

## Planning Committee Dated: 11th June 2025

### Summary List of Detailed Plans and Applications

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<b>Recommendation: Refused</b>	
<b>Item:</b>	<b>1</b>
<b>Application No:</b>	DM/0770/23/FUL
<b>Application Type:</b>	Full Application
<b>Application Site:</b>	45-47 Police Station Princes Road Cleethorpes North East Lincolnshire
<b>Proposal:</b>	Partial demolition of existing police station, conversion of police station to create 10 apartments, erection of 11 dwellings with parking, landscaping and other associated works - amended drainage details April 2025
<b>Applicant:</b>	Mr Paul Bannister
<b>Case Officer:</b>	Richard Limmer

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<b>Recommendation: Approved with Conditions</b>	
<b>Item:</b>	<b>2</b>
<b>Application No:</b>	DM/0074/25/FUL
<b>Application Type:</b>	Full Application
<b>Application Site:</b>	16 Dudley Street Grimsby North East Lincolnshire DN31 2AB
<b>Proposal:</b>	Change of use from an office to an eighteen bedroom house in multiple occupation with removal and bricking up of two windows, formation of an external fire exit, provision of PV panels to the East elevation roof and provision of two number cycle stores (1. Amended ground and first floor plans received 11th March 2025 showing revised internal layout and changes to first floor side and east elevation; removing one side window, altering another to a corridor window and the other to a kitchen/dining area window - 2. Noise Impact Assessment received 9th April 2025)
<b>Applicant:</b>	Mr Ed Ralph
<b>Case Officer:</b>	Owen Toop

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<b>Recommendation: Approved with Conditions</b>	
<b>Item:</b>	<b>3</b>
<b>Application No:</b>	DM/1029/24/FUL
<b>Application Type:</b>	Full Application
<b>Application Site:</b>	Astle Bmw Grimsby Road Laceby North East Lincolnshire
<b>Proposal:</b>	Demolish existing stores, internal reconfiguration and external alterations to main showroom, erect detached valet and wash bay to rear, erect overnight delivery storage building to front and installation of substation with associated works
<b>Applicant:</b>	Jane Grimble
<b>Case Officer:</b>	Lauren Birkwood

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<b>Recommendation: Approved with Conditions</b>	
<b>Item:</b>	<b>4</b>
<b>Application No:</b>	DM/1222/23/OUT
<b>Application Type:</b>	Outline Application
<b>Application Site:</b>	Land Adj The Old Rectory Main Road Ashby Cum Fenby North East Lincolnshire
<b>Proposal:</b>	Outline application for the erection of one 5 bed dwelling with integral garage, driveway, landscaping and new boundary treatments with access to be considered (Amended Plans and Documents received March 2025 to revise red edge, reduce scheme to one dwelling, provide indicative details of the design, layout and scale, Preliminary Ecological Appraisal and Great Crested Newt Survey)
<b>Applicant:</b>	Mr & Mrs Andrews
<b>Case Officer:</b>	Bethany Loring

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<b>Recommendation: Approved with Conditions</b>	
<b>Item:</b>	<b>5</b>
<b>Application No:</b>	DM/0221/25/FUL
<b>Application Type:</b>	Full Application
<b>Application Site:</b>	Waltham Gateway Academy Sunningdale Waltham North East Lincolnshire
<b>Proposal:</b>	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
<b>Applicant:</b>	Christine Scott
<b>Case Officer:</b>	Owen Toop

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<b>Recommendation: Approved with Conditions</b>	
<b>Item:</b>	<b>6</b>
<b>Application No:</b>	DM/0201/25/OUT
<b>Application Type:</b>	Outline Application
<b>Application Site:</b>	Rear Of 10 Great Coates Road Healing North East Lincolnshire DN41 7QS
<b>Proposal:</b>	Outline application to demolish an existing attached garage and erect a residential development of four dwellings with access to be considered
<b>Applicant:</b>	Mr Stephen Broderick
<b>Case Officer:</b>	Lauren Birkwood

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**PLANNING COMMITTEE - 11th June 2025**

**ITEM: 1**                      **RECOMMENDATION: Refused**

**APPLICATION No: DM/0770/23/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: 45-47 Police Station , Princes Road, Cleethorpes, North East Lincolnshire, DN35 8AW**

**PROPOSAL: Partial demolition of existing police station, conversion of police station to create 10 apartments, erection of 11 dwellings with parking, landscaping and other associated works - amended drainage details April 2025**

**APPLICANT:**

Mr Paul Bannister  
Land Developers (Lincs) Ltd  
D B C House  
Grimsby Road  
Laceby  
Grimsby  
DN37 7DP

**DEPOSITED: 4th August 2023**

**AGENT:**

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

**ACCEPTED: 16th August 2023**

**TARGET DATE: 15th November 2023**

**PUBLICITY EXPIRY: 7th June 2025**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 10th September 2023**

**CASE OFFICER: Richard Limmer**

**PROPOSAL**

The proposal is for the partial demolition of existing police station, conversion of remaining police station building to create 10 apartments (4 one bedroom and 6 two bedroom), erection of 11 dwellings (5 two bedroom and 6 three bedroom) with parking, landscaping and other associated works. Access to the site is proposed from Princes Road, utilising the existing access to the Police Station. The existing access onto Poplar Road is to be closed off for general traffic but utilised as an access to a garage for a dwelling. The police station ceased being in active use several years ago.

The application has been brought to Planning Committee due to a call in from Cllr Farren.

## **SITE**

The site is the former Cleethorpes Police Station on Princes Road in Cleethorpes. The site is some 0.44ha. The existing Police Station, which fronts onto Princes Road, dates back to 1932 and has more modern buildings to the rear within the site. The frontage building is very attractive and is a Locally listed building. The site drops significantly from Princes Road down to Poplar Road from approximately 6m AOD to 3m AOD. The site is currently all hard surfaced.

The site is surrounded by residential neighbours. To the north are properties on Poplar Road, to the east Grant Street, to the south Princes Road and to the west Poplar Grove. All of these neighbours are two storey with a mixture of boundary treatments to the site. Properties on Grant Street have one of the buildings to be demolished adjacent to the boundary. No.49 Princes Road has the main site access along its side boundary.

## **RELEVANT PLANNING HISTORY**

No relevant planning history

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

### National Planning Policy Framework (2023)

NPPF5 - Delivering a sufficient supply of homes  
NPPF12 - Achieving well designed places  
NPPF14 - Climate, flooding & coastal change  
NPPF15 - Conserv. & enhance the natural environ.  
NPPF16 - Conserv. & enhance the historic environ.

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

PO6 - Infrastructure  
PO18 - Affordable housing  
PO5 - Development boundaries  
PO22 - Good design in new developments  
PO33 - Flood risk  
PO34 - Water management  
PO36 - Promoting sustainable transport  
PO38 - Parking  
PO39 - Conserve and enhance historic environ  
PO41 - Biodiversity and Geodiversity

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 objections, sHRA can be adopted by the Council, conditions required to secure mitigation works and a legal agreement to secure HRA mitigation.

Natural England - no objections subject to securing mitigation in sHRA.

Spatial Planning - no comments.

Environmental Health Officer - no objections, recommend conditions.

Fire Brigade - no objections.

Trees and Woodlands Officer - no objections, conditions for final landscape details.

Waste Officer - no objections.

Highways Officer - no objections, conditions for final details and construction management.

Drainage Board - no objections.

Heritage Officer - Conversion of the Old Police Station is acceptable. Concerns of using the grounds of the police station to accommodate eleven dwellings in that this will negatively impact the police station, its setting and to a lesser extent the Police Houses as it will reduce the legibility of the area as the police station yard. More sympathetic design recommended. Condition for building recording recommended.

HSE - does not advise against development.

NELC Drainage Officer - no objections.

Anglian Water - objects to the proposal due to the proposed surface water drainage scheme.

Environment Agency - object to the proposed development due to flood risk and the proposed development not achieving the necessary finished floor levels to be safe in a flood event.

## Neighbours

9, 14, 17, 32, 34, 43, 49A, 51B, 51C, 53 and 55 Princes Road  
Flats 1, 2, 3, 9, 10 and 19 St Josephs Court, Princes Road  
54, 58, 66 and 99 Poplar Road  
33B and 35 Grant Street  
3 and 13 Poplar Grove  
19 Princes Grove  
24 Cooks Lane  
28 Craithe Road

These neighbours have objected to the proposed development on the following grounds:

- Lack of parking and impact on the on street parking;
- Traffic generation from the site;
- Access to and from the site;
- Over development of the site;
- Ecology in regard to bats;
- Overlooking and loss of privacy;
- Lack of consultation;
- Noise from the site;
- Pollution;
- Construction.

A petition against the development of around 100 signatures has also been submitted.

## **APPRAISAL**

Planning Considerations:

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

1. Principle of Development

The site is located within Cleethorpes and close to the town centre area. The site has no specific allocation on the NELLP inset maps. The proposal is for the part demolition of the existing police station, conversion of the remaining part of the building into 10 apartments and then the construction of 11 dwellings on the remaining site along with associated parking, gardens, landscaping and associated infrastructure. Policy 5 of the NELLP allows for such development within the settlement boundaries. Particular regard is had to the fact the site is within the urban area and a brownfield site. Development proposals

are then considered against the site-specific impacts and material planning considerations relevant to the proposal.

## 2. Drainage and Flood Risk

Section 14 of the NPPF and Policy 33 of the NELLP requires consideration to be given to the impact that flood risk can have on proposed development and what impact development can have on flood risk and drainage. The site slopes and has approximately a 3m fall from Princes Road to Poplar Road, this change in levels means that the site falls within flood zones 1, 2 and 3 of the EA flood maps. The application has been submitted a detailed Flood Risk Assessment FRA and Drainage Plan and through extensive discussions with the Environment Agency (EA) further flood modelling has been undertaken by the applicant to try and overcome concerns raised by the EA. Discussions between the applicant and the EA have concluded and unfortunately an agreement has not been reached and the EA have maintained their objection to the proposal due to the flood risk.

In regard to the sequential test the site is located within an area that is identified as being within the 10% most deprived in the country and so the memorandum of understanding between NELC and the EA comes into consideration. This allows for development to take place the most deprived areas where it would be a regeneration project that could not be reasonably delivered elsewhere. The nature of the development means that the reuse of the site and conversion of the existing building could only take place on this site. It is therefore considered that the proposal is sequentially acceptable. It now falls to the exceptions test to be considered.

The Exceptions Test as set out the NPPF requires the development to provide wider sustainability benefits to the community that outweigh the risk of flooding and the development must be safe for its lifetime. It is considered that there would be wider benefits due to the positive reuse of the site and the provision of housing in this location. However it has not been demonstrated that the development would be safe for its lifetime. The EA have objected to the proposed development due to the FRA not properly considering the risk of flooding to the development and the mitigation proposed not being suitable to protect the development and its future occupiers adequately through the lifetime of the development. In particular floor levels are not achieved which are above flood levels. This applies to the proposed new housing on the site and also plots 5, 6, 7 and 8 of the conversion scheme. For the conversion this includes areas of accommodation for units at a lower split 'basement' level.

The NPPF and NELLP are clear that development proposals located in areas at risk of flooding should be made safe. The EA have made it clear that this development proposal does not achieve this and is contrary to Policy 33 of the NELLP and section 14 of the NPPF.

In regard to drainage on the site it is noted that the application has been submitted with a drainage scheme. This has been considered by the NELC Drainage Engineer and they



have confirmed that it is acceptable. However, Anglian Water have raised concerns on this matter as the proposal seeks to discharge surface water into the foul network as there are no other options available. Under the SUDs hierarchy a surface water connection into the foul water drain is the last resort. The applicant has shown how the development could reduce the runoff from the site as existing and therefore present a betterment to the existing situation, this includes holding the water back within the site but also introducing gardens and green space which would have natural soakaway properties. On balance, whilst the objection from Anglian Water is noted it is considered that this matter could be resolved utilising a suitably worded condition should the application be approved. This would require a final scheme for the sustainable provision of surface water drainage to be submitted to and approved by the LPA through consultation with Anglian Water. This would accord with Policy 33 of the NELLP and is considered to be an acceptable approach.

### 3. Impact on Neighbouring Land Uses

It is noted that there are a large number of neighbours who have objected to the proposed development and a petition has been submitted from the local community. The concerns raised are considered in the report below.

In regard to the conversion of the existing police station building the actual building is in place and has very few external changes to it and so the relationship between it and the neighbours does not materially change. This is in particular to no's 43 and 49 Princes Road. Accesses to flats are proposed to the side elevations of the building, which has been identified as a particular issue by neighbours. However, this utilises existing entrances to the building and as such would have comings and goings, which given the nature of the use of the building are likely to exceed domestic movements. There are existing windows to the side elevation at both ground and first floor, these windows would serve various rooms such as bedrooms and living rooms but would be secondary windows and so the applicant has detailed these to be obscurely glazed so as to reduce any potential impact to the neighbours amenities.

