

Planning Committee Dated: 9th July 2025

Summary List of Detailed Plans and Applications

Recommendation: Approved with Conditions	
Item:	1
Application No:	DM/0806/24/FUL
Application Type:	Full Application
Application Site:	Land Adjacent To 9 Ashby Close And 19 Glenfield Road 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
Case Officer:	Owen Toop

Recommendation: Refused	
Item:	2
Application No:	DM/0259/25/FUL
Application Type:	Full Application
Application Site:	Units 1-6 Block 5 Kiln Lane Stallingborough
Proposal:	Retrospective application for the change of use to gym
Applicant:	Mr Matt Tofton
Case Officer:	Bethany Loring

Recommendation: Approved with Conditions	
Item:	3
Application No:	DM/0314/25/FUL
Application Type:	Full Application
Application Site:	3 Buddleia Close Healing North East Lincolnshire DN41 7JH
Proposal:	Change of use from residential dwelling to children's home
Applicant:	Mr Paul Cowling
Case Officer:	Bethany Loring

Recommendation: Approved with Conditions	
Item:	4
Application No:	DM/0205/25/FUL
Application Type:	Full Application
Application Site:	Agriculture Land South View Humberston North East Lincolnshire
Proposal:	Variation of Condition 11 (Approved Plans) following DM/0771/24/FUL to amend house designs for plots: 2, 6, 7, 8, 9 & 10 (This application consolidates into one, various individual planning applications which were submitted and previously consulted on to change various plot and house designs separately. This amended application brings all the changes sought together under one reference and a clear overall layout plan showing all the changes proposed, including a further slight amendment to the position of plot 7. The previous application numbers were: DM/1066/24/FUL, DM/0045/25/FUL, DM/0047/25/FUL, DM/0049/25/FUL, DM/0110/25/FUL and DM/0205/25/FUL).
Applicant:	Dave Hughes
Case Officer:	Jonathan Cadd

Recommendation: Approved with Conditions	
Item:	5
Application No:	DM/0107/25/FUL
Application Type:	Full Application
Application Site:	36 The Drive Waltham North East Lincolnshire DN37 0FB
Proposal:	Erection of two dwellings with shared access road, parking spaces, landscaping and associated works (Preliminary Ecological Appraisal received 27th May 2025)
Applicant:	Mr And Mrs Bryan And Eileen Blanchard
Case Officer:	Bethany Loring

Recommendation: Prior Approval Granted	
Item:	6
Application No:	DM/0191/25/PAAF
Application Type:	Prior Approval - Agric Build - Flex Use
Application Site:	Moorhouse Farm Brigsley Road Ashby Cum Fenby North East Lincolnshire
Proposal:	Prior approval for change of use of grain store to retail unit (Agricultural to Class E)
Applicant:	Mr Ian Robinson
Case Officer:	Owen Toop

Recommendation: Approved with Conditions	
Item:	7
Application No:	DM/0302/25/FUL
Application Type:	Full Application
Application Site:	Waltham Gateway Academy Sunningdale Waltham North East Lincolnshire
Proposal:	Variation of Condition 5 (Hours of Construction) following DM/0448/23/FUL to amend working hours
Applicant:	Mr Ian Wilburn
Case Officer:	Owen Toop

Recommendation: Approved with Conditions	
Item:	8
Application No:	DM/0349/25/ADV
Application Type:	Advertisement Consent
Application Site:	New Clee Constitution Club 179 Grimsby Road Cleethorpes North East Lincolnshire
Proposal:	Remove existing sign and display one illuminated digital sign to sit above the existing fence line
Applicant:	Mr David White
Case Officer:	Bethany Loring

PLANNING COMMITTEE - 9th July 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, 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 was brought to the attention of the Planning Committee due to the

number of public objections received. On 23.04.2025 the Planning Committee deferred the application to allow further investigation into whether or not the land is classed as a Public Right of Way and whether or not the land was open space or suitable for use as a play area.

In response further investigation into the relevant legal matters, land planning use and history and Council asset management has taken place. It is now considered that these matters have been sufficiently addressed and so it is brought back to Planning Committee.

SITE

The application site is located at the very westerly side of both Ashby Close 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.

28045 - Land at Willows Estate

Layout of roads and plots. Approved 30th November 1962.

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 - Following discussions, the Ecology Officer confirms that Biodiversity Net Gain is required. 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.
- Overdevelopment 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/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 - Including Matters Following Deferral
- 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 - Including Matters Following Deferral

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 need within a sustainable urban location.

As noted, the planning application was deferred at Planning Committee on 23.04.2025 to allow further investigation into whether or not the land is classed as a Public Right of Way

and whether or not the land is open space or suitable for use as a play area. In response it is considered logical to run through these issues with regards to the Council's strategy for management of its assets, the relevant legal framework and the land planning use implications.

Firstly with regards to open space or green space for recreation, and following on from Planning Committee, feedback has been sought from the Council's Estates Team. The Council's Estates Team have confirmed that the land was held as public open space. The intention to dispose of the land was advertised by public notice in accordance with the Local Government Act 1972 Section 123 (2A) in April and May 2023. No objections were received to the Council's intention to dispose during this statutory consultation period. This followed on from a Cabinet decision in March 2023 where Cabinet approved in principle the disposal of property and land assets including the land in question. As set out in the previous planning committee report, it should be reminded that Policy 43 of the NELLP relates to green space and recreation where 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 un-allocated land and not one formally designated as either play space or green space. As such, both legally and in planning land use terms, the land has no formal protection.

It is also important to note all relevant planning history. Following committee further investigation has been sought in this regard. It is acknowledged that Application 28045 includes a previously approved plan which shows the site as a play area. It should be noted that there was no specific planning condition requiring this to be retained as a play area in planning land use terms however.

As set out in the previous Planning Committee Report and in relation to a previous application (Reference: 38943), the site description information states that the land is hardstanding with no evidence of play equipment sited.

Having regard to the above, it is therefore acknowledged that there may have been aspiration for this area to be used as a play space when the site was first approved, though this has never materialised in implementation, retention through planning condition or through a formal planning land use allocation. The application site remains today as it has done for many years, as hardstanding with cobbled areas that is restricted by bollards. It is acknowledged that significant representation has been made in regards to the loss of this area and 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 based on the facts above. With

regard to both the existing housing and the housing units proposed, these are within walkable limits of existing green space and play areas which are designated and safeguarded, whereas this site is not.

Now turning to the issue of the footpath and the Public Rights of Way (PROW) consideration. At the time of writing, no formal application for a Definitive Map Modification Order (DMMO) has been submitted. The application is recommended on this basis. For due diligence legal advice has been sought following on from Planning Committee. As well as being used as an informal area of open space, the area has been used as a footpath or walkway through route. The footpath is tarmacked and has street lighting and a litter bin provided by the Council. As the land has been held as open space (though now formally disposed of and not safeguarded in land planning use terms), the Council has given the public the right or permission to walk over it and this situation has continued for a number of years.

To establish a PROW there needs to be either an express or presumed dedication of the land by the landowner. In this case there has been no express dedication of this land as a PROW as it is not included on the definitive map. The presumed dedication of land as a PROW can occur at either common law or by statute under s31(1) of the Highways Act 1980.

To establish a presumed dedication of land at common law a 20 year period of uninterrupted use "as of right" by the public must be demonstrated. This means that the use must be open, without force, or without secrecy and not based on permission from the landowner. Once established a formal application can then be made to the Local Authority to have a PROW recorded on the Definitive Map held by the Local Authority (DMMO as referred to above).

Land can also be presumed to have been dedicated by statute under Section 31(1) of the Highways Act 1980 which states "where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has been enjoyed by the public as of right and without interruption for a full period of 20 years, the way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it."

Both the common law and statutory presumption requires the public to have enjoyed the land "as of right." The term "as of right" stems from the common law and means that the public must have used the route without force, secrecy and permission. In this case, the important factor in establishing if the land has been used as a PROW is that it must have been used without permission of the landowner, in this case the Council. In this instance the Council's Legal team are satisfied the land has been used "by right" as opposed to "as of right." "As of right" requires use without the landowners permission but "by right" is use of the land with the permission of landowner, the Council. The Council had knowledge that the public used this land as a footpath or walkway and catered for this by the installation of streetlights and a litter bin. In addition, the case of R (Barkas) V North

Yorkshire County Council 2014 at the Supreme Court, it was ruled that it would not be appropriate to infer that members of the public had been using open space "as of right" simply because the landowner had not objected to them doing so.

In conclusion, and in consultation with the Public Rights of Way Officer, it is considered that none of the land of the development can be defined as a Public Right of Way.

The site should therefore be seen as unallocated and unprotected in land planning use terms. In terms of keeping a walkway through the site, this would only be an ideal and is not a planning requirement, nor is its exclusion and thereby loss of a permeable feature tantamount of being detrimental as a principle, this is more a question of design and highway safety which are discussed below. The Council's Estates team have confirmed that the preferred option is not to include a footpath within the site as this has consequences for capital receipt.

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 Close associated with the school collection and dropping-off of children. Also, it should be noted that Ashby Close 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 as explained above. 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. There are examples of the use of render in the immediate area.

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. Overdevelopment 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 overdevelopment 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. In addition trees are included within the gardens. 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 requires Biodiversity Net Gain. A metric and updated landscaping plan has been provided and it is anticipated that the Biodiversity Net Gain condition can be applied on this basis.

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 this scheme, 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

On 23.04.2025, the Planning Committee deferred the application to allow further investigation into whether or not the land is classed as a Public Right of Way and whether or not the land was open space or suitable for use as a play area.

Having regard to the scheme and following the deferral at Planning Committee, it remains that 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, replacement trees and the 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.

Further investigation has been carried out in relation to the legal, asset management and land use planning consideration as above and the application is acceptable in this regard. 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 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)051 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)051 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)051 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 require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

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

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

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

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

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

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

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

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

4.5 Self and Custom Build Development, meaning development which:

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

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

Irreplaceable habitat

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

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

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

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

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

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

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

Informatives

1 Reason for Approval

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

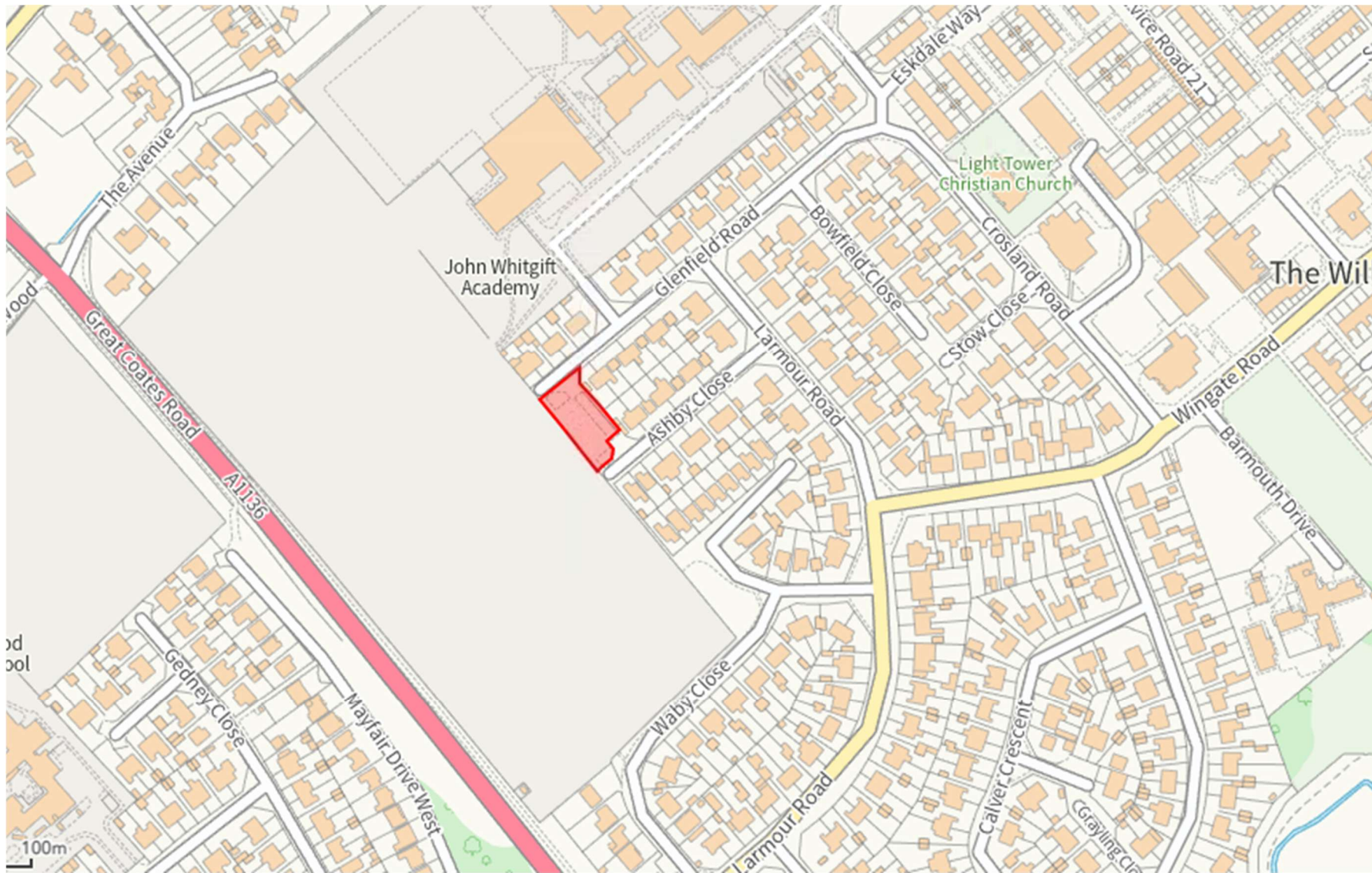
8 Informative

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 TO 9 ASHBY CLOSE AND 19 GLENFIELD ROAD, GRIMSBY



PLANNING COMMITTEE - 9th July 2025

ITEM: 2 **RECOMMENDATION: Refused**

APPLICATION No: DM/0259/25/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Units 1-6, Block 5, Kiln Lane, Stallingborough, North East Lincolnshire,

PROPOSAL: Retrospective application for the change of use to gym

APPLICANT:

Mr Matt Tofton
Muscleflex
Units 1-6
Block 5
Kiln Lane
Stallingborough
North East Lincolnshire

AGENT:

DEPOSITED: 31st March 2025

ACCEPTED: 9th May 2025

TARGET DATE: 8th August 2025

PUBLICITY EXPIRY: 8th June 2025

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 2nd June 2025

CASE OFFICER: Bethany Loring

PROPOSAL

The application seeks retrospective permission to the change the use of the existing units, from a former industrial warehouse to a gym with associated facilities to include a shop, office and changing facilities. The change of use affects Units 1-6, of Block 5, with no external alterations.

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

SITE

The application site is positioned within Kiln Lane Industrial Estate located to the south side of Kiln Lane in Stallingborough along Worldwide Way. The building itself is situated to the west of Worldwide Way and forms the majority of Block 5. The unit is of a double height and adjoins the further 10 units to the west. The building is brick built to include steel cladding to the upper areas with a shallow pitched roof. The site benefits from an off-street parking area to the frontage.

RELEVANT PLANNING HISTORY

No relevant planning history.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2023)

NPPF6 - Building a strong, competitive economy

NPPF12 - Achieving well designed places

NPPF14 - Climate, flooding & coastal change

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

PO33 - Flood risk

PO38 - Parking

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

Stallingborough Parish Council - No objections.

Waste Officer - No comments as commercial development.

Environment Agency - No objections. Recommends flood warning and evacuation plan.

Ecology Officer - Exempt from mandatory BNG requirements as doesn't affect 25sqm of habitat. No known ecological issues.

Drainage Officer - No comments.

Environmental Health - No comments.

Humberside Fire and Rescue Service - Informative advice for access and water supplies.

Highways Officer - Approval no conditions.

Travel Plan Officer - Travel Plan statement required.

Spatial Planning Officer - No comments.

HSE - Sufficient reasons on safety grounds, for advising against the granting of planning permission in this case.

Heritage Officer - No input required.

Cllr Trevor Crofts (Ward Councillor) - Considers HSE to be very restrictive and overly conservative. Supports the move into larger premises. Considers usage and probability of hazards and impacts.

Neighbour Representations

Civic Society - Supports change of use.

Support comments have been received from the following addresses broadly on the grounds of strong community, professional set up, physical and mental health benefits, local owners, personal improvements and benefits, great location, high levels of cleanliness and equipment, loss would discourage investment, little traffic, ample parking, comments relating to safety concerns and pipeline proximity, successful business, attracts visitors, significant investment for the local area, improvements to obesity issue, encourage employment, comfortable and safe environment, connectivity to industrial businesses, clean and tidy and highly accessible.

