

Planning Committee Dated: 22nd April 2026

Summary List of Detailed Plans and Applications

Item:	1	Recommendation: Refused
Application No:	DM/0980/25/OUT	
Application Type:	Outline Application	
Application Site:	Land West Side Louth Road New Waltham North East Lincolnshire	
Proposal:	Outline application for a Residential Development (Use Class C3) for up to 300 Dwellings and associated Access, Public Open Space, Landscaping, Drainage & Infrastructure, with all Matters Reserved except Access	
Applicant:	Mr Andrew Burling	
Case Officer:	Bethany Loring	

Item:	2	Recommendation: Approved with Conditions
Application No:	DM/0455/25/FUL	
Application Type:	Full Application	
Application Site:	Land At Riby Road Stallingborough North East Lincolnshire	
Proposal:	Planning application for construction of solar farm (up to 49.9mw) and battery energy storage system (BESS) (up to 500mw), comprising ground mounted solar photovoltaic panels, battery containers, transformers, high voltage electrical substation and ancillary infrastructure including underground cabling, fencing, CCTV, internal access tracks, water storage tanks and an attenuation pond together with landscape enhancements, woodland and a permissive footpath for a temporary period of 40 years (cross boundary application with West Lindsey Council) - AMENDED PLANS AND DOCUMENTS, OCTOBER 2025	
Applicant:	Mr Nick Bowen	
Case Officer:	Richard Limmer	

Recommendation: Approved with Conditions

Item: 3

Application No: DM/0806/24/FUL

Application Type: Full Application

Application Site: Land Adjacent To 9 Ashby Close And 19 Glenfield Road Grimsby North East Lincolnshire

Proposal: Erection of two pairs of two storey semi-detached dwellings totaling four units to include associated tree works, hardstanding and landscaping (Amended plans received 13th March 2026 including revisions and claimed public right of way)

Applicant: Ramella

Case Officer: Lauren Birkwood

Recommendation: Approved with Conditions

Item: 4

Application No: DM/0631/25/FUL

Application Type: Full Application

Application Site: Torq Garage Scartho Road Grimsby North East Lincolnshire

Proposal: Demolish existing car wash, erect single storey extension to side of existing store with various associated works. Hours of operation remain 07:00 - 23:00 each day (Amended description, site plan and updated noise impact assessment).

Applicant: Motor Fuel Limited

Case Officer: Jonathan Cadd

Recommendation: Approved with Conditions

Item: 5

Application No: DM/0010/26/FUL

Application Type: Full Application

Application Site: 52 Littlefield Lane Grimsby North East Lincolnshire DN34 4PL

Proposal: Change of use from vacant shop to hot food takeaway/cafe with internal seating to include installation of flue to rear, including removal of timber boarding to front, repainting works and removal of signage board to existing hedge (Clarified description and amended and additional information on the proposed use, waste storage, operating hours, extraction including odour, vibration and noise management)

Applicant: Mr Amandeep Sidhu

Case Officer: Ellie Mitchell

Recommendation: Approved with Conditions

Item: 6

Application No: DM/0713/25/FUL

Application Type: Full Application

Application Site: 39A And 39B Lord Street Grimsby North East Lincolnshire DN31 2ND

Proposal: Change of use of religious meeting rooms and associated recreational facilities to provide a 12 bedroom HMO to 39A Lord Street and a 6 bedroom HMO to 39B Lord Street including the installation of new windows, bin store and cycle storage with associated works - AMENDED DESCRIPTION/PLANS/DOC

Applicant: Ms Sugand

Case Officer: Lauren Birkwood

Recommendation: Approved with Conditions

Item: 7

Application No: DM/1067/25/FUL

Application Type: Full Application

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

Proposal: Erection of one bungalow and garage with associated works

Applicant: Mr T Davies

Case Officer: Bethany Loring

PLANNING COMMITTEE - 22nd April 2026

ITEM: 1 **RECOMMENDATION: Refused**

APPLICATION No: DM/0980/25/OUT

APPLICATION TYPE: Outline Application

APPLICATION SITE: Land West Side, Louth Road, New Waltham, North East Lincolnshire,

PROPOSAL: Outline application for a Residential Development (Use Class C3) for up to 300 Dwellings and associated Access, Public Open Space, Landscaping, Drainage & Infrastructure, with all Matters Reserved except Access.

APPLICANT:

Mr Andrew Burling
Cyden Homes
Unit 1
Laceby Business Park
Grimsby Road
Laceby
North East Lincolnshire
DN37 7DP

DEPOSITED: 24th November 2025

AGENT:

Mrs Debbie Hume
Strathmore Estates
Orchard House
16 Hertford Road
Tewin
AL6 0JY

ACCEPTED: 8th December 2025

TARGET DATE: 9th March 2026

PUBLICITY EXPIRY: 5th April 2026

AGREED EXTENSION OF TIME DATE: 22nd April 2026

CONSULTATION EXPIRY: 5th April 2026

CASE OFFICER: Bethany Loring

PROPOSAL

The application is an outline application for up to 300 dwellings with access to be considered. Matters relating to layout, scale, appearance and landscaping associated with the development are left reserved, to be considered at a later stage. Access to the site is proposed to be taken directly from both Grimsby Road to the west, and Louth Road, to the east.

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

SITE

The site itself is located on open land which lies between Grimsby Road and Louth Road which falls within both Waltham and New Waltham Parishes although geographically there are links with Scartho, Grimsby which sits to the north.

The site is a generally flat, open field which currently includes electricity pylons which are positioned to the southern area of the overall site. The boundaries are established by hedging with a hedge running through the site to the southern boundary.

There is also a pipeline that cuts slightly through the southwestern corner of the site. The presence of the pylons and pipeline does not restrict development of the site but do influence the areas for building.

There are existing residential areas to the north and west with the site facing onto open fields to the south.

RELEVANT PLANNING HISTORY

DM/1019/25/SCR - EIA screening opinion for outline application for a Residential Development (Use Class C3) for up to 300 Dwellings and associated Access, Public Open Space, Landscaping, Drainage & Infrastructure, with all Matters Reserved except Access. Determined EIA negative on 16th January 2026.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2025)

- NPPF2 - Achieving sustainable development
- NPPF4 - Decision-making
- NPPF5 - Delivering a sufficient supply of homes
- NPPF6 - Building a strong, competitive economy
- NPPF8 - Promoting healthy and safe communities
- NPPF9 - Promoting sustainable transport
- NPPF11 - Making effective use of land
- NPPF12 - Achieving well designed places
- NPPF14 - Climate, flooding & coastal change
- NPPF15 - Conserv. & enhance the natural environ.
- NPPF16 - Conserv. & enhance the historic environ.

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

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

PO6 - Infrastructure
PO15 - Housing mix
PO17 - Housing density
PO18 - Affordable housing
PO33 - Flood risk
PO22 - Good design in new developments
PO34 - Water management
PO36 - Promoting sustainable transport
PO38 - Parking
PO40 - Developing green infrastructure network
PO41 - Biodiversity and Geodiversity
PO42 - Landscape
PO43 - Green space and recreation

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

REPRESENTATIONS RECEIVED

Highways Officer - Approval acceptable with recommended conditions with regards to highways construction, TRO, visibility splays, completion occupancy and CTMP with highways license, damage and section 278 informatives.

Lincolnshire Wildlife Trust - Objects to proposal due to conflicts with the local plan policies and intrusion into the open countryside.

Phillips66 - Works do not affect pipeline.

Environmental Health - Hours of construction, construction management plan to include demolition management plan, land quality and noise mitigation scheme condition.

Active Travel England - Standing advice.

Anglian Water - No objection, informative advice.

New Waltham Parish Council - Objects to proposal due to conflict with the local plan and strategic gap, highways safety and traffic impact, loss of countryside, impact to wildlife, lack of housing need and insufficient local infrastructure.

Waltham Parish Council - Objects to proposal due to conflict with the local plan and strategic gap, highways safety and traffic impact, loss of countryside, impact to wildlife, lack of housing need, insufficient local infrastructure and S106 agreement.

Heritage Officer - Geophysical survey required. Supplied and trenching works required. Lack of information provided relating to archaeology.

Drainage Officer - Sustainable drainage condition.

Harbour Energy - Does not affect critical wayleave of asset.

Environmental Health Enforcement Officer - Consultation with Waste Management, informative advice.

Trees and Woodlands Officer - No objection in principle. Further details to be provided at Reserved Matters Stage including Tree Report, Tree Constraints Plan and Tree Protection Plan.

Sports England - Non-statutory planning advice.

Waste Officer - Informative advice.

Cadent Gas - No objection, informative advice.

Environment Agency - No comment.

Northern Powergrid - Confirmation of easement acceptance.

Cllr Shepherd - Call in request on the basis of over intensification, development in the open countryside, outside of local plan and eroding green wedge.

Neighbour Representations

Objections have been received from the following addresses broadly on the grounds of traffic and safety, congestion, parking, impact to emergency services, visibility, pollution, noise, threat to local wildlife, harm to biodiversity, loss of boundaries between villages, unsustainable, capacity of local infrastructure, loss of open space, conflict with the local plan, erosion of strategic gap, flood risk and inadequate drainage. Also impact to existing pylons, green belt and local character, cumulative impact of developments, increase to house prices, loss of view, no need for additional housing in borough, lack of affordable housing, overdevelopment and poor design. Finally that the outline application lacks detail, there will be an adverse impact to residential amenity, loss of privacy and overlooking, security and construction impacts and that there are land ownership concerns.

2 Braeton Lane, Grimsby
4 Boundary Farm Court, Waltham
11 Boundary Farm Court, Waltham
11 College Avenue, Grimsby
47 Croxby Avenue, Grimsby
45 Eastfield Avenue, Grimsby
55 Eastfield Avenue, Grimsby
57 Eastfield Avenue, Grimsby
Flat 5, 19 Wootton Road, Grimsby
67 Grimsby Road, Waltham
141 Grimsby Road, Waltham
5 Gleneagles, Waltham
9 Headcorn Close, Basildon
17 Home Paddock, Waltham
39 Kensington Place, Grimsby
1 Kriston Turton Close, Holton Le Clay
32 Louth Road, Grimsby
64 Louth Road, Grimsby
82A Louth Road, Grimsby
105 Louth Road, Grimsby
129 Louth Road, Grimsby
261 Louth Road, Grimsby
262 Louth Road, Grimsby
264 Louth Road, Grimsby
282 Louth Road, Grimsby
284 Louth Road, Grimsby
286 Louth Road, Grimsby
288 Louth Road, Grimsby
11 Manor Drive, Waltham
5 Markhams Orchard, Grimsby
125 Mendip Avenue, Grimsby
29 Pagehall Close, Grimsby
53 Pagehall Close, Grimsby
10 Pinfold Lane, Grimsby
22 Pinfold Lane, Grimsby
24 Pinfold Lane, Grimsby
28 Pinfold Lane, Grimsby
25 Rosaire Place, Grimsby
40 Rosaire Place, Grimsby
9 Rubens Close, Grimsby
9 Sanctuary Gardens, Stanford le Hope, Essex
86 Scartho Road, Grimsby
39 Seaforth Avenue, Southend on Sea, Essex
10 Southfield Road, Grimsby
4 Southern Walk, Grimsby
8 Southern Walk, Grimsby

12 Southern Walk, Grimsby
14 Southern Walk, Grimsby
16 Southern Walk, Grimsby
20 Southern Walk, Grimsby
24 Southern Walk, Grimsby
28 Southern Walk, Grimsby
36 Southern Walk, Grimsby
38 Southern Walk, Grimsby
46 Southern Walk, Grimsby
51 Southern Walk, Grimsby
56 Southern Walk, Grimsby
60 Southern Walk, Grimsby
62 Southern Walk, Grimsby
66 Southern Walk, Grimsby
70 Southern Walk, Grimsby
12 St Giles Avenue, Grimsby
10 Tallert Way, Grimsby
34 Trinity Road, Cleethorpes
193 Waltham Road, Grimsby
1 Weston Grove, Immingham
7 West Lea, Grimsby
83 Woodhall Drive, Grimsby
13 Woodrow Park, Grimsby
33 Woodrow Park, Grimsby

APPRAISAL

The material planning considerations are:

1. Principle of Development and Visual Impacts
2. Developers Contributions
3. Highways Safety and Amenity
4. Archaeology
5. Concept, Design and Character
6. Neighbouring Amenity
7. Drainage and Flood Risk
8. Ecology, Biodiversity and Trees
9. Environmental Considerations

1. Principle of Development and Visual Impacts

The site is located outside of any settlement boundary as defined in the North East Lincolnshire Local Plan (NELLP) policies map. The site sits outside but adjacent to the development boundary of Grimsby in the NELLP and outside of the development boundaries of New Waltham and Waltham Parishes to the south, in which the site is located. It is therefore deemed to be within the open countryside.

In Policy 3 of the NELLP, Grimsby is a Level 1 settlement, providing key services and amenities, with Waltham and New Waltham being Level 2 settlements, as Local Service Centres offering a range of basic services and amenities, combined with good accessibility to urban areas. Whilst somewhat detached from the Service Centre's of each village, it is noted that they are accessible via the existing main roads and footpaths and the site is well connected to Grimsby.

Policy 5 provides more specific guidance for development with explicit reference to settlement boundaries. It notes that all development will be considered with regard to suitability and sustainability and the criteria for assessment is set out. These will be addressed further within the report. Specifically, however at 3. it notes that beyond the defined boundaries land will be regarded as open countryside. It highlights that within such locations very specific circumstances are required to support development this includes:

- A. supports a prosperous rural economy, particularly where it promotes the development and diversification of agricultural and other land base rural businesses; or,
- B. promotes the retention and development of local services and community facilities; or,
- C. supports rural leisure and tourism developments; or,
- D. it consists of affordable housing to meet specific local needs; or,
- E. it is development that has been specifically defined and identified through the neighbourhood planning process.'

In relation to 'A', the proposal is for market housing and would not therefore directly support the rural economy. The addition of dwellings would not promote the retention and development of local services and community facilities in itself as required by 'B'. In relation to C, there is no rural leisure and tourism facilities arising from this proposal. The proposal is a market housing scheme as set out and whilst it would include some affordable housing, it is not an affordable housing scheme as set out in D. In relation to E, it has not been defined or identified through a neighbourhood plan process. In principle therefore the proposal would be a departure and be contrary to Policy 5 of the NELLP.

The site is identified as being within the 'Strategic Green Infrastructure Corridor' which provides important separation between Grimsby, Waltham and New Waltham, wherein its protection is afforded through Policy 40. The Grimsby, Waltham and New Waltham Gap is highlighted under 4. E. Policy 40 seeks to protect the identity of settlements, retain openness of land and prevent coalescence amongst other things. Policy 42 is supportive

of this in terms of landscape character and its assessment and identifies the importance of landscape in defining the character and appearance of the environment.

Policy 22 calls for good design in new developments with consideration required as to site context and landscape character; amongst others. These NELLP policies accord with the principles of the National Planning Policy Framework (NPPF) which require well designed places and consideration of the natural environment. The National Design Guide also states the importance of developments in responding to site context and landscape character.

However, it must be acknowledged that the presumption in favour of sustainable development embedded within Paragraph 11(d) of the NPPF has to be considered as a result of the Council not being able to demonstrate a 5-year land supply. Following publication of the revised NPPF, the land supply position has been recalculated and measured against the outputs of the Standard Method; the Council has 3.6 years supply, as published in June 2025.

Application of the tilted balance requires that permission 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. New wording has been added to assist assessment in these cases: having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

The application is supported by a suite of documents including statements making the case for the development. The applicants particularly reference the lack of housing land supply and that para 11 (d) of the Framework applies and that the proposal is sustainably located and that only limited weight can be attributed to the Local Plan. Moreover that the outline planning application proposals have been carefully designed and informed by a multi-disciplinary team to demonstrate that the proposed housing development is well designed at this outline stage and can be appropriately accommodated on the site, resulting in a neutral impact in respect of visual effects and acceptability in highway, drainage, ecological and archaeological terms. Reference is also made by the applicants to the biodiversity gains, the benefits of the community open space and the benefits of the delivery of the housing, including affordable housing, by a proven developer with associated economic benefits.

Full regard has been given to the applicants case, current planning policy and the lack of a housing supply but the proposal would extend into the rural landscape between Grimsby, Waltham and New Waltham resulting in a visual intrusion which would be detrimental to the character and value of this countryside location. Due to this extension into the rural landscape, the housing and its extent would be more prominent and dominant when compared to the existing. It is recognised that the indicative details provided include a landscaping buffer to the sites southern edge, however the loss of the field and its replacement with a housing estate would fail to have regard to the intrinsic character of this countryside location. The landscape has a sensitivity to change. It is a

pleasant landscape with rural qualities though acknowledging the influence of the suburban edge and importantly the susceptibility is higher due to the strategic green infrastructure corridor designation.

What will be diminished is the sense of open countryside both visually and in terms of how the site and its surroundings are experienced. There would be a change in the immediacy of the built form between Grimsby and Waltham and New Waltham as a result of the creeping urbanism which would result from the development. Wider views, sense of the countryside and sense of the settlement gap will be diminished, and this would be detrimental. Established Landscape Assessments by North East Lincolnshire Council reference the importance of retaining a sufficiently wide gap between settlements to allow a sense of leaving one place before arriving at the other.

Having regard to the above, it is considered that the development would fail to have regard to the intrinsic character of the countryside, in conflict with Policies 5, 22, 40 and 42 of the NELLP, which require development outside of settlement boundaries to recognise the distinctive open character and landscape quality of such areas. It would also conflict with the requirements of the NPPF and the National Design Guide.

In weighing up the balance of development, whilst clearly up to 300 dwellings would make a meaningful contribution to North East Lincolnshire Council's housing land supply, and this is afforded significant weight it is considered that the detrimental impacts created would outweigh the benefits of housing in this location.

2. Developer Contributions

Policy 6 of the NELLP sets out the contributions which are required to mitigate the impacts of a development on infrastructure provision. In this case, the Council's Education Officer has confirmed that Primary school contributions would be required. It has been agreed that Secondary school contributions are not required in this case as there is sufficient provision. Additionally, the policy sets out the requirements for affordable housing, and this is supplemented by Policy 18. This site is identified as a 'high value area' under Policy 18 and as such, an affordable housing contribution of 20% would be required.

An initial draft Heads of Terms has been submitted with the planning application with specific details around the deliverables and triggers which have been agreed with the applicant. Therefore, this would accord with Policies 6 and 18 of the NELLP.

3. Highways Safety and Amenity

The NPPF requires that all development proposals that generate significant amounts of movement should be supported by a Transport Statement or Traffic Assessment and decisions on applications should take account of whether:-

- the opportunities for sustainable transport have been taken up, depending on the

nature and location of the site,

- safe and suitable access to the site can be achieved for all people, and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.

The NPPF goes on to say that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are "severe". Policy 5 further requires proposals be acceptable in regard to access and traffic generation.

The planning application is accompanied by a detailed Transport Assessment, Travel Plan and other associated documentation.

Following negotiations and the submission of further information the Highways Officer has confirmed that the impact of the development would not be severe to the wider adopted highway network. Improvement works have been agreed, to mitigate the proposal in highways terms, to include reducing speed limits, installation of a crossing point, extension of a footway and upgrades to the bus stops. It is noted that as the application is in outline form, the proposed details of the internal site layout are only at preliminary design stage and therefore the Highways Officer requests that all relevant details are provided at Reserved Matters stage in the event of an approval however they are content with the proposal subject to conditions.

Consideration regarding access has been given and to this end access would be taken from both Grimsby Road and Louth Road. Both roads are busy and connect Scartho with Waltham and New Waltham and is particularly busy at peak times due to its proximity to Waltham Toll Bar Academy and Sixth Form College. However sufficient details have been provided which conclude that all modelled junctions show less than a 3% impact and are therefore not considered severe. In highway amenity and safety terms the development is considered acceptable in accordance with Policy 5 and 36 of the NELLP.

4. Archaeology

The NPPF states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, developers should record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. Policy 39 of the NELLP states development will be supported where proposals make appropriate provision to record, and where possible preserve in situ features of archaeological significance.

