It is considered that, in principle, the development accords with part 3A of Policy 5 and part E of Policy 12 of the NELLP 2018 subject to the site specific impacts discussed in this report.

#### 2. Impact on Neighbouring Land Uses

The proposed cabins would be located in the north east section of the Willow Lakes complex a substantial distance from the residential properties on Ashby Hill Top and Ashby village. There is a significant drop in levels from Ashby Hill Top to where the cabins would be located meaning that the cabins themselves do not restrict any views beyond the site. The main village of Ashby cum Fenby is to the east of the site but again a substantial distance away from the site. Due to the existing hedgerows and trees the site is not readily visible from the dwellings within the actual village. The proposed development also shows extensive landscaping within the site to help screen and soften views to the proposed cabins.

The immediate land around the main part of the site where the proposed cabins would be sited is horse paddocks to the north/north west and agricultural land to the north/north east. The impact on these neighbouring land uses would be minimal due to the nature and scale of the proposed use.

It is therefore considered that the proposed development would not offer any harm to the neighbouring land uses in accordance with Policy 5 of the NELLP 2018.

### 3. Impact on the Character of the Area

The site is located within the open countryside and adjacent to the Lincolnshire Wolds National Landscape (AONB). However, the site has an extensive planning history and an established use as a holiday complex with various land based activities running alongside. The A18 Barton Street forms the boundary of the AONB and the proposed development would utilise the existing site access from the road. The part of the site where the proposed cabins would be located is currently used for horse paddocks and is set out as such. The proposed cabins would be visible from the A18 but the proposed landscaping and the layout of the site would ensure a spacious feel to the development especially in longer views.

There is a significant change in levels from the A18 down to the location of the proposed cabins, this change in levels means that the views of the site are from above and the proposed development would not impinge on the longer views across the Humber valley.

The proposed development has sought to soften the views, both near and far, by providing extensive landscaping within the site and the layout of the proposed cabins is very spacious avoiding any views of continuous built form.

It is noted that there are public rights of way that run along the north eastern and south eastern boundaries, these rights of way are very well used and link the village of Ashby cum Fenby with the Lincolnshire Wolds AONB. The proposed development would be adjacent to these paths and would provide extensive views of the development. As part of the proposal a detailed landscaping scheme has been provided to help soften the development and the impact of it on the character of the paths. The paths would be protected and retained in the same alignments as existing. The PROW Officer has not objected to the scheme but seeks an updated landscaping scheme to ensure that the landscaping does not impede the paths. This can be secured by a condition.

It is therefore considered that, whilst the proposed cabins would be visible from the A18 and the AONB, the proposed development would not harm the visual character of the site or wider area including the setting of the Lincolnshire Wolds AONB. The proposal is therefore considered to accord with Policy 5 of the NELLP 2018. However, an aspect of protecting the character and appearance of the area is the quality of the landscaping and its maintenance, the final details of which should be secured through a suitable conditions.

### 4. Highways

The proposal has been considered by the Highways Officer in terms of highway safety and amenity. The proposal would utilise the existing access to the complex which was

designed and constructed with the wider development of the Willows Lakes complex in mind back in 2010 under DC/535/10/WAB. The proposed additional 23 cabins would not attract a significant amount of additional traffic movements to and from the site.

It is therefore considered that the proposed development would not harm highway safety or amenity in accordance with Policy 5 of the NELLP 2018.

## 5. Drainage and Flood Risk

The site is located in flood zone 1 (low risk) on both the Environment Agency flood maps and the Strategic Flood Risk Assessment, this is therefore considered to be sequentially a preferred site for this type of development.

Concerns have been raised by the Parish Council about the potential increase in surface and foul water and the subsequent impact downstream within the village, which has a history of surface water flooding issues. The applicant has supplied a detailed Drainage Report and Flood Risk Assessment to consider the impact of the proposed development. The proposal includes the use of permeable paving and soakaways so that the surface water from the site mimics as closely as possible what happens on the site at present. The result of the proposed drainage system is that the development would not result in any increased surface water run off rates from the site compared to the existing rates. This has been agreed with the Council Drainage Engineer.

There have been extensive discussions with the Environment Agency in regard to foul water drainage and ensuring that this is dealt with in the most appropriate manner. The applicant has provided a detailed foul water drainage strategy that utilises a package treatment plant system to treat the foul water from the site. This has been agreed by the Environment Agency and the Drainage Engineer but a condition is required for the maintenance and management of that system to ensure that it is properly looked after. This is recommended.

It is therefore considered that the proposed development would not increase the risk of flooding on or off the site in accordance with Policy 5 of the NELLP 2018.