5 Acorn Close, Healing
12 Advent Court, Ulceby
79 Albatross Drive, Grimsby
34 Allerton Way, Immingham
110 Allerton Way, Immingham
120 Allerton Way, Immingham
62 Ancholme Avenue, Immingham
16 Ancholme Avenue, Immingham

10 Ashbourne, Waltham
5 Blacksmiths Court, Stallingborough
27 Bluestone Lane, Immingham
42 Brereton Avenue, Cleethorpes
27 Buller Street, Grimsby
6 Candlesby Road, Grimsby
8 Carmellia Grove, Louth
10 Chace Court, Thorne
20 Chestnut Avenue, Immingham
2 Church Lane, Stallingborough
4 Clematis Avenue, Grimsby
147 Cooper Road, Grimsby
8 Cordeaux Drive, Grimsby
Dale House, Charles Street, Louth
36 Drayton Street, Walsall
43 Eastfield Road, Keelby
80 Edge Avenue, Grimsby
148 Edge Avenue, Grimsby
29 Edinburgh Way, Grimsby
Falklands Way, Barton
92 Farebrother Street, Grimsby
39 Fairfax Road, Grimsby
50 Fairmont Road, Grimsby
9 Forsythia Avenue, Grimsby
15 Gervase Holles Way, Grimsby
23 Grange Avenue, Latchford, Warrington
88 Granville Street, Grimsby
10 Greengate Lane, Immingham
354 Hainton Avenue, Grimsby
17 Holly Mews, Grimsby
16 Holme Avenue, Grimsby
6 Irby Court, Cleethorpes
10 Ivy Bank, Lincoln
26 Jersey Place, Immingham
25 Kings Mews, Cleethorpes
15 Kirkstead Crescent, Grimsby
404 Laceby Road, Grimsby
83 Lansdowne Avenue, Grimsby
10 Lindsey Road, Cleethorpes
131 Littlefield Lane, Grimsby
16 Longmeadows Drive, Laceby
127 Lord Street, Grimsby
15 Melbourne Avenue, Grimsby
72 Merlin Road, Scunthorpe
24 Muirfield Croft, Immingham
Mulberry Barn, Church Street, Elsham

157 Nelson Way, Grimsby
4 Oakfield Lane, Grimsby
5 Paddock Court, Immingham
31 Parkwood Gardens, Calverley
85 Pershore Avenue, Grimsby
11 Reporto Avenue, Grimsby
42 Riplingham Road, Hull
55 Robert Pearson Mews, Grimsby
88 Rochdale Road, Scunthorpe
5 Romsey Court, Grimsby
22 Rosemary Avenue, Grimsby
23 Rosemary Avenue, Grimsby
Roundhill, Peppin Lane, Fotherby
22 Runswick Road, Grimsby
52 Scartho Road, Grimsby
43 Sheldon Road, Grimsby
19 St Hildas Avenue, Grimsby
359 St Nicholas Drive, Grimsby
8 Station Road, Stallingborough
10 Station Road, Stallingborough
49 Station Road, Stallingborough
63 Station Road, Healing
70 Station Road, Stallingborough
92 Station Road, Stallingborough
11 Sunningdale Drive, Immingham
34 Talbot Road, Immingham
34 The Avenue, Grimsby
6 Viking Close, Immingham
6 Villa Court, Grimsby
3 Waby Close, Grimsby
1 Walnut Close, Louth
19 Waterworks Street, Immingham
345 Weelsby Street, Grimsby
2 West Lane, Grimsby
8 Whisby Court, Holton Le Clay
11 Wicklow Avenue, Grimsby
63 Winslow Drive, Immingham
99 Winchester Avenue, Grimsby
17 Wisteria Drive, Grimsby
22 Woad Lane, Great Coates
73 Worsley Road, Immingham
41 Yarborough Road, Keelby

APPRAISAL

The material considerations are:

1. Principle of Development
2. HSE Considerations and Safety
3. Design, Impacts to the Area and Local Amenity
4. Highways and Parking
5. Flood Risk and Drainage
6. Other Matters

1. Principal of Development including Health and Safety Considerations

The application seeks retrospective permission to change the use of the existing industrial units to a gym. The change of use does not include any external alterations.

In the first instance as a leisure use it is necessary to consider the location of the use having regard to the 'retail hierarchy' and Policy 23 of the North East Lincolnshire Local Plan. In response the applicant has undertaken a sequential analysis to demonstrate that this location offers connectivity to the South Humber Bank Industrial Area and provides a facility which is not readily available within this area of Stallingborough. It provides supporting facilities for this large industrial area. Moreover alternative sites have been stated as unsuitable for various reasons including viability, legal covenants and structural concerns. Having regard to these considerations it is recommended that the proposal would not undermine the vitality and viability of town centres and is acceptable in these terms. The high level of comments in support of the application from the community and existing members demonstrates their value of the use.

However in terms of principle, industrial locations can raise issues of safety due to the number of industrial locations on the South Humber Bank in particular which are hazardous installations. They benefit from hazardous substance consent which mean hazardous consultation zones around them are defined by the Health and Safety Executive (HSE). For planning applications within these zones the HSE are a statutory consultee. The proposal is considered under the PADHI methodology (Planning Advice for Developments near Hazardous Installations). The site falls within two outer, one middle and two inner HSE Zones. The floor space of the gym meets the threshold for consultation and is considered as an 'indoor use by the public' by its very nature.

Following consultation the HSE 'Advice Against' the grant of planning permission. This is on the consideration that the risk of harm to people at the development site is such that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case. This in itself is a strong ground to refuse the application and also highlights the inappropriateness of such a general public use in this type of industrial location. It is considered that in land use terms that an area which is home to hazardous installations and which is promoted for economic development should not be compromised by uses which are not compatible.

Matters of mitigation have been raised and this has been discussed further with the HSE. They acknowledge this specific case and state that only geographical separation, from

the zonings, is the only mitigation available. They reiterate the importance of the issue by stating that if the Council was minded to grant permission for the proposed development, advance notice would be required to be given to the HSE to consider whether they should request that the Secretary of State for Levelling Up, Communities and Housing calls in the application for her own determination.

Given the public safety concerns raised it is considered that these demonstrably outweigh the benefits of allowing the application in this case. It is therefore recommended that the application be refused as it is contrary to Policy 5 of the NELLP.

3. Design, Impacts to the Area and Local Amenity

The area itself is predominantly industrial with a variety of uses in the vicinity. In terms of impact, the proposal is not expected to create an adverse impact on local amenity due to its position in an already established area of industrial and commercial businesses.

There are no external alterations included as part of this application. The design of units is of a typical industrial appearance akin to the existing units in close proximity to the site and will be retained as such. This means that in the future should the use move out then the building itself could be easily changed to a typical industrial or commercial use without any significant external changes being required.

As such it is considered that the proposal would not cause any adverse impact on the character of the area and it is in accordance with Policies 5 and 22 of the NELLP.

4. Highways and Parking

The area is located within a well-established industrial environment where private car travel is common and expected given the nature of the businesses within the surrounding area. There are some dedicated parking spaces available as existing to the front of the site, 18 spaces in total, which are retained. However, the use, whilst already established, could see a further increase to traffic movements and the need to park. In highway terms a Travel Plan would be required for such a proposal which could be conditioned.

There are no highway concerns under Policies 5 and 38 of the NELLP.

5. Flood Risk and Drainage

The site falls within Flood Zone 3 however, the use is considered to be 'less vulnerable' according to the Environment Agency's Vulnerability Classification table. The Environment Agency have commented to state that they have no objections to make however have advised that a Flood Warning and Evacuation is required which could be included as a condition. In addition, the Drainage Officer has provided no comments.

The proposal is acceptable is in accordance with Policy 33 of the NELLP in relation to flood risk.

6. Other Matters

The application is exempt from the mandatory BNG requirements as the proposal does not impact more than 25sqm of habitat and is for a change of use only. The Ecology Officer has commented to confirm the exemption as well as confirming that there are no known ecological issues.

CONCLUSION

In conclusion, it is considered that the development would present an unacceptable risk to public safety by means of the HSE zonings within this location. It is therefore considered that this be contrary to Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018). The application is therefore recommended for refusal.

RECOMMENDATION

Refused

(1) The development is located within an established industrial area and in proximity of a number of hazard sites as defined by the Health and Safety Executive. Given the public safety concerns raised it is considered that these demonstrably outweigh the benefits of allowing the application in this case. The use is incompatible to neighbouring industrial uses in terms of its location and is contrary to Policy 5 of the North East Lincolnshire Local Plan 2013 to 2032 (adopted 2018).

Informatives

1 Informative

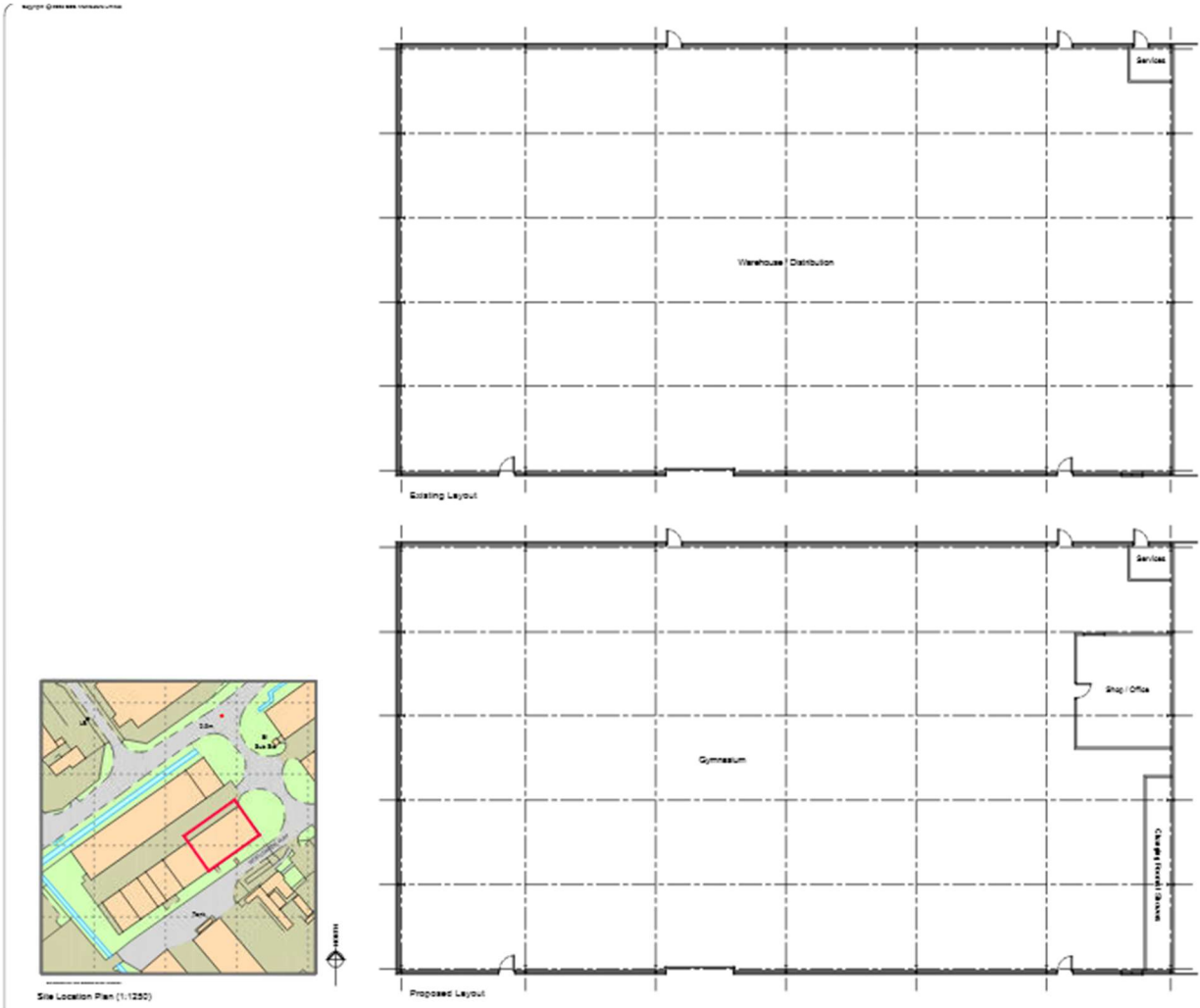
This application has been considered using the plan referenced:

Site Location Plan, Existing and Proposed Floor Plans - 25-510-200

DM/0259/25/FUL – UNITS 1-6, BLOCK 5, KILN LANE, STALLINGBOROUGH



DM/0259/25/FUL – UNITS 1-6, BLOCK 5, KILN LANE, STALLINGBOROUGH



PLANNING COMMITTEE - 9th July 2025

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

APPLICATION No: DM/0314/25/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: 3 Buddleia Close, Healing, North East Lincolnshire, DN41 7JH

PROPOSAL: Change of use from residential dwelling to children's home

APPLICANT:

Mr Paul Cowling
NELC
Municipal Offices
Town Hall Square
Grimsby
North East Lincolnshire
DN31 1HU

AGENT:

Mrs Sarah Perry
Equans Professional Services (Architecture)
Municipal Offices
Town Hall Square
Grimsby
North East Lincolnshire
DN31 1HU

DEPOSITED: 16th April 2025

ACCEPTED: 23rd April 2025

TARGET DATE: 18th June 2025

PUBLICITY EXPIRY: 23rd June 2025

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 17th May 2025

CASE OFFICER: Bethany Loring

PROPOSAL

The application seeks to change the use of the property from a single residential dwelling to a children's home.

The application is brought to Planning Committee as a result of the number of objections received.

SITE

The property is situated on the southwest side of Buddleia Close in Healing. The property sits to the end of the cul-de-sac. The immediate area is made up of predominately residential properties.

RELEVANT PLANNING HISTORY

No relevant planning history.

Land adj under construction DM/1211/21/FUL - approval for 8 dwellings.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2023)

NPPF8 - Promoting healthy and safe communities

NPPF12 - Achieving well designed places

NPPF14 - Climate, flooding & coastal change

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

PO5 - Development boundaries

PO22 - Good design in new developments

PO33 - Flood risk

PO38 - Parking

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

Ecology Officer - Exempt from BNG requirements. No known ecological issues.

Drainage Officer - No comments.

Highways Officer - Approval with highways license informative.

Environmental Health - No comments.

Heritage Officer - No input required.

Healing Parish Council - No objections.

Safer Communities Officer - No issue with this location for a children's home.

Public Representations

Objections have been received from the following addresses broadly on the grounds of suitability of the location, noise and disturbance, increased traffic levels, anti-social behaviour, increased parking, devaluation of property, construction activity from adjacent developments, mental well being of residents, adequacy of consultation, road safety, access for emergency services, impact to the character of the area, safeguarding and safety concerns, and medical background of the children.

6 Buddleia Close, Healing
7 Buddleia Close, Healing
9 Buddleia Close, Healing
17 Buddleia Close, Healing
38 The Avenue, Healing

Comments neither objecting or supporting have been received from the following addresses broadly commenting on the level of consultation, use of public money, property value, impact on children's home from adjacent development site and parking.

8 Buddleia Close, Healing
12 Buddleia Close, Healing

A comment of support broadly on the grounds of the site being a good location and the need for such facilities has been received from the following address.

32 Westminster Drive, Grimsby

The Civic Society have provided comments neither objecting nor supporting the proposal. They acknowledge the need for a family residence like this one but suggest that facilities to support it are needed which aren't provided here.

APPRAISAL

The material planning considerations are:

1. Principle of Development
 2. Impact to the Character of the Area
 3. Impact to Neighbours
 4. Highways and Parking
 5. Crime and Anti-Social Behaviour
 6. BNG
-
1. Principle of Development

The proposal is for the change the use of the existing dwelling (Use Class C3) into a

children's care home (Use Class C2).

The information supplied with the application (contained within the Operational Statement) states that up to 3 children would live at the property with 3 members of staff (maximum) providing care in the day and 2 members of staff during the night (maximum). This would be the children's permanent home. The care that would be provided would be acting in a parenting role and the concept is to provide a family home. The proposed use of the house is still residential in principle and would provide a home for children to be managed by North East Lincolnshire Council.

The site is located within an established residential area. Moreover, this area of the Borough benefits from the usual services expected in a village locality, including primary and secondary schools, local centres, public transport and recreation areas, and is located within the defined settlement boundary for Healing in the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) (NELLP). Therefore, it is considered acceptable in principle.

It then falls to judge the proposal on the site-specific material planning issues as required by Policy 5 of the NELLP 2018.

2. Impact on the Character of the Area

The proposed change of use would not result in any external changes to the existing dwelling. Thus, the visual character of the area would not be adversely affected by the proposed development. The proposed use whilst falling within Use Class C2 of the Use Classes Order is still residential in nature. Currently the existing house has four bedrooms, and there would be no layout changes to the property internally therefore, in physical terms, the property would be used and remain as a traditional family home.

The proposal is therefore considered to accord with Policy 5 of the NELLP in relation to the impacts to the character of the area.

3. Impact to Neighbours

The objections received from local residents are acknowledged. The proposed development would not see any physical changes to the existing property externally as mentioned and so there would therefore not be any physical impacts from development on the neighbouring properties residential amenities in relation to massing, overshadowing or overlooking. The potential impacts to the neighbours therefore arise from the proposed use of the property.

The proposed use would see the existing four-bedroom dwelling used in a very similar way to its current use as a dwelling house. It is perfectly reasonable, in planning terms, to expect a four-bedroom house to be occupied by the number of children and adults specified in this application. There would be a material difference to the existing situation as the adults would not be residents and would change on a shift pattern, as noted within

the Operational Statement however, these comings and goings are unlikely to be significant and not materially different to those expected at any typical residential property in relation to the usual daily routine of school runs, sports clubs and trips to shops etc. which would take place. This is also considered to apply to use of the garden space by the children in that it would be no different from a family unit using their garden and as such this would not pose any additional impact on the residential amenities of the neighbouring properties.

Some comments refer to the devaluation of property and the medical backgrounds of the children intended to use the property. Such matters are considered to fall outside of the planning considerations. In relation to the adequacy of the consultation, the Operational Statement highlights this and offers the opportunity for residents to engage prior to its operation. Furthermore, sufficient consultation has been undertaken as part of the planning process and indeed can be acknowledged by the number of comments received. The other issues highlighted are addressed throughout the report.

In relation to the adjacent development site and potential impacts on this property, such considerations were accounted for in the assessment of that application. Whilst impacts from construction can be a nuisance, planning conditions have been utilised to limit impacts during this phase on neighbours, and this includes the application property.

It is noted that Healing Parish Council raise no objections.

The proposal is therefore considered to accord with Policy 5 of the NELLP in relation to the impacts to neighbours.

4. Highways and Parking

It is noted that objections highlight highway safety, amenity, access, traffic and parking as serious concerns.

The existing site is a four-bedroom property which would remain residential in its nature. The property benefits from an existing access point that will remain unaltered. The existing property benefits from a driveway which allows for at least 3 cars to be parked on the drive as well as the garage. In addition, there is sufficient existing on-street parking available.

It is therefore considered that the proposed development would not have a detrimental impact on highway amenity as a result of insufficient parking provision on the site.

Additionally, the traffic movements associated to the use are not expected to be significantly more than that for a single dwelling. It is not unreasonable due to the size of the property, to expect the existing dwelling to be potentially wholly occupied by adults and therefore have the potential to generate trip numbers far more than what is being proposed. The young people living in the home will not be car drivers themselves and therefore trip generation will be on par with standard family operation.