In regard to the proposed new build dwellings on the site these are proposed to be raised 1m from the existing ground levels. They are set out as 4 pairs of semi-detached houses and one link of three houses. Plots 1 to 7 have hipped roofs to reduce their overall mass and have been positioned to achieve at least 21m separation from the rear elevations of neighbours on Poplar Road and have approximately 12m deep gardens to the site boundary. Plot 1 is proposed to be approximately 4m from the side boundary with neighbours on Poplar Grove. Plots 8 to 10 back on to neighbours on Grant Street and have been afforded a separation of at least 21m back-to-back with approximately 9m long gardens. It is also noted that in this area a large existing building is located adjacent to the site boundary and so the proposal reduces this massing so close to the boundary. The side elevation of plot 8 is adjacent to properties on Poplar Road and the design of the property is such so as to reduce the mass of the dwelling by reducing the eaves height and ridge line and having cottage style dormers. Final details of how the levels will work to the side of plot 8 would be required in order to ensure that overlooking is kept to

a minimum. The side elevation of Plot 11 is located adjacent to the rear boundaries of properties on Princes Road. It is well separated from the rear elevations and there is a change in levels in this area, so the proposed dwellings sit lower than the Princes Road properties.

Whilst the proposed development would be visible to the neighbouring properties and in some limited cases a degree of shadowing to the neighbours presented, the overall impact on the residential amenities is not considered to be adverse to justify a refusal on these grounds. The proposal would therefore be in accordance with Policy 5 of the NELLP in this respect.

#### 4. Impact on the Character of the Area and Heritage

The proposed development sees some of the existing buildings on the site demolished, this includes a modern two storey office building which is of little architectural interest and also older buildings that appear have been garaging and kennels. It is not practical to retain these buildings in the scheme and the greatest historical and architectural value is considered to be in the main building on the site.

The proposal seeks to retain the main building with limited external alterations. This is important as the building is locally listed and of both historic and architectural interest. Policy 39 of the NELLP and section 16 of the NPPF seeks to protect and preserve these heritage assets where possible. The applicant's efforts to retain as much of the historic value of the site as possible is to be lauded and in principle is supported by Policy. The retention of external features helps retain the overall character of the building. Internally the changes have sought to retain the character of the building and retaining features such as the cells is a real positive. The Heritage Officer acknowledges the appropriateness of the conversion scheme but has requested a condition for a full historic record of the site.

The proposed new build housing to the rear of the main building is proposed as 4 pairs of semi-detached houses and a link of three houses. The designs of the houses have been amended to seek to reduce their mass and potential impact to the neighbours but in doing so design features have been included, such as projecting gables to the frontages which are features taken from the old Police houses on Poplar Road. The Council's Heritage Officer has raised some concern as to the removal of all ancillary structures and using the grounds to accommodate eleven dwellings in that this will negatively impact the police station, its setting and to a lesser extent the Police Houses as it will reduce the legibility of the area as the police station yard. Moreover, there are some concerns that the design of the dwellings do not seek sufficient inspiration from the buildings to which they relate.

Full consideration has been given to the overall scheme and whilst it is acknowledged that the existing 'Police Station' building will sit within the proposed new dwellings it is not considered that this will be detrimental to justify a planning objection. There is reasonable separation between buildings and a pleasant residential environment will be created. The

main public view from Princess Street will remain dominated by the 'Police Station' building in its renovated and retained form. This positive reuse will enhance the character of the area. The designs of the individual dwellings are relatively simple in form and whilst they could be enhanced, they adhere to traditional principles in terms of pitched roofs and use of brick and tile and do take cue from existing character in terms of the gables and bays. All considered the proposed new build houses complement the site as a whole and do not detract from the overall visual character of the area in accordance with Policies 5, 22 and 39 of the NELLP.

## 5. Highways

Policy 5 of the NELLP requires due regard to be given to highway safety and amenity in new development proposals and Policy 36 seeks to promote the use of sustainable transport and Policy 38 has regard to parking provision. It is noted that many of the objections received from neighbours raise concerns over parking, traffic generation, access, highway amenity and safety.

The proposal seeks to provide 2 parking spaces for each of the 11 new build dwellings and 8 parking spaces for the 10 apartments. Private outdoor amenity space is also provided for 6 of the apartments. The site is in a very good location in regard to sustainable transport with access to bus routes on Grimsby Road and a short walk to Cleethorpes train station. The Policies within the NELLP and NPPF do not set a figure for parking provision for new development but require consideration to be given to the location of the site and type of development proposed. In this instance it is considered that the parking proposed is acceptable and there is opportunity for individual apartments to have their own cycle storage. It is therefore considered in regard to parking and sustainable transport the scheme accords with Policies 5, 36 38 of the NELLP.

In regard to traffic generation, access, general highway safety and amenity the scheme has been considered in detail by the Highways team and extensive discussions held with the applicant. The concerns that neighbours have raised are noted but regard must be had to the previous use of the site as a Police station. The proposed development is for 21 residential units with the average household size set out in the Local Plan as 2.2 people meaning that the likely number of residents on site would be around 46. This was the main police station for Cleethorpes and would have been an active site. The same main vehicular access is proposed to be used. Traffic and parking matters have been considered by the Highways Officer, and they have concluded that the proposed development would not result in any harm to highway safety, and it would not have a detrimental impact on highway amenity due to traffic generation from the site.

It is therefore considered that the proposed development is acceptable in highway safety and amenity terms in accordance with Policies 5, 22, 36 and 38 of the NELLP.

## 6. Ecology

Policies 5 and 41 of the NELLP require consideration to be given to the impact of

development proposals on ecology and biodiversity both on and off the site.

The site is located in the urban area of Cleethorpes and is heavily developed with very little opportunity for ecological value. The submitted Preliminary Ecological Appraisal does not raise any specific concerns in regard to ecological impact. There is potential for bats within the existing buildings and the report recommends further survey work prior to development taking place on the site. The report also recommends works to improve the biodiversity value of the site. The Council Ecologist has reviewed the report and concurs with its findings and recommendations. The recommendations could be adequately secured by conditions.

The development is located close to the resort area of Cleethorpes and the designated Humber Estuary (SSSI, SPA, SCA and Ramsar). The increase in population that the development would bring then means that additional recreational disturbance on the Estuary and the need for a Habitat Regulations Assessment (HRA) to be adopted by the Council and the Responsible Authority. The applicant has submitted with a shadow HRA which has been considered by the Council Ecologist and Natural England. The HRA proposes mitigation in the Appropriate Assessment in the form of a Construction Management Plan to control air quality, dust and noise through construction, equipment for dog exercise and maintenance of amenity areas in Sidney Sussex Park. Natural England have confirmed that they have no objections to the proposed development subject to the mitigation measures being secured. The proposed CMP can be secured through a condition but the works to Sidney Sussex Park require financial contributions which need to be secured through a s.106 legal agreement.

The Council Ecologist has confirmed that the sHRA can be adopted with the mitigation measures secured through conditions and an s.106 legal agreement. The proposed development therefore accords with Policies 5 and 41 of the NELLP.

The development is exempt from statutory Biodiversity Net Gain as the application was submitted prior to the requirements coming into force.

## 7. Affordable Housing and Education

The site is located in a low value area of the borough as identified in Policy 18 of the NELLP this means that the site does not need to provide Affordable Housing.

The applicant has submitted a s.106 Head of Terms that details that they will provide the Policy compliant Education Contributions, this covers both Primary and Secondary Education. The final contributions are to be agreed with the Education Lead for the Council and could be secured through a s.106 legal agreement. This is in accordance with Policy 6 of the NELLP.

## **CONCLUSION**

In conclusion, whilst it is considered that the proposed development does provide regeneration benefits and housing in a sustainable urban location the proposal is not acceptable in regard to flood risk as it would not be safe in a flood event and therefore fails the exceptions test. The proposal is therefore contrary to Policies 5 and 33 of the NELLP and section 14 of the NPPF. The application is therefore recommended for refusal.

## **RECOMMENDATION**

### **Refused**

(1) The development is contrary to policies 5 and 33 of the North East Lincolnshire Local Plan, 2013-2032 and section 14 of the National Planning Policy Framework in that the site is within an area of high flood risk and the mitigation measures proposed do not overcome the risk of flooding to the proposed development. The risk to life and property is not justified by the development.

## **Informatives**

### **1 Informative**

This application has been considered using the following plans:

20064-01 - topographical survey  
1115-2317-CIV-10-PL - drainage layout  
RD4501-01 site location plan  
RD4501-04 existing plans  
RD4501-07 existing elevations  
RD4501-03 existing site plan  
RD4501-05 existing elevations  
RD4501-06A existing plans  
RD4501-12G Proposed site plan  
RD4501-08B Proposed ground floor plan  
RD4501-11A Proposed elevations and site sections  
RD4501-21B Proposed sections

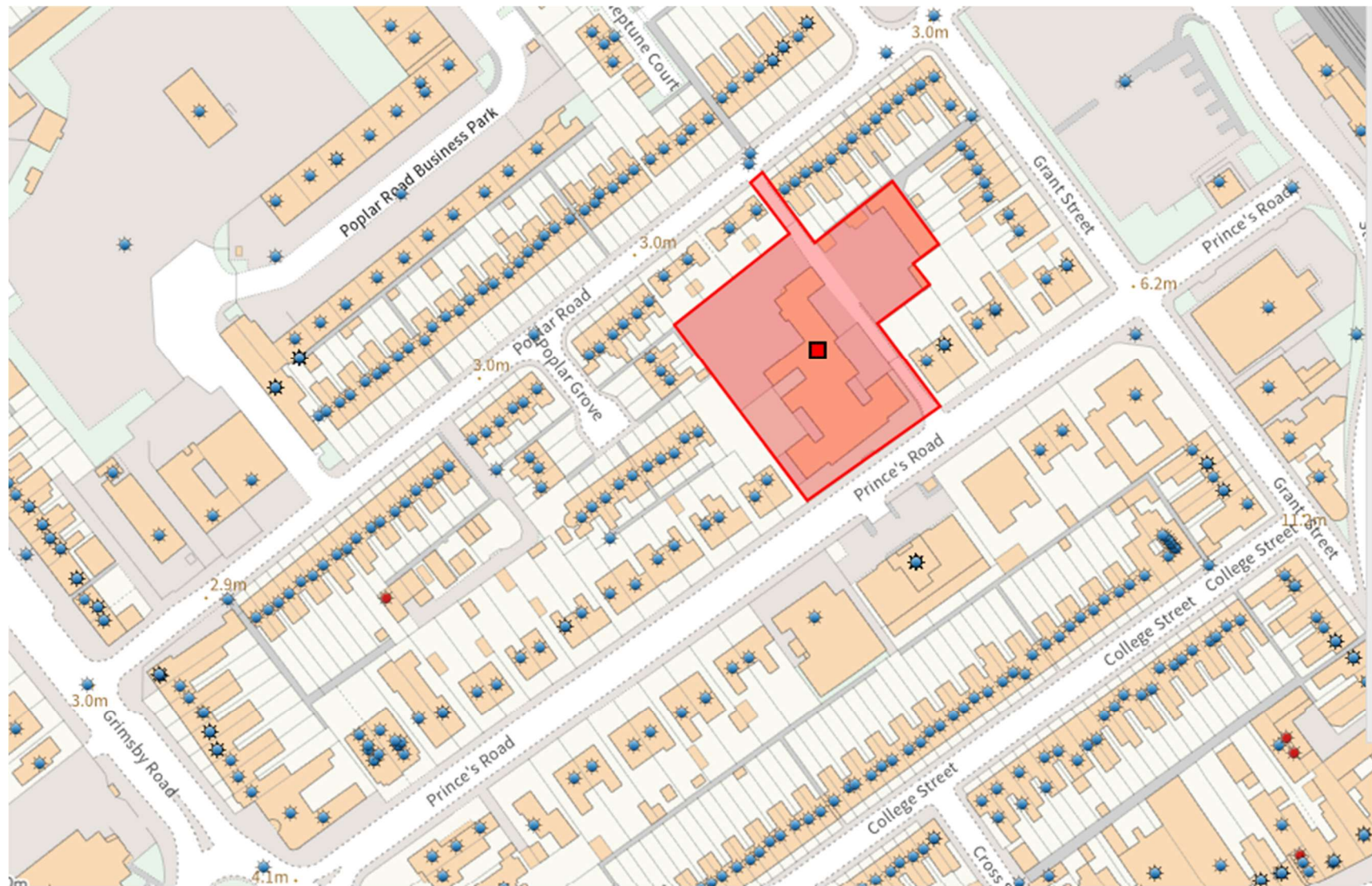
RD4501-13B Proposed plans plots 1 and 2  
RD4501-14B Proposed plans plots 3, 4 and 5  
RD4501-15B Proposed plans plots 6 and 7  
RD4501-16C Proposed plans plots 8 and 9  
RD4501-17C Proposed plans plots 10 and 11  
RD4501-18B Proposed boundary treatments  
RD4501-09A Proposed roof plan and elevations  
RD4501-10B Proposed front elevations and basement plans

## 2 Added Value Statement

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

In accordance with paragraph 187 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to problems arising. However, there were issues that could not be overcome and the application had to be refused.