An Archaeological Assessment and Geophysical Survey was conducted by the applicant and presented to the Heritage Officer. However, the survey results highlight cropmarks and other features, which were previously unknown, which have the potential to be archaeological in nature and require further investigation. The applicant has been given

the opportunity to provide additional information in the form of onsite archaeological evaluation by way of trenching to further inform the impacts of the proposed development. In circumstances like this such an evaluation is important to inform whether the site can be developed to the potential in the outline planning application. In particular the nature, extent and significance of any archaeological features that may be present. However, the applicant has declined to provide this as they consider that they have submitted sufficient information for an outline application of this nature and that the LPA are not being consistent. This response has been taken into account, but it is considered that a site-specific approach is necessary and, in this case, further evaluation is required. Without being able to fully understand the archaeological potential, the application fails to meet the requirements of Policy 39 of the NELLP and paragraph 207 in Section 16 of the NPPF.

5. Concept, Design and Character

The submitted Design and Access Statement set out the principles for the layout of the proposed development which includes housing of mixed sizes and tenures, sustainable drainage features, open space and landscape buffers. The indicative layout shows show the dwellings could be accommodated for on the site with associated roads and infrastructure and demonstrates that it would be feasible to ensure good frontage aspect onto roads and open space areas and a layout within a landscape setting. It is noted that Northern Powergrid do have pylons which lie to the southern proportion of the site however these have been accommodated for by means of setting the built form away from them and having this area as a landscape strip to soften the development against the open countryside beyond.

The proposal demonstrate that a well-designed scheme in itself could be achieved at Reserved Matters stage so as to accord with good design objectives as required though the NPPF and Policies 5 and 22 of the NELLP. However this does not override the principle concerns of detrimental visual intrusion as highlighted above.

6. Neighbouring Amenity

It is necessary to consider the impact on neighbouring land uses, particularly for the immediate neighbours of the site. There are a significant number of residential neighbours positioned to the northern and western boundaries of the development site with a small number to the east. It is a matter of fact that the site that the development would adjoin these neighbours however a buffer has been indicated along a good proportion of the north boundary where the rear of properties, along Southern Walk, are adjacent to the site itself. Whilst as an outline application matters are indicative the submissions demonstrates that the site could be developed without adverse impact on neighbours in terms of overlooking and massing. Detailed consideration would be given at any reserved matters stage. In terms of comings and goings to the development access points are taken from the main roads of Grimsby Road and Louth Road thus avoiding any disturbance through more minor roads serving residential estates.

In terms of future occupiers of the development a Noise Assessment has been submitted to establish the impact of the road network relating to future occupiers. This has concluded that any impact could be appropriately mitigated subject to a condition to secure final details.

Having regard to the above it is considered that in terms of local amenity the development is acceptable under Policy 5 of the NELLP.

7. Drainage and Flood Risk

The application site is within an area zoned Flood Zone 1 on the Environment Agency's Flood Risk Maps. As such, the area is considered to be at the lowest risk of flooding from rivers or the sea and is sequentially preferable for residential development. The Environment Agency have no objections to the scheme. The proposal therefore accords with Policy 33 of the NELLP in this regard.

In terms of surface water drainage, the applicant has confirmed that surface water run-off from the development can be sustainably managed in accordance with policy guidance set out in the NPPF and Policies 33 and 34 of NELLP. Should planning permission be granted, it would be necessary for full details of surface water run-off and discharge rates to be agreed. This approach is supported by the Drainage Officer who recommend that a condition is included for full details in the event of an approval. In relation to foul water drainage, Anglian Water has confirmed that existing systems have the capacity to take the foul flows arising from this development. In this regard, a condition could secure further details.

As the proposed development is at the outline stage with only access to be considered, it is entirely appropriate that this approach is acceptable. Only once the amount of hard standing has been calculated at the reserved matters stage, can a full and proper sustainable drainage scheme be designed for the capacity of the site. Indicatively the layout shows how SUDs features could be incorporated into the development, and this is welcomed.

8. Ecology, Biodiversity and Trees

Policy 41 of the NELLP and Section 15 of the NPPF state that development should have regard to biodiversity and geodiversity, seeking specifically to minimise the loss of biodiversity features, and create opportunities to retain, protect, restore and enhance features of biodiversity value, including priority habitats and species.

Ecological reports with the application conclude that there are some ecological considerations to the site's development. This includes over wintering bird considerations and other protected species use. The applicant considers that sufficient information has been provided.

In terms of over wintering birds, the site has been identified as hosting some through a

recent wintering survey. Due to this potential, it cannot be ruled out that the site is not Functionally Linked Land (FLL) in relation to the protected Humber Estuary (Humber Estuary Special Protection Area (SPA), Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI) and Ramsar. The applicants state that the percentage of bird usage is below the threshold to constitute FLL but as only one survey has been undertaken it is considered that this does not give sufficient comfort that the site has and will not be used by a greater amount of over wintering birds and therefore that it is not FLL. It is considered that at least another year's data is required. This is material planning consideration which weighs against the proposal.

In relation to other protected species reports have highlighted their presence but it is considered that further surveys and reports could be undertaken at the detailed Reserved Matters stage to define the extent and mitigation required for these. This could be conditioned.

However, without being able to fully understand the full ecological impacts, the application fails to meet the requirements of Policy 41 of the NELLP and Section 15 of the NPPF.

The development is subject to Biodiversity Net Gain (BNG) requirements. A BNG metric and Biodiversity Impact Assessment has been submitted which demonstrates in excess of 10% net gains. The assessment outlines onsite habitat retention, enhancement and creation with long term management which could be achieved, including additional enhancements. The Ecology Officer has reviewed the details and has confirmed that the BNG metric is acceptable and deems the gains to be significant, and if the application is approved, conditions relating to management and monitoring are recommended. The proposal therefore accords with Policies 5 and 41 of the NELLP.

Whilst landscape matters have been addressed in the principle section of this report, the Trees and Woodlands Officer has confirmed that there are no objections to the principle of the development of the site. Clearly any landscape plans, specifically a tree report, tree constraints plan and tree protection plan, would form part of the Reserved Matters considerations in the event of any approval in accordance with Policy 42 of the NELLP.

9. Environmental Considerations

An Air Quality Assessment, and associated addendum, have been provided. It acknowledges that construction could cause the potential for air quality impacts. With recommended measures in place which could be conditioned, these are not identified as being significant. Additionally, operational impacts are also identified but not deemed significant. A noise report has also been submitted which does not highlight any constraints to development. The Environmental Health Officer concurs with the findings and in accordance with Policy 5 of the NELLP there are no grounds for objection on these issues. A number of conditions including hours of construction, construction management and demolition management, land quality and a noise mitigation scheme have been recommended by the Environmental Health Officer.

CONCLUSION

The proposal comprises of up to 300 dwellings in outline form with access to be considered. The site sits within an area of open countryside between Scartho and Waltham and New Waltham villages. Whilst recognising housing need and the benefits of this, this would not outweigh the visual harm to the open countryside in this location. The countryside gap provides a strategic infrastructure corridor and the proposed development would diminish this increasing coalescence between settlements. Furthermore, archaeology is a potential constraint that has not been appropriately assessed nor has ecology. As such, the proposal conflicts with the policies set out in the NELLP, specifically Policies 5, 22, 40, 41 and 42 and advice in the NPPF.

RECOMMENDATION

Refused

(1) The site sits outside of the development boundary as defined in the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and the proposal would extend into the open countryside and intrude into the important strategic green infrastructure corridor resulting in a detrimental impact on the character and appearance of the area. The adverse impacts are not justified by the shortfall in the supply of deliverable housing. The proposed development therefore represents an unsustainable form of development in the countryside contrary to the requirements of Policies 5, 22, 40 and 42 of North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and the core principles as set out in the National Planning Policy Framework.

(2) The site has the potential to include heritage assets with archaeological interest, and insufficient evidence has been provided to adequately assess the nature, extent, significance and potential impact upon any remains present. This is contrary to the approach required by Policy 39 North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and advice in the National Planning Policy Framework.

(3) The proposal has not adequately demonstrated that it would avoid the irreversible loss of land that is functionally linked to the Humber Estuary Special Protection Area (SPA), Humber Estuary Ramsar site, and Humber Estuary Site of Special Scientific Interest (SSSI). The loss of such land—where its status as Functionally Linked Land has not been ruled out, or where functional linkage has been identified but not appropriately mitigated—would result in harm to these designated sites. The proposal is therefore contrary to Policies 5 and 41 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and the advice contained within the National Planning Policy Framework

Informatives

1 Informative

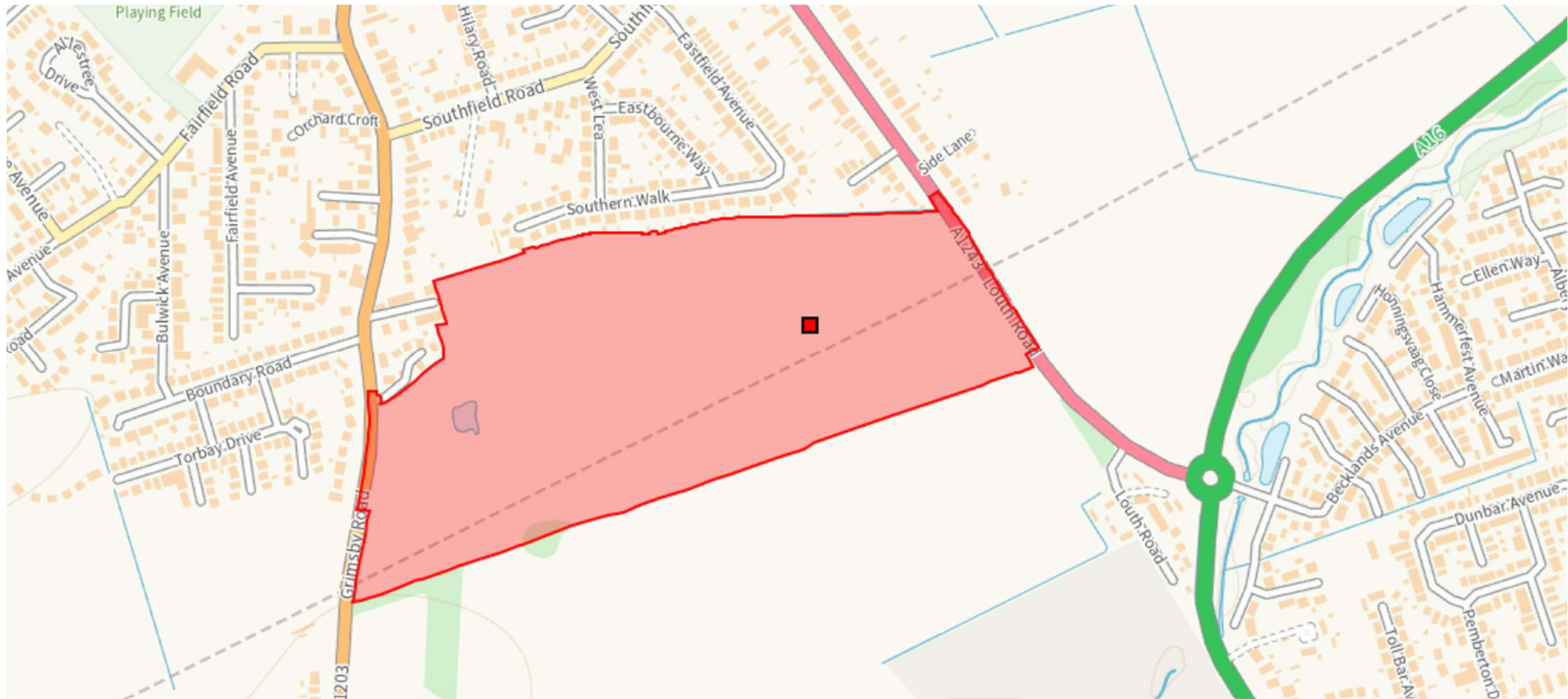
This decision relates to the following plans and documents:

Site Location Plan - 22 5599 20A
Illustrative Masterplan - 22 5599 21A
Land Use Plan - 22 5599 22A
Wider Context Plan - 22 5599 21-23
Topographical Survey 1 of 4 - 25 - 50 - 01A
Topographical Survey 2 of 4 - 25 - 50 - 02A
Topographical Survey 3 of 4 - 25 - 50 - 03B
Topographical Survey 1 of 4 - 25 - 50 - 04B
Design and Access Statement - V.03
Planning and Sustainability Statement - received 26th November 2025
Flood Risk Assessment - August 2025 Version 1
Drainage Statements 1 & 2 - Version 1
Landscape & Visual Appraisal - 3377 SFH XX XX RP L LVA P03
Arboricultural Survey Report - Revision B
Illustrative Landscape Masterplan - 3377 SFH XX XX DR L 0002 F
Proposed Access Visibility Splays & Footway Scheme - LTP 6112 V3 01 01 Rev A
Proposed Access Preliminary Design - LTP 6112 P1 01 01 A
Proposed Access Swept Path Analysis - LTP 6112 T2 01 01
Transport Assessment Part 1 & 2 - Issue 1
Travel Plan - Issue 1
Biodiversity Net Gain Assessment - August 2025
BNG Metric - dated 18th August 2025
Preliminary Ecological Assessment - August 2025
Archaeological Desk-Based Assessment - May 2025
Archaeological Geophysical Survey - received 20th March
Air Quality Assessment - September 2025 (V2)
Supplementary Air Quality Assessment - October 2025
Noise Assessment - received 10th February 2026
Economic Impact Assessment - received 26th February 2026
S106 Draft Heads of Terms - V3

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 with the applicant to seek solutions to problems arising, however, the issues on this application could not be overcome.

DM/0980/25/OUT – LAND WEST SIDE OF LOUTH ROAD, NEW WALTHAM



DM/0980/25/OUT – LAND WEST SIDE OF LOUTH ROAD, NEW WALTHAM



PLANNING COMMITTEE - 22nd April 2026

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

APPLICATION No: DM/0455/25/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Land At, Riby Road, Stallingborough, North East Lincolnshire,

PROPOSAL: Planning application for construction of solar farm (up to 49.9mw) and battery energy storage system (BESS) (up to 500mw), comprising ground mounted solar photovoltaic panels, battery containers, transformers, high voltage electrical substation and ancillary infrastructure including underground cabling, fencing, CCTV, internal access tracks, water storage tanks and an attenuation pond together with landscape enhancements, woodland and a permissive footpath for a temporary period of 40 years (cross boundary application with West Lindsey Council) - AMENDED PLANS AND DOCUMENTS, OCTOBER 2025

APPLICANT:

Mr Nick Bowen
Stallingborough Energy Project Limited
Unit 25.7 Coda Studios
189 Munster Road
London
SW6 6AW

AGENT:

DEPOSITED: 2nd June 2025

ACCEPTED: 30th June 2025

TARGET DATE: 29th September 2025

PUBLICITY EXPIRY: 21st March 2026

**AGREED EXTENSION OF TIME DATE: 31st
March 2026**

CONSULTATION EXPIRY: 27th July 2025

CASE OFFICER: Richard Limmer

PROPOSAL

This application seeks planning permission for the construction of solar farm (up to 49.9mw) and battery energy storage system (BESS) (up to 500mw). It comprises ground mounted solar photovoltaic panels, battery containers, transformers, high voltage electrical substation and ancillary infrastructure including underground cabling, fencing, CCTV, internal access tracks, water storage tanks and an attenuation pond together with landscape enhancements, woodland and a permissive footpath. The development is

proposed for a temporary period of 40 years.

The solar site will comprise of tracker panels on an east west axis with a maximum height of 3.5m.

The BESS containers will be laid out in rows with a separation distance of 6 metres between them. The BESS containers will be 2.9m in height. The Proposed Development includes a High Voltage Sub Station (HVSS) which is located within the BESS area. The HVSS contains various elements including transformers and electrical busbars of approximately 7m and 11.65m in height respectively.

The proposal includes a cable connection from the site to the Grimsby West substation approximately 6.8km away. The routing follows the road along Riby Road, B1210 (Healing Road, Stallingborough Road, Great Coates Road) and then onto Aylesby Road to the substation. All of the cabling would be underground.

It is also noted that the application is a cross boundary application with West Lindsey Council. This is because part of the site falls across the borough boundary and within West Lindsey District Councils authority. For clarity NELC only make a decision on the development that is within the NELC administrative boundary. For clarity the NELC aspect of the development is 121.7ha and contains proposed solar arrays, BESS, HVSS, site accesses, landscaping and the associated works. The WLDC part of the development is 34.8ha and contains solar arrays, landscaping and associated works. This is shown on the site location plan and proposed site layout.

The application has been brought to Planning Committee due to the number of objections received from the community and concerns from Healing Parish Council. It is also noted there is an objection from Keelby Parish Council.

SITE

The site is to the south west of Stallingborough, with the village of Keelby located to the west of the site. The site comprises a series of interconnected agricultural fields. These fields are separated by a mixture of hedgerows and ditches with parcels of woodland around the site.

The site is accessed from an existing agricultural track off the A1173 to the south west of Grange Farm. North Beck/Caddle Beck is a water course to the north and within the site. The watercourse is maintained by the North East Lindsey Drainage Board.

The planning application site boundary is shown edged in red on the submitted Site Location Plan ref. 01. The total site area within the red line boundary is 156.5ha, plus 4.85ha for the cable route corridor.

The Site is within the administrative areas of NELDC and WLDC. The eastern part (and

the majority) of the Site (129.5ha) is within NELDC and western part of the Site (31.85ha) is within WLDC.

In regard to topography the site undulates gently, with a general fall from south to north. There are no public rights of way (PRoW) within the site, although one lies to the north west boundary of the site.

According to the Environment Agency's Flood Map for Planning, the Site is located in Flood Zones 1, 2 and 3. The majority of the Site is in Flood Zone 1.

RELEVANT PLANNING HISTORY

DM/0183/24/SCR - EIA Screening Request for 49.9mw solar farm and battery storage facility - EIA Negative

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2025)

- 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)

- PO5 - Development boundaries
- PO22 - Good design in new developments
- PO31 - Renewable and low carbon infrastructure
- PO32 - Energy and low carbon living
- PO33 - Flood risk
- PO39 - Conserve and enhance historic environ
- PO40 - Developing green infrastructure network
- PO41 - Biodiversity and Geodiversity
- PO42 - Landscape

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

REPRESENTATIONS RECEIVED

Stallingborough Parish Council - the PC original objections are now withdrawn but it does wish to comment that it does have concerns on the loss of good agricultural land locally which results in the village being surrounded by solar farms.

Great Coates Village Council - no objections

Healing Parish Council - Concerns at loss of farming land locally; concerns at loss of possible chalk stream environment and biodiversity impact; flood risk makes this development unacceptable - the loss of countryside land impacts greatly on drainage issues and this would be the case with this Development; concerns at battery safety with regard to fire safety concerns.

Keelby Parish Council - object to the proposed development with concerns over loss of views, safety risk from the proposal, health risk from the BESS in a fire event, loss of farm land, property values, not benefiting from the development with lower energy bills and pollution risk.

North Lincolnshire Council - no objections

Heritage Officer - no objections, condition required for further archaeological investigation.

Trees and Woodland Officer - no objections, conditions required to secure landscaping and landscape management and comment on Veteran Trees.

Crime Reduction Officer - no objections, conditions required to secure final details of Designing Out Crime.

Highways Officer - no objections, conditions required to secure final details of access construction.

Harbour Energy Viking Pipeline - no objection, request condition for the final details of solar layout within the Viking DCO Limits.

Cadent Gas - no objections.

National Gas - no assets affected.

National Grid - no objections, the applicant must engage with National Grid Prior to works commencing.

Orsted - no objections, the applicant must engage with Orsted prior to work commencing.

Uniper - no objections

Drainage Officer - no objections, the proposed surface water drainage scheme is acceptable.

Anglian Water - no objections, request conditions final drainage details for BESS element of the development.

Environment Agency - no objections, conditions required for flood risk, ground water contamination.

Natural England - no objection but comments on pollution control.

Environmental Health - no objections, request conditions for unexpected contamination, construction hours, construction management plan.

Humberside Fire Brigade - no objections, standard comments for access for the fire service and water supply for fire fighting.

Drainage Board - no objection, condition to secure access buffer.

Lincolnshire Wildlife Trust - no objections, conditions to secure ecological mitigation.

Humberside Airport - no objections.

Northern Power - no objections, notes and recommendations on safe digging.

Public Rights Of Way Officer - no objections in principle. Requests that the permissive path is made a full PROW.

Phillips 66 - no objections.

HSE - no objections.

Forestry Commission - no objections, comments regards veteran trees.