Highway safety is a material consideration. There are no on street parking restrictions in the area. As discussed above the proposed development would not place any additional pressure on on-street parking in the area than that which would occur at a dwelling. Indeed, the parking provision available on-site would likely be ample to support the maximum number of staff present at any one time. One main issue highlighted is the impact in terms of the potential of noise and disturbance specifically as a result of comings and goings. Details relating to staff changeover and numbers have been provided which demonstrate that this would not be over and above what can be reasonably expected at a residential property. The comments relating to access for emergency services is noted however it is not considered that this use would impede the access available and is typical to a normal family home.

The Highways Officer has considered the proposed development in detail with specific regard to highway safety, traffic, parking and amenity and raises no objections to the proposed development.

Having regard to highway considerations, it is therefore considered that the proposal accords with Policies 5 and 38 of the NELLP.

5. Crime and Anti-Social Behaviour

Some of the neighbour comments refer to the potential for anti-social behaviour. The property will be staffed 24 hours a day. The home is not intended to operate any different from that of a normal dwellinghouse and indeed, the number of children to be housed does not exceed what could typically be expected for a four-bed house. There has been engagement with Humberside Police in response to the application and in particular whether the site is suitable for a small care home in this location. The Crime Reduction Officer raises no objections with regards to the proposed use and its location.

The management of the home would fall under the responsibility of North East Lincolnshire Council in the first instance. It is in their interests to aspire to the highest standards and to operate effectively given that the registration of all residential homes are overseen by Ofsted who also maintain rigorous inspections and assessments throughout the operation of the home. The applicant is clearly experienced in managing such facilities. Irrespective of planning permission such registration provides additional controls over the site's management and its operating processes and procedures, giving an additional layer of protection in respect of those children occupying the property.

Having regard to the above, the proposal is considered to accord with Policies 5 and 22 of the NELLP.

6. BNG

Biodiversity net gain does not apply to this development, this has been confirmed by the Council's Ecologist.

CONCLUSION

The proposed development seeks to provide accommodation in the form of a small children's home which is to be delivered by North East Lincolnshire Council. The proposal would maintain a residential use in a residential area albeit of a different use class. The overall intensity of the use of the site would not significantly change what may reasonably be expected at a dwelling house. It is not considered that there would be any adverse impacts on the neighbouring properties residential amenities or additional harm to highway safety, amenity or crime. The general appearance of the property would not be altered and so the visual character of the area would not be harmed. Finally, the safety of the children has been considered acceptable by the Police.

It is therefore considered that the proposed development would comply with Policies 5, 22 and 38 of the NELLP and is 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:

Site Location Plan - PS041-25 P-001

Block Plan - PS041-25 P-002

Existing and Proposed Floor Plans - PS041-25 P-003 REV A

Reason

For the avoidance of doubt and in the interests of proper planning and to accord with Policies 5, 22 and 38 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(3) Condition

The development shall be operated and managed in accordance with the Operational

Statement (dated April 2025) in so far as the number of children are concerned.

Reason

To clarify the permission and to protect residential amenity in accordance 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 4.2 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 5, 22 and 38.

2 Informative

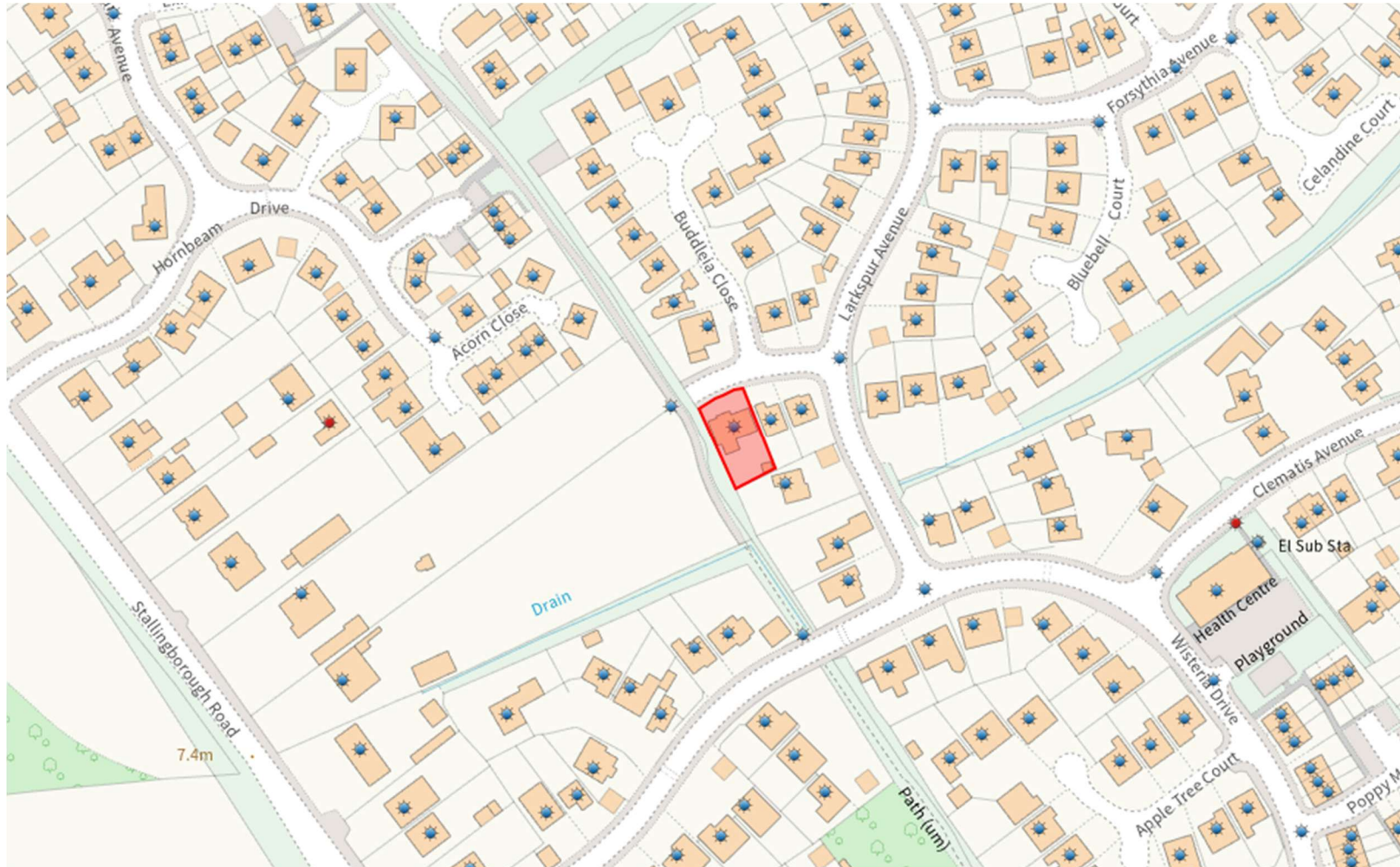
Article 31(1)(cc) Statement - Positive and Proactive Approach

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).

DM/0314/25/FUL – 3 BUDDLEIA CLOSE, HEALING



DM/0314/25/FUL – 3 BUDDLEIA CLOSE, HEALING



PLANNING COMMITTEE - 9th July 2025

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

APPLICATION No: DM/0205/25/FUL

APPLICATION TYPE: Full Application

**APPLICATION SITE: Agriculture Land , South View, Humberston, North East
Lincolnshire, DN36 4XA**

PROPOSAL: Variation of Condition 11 (Approved Plans) following DM/0771/24/FUL to amend house designs for plots: 2, 6, 7, 8, 9 & 10 (This application consolidates into one, various individual planning applications which were submitted and previously consulted on to change various plot and house designs separately. This amended application brings all the changes sought together under one reference and a clear overall layout plan showing all the changes proposed, including a further slight amendment to the position of plot 7. The previous application numbers were: DM/1066/24/FUL, DM/0045/25/FUL, DM/0047/25/FUL, DM/0049/25/FUL, DM/0110/25/FUL and DM/0205/25/FUL).

APPLICANT:

Dave Hughes
WHT Partnership Ltd
35 Louth Road
Grimsby
DN33 2HP

AGENT:

Simon Coyne
CDC Architecture Limited
35 Louth Road
Scarho
Grimsby
DN33 2HP

DEPOSITED: 19th March 2025

ACCEPTED: 26th March 2025

TARGET DATE: 25th June 2025

PUBLICITY EXPIRY: 15th June 2025

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 15th June 2025

CASE OFFICER: Jonathan Cadd

PROPOSAL

This application seeks permission for various changes to the approved house designs at plots 2, 6, 7, 8, 9 & 10 which was originally approved under a wider planning permission granted by the Planning Committee in 2024, ref. no. DM/1052/23/FUL but then

subsequently amended under several individual planning permissions, most recently ref. no. DM/0774/24/FUL.

The current proposal consolidates into one, various individual planning applications which were submitted to change each plot design separately which caused confusion. As such, this application brings all the changes under one reference and allows the production of a clear layout plan showing all the changes proposed and their relationship to each other.

The changes to each plot in summary are outlined below:

- Plot 2

The design for plot 2 follows that approved in 2024 but now includes an enlarged ground floor area to the southwestern side of the dwelling which takes the form of an open plan kitchen, dining and family area with ancillary pantry and plant room. The proposal would not increase the overall width of the house but the area to the rear of the garage would expand to correspond with the width of the garage. Roof height to the garage/ kitchen area would remain at 5.8m but a further single storey extension (4.7m in length by 6.6m in width) would be slightly lower at 5.6m in height. This rear extension would be linked to an original approved rear wing to the northern side of the dwelling by a new flat roof canopy. Other physical changes include a reduced number of windows to the northern elevation and rearranged window designs to the ground floor rear elevation. The property would remain largely in mock stone and render with a tiled roof.

There would be no general movement of the house position on the plot and access remains as approved in DM/0765/24/FUL.

- Plot 6

The changes proposed on the plot represent a new design of dwelling. The new dwelling would remain as a 5 bedroomed design with rooms in the roof. The previously approved large two storey attached garage positioned to the northern eastern side of the dwelling is removed from the current designs with a single storey double garage formed to the eastern side of the dwelling with a small plant room too. The new design would slightly re-site the dwelling within the plot. The dwelling design would increase in overall height to around 9.5m (0.3m higher at ridge than the approved design) with an eaves height of approximately 5.2m. An enlarged balcony would be formed to the rear above a single storey wing. Access would remain from the approved private road but the driveway would alter in scale and location. Materials proposed would be wholly of brick with no render. Roofing material would be concrete tiles.

- Plot 7

The overall approach to the design remains as approved, a two-storey dwelling albeit with first floor rooms formed within the roof space. The proposed dwelling would remove an attached garage replacing it with a detached garage to the south of the dwelling. Despite this, the width of the dwelling would increase in width by 1.9m, the main house depth would increase by 0.7m and 1.3m overall. The dwelling would increase in height by

0.2m from 7.2m to 7.5m at ridge and 4.1m to 4.3m at eaves (first floor section).

Within the plot, the dwelling would be slightly repositioned but would remain approximately 1.5m from the garden boundary with Walworth, Fieldhouse Lane, Humberston. The garage proposed would be 4.5m width and 6m depth with an eaves height of 2.15m rising to a ridge of 3.58m. Finally, due to the change in location of garage, the driveway will increase in area and will allow access to the garage.

- Plot 8

The main change to the dwelling's design would be the erection of a large garden/family room to the rear of the property in the form of a single storey extension. The rest of the dwelling would remain as approved albeit the positioning of the dwelling on the plot would alter slightly.

The single storey extension would extend northwards by 3 metres beyond that previously approved and would have a pitched roof some 3.7 metres to ridge (2.3 metres to eaves). It would be completed in brick to match the main house and have windows to the north, east and west along with a series of six roof lights, 3 each side of the pitch.

- Plot 9

This dwelling would remain a two storey dwelling with rooms within the roof space but also first floor gables to the front and rear. The dwelling would increase in width, including the erection of a garage to the side with an en-suite above. The overall height would increase slightly from 7.2m to 7.8m. The approved rear single storey wing would, however, be removed from the design. To accommodate the new design, the driveway would swap over to the western side of the plot. Materials would be render and brick with a tiled roof.

- Plot 10

The changes include the removal of the front integral garage and a replacement side integral garage with an en-suite above formed with dormers to front and rear. In addition to this, a front wing would project further forward to create an enlarged lounge and bedroom. The overall height of the building would remain as approved. The general design approach to the house would remain similar to that approved apart from the alterations noted. To accommodate the changes, the dwelling would be pushed northwards slightly by 1m and westward by 2.5m to accommodate the additions and amendments. Access would remain onto the private drive as previously approved.

This application is brought to committee due to the objection from Waltham Village Council.

SITE

The application site is located on land adjacent to South View in Humberston. It is approximately 0.97 hectares in area and originally comprised of open grass land, a number of trees and hedges. Following the grant of planning permission for 10 houses in

2024 (ref. no. DM/1052/23/FUL) development has now commenced on site. A number of the plots have already had their designs varied formally.

A temporary access road has been installed with a temporary culvert formed over the ditch. On a number of the plots foundations have been installed, and works to damp course level on several plots can be seen. On two properties works have commenced above damp course level. The drainage linked to the porous road design is also complete.

The properties surrounding the site remain as described within the committee report (DM/1052/23/FUL).

The site is allocated within the NELLP for residential development HOU082 under Policy 13. The site is also located within Flood Zone 1 area which is the least vulnerable flood risk zone (Flood Map for Planning).

RELEVANT PLANNING HISTORY

DM/0110/25/FUL Variation of Condition 12 (Approved Plans) following DM/1052/23/FUL to amend house design and layout for plot 7. Combined into DM/0205/25/FUL.

DM/0049/25/FUL Variation of Condition 12 (Approved Plans) following DM/1052/23/FUL to amend house design and layout for plot 6. Combined into DM/0205/25/FUL.

DM/0045/25/FUL Variation of Condition 12 (Approved Plans) following DM/1052/23/FUL to amend house design and layout for plot 10. Combined into DM/0205/25/FUL.

DM/0047/25/FUL Variation of Condition 12 (Approved Plans) following DM/1052/23/FUL to amend house design and layout for plot 2. Combined into DM/0205/25/FUL.

DM/1066/24/FUL Variation of Condition 12 (Approved Plans) following DM/1052/23/FUL to revise design for plot 8. Combined into DM/0205/25/FUL.

DM/0771/24/FUL Variation of Condition 11 (Approved Plans) following DM/0765/24/FUL to revise the house design and positioning for plot 4. Approved 09.12.2024

DM/0765/24/FUL Variation of Condition 12 (Approved Plans) following DM/1052/23/FUL to revise house design and positioning for plot 2. Approved 06.12.2024

DM/0626/24/CND Details in Discharge of Conditions 4 (Landscaping and Ecology) and 8 (Balcony Screens) pursuant to DM/0771/24/FUL. Discharged 30.01.2025

DM/0585/24/NMA Minor amendments to the house designs of Plots 3 and 4 including: Plot 3 - Alteration of window designs, reduction in height and depth and change in

materials and Plot 4 Removal of detached garage and replacement with integral garage within house, removal of single storey wing to side and reduction in width and swimming pool reorientation, pursuant to DM/1052/23/FUL. Approved 05.08/2024

DM/0482/24/CND Details in discharge of Condition 1 (Materials), 2 (Highway) and 6 (Screen Walls and Fences) pursuant to DM/0771/24/FUL. Discharged 30.01.2025

DM/0440/24/CND Details in discharge of Condition 5 (Surface water drainage) pursuant to DM/0771/24/FUL. Discharged 30.01.2025

DM/0435/24/CND Details in discharge of Condition 10 (Construction Management Plan) pursuant to DM/1052/23/FUL (Erect 10 detached dwelling houses with their associated garages, driveways and access (amended layout and house designs) (Amended Document). Discharged 27.06.2024

DM/1052/23/FUL Erect 10 detached dwelling houses with their associated garages, driveways and access (amended layout and house designs). Approved 25 April 2024.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2023)

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)

PO5 - Development boundaries
PO22 - Good design in new developments
PO33 - Flood risk
PO34 - Water management
PO38 - Parking
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 are in summary and include all points raised in the separate applications noted.

Humberston Village Council: Objects to the development as it is against the development of the site as a whole, but it also considers the dwellings proposed to be out of character and scale with the surrounding area, which are low level smaller bungalows. Proposals to make the dwellings larger would only increase the concerns raised. Also larger dwellings equal more cars which would be of detriment to the safety of the highway and neighbours amenities.

Anglian Water: No objection but for those plots close to the mains sewer, an amendment to the build over agreement is required, specifically plots 3, 5, 6, and 7 and trench filled foundations are as agreed. Confirmation that existing Build Over Agreement can be amended to that shown on plan no. 23-516-101 rev U.

Drainage: Originally raised concerns over the potential impact on the approved drainage system to accommodate additional cumulative flows from the altered designs. Following submission of additional calculations, support, subject to conditions, has been agreed.

Rights of Way: Proposal does not impact on the Right of Way.

Highways: Content with amendments.

Humberside Fire & Rescue: Provide advices on access for fire appliances and water supply.

Waste Services: Content with the bin collection facilities proposed.

Heritage Officer: No input required.

Trees and Woodlands: No objection and the change in the two replacement trees agreed to Bird Cherry is acceptable.

Ecology Officer: No objection.

Environmental Protection: No comment

Heath and Safety Executive: Does not fall within a consultation zone for a major hazard site so no objection.

Site Notice/ Neighbours:

5 South View - Objection

Waste of money to consult on all these separate applications. Developer should stick to original designs passed.

10 South View - Support

This self build scheme would finally get this neglected, overgrown site into positive use. Fully supports the self build designs and the development site has been kept clean and tidy.