DM/0770/23/FUL – POLICE STATION 45-47 PRINCES ROAD, CLEETHORPES





DM/0770/23/FUL – POLICE STATION 45-47 PRINCES ROAD, CLEETHORPES





**PLANNING COMMITTEE - 11th June 2025**

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

**APPLICATION No: DM/0074/25/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: 16 Dudley Street, Grimsby, North East Lincolnshire, DN31 2AB**

**PROPOSAL: Change of use from an office to an eighteen bedroom house in multiple occupation with removal and bricking up of two windows, formation of an external fire exit, provision of PV panels to the East elevation roof and provision of two number cycle stores (1. Amended ground and first floor plans received 11th March 2025 showing revised internal layout and changes to first floor side and east elevation; removing one side window, altering another to a corridor window and the other to a kitchen/dining area window - 2. Noise Impact Assessment received 9th April 2025)**

**APPLICANT:**

Mr Ed Ralph  
Edwardian Holdings Ltd  
95 Station Road  
Stow Cum Quay  
Cambridge  
CB25 0AJ

**AGENT:**

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

**DEPOSITED: 30th January 2025**

**ACCEPTED: 30th January 2025**

**TARGET DATE: 27th March 2025**

**PUBLICITY EXPIRY: 11th May 2025**

**AGREED EXTENSION OF TIME DATE: 20th  
June 2025**

**CONSULTATION EXPIRY:**

**CASE OFFICER: Owen Toop**

**PROPOSAL**

This application seeks planning permission for a change of use from an office to an

eighteen bedroom house in multiple occupation (HMO).

The development also includes external alterations involving the removal and bricking up of two windows, the formation of a fire exit, the provision of PV panels to the east elevation roof and the provision of two cycle stores.

As part of this application, amended plans have been received showing a revised internal layout and changes to the first floor side elevation to the proposed windows. In addition a Noise Impact Assessment has been received and reviewed.

This application is brought to the attention of the Planning Committee due to the number of written representations received in objection to the proposal.

## **SITE**

The building, 16 Dudley Street, is located just outside of Grimsby Town Centre. The building is a detached villa that was formerly an accountant's office.

The site is within the Wellow Conservation Area and Dudley Street includes a variety of detached and semi-detached buildings from the late Victorian and Edwardian eras. Dudley Street is also comprised of a multitude of uses, including a mix of business premises and residential uses.

To the west of the site is the access to the car park which leads onto Pelham Road, with a solicitor's office opposite. To the east is a semi-detached building comprising of an opticians practice at ground floor and a residential flat above. To the south is the frontage onto Dudley Street with offices opposite the site across the road. To the north is an adopted road that acts as a service entrance to the properties accessed from Princes Avenue.

## **RELEVANT PLANNING HISTORY**

None relevant.

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

National Planning Policy Framework (2023)

- NPPF2 - Achieving sustainable development
- NPPF4 - Decision-making
- NPPF5 - Delivering a sufficient supply of homes
- NPPF7 - Ensuring the vitality of town centres
- NPPF9 - Promoting sustainable transport
- NPPF11 - Making effective use of land

NPPF12 - Achieving well designed places  
NPPF14 - Climate, flooding & coastal change  
NPPF15 - Conserv. & enhance the natural environ.  
NPPF16 - Conserv. & enhance the historic environ.

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

PO2 - The housing requirement  
PO3 - Settlement hierarchy  
PO4 - Distribution of housing growth  
PO5 - Development boundaries  
PO15 - Housing mix  
PO22 - Good design in new developments  
PO33 - Flood risk  
PO34 - Water management  
PO36 - Promoting sustainable transport  
PO38 - Parking  
PO39 - Conserve and enhance historic environ  
PO41 - Biodiversity and Geodiversity

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

**REPRESENTATIONS RECEIVED**

Environment Agency - No comments.

Local Highway Authority - No objections, condition recommended for cycle storage.

Humberside Fire and Rescue - Standard comments provided in relation to building regulations and access.

Trees and Woodlands - No objections.

Heritage Officer - No heritage input required.

Environmental Protection - Recommends conditions for construction management and informatives in relation to asbestos and soundproofing. In addition a Noise Impact Assessment is recommended and this has been supplied and reviewed as being acceptable by the Environmental Protection Team.

Drainage - No comments.

Ecology - No requirement for Biodiversity Net Gain

Waste Manager - A private waste collection company will be required to dispose of the majority of the waste.

Police - Wish to raise no formal objections.

## Public Representations

In some cases multiple letters from the same address has been received.

Objections received from the following:

- The Friary, 3 Princes Avenue
- 4 Princes Avenue
- 6 Princes Avenue
- 11 Princes Avenue
- 12 Princes Avenue
- 12 Princes Road
- 24 Dudley Street
- 2 Browns Orchard
- 14 Dudley Street (The Flat)
- 14 Dudley Street
- 26 Pelham Road
- 115 Spring Bank
- Cllr Robson Augusta

Broadly on the following grounds:

- Increased litter, traffic and anti-social behaviour
- No need for HMO's
- Impact on residential amenity and community safety
- Over concentration of HMO's
- Lack of meaningful community engagement
- Conflict with Local Planning Policy and Guidelines
- Over development
- Parking provision concerns
- Harm to property values
- Impact on quality of life
- Noise Impacts
- Waste Impacts
- Impact on the character of the area and conservation area.

Letters of support received from the following addresses:

- 65 Tetney Road
- 4 Isaac's Hill
- 8 Isaac's Hill
- 14 Isaac's Hill
- Flat 1, 265 Grimsby Road

Broadly on the following grounds:

- Examples given of positive living experiences of existing HMO's.

In addition to the representations received in objection and support of the application, a letter from the office of Melanie Onn has been submitted. The letter highlights the following concerns:

- development does not appear to support long-term tenancy
- impact of temporary nature of occupiers and impact on the community
- high-density development and impact on existing road infrastructure
- impact on existing residents

Grimsby, Cleethorpes and District Civic Society - Object broadly on the grounds of the density, parking, traffic and road safety issues, including waste collection.

## **APPRAISAL**

The planning considerations are:

- 1) Principle of Development
- 2) Impact on Future Occupier Amenity
- 3) Impact on Residential Amenity
- 4) Impact on the Character of the Area and Conservation Area
- 5) Highways, Parking and Waste Management
- 6) Flood Risk and Drainage
- 7) Designing out Crime
- 8) Biodiversity Net Gain, Ecology and Landscaping

- 1) Principle of Development

The proposal is located within the development boundary of Grimsby as defined within Policy 5 of the North East Lincolnshire Plan 2013-2032 (adopted 2018) [NELLP] and relates to a change of use from an office into an 18-bed House in Multiple Occupation (HMO). Dudley Street is in close proximity to Grimsby Town Centre and is in a sustainable location. Under Policy 3 of the NELLP, the site is within the Urban Area which provides the greatest accessibility to key services and amenities and has historically delivered the greatest number of new homes.

The principle of development is therefore acceptable subject to there being no adverse impacts in relation to the site specific planning issues. These are discussed below.

## 2) Impact on Future Occupier Amenity

The proposed development comprises of residential accommodation which spans the ground and first floors to provide a large HMO. The change of use would create 18 separate residential rooms all with an associated shower room. 9 bedrooms are situated on the ground floor and 9 on the first floor. All of the bedrooms have windows which allow a reasonable outlook and amount of light. A communal kitchen and dining area would be provided on each of the floors and they are of sufficient size. Where cooking facilities are shared in an HMO, there should be 1 set of cooking facilities for every 5 occupants, to include a cooker, hob, sink and drainer, refrigerator and adequate space for the storage and preparation of food. This is to a maximum of 2 sets of facilities per kitchen. The plans note that full kitchen design will be confirmed but in principle the size of the kitchens could accommodate this. The Housing team have been consulted on the proposal and the rooms would meet the requirements for a HMO. HMO licensing requirements would also need to be adhered to which is separate to planning permission and this process would cover final kitchen design.

Externally, a cycle store would be provided to the rear to allow for bikes to be stored. Adjacent to this is a proposed bin storage area. Furthermore, it has been confirmed that a private waste company would be appointed to manage bin collection as well as any excess waste. It is considered that full details of cycle storage and waste management can be secured through planning conditions.

At the request of the Environmental Health Officer a Noise Impact Assessment has been conducted to assess the impacts from existing noise sources on the proposed development. The report concluded that the impact was acceptable subject to a scheme of sound insulation. This may be secured by planning condition. The Environmental Health Officer has no objections to the proposal.

It is acknowledged that representations have been received in objection on the grounds that the development would be an over-development and which would create substandard living accommodation. In response, the property is a large detached building with a two storey extension to the rear. and the layout plans provided demonstrate that there is sufficient space within the property. As the proposal is constructed over two floors with two communal areas there is sufficient amenity space and each room meets the relevant standards for sizing.

Having regard to the above, the proposal accords with Policy 5 of the NELLP.

## 3) Impact on Residential Amenity

The proposal is located within an established area containing a mix of residential and

commercial uses. As part of this application, a number of representations have been received in objection raising a number of concerns with the proposed development. These are listed in the representations received section above.

Policy 5 of the NELLP requires an assessment of the developments impact upon neighbouring land uses by reason of noise, air quality, disturbance or visual intrusion. The property is a 2-storey building previously used as an accountant's office. The whole of the property would be converted. The building is detached and on the corner of Dudley Street and Pelham Road. The property closest and adjacent is a ground floor optician's with a residential flat above. The flat also has access to a garden area via steps to the rear and this garden is also adjacent to the proposed HMO.

The development does not include any extensions to the building that would impact the amenity of neighbours though it is noted that there would be some alterations to the property, particularly in regard to the east and side elevation. However it is considered that the windows at the first floor side elevation can be obscurely glazed to a minimum level of 3 on the Pilkington Scale in order to protect residential amenity. A condition is recommended.

Taking into account the existing use as an office, additional comings and goings from the HMO are not likely to be significantly greater. It is possible that activity would occur for longer periods throughout the day and night given the prospective occupiers compared with occupants of an office, however, the change of use would not result in a significantly more intensive use of the site and the building would be changed to a form of residential use. The proposal is for an 18 bed HMO, with the property having a considerable footprint over the 2 floors. The site is located along a busy arterial route between Grimsby Town Centre and the West Marsh and a level of ambient noise is to be expected. It is considered that the proposed change of use would not introduce a potential source of noise and disturbance greater than that normally associated with a residential form of use of this size, such as a block of flats, to the detriment of neighbouring residential amenity in this instance. Potential occupants of the HMO could not be controlled by planning conditions nor could the behaviour of individual occupiers, as with other forms of residential development.

It is noted that significant representation has been received in objection to this proposal, however, taking the above into account the proposal accords with Policy 5 of the NELLP.

#### 4) Impact on the Character of the Area and Conservation Area

The proposal is located within the Wellow Conservation Area and involves some minor external alterations to the building, involving the installation of solar panels, the bricking up of windows to the sides, a new ground floor fire exit and external steps to the rear.

As a result of ongoing discussions amended plans have been received and these changes focus on the proposed east elevation of the property, involving minor changes to the window configuration at this side. As noted above the Noise Impact Assessment's

recommendations include soundproofing and this is recommended to be secured by planning condition. Given the building's historic timber windows, secondary glazing consisting of a thermal double-glazed inner pane (4/12/4 or similar) with a minimum 50mm air-gap to the existing outer panes may be used. All existing frames should be made good, with any gaps filled and new window seals installed to the outer windows. The proposed cycle storage and fire exit staircase are both not considered to cause any detrimental impacts given the location to the rear of the site. In addition there are no design or heritage concerns with the solar panels to the east side roof elevation.

In the exercise of various functions under the Planning Acts in relation to land in conservation areas (including determination of planning applications) the Council is required to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area, as set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposed changes relate to the side and rear and are of a minor scale. The Heritage Officer has been consulted as part of this application and has no objections.

It is therefore considered that the proposal accords with Policies 5, 22 and 39 of the NELLP.

#### 5) Highways, Parking and Waste Management

It is noted that many of the objections refer to concerns regarding parking and impact on the surrounding streets.

Vehicular access to the site is via Pelham Road, to the west of the property. The existing building is served by a rear car park with an informal layout.