Ministry of Defence - no objections.

Other representations and neighbours.

Civic Society - The Civic Society, in principal, supports solar farms, but we submit that this is not in the right place. Reflecting on our previous comments, the close proximity to residential areas is in our view, not acceptable, with the prospect of battery fires etc. There is plenty of redundant industrial land on the Humber bank that is far more suited to such an installation.

NELC Cllr Crofts - objects, further archaeological assessment required, flood risk, loss of

agricultural land, fire risk associated with BESS, proximity to high pressure pipeline.

LCC Cllr James Bean - objects to the loss of agricultural land, health and fire risk from BESS, supports objections from consultees such as Environment Agency and Uniper.

The following residents have objected to the proposed development:

White Lodge, Riby Road
24 Victoria road Keelby
8 West View Close, Keelby
1 Wood apple Court, Stallingborough
12 Manor court, Stallingborough
14 Woodlands Avenue, Keelby
7 Church Lane Keelby
36 Aire Close, Immingham
Badger Lodge, Keelby
26 Aire Close, Immingham
29 Garden Village, North Killingholme
9 Suddle Way, Keelby
1 Maple Avenue, Keelby
16 Beck Close, Keelby
22 Holly Close, Stallingborough
3 Beck Close, Keelby
8 The Limes, Stallingborough
Mill Cottage, Riby Road, Stallingborough
3 Mount Farm Mews - Stallingborough

- Loss of agricultural land and food security
- Proximity to residential properties
- Risk from BESS in regard to fire, fumes, explosions and pollution
- Visual impact
- Impact on views
- Noise
- Construction traffic
- Flood risk
- Lack of archaeological investigation
- Lack of consultation from the applicant

Grimsby West (MF Strawson and Harworth) - request further engagement from the applicant in regard to cable routes and depths.

110 Great Coates Road - supports the proposed development.

APPRAISAL

The material considerations are:

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

- 1) Principle of Development

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

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

The National Planning Practice Guidance (NPPG) provides additional guidance to support the Policies within the NPPF and provides a specific focus for planning considerations which need to be taken account of when dealing with large ground mounted solar farms. It specifies that large scale solar farms should be focused 'on previously developed and non-agricultural land, provided that it is not of high environmental value' and 'where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity

improvements around arrays'. In response, the site is greenfield and is in agricultural use and the impacts on land quality will be discussed below. Land quality is considered important to the overall acceptability in principle. Other matters which are required to be considered by the NPPG in regard to the specific detail will be covered in other sections of this report.

The LPA also recognises the 15 May 2024 Written Ministerial Statement ("WMS") on the use of Best and Most Versatile ("BMV") is a relevant consideration in deciding this application.

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

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

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

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

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

The proposal includes a substantial amount of Battery Storage (BESS) at a total capacity of 500mw this is to support the proposed solar installation. It is recognised that battery storage is an essential part of the wider renewable energy strategy to help deal with low production times, i.e. for solar the batteries can be charged during the high production times during daylight hours and then used during low light times.

The NPPF states 'where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher

quality'. It categorises the best and most versatile agricultural land as land in grades 1, 2 and 3a of the Agricultural Land Classification.

The application is supported by an Agricultural Quality report. The area of the total site boundary i.e., approximately 156ha. The quality of agricultural land within the total site area is limited mainly by soil wetness to predominantly subgrade 3b (110.5ha (70.6%) of the Site), with smaller proportions of Grade 2 (12ha (7.7%)), and subgrade 3a (23.7ha (14.7%) of the Site) and 11ha of non-agricultural land. Within NELC this equates to subgrade 3b (85.3ha 70%), Grade 2 (6.6ha 6%), Grade 3a (20ha 16%) and 9.8ha 8% of non agricultural land.

The report confirms that the majority of the land that will be utilised is not 'the best and most versatile agricultural land'. The nature of solar installations are that they are temporary installations, and it is common that conditions are imposed on solar installations that they are removed after a time period, the applicant has requested in their application that the time period is 40 years. This is the usual period and aligns with other solar farms in the borough.

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

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

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

The applicant has requested that the standard three-year commencement period be extended to five years, consistent with the decision taken by officers in respect of application ref DM/0108/24/FUL for an approved Solar Farm near to Immingham.

Section 91(1)(b) of the Town and Country Planning Act 1990 establishes a default three-year time limit for commencement. However, Section 91(1)(a) expressly allows a local planning authority to impose "such other period as they consider appropriate" where justified by the circumstances of the case.

In this instance, the proposed solar farm is currently reliant upon strategic transmission reinforcement works forming part of National Grid Electricity Transmission's Grimsby to Walpole Great Grid Upgrade, which is being progressed via a Development Consent Order under the Planning Act 2008. The DCO submission is currently anticipated in 2027.

The development cannot export electricity until the relevant reinforcement infrastructure is consented, constructed and energised. Delivery of these works is outside the control of the applicant. A five-year commencement period would therefore allow alignment with the anticipated grid programme and ensure the development is implemented in a coordinated and deliverable manner.

The extended timeframe would not alter the nature, scale or environmental effects of the development and is considered reasonable in the specific circumstances of the case. Accordingly, a five-year commencement condition is justified.

2) Landscape Character and Visual Amenity

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

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

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

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

The LVIA concludes that in year 1, prior to landscaping maturing, in the immediate areas around the site there would be a minor to moderate adverse effect on the landscape and visual character of the area. However, once the landscaping has matured this would reduce down to a minor adverse effect.

The Trees and Woodlands Officer has considered the landscape impacts alongside the submitted LVIA and considers that an acceptable methodology has been used and that any significant adverse impacts would be relatively short term, and that the landscaping mitigation strategy has the potential to significantly reduce the visual impacts over the lifetime of the development. A condition for the final landscaping detail and implementation is recommended. It is noted that the Arboricultural Report identifies 3 trees that show Veteran features; T100 and T101 are located in WLDC and T8 is located in NELC. T8 is located on the site boundary away from the operational part of the development, conditions are proposed to protect trees and hedges through the construction process.

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

In regard to the impact on the character of the area and nearby settlements of Stallingborough and Keelby, the development remains of a temporary nature, and the presence of solar farms already establishes the principle of renewable sources of energy in the wider landscape. The open countryside and landscape areas are important to retain settlement identity and prevent their coalescence. The proposal whilst extensive in area would be low lying and remains well separated from the settlement edges. The development would be visible from public roads and rights of way, but mitigation has been included to reduce the potential impact. This includes extensive landscaping in the form of improved existing hedges, new hedges, new woodland buffers and low level planting.

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

3) Neighbouring Amenity

Policies 5 and 31 are the relevant Policies from the NELLP. Policy 5 in particular seeks to protect neighbouring amenity from noise, air quality, disturbance or visual intrusion. Policy 31 follows a similar theme. In total, 19 neighbour objections have been received to the proposal. The objections raise concerns in relation to the lack of consultation by the developer, location of the proposed BESS element, noise from the BESS element, loss of agricultural land, impact on the landscape, outlook from residential properties, cumulative impact of solar developments, impact on nature and ecology and impact on health from magnetic radiation.

The site area itself is extensive and has neighbouring properties including properties on Riby Road, Stallingborough Road and on the north eastern edge of Keelby. The closest residential properties in NELC are Grange Farm Cottages on Riby Road approximately

120m from the site boundary, approximately 300m from the closest solar arrays and approximately 480m from the closest edge of the BESS and HVSS part of the site. Other residential properties in NELC are over 350m from the closest solar arrays.

The part of the development that is within NELC is over 700m from the edge of Keelby, the part of the development that is closer is within WLDC and it for that authority to consider the impacts.

The proposed development has been designed and set out to try and minimise the potential impacts to these neighbouring properties. This has been achieved by creating landscape buffers between the proposed solar arrays and the neighbours, this includes woodland and hedge planting.

The BESS and HVSS elements are located somewhat centrally within the site. The potential for impact to neighbouring residential properties has been considered through the various assessments provided within the application, including the Noise Assessment and Glint and Glare Assessment. These assessments conclude that the neighbouring residential properties would not suffer any undue impacts on their amenities. This in turn has been considered by the Council Environmental Health team who have raised no objections to the proposed development.

The solar panels are proposed to be no more than 3.5m in total height, which at the distances from neighbours would be relatively low lying when accounting for field boundaries, landscaping and the site's topography. The supporting infrastructure is also set further away from neighbours which limits any adverse massing or dominance issues for neighbours.

A Noise Assessment accompanies the application, it concludes that operational noise from the solar farm, in particular the BESS and substation elements, during the likely operating hours would be low and would not cause harm to the nearby residential properties and as such no mitigation is required. This has been considered by the NELC Environmental Health Team, and they concur with the assessment conclusions.

A Glint and Glare Assessment accompanies the application, it does not raise any concerns in regard to neighbours' amenities, this is due to the orientation of the site, the separation distance and the use of landscaping to screen the development. This has been considered by the NELC Environmental Health Team and they concur with the assessment conclusions.

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

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

4) Ecology

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

The submitted BNG Assessment and proposed landscaping scheme, including ecological enhancements, concludes that the proposed development would deliver a significant BNG improvement from the existing site. It is noted that North Beck is considered to be a Priority Habitat in BNG terms as a Chalk Stream, the presence of a priority habitat does not preclude development. The potential impacts have been thoroughly assessed and addressed through appropriate stand-off distances, drainage design, pollution prevention measures, and construction and operational management plans. Enhancement measures will also be secured, culminating in a BNG of over 60%, well in excess of the statutory 10% requirement. BNG is all delivered on site.

The council's ecologist has reviewed the Ecology Appraisals and information of the BNG Assessment and has no objections subject to the recommendations being adhered to. No objections have been raised from Natural England or Lincolnshire Wildlife Trust as well. To secure the biodiversity net gain and ecology mitigation proposed, it is considered that the submission of an updated Landscape Ecological Management Plan is required, and a Construction Environmental Management Plan is also required to ensure ecological mitigation is managed through the construction period, these matters are conditioned.

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

5) Access and Highways

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

The application has been submitted with a detailed Transport Statement and Traffic Management Plan. The proposal details two site accesses off Riby Road. The nature of the proposed development means that it will have very few associated traffic movements during operation, it is the construction phase where there would be the greatest number of vehicles accessing the site. The transport Statement details that during peak construction there would be up to 100 people working on site. It is detailed that there would be an average of 16 large vehicle movements per day throughout the construction phase of approximately 18 months. During the operational phase there would be up to 20

visits per year for maintenance etc.

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

The proposal includes the creation of a new permissive path that links the existing footpaths around the site. The concept behind the proposed rights of way layout is to improve access and create attractive routes through the proposed. This has been done with consultation with the PROW Officer, it is noted that the PROW Officer has recommended that the Permissive Path is created as a full PROW so that it is not lost after the development has ceased. However, at that time the land would return the current agricultural use, and it is not considered reasonable to require that the permissive path is created as a permanent PROW.

As stated in earlier sections of this report, a Glint and Glare Assessment accompanies the application. It assesses the impact upon road, rail and airports. It concludes that no mitigation is required and that there is no impact on rail and airports. Humberside Airport and the Ministry of Defence have been consulted and have raised no objections. The Assessment pays particular regard to the potential impact on the surrounding highways and residential properties.

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

6) Drainage and Flood Risk

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

The Environment Agency (EA) Flood Map for planning shows the application site is located within Flood Zone 1, 2 and 3 and as such a detailed Flood Risk Assessment has been submitted with the application, although the vast majority of the site is flood zone 1. All of the main infrastructure and BESS are located in Flood Zone 1. This has been considered by the EA, and no objections have been raised.

The majority of the Site is at a very low risk of flooding from surface water, with the exception of some areas of the Site proposed for the PV located in low lying areas. These areas could experience flood depths surface water ponding with up to a high risk of flooding in the southern part of the Site. The latest EA depth mapping suggests that during a high, medium and low surface water flood event, the area of ponding will have a maximum flood depth of between 0.3 - 0.6m during the 1 in 30 year and 1 in 100-year

events. The BESS and the HV compound are not considered to be at surface water risk. The Drainage Engineers have considered the proposal and have no objections to raise.

The scheme has been submitted with an outline surface water drainage scheme for the BESS and HVSS to ensure that pollution and ground water is protected in the event of an incident. This includes a Hydrogeological Risk Assessment. It also seeks to respond to ecological issues raised. These have been considered by the Drainage Engineers, Anglian Water and the Environment Agency and they consider that the detail is acceptable subject to conditions.

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

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

7) Heritage

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

A full heritage assessment has been provided which assesses the above and below ground heritage on and surrounding the site. This assessment raised that further below ground investigation was required. This archaeological investigation has been undertaken. The Heritage Officer has concluded that the standard archaeological condition can be used to secure mitigation. This can be achieved through suitable conditions. The conditions should only apply to the identified area, the Heritage Officer has confirmed this approach is acceptable.

Consideration has also been had to the nearby above ground Heritage Assets. The Heritage Assessment considers all designated heritage assets within 2km of the site. Two Grade 2 listed buildings have been noted of particular importance; The Mill and the Church of St.Bartholmew (Keelby).

The Mill is located approximately 350m to the north east of the site, it is a 19C windmill. The Proposed Development would result in a measure of change to the setting of the Mill. The fabric of the building would not be affected by the proposed development it is the setting that is the main consideration. Regard has been had to the significance of the

setting of The Mill with landscaping buffers included and the low level nature of the development helps reduce any potential impact, it is also noted that the proposal is temporary, albeit for 40 years. The Heritage Assessment concludes that the development would result in no harm to the significance of the Mill through alteration to its setting, subject to the proposed mitigation measures. This has been considered by the Heritage Officer, and they concur with the assessment. The mitigation measures such as the landscaping need to be secured by suitable conditions.

The church of St.Bartholomew is a Grade 1 listed church located in Keelby. The Heritage Assessment details that in terms of visual impact, the proposed development will be visually shielded when viewed at ground level from within the churchyard and from the Church tower the proposed development would only be visible of the broader landscape. The proposed development is therefore anticipated to have no adverse effects on the ability to appreciate and understand the historical function and aesthetic qualities of the Church. Consequently, there will be no harm to the significance of the Church. The Heritage Officer has considered this and concurs with the conclusions.

There are other listed buildings within the area, and the Heritage Assessment gives them due consideration but concludes that the development would not harm their significance. This again has been considered by the Heritage Officer who has confirmed that they concur with the findings.

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

8) Other Matters

Orsted, National Gas, Cadent, Harbour Energy, Northern Power and Phillips 66 have been consulted and have provided no objections to the consultation. National Gas have requested a condition in relation to electrical and other safety issues.

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

Concerns have been raised in regard to BESS fire risk and associated pollution. The applicant has liaised closely with Humberside and Lincolnshire Fire and Rescue Services', and a detailed Fire Safety Strategy and Outline Battery Safety Management Plan has been agreed with both to ensure risks are appropriately managed. They are now satisfied and support the scheme, subject to a detailed Battery Safety Management Plan to be secured via a planning condition.

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

provide the opportunity for the site maintenance team to assess and rectify the abnormality.

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

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

The NPPG also provides guidance in relation to BESS, particularly in regard to fire safety. The National Fire Chiefs Council (NFCC) has recently published guidance for Grid Scale Battery Energy Storage System planning.

With regards to the issues raised by Uniper regarding the proximity of the site to a high-pressure gas pipeline, it is noted that following liaison with Uniper, amendments have been made to the site layout such that they are now satisfied and have removed their holding objection. It is also noted that appropriate stand-off distances, construction methodologies and asset protection measures will be implemented to ensure the integrity and safety of the pipeline through construction. The presence of existing infrastructure does not preclude development where suitable safeguards are in place, as has been confirmed.

There have been extensive discussions between the applicant and Harbour Energy Viking Carbon Pipeline in regard to the extent of the DCO and how the site can be set out and still protect Harbour Energy's interest in regard to the DCO. They have confirmed that they have no objection to the proposed development subject to a condition for the final layout of the solar arrays within the DCO limits to be agreed with Harbour Energy and the LPA.

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

CONCLUSION

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

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

RECOMMENDATION

Approved with Conditions

(1) Condition

The development hereby permitted shall begin within five 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 ref. 01 Rev A
- Site Layout Plan ref. ref 02 Rev A
- BESS and HV Substation Layout ref. 03 Rev A
- Solar Panel Mounting Structure Detail ref. 04
- Battery Storage Container ref. 05
- Power Conversion Unit ref. 06
- HV Substation Compound ref. 07
- Deer Fence and Gate Details ref. 08
- BESS and Security Fence Details ref. 09
- CCTV ref. 10
- Water Tank ref. 11
- Control room Building ref. 14
- Auxiliary transformers building ref. 15
- Indicative Landscape and Ecology Strategy Plan ref. AW0274 - PL - 02 Rev C
- Proposed Landscape Phasing Plan ref. AW0274 - PL - 03

Reason

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

(3) Condition

Notwithstanding the detail contained within the application, prior to their installation on site, details of the proposed materials, size, colours and finishes of the solar panels, frames, fencing, buildings and equipment on the site shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved details and maintained as such for the lifetime of the development.

Reason

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

(4) Condition

Within 1 month of the date of first export of electricity (the date of first export) confirmation shall be given in writing to the Local Planning Authority of the same. The development shall then cease use within 40 years of the date of the first export of electricity.

Within a period of 39 years and 6 months following the date of first exportation of electricity from the site, a scheme for the decommissioning of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of how the land is to be restored back to an agricultural value equal or better than before the development took place and shall include a programme for the completion of the decommissioning and restoration works. It shall make provision for the removal from the land of the solar panels, BESS, HVSS and all associated works approved under this permission, as well as details of the management and timing of any works, a traffic management plan to address likely traffic issues during the decommissioning period, and an environmental management plan to include details to be taken during the decommissioning period to protect wildlife and habitats. Thereafter, the decommissioning of the solar farm shall be undertaken in accordance with the approved details and timings.

Reason

In the interest of contamination, ecology, highway safety and amenity in accordance with Policies 5, 22 and 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(5) Condition

Before any part of the development hereby permitted is commenced, a detailed Landscape and Ecology Strategy Plan and Landscape Planting Phasing Plan based on the Indicative Landscape and Ecology Strategy Plan ref. AW0274 - PL - 02 Rev C and Landscape Phasing Plan ref. AW0274 - PL - 03 shall be submitted to and agreed in writing by the Local Planning Authority.

Thereafter the agreed landscaping scheme and phasing/timescales shall be implemented on the site in accordance with the approved details, unless otherwise agreed with the Local Planning Authority.

Reason

In the interest of visual amenity and ecology in accordance with Policies 5, 22, 31, 41 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(6) Condition

Prior to development commencing a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall detail maintenance and management of the Landscaping Scheme to be agreed through condition 5 of this permission and be in accordance with recommendations of the approved Ecological Impact Assessment dated May 2025 by Riverdale Ecology Ltd and shall also include (but not be limited to):

- (i) A plan showing the boundary of all land covered by the LEMP, and boundaries of habitats, management units / compartments, and locations of features and any other details as applicable;
- (ii) A list of long-term wildlife conservation and landscape aims and objectives, to include: habitat specific; species-specific; and issue-specific objectives (as applicable) to include provision of suitable habitats and conditions for breeding skylark; and provision of habitats and suitable conditions for other bird species as applicable including over-wintering birds;
- (iii) Proposed measures to provide access for movement of wildlife across and around the site to include wildlife access points at frequent intervals in all fencing;
- (iv) Proposed management prescriptions and operations; locations, timing, frequency, duration; methods equipment and personnel as required to meet the stated aims and objectives; to include proposed hedgerow maintenance regimes with minimum maintained hedgerow heights (3m) and widths (2m) stated;
- (v) A list of activities and operations that shall not take place and shall not be permitted within the LEMP Plan area (for example use of herbicides, waste disposal, inappropriate maintenance methods, storage of materials);and
- (vi) Proposed long term ecological monitoring and reporting scheme for the duration of the development to include as a minimum review of skylark measures, inspection of enhancement measures, monitoring of the chalk stream and marginal habitats and inspection of newly created habitats.