APPRAISAL

Main issues

- 1) Principle
- 2) Design and character
- 3) Amenity
- 4) Drainage
- 5) Biodiversity Net Gain (BNG) and Ecology
- 6) Existing conditions

- 1) Principle

The proposal seeks to amend the design of various houses that were granted permission as part of a wider development in 2024 (ref DM/0771/24/FUL which itself is the most recent amendment to the original host permission on this site ref. no. DM/1052/23/FUL). The wider development has commenced and the previously approved scheme for all the plots on site including those currently under consideration is extant. As such, the principle of housing on this site has already been established, and in addition the site is allocated for Housing within the North East Lincolnshire Local Plan 2013 -2032 (adopted 2018).

- 2) Design and character

Policies 5 and 22 of the NELLP seek developments to be suitable and sustainable and have regard to (amongst other things): A. the size, scale, and density of the proposed development and a high standard of sustainable design informed by A. a thorough consideration of the particular site's context (built and natural environment, and social and physical characteristics);

The main changes to the plots have been outlined within the Proposal Section of this report. The changes are varied in nature and whilst, in most cases do increase the scale of the houses proposed, this is not universal. Similarly, the scale of the changes whilst visible would not be dramatic and the scheme remains a two-storey development with certain dwellings having accommodation within the roof. As such their appearance within the estate and wider area would not alter substantially. This includes the use of smaller dwellings to the north with first floor accommodation within the roof and larger two storey properties to the south and west.

The modifications to the design of the houses sought whilst different from that approved would retain a similar overall design approach. This includes the use of the approved palette of materials but also the use of dormers, gables, pitched roofs with dwellings positioned within plots with substantial garden areas to the rear and frontage car parking and access. Some gaps between properties would be reduced but the remaining gap between structures would either appear acceptable or additions in-between would be smaller ancillary features retaining that appearance of an opening between main structures. In addition to this, the retained rear gardens (all of which are substantial), the wildflower grassland and 2m high boundary hedge to South View would adequately limit the impact of the proposed changes on the established appearance and character of South View at this point, with the main impact remaining one of two storey dwellings.

3) Amenity

As with all considerations in this application, the assessment of amenity is based on the additional impact of the proposed development, over and above that already approved. In this instance, as outlined previously, the layout of the development would, in overall terms, remain similar to that approved. The owners of each of the plots noted are part of a self-build grouping and are aware of the changes sought and have not objected to the alterations sought.

The altered designs to plots 7 to 10, to the north, are such that they would retain deep rear gardens that would measure 25 - 26m (19m from single storey wing of plot 7) from the highway at South View. Similarly, deep rear gardens would be retained to the west (17m) at plots 1 - 2 and to the south plots 3 - 6 (19 - 28m) albeit part of the rear garden to plot 6 would be 6m deep only, but this would be a similar distance to that approved in 2024. Such distances would assist to maintain the amenity at neighbouring properties. It is noted that the extension to plot 2 would bring a greater level of development closer to the Clarendon Care Home to the south. Whilst noting this, it would be an additional single storey element only, it would have a blank flank elevation facing the care home and would be some 3.5m from the property garden boundary (15m to the facing elevation of the care home itself). This would be sufficient to maintain a reasonable outlook, privacy, light and outlook for the care home.

Plot 7 is close to Walworth, Fieldhouse Road and outbuildings and a garage which has an office formed at first floor with dormers within one roof slope facing the application site. The proposed dwelling at this point would be located 1.5m to the west of the garden boundary to Walworth (as previously approved) but would be 7.8m high, 300mm higher than that approved in 2024. Similarly, the first-floor side gable and front wing facing Walworth would be deeper being approximately 11.5m (some 2m deeper at first floor level than the previous approval). Whilst this is noted, the main impact on the adjoining property would be to the outbuildings which have no outlook onto the application site. The additional mass and height of the dwelling would also impact on an adjoining office room above the garage, but this room would already be dominated by the approved dwelling at plot 7 and would not make this impact significantly worse as a result.

Plot 6 is the final alteration which could perhaps have an impact on the amenity when considered existing property outside the site. Here however, the scheme seeks to remove a large forward integral garage wing with upper floor rooms in the roof and replacing it with a much smaller garage at ground floor only. This would significantly reduce the scale of development proposed and the impact on adjoining properties buildings. The lack of windows to flank walls would also reduce overlooking although balcony screens would be required to protect privacy. These can be conditioned.

Taking all these matters into account, and subject to conditions, it is considered that the proposed changes would maintain amenity within the site but also to properties adjoining the site in accordance with Policy 5 of the NELLP.

4) Drainage

The proposed alterations would add to the level of impermeable area within the estate. Following concerns raised, the applicant has provided additional detail through their drainage engineer to show that the approved drainage system would have sufficient capacity to accommodate flows from these areas. Part of the scheme includes the provision of porous driveways and parking areas. These areas have been increased in area to add drainage capacity. The Council's drainage team have not objected to these changes following the submission of this additional information and porous areas. Given the scheme includes both communal areas but also private driveways it is recommended that a scheme of management and maintenance, over and above that currently agreed, is conditioned to ensure a) these private areas are retained for the lifetime of the development and b), an acceptable pattern of maintenance is agreed to maintain the efficiency of these areas as drainage facilities.

Similarly, the applicant has provided evidence to show that the foul Anglian Water mains could be accommodated within the new design/ layout without detrimental impact on the integrity, operation, and maintenance of these areas. This follows the approval of an amended build over agreement with Anglian Water. Comments from Anglian Water confirm this.

5) Biodiversity Net Gain (BNG) and Ecology

The proposed development is a variation of an application that was granted permission prior to the commencement of BNG. As such this amendment application forms an exception to the BNG regulations and biodiversity net gain is not required.

In addition, and notwithstanding the comments above, the applicant has indicated areas set aside for ecological enhancement, notably to the northern boundary adjoining the hedge to South View has been retained in full and the Council's Ecology Manager has not objected to the scheme nor made any further recommendations. As such the development would accord with Policies 5 and 41 of the NELLP.

6) Existing conditions

As this proposal would create a new planning permission for the site, it is important to reconsider the original conditions to see if they require re use with amendments to the scheme.

Condition 1 - Materials: Reimpose but relate to approved list under DM/0482/24/CND.

Condition 2 - Access: Reimpose but relate to approved list under DM/0482/24/CND.

Condition 3 - Construction Ecology Management: Reimpose but relate to approved list under DM/0482/24/CND.

Condition 4 - Ecology/ Landscaping and Enhancement plan: Reimpose but relate to approved list under DM/0626/24/CND but include amended site layout plan.

Condition 5 - Surface Water: Reimpose but relate to approved list under DM/0440/24/CND, DM/0482/24/CND and amended plans.

Condition 6 - Boundary Treatment: Reimpose but relate to approved list under DM/0482/24/CND.

Condition 7 - Obscure glazing: Reimpose from DM/1066/24/FUL and amended to relate to ensuite window within plot 9 also.

Condition 8 - Balcony screen treatment: Reimpose but relate to approved list under DM/0626/24/CND and requirements for additional screens to plot 6.

Condition 9 - CMP: Approved under DM/0435/24/CND - Reimpose.

Condition 10 - Contamination: Reimpose.

Condition 11 - Approved plans: Reimpose with appropriate amendment to plan numbers.

Condition 12 - BNG Exception: Reimpose.

CONCLUSION

The proposed amendments to the house designs and layouts to plots: 2, 6, 7, 8 , 9 and 10, remain part of a wider development that has previously been found to be acceptable. Whilst the specific changes noted are considered material and would alter the impacts on the surrounding area, these impact are not considered unacceptable. Equally, in overall terms, the changes would not represent a significantly different development to that originally approved. The proposal would maintain the character of the area and subject to conditions would also maintain residential amenity. The designs would ensure the highway already approved would remain fit for purpose and the drainage designs proposed have been shown to be capable of accommodating flows from the development, subject to specific conditions. Ecology and landscaping would not be impacted in a significant manner and the proposal would accord with Policies: 5, 13, 15, 20, 22, 33, 34, 38 and 41 of the North East Lincolnshire Local Plan 2013 -2032 (adopted 2018)

RECOMMENDATION

Approved with Conditions

(1) Condition

The materials used to build the walls and roof of the development shall accord with the details agreed within condition discharge application DM/0482/24/CND unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure the development has an acceptable external appearance and is in keeping with the visual amenity and character of the area and in accordance with policies: 5 and 22 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

(2) Condition

The construction of the access road, and all associated features, shall be constructed in accordance with all the details outlined and approved under condition discharge application DM/0482/24/CND and shall be completed before not more than 6 houses have been occupied. The access and associated features shall thereafter be maintained in accordance with the approved management and maintenance plan also approved under DM/0482/24/CND.

Reason

To ensure provision of a safe satisfactory access, drainage, vehicle parking arrangements for the development and in accordance with Policies: 5 and 36 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

(3) Condition

The development should proceed in strict accordance with the Construction Ecology Management Plan agreed under condition discharge approval ref. no. DM/0459/24/CND.

Reason

To maintain biodiversity, ecology and landscaping in accordance with Policies: 5, 22 and 41 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

(4) Condition

The development and shall be completed in strict accordance with the Landscaping and Biodiversity Enhancement scheme details approved under condition discharge approval DM/0626/24/CND, except for amended plan no. 23-516-101 rev U superseding plan no. 23-516-101 rev T. The scheme shall thereafter be retained and maintained in accordance with the approved details thereafter.

Reason

To maintain biodiversity, ecology and to ensure a satisfactory appearance and setting for the development and protection of existing features in the interests of local amenity and

in accordance with Policies: 5, 22 and 41 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

(5) Condition

The development shall be carried out in strict accordance with the drainage scheme details approved under condition discharge approval DM/0440/24/CND except where amended at:

Plot 2, 6, 7, 8, 9 and 10 where the scheme shall accord with amended plans and details notably: PermCalc Report - South View Plot 1,2, 5, 6, 7, 8, 9 and 10 Permeable Pavement Designs Suggestion dated 4 June 2025 and drawing nos. 23-516 101 rev U and 23-516 105 rev J.

The drainage scheme approved shall be completed and be ready for operation before the any dwelling on site is first occupied and shall be retained and maintained as such in strict accordance with the Management Plan approved under condition discharge application DM/482/24/CND thereafter.

Notwithstanding this, before any of the dwellings at plots 2, 6, 7, 8, 9 and 10 are first occupied a management scheme outlining how permeable driveways within plots will be retained and maintained shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be completed before first occupation and these areas retained and maintained as such thereafter.

Reason

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

(6) Condition

The screen walls and fences (including hedgehog holes) on site shall erected in accordance with details approved under condition discharge application DM/0482/24/CND and each plot boundary be completed before that dwelling is first occupied and shall thereafter be retained, unless otherwise agreed in writing with the Local Planning Authority.

Reason

To ensure a satisfactory appearance for the development and to safeguard residential amenity in accordance with Policies: 5 and 22 of the North East Lincolnshire Local Plan 2013 -2032 (adopted 2018).

(7) Condition

The windows shown obscured glazed on the approved plans and conditioned under

planning permission ref. no. DM/1052/23/FUL, DM/0585/24/NMA, DM/0771/24/FUL, shall be glazed in obscure glass (equivalent to Pilkington Glass level 3 or above) before the development is occupied and shall be so retained thereafter.

The exception to this is:

Plot 2 - the first floor ensuite window to the northern elevation, shown on drawing no. 23-516-202 REV G shall be glazed in obscure glass (equivalent to Pilkington Glass level 3 or above) before the dwelling is first occupied and shall be so retained thereafter.

Plot 4 - all first floor windows the eastern and western elevations of the dwelling, shown on drawing no. 23-516 204 rev E shall be glazed in obscure glass (equivalent to Pilkington Glass level 3 or above) before the dwelling is first occupied and shall be so retained thereafter.

Plot 7 - the first floor ensuite window to the eastern elevation, shown on drawing no. 23-516-207 REV E shall be glazed in obscure glass (equivalent to Pilkington Glass level 3 or above) before the dwelling is first occupied and shall be so retained thereafter.

Plot 10 - the first floor ensuite window to the western elevation, shown on drawing no. 23-516-210 REV F shall be glazed in obscure glass (equivalent to Pilkington Glass level 3 or above) before the dwelling is first occupied and shall be so retained thereafter.

Reason

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

(8) Condition

The balcony screen designs shall be completed in accord with the details approved under condition discharge approval: DM/0626/24/CND and shall be retained as such thereafter.

Notwithstanding the above and approved plans, details of side balcony screens for plots 6 of obscure glazing (minimum 1.8m in height and obscured to (or equivalent) Pilkington Glass level 3 or greater) shall be submitted to and approved in writing with the Local Planning Authority. The approved screens shall be installed prior the dwelling being first occupied and shall be retained as such thereafter.

Reason

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

(9) Condition

The Construction Management Plan (CMP) approved under condition discharge approval, ref. DM/0435/24/CND shall be implemented in full and adhered to at times during construction.

Reason

In the interests of highway safety and to protect the residential amenities of the neighbouring properties in accordance with Policy 5 of the North East Lincolnshire Local Plan 2012 - 2032 (adopted 2018).

(10) Condition

If, during development, contamination not previously considered is identified, the Local Planning Authority shall be notified immediately and no further work 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. Remediation shall then be undertaken in accordance with the details approved.

Reason

To ensure all contamination within the site is dealt with and in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013 -2032 (adopted 2018).

(11) Condition

The development shall not be carried out except in complete accordance with the approved plans and specifications. Approved plans include the following drawings/ documents:

23-516 -100 Site Location Plan
23-516 -101 rev U Proposed Site Plan
23-516 -201 rev A Plot 1 Layout and Plans
23-516 -202 rev G Plot 2 Layout and Plans
23-516 -203 rev F Plot 3 Layout and Plans
23-516 -204 rev E Plot 4 Layout and Plans
23-516 -205 Plot 5 Layout and Plans
23-516 -206 rev H Plot 6 Layout and Plans
23-516 -207 rev E Plot 7 Layout and Plans
23-516 -208 rev G Plot 8 Layout and Plans
23-516 -209 rev F Plot 9 Layout and Plans
23-516 -210 rev F Plot 10 Layout and Plans

4265/10/001 A 1 of 2 Topographical Survey Clugston
4265/10/001 A 2 of 2 Topographical Survey Clugston

LTP/5289/P1/01.01 1 of 1 South View Visibility Splay
LTP/5289/T1/01.01 1 of 1 South View Refusal Swept Path Analysis
LTP/5289/T1/01.02 2 of 2 South View Refusal Swept Path Analysis

23-516.DAS rev A Design and Access Statement

RLC-1312-OSDS-01-1 Outline Sustainable Drainage Strategy

Reason

To ensure the development is in accordance with the approved details and results in a satisfactory form of development.

(12) Condition

The canopy shown to the rear elevation of plot 2 shall not at any time be used as balcony.

Reason

To maintain residential amenity and 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 3i 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, would maintain the integrity and safety of Anglian Water mains, adequate surface water drainage, access and safety and landscaping and ecology 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, 13, 20, 22, 33, 34, 38 and 41 and the provisions of the National Planning Policy Framework (2025)

2 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 resolving issues with Anglian Water and the drainage team.

3 Informative

Access for Fire Service

It is a requirement of Approved Document B5, Section 15 Commercial Properties or B5, Section 13 for Domestic Premises that adequate access for fire fighting is provided to all buildings or extensions to buildings.

Where it is a requirement to provide access for high reach appliances, the route and hard standing should be constructed to provide a minimum carrying capacity of 24 tonnes.

Water Supplies for Fire Fighting

Adequate provision of water supplies for fire fighting appropriate to the proposed risk should be considered. If the public supplies are inadequate it may be necessary to

augment them by the provision of on-site facilities. Under normal circumstances hydrants for industrial unit and high risk areas should be located at 90m intervals. Where a building, which has a compartment of 280m² or more in the area is being erected more than 100m from an existing fire hydrant, hydrants should be provided within 90m of an entry point to the building and not more than 90m apart. Hydrants for low risk and residential areas should be located at intervals of 240m.

If further information is required, it is recommended that the developer contact Humberside Fire and Rescue for advice.

4 Informative

A) Notification of intention to connect to the public sewer

Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

B) Protection of existing assets

A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

C) Building near to a public sewer

No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact the Development Services Team on 0345 606 6087.

D) Sewer adoption

The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact the Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

5 Informative

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

6 Informative

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

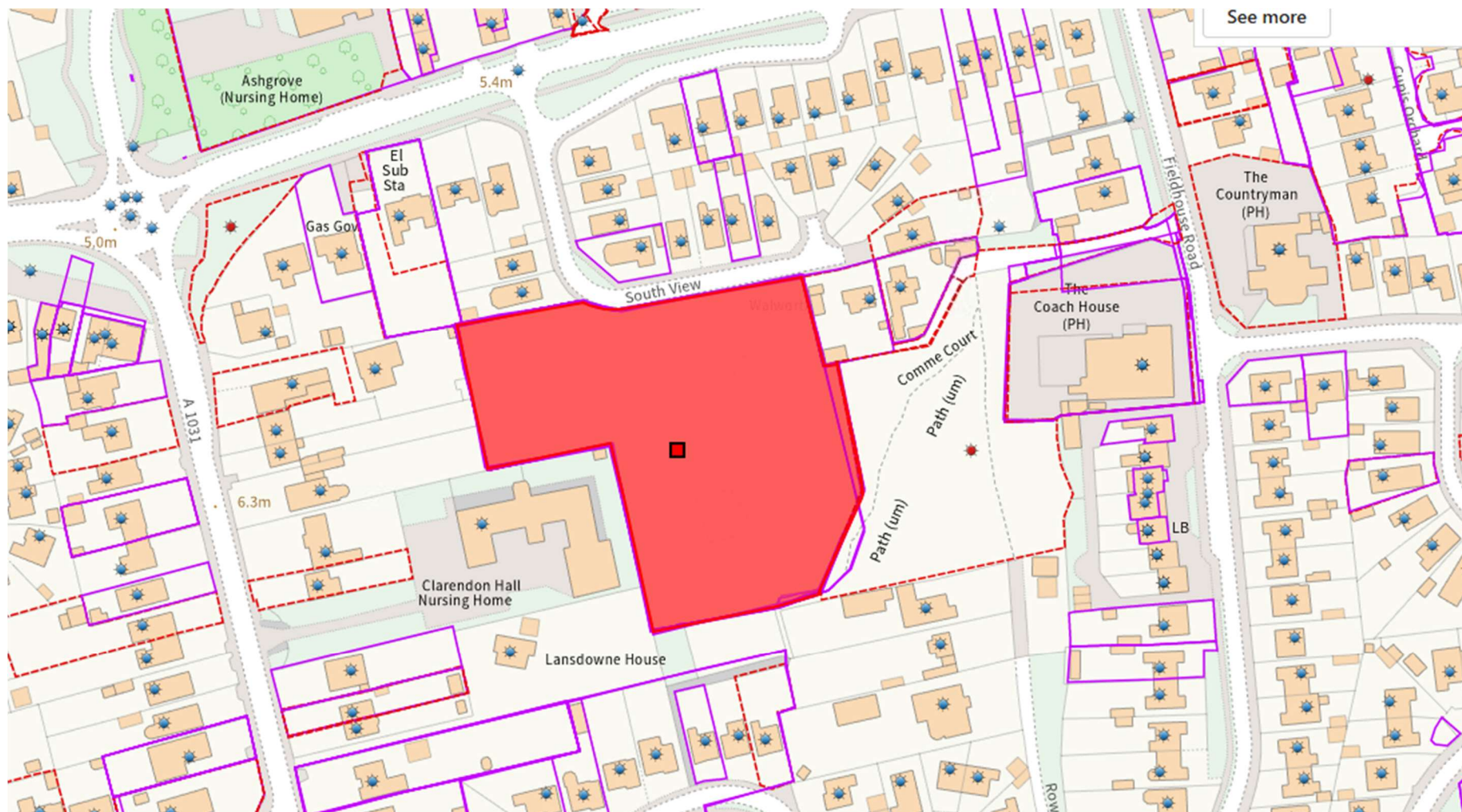
7 Informative

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).