## 6. Ecology

The application has been submitted with a detailed Ecology Appraisal which has been considered by the Council Ecologist. The Ecologist has confirmed that they have no objections to the proposed scheme. The submitted Ecology Appraisal details various improvements to the site that would benefit biodiversity gain, these improvements include tree planting, wildflower areas and hedgerow improvements. This can be achieved through a detailed landscaping scheme and future management plan for the site. This can be secured through suitable conditions. The application predates any requirement for mandatory BNG.

It is therefore considered that the proposed development would accord with Policies 5

and 41 of the NELLP and the aforementioned conditions should be included.

## **CONCLUSION**

In conclusion, it is considered that the proposed development would not offer any adverse impacts to the neighbouring properties amenities, the character of the area or highway amenity. The proposed development would help sustain and expand the existing tourism offer from the site to the benefit of the wider economy. The proposal is therefore considered to be in accordance with Policies 5, 12, 22, 33, 34, 41 and 42 of the NELLP 2018. It is therefore recommended for approval.

## **RECOMMENDATION**

### **Approved with Conditions**

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

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

#### **Reason**

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

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

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

RD5052-01 - site location plan

RD5052-02 - existing site plan

RD5052-03 Rev B - proposed site plan

RD5052-04 - lodge plans and elevations

#### **Reason**

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

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

The hereby approved holiday cabins shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence.

#### **Reason**

The holiday cabins are in a location where the Local Planning Authority would not wish to see permanent residential occupation in order to comply with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(4) Condition

The owners/occupiers of the site shall maintain a central up to date register of the names of all owners and occupiers of the hereby approved holiday cabins and of their main home address and shall make this information available on request of the local Planning Authority.

Reason

The holiday cabins are in a location where the Local Planning Authority would not wish to see permanent residential occupation and in order to comply with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(5) Condition

No development shall commence until:

- (a) A scheme of landscaping and ecological enhancement, based on the Preliminary Ecological Appraisal September 2023 and landscaping plan ref: N0868(96)001-rev A, showing the details of the number, species, sizes and planting positions of all planting;
- (b) A plan including details of all trees to be retained, any to be felled, hedgerows to be retained, any sections of hedgerow or trees to be removed;
- (c) Measures for the protection of trees and hedges during construction work;
- (d) A detailed scheme for the management and maintenance of the landscaping and ecological enhancement scheme;

have been submitted to and approved in writing by the Local Planning Authority.

Reason

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

(6) Condition

The scheme of landscaping and tree planting required in condition 5 of this planning permission 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 maintained for 15 years in accordance with the approved management and maintenance plan, beginning with the date of completion of the scheme and during that period all losses shall be replaced during the next planting season.

Reason

To ensure a satisfactory appearance and setting for the development and continued maintenance of the approved landscaping in the interests of local amenity in accordance

with Policy 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(7) Condition

Prior to the development commencing, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in accordance with the approved details. The plan shall contain:

- Working hours;
- Visitor and contractor parking areas;
- Materials storage area;
- Wheel cleaning facilities;
- Noise, vibration and dust mitigation measures (both during demolition and construction);
- Construction traffic management plan.

Reason

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

(8) Condition

Prior to development commencing a detailed scheme for surface water drainage shall be 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 reduce the risk of flooding on and off the site in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(9) Condition

Prior to the occupation of any cabin full and final details of the private sewage package treatment for foul drainage and its maintenance, based on the Drainage Statement dated 17th February 2025 in particular Option 3 (to combine lodge Phase 2 and Phase 3 with one treatment plant) shall be submitted to and approved in writing by the Local Planning Authority. The foul drainage scheme shall be implemented as approved prior to the occupation of any cabin and thereafter maintained in accordance with the approved maintenance scheme.

Reason

In the interests of pollution control to accord to Policy 5 and 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).



(10) Condition

Prior to development commencing the eDNA testing for Great Crested Newts (GCN), as recommended in the Preliminary Ecological Appraisal dated September 2023, shall be undertaken. The results of the testing, along with a detailed scheme of mitigation and protection of GCN, if found, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be built out in strict accordance with the approved details.

Reason

In the interest of ecological protection and enhancement in accordance with Policy 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(11) Condition

Prior to development commencing a detailed scheme for all external lighting shall be 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 no further external lighting shall be installed without the prior written consent of the Local Planning Authority.

Reason

In the interests of visual amenity and ecological protection in accordance with Policies 5 and 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(12) Condition

Development shall not begin until details of all external materials to be used in construction of the structures have been submitted to and approved in writing by the Local Planning Authority. The development shall then proceed 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).

(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 1 applies.