All required measures shall be incorporated into and compatible with the wider scheme and shown to scale on all relevant plans and drawings including landscape design and planting plans. All works within the scheme shall be carried out, and the land managed, maintained and utilised thereafter only in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interest of landscape management, ecology and visual amenity in accordance with Policies 5, 22, 41 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(7) Condition

No works related to the development hereby approved shall begin until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local

Planning Authority. The CMP should include, but not be limited to the following:

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

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

Reason

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

(8) Condition

Prior to commencement of works (including site clearance), a Construction Environmental Management Plan (CEMP) for Biodiversity shall be submitted and approved in writing by the Local Planning Authority. The CEMP: Biodiversity will be based on the recommendations set out within the Riverdale Ecological Impact Assessment (May 2025) and the Clarkson and Woods Response to Ecology Officer's Comments (October 2025) and will include the following:

- (i) Risk assessment of potentially damaging construction activities;
- (ii) Updated survey information as required (such as badger, otter and water vole);
- (iii) Identification of 'biodiversity protection zones' and use of protective fences, exclusion barriers and warning signs;
- (iv) Details of protection and monitoring of the chalk stream and water courses during construction;
- (v) RPA for retained hedgerows and trees including appropriate buffer zones for any identified veteran trees;
- (vi) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including badgers, water voles, otters, skylarks, bats, and nesting birds including barn owl;
- (vii) The location and timing of sensitive works to avoid harm to biodiversity features;
- (viii) The times during construction when specialist ecologists need to be present on site to oversee works
- (ix) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority.
- (x) The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or

similarly competent person.

The development shall be constructed in full accordance with the approved CEMP at all times.

Reason

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

(9) Condition

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

Reason

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

(10) Condition

Prior to development commencing final details of boundary treatments and CCTV provision shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the siting and the technical specification details of the cameras, direction of view and their external appearance/colour. The development shall then be constructed in accordance with these approved details with these security measures retained at all times the site is in operation.

Reason

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

(11) Condition

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

Reason

In the interest of highway amenity in accordance with Policy 5 of the North East

Lincolnshire Local Plan 2013-2032 (adopted 2018).

(12) Condition

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

Reason

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

(13) Condition

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

Reason

In the interest of maintaining agricultural land quality in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(14) Condition

No Piling shall take place until a Piling Risk Assessment and Mitigation Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall then take place in accordance with the approved details.

Reason

In the interest of amenity and ground water protection in accordance with Policies 5 and 33 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(15) Condition

Prior to the commencement of development a final scheme of surface water drainage shall be submitted to, and approved in writing by, the local planning authority in consultation with the Environment Agency. The drainage scheme shall then be implemented in accordance with the approved details prior to the Battery Energy Storage System or High Voltage Sub Station first coming into use.

Reason

In the interest of flood risk and pollution control in accordance with Policies 5 and 33 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(16) Condition

The development shall be carried out in accordance with the submitted updated flood risk assessment (ref 'QNL-JBA-XX-XX-RP-HM-0001' Revision A2-C02, dated October 2025, by JBA Consulting) and the following mitigation measures detailed:

- Solar panels at the site shall be raised by between 0.5 and 1.35m above existing ground levels, dependent on the location within the site.
- All critical equipment will be located in Flood Zone 1, as detailed within 'Response to the Environment Agency comments' Letter, dated 27 October 2025 (by Island Green Power).

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

Reason

In the interest of flood risk in accordance with Policy 33 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(17) Condition

No development of the BESS hereby approved shall commence until full design details of measures to prevent contaminated surface water from entering controlled waters (surface water and groundwater) in the event of a fire have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:

- A contaminant containment system underlying the site to prevent infiltration of potentially contaminated surface water to the water table;
- A treatment system which is effective in preventing pollution to controlled waters (groundwater or surface water).
- A system to isolate and shut of any surface water discharges from hardstanding areas to surface water or groundwater (via soakaway) in the event of a fire.

The development shall thereafter be carried out in full accordance with the approved details. The approved measures shall be fully implemented prior to the first operation of the BESS and shall be retained and maintained as such thereafter.

Reason

In the interests of flood risk and pollution control in accordance with Policies 5 and 33 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(18) Condition

Prior to development commencing full details of noise mitigation measures, as outlined in the Noise Impact Assessment (ref. CA12873, dated May 2025, by Wardell Armstrong) shall be submitted to and approved in writing by the Local Planning Authority. The

development shall then be built out and operated in full accordance with the approved details.

Reason

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

(19) Condition

No development shall take place until the applicant has:

- (i) submitted a Written Scheme of Investigation or Specification for Works, for a programme of archaeological work, to the Local Planning Authority
- (ii) received written approval of the Written Scheme of Investigation for a programme of archaeological work from the Local Planning Authority.
- (iii) implemented, or secured implementation of the Written Scheme of Investigation for a programme of archaeological work. Use of the development shall not take place until the applicant has
- (iv) published, or secured the publishing of the findings resulting from the programme of archaeological work within a suitable media
- (v) deposited, or secured the deposition of the resulting archive from the programme of archaeological work with an appropriate organisation.

Reason

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

(20) Condition

No development shall commence within the area defined as Viking Pipeline - 100m Order Limits (shaded in yellow) as shown on Site Layout Plan Ref. 02 Rev A until a Viking CCS Pipeline Scheme (VCCSPS) been submitted to and approved in writing by the Planning Authority in consultation with Chrysaor Production (U.K.) Limited. The VCCSPS shall include, but not be limited to, details of how the development within the Viking CCS Pipeline DCO Order Limits will be constructed in a manner that avoids any impediment to the construction and operation of the Viking CCS Pipeline. The approved VCCSPS shall thereafter be implemented in full.

Reason

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

(21) Condition

Prior to the first export of electricity the permissive paths as detailed on plan ref: 02 Rev A shall be open and available for use and shall remain so throughout the lifetime of the

development.

Reason

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

(22) Condition

The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan and including:

- (a) A non-technical summary;
- (b) The roles and responsibilities of the people or organisation(s) delivering the HMMP;
- (c) The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- (d) The management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and;
- (e) The monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the Local Planning Authority

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

Additionally, notice in writing shall be given to the Local Planning Authority when the:

- (a) HMMP has been implemented; and;
- (b) Habitat creation and enhancement works as set out in the HMMP have been completed.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP. Monitoring reports shall be submitted to the Local Planning Authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason

To ensure the development delivers biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policies 5 and 41 of the North East Lincolnshire Local Plan 2013 - 2032 (Adopted 2018).

(23) Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to

have been granted subject to the condition "(the biodiversity gain condition") that development may not begin unless:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4.5 Self and Custom Build Development, meaning development which:

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

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

Irreplaceable habitat

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

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

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

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

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

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

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

Informatives

1 Reason for Approval

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not significantly harm the area character or residential amenity and is acceptable under all other planning considerations. The proposal also represents a significant contribution towards renewable energy in the area. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 5, 22, 31, 32, 33, 39, 40, 41 and 42 and the National Planning Policy Framework.

2 Added Value Statement

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

In accordance with paragraph 187 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to problems arising, by working with the applicant to overcome objections raised through the planning process.

3 Informative

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/our-services/gas-diversions.

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

4 Informative

The applicant should be aware of the correspondence from National Grid dated 2nd December 2025 and Northern Power dated 31st October 2025 and the responsibilities of the developer when constructing the development.

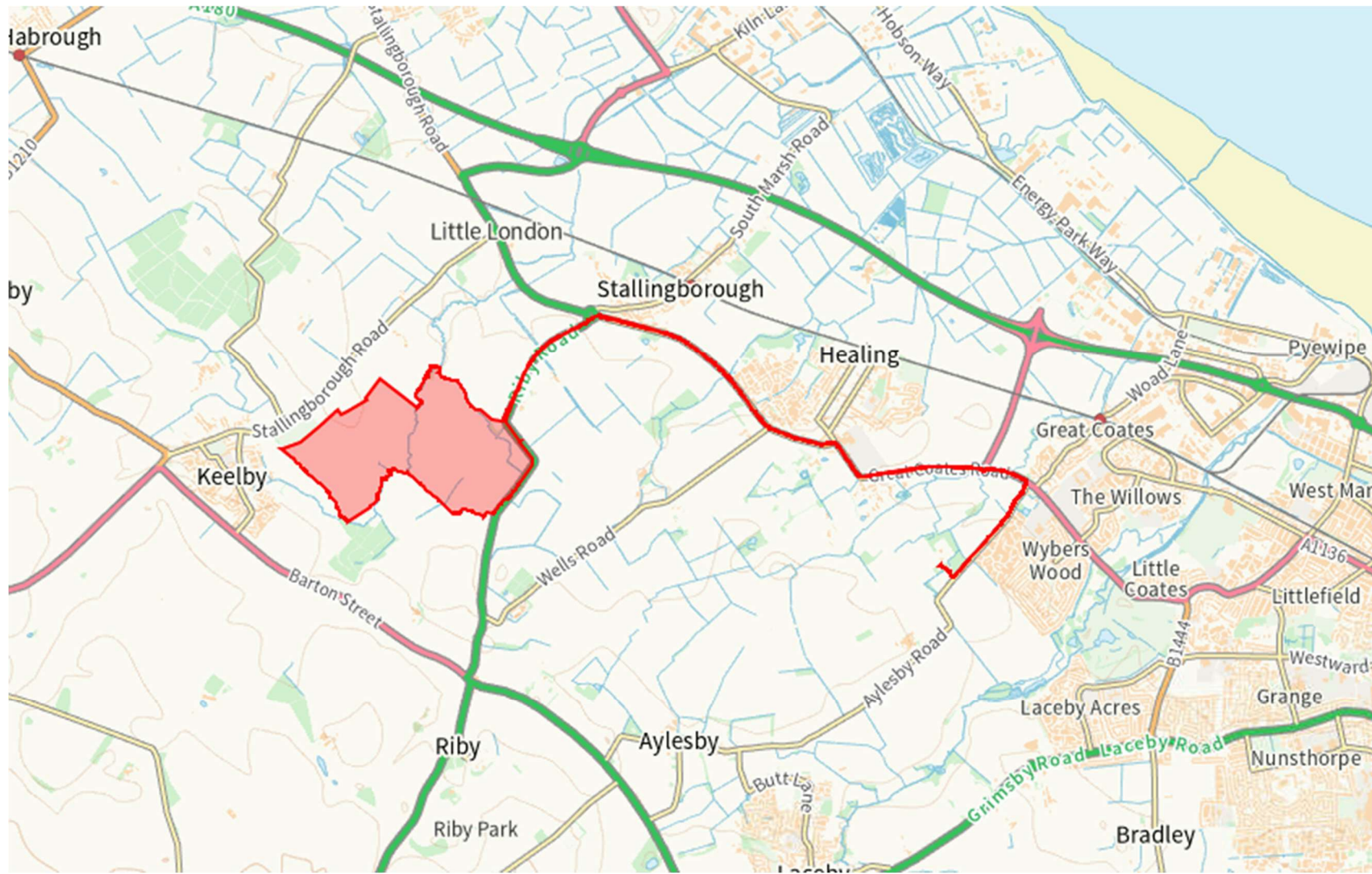
5 Informative

The applicant is advised to review and consider the advice provided by the Environment Agency in the consultation response dated 20th November 2025.

6 Informative

The applicant's attention is drawn to the comments of the Drainage Board and the need for easement consent from them.

DM/0455/25/FUL – LAND AT RIBY ROAD, STALLINGBOROUGH



PLANNING COMMITTEE - 22nd April 2026

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

APPLICATION No: DM/0806/24/FUL

APPLICATION TYPE: Full Application

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

PROPOSAL: Erection of two pairs of two storey semi-detached dwellings totalling four units to include associated tree works, hardstanding and landscaping (Amended plans received 13th March 2026 including revisions and claimed public right of way)

APPLICANT:

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

DEPOSITED: 18th September 2024

AGENT:

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

ACCEPTED: 1st October 2024

TARGET DATE: 26th November 2024

PUBLICITY EXPIRY: 12th April 2026

AGREED EXTENSION OF TIME DATE: 28th January 2026

CONSULTATION EXPIRY: 28th October 2024

CASE OFFICER: Lauren Birkwood

PROPOSAL

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

This application was brought to the attention of the Planning Committee due to the number of public objections received. On the 23rd April 2025, the Planning Committee deferred the application to allow further investigation into whether or not the land is

classed as a Public Right of Way and whether or not the land was open space or suitable for use as a play area.

Following this the application was brought to the Planning Committee on the 9th July 2025 and was deferred to allow for the Definitive Map Order application to be determined.

In response, further investigation into the relevant legal matters, land planning use, history and Council asset management has taken place. Furthermore, the scheme has been amended to include a "Claimed Public Right of Way".

SITE

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

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

RELEVANT PLANNING HISTORY

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

Outline application for residential development.

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

28045 - Land at Willows Estate

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

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2025)

NPPF2 - Achieving sustainable development

NPPF11 - Making effective use of land

NPPF4 - Decision-making

NPPF5 - Delivering a sufficient supply of homes
NPPF8 - Promoting healthy and safe communities
NPPF12 - Achieving well designed places
NPPF14 - Climate, flooding & coastal change
NPPF15 - Conserv. & enhance the natural environ.

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

PO2 - The housing requirement
PO3 - Settlement hierarchy
PO4 - Distribution of housing growth
PO5 - Development boundaries
PO15 - Housing mix
PO17 - Housing density
PO22 - Good design in new developments
PO32 - Energy and low carbon living
PO33 - Flood risk
PO34 - Water management
PO38 - Parking
PO41 - Biodiversity and Geodiversity
PO42 - Landscape
PO43 - Green space and recreation

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

REPRESENTATIONS RECEIVED

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

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

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

Trees and Woodlands - Further to amended plans showing the replacement tree and

clarification on distances of the proposal to the existing western hedgerow, no objections subject to conditions.

North East Lindsey Drainage Board - No comments.

Ecology - Following discussions, the Ecology Officer confirms that Biodiversity Net Gain is required. Recommendations provided for ecological enhancement to be secured by planning condition. Details provided and agreed, with a condition for implementation.
Heritage - No heritage input required.

Heritage Officer - No comments.

Right of Way Officer - No objections.

Crime Reduction Officer - No objections. Informative recommended.

Additional Representations:

Grimsby Cleethorpes & District Civic Society - Objects as support the continued use of this area as a playground/recreational area for local families.

Neighbour Representations:

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

- 52 Glenfield Road
- 13 Glenfield Road
- 10 Ashby Close
- 3 Ashby Close
- 50 Westerdale Way
- 48 Glenfield Road
- 50 Glenfield Road
- 46 Glenfield Road
- 7 Ashby Close
- 9 Ashby Close
- 66 Greyfriars
- 17 Glenfield Road
- 96 Timberley Drive
- 37 Eskdale Way
- 8 Ashby Close
- 9 Glenfield Road
- 4 Ashby Close
- 5 Ashby Close
- 20 Meadowbank

- 30 Cherry Tree Crescent
- 5 Larmour Road
- 8 Larmour Road
- 19 Glenfield Road
- 12 Anderby Drive
- 23 Wentworth Road
- 26 Melrose Way
- 2C Collingwood Crescent
- 8 Church View
- 20 Glenfield Road
- 8 Crosland Road

Broadly on the following grounds:

- Impacts of construction, in terms of increased traffic, impact to safety, noise, pollution and disruption to amenity.
- Impacts on residents' health.
- Overdevelopment of the site.
- Increased traffic, safety and parking concerns.
- Loss of a play area.
- Impacts to pedestrian safety, in particular school children.
- Impacts in terms of character and visual design.
- Ecological and environmental impacts.
- Introduction of double yellow lines.
- Lack of housing need.
- Loss of green/open space.
- Impacts on amenity from the houses in terms of noise, privacy and loss of light.
- Impacts to a public right of way.

APPRAISAL

The material planning considerations are:

- Principle of Development - Including Matters Following Deferral
- Access, Traffic Generation and Parking
- Visual Design and Impact on the Character of the Area
- Impact on Neighbours and Future Occupiers
- Trees, Ecology and Biodiversity Net Gain
- Drainage and Water Management
- Contamination

Principle of Development - Including Matters Following Deferral

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

The dwellings would all be market housing and would contain 4 beds each.

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

As noted, the planning application was deferred at Planning Committee on the 23rd April 2025 to allow further investigation into whether or not the land is classed as a Public Right of Way and whether or not the land is open space or suitable for use as a play area. The application was deferred at the Planning Committee again on the 9th July 2025 to allow for the Definitive Map Order application to be determined.

It was identified by the Council's Estates Team that the land was held as public open space and the intention to dispose of the land was advertised by public notice in accordance with the Local Government Act 1972 Section 123 (2A) in April and May 2023. No objections were received to the Council's intention to dispose during this statutory consultation period. This followed on from a Cabinet decision in March 2023 where Cabinet approved in principle the disposal of property and land assets including the land in question. It is also acknowledged that historic planning application 28045 includes a previously approved plan which shows the site as a play area. It should be noted that there was no specific planning condition requiring this to be retained as a play area in planning land use terms however and it is not a formal play area now.

Having regard to the above, it is therefore acknowledged that there may have been aspiration for this area to be used as a play space when the site was first approved, though this has never materialised in implementation, retention through planning condition or through a formal planning land use allocation. Furthermore, it is noted that Policy 43 of the Local Plan seeks to safeguard against any loss of public or private green spaces, sport and recreation and equipped play facilities in recognition of their importance to the health and well-being of residents and visitors to the Borough. The green spaces, sport and recreation and equipped play facilities that are safeguarded under this Policy are identified on the Policies Map together with playing fields which form part of identified education areas, cemeteries, and allotments. This site is however unallocated land, and not one formally designated as either play space or green space. As such, both legally and in planning land use terms, it is not considered that the land has formal protection.

Turning to the issue of the footpath and the Public Rights of Way (PROW) consideration a formal application for a Definitive Map Modification Order (DMMO) has been submitted. This application is being considered by the Council. As a result the planning application has been amended to include the "Claimed Public Right of Way" to alleviate concerns

raised. A site notice was displayed on site in accordance with Article 15(2) of the Town and Country Planning (Development Management Procedure) Order 2015.

The design of the "Claimed Public Right of Way" has been discussed at length with the Crime Reduction Officer and Councils Rights Of Way Officer to ensure that the safety of pedestrians using the footway is taken into account. This includes a width of 3 metres and that there are some first floor side windows of the properties overlooking the right of way to provide natural surveillance. These are landing windows. Moreover appropriate boundary treatments can ensure an appropriate relationship between the development and the proposed footpath. Conditions are recommended. The Crime Reduction Officer has reviewed the information provided, and notes the layout is as acceptable as it can be having regard to the nature of the site.

Policy 40 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) states that proposals that would result in the loss or reduction in quality or existing public rights of way (PROWs) will not be permitted unless acceptable equivalent alternative provision is made. In this instance, a footway has been introduced to the development to provide a throughway for pedestrians from Glenfield Road to Ashby Close. The proposal therefore accords with Policy 40 in this regard.

Taking the above into account, in principle the erection of 4 dwellings at this location is considered acceptable. It then falls to consider the site-specifics.

Access, Traffic Generation and Parking

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

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

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

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

In response, the Local Highway Authority have reviewed the application and recommend that the development is acceptable subject to conditions being in place. Due to the existing issues of parent's parking in the turning head during school collection and drop-off, a TRO at Glenfield Road is recommended to ensure that the existing turning head is not blocked. The new development has the potential to cause highway safety impacts as a result of cars being parked in the turning head which would be exacerbated at Glenfield Road by the fact that parents do park in these areas when picking up their children. It is noted that the TRO process is separate to the planning application process, though this application can recommend that a TRO be entered into because of the highway safety and amenity implications presented by the application in relation to Glenfield Road. The Local Highway Authority have confirmed that a TRO at Ashby Close is not needed.

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

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

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

application.

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

Visual Design and Impact on the Character of the Area

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

As noted, the application has been amended to include a "Claimed Right of Way" to the side of the development. In turn, the layout of the development has been marginally amended to provide adequate space for the footway. This includes the removal of garages to the side of Plots 1 and 3, and moving the dwellings within the site by approximately 0.3 metres. Nevertheless, the overall design of the dwellings remain.

The form and scale of the dwellings is typical of the area character and overall density. The frontages of each of the dwellings include visual features that are existing within the current street scene and the application includes a street-scene plan which illustrates the dwellings in this context. It is acknowledged that some of the objections received by the public refer to the visual design as being inconsistent with the area character. The proposed dwellings include the use of contemporary materials and finishes which would create this contrast. Though it remains that the scale and form, including the window sizes and positions for example, resemble those of the existing neighbouring properties. There are examples of the use of render in the immediate area.