The layout plan proposes sheds with room for 20 cycles in total as well as 6 car parking spaces. It is stated that not all residents are expected to drive and that the site is adjacent to several bus routes and in close proximity to Grimsby Town Centre.

The proposal is located in a sustainable urban area where use of alternative transport methods to the car are promoted, on-site parking will be provided equivalent to 1/3 of the number of bedrooms and supplemented by cycle parking sheds. In the event the site did generate additional parking demand for private motor vehicles that cannot be accommodated within the site, the Local Highway Authority is satisfied that alternative on-street parking options in adjacent streets could be utilised. It is noted that parking availability in the unrestricted lengths of the adopted sections of Pelham Road, south of Dudley Street, is generally good both during the day and in the evenings. In addition, the occupancy levels are not significantly greater than that of the existing use as an office.

Due to reasons above, the Local Highway Authority have reviewed the application and consider that the proposal would not have a severe impact on the public road network. The proposal is therefore considered to accord with Policies 5, 36 and 38 of the NELLP in regard to highways.



The applicant has provided a supporting statement (dated 3rd March 2025) which refers to management of the HMO, including aspects such as security and waste. The Housing Team and Waste Manager have been consulted and it is recommended that a Waste Management Plan be secured through planning condition. This would detail the storage of bins and their collection through use of a private collection service. With this in place, the proposal accords with Policy 5 of the NELLP.

#### 6) Flood Risk and Drainage

The site is not within a flood risk area and is classified as being within Flood Zone 1. In respect of surface water considerations, there would be no extensions to the footprint of the building, other than the additional staircase to the rear. The Drainage Officer has been consulted and has no comments.

The proposal is therefore considered to accord with Policies 5, 33 and 34 of the NELLP with regard to flood risk and drainage considerations.

#### 7) Designing out Crime

It is noted that many of the representations received refer to an increase in crime and disorder due to the HMO, particularly in regard to its number of occupants concentrated in one location. In addition concerns have been raised in relation to existing HMO's in the area.

Designing out crime and designing in community safety should be central to the planning and delivery of new development. Section 17 of the Crime and Disorder Act 1998 requires all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder.

Despite the concerns expressed above given the nature of the proposal it is considered that there would not be, or likely to be, an increase in crime or disorder or the potential for such an increase. There is nothing to suggest HMO occupants are more or less likely to be involved in crime than residents in other accommodation or that they would be at greater risk of being a target of crime. The Police have been consulted and on review do not raise any formal objections to this scheme.

The applicant has provided designing out crime measures within the submitted Design and Access Statement which are considered acceptable.

Having regard to the above, the proposal accords with Policies 5 and 22 of the NELLP with regard to designing out crime considerations.

#### 8) Biodiversity Net Gain, Ecology and Landscaping

The Ecology and Trees and Woodlands Officer have no objections to the scheme. As the

proposal does not impact a priority habitat and impacts less than 25 square metres of onsite habitat with a biodiversity value greater than zero and on less than 5 metres of onsite linear habitat, the de minimis condition is met and the proposal is exempt from the Biodiversity Net Gain Condition.

The proposal therefore accords with Policy 41 of the NELLP and Section 15 of the NPPF with regard to Biodiversity Net Gain, Ecology and Landscaping considerations.

## **CONCLUSION**

This application seeks planning permission for a change of use from an office to an eighteen bedroom house in multiple occupation (HMO) with minor external alterations. The proposal would support a building that has been empty back into a functional residential use in a sustainable urban location.

Having regard to the planning considerations, the proposal accords with the relevant policies within the NELLP and is 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 not be carried out except in complete accordance with the approved plans and specifications as follows:

Site Location Plan: RD: 5772 - 05

Proposed Ground Floor Plan: RD: 5772 - 03 C

Proposed First Floor Plan and Site Plan: RD: 5772 - 04 C

#### **Reason**

To ensure the development is in accordance with the approved details and results in a satisfactory form of development and in accordance with Policies 2, 5, 15, 22, 23, 36 and 39 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

(3) Condition

All windows that are proposed to be removed and bricked up shall be done so in brickwork to match the existing property in colour, texture, size and brick bond. Final details of the new window to be installed as shown on the east elevation on RD:5772 - 04 C 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 interest of visual design and heritage in accordance with Policies 5, 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(4) Condition

The development shall be carried out in accordance with the recommendations as set out in Section 4.1 of the submitted Noise Impact Assessment with reference:

NIA/12009/25/12270/v1/, produced by Environmental Noise Solutions Limited and dated 9th April 2025.

All existing windows not altered as part of the application shall be retained and the scheme of mitigation measures shall be installed as approved prior to any occupation of the House in Multiple Occupation which shall be retained and maintained to the same specification thereafter, unless otherwise agreed in writing with the Local Planning Authority.

Reason

To maintain residential and local amenity and historic significance in accordance with Policies 5, 22 and 39 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

(5) Condition

Prior to any occupation or use of the development, a final site specific refuse disposal management plan, including details of: collection methods, operator and cleaning/maintenance of refuse storage area, and its plan form, scale and finish shall be submitted to and approved in writing by the Local Planning Authority. The plan and the storage area shall be implemented in accordance with the approved scheme before any part of the House in Multiple Occupation is occupied. It shall be retained as such thereafter.

Reason

To maintain residential amenity and a standard of health in accordance with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

(6) Condition

The two first floor side windows as shown on the east elevation of RD:5772 - 04 C shall

be obscurely glazed to a minimum level of 3 on the Pilkington Scale and shall be completed at this level prior to any occupation of the development. Once completed the windows shall be retained at this level of obscurity for the lifetime of the development.

**Reason**

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

**(7) Condition**

Prior to any occupation, final details of cycle storage including security measures, external materials and storage capacity 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 and be installed before any occupation. It shall be retained for the lifetime of the development.

**Reason**

In the interests of visual design, designing out crime and heritage in accordance with Policies 5, 22 and 39 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

**(8) Condition**

Prior to any conversion works commencing, a construction method statement including details of noise and dust reduction measures to be employed during the course of the conversion works shall be submitted to and approved in writing by the Local Planning Authority. No burning of waste from the conversion works shall take place on site. Once approved, the development shall be carried out in accordance with the approved details for the duration of the period that conversion works are taking place.

**Reason**

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

**(9) Condition**

None of the works required for this conversion 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**

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

## (10) Biodiversity Net Gain

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

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

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

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

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

In Summary: Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply. It is considered that exemption number 4.2 applies.

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

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

- (i) the original planning permission to which the section 73 planning permission relates\* was granted before 12 February 2024; or
- (ii) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.

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

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

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

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

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

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

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

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

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as

defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

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

Irreplaceable habitat

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

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

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

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

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

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

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

## **Informatives**

### **1 Reason for Approval**

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or residential amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular Policies 2, 3, 4, 5, 15, 22, 33, 36 and 39

### **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 receiving amended plans and documentation and applying planning conditions to respond to design and amenity concerns raised.

### **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). Soundproofing should meet with their requirements.

### **4 Informative**

The applicant's attention is also drawn to the comments provided by the Humberside Fire and Rescue Service which can be located on this planning application's public file.

### **5 Informative**

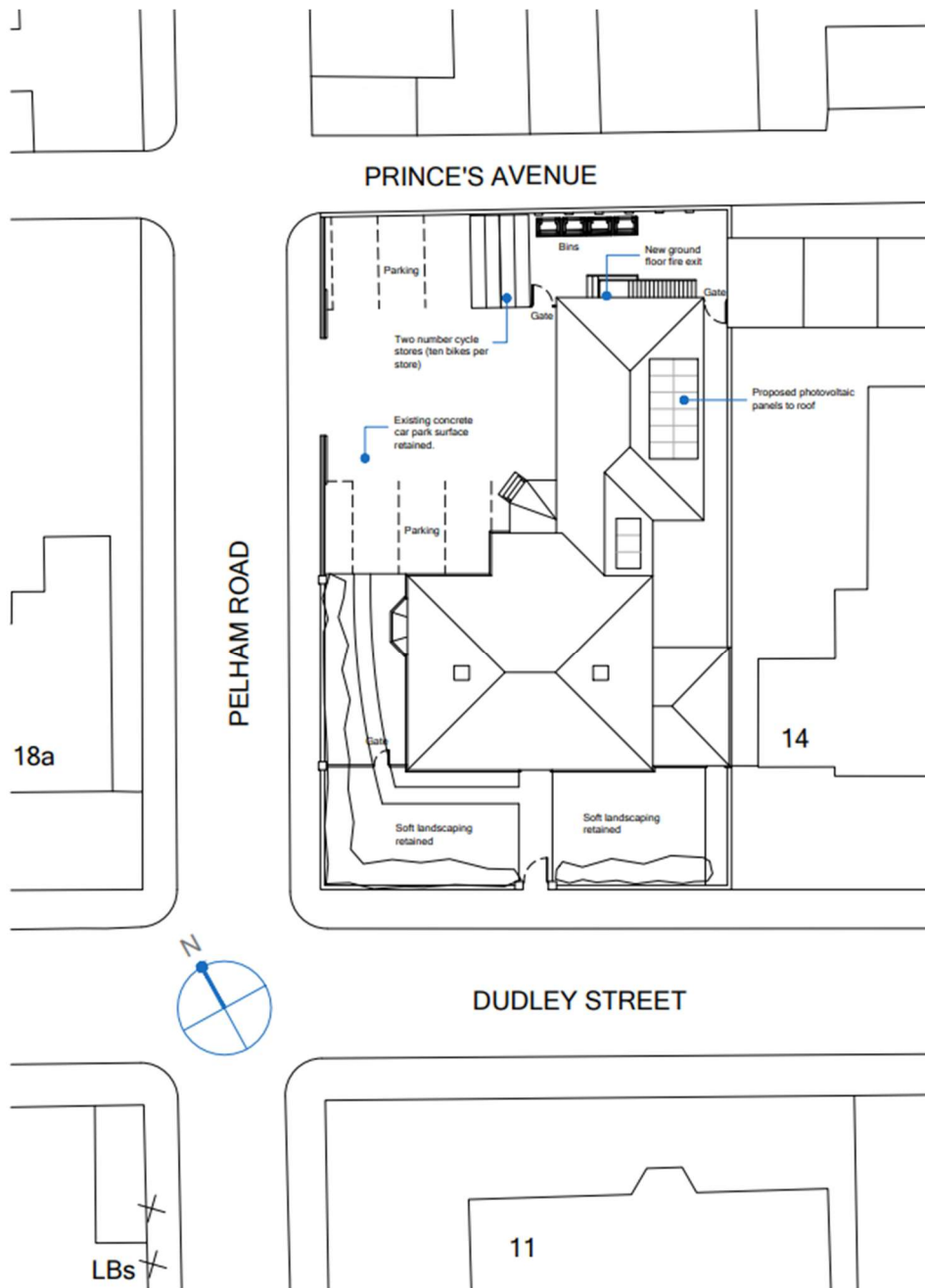
Where there may be the possibility of asbestos in the buildings the applicant, developer, and future occupiers are reminded of the duties under Control of Asbestos Regulations 2012, or the more general duties under the Health and Safety at Work Act 1974 in relation to any presence of asbestos in the building(s). The Health and Safety Executive can be contacted for further advice and a copy of the Approved Code of Practice is available from their website.



DM/0074/25/FUL – 16 DUDLEY STREET, GRIMSBY



DM/0074/25/FUL – 16 DUDLEY STREET, GRIMSBY



**PLANNING COMMITTEE - 11th June 2025**

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

**APPLICATION No: DM/1029/24/FUL**

**APPLICATION TYPE: Full Application**

**APPLICATION SITE: Astle Bmw, Grimsby Road, Laceby, North East Lincolnshire, DN37 7DP**

**PROPOSAL: Demolish existing stores, internal reconfiguration and external alterations to main showroom, erect detached valet and wash bay to rear, erect overnight delivery storage building to front and installation of substation with associated works**

**APPLICANT:**

Jane Grimble  
Marshall Motor Group  
The Quorum  
Barnwell Drive  
Cambridge  
CB5 8RE

**AGENT:**

Lee Harper  
Taylor Design Architects Limited  
Norcliffe House  
Station Road  
Wilmslow  
SK9 1BU

**DEPOSITED: 9th December 2024**

**ACCEPTED: 18th December 2024**

**TARGET DATE: 12th February 2025**

**PUBLICITY EXPIRY: 3rd February 2025**

**AGREED EXTENSION OF TIME DATE: 13th June 2025**

**CONSULTATION EXPIRY: 13th January 2025**

**CASE OFFICER: Lauren Birkwood**

**PROPOSAL**

The proposal is for demolition of existing stores, internal reconfiguration and external alterations to main showroom at Astle BMW on Grimsby Road in Laceby. It also includes the erection of a detached valet and wash bay to the rear of the site, the erection of an overnight delivery storage building to front, next to the main showroom, and the installation of substation to the western boundary.