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

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

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

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

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

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

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

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

4.5 Self and Custom Build Development, meaning development which:

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

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

Irreplaceable habitat

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

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

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

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

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

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

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

## **Informatives**

### **1 Informative**

Environmental permitting - Please be aware that the proposed discharge from this development will require a permit from the Environment Agency. For further information on obtaining a permit please refer to Discharges to surface water and groundwater: environmental permits - GOV.UK

### **2 Informative**

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

### 3 Reason for Approval

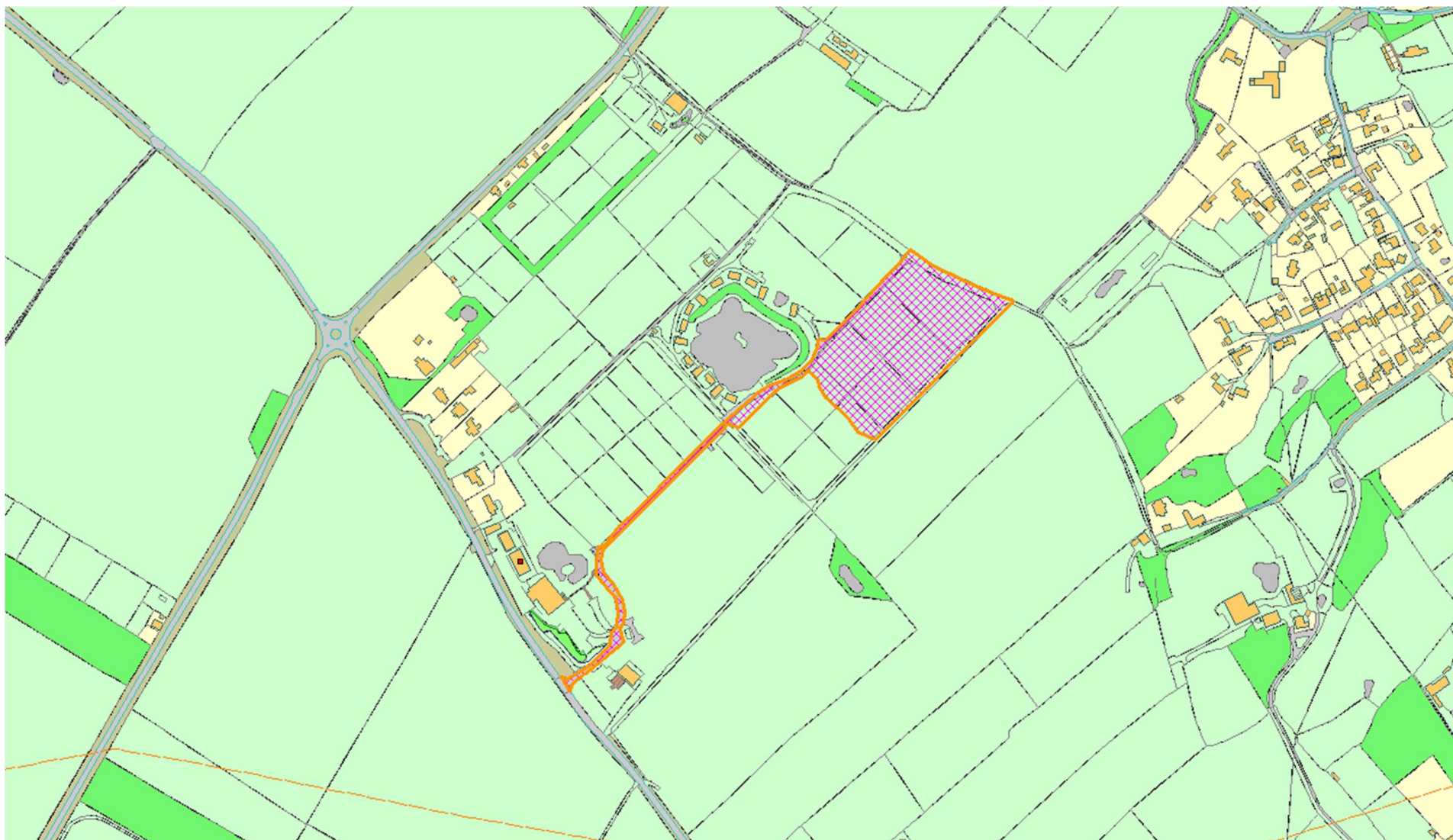
The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or residential amenity and is acceptable under all other planning considerations. This proposal is approved in accordance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

### 4 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 working with the agent to overcome issues including foul water drainage.

DM/0523/23/FUL – WILLOW LAKES ASHBY HILL TOP FARM, BARTON STREET, ASHBY CUM FENBY



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