8 Informative

Please note that the exemption in regard to BNG is based on the information provided, should any information change in relation to your proposal you are advised to contact the Local Planning Authority for advice.

DM/0205/25/FUL – AGRICULTURAL LAND, SOUTH VIEW, HUMBERSTON



[illegible]

PLANNING COMMITTEE - 9th July 2025

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

APPLICATION No: DM/0107/25/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: 36 The Drive, Waltham, North East Lincolnshire, DN37 0FB

PROPOSAL: Erection of two dwellings with shared access road, parking spaces, landscaping and associated works (Preliminary Ecological Appraisal received 27th May 2025)

APPLICANT:

Mr And Mrs Bryan And Eileen Blanchard
2 Abbey Park Road
Grimsby
North East Lincolnshire
DN32 0HR

AGENT:

Mr Sisir Debnath
Hodson Architects
The Old Post Office
Yarra Road
Cleethorpes
DN35 8LS

DEPOSITED: 14th February 2025

ACCEPTED: 18th February 2025

TARGET DATE: 15th April 2025

PUBLICITY EXPIRY: 17th June 2025

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 17th June 2025

CASE OFFICER: Bethany Loring

PROPOSAL

The application seeks to erect two dwellings with shared access road, parking spaces, landscaping and associated works.

House type A would be two storeys in height to include protruding wings to the front and rear which would include a garage and utility to the front and living space to the rear. The dwelling would also provide an open plan kitchen, dining and lounge with entrance hall, lobby and study/playroom at ground floor with five bedrooms, a shower room, en-suites, dressing rooms, landing and a balcony at first floor. There would be openings installed to the front, rear and side elevations which would face onto the site boundaries, neighbouring properties and access road. The dwelling would sit at around 10 metres in

height to the top of the chimney, 8.9 metres to the ridge, and would adopt dual-pitched roofs.

House type B would be two storeys in height, to include a protruding wing to the front which would include a garage and utility. The dwelling would provide an open plan lounge, kitchen and dining area, entrance hall, study/playroom, WC and snug at ground floor with five bedrooms, a shower room, en-suites, dressing rooms, landing and a balcony at first floor. There would be openings installed to the front, rear and side elevations which would face onto the site boundaries, neighbouring properties and access road. The dwelling would sit at around 9.6 metres in height to the top of the chimney, 8.1 metres to the ridge, and would adopt dual-pitched roofs.

The application is brought to Planning Committee following an objection from Waltham Parish Council and the number of objections from neighbours.

SITE

The site consists of a vacant plot, surrounded by existing residential development, located on the south east side of The Drive in Waltham. To the south of the site is Waltham Windmill Golf Club, mainly the associated golf course grounds and tees. To the north, east and west lies residential properties.

RELEVANT PLANNING HISTORY

DC/259/98/WOL - Erect detached house - Approved with Conditions.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2023)

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

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

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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under

the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the area is comprised of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

REPRESENTATIONS RECEIVED

Highways Officer - Approval with access construction, driveway surfacing and CTMP conditions. Informative relating to S184 license.

Waltham Parish Council - Recommends refusal, considers the proposal to be an overdevelopment of the site which is not in keeping with the area and has an inappropriate design and layout.

NELDB - No comments.

Heritage Officer - No input required.

Drainage Officer - Sustainable drainage condition and drainage levels informative.

Ecology Officer - Requested an ecological survey and net gains for biodiversity. Exempt from BNG requirements as a self-build development. PEA provided and deemed acceptable with all recommendations to be adhered to.

Trees and Woodlands Officer - Concerns with the ability for a landscaping scheme to be implemented and considers one plot to be more appropriate. Further details provided and deemed acceptable however landscaping plan required.

Public Representations

Objections have been received from the following addresses broadly on the grounds of the number of plots, external materials, that the development is not in-keeping, overdevelopment, highways safety, construction related traffic and deliveries, damage and debris, loss of privacy and overlooking, impacts to services and infrastructure, concerns regarding the boundary line, maintenance of the hedge, access restrictions, impacts to wildlife and legal covenants.

42 Ings Lane, Waltham
25 The Drive, Waltham
32 The Drive, Waltham
34 The Drive, Waltham
38 The Drive, Waltham

The Civic Society have provided comments neither objecting nor supporting the proposal.

They support the design but consider it unsympathetic and have concerns about loss of wildlife and nesting sites.

APPRAISAL

The material planning considerations are;

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

1. Principle of Development

The application site is located in a residential area in Waltham, and as such Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) applies. The site is currently vacant land and falls within the overall residential development which was built some time ago. Policy 5 does not prohibit residential development on vacant land where the site is within the development boundary. Policy 3 of the NELLP identifies Waltham as a Level 2 Settlement (Local Service Centres), recognising that 'these settlements perform the role of key local service centres offering a good range of basic services and amenities, combined with good accessibility to the wider services available in the urban area'. Furthermore, Policy 3 goes on to state that 'future development would involve development principally of greenfield sites adjacent to but within the defined settlement development area boundary'. It is considered that the proposal comprises of development which is akin to this policy. In such cases, Policy 3 would allow for such a proposal to occur in principle. Furthermore, the site is not within a high flood risk area and is therefore sequentially preferable for this type of use.

Having regard to these policies and location, the principle of development is therefore acceptable and is subject to the site-specific assessment below.

2. Impact on the Visual Character of the Area and Layout

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

The proposal is for two detached dwellings positioned on vacant land at The Drive in Waltham. The dwellings would be of a generous footprint however this is considered to be reflective of the character of the area which is made up of large scale properties within significant grounds. The comments from neighbours are noted regarding the layout of the

proposal, for two dwellings on the site opposed to one, however it is considered that the plot is substantial and can accommodate for two dwellings of this size. The layout is not considered to be at odds with what would reasonably be expected for a site of this size. Both plots have ample frontages and significant rear garden spaces which provide the necessary facilities including a driveway, parking and integral garages. The layout demonstrates that the dwellings would sit comfortably on the plot and would be suitably positioned in relation to the site boundaries with plenty of external space. The materials would include white render, with elements of timber cladding, zinc roofs with grey aluminium for the window and door openings. In addition, glazed balustrades would be included to the balconies.

Whilst the materials are different to that within the immediate area, it is considered that these present a modern, contemporary design. It is noted that some of the concerns raised relate to materials. Whilst different, the finishes are not considered adverse in this context and equally national planning policies suggest planning should not stifle innovative or contemporary design.

The scheme does include sufficient outside amenity space, as part of their domestic curtilages, positioned to the front, sides and rear. This would provide ample external amenity space for the occupiers and would include pathways surrounding the property with a terrace area to the rear. The balconies would also provide external space which would adjoin the master bedrooms.

On this basis, the proposed development would be acceptable in the context of the area in accordance with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

3. Ecology and Landscaping

The site includes significant landscaping features and some trees however these are not covered by any Tree Preservation Orders. The proposal would include removal of some trees however, as documented in the associated plans, these would be limited. The Trees and Woodlands Officer has reviewed the application and has stated that they have some concerns with the proposal however these are mostly based on the development itself as opposed to landscaping concerns. Some further indicative details have been provided to include amendments to the planting proposed and species. As a result, the Trees and Woodlands Officer has confirmed that this detail is acceptable however a condition relating to landscaping has been requested and included to allow for the full and final details to be considered and agreed.

In regard to ecology, a Preliminary Ecological Appraisal has been provided. This has been reviewed by the Ecology Officer and confirmed that this is acceptable in line with the recommendations made. A condition to secure these recommendations has been included. In addition, it has been confirmed that the application is exempt from the mandatory BNG requirements as the development has been indicated to be for self-build properties.

Having regard to the above it is considered that the proposal would accord with Policies 41 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and Section 15 of the NPPF.

4. Impact on Neighbouring Properties

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

The objections from neighbours have been noted and where applicable addressed throughout the report under the relevant sections. Any specific neighbour impacts will now be addressed here. The details demonstrate that two detached, two storey properties could be accommodated on site with sufficient space provided between the boundaries therefore preventing massing and dominance issues to the neighbours whilst providing sufficient amenity space for future occupiers. The closest properties would sit to the east and west, at 34 and 38 The Drive. The side elevations would be adjacent to these neighbours and would sit at over 10 metres from the side wall of the garage with 34 The Drive, which is separated by an existing access to the adjacent Golf Course, and over 15 metres from the side elevation of dwelling at 38 The Drive. The boundary treatments would provide a partial screening to the proposal specifically to these neighbours. In regard to the comments relating to loss of privacy and overlooking, the scheme has been amended to include privacy screens to the sides of the balconies, positioned to the rear, in an attempt to address these concerns. These would include 1.4-metre-high obscured glazing screens, to sit above the glazed railings, to prevent any perceived overlooking to the adjoining neighbours with direct views directed only to the Golf Course to the rear.

The comments relating to the original permission are noted. However, this scheme is considered on its own merits. Legal covenants are not considered to be material planning considerations in this instance and are considered to be civil matters. However, it is important to note that planning permission would not supersede a legal covenant.

It is noted that comments have been received from the surrounding and adjacent neighbours, mostly along The Drive with concerns regarding the potential impacts following the development. It is considered that the new dwellings have been shown to be a sufficient distance from the adjoining properties to avoid adverse massing, overlooking and overshadowing issues.

Waltham Golf Course sits to the rear. The border between the golf course and the site is well lined with trees and other shrubbery which are established. The residential use follows the form of the existing residential use along The Drive and it is not considered that the relationship of these dwellings to the golf course would be materially different in that regard or exacerbate the existing position. The applicant has submitted a ball netting appraisal and the conclusions are agreed. No mitigation is necessary in this instance. It is noted that the Golf Club have not sought to make representation to this proposal.

Therefore, it is considered that these dwellings can be achieved on site without detriment to the neighbours. Temporary impacts during the construction phase will need to be mitigated and a construction management plan is recommended to mitigate these.

It is therefore in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and section 12 of the NPPF.

5. Highways, Access and Parking

Access to the site would be created adjoining The Drive close to the existing access to the neighbour at 38 The Drive. This would then include separate access points to serve the new dwellings to connect to the new driveways and include two areas for turning and parking.

The Highways Officer has reviewed the details, following some discussions to secure amendments, and has confirmed that the access road is now sufficient in that this includes an adequate width to allow for two vehicles to pass and would prevent vehicles being impeded whilst accessing and egressing. Each plot would provide adequate provision for off-street parking and the capacity for manoeuvring as well as ample space for bin storage. Some conditions have been requested to include access construction details and a construction management plan which have been included. This would ensure that acceptable parameters are set to ensure highways safety would be maintained during construction. In addition, a S184 informative has been included which would need to be addressed outside of the planning process.

It is therefore considered that the proposal would not lead to severe or significant impacts on the wider highway network or cause a detrimental impact to highways safety. It is therefore considered to be in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

6. Drainage and Flood Risk

Policies 33 and 34 of the Local Plan relate to flood risk and water management within a site.

The proposal includes an increase to the built form on the site. As such, the Council's Drainage Officer has confirmed that a sustainable drainage condition would be required along with an informative for the drainage levels which have been included.

The comments relating to services and infrastructure are noted however this would be subject to liaison with the relevant utility companies and subject to their own requirements.

Therefore, subject to conditions, drainage is acceptable under Policies 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

CONCLUSION

The proposal for two dwellings on this development site is acceptable in this residential area. It is considered it can be achieved without harm to the character of the area and street scene, and it would not give rise to adverse impacts in terms of residential amenity, highway safety or drainage. Subject to conditions, it is therefore recommended for approval in accordance with Policies 5, 22, 33, 34, 41 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018), and Sections 5, 12, 14 and 15 of the NPPF.

RECOMMENDATION

Approved with Conditions

(1) Condition

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

Reason

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

(2) Condition

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

Site Location Plan - 2546.E001_P01

Proposed Site Plan - 2546-P001_P04

Proposed Ground Floor Plan for House Type A - 2546.P100_P03

Proposed First Floor Plan for House Type A - 2546-P101_P02

Proposed Roof Plan for House Type A - 2546-P102_P01

Proposed Front and Rear Elevations for House Type A - 2546-P103_P02

Proposed Side Elevations for House Type A - 2546-P104_P02

Proposed Ground Floor Plan for House Type B - 2546-P200_P03

Proposed First Floor Plan for House Type B - 2546-P201_P01

Proposed Roof Plan for House Type B - 2546-P202_P01

Proposed Front and Rear Elevations for House Type B - 2546-P203_P02

Proposed Side Elevations for House Type B - 2546-P204_P02

Reason

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

(3) Condition

The proposed development shall be erected in strict accordance with the materials specified within the application form (received 14th February 2025) and as stated on drawing nos. 2546-P103_P02, 2546-P104_P02, 2546-P203_P02 and 2546-P204_P02 unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure a suitable finish to the development and in accordance with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(4) Condition

No development shall commence until a final scheme for the sustainable provision of foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. Included shall be confirmation of existing and proposed ground levels and finished floor levels. The development shall then be built out in accordance with the approved details and the drainage implemented prior to occupation of each dwelling. It shall be retained thereafter.

Reason

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

(5) Condition

No dwelling shall be occupied until a scheme for water re-use to achieve an efficiency standard of 110 litres per person per day has been submitted to and approved in writing by the Local Planning Authority. Once approved, the dwellings shall be completed and 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 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 construction.

Reason

To ensure adequate access facilities are provided during construction, and for highway safety reasons and to accord with Policy 5 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 altered vehicular access, driveway, 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 hereby permitted is brought into use the vehicular access, driveway, parking and manoeuvring space shall be constructed in accordance with those approved details and shall thereafter be so retained.

Reason

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

(9) Condition

No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel) for a minimum of 10m behind the Highway boundary. They shall then be maintained in such hard bound material for the life of the development.

Reason

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

(loose stones, etc.) in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(10) Condition

No development shall commence until a scheme of landscaping, to accord with the principles as shown on drawing no. 2546-P001_P04, showing the details of the number, species, sizes, planting positions and maintenance schedules of all trees and shrubs to be planted have been submitted to and approved in writing by the Local Planning Authority. 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

In the interest of visual amenity to accord to Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(11) Condition

The development must be carried out in line with the recommendations identified in Paragraph 5 of the Preliminary Ecological Appraisal (dated May 2025) submitted unless otherwise agreed in writing with the Local Planning Authority.

Reason

In the interests of ecology and to accord with Policy 41 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(12) Biodiversity Net Gain

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

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

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

Country Planning Act 1990 (as amended).

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

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

In Summary: Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply. It is considered that exemption number 4.5 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 5, 22, 33, 34, 41 and 42.