There are no changes proposed to the access arrangements in and out of the site.

The application is brought to Committee following an objection from the Laceby Parish Council.

## **SITE**

The site is on the corner of Grimsby Road and the A46 on the edge of Laceby. The site consists of a car and motorcycle dealership. Neighbours include an office business park on Grimsby Road (to the west) and residential properties opposite on the A46.

## **RELEVANT PLANNING HISTORY**

DM/0693/18/FUL - Demolition of existing residential dwellings (Five Winds, Ivydene and Eastview) and outbuildings and change of use of the land from residential to used car display area with associated landscaping and alterations - Approved with Conditions 8th March 2019.

DM/0643/19/CND - Details in Discharge of Condition 3 (Surface Water Drainage), 5 (Demolition Method Statement) and 7 (Landscaping) pursuant to DM/0693/18/FUL (Demolition of existing residential dwellings (Five Winds, Ivydene and Eastview) and outbuildings and change of use of the land from residential to used car display area with associated landscaping and alterations) - Conditions Discharged 12th August 2019.

DM/1132/19/FUL - Relocate delivery area within the existing dealership site with associated works - Approved with Conditions 4th March 2020.

DM/0180/21/FUL - Erect BMW motorcycle showroom building and standalone wash/valet building along with elevation changes to existing showroom/workshop building - Approved with Conditions 15th July 2021.

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

### National Planning Policy Framework (2023)

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

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

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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to

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

## **REPRESENTATIONS RECEIVED**

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

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

Council's Ecology Officer - No BNG required. Informative recommended.

Council's Drainage Officer - No comments.

Council's Heritage Officer - No comments.

Laceby Parish Council - Objects to the development with concerns regarding the details provided in that highway verge is being taken, highways safety, deliveries, parking and enforcement of conditions. It is considered that highway issues have been on-going for too long. These should be resolved before any new permission is granted.

### **Neighbour Representations**

2 Altoft Close, 62 Hawerby Road, Laceby - Object to the development with concerns regarding the details provided and highways safety. Concerns that delivery protocol not being adhered to and that highway verge is being taken over by the development.

17 Cooper Lane Laceby - Neither objects or supports but raises concerns that delivery protocols not being met. Positives of the site are acknowledged but highway safety concerns need to be resolved.

## **APPRAISAL**

The key planning material considerations are:

- Principle of Development
- Visual Amenity
- Impact on Neighbouring Amenity
- Highways Impacts
- Ecology

## - Other Matters

### Principle of Development

The application site is within the development area of Laceby where Policy 5 of the North East Lincolnshire Local Plan 2013 to 2032 (Adopted 2018) applies. The proposal relates to the demolition of existing stores, internal reconfiguration and external alterations to a main showroom at an existing car dealership including the erection of a detached valet and wash bay to the rear of the site, the erection of an overnight delivery storage building to front and the installation of substation. The principle of development is acceptable provided that the proposal does not give rise to adverse issues in terms of residential amenity, highways safety, design, drainage and ecology so as to be in accordance with Policies 5, 22, 33, 34 and 41 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018), and Sections 12, 14 and 15 of the National Planning Policy Framework.

### Visual Amenity

Policies 5 and 22 require that account is taken of the character of the area and the design of the proposal.

Visually, the proposal involves single storey buildings finished in similar materials to existing buildings on site. The impact on the visual character of the area would be relative minor given the existing use and building character of the site. In addition, due to the existing surroundings, which includes a built-up setting close to a busy road, the changes to the existing car dealership is considered to be appropriate in this area of Laceby.

On this basis, the proposal is considered to be acceptable in this regard with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

### Impact on Neighbouring Amenity

In terms of neighbouring amenity, as the development would not be significant in size and would reflect the current buildings that appear on site, it is considered that the proposed development would not offer a detrimental impact to neighbours in terms of dominance, overlooking, or general noise and disturbance. Residential properties are well separated from the site. There will be no adverse impact on the business units to the west.

The Council's Environmental Health Officer has no objections, subject to a safeguarding condition. As such, the proposal is considered to accord with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) in terms of residential amenity.

### Highways Impacts

The Laceby Parish Council and local residents have objected to the application citing concerns in respect of vehicle deliveries at the site. A new arrangement of the loading and unloading of vehicles at the site was approved in March 2020 (Planning reference

(DM/1132/19/FUL). It included alterations to one of the access/egress points to create a new access for deliveries and construct a lay by within the site. This was also conditioned under application DM/0180/21/FUL.

The Council's Highways Officer has discussed the application with the applicant given concerns regarding deliveries currently taking place and that it does not accord with the submitted details. On this basis, the applicant has reiterated the use of a delivery plan to alleviate concerns. The delivery plan follows the principles of that originally approved. The Council's Highway Officer has reviewed the details and subject to a condition, has no objections. The delivery plan condition has been imposed and updated. The proposal therefore accords with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

### Ecology

The Council's Ecology Officer has confirmed that the de minimis condition is met and the proposal is exempt from the Biodiversity Gain condition. They also have no objections to the development.

The proposal therefore accords with Policy 41 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

### Other Matters

The proposal has been reviewed by the Council's Drainage Officer, and there are no objections to the scheme. The proposal therefore accords with Policies 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

## **CONCLUSION**

In conclusion, it is considered the proposal is acceptable and can be achieved without harm to the character of the area or to local amenity. Matters relating highways, parking and ecology have all been assessed and deemed to be satisfactory. The application can therefore be approved in accordance with policies 5, 22, 33, 34, 41 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018), subject to a number of safeguarding 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 - 5856A\_001

Proposed Site Plan - 5856A\_101\_P1

Proposed Ground Floor Plan - 5856A\_201\_P1

Proposed Elevations - 5856A\_301\_P1

Proposed Valet and Wash Bay Floor Plan and Elevations - 5856A\_202\_P1

Proposed Overnight and Substation Floor Plans and Elevations - 5856A\_203\_P1

Reason

For the avoidance of doubt in the interests of proper planning and in accordance with Policies 5, 22, 33, 34 and 41 of the North East Lincolnshire Local Plan 2013 to 2032 (Adopted 2018)

(3) 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).

(4) Condition

The proposal shall be constructed using materials specified on drawings:

Proposed Elevations - 5856A\_301\_P1

Proposed Valet and Wash Bay Floor Plan and Elevations - 5856A\_202\_P1

Proposed Overnight and Substation Floor Plans and Elevations - 5856A\_203\_P1

unless otherwise first approved in writing by the Local Planning Authority.

Reason

This condition is imposed in the interests of design considerations in the context of the existing buildings in order to comply with Policy 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).



(5) Condition

The loading and unloading of vehicles by car transporter at the site shall be in accordance with the Delivery Protocol Planning Statement dated 21st November 2024 and the area shown shall be kept free at all times except when vehicles are being delivered by car transporter.

Reason

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

(6) Biodiversity Net Gain

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

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

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

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

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

In Summary: Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply. It is considered that exemption number 4.2 applies.

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

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

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

the number of dwellings in a building.

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

4.5 Self and Custom Build Development, meaning development which:

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

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

Irreplaceable habitat

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

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

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

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

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

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

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and

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

## **Informatives**

### **1 Reason for Approval**

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

### **2 Added Value Statement**

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

In accordance with paragraph 187 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to problems arising, by requesting additional information to overcome highways concerns.

### **3 Informative**

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

### **4 Informative**

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

### **5 Informative**

Where there may be the possibility of asbestos in the buildings the applicant, developer, and future occupier are reminded of the duties under Control of Asbestos Regulations 2012, or the more general duties under the Health and Safety at Work Act 1974 in relation to any presence of asbestos in the building(s). The Health and Safety Executive can be contacted for further advice and a copy of the Approved Code of Practice is available from their website at <http://www.hse.gov.uk/pubns/books/l143.htm>.

6      Informative

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

DM/1029/24/FUL – ASTLE BMW, GRIMSBY ROAD, LACEBY



DM/1029/24/FUL – ASTLE BMW, GRIMSBY ROAD, LACEBY



**PLANNING COMMITTEE - 11th June 2025**

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

**APPLICATION No: DM/1222/23/OUT**

**APPLICATION TYPE: Outline Application**

**APPLICATION SITE: Land Adj The Old Rectory , Main Road, Ashby Cum Fenby,  
North East Lincolnshire, DN37 0QW**

**PROPOSAL: Outline application for the erection of one 5 bed dwelling with integral garage, driveway, landscaping and new boundary treatments with access to be considered (Amended Plans and Documents received March 2025 to revise red edge, reduce scheme to one dwelling, provide indicative details of the design, layout and scale, Preliminary Ecological Appraisal and Great Crested Newt Survey)**

**APPLICANT:**

Mr & Mrs Andrews  
Parsonage Byre  
Louth Road  
Binbrook  
East Lindsey  
DN37 0QW

**DEPOSITED: 14th December 2023**

**AGENT:**

Mr Keir Taylor  
Keir Architecture Ltd  
6 Orchard Fields  
Healing  
DN41 7AF

**ACCEPTED: 11th March 2025**

**TARGET DATE: 6th May 2025**

**PUBLICITY EXPIRY: 11th April 2025**

**AGREED EXTENSION OF TIME DATE: 31st  
July 2024**

**CONSULTATION EXPIRY: 24th February 2024**    **CASE OFFICER: Bethany Loring**

**PROPOSAL**

The application seeks outline planning permission, with access to be considered, to erect one, five bed dwelling with integral garage, driveway, landscaping and new boundary treatments on land adjacent to The Old Rectory, Main Road in Ashby Cum Fenby.

The application is brought to Planning Committee as a result of the number of objections received and the objection from the Parish Council.



## **SITE**

The Old Rectory is a large, detached dwelling located to the northeast side of Main Road in Ashby Cum Fenby. The site is made up of a large plot, with significant grounds, with a paved driveway, vehicle access and grassed area to the front of the Old Rectory. The boundaries are established by brick-built walls with significant landscaping features.

## **RELEVANT PLANNING HISTORY**

No relevant planning history.

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

### National Planning Policy Framework (2023)

NPPF5 - Delivering a sufficient supply of homes  
NPPF12 - Achieving well designed places  
NPPF14 - Climate, flooding & coastal change  
NPPF15 - Conserv. & enhance the natural environ.  
NPPF16 - Conserv. & enhance the historic environ.

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

PO5 - Development boundaries  
PO22 - Good design in new developments  
PO33 - Flood risk  
PO34 - Water management  
PO39 - Conserve and enhance historic environ  
PO41 - Biodiversity and Geodiversity  
PO42 - Landscape  
PO4 - Distribution of housing growth  
PO3 - Settlement hierarchy

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

## **REPRESENTATIONS RECEIVED**

Drainage Officer - Sustainable drainage condition recommended.

Ashby Cum Fenby Parish Council - Recommends refusal due to poor visibility and overlooking concerns.

Environmental Health - Hours of construction condition recommended.

Highways Officer - Recommends approval with access and CTMP conditions. Highways license informative also recommended.

Ecology Officer - Satisfied with the reports and all the recommendations within them. Informative advice for works which should be carried out outside of the nesting season and GCN method statement.

Trees and Woodlands Officer - Comment relating to impacts to adjacent trees and general impact to the character of the area.

Heritage Officer - No input required.

Cadent Gas - No objections.

#### Public Representations

Councillor Philip Jackson - Supports the objections of neighbours. Considers the development to over intensive, would have an adverse impact to the street scene, would impact on trees and wildlife and raises highways, infrastructure and safety concerns.

Civic Society - Oppose the application due to loss of character, the narrow width of road, safety concerns, flooding and the loss of wildlife habitats and nesting sites.

Objections have been received from the following addresses broadly on the grounds of over development, highways access and safety, visibility, concerns regarding construction safety and disruption, loss of privacy and security, impacts to the character of the area, environmental and wildlife impacts, risk of damage, inadequate parking provision, emergency access concerns, pressure to drainage, flooding, overlooking, not compliant with the Local Plan, increased traffic, concerns regarding density, loss of trees and inadequate infrastructure in the village.