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

Impact on Neighbours and Future Occupiers

The proposed development is located within an established residential area. The site is bounded by residential properties to the north, north-east, south and south-east, whilst to the west is the playing pitch for the John Whitgift Academy. Policy 5 of the NELLP allows for an assessment of development and their impact upon neighbouring land uses by reason of noise, air quality, disturbance or visual intrusion. This includes impacts to neighbours of massing, dominance and overlooking from new buildings.

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

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

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

The properties themselves are closer to one another than neighbouring examples at Glenfield Road and Ashby Close. Overdevelopment has been raised as an issue in the representations received. Whilst these maybe closer, it is not considered that the density is such that it would result in an overdevelopment of the site. The layout responds to the site constraints. It is considered that such an arrangement would not present undue impacts to the future amenity of occupiers. It is noted however, that permitted development can be extensive and given the layout of the site, it is recommended that permitted development rights are removed both in the interests of future amenity but also the amenity of neighbours. It is confirmed that each new property would have their own private garden, parking and bin storage areas as would be expected in a residential

setting.

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

Trees, Ecology and Biodiversity Net Gain

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

The Ecology Officer has recommended ecological mitigation enhancements be secured which the applicant has addressed. As such with the relevant landscaping and ecology conditions securing these details the development is acceptable in accordance with Policies 5, 41 and 42.

The Ecology Officer has also confirmed that the development requires Biodiversity Net Gain. A metric and updated landscaping plan has been provided and it is anticipated that the Biodiversity Net Gain condition can be applied on this basis.

Drainage and Water Management

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

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

Contamination

The Environmental Health Officer has confirmed that a contaminated land survey is not required. The standard land quality condition is recommended however in the event that unexpected contamination is found as a result of development, in accordance with Policy 5 of the NELLP.

CONCLUSION

On the 9th July 2025, the Planning Committee deferred the application to allow for the Definitive Map Order application to be considered. The application has been amended to include the "Claimed Right of Way" to the side of the proposed properties to respond to this matter.

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

Further investigation has been carried out in relation to the legal, asset management and land use planning consideration as above and the application is acceptable in this regard. It is therefore recommended for approval with conditions.

RECOMMENDATION

Approved with Conditions

(1) Condition

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

Reason

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

(2) Condition

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

Site Location Plan - PL(A)001

Proposed Block Plan - PL(A)050J

Proposed Site Plan - PL(A)051J

Proposed Drainage Plan - PL(A)055J

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

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

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

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

Proposed Street Elevations - PL(A)260J

Proposed Landscaping Plan - PL(A)060J

Reason

For the avoidance of doubt in the interests of proper planning and in accordance with Policies 5, 12, 17, 22, 33, 34, 38, 41 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(3) Condition

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

Reason

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

(4) Condition

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

Reason

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

(5) Condition

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

Reason

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

(6) Condition

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

dwelling.

Reason

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

(7) Condition

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

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

Reason

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

(8) Condition

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

Reason

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

(9) Condition

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

Reason

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

(10) Condition

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

- PL(A)051J
- PL (A)250E
- PL(A)252E

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

Reason

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

(11) Condition

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

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

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

Reason

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

(12) Condition

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

Reason

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

(13) Condition

The development shall be constructed in accordance with the details identified in drawing nos. PL(A)051J and PL(A)150D in relation to works in proximity to the tree along the western boundary which shall be retained for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason

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

(14) Condition

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

Reason

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

(15) Condition

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

Reason

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

(16) Condition

Before any dwelling is occupied final details on all boundary treatments and lighting of the public footpath shall be submitted to and agreed in writing by the Local Planning Authority. The lighting and boundaries shall be installed in accordance with the details agreed prior to the occupation of any dwelling (or phasing as agreed in writing with the Local Planning Authority) and the boundaries and lighting shall thereafter be so retained unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of crime reduction and to retain residential amenity and privacy in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted

2018).

(17) Condition

Development shall not begin until details showing the location, layout, design and method of construction of any new or altered vehicular access, parking and manoeuvring space, including any necessary piping or culverting of any ditch or watercourse, have been submitted to and approved in writing by the Local Planning Authority, and before any part of the development is brought into use the vehicular access, parking and manoeuvring space serving it shall be constructed in accordance with those approved details and shall thereafter be so retained. The turning head within the site at Glenfield Road shall not be used for any other purpose.

Reason

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

(18) Condition

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

Reason

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

(19) Condition

Prior to any construction commencing, a Landscape Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the approved scheme shall be adhered to at all times during the course of construction. All maintenance shall be undertaken in accordance with the approved scheme.

Reason

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

(20) Biodiversity Net Gain

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4.5 Self and Custom Build Development, meaning development which:

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

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

Irreplaceable habitat

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

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

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

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

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

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

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

Informatives

1 Reason for Approval

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

character or residential amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular Policies 2, 3, 4, 5, 17, 22, 33, 34, 40, 41 and 42.

2 Added Value Statement

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

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

3 Informative

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

4 Informative

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

5 Informative

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

6 Informative

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

7 Informative

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

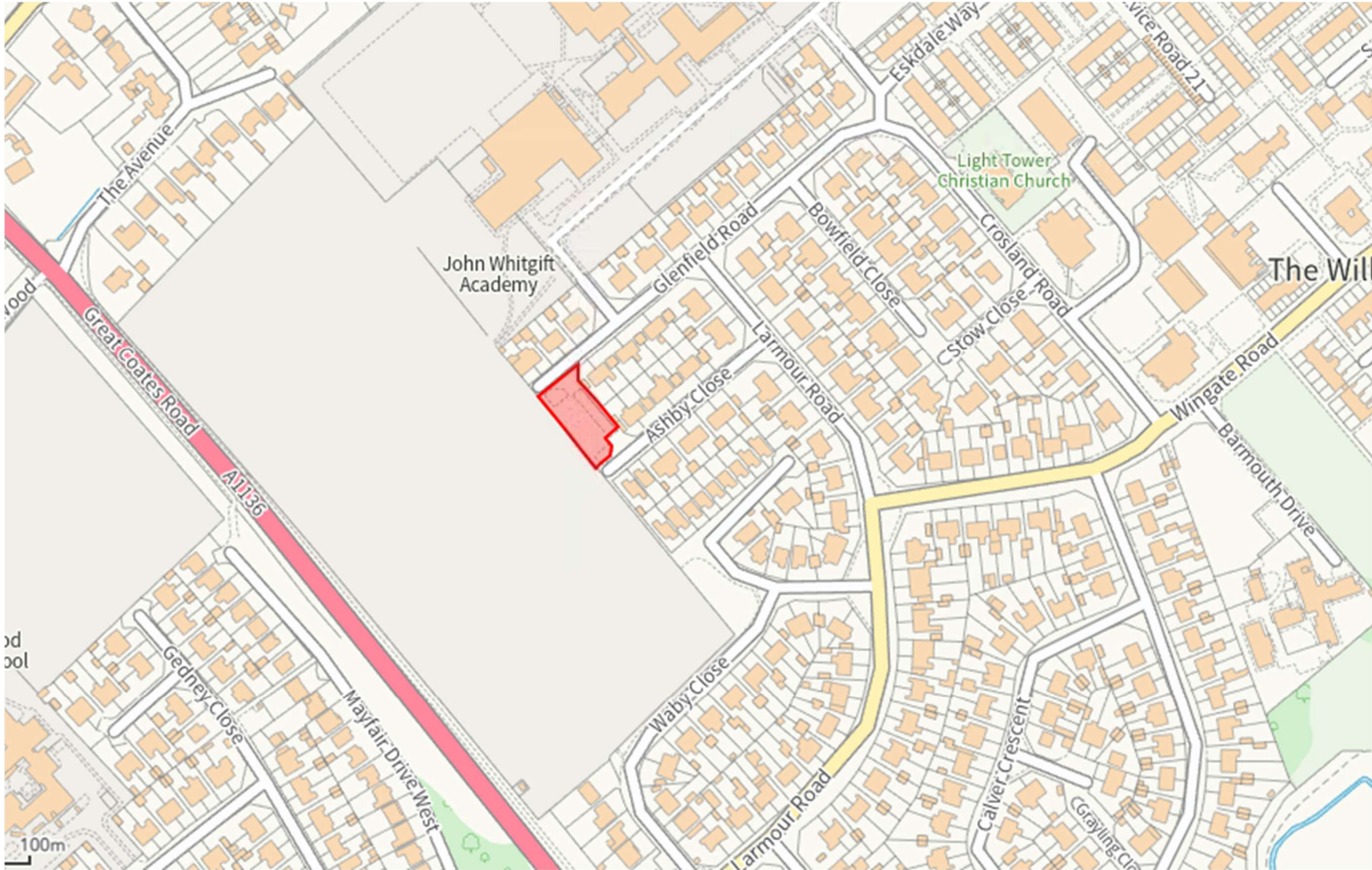
8 Informative

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

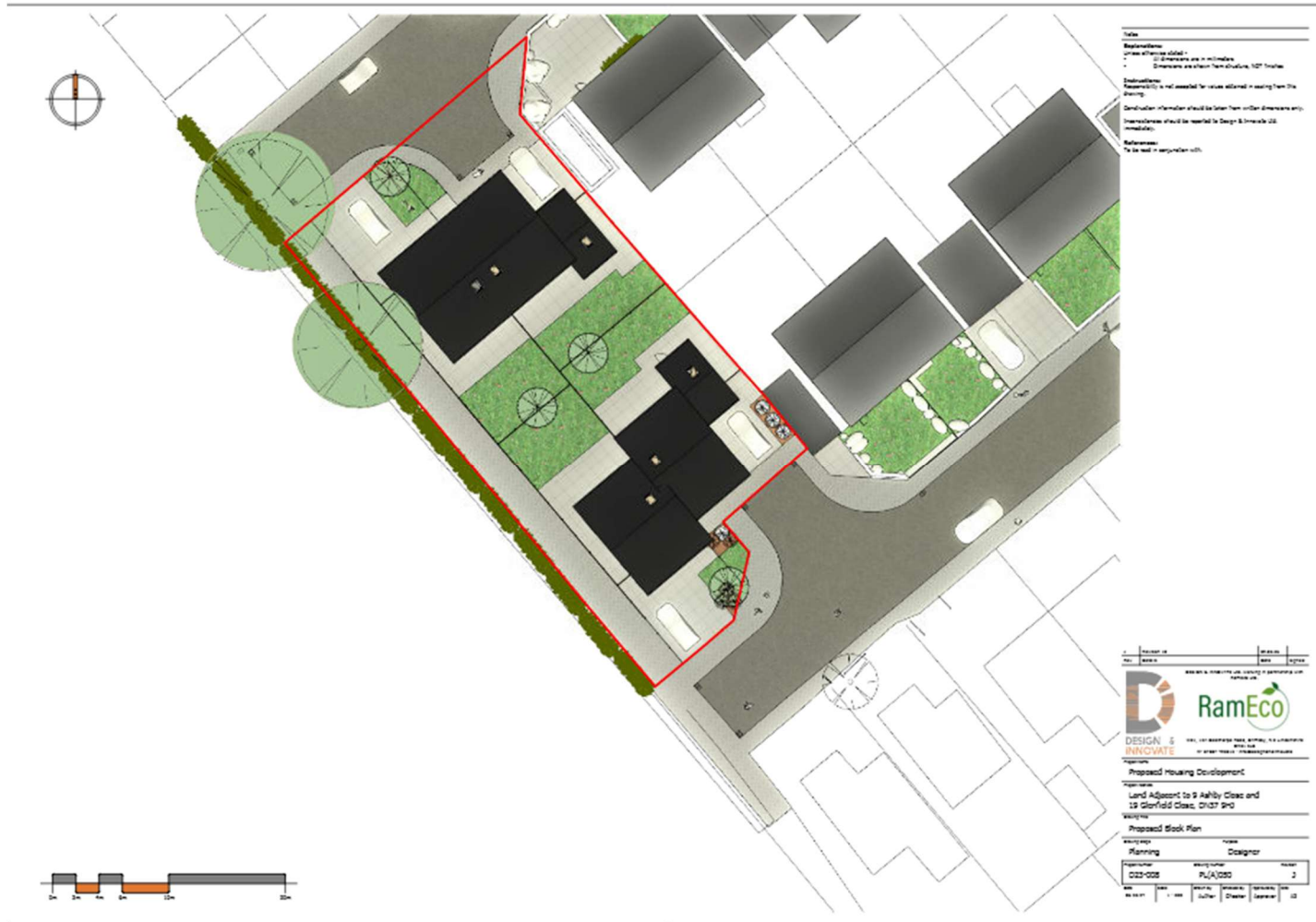
9 Informative

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

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



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



PLANNING COMMITTEE - 22nd April 2026

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

APPLICATION No: DM/0631/25/FUL

APPLICATION TYPE: Full Application

**APPLICATION SITE: Torq Garage , Scartho Road, Grimsby, North East
Lincolnshire, DN33 2BG**

PROPOSAL: Demolish existing car wash, erect single storey extension to side of existing store with various associated works. Hours of operation remain 07:00 -23:00 each day (Amended description, site plan and updated noise impact assessment).

APPLICANT:
Motor Fuel Limited
C/O Agent

AGENT:
Jackie Ford
JMS Planning and Development Ltd
Build Studios
203 Westminster Bridge Road
Lambeth
London
SE1 7FR

DEPOSITED: 21st July 2025

ACCEPTED: 31st July 2025

TARGET DATE: 25th September 2025

PUBLICITY EXPIRY: 21st March 2026

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 24th August 2025

CASE OFFICER: Jonathan Cadd

PROPOSAL

This application now seeks permission to erect an extension to the west of the existing sales kiosk to form a new bakery unit (Greggs). The extent of the proposal has been amended since first submission with the proposals to extend the jet wash facilities subsequently being removed from the scheme following the raising of concerns.

The erection of the bakery would require the demolition of the existing car wash. Areas of the former car wash not required for the bakery would be turned into landscaping. The

extension to the existing kiosk would project westwards into the entrance to the car wash and would have an area of approximately 77m² and a flat roof. The structure would be 6 metres wide and 12 metres deep with a flat roof some 3.3m in height. This would provide a separate shop unit to house a bakery. A separate customer access would be formed to the southern elevation of the unit with full length glazed display windows to match the existing unit. The structure would be finished in materials to match the existing. The extract system would be internal venting out within the north eastern corner of the unit, along with the air conditioning units.

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

SITE

The application site is the existing Jet filling station at Scartho Road close to its junction with Sutcliffe Avenue.

The site comprises a petrol wet fill area with overall illuminated canopy, payment kiosk, including Londis store, associated car wash, separate jet wash facility and associated air and water facilities. Vehicle access from Scartho Road is to the south east whilst the exit is possible to the north east. The site frontage is dominated by the filling station canopy, payment kiosk/shop, car wash and signage. The wet fill pump area can serve 8 vehicles at a time. In addition, there is a jet wash facility to the rear of the site along with air and water top up facilities. Also to the rear of the site is the petrol and diesel tank replenishment area and two car parking spaces. The entry to the car wash is also to the rear of the site. The site is bounded to the west by a 1.8m high wall along with a poly carbonate 5m high jet wash enclosure. Flood lights on 4m high columns are located around the site.

Scartho Road at this point is a multi-lane carriage way which leads to the signalised junction with Sutcliffe Avenue. It is also a pedestrian crossing linking with Barretts Recreation Ground and sports pitches and the footpath to Wintringham Oasis Academy to the east. To the south east of the site are residential properties opposite across Scartho Road which face the site. To the south and west are further residential properties, in close proximity to the filling station (St Martin's Crescent and 74 Scartho Road - which has its access through the filling station forecourt). To the north across Sutcliffe Avenue is Saint Martin's Church a grade 2 listed building which is within the Wellow Conservation Area. The site itself does not form part of the Conservation Area, however.

RELEVANT PLANNING HISTORY

The site has an extensive history as use as a service station. Of particular relevance:

DM/1014/24/FUL Variation of condition 8 (hours of Operation) as granted on P41919 to allow for extension to the opening hours to operate between 06:00 and 00:00 Mondays to Sundays. Withdrawn.

DC/360/11/PAR Variation of Condition 8 attached to planning permission P41919 to increase the permitted hours from 7:00 - 23:00 to 6:00 - 23:00. Refused 2011.

DC/770/09/PAR Installation of an ATM with bollards. Approved 2009.

P45974 Alterations to existing lance wash to form additional bay. Refused 1996.

42510(a) Amended plans for single floodlight. Approved 1990. Conditioned - No use between 11pm and 7 am.

42510 Erection of 3 Floodlights Approved 1990. Conditioned - No use between 11pm and 7 am.

P41919A Re-development of service station. Approved 1990.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2025)

- NPPF2 - Achieving sustainable development
- NPPF7 - Ensuring the vitality of town centres
- NPPF8 - Promoting healthy and safe communities
- 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)

- PO41 - Biodiversity and Geodiversity
- PO3 - Settlement hierarchy
- PO5 - Development boundaries
- PO22 - Good design in new developments
- PO23 - Retail hierarchy and town centre develop
- PO33 - Flood risk
- PO34 - Water management
- PO39 - Conserve and enhance historic environ

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

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

REPRESENTATIONS RECEIVED

All comments in summary.

Environmental Protection: Originally raised concerns following several investigations regarding noise and light nuisance complaints over the current operation. Following the removal of proposals to extend the hours of use and an additional jet wash pod the Environmental Protection team have now indicated that they are content that the bakery could operate within the current hours of site operation without undue impact on neighbours amenities. Stringent conditions re the units operation (hours of operation and preparation, deliveries and extract and air conditioning) would be required, however. Following specific concerns raised from neighbours it is nonetheless indicated that the submitted noise assessment is considered fit for purpose.

Northern Power Grid: Provide details and location of electrical connections and request safety advice notes be placed on any approval notice.

Highways: The removal of the additional spray booth proposed originally would retain two car parking spaces aiding on site parking capacity. As linked trips would make up the majority of visits to site (i.e. trips which would already take place) the 8 additional two-ways movements anticipated at peak periods would not impact significantly on the capacity of the highway. Similarly, the access and exit from/to the highway is considered to be safe for the additional traffic anticipated maintaining highway safety. The potential increase in dwell times are noted but this would not lead to unacceptable queuing and would not impact traffic movements on Scartho Road. Pedestrian traffic using the site, and specifically children from the school are noted as having potential to increase, but this would not detract from highway safety, in this instance, as the desire routes would remain as they are now. A Construction Traffic Management Plan should be conditioned as part of any approval to ensure that highway safety is not compromised during construction.

Trees and Woodlands: No comment.

Ecology Officer: The development would not impact on a priority habitat and impacts less than 25 sq. metres (and less than 5m of linear habitat) of on site habitat. As such the scheme is exempt from BNG requirements. Requires details of landscaping, however. Advice is provided re-nesting birds.

Heritage Officer: No heritage input required.

Drainage: Note that additional landscaping proposed which would reduce the amount of hard surfacing on site but seek a sustainable drainage solution for the bakery. Recommend drainage condition.

Site and Public Notice and Neighbours:

Objection: 85 Scartho Road 2, 3 (x3) & 4 St Martins Crescent

- Welcome the removal of: i) the extra spray booth and ii) any proposal to increase the operational hours of the site.

- Continued objection re the proposed bakery due to:

i) Concerns over the accuracy of the noise report: location of assessment equipment in service station rather than at a residential property (therefore inflating background noise levels), use of delivery noise levels from a different site, no assessment of early morning activities to take account of bakery preparation (04:00 - 06:00), wrong background noise levels applied.

ii) Extended bakery which will only increase existing problems experienced at houses which are in close proximity to the filling station.

- General (on-going) concerns:

i) Noise and nuisance from motor vehicles and users (cars/scooters and motorbikes revving, doors banging, music playing and shouting), delivery vehicles idling, site preparation and maintenance, air pumps and jet wash operation along with chiller operations.

ii) Lighting at the site, which shines into rooms during hours of darkness, despite repeated attempts to work with the company. Lighting is very close to site boundaries. Lights kept on beyond opening hours.

iii) Hours of opening - site preparation and cleaning often take place outside of the agreed opening hours making the issue worse.

Sometimes, current hours are not wholly kept to particularly with respect to deliveries.

iv) Anti-social behaviour.

v) Landscaping and wall not maintained.

vi) Littering.