2 Informative

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

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

3 Informative

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

4 Informative

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

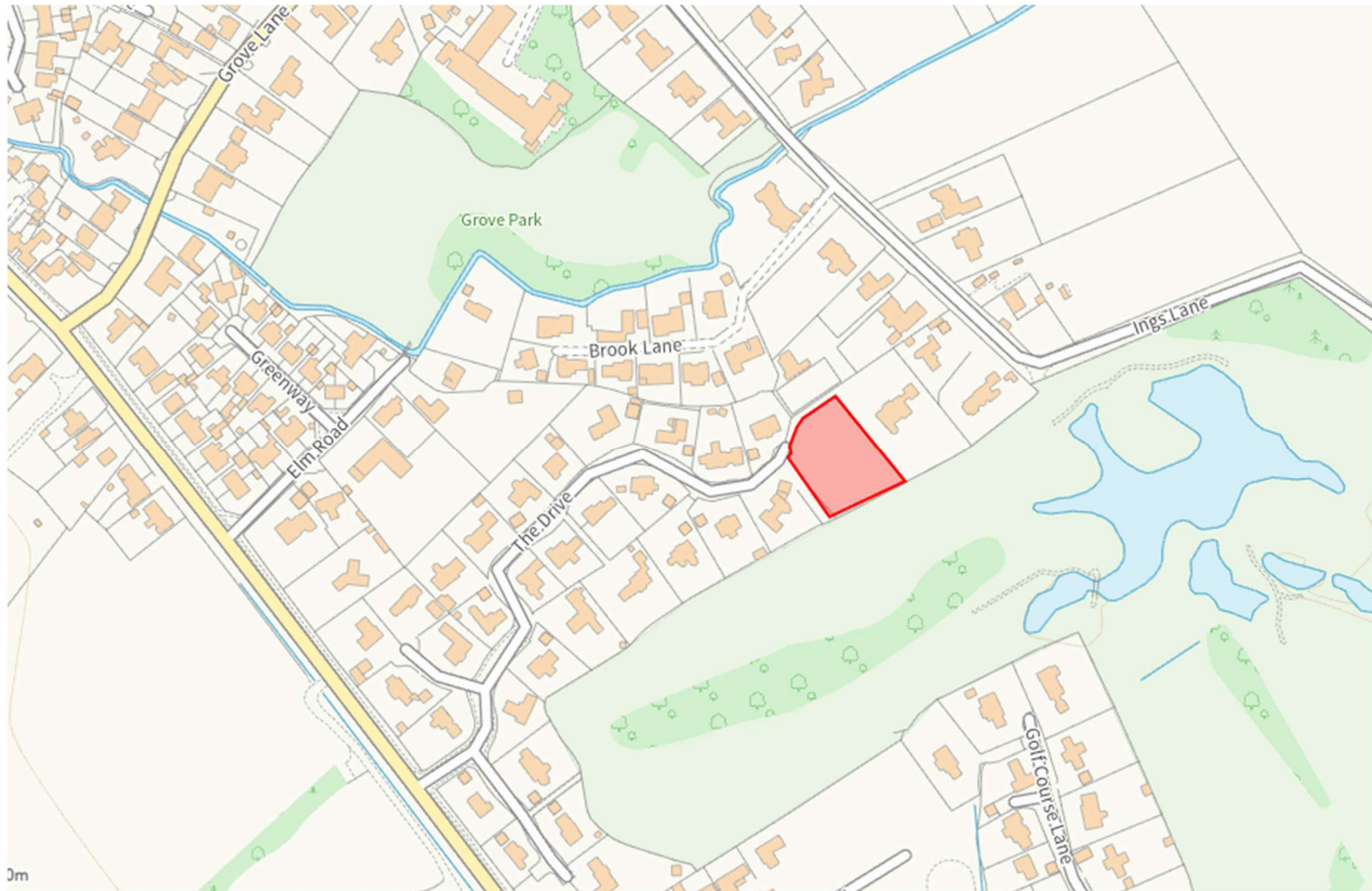
5 Informative

There shall be no raising of the ground levels.

6 Informative

At least 6 months before works begin on site, you must contact Highways Management Team on 01472-324532 about forming a vehicular access within the existing highway.

DM/0107/25/FUL – 36 THE DRIVE, WALTHAM



DM/0107/25/FUL – 36 THE DRIVE, WALTHAM



Hodson Architects Ltd
The proposed development is a full planning application for a residential development consisting of two buildings, one of which is a new build and the other is an existing building to be converted into residential use. The development is located on a plot of land adjacent to The Drive, Waltham.

NO.	REVISION	DATE	BY	OF	DESCRIPTION
1	ISSUED FOR PERMIT	10/07/25	WJH	1	ISSUED FOR PERMIT
2	ISSUED FOR PERMIT	10/07/25	WJH	2	ISSUED FOR PERMIT
3	ISSUED FOR PERMIT	10/07/25	WJH	3	ISSUED FOR PERMIT
4	ISSUED FOR PERMIT	10/07/25	WJH	4	ISSUED FOR PERMIT
5	ISSUED FOR PERMIT	10/07/25	WJH	5	ISSUED FOR PERMIT
6	ISSUED FOR PERMIT	10/07/25	WJH	6	ISSUED FOR PERMIT
7	ISSUED FOR PERMIT	10/07/25	WJH	7	ISSUED FOR PERMIT
8	ISSUED FOR PERMIT	10/07/25	WJH	8	ISSUED FOR PERMIT
9	ISSUED FOR PERMIT	10/07/25	WJH	9	ISSUED FOR PERMIT
10	ISSUED FOR PERMIT	10/07/25	WJH	10	ISSUED FOR PERMIT

Hodson
ARCHITECTS

PLANNING COMMITTEE - 9th July 2025

ITEM: 6 **RECOMMENDATION: Prior Approval Granted**

APPLICATION No: DM/0191/25/PAAF

APPLICATION TYPE: Prior Approval - Agric Build - Flex Use

APPLICATION SITE: Moorhouse Farm, Brigsley Road, Ashby Cum Fenby, North East Lincolnshire, DN37 0QN

PROPOSAL: Prior approval for change of use of grain store to retail unit (Agricultural to Class E)

APPLICANT:

Mr Ian Robinson
Moorhouse Farm
Brigsley Road
Ashby Cum Fenby
North East Lincolnshire
DN37 0QN

AGENT:

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

DEPOSITED: 14th March 2025

ACCEPTED: 14th March 2025

TARGET DATE: 9th May 2025

PUBLICITY EXPIRY: 26th April 2025

AGREED EXTENSION OF TIME DATE: 11th July 2025

CONSULTATION EXPIRY: 18th April 2025

CASE OFFICER: Owen Toop

PROPOSAL

This is an application for prior notification under Schedule, 2, Part 3, Class R of the Town and Country Planning (General Permitted Development Order) (England) Order 2015 (as amended).

This application seeks to change of use from an agricultural grain store to a retail unit (Class E).

On 2nd April 2025 it was confirmed to the applicant that prior approval was required. It then falls to the Local Planning Authority to determine whether or not prior approval is granted for the change of use. As part of the application process, the applicant has provided information confirming that the proposed retail use is for a furniture showroom associated with the existing business A W Robinson Furniture at Pasture Street in Grimsby. As part of the application, an amended site plan was also received detailing the creation of new passing places along the farm track leading up to the showroom.

The application is brought to the attention of Planning Committee due to the objection received from the Ashby cum Fenby Parish Council.

SITE

The site is located at Moorhouse Farm which is located approximately 750m from Ashby Hill and 600m from the A18. The site can be accessed from both Ashby Hill and the A18. The site is currently made up of a number of farm buildings; including a large grain dryer and separate storage barn, a stable block and an outdoor classroom building.

The main yard area and immediate surroundings are relatively flat with a general slope to the north east. The application sites relates to the grain dryer building that is located on the eastern edge of the farm yard complex. The application sites also covers the track which connects to Ashby Hill.

The farm unit covers some 190ha which is split between arable fields and horse grazing in connection with the stud.

RELEVANT PLANNING HISTORY

DC/7/13/WAB - Erection of store and change of use of agricultural building to facilitate an educational classroom. This application & the subsequent extension to enlarge the facilities saw approval granted for minibus and coach - Approved 14th March 2013.

DM/0595/22/FUL - Extension to existing stables to create 11no. new stables, tack room, veterinary room and associated works - Approved 9th September 2022.

DM/0873/22/FUL - Erect new detached dwelling, garage and stables, with new boundary wall and gate in connection with farm and stud, with associated works - Approved 8th May 2024.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2023)

NPPF12 - Achieving well designed places

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

PO5 - Development boundaries

PO22 - Good design in new developments

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

REPRESENTATIONS RECEIVED

Drainage - No drainage comments.

Local Highway Authority - Following revised plan showing passing places, no objections.

Environmental Health - No comments.

Ashby Cum Fenby Parish Council - Objections due to Class E category.

APPRAISAL

The key planning considerations are:

- 1) Type of Application
- 2) Permitted Development Criteria and Proposal
- 3) Publicity and Consultation

1) Type of Application

The main considerations in respect of this application are whether the proposed change of use meets the criteria for permitted development of Class R of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO), which relates to development consisting of a change of use of a building and any land within its curtilage from an agricultural use to a flexible use falling within one of the following provisions of the Use Classes Order: General Industrial (Class B2), Storage or Distribution (Class B8), Hotels (Class C1), Commercial/Business/Service (Class E), Outdoor Sport or Recreation (Class F2(c)), or for the provision of agricultural training.

As the application is not an application for planning permission, the matters to be considered are narrowed and relate only to the criteria and prior approval matters contained within the GPDO. This report outlines the permitted development criteria first

and foremost and how the proposal adheres to this criteria.

2) Permitted Development Criteria and Proposal

R.1. - (1) Development is not permitted by Class R -

(a) the building was not used solely for an agricultural use as part of an established agricultural unit—

(i) on 3rd July 2012;

(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or

(iii) in the case of a building which was brought into use after 3rd July 2012, for a period of at least 10 years before the date development under Class R begins;

The building was constructed prior to 3rd July 2012 and has remained in agricultural use as part of the agricultural unit since construction.

(b) the cumulative floor space of buildings which have changed use under Class R within an established agricultural unit exceeds 1000 square metres

(c) the site is, or forms part of, a military explosives storage area;

(d) the site is, or forms part of, a safety hazard area; or

(e) the building is a listed building or a scheduled monument.

The proposal does not have a cumulative floorspace that exceeds 1000 square metres, and the previous change of uses at the site have not been changed under Class R. The site is not, and does not form part of, a military explosive storage area, a safety hazard area or a Listed Building or a Scheduled Monument.

R.2 Development is permitted by Class R subject to the following conditions—

(a) a site which has changed use under Class R may, subject to paragraph R.3, subsequently change use to another use falling within one of the use classes comprising the flexible use;

(b) for the purposes of the Use Classes Order and this Order, after a site has changed use under Class R the site is to be treated as having a sui generis use;

(c) after a site has changed use under Class R, the planning permissions granted by Class E of Part 7 of this Schedule apply to the building, subject to the following modifications—

(i) "curtilage" has the meaning given in paragraph X (interpretation) of this Part;

(ii) any reference to "office building" is to be read as a reference to the building which has changed use under Class R.

(d) where the site is to be used for general industrial purposes within Class B2, it must only be used for the processing of—

(i) raw goods, excluding livestock, which are produced on the site and are to be sold on the site, or

(ii) raw goods mentioned in paragraph (i) together with goods ancillary to the processing

of those raw goods.

The above are recommended as notes to applicant.

R.3 (1) Before changing the use of the site under Class R, and before any subsequent change of use to another use falling within one of the use classes comprising the flexible use, the developer must—

(a) where the cumulative floor space of the building or buildings which have changed use under Class R within an established agricultural unit does not exceed 150 square metres, provide the following information to the local planning authority—

- (i) the date the site will begin to be used for any of the flexible uses;
- (ii) the nature of the use or uses; and
- (iii) a plan indicating the site and which buildings have changed use;

The information above is not required as the grain store exceeds 150 square metres.

(b) where the cumulative floor space of the building or buildings which have changed use under Class R within an established agricultural unit exceeds 150 square metres, apply to the Local Planning Authority for a determination as to whether the prior approval of the authority will be required as to—

- (i) transport and highways impacts of the development;
- (ii) noise impacts of the development;
- (iii) contamination risks on the site; and
- (iv) flooding risks on the site,

and the provisions of paragraph W (prior approval) apply in relation to that application.

The total combined floor space in the building changed to a flexible use under this Permitted Development Right exceeds 150 square metres. As such the required impacts to be assessed are discussed below.

(i) Highway Impacts

Following confirmation of expected visitor trips and an amended plan detailing the creation of new passing places on the farm track that connects to Brigsley Road/Ashby Hill, the Local Highway Authority are satisfied that there would be no detrimental impacts. The road is a private road as opposed to adopted, and the intended end users are expected to be up to 3 customers per day and would operate on a booking only basis. At any rate with the proposed passing places, the Local Highway Authority have confirmed they are satisfied with the information provided and that the impacts on transport and highways are not to be adverse given the above.

(ii) Noise impacts

When considering the significant distance between the proposal site and the closest residential neighbour to the east (Moorhouse) it is considered that there would be no detrimental noise impacts as a result of the proposed change of use under this notification.

(iii) Contamination risks

The proposal when considering its proposed use as storage from its former use as agricultural - there are no anticipated contamination risks as part of this notification.

(iv) Flooding risks

The proposal site is not located within an area of high flood risk and as such it is not considered that this change of use would exacerbate flood risk within the site.

(2) Subject to sub-paragraph (3), development under Class R of the type described in paragraph R.3(1)(b) must begin within a period of 3 years starting with the prior approval date.

(3) Where, in relation to a particular development under Class R of the type described in paragraph R.3(1)(b), planning permission is granted on an application in respect of associated operational development before the end of the period referred to in sub-paragraph (2), then development under Class R must begin within the period of 3 years starting with the date that planning permission is granted.

(4) For the purposes of sub-paragraph (3), "associated operational development" means building or other operations in relation to the same building or land which are reasonably necessary to use the building or land for the use proposed under Class R.

Under Schedule 2, Part 3, Paragraph W (13) the local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

In this case it is considered that a condition may be applied, as opposed to any further planning applications for associated operational development. It is recommended that the development be carried out in accordance with the site plan, 1252/001 with all new passing places to be installed prior to first use of the use hereby approved.

3) Publicity and Consultation

A site notice was published on 2nd April 2025. It is noted that the Ashby Parish Council have objected to the application. However the application has been assessed properly in accordance with the requirements of Schedule 2, Part 3, Class R in relation to the relevant planning considerations. The use itself is restricted as a furniture retail

showroom unless a further application is submitted through this prior approval mechanism to change that use.

No neighbour representations have been received.

Conclusion

Prior approval is granted for a change of use from a grain store to a retail unit for a furniture showroom under Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development Order) (England) Order 2015 (as amended).

This is subject to the relevant conditions under Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development Order) (England) Order 2015 (as amended) and as referred to in the planning report.

The change of use is granted on the condition that all passing places as shown in the plan, 1252/001 A, be constructed and completed prior to any first use commencing. It is also granted on the condition that the use of the Class E unit is restricted to a furniture showroom and only used for the sale and display of furniture.

CONCLUSION

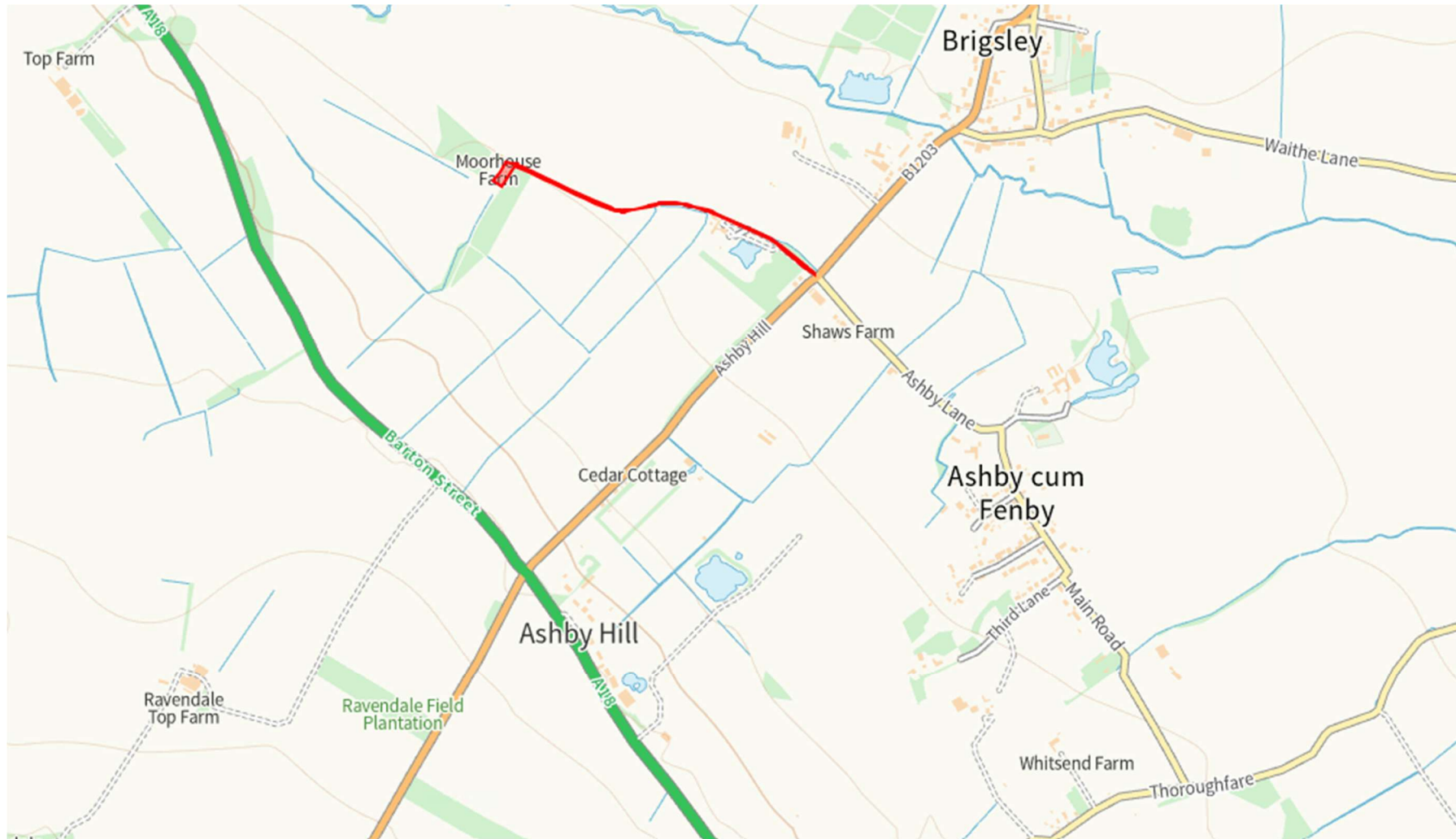
Prior approval is recommended to be granted for a change of use from a grain store to a retail unit for a furniture showroom under Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development Order) (England) Order 2015 (as amended) in accordance with the following plans and details:

- The use of the building as identified within the red edge of the plan, 1252/001 A, shall be restricted to a furniture showroom for the sale and display of furniture only.
- All passing places as detailed on the plan, 1252/001 A, shall be constructed and completed prior to any first use of the furniture showroom commencing and retained thereafter.