Alexander House, Main Road  
Ashby Grange, Main Road  
Ashby Acres, Chapel Lane  
Ashby House, Main Road  
Ashmore House, Third Lane  
Austrey, Chapel Lane  
Badgers Wood, Main Road  
Barngarth, Chapel Lane  
Beech Croft, Main Road  
Cappella, Chapel Lane

Coulbeck Garth, Chapel Lane  
Craiglands, Third Lane  
Gordons Cottage, Thoroughfare Lane  
Heathfield, Third Lane  
Kuvera, Chapel Lane  
Lindores, Post Office Lane  
Little Fenby, Post Office Lane  
Malham House, Third Lane  
Meadowlands, Chapel Lane  
Norval, Main Road  
Oaklea, Main Road  
Rose Cottage, Main Road  
Rowan Lodge, Main Road  
Shaws Farm, 3 Ashby Lane  
Terrington Lodge, Main Road  
The Post House, Main Road  
The Ramblers, Chapel Lane  
The Rectory, Post Office Lane  
The Rowans, Chapel Lane  
Thoroughfare Farmhouse  
Tree Tops Cottage, Third Lane  
Wagtails, Chapel Lane  
Waysend, Chapel Lane  
White Gables, Main Road  
Wold Rise, Chapel Lane  
1 Shaws Cottage, Main Road  
2-3 Shaws Cottage, Main Road

## **APPRAISAL**

The material planning considerations are:

1. Principle of Development
2. Visual Character of the Area and Layout
3. Highways Safety and Amenity
4. Drainage and Flood Risk
5. Trees, Landscaping and Ecology
6. Impact to Neighbouring Properties

1. Principle of Development

The application site is located in a residential area in Ashby Cum Fenby and the site currently forms part of the residential garden, attached to The Old Rectory, Main Road. Policy 3 of the NELLP identifies Ashby Cum Fenby as Level 4 Settlement (Minor Rural Settlement), recognising that 'these small rural settlements offer very few services and amenities and poor accessibility to higher level settlements'. That being said, Policy 3

goes onto state that 'future development would involve only limited infill, conversion and re-use of existing buildings with very limited further development'. It is considered that the proposal comprises of an infill for a single dwelling only. In such cases, Policy 3 would allow for such a proposal to occur in principle.

Additionally, the site does form part of the development boundary for Ashby Cum Fenby and as such Policy 5 applies. Policy 5 does not prohibit residential development within existing gardens in principle where the site is within the development boundary. Additionally, the site is not within a high flood risk area and is therefore sequentially preferable in flood risk terms for this type of use.

This application is made in outline form with access to be considered, with further matters of appearance, landscaping, layout and scale being held for a further reserved matters submission. As such, the consideration for this submission is in relation to the principle of residential development and the provision of a new access at the site. The indicative details show how a property could be accommodated within the site.

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

## 2. Visual Character of the Area and Layout

The proposal is for one dwelling on a 0.06 hectare site. The principle of one detached property on this plot would not be seen as out of character in this context as Main Road has become considerably diverse in density, design and appearance, with a wide range of materials used within the vicinity of the application site over recent years.

In view of the predominant character, the proposal would represent a similar density and size to other plots in the locality, specifically The Old Rectory and plots to the northwest. The property would be situated along the main street through the village and therefore would be visible within the street scene. The indicative details show how the property could look and sit on the site comfortably in character terms. It also shows how the front boundary treatment would be altered to provide a wall, with pillars, up to 1.8 metres in height which is similar to that of the existing arrangement. Furthermore, landscaping features have been included to retain the verdant nature of the frontage as existing. However, it is important to note that final details relating to design, appearance and scale are reserved for future approval and are therefore not subject to consideration under this application.

Therefore, it is considered that a dwelling could be achieved on the site without detriment to the visual character of the area in accordance with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and section 12 of the NPPF.

## 3. Highways Safety and Amenity

The proposal would include the creation of a new access point to adjoin Main Road and

would be separate to the existing access serving The Old Rectory. This would result in sole access points only for each dwelling. The neighbour objections are noted in regard to highways, access and parking which are addressed below.

The plans indicate that the new access would be around 5 metres width, adjoining the highway. This would allow for access into the front as well as access to the new integral garage positioned towards the rear of the plot, to the northeast. It is noted that the access would be positioned along Main Road which is generally narrow in width within this area. Therefore, a visibility splay has been requested, and subsequently provided, which demonstrates that the access would achieve the relevant sightlines resulting in highway safety being maintained. The indicative details demonstrate that there would be enough space to the frontage to allow for turning and parking, of up to two vehicles, within the site curtilage. In addition, the garage would provide sufficient space for an additional car. The alterations to the boundary treatment to the frontage have been included with the relevant visibility splay dimensions and demonstrate visibility would not be impeded.

One dwelling would not make a material impact in highway terms on the local network.

The Highways Officer has reviewed the details and confirmed these are acceptable. Though, final construction details are recommended via condition. A Construction Traffic Management Plan and a highways license informative are also recommended.

It is therefore considered the proposal on these grounds is acceptable in accordance with Policies 5 and 38 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

#### 4. Drainage and Flood Risk

The proposal site is within Flood Zone 1 according to the North East Lincolnshire Strategic Flood Risk Assessment and the Environment Agency maps.

Comments relating to drainage are noted. The Council's Drainage Team has commented to request a drainage condition with additional informative to state that there shall be no raising of existing ground levels. Therefore, a condition to effect has been included as well as the informative. A condition for water reuse information is also requested along with foul drainage details.

Subject to conditions, the proposal is in accordance with Policies 5, 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and Section 14 of the NPPF in relation to drainage and flood risk.

#### 5. Trees, Landscaping and Ecology

The site includes landscaping features, particularly to the boundaries, which would mostly need to be removed to facilitate the works. However, it is important to note that whilst there are some tree preservation orders present on the site, these are positioned to the front of The Old Rectory. There are third-party trees present close to the boundaries

however these are outside of the application site. The works would include new planting including grassed areas, hedges and trees. An Arboricultural Impact Statement has been provided, as part of the Arboricultural Report, which details tree protection measures.

The Trees and Woodlands Officer has commented to state that there are some concerns with the indicative details however final details of the landscaping would be provided under the reserved matters. The details do demonstrate that landscaping can be achieved on site and it is down to the detail as to acceptability.

In regard to BNG, the application is considered to be exempt from the requirements as the application was submitted prior to the legislation coming into force.

The Ecology Officer has also reviewed the Ecological Report and provided comments to state that they are satisfied with the reports submitted and all the recommendations within them. Therefore a condition to secure these recommendations has been included.

It is therefore considered with conditions, that the proposal is in accordance with Policies 5, 41 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and Section 15 of the NPPF.

## 6. Impact on Neighbouring Properties

The objections from neighbours, the Councillor and the Parish Council have been noted and have or will be addressed through this report. The scheme has evolved through the process and has resulted in a second dwelling being removed from the scheme. The indicative details demonstrate that one detached property could be accommodated on site in principle without any detrimental massing issues to the neighbours whilst providing sufficient amenity space for The Rectory and future occupiers. The closest properties sit across the road, at 1-2 Shaws Cottages, at over 15 metres from the indicative front of the dwelling and these neighbours. The boundary treatments, whilst again indicative, would provide a partial screening to the proposal specifically to these neighbours. Whilst the application is in outline form with most matters reserved, the proposed site plan provided demonstrates that in principle the proposal would be sufficiently separated from neighbours with landscaping features present to provide additional screening and to avoid detrimental impacts.

It is noted that comments have been received from the surrounding and adjacent neighbours, mostly along Main Road, situated to the east, south and west of the site, with concerns regarding the potential impacts following the development. It is considered that the new dwelling has been shown indicatively to be a sufficient distance from the adjoining properties to avoid detrimental impacts. Other issues have been noted and addressed elsewhere in this report. It is reiterated that the application is in outline form and all matters of detailed design, layout and scale would form part of any future reserved matters considerations.

Therefore, it is considered a dwelling can be achieved on site without detriment to The

Rectory or to neighbours in principle.

It is noted that construction in this part of the village may be difficult and impacts from construction can cause nuisance for neighbours. To this end, conditions relating to such matters are included 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.

## **CONCLUSION**

The proposal for one dwelling 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 detrimental impacts in terms of residential amenity, highway safety or drainage. Subject to conditions, it is therefore recommended for approval in accordance with Policies 3, 5, 22, 33, 34, 41 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018), and Sections 5, 11, 12, 14 and 15 of the NPPF.

## **RECOMMENDATION**

### **Approved with Conditions**

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

Applications for approval of the matters referred to in Condition 2 (known as reserved matters) shall be made within three years of the date of this permission and the development to which it relates shall begin no later than whichever is the later of the following dates:

- (a) three years from the date of the grant of outline planning permission
- (b) two years from the final approval of the reserved matters, or in the case of approval on different dates, final approval of the last such matter to be approved.

#### **Reason**

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

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

This permission hereby granted is in outline form only and no development shall begin until full details of the following reserved matters have been submitted to and approved by the Local Planning Authority:

- (a) the layout, scale and appearance of the development including proposed levels;
- (b) a landscaping scheme for the site including details of existing trees, hedges and planting to be retained and any to be removed as well as an up-to-date tree protection plan.

**Reason**

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

**(3) Condition**

The development is approved in accordance with the following plans:

Site Location Plan - 202321-01 REV B

Indicative Proposed Block Plan, Site Plan, Landscaping and Drainage Details - 202321-03 REV B

**Reason**

For the avoidance of doubt and in the interests of proper planning and to accord with Policies 3, 5, 22, 33, 34, 41 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

**(4) Condition**

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

**Reason**

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

**(5) Condition**

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

**Reason**

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



(6) 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. Details of on-site parking provision for construction related vehicles;
4. Details of on-site storage areas for materials and any construction compound, also relating to trees;
5. 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;
6. Details of wheel washing facilities (locations, types etc.); and
7. Means of suppressing dust and noise.

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

Reason

To ensure adequate access facilities are provided during construction for highway safety and amenity reasons and to accord with Policies 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(7) Condition

Development shall not begin until details showing the exact location, layout, design and method of construction of the 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 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 Policies 5 and 38 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(8) Condition

The development must be carried out in strict accordance with the recommendations identified in Section 4.2 of the Preliminary Ecological Appraisal and Great Crested Newt Survey submitted unless otherwise agreed in writing with the Local Planning Authority. Before works on site commence, an ecological enhancement scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall adhere to the recommendations set out in the Ecological Appraisal and Great Crested Newt Survey.

Once approved, the measures shall be installed prior to first occupation and retained thereafter.

Reason

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

(9) Condition

The dwelling shall not 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 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).

(10) 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 4.1(i) applies.

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

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

\* "original planning permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.
  - 4.2 Development below the de minimis threshold, meaning development which:
    - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
    - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

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

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

4.5 Self and Custom Build Development, meaning development which:

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

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

#### Irreplaceable habitat

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

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

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

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

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

purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

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

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

## **Informatives**

### **1 Reason for Approval**

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or residential amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 3, 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 securing significant amendments to the proposal.

### **3 Informative**

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

### **4 Informative**

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

5 Informative

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

6 Informative

The applicants' 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.

7 Informative

Existing ground levels should not be increased otherwise surface water drainage problems may result.

The map shows a residential area with various buildings and streets. Shaws Cott is highlighted in red and marked with a red square. Key locations include Fenby House, Little Fenby, The Rectory, The Old Rectory, Ashby House, and various other cottages and lodges. A track runs along the right side of the map, and several ponds are visible. Distances are marked in some areas, such as 25.8m and 26.4m.

# DM/1222/23/OUT – LAND ADJ THE OLD RECTORY, MAIN ROAD, ASHBY CUM FENBY





**PLANNING COMMITTEE - 11th June 2025**

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

**APPLICATION No: DM/0221/25/FUL**

**APPLICATION TYPE: Full Application**

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

**PROPOSAL: 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**

**APPLICANT:**

Christine Scott  
North East Lincolnshire Council  
New Oxford House  
2 George Street  
Grimsby  
North East Lincolnshire  
DN31 1HB

**AGENT:**

Emina Zelihic  
Equans Professional Service  
Ground Floor Municipal Offices  
Town Hall Square  
Grimsby  
North East Lincolnshire  
DN31 1HU

**DEPOSITED: 25th March 2025**

**ACCEPTED: 28th March 2025**

**TARGET DATE: 23rd May 2025**

**PUBLICITY EXPIRY: 25th May 2025**

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY: 26th April 2025**

**CASE OFFICER: Owen Toop**

**PROPOSAL**

This development seeks planning permission for the erection of temporary self-contained mobile units for use as educational accommodation. This would be for the use of up to a maximum of 75 school children, with 5 staff members.

This application is brought to the attention of planning committee due to the number of representations received in objection.

## **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 area where the temporary modular buildings are proposed to be sited is on the approved playground for the school at the north west corner of the school site. 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/0302/25/FUL - Variation of Condition 5 (Hours of Construction) following DM/0448/23/FUL to amend working hours -Pending Consideration

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

### **National Planning Policy Framework (2023)**

NPPF8 - Promoting healthy and safe communities  
NPPF12 - Achieving well designed places  
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

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 on highways grounds, subject to a condition securing completion of TRO markings before commencement of development.

Trees and Woodlands - No comments.

Anglian Water - No comments.

Drainage - No drainage impacts.

Environmental Protection Team - Recommends hours of construction and demolition condition.

Humberside Fire and Rescue - Standard comments provided.

Heritage Officer - No input required.