- Future issues:

i) Noise - the bakery would bring people into closer proximity to adjoining houses (10m from bedroom), concerns over increased noise from cars and people who would use the site more often. Such concerns would increase with air conditioning and extraction units - no account has been taken of these in the acoustic report. No account taken of bakery preparation which will bring activity, noise and odours early in a morning 04:00 - 06:00. Extraction units will operate 16+ hours a day. Increase in refrigerated delivery vehicles.

ii) Odours - from baking and cooking in close proximity to houses.

iii) Lighting - further lighting will be required and existing lighting will be on for longer increasing nuisance.

iv) Landscaping will not be maintained.

v) Hours of use - despite no increase in the hours of opening, nuisance will increase particularly earlier in morning due to the need for bakery preparation and cooking (04:00 - 06:00 for traditional bakers) on site and the delivery of goods. More chance of nuisance

late at night as the site will be more attractive to customers.
vi) Anti-social behaviour, rubbish and graffiti likely to increase.
vii) Highway safety - lack of parking on site will lead to cars parked on side of road causing issues.

Additionally:

- Consider proposals are contrary to Policy 5 of the NELLP.
- Alternative options have not been investigated.
- Bakery should be relocated to the front of the site facing Scartho Road.

APPRAISAL

Main Issues

- 1) Principle
- 2) Amenity
- 3) Highway safety and capacity
- 4) Design and character (including heritage)
- 5) Ecology and BNG

Appraisal

1) Principle

The application site is an existing petrol filling station within the development area of Grimsby, but is located outside of any designations for town, local centres or out of centre retail parks within the NELLP. The provision of additional facilities to serve customers would not be unreasonable in principle. The proposed bakery (Greggs) would be an independent unit but would, in effect, be an extension to the existing sales kiosk and Londis store to serve existing and future users of the service station, along with the wider community. Although an addition to the existing retail offer on site, the size of the additional floor space area (approximately 77m² gross) is such that the scheme would be below the 200 sq. m threshold outlined within Policy 23 of the NELLP. As such it would not require a sequential assessment of alternative sites within designated town centre areas to be undertaken nor a vitality and viability assessment to be produced. Policy 23 of the NELLP also provides guidance on hot food takeaways close to schools and health issues they generate. It is noted that the site is within close proximity to the entrance of a dedicated school footpath. Whilst this is the case, a bakery, whilst selling some hot food is not classed as a hot food take away and as such this element of Policy 23 relating to takeaways does not apply. In addition, a dedicated school path is not a school in itself. In principle therefore, the scheme, subject to other policy considerations, is deemed acceptable in accordance with Policies 5 and 23 of the NELLP.

2) Amenity

Policy 5 of the NELLP indicates that: All development proposals located within or outside of the defined boundaries will be considered with regard to suitability and sustainability,

having regard to (amongst others): D. impact upon neighbouring land uses by reason of noise, air quality, disturbance, or visual intrusion; ...

The application site is a busy service station which has capacity to accommodate up to 8 vehicles at the pumps. It also has jet spray facilities, air/vacuum facilities, a separate car wash and a Londis store incorporating the sales kiosk. Air conditioning units are located to the northern side of the kiosk with a 24hr ATM at the site. Condition 8 of planning permission P41919 restricts hours of public operation to 07:00am until 11:00pm each day with the stated reason being in the interests of residential amenity. This is linked to the proximity of houses adjoining the site. To the west, dwellings at 3 and 4 St Martin's Close sit approximately 4 - 6m from the boundary wall and both contain windows to habitable rooms within their rear elevations facing the site. This includes bedrooms and extended dining and kitchen areas. No's 1 and 2 are set further back with a small substation in between one of the properties. 74 Scartho Road, to the south, is only separated from the site boundary by its own footpath to the rear garden (less than 2m).

Occupants of properties at 2, 3 and 4 St Martin's Crescent and indeed 85 Scartho Road object to the application on the grounds of noise and disturbance. They cite existing problems and nuisance arising from the filling station, including from the jet wash and day to day activity such as engine noise, people talking which are exacerbated late at night and early in the morning. The concerns expressed are that the additional development sought would exacerbate these existing issues due to their nature and proximity to the proposed works to adjoining residential properties and dwellings (particularly St Martin's Crescent).

The applicant has sought to address these concerns in a number of ways. Firstly, an additional jet wash facility which had been proposed originally has been removed from the proposal and secondly, the opening hours has been restricted to those currently permitted. Thirdly, it must be noted that the car wash currently operates at the site and its demolition to make way for the bakery would assist to reduce nuisance.

The bakery unit would be added to the west of the existing site kiosk/Londis shop. It would have its own pedestrian access and have a floor area of approximately 77 m² (21m² net public area). The building, at its closest point, would be 5m from the garden boundary wall with no. 2 St Martin's Crescent and 13.5m from the rear elevation of no. 3. Whilst road noise from Scartho Road assists to mask activity at the site, the current operation still generates noise complaints from neighbours in relation to comings and goings of customers, particularly earlier in the morning and later at night when traffic noise is lower. The nature of a Greggs bakery, as is noted in one of the documents submitted, is that this is likely to attract not just drivers but also locals from the surrounding area, generating potential noise and nuisance. The applicant has provided a noise assessment, and this indicates that the levels of increased noise, in particular due to the operation of extraction equipment and delivery vehicles is such that it would not have a significant detrimental impact on the amenity of neighbours. The position of the bakery closer to the adjoining properties, and its nature, will increase activity and therefore the potential for noise and nuisance at the adjoining properties. Further details

of the extract equipment have been provided, and this shows that the extract equipment would be internal to the building except for the extract which would be to the north eastern corner of the new building away from residential properties. Air conditioning units would also be located in this area behind the extension. This would assist to limit concerns over noise and odours. Noise assessments undertaken have assessed the potential for noise from the extract equipment despite concerns raised by objectors. The nature of the Greggs operation is that cooking is done within ovens reducing odour. This together with the position of the extract equipment away from neighbouring properties is such that no objections has been raised by the Environmental Protection team over this issue.

As noted above, the site is presently controlled through a condition limiting hours of operation. The condition states that the site should not be open to the public between 23:00 to 07:00 the following morning. Despite this, it is noted that the site is currently advertised to operate from 07:00 to 22:30 closing slightly earlier than that conditioned. Despite this in the morning, neighbours advise, that staff typically arrive at least half an hour before opening in order to set up the site (turning lighting on, putting newspapers out, sand buckets and collecting deliveries). Such activities are not deemed unreasonable and remain within the spirit of the controlling condition, but it is accepted that some residents could still be in bed at this time. The current application now seeks to maintain approved hours of operation. The applicant has confirmed that staff would start to prepare food around half an hour before opening. This would mirror that of the current operation at the site limiting further impacts on neighbours. Unlike the current operation, staff would not be required to undertake significant forecourt preparation assisting to limit concerns. The applicant has also agreed to limit servicing of the Greggs store to 07:00 - 21:00 Monday to Friday 08:00 - 13:00 on Saturday and not at all on Sundays or Bank Holidays. This would assist to limit additional noise and nuisance albeit it must be noted that the servicing of the main filling station would not alter.

Lighting remains a big concern for objectors but the main lights at the site would operate in conjunction with the filling station, whilst any internal lighting proposed for the bakery being operated at similar times to that of the main sales kiosk/shop. This would limit impacts on neighbours. Any illuminated adverts or fascia signs proposed for the bakery would be the subject of a separate advertisement application.

The Environmental Protection team have considered the noise assessments submitted and have taken note of the various records of noise and nuisance complaints about the site over an extended period, including more recently. The site has been visited in recent times by officers as have the adjoining properties. Having considered all the information received, including criticisms of the noise assessment submitted, the removal of the additional jet wash originally proposed and the maintenance of the current hours of operation in addition to the removal of the car wash, it is considered that the scheme would not lead to unreasonable impacts on residential amenity. Such a position, however, is only tenable if strict conditions are imposed on the extended bakery operation with respect to hours of use, preparation, servicing, air conditioning, and extract equipment.

It is noted that suggestions to relocate the bakery to the front of the site are proposed by objectors. Whilst noting that this may reduce some of the nuisance concerns, it is considered that this would increase the use of the site, making it a destination in itself rather than one linked to an existing trip and the position would lead to an increase in littering of children close to a busy junction and distraction of drivers. As such this alternative has not been progressed.

As such and taken together all these aspects indicate, with the noise assessment presented, the scheme would not have a detrimental impact on residential amenities and thus complies with Policy 5 of the NELLP.

3) Highway safety and capacity

The existing operation at the site would continue and any reduction in traffic as a result of the loss of the car wash would be more than offset by the increase in predicted activity generated by the bakery. It is accepted that many of the visits to use the new facility would be linked trips that already use the highway network so that only an additional 8 two-way movements would occur at the site in peak hours. Such a change is unlikely to impact the capacity of the highway. Similarly, despite the busy and complex nature of the highway at this point, including signalised junction, pedestrian crossing (to Wintringham Oasis Academy) and the access and exit to the filling station, the accident data indicates this area operates acceptably in terms of safety. As no physical changes to the access and exit to the filling station are proposed, it is not deemed that the proposed development would impact on the safe access and exit to/from the site. Similarly, whilst dwell time at pumps may increase whilst customers obtain food and drinks as well as fuel from the adjoining outlets, the forecourt is quite large and is deemed adequate to accommodate a number of queuing vehicles limiting the potential impact on highway safety.

It is noted that the filling station is located close to the pedestrian crossing and entrance to the Wintringham School footpath. As such the creation of a bakery at the site may lead to increased numbers of children utilising the site to obtain food. It is noted that the Londis store at the site is already used for this type of pedestrian activity and requires children to use the footpath before entering the garage forecourt. Within the forecourt there is a small raised paved area in front of the kiosk. Whilst not ideal the highway authority has not objected to this arrangement as cars at this point are travelling in a single direction and are very slow as they move around the forecourt. It is also noted that with the loss of the car wash facility this would also remove a further conflicting vehicle movement with any pedestrians entering or leaving the site from Scartho Road.

As such subject to a Construction Traffic Management Plan condition, to control activities which may impact on the highway, it is considered that the proposal would accord with Policies 5 and 38 of the NELLP.

4) Design and character (including heritage)

The proposed structure is set back from public vantage points and where seen would be viewed in the context of the filling station with its large, illuminated canopy. This includes

to the north as the rear elevation would be screened by mature landscaping located on the public land. Equally the extension is a modest single storey structure which is to be constructed in brick to match the existing and would not appear out of keeping with the area. In addition, further 1.8 m high fencing is proposed for part of the site, and an additional area of landscaping is proposed to be planted to assist in screening, at least in part, to the rear of the bakery.

It is noted that the Wellow Conservation Area is located opposite the site across Sutcliffe Avenue as is the Church of St Martin which is a Grade II listed building. Whilst noting the proximity of the proposed structure to these heritage assets, the single storey nature of the extension and its position within the context of the existing commercial filling station would ensure the setting of both the listed church and conservation area would be maintained, which the additional landscaping would assist to enhance the site when seen in the context of the designated heritage assets. The Council's Heritage Officer has also not sought any comments on the scheme. As such it is considered that the scheme would accord with Policies 5, 22 and 39 of the NELLP.

5) Ecology and BNG

The site is not located within a Priority Habitat, and the scheme would impact on less than 25m² and/or 5m of linear on-site habitat and as such would be exempt from Biodiversity Net Gain (BNG).

The site, however, would generate additional landscaping opportunities to the north of the site and details of this landscaping should be provided to enhance the appearance and character of the site but also the ecological potential. Conditions are therefore recommended to control these details. It is noted that the scheme has not been objected to by either the Ecology nor the Trees and Woodlands Officers albeit informatives are recommended to ensure that any existing landscaping removed from the site as part of any enhanced landscaping scheme is done so without harm to birds and wildlife in accordance with the Wildlife and Countryside Act 1981 (as amended).

CONCLUSION

The constrained nature of this site due to the proximity of adjoining houses is noted, as are on going concerns of residents. The demolition of the car wash and scale of the single storey bakery to be erected is such that it would not have an unacceptable physical impact on the surrounding area. In addition to this, subject to specific conditions it is considered that the bakery could operate without unreasonable impact on neighbours amenities despite its close proximity to boundaries. Conditions should include hours of operation, preparation, deliveries and extract /air conditioning. The nature of the existing and proposed uses, site conditions and the prevalence of anticipated linked trips is such that highway capacity and safety at the site would be maintained, whilst pedestrian safety would not be unreasonably impacted upon. Finally, the impact of the proposal on drainage, landscaping, ecology, the character of the area and heritage significance would not be unreasonable due to the scale of the proposal and the imposition of relevant conditions. As such it is recommended that the scheme, subject to conditions would

accord with Policies: 5, 22, 23, 33, 34, 38, 39 and 41 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

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. Approved plan/ reports include:

2288-1 - Site Location Plan

2288-6-Rev F - Proposed Site Layout Plan

2288-8-Rev F - Proposed Site Elevations

2288-9-Rev F - Building Plan and Elevations

A287AD.004 - Noise Impact Assessment by Infinity Acoustics

TS.2/6291/MT - Transport Statement by Bellamy Roberts

Greggs Main Extract Specification (Issue 1 2017)

Heritage Assessment by Historic Buildings Consultants

Reason

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

(3) Condition

No development hereby approved shall commence until a scheme for the provision of sustainable surface water drainage for the bakery and former car wash area has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall be implemented before the bakery is first brought into use and retained thereafter.

Reason

To prevent an increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and in accordance with Policies 5 and 34 of the North East

Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

(4) Condition

No development shall commence until:

- (a) a scheme of landscaping showing the details of the number, species, sizes and planting positions of all trees and shrubs to be planted;
- (b) a plan including details of all trees to be retained, any to be felled, hedgerows to be retained, any sections of hedgerow or trees to be removed;
- (c) measures for the protection of trees and hedges during construction work have been submitted to and approved in writing by the Local Planning Authority.

The scheme of landscaping and tree planting approved by the Local Planning Authority shall be completed within a period of 12 months, beginning with the date on which development began or within such longer period as may be first agreed in writing by the Local Planning Authority. All planting shall be adequately maintained for 5 years, beginning with the date of completion of the scheme and during that period all losses shall be replaced during the next planting season.

Reason

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

(5) Condition

External materials to be used in the construction of the development shall match the existing buildings, in colour and texture, as specified on the approved plan.

Reason

To ensure the development has an acceptable external appearance and is in keeping with the visual amenity and character of the area and maintains the significance of heritage assets within the area in accordance with Policies: 5, 22 and 39 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

(6) Condition:

Within 2 months of the plant and extraction system becoming operational at the bakery, an independent BS4142 verification survey must be submitted to and approved in writing the Local Planning Authority. The survey:

- Must be undertaken during the 06:30 - 07:00 period, as this is the Noise Impact Assessment's critical window.
- Must measure LA90, LAeq and LAmax at the nearest Noise Sensitive Receptors.
- Must confirm the rating levels against those predicted in the submitted Noise Impact Assessment.

Should the BS4142 verification survey show rating levels above those predicted within the Noise Impact Assessment, operations at the bakery shall cease between 06:30 and 07:00 each morning until a noise mitigation scheme and a scheme for implementation has been submitted to and approved in writing by the Local Planning Authority and the approved mitigation scheme has been implemented in full with a further verification report to confirm this in accordance with the approved timescales.

Reason

To ensure the modelled predictions (e.g., plant rating level 37 dB vs. 48 dB background) reflect real world performance and to maintain residential amenity in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

(7) Condition:

No plant, mechanical equipment, or extract system related to the bakery shall operate:

- before 06:30 in morning and after 22:00 at night - Monday to Saturday
- before 08:30 in morning and after 20:00 at night - Sundays and Bank/Public Holidays

Reason

To ensure no creep occurs into the true night time period, where backgrounds fall even lower than 48 dB LA90 and to maintain residential amenity in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

(8) Condition:

All noise control measures referenced in Section 4.0 of the Noise Impact Assessment must be installed at the bakery prior to occupation and shall be retained thereafter, including:

- AC units located exactly as shown.
- Silencer performance equal to or better than the RUCK EL 315 D2 01 specification.
- Extract termination at the modelled façade position.
- Any shielding or barriers included in the noise model.

Reason

To ensure the models assumptions are physically delivered and to maintain residential amenity in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

(9) Condition

The bakery hereby approved shall not open to the public outside of the following hours:

- 07:00 - 21:00 - Monday to Saturday and;

- 08:00 - 19:00 - Sundays and Bank/ Public Holidays.

Reason

The use of the premises outside of these hours would be detrimental to the residential amenity of the area by virtue of noise and disturbance and in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

(10) Condition

Deliveries, HGV movements, loading and unloading linked to the bakery shall not occur outside of the following hours:

07:00 - 21:00 - Mondays to Saturdays and;
08:00 - 19:00 - Sundays and Bank/ Public Holidays.

Reason

Operation outside of these hours would be detrimental to the residential amenity of the area by virtue of noise and disturbance and in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

(11) Condition

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

1. Contact details of the person with responsibility for the implementation of the DCMP/DCTMP;
2. The expected number, types and size of vehicles during the entire demolition and construction period;
3. The proposed daily hours of operation during the demolition and construction period;
4. Details of on-site parking provision for demolition and 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 (locations, types etc.);
8. Measures to reduce noise and nuisance; and
9. Measures to reduce dust.

In addition, it should be confirmed that no fires will occur on site and no amplified music will be played during demolition and construction.

Once approved, the DCMP and DCTMP shall be adhered to at all times during demolition and construction works.

Reason

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

(12) Condition

The extension housing the bakery shall be restricted to a bakery shop only and for no other purpose, including any other use falling within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended, (or any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order with or without modification), unless a further change of use is granted planning permission by the Local Planning Authority.

Reason

The Local Planning Authority wishes to retain control of future changes of use to protect the amenities of nearby residents, highway safety and capacity and health considerations and in accordance with Policies: 5, 23, and 38 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

(13) Condition

No materials or equipment shall be stored outside of the bakery extension building except that waste materials may be stored in bins for periodic removal within the bin storage area as shown on drawing no. 2288-6 Rev F.

Before the extension is first brought into use details of the bin store and screening shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be installed and ready for use before the bakery first opens and shall be retained as such thereafter.

Reason

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

(14) 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, following amendment, not have unacceptable impacts on residential amenity, the character of the area, highway safety and the significance of heritage assets and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 5, 22, 23, 33, 34, 38, 39 and 41.

2 Added Value Statement

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

In accordance with paragraph 187 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to problems, including issues in terms of dominance, over spray, noise and nuisance. Following negotiated amendments to the scheme a positive outcome has been able to be achieved sufficient to allow permission to be recommended.

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

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

5 Informative

Birds

All nesting birds are protected in law and any demolition/construction works close to existing trees/shrubs should be done outside of the active bird season, March to August inclusive. If this is unavoidable, then a nesting bird activity check needs to be carried out by a suitably qualified person immediately prior to any works. If nesting activity is present, no impactful works can be carried out until the young have fledged.

All common wild birds are protected under The Wildlife and Countryside Act 1981 (as amended).

Under this legislation it is an offence to:

- Kill, injure or take any wild bird
- Take, damage or destroy the nest of any wild bird while it is in use or being built
- Take or destroy the egg of any wild bird

Certain rare breeding birds are listed on Schedule 1 of The Wildlife and Countryside Act 1981 (as amended). Under this legislation they are afforded the same protection as common wild birds and are also protected against disturbance whilst building a nest or on or near a nest containing eggs/unfledged young.

6 Informative

Please note the comments from Northern Powergrid in relation to the proximity of their assets and working practices.

DM/0631/25/FUL – TORQ GARAGE, SCARTH ROAD, GRIMSBY



DM/0631/25/FUL – TORQ GARAGE, SCARTH ROAD, GRIMSBY



PLANNING COMMITTEE - 22nd April 2026

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

APPLICATION No: DM/0010/26/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: 52 Littlefield Lane, Grimsby, North East Lincolnshire, DN34 4PL

PROPOSAL: Change of use from vacant shop to hot food takeaway/cafe with internal seating to include installation of flue to rear, including removal of timber boarding to front, repainting works and removal of signage board to existing hedge (Clarified description and amended and additional information on the proposed use, waste storage, operating hours, extraction including odour, vibration and noise management)

APPLICANT:

Mr Amandeep Sidhu
4 Oakfield Lane
Waltham
Grimsby
North East Lincolnshire
DN37 0BN

AGENT:

Ross Davy Associates - Daniel Snowden
Pelham House
1 Grosvenor Street
Grimsby
N E Lincolnshire
DN32 0QH

DEPOSITED: 7th January 2026

ACCEPTED: 22nd January 2026

TARGET DATE: 19th March 2026

PUBLICITY EXPIRY: 4th April 2026

**AGREED EXTENSION OF TIME DATE: 24th
April 2026**

CONSULTATION EXPIRY:

CASE OFFICER: Ellie Mitchell

PROPOSAL

The proposal is for the change of use from a vacant shop to a hot food takeaway/cafe with internal seating to include the installation of a flue to rear, including removal of timber boarding to front, repainting works and removal of signage board to the existing hedge at 52 Littlefield Lane in Grimsby.