RECOMMENDATION

Prior Approval Granted

DM/0191/25/PAAF – MOORHOUSE FARM, BRIGSLEY ROAD, ASHBY CUM FENBY



DM/0191/25/PAAF – MOORHOUSE FARM, BRIGSLEY ROAD, ASHBY CUM FENBY



PLANNING COMMITTEE - 9th July 2025

ITEM: 7 **RECOMMENDATION: Approved with Conditions**

APPLICATION No: DM/0302/25/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Waltham Gateway Academy, Sunningdale, Waltham, North East Lincolnshire,

PROPOSAL: Variation of Condition 5 (Hours of Construction) following DM/0448/23/FUL to amend working hours

APPLICANT:

Mr Ian Wilburn
Hobson and Porter
Clifford House
Malmo Road
Sutton Fields Industrial Estate
Kingston Upon Hull
HU7 0YF

DEPOSITED: 14th April 2025

AGENT:

Watson Batty Architects Ltd (MB)
Shires House
Shires Road
Guiselley
Leeds
LS20 8EU

ACCEPTED: 23rd April 2025

TARGET DATE: 2nd July 2025

PUBLICITY EXPIRY: 25th May 2025

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 17th May 2025

CASE OFFICER: Owen Toop

PROPOSAL

This application seeks planning permission for the variation of condition 5 (Hours of Construction) following DM/0448/23/FUL to amend the working hours for the construction of the school.

Condition 5 of DM/0448/23/FUL states:

'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'.

This application seeks to vary those hours, and originally proposed the following:

Monday to Friday 08:00 - 18:00 (as per current permission).

Saturday - 08:00 - 16:30 (No external works permitted after 13:00).

Sunday - 08:00 - 13:00 (No external works permitted).

Following consultation with the Environmental Health department, the hours have been reviewed so that it would remain that there would be no working on Sundays or bank holidays, as originally approved.

The application is brought to the attention of planning committee due to the objection of the Parish Council and the number of public objections received.

SITE

The application site is currently under construction with works in relation to the Waltham Gateway Academy (planning application reference: DM/0448/23/FUL). The surrounding area is established as residential in nature. To the north are properties at Lindrick Walk and Woodhall Drive, to the west are properties at Lindrick Walk, Ashbourne and Sunningdale, to the south are properties at Sunningdale and to the east is the main school building and playing field that are under construction.

RELEVANT PLANNING HISTORY

DM/0448/23/FUL - Provision of new Primary School, including erection of main school building, installation of ventilation system, erection of fencing/gates and associated landscaping. Creation of staff car parking, vehicular and pedestrian accesses from Sunningdale, pedestrian access from Archer Road, creation of playgrounds and playing pitch, athletics track, habitat area, cycle storage and associated works - Approved Friday 5th January 2024.

DM/0051/25/CND - Details in Discharge of Conditions 4 (Drainage) pursuant to DM/0448/23/FUL - Conditions Discharged on Thursday 27th March 2025.

DM/0631/24/CND - Details in discharge of Condition 7 (Highway Access) and 18 (Traffic Regulation Order) pursuant to DM/0448/23/FUL - Conditions Discharged on Friday 16th August 2024.

DM/0618/24/CND - Details in Discharge of Conditions 3 (External Materials), 6 (CTMP), 10 (Piling) and 11 (Ecology) pursuant to DM/0448/23/FUL - Conditions Discharged on Thursday 15th August 2024.

DM/0221/25/FUL - Erect temporary self-contained, relocatable mobile units for use as single storey, educational accommodation, for the use of a maximum of 75 school children (early years, KS1 and KS2) with 5 school staff members - Approved on Thursday 12th June 2025.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2023)

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)

PO5 - Development boundaries
PO6 - Infrastructure
PO22 - Good design in new developments
PO33 - Flood risk
PO34 - Water management
PO41 - Biodiversity and Geodiversity
PO42 - Landscape

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

REPRESENTATIONS RECEIVED

Ecology Officer - No comments.

Heritage Officer - No input required.

Local Highway Authority - No objections.

Environmental Health - Concerns raised to Sunday hours working. Though with the construction management plan strictly adhered to and no Sunday or bank holiday working, no objections.

Spatial Planning - No input required.

Humberside Fire and Rescue - Standard comments provided.

Anglian Water - No drainage input required.

Environment Agency - No input required.

Waltham Parish Council - has objected to the application due to the potential for noise disturbance to neighbours on Sunday mornings

Objections received from the following addresses

- 11 Turnberry Approach
- 41 Woodhall Drive
- 5 Lindrick Walk
- 23 Sunningdale
- 9 Turnberry Approach
- 29 Woodhall Drive
- 27 Woodhall Drive

broadly on the following grounds:

- impact from noise and disturbance due to weekend working.
- some representations refer to Sunday hours, and do not object to the hours proposed on Saturday.
- reference to legal acts regarding noise.
- reference to existing construction issues.

APPRAISAL

The planning considerations are:

- 1) Type of Application
- 2) Impact on Neighbours
- 3) Conditions

- 1) Type of Application

The proposal is for amendments to the approved scheme, which includes amending construction working hours as stated above.

S.73 of the TCPA 1990 allows for applications for amendments to be made to an existing planning permission, the application is then considered against the relevant Policies of the North East Lincolnshire Local Plan (NELLP).

The National Planning Policy Framework states that Local Planning Authorities should take a proactive, positive and collaborative approach to meeting the requirement to provide a sufficient choice of school places to meet the needs of existing and new communities. In particular they should give great weight to the need to create, expand or

alter schools through the preparation of plans and decisions on applications (Section 8, Para 95, NPPF 2023). In addition to the provisions of the NPPF, Policy 6 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) [NELLP], supports development proposals for new public infrastructure, including schools. As a variation application relating to the provision of a new school the above needs to be an important factor in the decision-making.

As such it is considered that in principle the proposed amendments are acceptable subject to the site- specific impacts. In this case due to the nature of the application the main consideration is in relation to the impact of the proposal on neighbouring land uses (Policy 5).

2) Impact on Neighbours.

As part of this application it noted that a number of objections have been received, both from immediate local residents and from the Waltham Parish Council. The overall concerns raised relate to increased noise and disturbance from construction as a result of the increased hours.

Policy 5 of the NELLP allows for an assessment in all new developments in relation to their impact on neighbouring land uses, including in relation to noise and disturbance. As part of this application the applicant has provided an updated construction management plan which includes measures of noise management during construction. The Environmental Health Department has reviewed the information provided and had raised concerns with proposed hours for Sunday. However they confirm that the Saturday working is acceptable.

On Saturday the hours are proposed as: 08:00 - 16:30 (No external works permitted after 13:00). From the original approval it is acknowledged that there would be an added three and half hours of construction hours on Saturday. As the works are internal only and would not extend into the late evening, this would limit the impact on neighbouring properties to an acceptable level whilst still supporting the construction of the school in preparation for opening. It should also be noted that the Environmental Health Department have no objections subject to the construction management plan being strictly adhered to. In this regard a construction and construction traffic management plan has already been approved under DM/0618/24/CND and this is recommended to be a condition on this application.

On this basis the proposal is considered to accord with Policy 5 of the NELLP.

3) Conditions

The previous application included a number of planning conditions. In addition and as referred to above in the Planning History section, a number of details in discharge applications have been approved. This application does not seek to change the approved plans and only pertains to the working hours and construction management plan.

Nevertheless as a variation application, all planning conditions are required to be carried across. The conditions of this application are therefore provided below:

1. Time Limit - This condition is no longer required as the planning permission has been implemented.

2. Approved Plans - The approved plans will remain as approved, or where relevant, as approved under the details and discharge application.

Proposed Fences and Gates - TD034-22 A012 B

Proposed Site Plan - TD034-22 A004 H

Landscape Plan - LP01_060623_AH

Proposed Site Plan Drainage Strategy - TD034-22 A007 A

Proposed Elevations - TD034 -22 A104 B

Proposed Floor Plan and Roof Plan - TD034-22 A103 A

Exterior Lighting - ASD-DN-MR-0523-030 R00

Site Location Plan - TD034 - A001 A

3. Materials - The development shall be built out as per the approved details under application: DM/0618/24/CND.

4. Drainage - The development shall be built out as per the approved drainage details under application: DM/0051/25/CND. The condition also requires that once complete the access be retained as approved.

5. Hours of Construction - As per the recommendations above, the proposed hours of construction are:

Monday to Friday 08:00 - 18:00 (as per current permission).

Saturday - 08:00 - 16:30 (No external works permitted after 13:00).

Sunday and Bank Holidays - No construction work permitted.

6. Construction Traffic Management Plan - The development shall be built out as per the approved details under application: DM/0618/24/CND in respect of construction traffic management.

7. Highway Access - The development shall be built out as per the approved details under application: DM/0631/24/CND. The condition also requires that once complete the access be retained as approved.

8. Landscaping - The condition will remain unchanged as per approved under the original application.

9. Unexpected Contamination - The condition will be carried across.

10. Piling - The condition is no longer relevant as piling has finished and was dealt with

under DM/0618/24/CND.

11. Ecology - The development shall be built out and occupied in accordance with the ecology details for swift boxes, bat boxes and the future habitat area as approved under DM/0618/24/CND.

12. Ball Strike Assessment - The development hereby permitted shall operate in accordance with the submitted Ball Strike Assessment dated 20/07/2023 unless otherwise agreed by the Local Planning Authority, as approved under the original application.

13. Community Use Scheme - The condition is required to be discharged prior to the development being brought into use and so is recommended to be repeated on this variation application.

14. Acoustic Fencing - The condition is also required to be discharged prior to the development being brought into use and so is also recommended to be repeated on this variation application.

15. Travel Plan - Again this condition is required to be discharged prior to the development being brought into use and so is recommended to be repeated on this variation application.

16. Hours of Sports Pitch

The hours of operation of the outdoor sports pitches shall be restricted to:

08:00hrs to 16:30hrs - Monday to Friday

10:00hrs to 16:00hrs - Saturday and Sunday

This is as per approved under the original application for the school.

17. CCTV - This condition is required to be discharged prior to use of the development commencing and so is recommended to be repeated on this variation application.

18. Traffic Regulation Order - The development shall be built out as per the approved details under application: DM/0631/24/CND. The condition also requires that once complete the access be retained as approved.

19. External Ventilation and Extraction Equipment - The condition is required to be discharged prior to use of the development commencing and so it is recommended that it be repeated on this variation application.

Finally, it should be noted that this application is exempt from the requirements of the Biodiversity Net Gain Condition as a variation to an application which was approved prior to the requirement coming into force.

CONCLUSION

This application seeks planning permission for the variation of condition 5 (Hours of Construction) following DM/0448/23/FUL to amend the working hours for the construction of the school.

The approved hours are recommended as follows:

Monday to Friday 08:00 - 18:00 (as per current permission).

Saturday - 08:00 - 16:30 (No external works permitted after 13:00).

Sundays and Bank Holidays - No working hours permitted.

The proposal would not cause an adverse impact to neighbouring residential amenity as assessed in the above appraisal, and is recommended for approval in accordance with Policy 5 of the NELLP.

RECOMMENDATION

Approved with Conditions

(1) Condition

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

Proposed Fences and Gates - TD034-22 A012 B

Proposed Site Plan - TD034-22 A004 H

Landscape Plan - LP01_060623_AH

Proposed Site Plan Drainage Strategy - TD034-22 A007 A

Proposed Elevations - TD034 -22 A104 B

Proposed Floor Plan and Roof Plan - TD034-22 A103 A

Exterior Lighting - ASD-DN-MR-0523-030 R00

Site Location Plan - TD034 - A001 A

Reason

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

(2) Condition

All external materials to be used in construction of the buildings shall be constructed in accordance with the approved details under application: DM/0618/24/CND.

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 Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(3) Condition

All drainage of the development shall be constructed in accordance with the approved details under application DM/0051/25/CND and implemented prior to occupation. Once implemented, all drainage of the development shall be retained as approved unless otherwise approved in writing by the Local Planning Authority.

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).

(4) Condition

Construction work shall only be carried out between the following hours and as stated:

Monday to Friday - 08:00 - 18:00

Saturday - 08:00 - 16:30 (No external works permitted after 13:00).

Sundays and Bank Holidays - No construction work permitted.

Reason

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

(5) Condition

Notwithstanding condition 4 of this application, the development shall be built out as per the approved details under application: DM/0618/24/CND in respect of construction traffic management. The approved details shall be adhered to at all times during construction.

Reason

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

(6) Condition

The access for the development shall be built out per the approved details under application: DM/0631/24/CND and retained once completed.

Reason

To ensure adequate parking and turning facilities are provided within the site for highway safety reasons and in accordance with Policy 5 of the North East Lincolnshire Local Plan

2013-2032 (adopted 2018).

(7) Condition

The landscaping shall be carried out in strict accordance with the details on plan no. LP01_060623_AH, as approved under DM/0448/23/FUL. 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 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).

(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. Remediation shall be carried out in accordance with the details agreed.

Reason

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

(9) Condition

The development shall proceed in strict accordance with the recommendations set out in the Preliminary Ecological Appraisal dated 30th November 2022, as approved under DM/0448/23/FUL, and occupied as per the approved details under application: DM/0618/24/CND for swift boxes, bat boxes and the future habitat area.

Reason

In the interests of ecology and to accord with Policy 41 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(10) Condition

The development hereby permitted shall operate in accordance with the submitted Ball Strike Assessment dated 20/07/2023, as approved under DM/0448/23/FUL, unless otherwise agreed in writing by the Local Planning Authority.

Reason

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

(11) Condition

Prior to the development being brought into use, a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. The scheme shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review, all of which shall follow the hazard controls stated within the submitted Ball Strike Risk Assessment. The approved scheme once implemented shall be retained throughout the lifetime of the development.

Reason

In the interest of providing a community use in accordance with Policies 5 and 43 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(12) Condition

Prior to the use of the school commencing, final details of the acoustic fence following on from the principles detailed within TD034-22 A012 B, approved under DM/0448/23/FUL, shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall then be implemented prior to the use of the school commencing.

Reason

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

(13) Condition

No use of any part of the school hereby permitted shall take place until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The school hereby permitted shall then be used in accordance with the measures approved.

Reason

In the interest of promoting sustainable transport in accordance with Policy 36 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(14) Condition

The hours of operation of the outdoor sports pitches shall be restricted to:

08:00hrs to 16:30hrs - Monday to Friday

10:00hrs to 16:00hrs - Saturday and Sunday

Reason

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

(15) Condition

Prior to any use of the development commencing, a scheme for Closed-circuit television (CCTV), shall be submitted to and agreed in writing by the Local Planning Authority. The CCTV agreed shall be implemented in accordance with the details approved prior to any part of the school being used.

Reason

In the interest of the designing out crime in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(16) Condition

The Traffic Regulation Order shall be implemented in accordance with the details approved under application: DM/0631/24/CND prior to any use of the school commencing.

Reason

In the interests of highway safety reasons and in accordance with Policies 5 and 36 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

(17) Condition

Prior to the use hereby permitted commencing details shall be submitted to and approved in writing by the Local Planning Authority of all external ventilation and extraction equipment and air source heat pumps including their acoustic performance. Such a scheme as approved shall be implemented in accordance with the details approved.

Reason

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

Informatives

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, 6, 22, 33, 34, 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 amendments and applying conditions in the interest of protecting residential 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 applicant's attention is drawn to the comments made by Northern Powergrid received and Humberside Fire & Rescue received on the application and the original application.

5 Informative

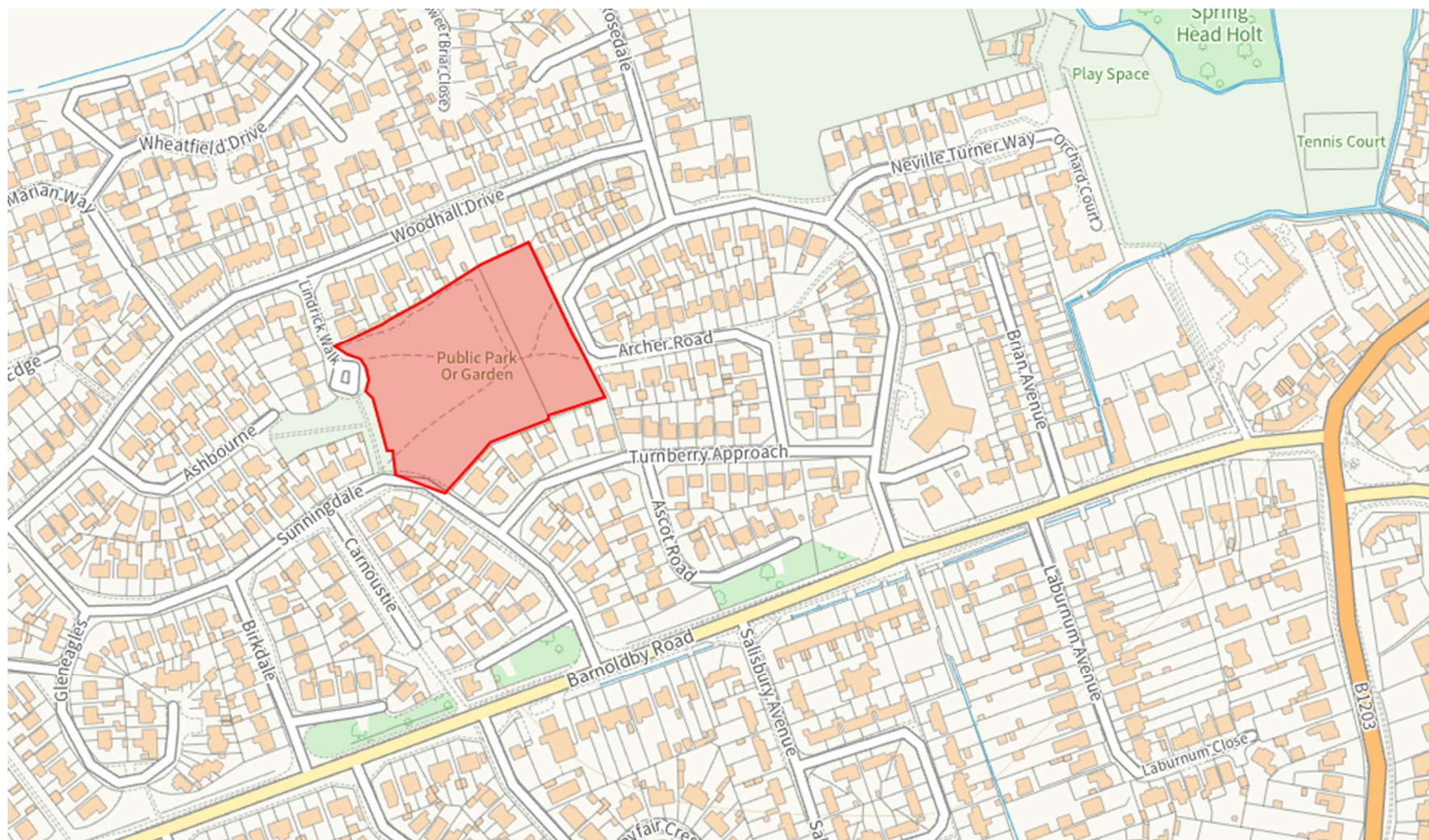
The applicant's attention is drawn to the comments made by Sport England on the original application.