Waltham Parish Council - Recommends approval of the application

Objections received from the following addresses:

- 5 Turnberry Approach
- 11 Turnberry Approach
- 5 Lindrick Walk
- 41 Woodhall Drive

broadly on the following grounds:

- impacts of drainage and potential flooding
- impacts of parking
- access concerns
- child safety as a result of construction.

## **APPRAISAL**

The planning considerations are:

- 1) Principle of Development
- 2) Design and Visual Impact
- 3) Highways and Parking
- 4) Impact on Neighbouring Land Uses
- 5) Biodiversity Net Gain

### **1) Principle of Development**

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 100 a, NPPF 2025). 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.

The application site is allocated as educational land within the Policy Maps of the NELLP and DM/0448/23/FUL granted planning permission for the provision of a new school on this land. The principle of the development has been established under the original approval for the construction of the new primary school and permission has been implemented.

This application for temporary educational provision is therefore acceptable and in accordance with the NELLP provided that there are no detrimental impacts associated with the development in relation to the site specific planning considerations. These are discussed below:

### **2) Design and Visual Impact**

The proposal includes the erection of seven, single storey modular buildings to be used as temporary accommodation whilst the main school construction is being completed. This would include four mobile classrooms, an admin block and toilet blocks. The buildings are of a size and scale that would not result in the site becoming overdeveloped and are for a temporary period only. Once the main school building has been completed, and can be occupied, the temporary modular buildings would be removed from site.

The buildings would be located to the north-west of the wider school site and would be bound by heras fencing to separate the temporary area from the live construction site. The proposal would be visible from the surrounding street scenes given its location, particularly from Lindrick Walk, but given the temporary nature of the works the impact would not be adverse. The proposal is considered in accordance with Policy 5 and 22 of

the NELLP 2018.

### 3) Highways and Parking

The site benefits from an approved access point positioned to the south of the site from Sunningdale. The proposal demonstrates that the temporary accommodation would only include pedestrian access via the existing pedestrian link from Sunningdale to Lindrick Walk and Ashbourne to the east and there would be no parking provision on site or the use of the approved vehicle access point as part of this application. Moreover, and as noted above, the temporary works would all be separated from the main construction site by heras fencing. As such, the Local Highway Authority have reviewed the details submitted under this application and have no objections to raise from a highway safety perspective.

Furthermore, a condition to restrict the use of the modular buildings until the TRO works are fully completed is recommended by the Local Highway Authority. With this measure in place, the proposed temporary educational provision would not constitute an unacceptable impact on highway safety as the efficient movement of vehicles along the public highway can be maintained, through the implementation of on-street parking restrictions.

On the basis of highways, parking and safety, the proposal accords with Policy 5 of the NELLP.

### 4) Impact on Neighbouring Land Uses

The immediate neighbours are residential properties to the north, south, east and west, though those to the east are substantially separated from the proposed development under this application due to the application works being located on the north west part of the school site. The proposed temporary educational provision works are located on an area that has been approved as a playground.

Whilst the site has been unused, the proposed school has started to be constructed and the proposal for temporary educational provision would introduce further intensity as a result of the activity associated with this provision. The temporary buildings would be of a lesser scale than what the main school will be. Notably the temporary educational provision would cater for a smaller number of pupils in the interim to that of the approved school once operational. In addition as a temporary permission, it is reasonable to include a condition that requires the removal of such buildings within a specified time period therefore, a condition to allow for a year has been included.

The Environment Team have recommended a condition to control hours of construction which is considered necessary to be akin to the overall construction of the school.

The modular buildings themselves are all of a single storey nature and set away from neighbouring boundaries and so would not cause any adverse impacts with regards to

overlooking or massing on neighbouring properties.

Having regard to the above and the temporary nature of the development, the proposal would not unduly harm neighbouring residential amenity. As such it accords with Policy 5 of the NELLP in this regard.

#### 5) Biodiversity Net Gain

The proposal does not impact a priority habitat and impacts less than 25 square meters of onsite habitat with a biodiversity value greater than zero (as measured by the statutory metric) and on less than 5 metres of onsite linear habitat so the de minimis condition is met and the proposal is exempt from the Biodiversity Gain condition.

### **CONCLUSION**

This development seeks planning permission for the erection of temporary self-contained mobile units for use as educational accommodation. This would be for the use of up to a maximum of 75 school children, with 5 staff members.

Having considered the application there would no be detrimental impacts arising from the development in relation to the site specific planning issues. The application is therefore recommended for approval in accordance with local and national planning policy.

### **RECOMMENDATION**

#### **Approved with Conditions**

##### (1) Condition

The modular buildings shall be entirely removed from site within 28 days from the date of first use of the main school or no later than 13th June 2026, whichever is earliest, unless otherwise approved in writing with the Local Planning Authority.

##### Reason

Planning permission has been granted on a temporary basis only to respond to the current construction situation and to accord with Policy 5 of the North East Lincolnshire Local Plan 2018-2032 (Adopted 2018).

##### (2) Condition

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

Site Location Plan - TD034-22 A001 A

Proposed Site Plan - TD034-22 A050 B

Proposed Elevations - TD034-22 A052  
Proposed Floor Plans - TD035-22 A051 A

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).

(3) Condition

The modular buildings shall be constructed in accordance with the materials as stated within the application form, received 28th March 2025, unless otherwise approved in writing with the Local Planning Authority.

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).

(4) Condition

Once the temporary buildings are occupied and operational, there shall be no construction related vehicle movements via the access from Sunningdale, associated with the construction of the main school building, during the hours of 08:00hrs to 09:00hrs and 15:00hrs to 16:00hrs, Monday to Friday, during term times.

Reason

In the interests of road safety to avoid school pick-up and drop-off times and to accord with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(5) Condition

Prior to any use of the temporary educational provision hereby approved, the Traffic Regulation Order details, as approved under discharge of condition application DM/0631/24/CND for planning permission DM/0448/23/FUL, shall be completed and retained for the lifetime of the development.

Reason

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

### (7) 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, 6 and 22.

### **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 applying conditions in the interest of highway safety and residential amenity.

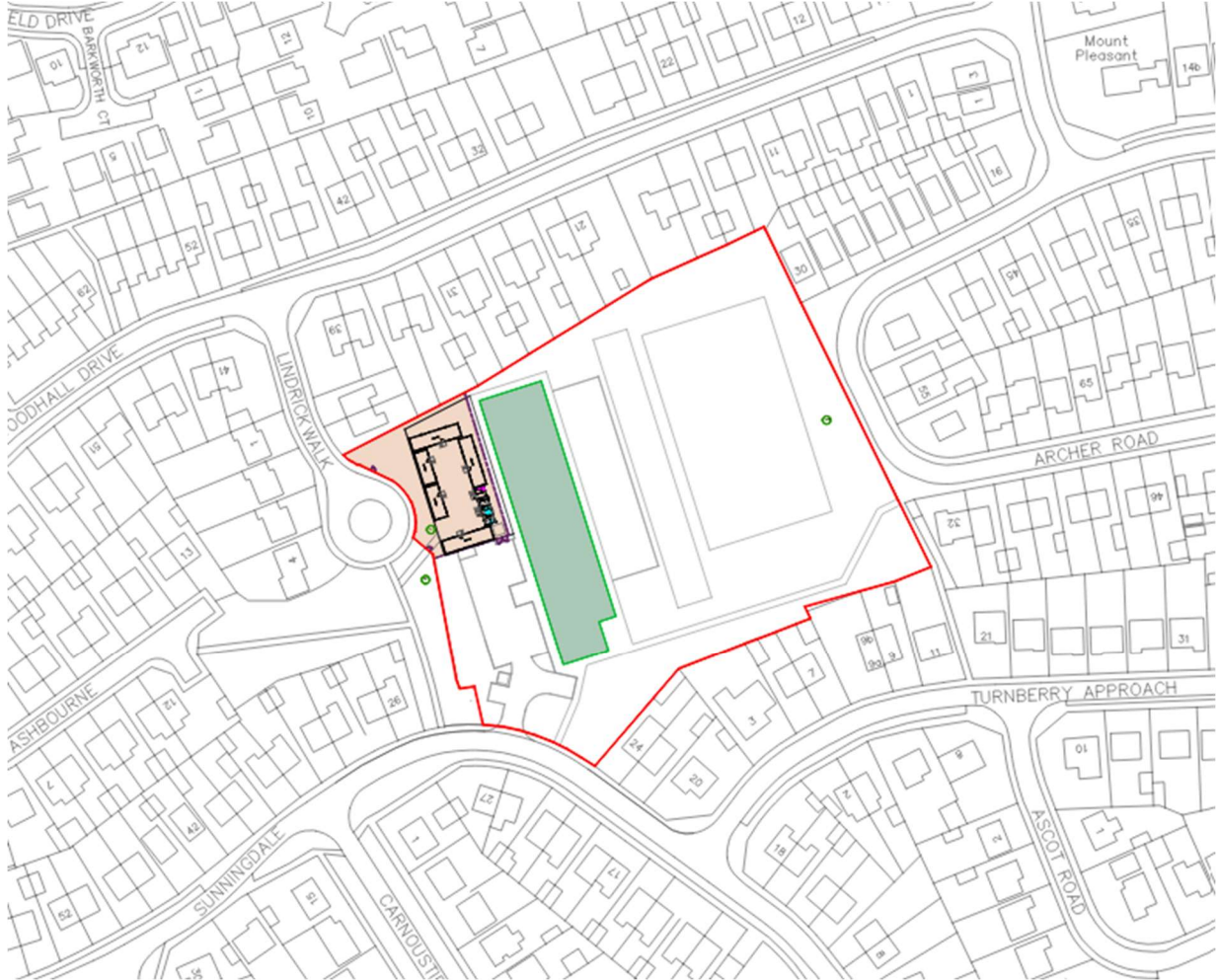
### **3 Informative**

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).

DM/0221/25/FUL – WALTHAM GATEWAY ACADEMY, SUNNINGDALE, WALTHAM



DM/0221/25/FUL – WALTHAM GATEWAY ACADEMY, SUNNINGDALE, WALTHAM



**PLANNING COMMITTEE - 11th June 2025**

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

**APPLICATION No: DM/0201/25/OUT**

**APPLICATION TYPE: Outline Application**

**APPLICATION SITE: Rear Of 10 Great Coates Road, Healing, North East  
Lincolnshire, DN41 7QS**

**PROPOSAL: Outline application to demolish an existing attached garage and erect  
a residential development of four dwellings with access to be considered**

**APPLICANT:**

Mr Stephen Broderick  
10 Great Coates Road  
Healing  
North East Lincolnshire  
DN41 7QS

**AGENT:**

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

**DEPOSITED: 18th March 2025**

**ACCEPTED: 27th March 2025**

**TARGET DATE: 22nd May 2025**

**PUBLICITY EXPIRY: 25th May 2025**

**AGREED EXTENSION OF TIME DATE: 20th  
June 2025**

**CONSULTATION EXPIRY: 25th April 2025**

**CASE OFFICER: Lauren Birkwood**

**PROPOSAL**

This application seeks outline planning permission to demolish an existing attached garage and to erect four dwellings with access to be considered on land to the rear of 10 Great Coates Road in Healing.

The application is brought to Planning Committee as the development is a departure from the Council's Local Plan as a proportion of it is outside the development boundary and it is being recommended for approval. Indeed three of the four plots would be outside the development boundary.



## **SITE**

The site is located and accessed from Great Coates Road in Healing. 10 Great Coates Road is a large detached two storey property. The street scene is residential in character with dwellings of different ages, design and appearances. Adjacent to the site is open agricultural fields. To the rear, the host property benefits from a large garden area which includes landscaping and outbuildings.

## **RELEVANT PLANNING HISTORY**

No relevant planning history.

## **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)

PO2 - The housing requirement  
PO4 - Distribution of housing growth  
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**

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

Council's Highways Officer - No objections. Condition and informative recommended.

Council's Drainage Officer - No objections. Condition recommended.

North East Lindsey Drainage Board - No objections.

Council's Heritage Officer - No comments.

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

Council's Ecology Officer - No BNG required. Conditions and informatives recommended.

Spatial Planning Officer - Advice supplied regarding the Local Plan requirements.

Waste Management Officer - No objections.

Building Control - No objections.

Humberside Fire and Rescue - No objections. Informatives recommended.

Cadent Gas - No objections. Informative recommended.

National Grid - No objections. Informative recommended.

Norther Powergrid - No objections. Informative recommended.

Healing Parish Council - No objections

Other Representations

Grimsby, Cleethorpes & District Civic Society - No objections.

## **APPRAISAL**

The key planning material considerations are:

- Principle of Development
- Visual Amenity and Layout
- Residential Amenity
- Highways and Parking
- Drainage and Flood Risk
- Landscaping
- Biodiversity

Principle of Development



As stated, the majority of the site lies outside of the Healing settlement boundary as defined on the North East Lincolnshire Local Plan 2013-2032 (Adopted) policies map. Policy 2 of the Local Plan determines that land in this location is open countryside. The proposed residential scheme is not consistent with the types of development set out at Part 3 of Policy 5 as acceptable in principle for an open countryside location and therefore the application constitutes a departure from the Councils Local Plan.