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

received as well as a call in request from Councillor Robson Augusta.

SITE

The proposal site is a former convenience store on the south side of Littlefield Lane in Grimsby. Next door to the east is an existing Chinese takeaway and to the west is a residential property at 1 St Ann's Avenue. The site is within a small local centre comprising of shops and eateries.

RELEVANT PLANNING HISTORY

No relevant planning history.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2025)

- NPPF2 - Achieving sustainable development
- 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
- PO23 - Retail hierarchy and town centre develop
- PO28 - Local centres
- PO33 - Flood risk
- PO39 - Conserve and enhance historic environ
- PO41 - Biodiversity and Geodiversity

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

REPRESENTATIONS RECEIVED

Consultees

Heritage - No heritage input required.

Drainage - No objections.

Highways - Approval no conditions.

Environment Agency - No comments.

Environmental Protection - Conditions requested for hours of construction / demolition and hours of operation and specific extraction information. Informatives recommended for extraction and soundproofing.

Neighbour Representations

Representations have been received in objection to the application from 48 Littlefield Lane, 1 St Anns Avenue, 6 St Anns Avenue and 4 Rosalind Avenue broadly on the grounds of:

- Too many takeaways in the area
- Devaluing of properties
- Competition to other local takeaways
- Noise and odour from another takeaway
- Concerns over litter in gardens

Representations have been received in support of the application from 131 Littlefield Lane, 11 St Hildas Avenue, 17 St Hildas Avenue, 33 Carlton Road, 34 Littlefield Lane, 8 St Hildas Avenue, 97-99 Littlefield Lane, 49 Langton Drive, 29 Compton Drive, 49 Augusta Street, 1 St Hildas Avenue, 101 Littlefield Lane, 109 Littlefield Lane, 14 Cromwell Avenue, 15 Morton Road, 33 Compton Drive and 6 Augusta Oaks, broadly on the grounds of:

- Productive re-use of vacant unit, improves visual amenity
- Local business and jobs
- Positive impact and improvement on the community and surrounding area
- Value to the community
- Offers different cuisine to existing businesses

Public and Other Representations

Councillor Robson Augusta - Call in request to allow for wider debate.

Grimsby Cleethorpes District Civic Society - Neither support nor object to the proposal,

welcome empty commercial properties being brought back into use but wish for the original unique frontage to be maintained.

APPRAISAL

The key planning material considerations are:

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

Principle of Development

The site is located within the development boundary of Grimsby, therefore Part 1 of Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) (NELLP 2018) applies. Policy 23 applies as this defines the retail hierarchy and details the requirements for hot food takeaways. The site is within a local centre, so Policy 28 applies. The site is partly within Flood Zone 2, therefore Policy 33 applies. In relation to heritage considerations, Policy 39 is relevant. For ecology and bio-diversity net gain considerations, Policy 41 applies. Policies 5, 22, 23, 28, 33, 39 and 41 are considered to be relevant to the proposal subject to this application.

There is nothing within Policy 5, that in principle restricts the proposed use, but it is required to be assessed on its site-specific impacts which will be discussed within this report.

Under Policy 23 it advises that for sole takeaway uses, the proposal should not result in an unacceptable concentration of them. The proposal is not a sole takeaway use, it is a mixed use as it incorporates a café element by providing tables and seating within the front section of the property at ground floor which appears to be able to seat seven people from the floor plans provided. Behind this at ground floor is a kitchen, staff preparation area and store. Policy 23 of the NELLP 2018 goes on to support mixed uses that add to viability and vitality. Additionally, Policy 28 which relates specifically to local centres aims for proposals to be respectful in scale and character but specifically allows takeaway and cafe type uses in principle. It is understood that the unit subject to this application has been vacant for a number of years and the proposal would bring this back into use. Equally whilst neighbouring uses in the centre are noted, it is not considered that this mixed use would be inappropriate in scale or character and would indeed contribute to customer choice and convenience, therefore supporting the vitality of the

local centre in accordance with Policy.

In terms of the wider considerations around Policy 23, again whilst not a sole takeaway, the site is not within 400m of a school taking the nearest route to the closest school which is St James. Matters relating to amenity and highways will be discussed in the remainder of the report.

The proposal is considered in principle therefore to be acceptable.

Impact on Character and Appearance of the Area

The proposal is for the change of use of the existing property from a shop to a hot food takeaway and café. The existing shop front including the bays, door, sign and roller shutter are to be retained and painted black. Along with the existing red brickwork to be retained and painted in cream. Internally, the cafe element proposes seating to accommodate seven people with the rest of the ground floor of the property to host a kitchen area, staff preparation area and store. It is noted that under the former use the historic shopfront and its curved bays were boarded over, there was also boarding outside to the hedge. These will be permanently removed which better reveals the significance of this locally listed shop frontage and its relationship with the other historic frontages in the row, enhancing the street.

An extractor flue is proposed at the rear of the property. This is the only external addition as part of the application. The flue is proposed to project approximately 0.9 metres above the existing flat roof of the property. Visibility of this will be minimal due its intended scale and nature and indeed its position to the rear of the property, therefore it would not be harmful in this context and there will be no impacts on the street scene.

In respect of visual amenity, character and heritage considerations, the proposal is considered to be in accordance with Policies 5, 22 and 39 of the NELLP 2018.

Impact on Local Amenity

The application site adjoins 50 Littlefield Lane and 1 St Ann's Avenue to the sides, faces onto properties along Littlefield Lane as well as Premier Extra Convenience Store 97-99 Littlefield Lane and backs onto 3 St Ann's Avenue. A total of four objections have been received in relation to the application, as well as seventeen comments in support of the proposal. Grimsby and Cleethorpes District Civic Society provide a neutral comment to the scheme stating it is positive to see empty properties being utilised however note that the original unique frontage should be maintained. Councillor Robson Augusta has called the application into committee. All representations are acknowledged and where necessary are discussed below.

The objections to the scheme express concern over the number of existing takeaways in the area. Policy 23 states that there shouldn't be an unnecessary concentration of takeaways in the area, and it states in the subtext to the policy that the Council will not

look to support more than two hot food takeaways sited adjacent to each other. Whilst it is acknowledged that this development would result in more than two similar uses adjacent to each other the development would not constitute a sole takeaway use as set out and includes a café element which justifies its siting within this area and it is considered that the development would be a beneficial addition to the surrounding area. Comments have been received from members of the public in support of the proposal. The reasons for support note a positive re-use of the currently vacant unit, enabling activity and increasing visual amenity as well as offering a variety of different cuisines. The comments state the proposal would be making a positive impact and improvement on the community and surrounding area.

The objections received raise concerns over noise and odour and potential littering which are valid concerns. The Environment Health team raise no objections in principle however on these grounds to the application but request further detail around odour and noise for the flue. This is recommended as a condition. This will allow complaint extraction to be provided to serve the proposal.

The rear yard provides adequate room for bin storage to serve the proposal, and there are little bins outside the local centre on the pavement.

Competition between operators is not a matter for the planning process.

In respect of the hours of operation for the hot food takeaway / café, Environmental Health are suggesting opening hours from Monday to Sunday 07:00 to 23.00, however, recognising the concerns originally raised by neighbours the applicant has set out that they intend to limit the hours further to Monday - Thursday 15:00 to 21:30, Friday - Saturday 12:00 to 21:30 and Sunday is to be closed. It is considered that the hours from Environmental Health will be secured as set out by condition as these are acceptable and will pose no adverse impact on the amenity of the neighbouring properties or uses. Notwithstanding that, the applicant's intention to separately limit the hours is noted.

In respect of local amenity considerations, the proposal is considered to accord with Policies 5, 22, 23 and 28 of the NELLP 2018.

Highways

The Highways Officer acknowledges that these types of uses can typically generate higher levels of short stay trips, particularly during peak evening periods, when compared with a retail use. However, they state that the section of the highway which fronts the application site benefits from an existing limited waiting bay which ensures turnover and spaces during the proposals hours of operation and are satisfied that sufficient alternate parking options exist on Littlefield Lane and surrounding residential streets to meet the expected demand, subject to availability. Equally being a local centre, it is readily assessable for users by foot or cycle.

There is considered to be no concerns in respect of highways safety and account has

been taken as such as stipulated within Policies 5 and 23 of the NELLP 2018. In respect of highways safety and amenity issues, the proposal is considered to be in accordance with Policies 5 and 23 of the NELLP 2018.

Other Matters

Part of the site is within Flood Zone 2, however there are no changes to levels, and the application is a change of use and so there is no increase in vulnerability. The Environment Agency have reviewed the details provided and confirmed they have no objections to the scheme.

In terms of Biodiversity Net Gain, the proposal is exempt from the mandatory bio diversity net gain condition due to not impacting a priority habitat, 25 square metres of onsite habitat with a bio-diversity value greater than zero or 5 metres of onsite linear habitat. The proposal is therefore considered to be in accordance with Policy 41 of the NELLP 2018 in respect of ecology and bio-diversity net gain.

The Council's Drainage Officer and Heritage Officer have reviewed the details provided and confirmed they have no objections to the proposal.

CONCLUSION

The proposal seeks the change of use from a vacant shop to a hot food takeaway/cafe with internal seating to include the installation of a flue to rear, including removal of timber boarding to front, repainting works and removal of signage board to existing hedge. The proposal does not present any adverse impacts having regard to design, flood risk, highways, parking, ecology or local amenity considerations. The proposal is therefore considered to be in accordance with Policies 5, 22, 23, 28, 33, 39 and 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

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 and Block Plan - 0169.SA 06
Proposed Plans and Elevations - RD6126-02 REV A

Reason

For the avoidance of doubt in the interests of proper planning and in accordance with Policies 5, 22, 23, 28, 33, 39 and 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(3) Condition

No conversion 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 local amenity and in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(4) Condition

Prior to the commencement of the use hereby approved and prior to any flue or extraction being installed, full and final details including technical specifications shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the kitchen extraction, ventilation and odour abatement system equipment shall be installed as approved and shall thereafter be so retained for the lifetime of the development.

Reason

To ensure satisfactory ventilation/extraction systems are provided to protect neighbours from the adverse effects from cooking smells, noise and vibration in accordance with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(5) Condition

No activities shall take place at the premises outside of the hours specified below:-

Monday to Sunday 07:00hrs to 23:00hrs

Reason

The use of the premises outside of these hours would be detrimental to the amenity of the area by virtue of noise and disturbance in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(6) Condition

The use of the property shall only be used as set out in the application and supporting details and shall not, at any time, be used as a sole takeaway.

Reason

To define the permission and protect the character and function of the local centre in accordance with Policies 5, 23 and 28 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(7) Condition

Prior to operation of the use, a Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the use shall operate in accordance with the Waste Management Plan.

Reason

In the interests of amenity and in accordance with Policies 5, 23 and 28 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(8) Biodiversity Net Gain

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

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

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

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

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

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

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

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

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

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

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

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

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

4.5 Self and Custom Build Development, meaning development which:

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

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

Irreplaceable habitat

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

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

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

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

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

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

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

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

Informatives

1 Reason for Approval

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or neighbouring amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular Policies 5, 22, 23, 28, 33, 39 and 41.

2 Added Value Statement

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

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

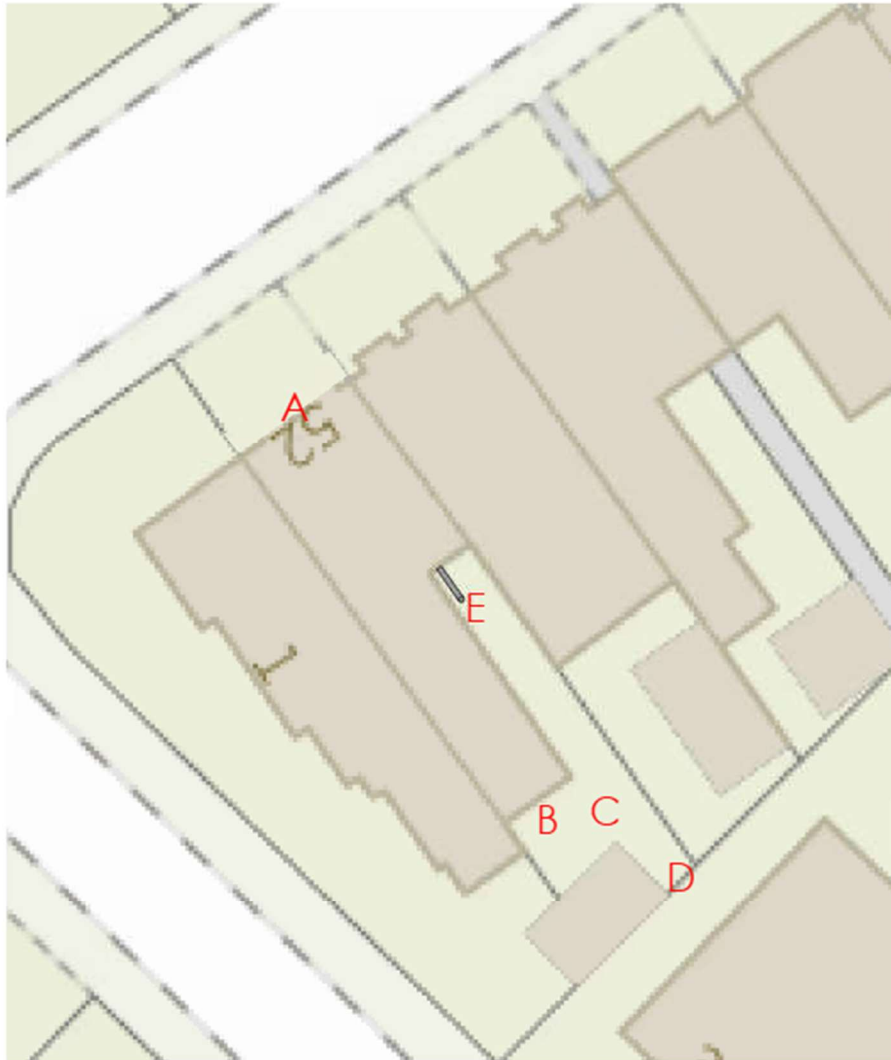
3 Informative

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 and extraction shall also be to the satisfaction of Building Control.

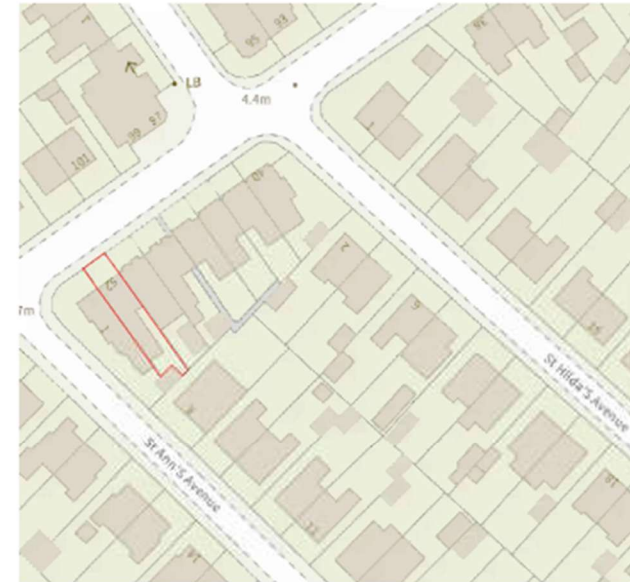
DM/0010/26/FUL – 52 LITTLEFIELD LANE, GRIMSBY



DM/0010/26/FUL – 52 LITTLEFIELD LANE, GRIMSBY



SITE PLAN 1:250



LOCATION PLAN 1:1250

KEY:

- A) Existing shop entrance (Front via Littlefield Lane) retained,
- B) Existing bin store retained,
- C) Existing rear yard retained,
- D) Existing Rear site access retained,
- E) Proposed 300mm ducting vertically attached to the building.

PLANNING COMMITTEE - 22nd April 2026

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

APPLICATION No: DM/0713/25/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: 39A And 39B Lord Street, Grimsby, North East Lincolnshire, DN31 2ND

PROPOSAL: Change of use of religious meeting rooms and associated recreational facilities to provide a 12 bedroom HMO to 39A Lord Street and a 6 bedroom HMO to 39B Lord Street including the installation of new windows, bin store and cycle storage with associated works - AMENDED DESCRIPTION/PLANS/DOC

APPLICANT:

Ms Sugand
Complete Housing Real Estates Limited
9-11 New Broadway
Ealing
London
W5 5AW

AGENT:

Mr Matt Padley
Aubourn Architecture Limited
10 Satterley Close
Witham St Hughs
Lincoln
LN6 9QB

DEPOSITED: 12th August 2025

ACCEPTED: 19th August 2025

TARGET DATE: 14th October 2025

PUBLICITY EXPIRY: 16th April 2026

AGREED EXTENSION OF TIME DATE: 24th April 2026

CONSULTATION EXPIRY: 14th September 2025

CASE OFFICER: Lauren Birkwood

PROPOSAL

The proposal is for the change of use to provide a 12 bedroom HMO to 39A Lord Street in Grimsby and a 6 bedroom HMO to 39B Lord Street in Grimsby. The proposal includes the installation of new windows, and the creation of a bin store and cycle storage within the grounds of the premises.

The application is brought before planning committee due to the number of neighbour objections received and the application has been called in to planning committee by

Councillor Holland.

SITE

The proposal site is a large two storey building located on Lord Street in Grimsby. The property is positioned to the rear of two existing commercial properties with residential flats above. A covered access point sits between the two properties which allows for access to the host site which includes an open courtyard to the frontage. The property was formerly host to religious meeting rooms, at the ground floor, and associated recreational space, at the first floor. Access is taken from the front of the property. Neighbouring properties in the nearby vicinity are a mixture of two storey terraced residential properties however some commercial uses are present to the north and east.

RELEVANT PLANNING HISTORY

DM/0819/14/FUL - Change of use of religious meeting rooms and associated recreational facilities into two dwellings - Approved with Conditions 12th September 2014.

DM/0441/25/CEU - Certificate of Lawfulness of existing use of both properties as houses in multiple occupation - Refused 1st August 2025.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2025)

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

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

- PO5 - Development boundaries
- PO22 - Good design in new developments
- PO33 - Flood risk
- PO34 - Water management
- PO38 - Parking
- PO41 - Biodiversity and Geodiversity

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

REPRESENTATIONS RECEIVED

Council's Housing Enforcement Officer - No objections.

Council's Environmental Health Officer - No objection. Conditions recommended.

Council's Highways Officer - No objections.

Council's Drainage Officer - No comments.

Council's Heritage Officer - No comments.

Council's Tree Officer - No comments.

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

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

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

Council's Spatial Planning Officer - No comments.

Council's Building Control Officer - No objections.

Emergency Planning Officer - No objections. Further information required.

Environment Agency - No objections.

Humberside Fire and Rescue - No objections. Informative recommended.

Crime Reduction Officer - No objections. Informative recommended.

Additional Representations

Grimsby, Cleethorpes & District Civic Society - Objects on the grounds the proposal is excessive.

Councillor Freeston - Objects on the grounds that the proposal undermines the character of the area and raises concerns regarding parking, noise and overcrowding.

Councillor Holland - Objects on the grounds that the proposal would create strain on local parking and raises concerns if there is a local need.

Neighbour Representations

51 Lord Street, Grimsby
1 Weelsby Grove, Grimsby
5 Manor Avenue, Grimsby
21 Cotswold Drive, Waltham

Object on the following grounds:

- Impact on character of the area
- Cumulative impacts
- Noise and disturbance
- Parking issues
- Waste issues
- Management and surveillance issues
- Anti-social behaviour concerns

The following support the proposal:

9 Yarra Road, Cleethorpes
39A Lord Street, Grimsby
11 Monks Close, South Ruislip
6 Cotswold Close, Uxbridge
427 Micklefield Road, High Wycombe
60 Central Avenue, Hounslow

The above properties support the proposal stating that it would address housing need, supports growth and economy, improves community benefits, enhances the area and aligns with policy.