6 Informative

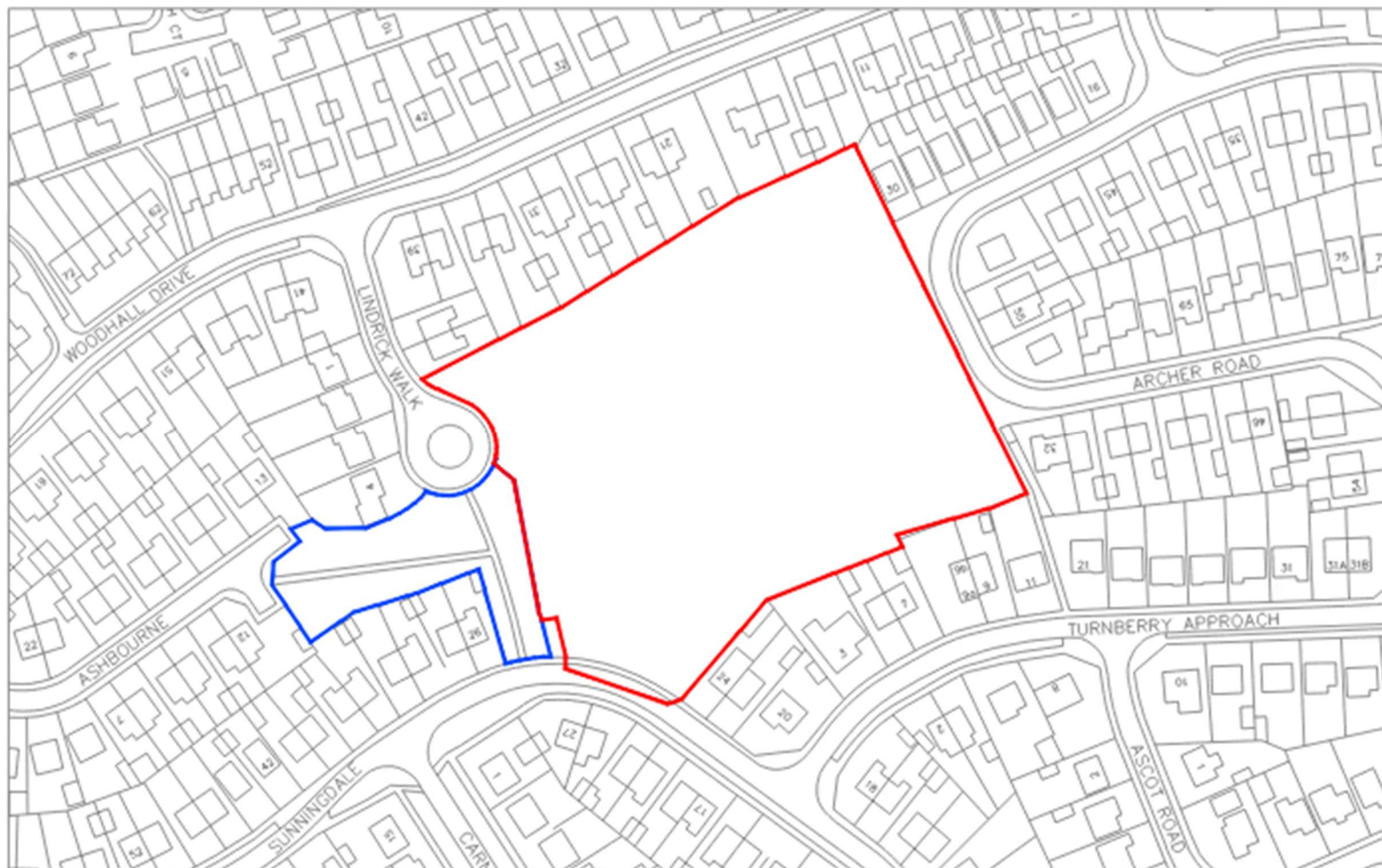
The applicant's attention is drawn to the following guidance New_Schools_2014.pdf (securedbydesign.com)

https://www.securedbydesign.com/images/SBD_New_Schools_Application_Form_V2.docx relating to secured by design.

DM/0302/25/FUL – WALTHAM GATEWAY ACADEMY, SUNNINGDALE, WALTHAM



DM/0302/25/FUL – WALTHAM GATEWAY ACADEMY, SUNNINGDALE, WALTHAM



PLANNING COMMITTEE - 9th July 2025

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

APPLICATION No: DM/0349/25/ADV

APPLICATION TYPE: Advertisement Consent

APPLICATION SITE: New Clee Constitution Club, 179 Grimsby Road, Cleethorpes, North East Lincolnshire, DN35 7HB

PROPOSAL: Remove existing sign and display one illuminated digital sign to sit above the existing fence line

APPLICANT:

Mr David White
Grimsby Town Football Club
Blundell Park
Cleethorpes
North East Lincolnshire
DN35 7PY

AGENT:

Miss Georgina Walker
Hodson Architects
The Old Post Office
Yarra Road
Cleethorpes
DN35 8LS

DEPOSITED: 1st May 2025

ACCEPTED: 12th May 2025

TARGET DATE: 7th July 2025

PUBLICITY EXPIRY: 6th June 2025

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY:

CASE OFFICER: Bethany Loring

PROPOSAL

This application seeks to display one illuminated digital sign to sit behind, but above, the fence line. The display would be 3 metres in width and 2 metres in height. The screen would display illuminated LED digital images and would change to provide a different static image for at least 20-30 seconds per image. The advertisements would be associated with Grimsby Town Football Club. The new advert would replace the existing timber billboard structure positioned to the corner of the site.

The application is brought to Planning Committee following a call-in request from Councillor Kaczmarek.

SITE

The site forms part of the New Clee Constitution Club positioned along Grimsby Road in Cleethorpes. Blundell Park, the home stadium of Grimsby Town Football Club is positioned to the north. The immediate area is mostly commercial in nature however residential properties are present to the south of the site.

RELEVANT PLANNING HISTORY

DC/571/10/SSU - Display freestanding information board - Approved with Conditions.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2023)

NPPF6 - Building a strong, competitive economy

NPPF12 - Achieving well designed places

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

PO5 - Development boundaries

PO22 - Good design in new developments

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

REPRESENTATIONS RECEIVED

Highways Officer - No objections following confirmation of queries. Conditions to secure details/stipulations.

Environmental Health - Comment to provide observations relating to lighting of advertisements.

Ecology Officer - No comment. No known ecological issues.

Councillor Kaczmarek (Ward Councillor) - Call in with concerns regarding light pollution in the area.

Neighbour Representations

No neighbour representations received.

APPRAISAL

The material considerations are:

1. Visual and Local Amenity
2. Public Safety

1. Visual and Local Amenity

The site already includes a timber freestanding sign positioned to the corner, close to the junction with Constitutional Avenue, which is seen within the context of surrounding buildings however this is non-illuminated. The proposal would be to replace the existing sign with one LED digital sign which would be located further east within the site. The positioning of just one advertisement in this location would not result in visual clutter in this area and it would continue to be seen in the context of the surrounding buildings. Although illuminated, the signage is located within a busy location along the main road into Cleethorpes which is lit with streetlights and other adverts including those at the adjacent McDonalds, making such a proposal in keeping with the mixed-use commercial nature of the area overall. Particularly on this northern side of the road.

The sign would face solely onto Grimsby Road with a blank rear face therefore it would be visible to the residential properties adjacent which would have clear views of the sign in relatively close proximity; though separated by the main road. During the day, due to the active nature of the area with vehicles and overall light, there would be no adverse impacts from the physical structure nor luminance. In the evening, whilst again there would be no adverse impacts from the structure, luminance would be more visible for those residential occupiers adjacent. To reduce this impact conditions are recommended to limit luminance to those within the Professional Lighting Guide PLG The Brightness of Illuminated Adverts (2023) for a small town centre/suburban area (300 cdm-2). In the context of the area and with limitations, the impacts are considered to be acceptable.

2. Public Safety

The development would be located along the existing fence line which forms the boundary of the site and would replace an existing hoarding albeit in a differing location. It would not represent a public danger to the general public either for pedestrians or for drivers visibility of oncoming traffic when passing the site as it would be positioned back from the highway including the pavement and also sit behind an existing fence line.

A greater concern is the possibility for distraction to oncoming traffic. However, due to the orientation of the sign to both directions of traffic, in addition to the frequency of change of the advert, it is not considered that this would cause a detrimental effect in relation to

the distraction of drivers. The position would also be set back from the road as discussed. Following a review of the details and request for further confirmation, the Highways Officer has confirmed that they have no objections to the proposal subject to conditions to secure the specific details. This includes limiting the content of the adverts, luminance, display time and interval time which have all been agreed with the applicant and secured via the Applicant Response to Queries document. For this reason, it is not considered that the advert would be detrimental to highway safety.

CONCLUSION

The proposed LED advert would replace one existing similar sized (but not LED/illuminated) sign at the site, in an altered location. Subject to conditions restricting the content of the adverts, luminance, display time and interval time the proposal is deemed to maintain visual amenity, including those of nearby residents and the character of the area and public safety and would accord with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013 - 2032 (Adopted 2018).

RECOMMENDATION

Approved with Conditions

(1) Condition

This express consent shall expire 5 years from the date of the consent.

Reason

To comply with Regulation 14 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

(2) Condition

- (i) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- (ii) No advertisement shall be sited or displayed so as to-
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- (iii) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- (iv) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

- (v) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
- (vi) The intensity of the illumination of the advertising unit permitted by this consent shall at all times accord with the thresholds set out in the Institute of Lighting Professionals publication "Brightness of Illuminated Advertisements"(PLG05:2023) and in particular the intensity of illumination from dusk until dawn shall not exceed 300cd m2.
- (vii) The minimum display time for each advertisement shall be 20 seconds and there shall be no special effects (including noise, smell, smoke, animation, flashing, scrolling, intermitted or video elements) of any kind, during or after the display of any advertisement.
- (viii) The sequencing of messages relating to the same product is prohibited.
- (ix) The interval between successive displays shall be no greater than 1 second and the complete display screen shall change without visual effects (including fading, swiping or other animated transition methods) between each advertisement. The display shall include a mechanism to default to a blank or black screen in the event of malfunction, or if the advertisement is not in use.
- (x) No images to be displayed on the advertisement shall resemble official road traffic signs, traffic signals or traffic matrix signs.

Reason

To comply with Regulation 14 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

(3) Condition

The advertisement shall be displayed in accordance with the following plans and document:

Site Location Plan - 2516.E002

Existing and Proposed Elevations - 2516.P013

Applicant Response to Queries - Version P02 (dated 14.06.25)

Reason

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

Informatives

1 Reason for Approval

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm visual

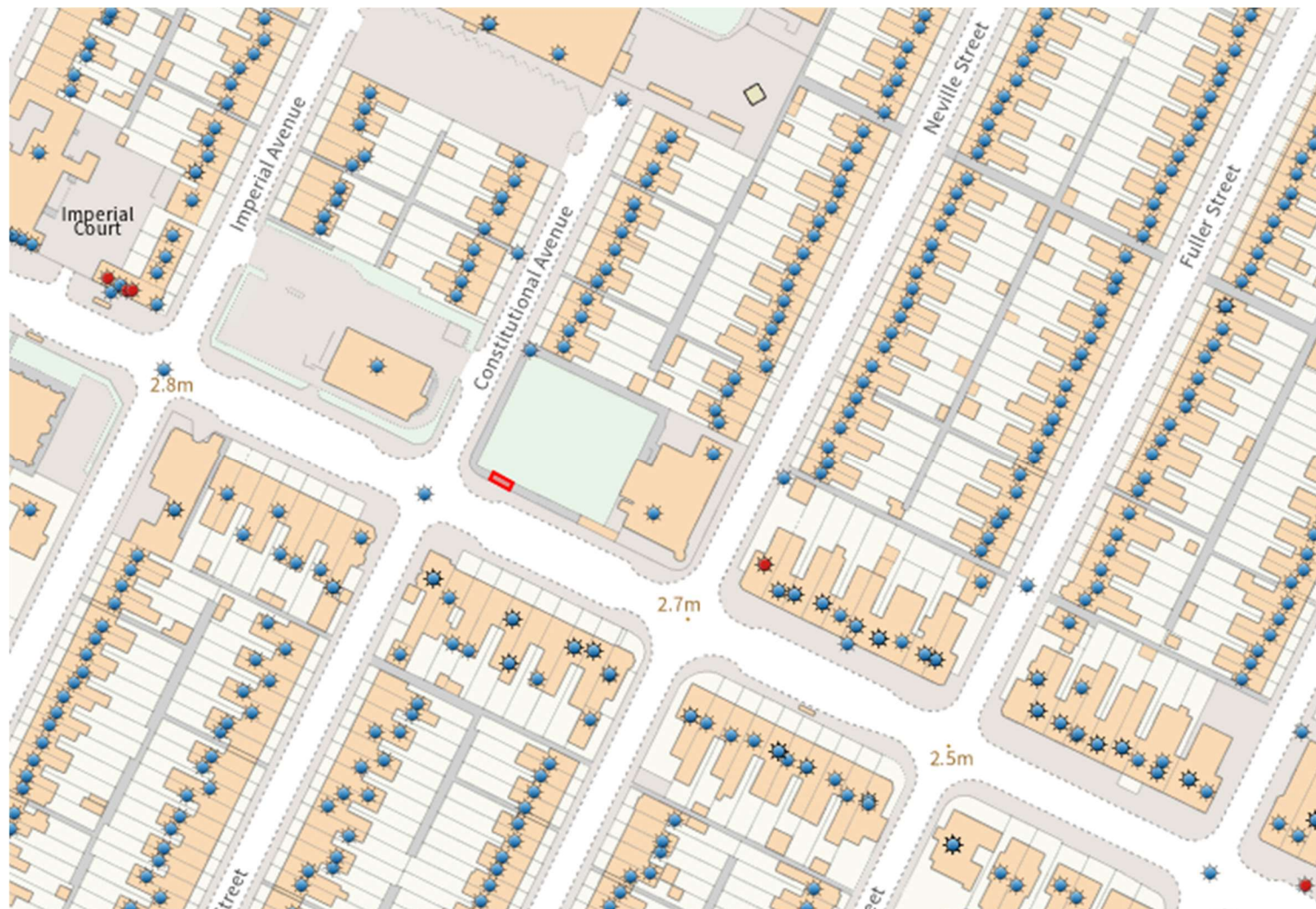
amenity or public safety and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 5 and 22.

2 Informative

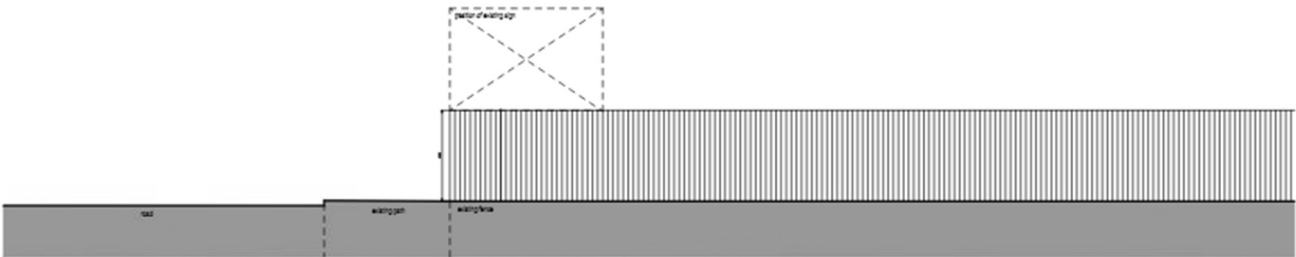
Article 31(1)(cc) Statement - Positive and Proactive Approach

In accordance with paragraph 187 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner by securing further details to protect amenity.

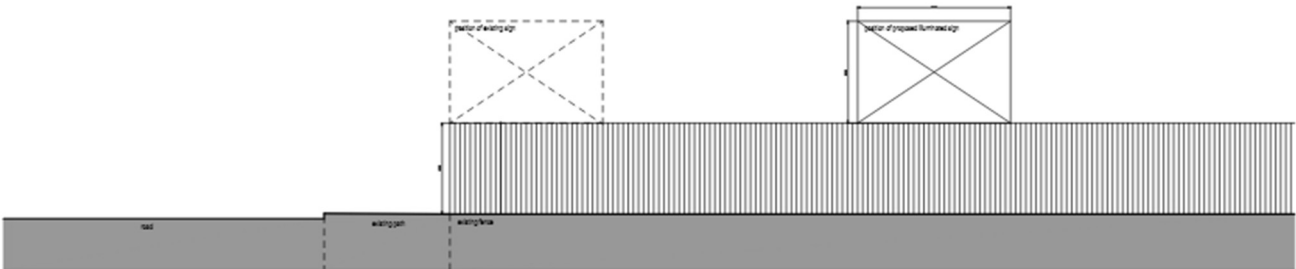
DM/0349/25/ADV – NEW CLEE CONSTITUTION CLUB, 179 GRIMSBY ROAD, CLEETHORPES



DM/0349/25/ADV – NEW CLEE CONSTITUTION CLUB, 179 GRIMSBY ROAD, CLEETHORPES



ROAD SIDE ELEVATION (SOUTH EAST FACING)
Existing 1:100 @ A3



ROAD SIDE ELEVATION (SOUTH EAST FACING)
Proposed 1:100 @ A3