However, it is acknowledged that the presumption in favour of sustainable development embedded within Paragraph 11(D) of the National Planning Policy Framework is now engaged as a result of the Council not having a demonstrable five-year land supply. The application of the tilted balance requires that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against Framework policies taken as a whole. Taking this into consideration Healing village is a level 2 settlement within the hierarchy established by Policy 3 of the Local Plan, within which residential development is supported in housing distribution terms Healing has a number of local services including schools, shops and restaurants and is well serviced settlement which provides for sustainable development. The village is on bus routes and has a train station. Although the site is located outside of the development boundary the site is not remote and future occupants of the site could easily access these services due to pathways into village. In those terms it is considered that the development is acceptable on balance.

In character terms the smaller northern part of the application site falls within the development boundary and the southern part of the site falls outside and extends to the rear of the application site. However, the development would protrude no further into the countryside than beyond the recent development off Carr Lane and the extent of 14 -16 Great Coates Road to the east. Landscaping would also be introduced around the site to ensure the openness of the countryside would be maintained. It is therefore considered that in terms of the character assessment there is no conflict with Local Plan policy. Policy 5 in that respect and Policy 22 in terms of good design.

Having regard to the above it is considered that the principle of the development is acceptable, and it then falls to judge the development on the site-specific assessment below.

### Visual Amenity and Layout

The proposal is for outline permission for four dwellings. The development of four dwellings on this plot would not be seen as out of character in this context as Great Coates Road, and other adjoining streets, particularly Carr Lane, is considerably diverse in density, design and appearance. The site is garden amenity area for the host property and is large in size. The proposal for four dwellings would therefore not appear cramped and overdeveloped. Final design, appearance and scale are also reserved for future approval and would be determined at this stage.

It is noted that an attached garage would be removed to provide an access to the site. It

is not considered that the removal of the garage would affect the character and appearance of the area.

Therefore, it is considered four dwellings and alterations can be achieved on the site without detriment to the visual character of the area in accordance with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

### Residential Amenity

No representations have been received from neighbouring properties during the planning process.

The indicative layout provides appropriate separate distances between the proposed dwellings, the host property and the immediate neighbours including 11 Great Coates Road, 16 Great Coates Road and properties on Carr Lane. The indicative layout also shows that the proposed dwellings would be lower in height, ensuring issues in terms of dominance, overlooking and overshadowing would be minimal. However again final design matters would be subject to the reserved matters application stage. Landscaping would also be incorporated into the scheme to act as a buffer.

The access, amenity and property orientations are such that general disturbance issues to neighbours would be limited. However, layout, access and scale are both matters reserved for subsequent approval and will determine the acceptability of this impact at a future, detailed stage.

Impacts are more likely to neighbours during construction. These can be adequately mitigated through conditions, as requested by the Council's Environmental Health Officer, and this are reflected in this recommendation.

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

### Highways and Parking

The proposed development is for four dwellings with access arrangements to be considered. Details at this stage need to demonstrate that the access can be achieved, and that the adjacent highway network is able to accommodate the increase in vehicular movements which would arise.

The Council's Highways Officers considers that the access details provided are acceptable. The existing access would be widened which demonstrates the access would achieve the specified width for at least 6 metres back from the limits of the public highway. This would provide the necessary space to facilitate vehicle tracking and enable vehicles to safely exit the carriageway without being impeded by other vehicles waiting to leave the shared private drive.

No new public roads would be created as part of the application and the access would remain a shared private drive. The access would serve five properties (one existing and four proposed) which is in accordance with the NELC Design Guide as the maximum number permitted from a shared drive. On site turning has been demonstrated that it could be achievable, and a facility would be provided towards the southern extremity that could accommodate the manoeuvre of a typical fire appliance.

Car parking would also be provided for each dwelling. Therefore, subject to conditions, the proposal accords with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

### Drainage and Flood Risk

The site is not within an area identified as having high flood risk either by the Environment Agency's flood maps or the Council's Strategic Flood Risk Assessment 2022. Both Local Plan Policy and the National Planning Policy Framework take a sequential approach to the location of new development and seek to direct to areas at lower risk from flooding such as this case. The Council's Drainage Officer have raised no objections and recommend a condition securing drainage arrangements.

Therefore, in regards to drainage and flood risk, the proposal accords with Policies 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

### Landscaping

There is hedging and planting within the site. The details provided show that existing landscaping within the site would be retained, and also proposed landscaping would be planted. The Council's Tree Officer has reviewed the details and confirmed they have no objections, subject to conditions. The proposal therefore accords with Policy 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

### Ecology

Mandatory Biodiversity Net Gain (BNG) does not apply to this planning application. The planning application would be for self-build properties and therefore the development is exempt. The Council's Ecology Officer has reviewed the application and subject to conditions, has no objections to the development. The proposal therefore accords with Policy 41 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

## **CONCLUSION**

The proposal for four dwellings is considered acceptable in principle and can be achieved without harm to the character of the area and would not give rise to adverse impacts in terms of residential amenity, highways, landscaping and ecology. Subject to conditions, it is therefore recommended for approval in accordance with Policies 2, 3, 4, 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, subject to a number of safeguarding conditions.

## **RECOMMENDATION**

### **Approved with Conditions**

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

Applications for approval of the matters referred to in Condition 2 (known as reserved matters) shall be made within three years of the date of this permission and the development to which it relates shall begin no later than whichever is the later of the following dates:

- (a) three years from the date of the grant of outline planning permission
- (b) two years from the final approval of the reserved matters, or in the case of approval on different dates, final approval of the last such matter to be approved.

#### **Reason**

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

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

This permission hereby granted is in outline form only and no development shall begin until full details of the following reserved matters have been submitted to and approved by the Local Planning Authority:

- (a) the layout, scale and appearance of the development including proposed levels;
- (b) a landscaping scheme for the site including details of existing trees, hedges and planting to be retained and any to be removed as well as an up-to-date tree protection plan and an arboricultural method statement.

#### **Reason**

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

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

The development is approved in accordance with the following plans:

Site Location Plan - RD:5702-01 REV A

Existing and Proposed Indicative Site Plans - RD5702-02 REV B

Existing and Proposed Elevations - RD5702-04

Proposed Sections - RD:5702-03

Reason

For the avoidance of doubt and in the interests of proper planning to accord with Policies 2, 3, 4, 5, 22, 33, 34, 41 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(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

Prior to the commencement of development, a Construction Method Statement including details of noise and dust reduction measures to be employed during the course of construction are to be submitted and agreed with the Local Planning Authority. No burning of demolition/construction waste material shall take place on site. The techniques shall be applied as agreed.

Reason

To ensure that noise levels and dust emissions arising from the development are within acceptable levels, and in the interests of amenity in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(6) Condition

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

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).

(7) Condition

The dwelling shall not 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 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).

(8) Condition

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

1. Contact details of the person with responsibility for the implementation of the CMP;
2. The expected number, types and size of vehicles during the entire construction period;
3. The proposed daily hours of operation during the construction period;
4. Details of on-site parking provision for construction related vehicles;
5. Details of on-site storage areas for materials, 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;
7. Details of wheel washing facilities;
8. Measures to reduce noise and dust.

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

Reason

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

(9) Condition

Development shall not begin until management arrangements for any carriageways, footways or landscaped areas not to be adopted by the local authority have been submitted to and approved in writing by the Local Planning Authority. The carriageways, footways and landscaping areas shall be managed in accordance with the approved details thereafter.

Reason

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

(10) 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).

**(11) Condition**

Prior to the occupation of any dwelling, details of the ecological enhancement and an implementation shall be submitted to and approved in writing by the Local Planning Authority. The ecological enhancements shall be carried out in accordance with the approved details and the agreed implementation programme and shall thereafter be maintained as such.

**Reason**

In the interest of biodiversity enhancement and to accord with Policies 41 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

**(12) Condition**

Prior to any construction works, details of tree protection including its location, shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the measures shall be installed as agreed before these works occur and shall be retained on site for the duration of the construction works.

**Reason**

To protect existing trees in accordance with Policy 42 of the North East Lincolnshire Local Plan 2013-2023 (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 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 amendments would not harm the area character or residential amenity and is acceptable under all other planning considerations including highways, drainage, flood risk, ecology and landscaping matters. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018), in particular policies 2, 3, 4, 5, 22, 33, 34, 41 and 42.

### **2 Added Value Statement**

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

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

### 3 Informative

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

### 4 Informative

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

### 5 Informative

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

### 6 Informative

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

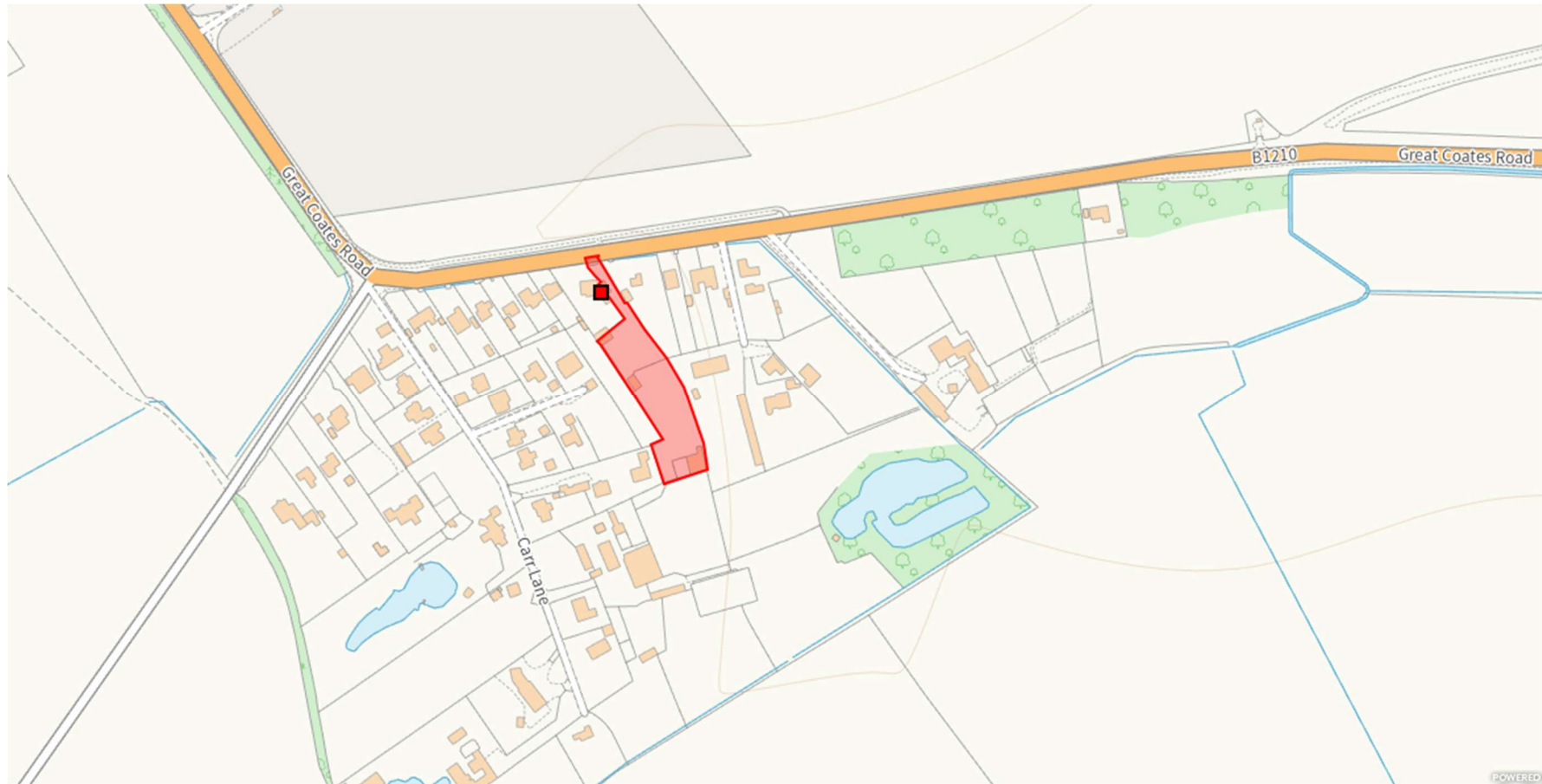
### 7 Informative

The applicant's attention is drawn to the comments from the following consultees:

- The Council's Ecology Officer
- Humberside Fire and Rescue
- Cadent Gas
- National Grid
- Northern Powergrid

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

DM/0201/25/OUT – REAR OF 10 GREAT COATES ROAD, HEALING



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