APPRAISAL

The key planning material considerations are:

- Principle of Development
- Planning History
- Visual Amenity and Character
- Neighbouring and Future Occupier Amenity
- Highways and Parking
- Flood Risk
- Ecology

Principle of Development

The site is located within the development boundary of Grimsby, therefore Part 1 of Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) applies.

The application site is located within close proximity to Grimsby Town Centre and is considered to be a sustainable location. Policies 5, 22, 33, 34, 38 and 41 are considered to be relevant to the proposal subject to this application.

Planning History

Planning permission was approved in 2014 to change the use of the properties from religious meeting rooms and associated recreational facilities into two dwellings. However, it should be noted that this permission was not implemented, and the properties would appear to have changed into Houses in Multiple Occupation without planning permission. There is evidence of Building Regulation Approval. A lawful use application was refused under DM/0441/25/CEU in August 2025 and this was for lawfulness of an existing use of both properties as a 5-bedroom House in Multiple Occupation. It was found that there was insufficient evidence to prove that the use was uninterrupted for the required 10-year period from May 2015 to May 2025 and to which units the occupancy actually relates. Furthermore, the use could not be considered to be permitted development in this instance. Having regard to the planning history, the lawful planning status is that of the religious meetings and it is against this use which the application is considered.

Visual Amenity and Character

The proposal is for the change of use of 39A and 39B Lord Street to form two houses in multiple occupation (HMO). Whilst there will be comings and goings associated with the proposed HMO use of the properties, this is not considered to be adversely over and above the comings and goings associated with the former use as religious meeting rooms. The change of use of the properties is also considered to be consistent with the residential nature of Lord Street and poses no visual impact to the street scene or the wider character of the area.

Alterations are proposed to the properties to assist in accommodating the change of use through this application. There would be various internal alterations to provide the bedrooms, communal areas including kitchens and shared bathrooms. The Council's Housing Officer has confirmed that this meets the relevant requirements including the sizings of the rooms.

In terms of external alterations, there would be installation of new windows to the side and rear elevations at ground floor. To the front of the buildings, within a shared area, a cycle storage and bin storage area is proposed. These alterations and structures are considered minor, coupled with that the buildings and proposal site are set back from Lord Street and not directly viewable. Therefore, it would not adversely harm the character and appearance of the area. Indeed, the positive use of the building would be beneficial in visual character terms.

As such, the proposal would not harm visual amenity and accords with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

Neighbouring and Future Occupier Amenity

Numerous objections have been received from neighbours and beyond, including an objection from the ward councillor, in relation to the proposal which are acknowledged and discussed below. The objections relate to impacts on security, anti-social behaviour, the intended occupiers of the HMO, noise and disturbance, and insufficient waste management.

In respect of privacy, the existing built form of the properties is to largely remain as existing with some small-scale external alterations. This includes the installation of new windows to the side and rear elevations at ground floor. However, these would be located behind existing boundary treatments and would be low level, and therefore privacy issues would not be adverse

It is noted that the representations received refer to an increase in crime and disorder due to the HMO. Designing out crime and designing in community safety is a material planning consideration. 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. Humberside Police's Safer Communities Officer raises no objections to the proposal. It is therefore reasonably considered that there would be no additional impact as a result of the proposed development in respect of crime, security and anti-social behaviour.

In respect of noise, it must be acknowledged that the former use as religious meeting rooms would involve comings and goings. Whilst the proposed HMO is for a more intensive form of residential accommodation it is not considered that the use will be so more intensive so as to cause adverse noise and disturbance to the detriment of neighbours or the overall area.

In terms of the bins and associated storage area, access to and from these areas are considered to be acceptable. Significant consultation has been undertaken with the Council's Waste Officer and the applicant, including a site visit. Subject to a condition requesting details of waste management, the Council's Waste Officer has no objections.

Objections received in respect of overcrowding and the impact of this on amenities are also acknowledged. As stated above, the Council's Housing Officer confirms that the accommodation meets the relevant space and facility requirements and coupled with the highly sustainable location with good walkability to local amenities and open space, it is not considered that the development would result in overcrowding or would result in inappropriate development in terms of future occupiers of the accommodation.

In terms of the physical works, the proposed alterations to the properties are small in scale and nature and are considered to pose no adverse impact to the amenity of neighbouring properties. The Council's Environmental Health Officers have requested a condition be attached to the decision in respect of hours of conversion, which is to protect neighbouring amenity during this period.

Having regard to the above it is not considered that the proposal would adversely harm the amenities of existing or future occupiers, and the development accords with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

Highways and Parking

In respect of highways and parking considerations, the site is located within a highly sustainable location in close proximity to the Grimsby Town Centre. On street parking is in high demand due to the residential nature of the surrounding area. There is good access to public transport links with local amenities within walking distance of the site, which should encourage a reduction in car ownership levels.

The drawings submitted do not indicate off-street parking provision, however Lord Street and adjacent streets provide some limited on street parking, subject to availability. The change of use of the properties to larger HMO's presents a potential for the intensification of vehicle ownership for residents, however the Council's Highways Officer is content that the proposal would not represent a severe impact on highways safety or capacity.

It should be noted that the Council's Building Control Officer and Humberside Fire and Rescue have reviewed the details provided regarding fire service access and have no objections to the scheme. Informatives are advised.

As such the proposal accords with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

Flood Risk

The site is located within an area of flood risk as identified on both the Environment Agency flood maps and the Council's Strategic Flood Risk Assessment. A sequential test is not needed for change of use applications and therefore the proposal is sequentially acceptable. A Flood Risk Assessment has been provided and reviewed by the Environment Agency, and they have confirmed they have no objections. A Flood Warning and Evacuation Plan has also been provided outlining mitigation measures which has been reviewed by the Emergency Planning Officer. Subject to further details, following the document provided, they have no objections.

Therefore, subject to safeguarding conditions, the proposal therefore accords with Policies 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

Ecology

The Council's Ecology Officer's has confirmed that the proposal does not impact a priority habitat and impacts less than 25 square meters of onsite habitat with a biodiversity value greater than zero (as measured by the statutory metric) and on less than 5 metres of onsite linear habitat so the de minimis condition is met and the proposal is exempt from

the Biodiversity Gain condition. They also have no objections to the development. The proposal therefore accords with Policy 41 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

CONCLUSION

The proposal to change the use of two existing properties into two HMO's with associated works is considered to be acceptable and compatible in this area. The proposal is within a sustainable location with good links to local services and the town centre. The impacts to the building, to amenity and to the locality are deemed to be acceptable and not adverse. Matters relating highways, parking, flood risk, 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, 38 and 41 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and sections 12, 14 and 15 of the NPPF, 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 - A091 - PL - 001 - A
Proposed Site Plan - A091 - PL - 002 - B
Proposed Floor Plans - A091 - PL - 005 - D
Proposed Elevations - A091 - PL - 006 - A
Cycle Rack Floor Plans and Elevations - 1.0

Reason

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

(3) Condition

Prior to occupation of the development, the cycle store facilities shall be implemented as per drawing A091 - PL - 002 - B (Proposed Site Plan) and 1.0 (Cycle Rack Floor Plan and Elevations), and they shall be thereafter retained unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure appropriate facilities are provided for cyclists in the interests of sustainable travel in accordance with Policy 5 of the North East Lincolnshire Local Plan 2018-2032 (Adopted 2018).

(4) 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).

(5) Condition

No conversion 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).

(6) Condition

The development shall be carried out in accordance with the submitted Flood Risk Assessment (dated May 2025, referenced RLC/1824/FRA01, compiled by Roy Lobley Consulting), and prior to the occupation of the HMO, an updated Flood Warning and Evacuation Plan, following the submitted Flood Evacuation Plan (dated October 2025, referenced RLC/1824/FEP01, compiled by Roy Lobley Consulting) shall be submitted to and agreed in writing with the Local Planning Authority to include:

- Details of safe refuge;
- Who will be responsible for the plan once the property is occupied;

- how and when it will be reviewed or test; and
- how current and future residents will be made aware of the arrangements.

The approved and implemented scheme shall thereafter be retained and maintained.

Reason

To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy 33 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, 22, 33, 34, 38 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 concerns.

3 Informative

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

4 Informative

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

5 Informative

The applicants attention is drawn to the comments received from:

- The Council's Ecology Officer
- The Council's Waste Enforcement Officer
- Humberside Fire and Rescue

Please go to www.nelincs.gov.uk to view the comments.

6 Informative

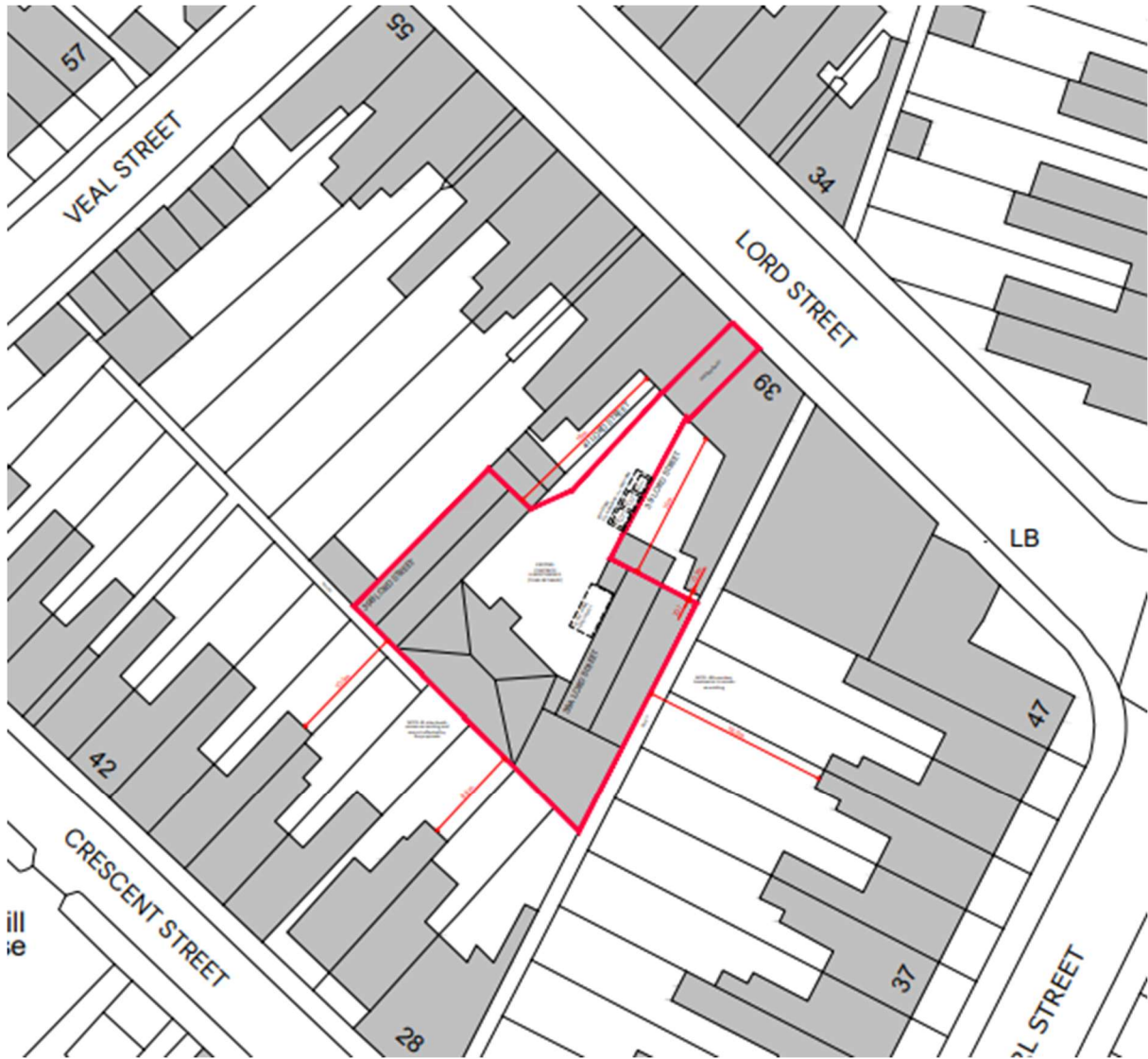
The applicant is encouraged to consult the SBD residential Guide for up to date standards and consider designing to SBD Silver standard:

<https://www.securedbydesign.com/images/RESIDENTIAL%20GUIDE%202025%2027325.pdf>.

DM/0713/25/FUL – 39A AND 39B LORD STREET, GRIMSBY



DM/0713/25/FUL – 39A AND 39B LORD STREET, GRIMSBY



PLANNING COMMITTEE - 22nd April 2026

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

APPLICATION No: DM/1067/25/FUL

APPLICATION TYPE: Full Application

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

PROPOSAL: Erection of one bungalow and garage with associated works

APPLICANT:

Mr T Davies
Dial A Tile
33 - 43 Church Lane
Grimsby
North East Lincolnshire
DN32 7DD

AGENT:

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

DEPOSITED: 23rd December 2025

ACCEPTED: 9th January 2026

TARGET DATE: 6th March 2026

PUBLICITY EXPIRY: 15th February 2026

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 9th February 2026

CASE OFFICER: Bethany Loring

PROPOSAL

The application seeks to erect a detached bungalow and garage with associated works.

The application is brought to Planning Committee following an objection from Humberston Village Council.

SITE

The site was formerly part of the curtilage to 43 Humberston Avenue however the site has undergone clearance and construction work relating to the previous approvals for two dwellings. One of the plots has been constructed and is currently being finished. The

host property has been demolished to allow for the approved rebuild of the dwelling. Furthermore, a boundary fence has been erected to separate the host site from the approved rear plot land. The site contains a number of trees, some protected by TPOs. These are located mainly along the wider northern and western boundaries however some works have been conducted as indicated on previous approvals. Access to the site runs to the west of the site with the original dwelling site to the south. The access point and a drainage run has been implemented as part of the previous approval resulting in the permission being extant.

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

RELEVANT PLANNING HISTORY

Site to the rear of 43 Humberston Avenue:

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

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

DM/0935/24/FUL - Variation of Condition 1 (Approved Plans) pursuant to DM/0735/22/REM to allow for amended house type and repositioning of Plot 1 - Approved with Conditions.

DM/0358/25/FUL - Variation of Condition 1 (Plans) following DM/0935/24/FUL to amend plot 2 house design and plot layout - Approved with Conditions.

43 Humberston Avenue:

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

DM/0094/26/FUL - Variation of Condition 7 (Landscaping) as granted on DM/0412/24/FUL to allow for re-siting of approved landscaping - Approved with Conditions.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2025)

NPPF14 - Climate, flooding & coastal change

NPPF15 - Conserv. & enhance the natural environ.

NPPF5 - Delivering a sufficient supply of homes
NPPF11 - Making effective use of land
NPPF12 - Achieving well designed places

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

PO34 - Water management
PO38 - Parking
PO41 - Biodiversity and Geodiversity
PO42 - Landscape
PO2 - The housing requirement
PO3 - Settlement hierarchy
PO22 - Good design in new developments
PO5 - Development boundaries
PO15 - Housing mix
PO17 - Housing density
PO33 - Flood risk

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

REPRESENTATIONS RECEIVED

Highways Officer - CTMP and turning conditions, now provided and deemed acceptable.

Drainage Officer - Sustainable drainage arrangements acceptable.

Anglian Water - No objections, Informative advice.

Humberston Village Council - Objects due to back land policy and considers this to be an over intensification.

Environmental Health Enforcement Officer - Informative advice for waste.

Heritage Officer - No input required.

Environmental Health - Hours of construction/demolition condition.

Trees and Woodlands Officer - No objection.

Waste Officer - Standard advice for bin collections and waste.

Neighbour Representations

Hedgehog Hollow, 1B Abbotts Grange - Objects based on concerns relating to number of plots on the site, flooding and vehicular access.

Other Representations

Civic Society - Objects based on concerns relating to diminishing character of Humberston Avenue and overdevelopment.

APPRAISAL

The material planning considerations are;

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

1. Principle of Development

The site is located within the development boundary of Humberston, therefore Policy 5 of the North East Lincolnshire Local Plan 2018 applies.

According to this policy the principle of residential development is acceptable, and it is the site-specific implications which need to be considered.

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

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

The proposal is for one detached bungalow positioned to the rear of the now demolished host dwelling at 43 Humberston Avenue. The plot would be of a modest footprint and this is considered reflective of the character of the area which is made up of back land development and to this particular site, bungalows have been approved and construction has started. The comments from neighbours are noted regarding the number of plots on the site however it is considered that the wider plot can accommodate for an additional dwelling of this size. The layout is not considered to be at odds with what would

reasonably be expected for a site of this size. The bungalow would have an ample frontage and sufficient garden spaces which provide the necessary facilities including a driveway, parking and a detached garage. The layout also demonstrates that the bungalow would be suitably positioned in relation to the site boundaries. The materials would include brickwork, roof tiles with grey/cream uPVC for the window and door openings. The materials would be similar to that of the other approved plots on the site and therefore would not be considered at odds with the site as a whole.

The scheme does include sufficient outside amenity space, as part of their domestic curtilage, positioned to the front, sides and rear. This would provide ample external amenity space for the occupiers. This low level bungalow sat behind the existing Humberston Avenue frontage would not be harmful to the area character or street scene.

On a procedural note, it is acknowledged that this would essentially remove garden land originally included as part of the redevelopment proposals at 43 Humberston Avenue. That scheme was subsequently amended to ensure all landscaping associated with it was relocated in response to this development. Whilst this application is essentially within what was the garden to no. 43, this application does not compromise the delivery of that proposal under DM/0412/24/FUL and DM/0094/26/FUL.

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

3. Ecology and Landscaping

The site includes some landscaping features and there are some trees which are covered by Tree Preservation Orders however these are positioned to the north of the overall site and well separated from the area of works. Further landscaping features have been approved on the other plots which would be included as the construction progresses. As a result of the proposal, an approved landscaping strip has been re-sited to make way for the footprint and in addition, an extra tree would be planted. The Trees and Woodlands Officer has reviewed the application and has stated that they have no objections with the proposal or the landscaping proposed.

The application is exempt from the mandatory BNG requirements given it would be a self-build.

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

4. Impact on Neighbouring Properties

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

The objection from the neighbour has been noted and addressed throughout the report under the applicable sections. The details demonstrate that one additional bungalow could be accommodated on site, following some amendments made to the other approvals associated with the overall site, with sufficient space provided between the boundaries therefore preventing massing issues to the neighbours whilst providing sufficient amenity space for future occupiers. The closest properties would sit to the east, north and south at 1B Abbotts Grange and the two plots on the site itself. In regard to the eastern neighbour, outside of the site, the rear elevation would be adjacent to the side elevation of this neighbour and would sit at over 12 metres from the side wall. The boundary treatments would provide a partial screening to the proposal specifically to this neighbour. The property would also be single storey only.

In regard to the other approved plots, which have not yet been constructed, it is felt that the additional plot would sit comfortably in relation to the approved layouts given the scale and orientation. These would be sufficiently separated and would prevent any issues in regard to massing or undue overlooking.

Therefore, it is considered that the proposal can be achieved on site without detriment to the neighbours.

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

5. Highways, Access and Parking

Access to the site would be taken from the existing and would not be changed as a result of the additional bungalow. However, a separate point of access into the plot itself would be created. This would then provide a new driveway and include an area for turning, passing and parking. The plot would provide approximately three parking spaces within the curtilage of the plot.

The Highways Officer has reviewed the details and has confirmed that the access would be acceptable for this additional plot. The plot would provide adequate provision for parking and the capacity for manoeuvring. Some conditions had been requested for turning and a construction traffic management plan which have now been provided. This ensures that acceptable parameters are set to ensure highways safety would be maintained during construction and occupation.

It is therefore considered that the proposal would not lead to a severe impact on the wider highway network or cause a detrimental impact to highways safety. It is therefore considered to be in accordance with Policies 5 and 38 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) in that respect.

6. Drainage and Flood Risk

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

site.

The proposal includes an increase to the built form on the site. As such, the Council's Drainage Officer had confirmed that a sustainable drainage condition would be required. This detail has now been provided and confirmed to be acceptable by the Drainage Officer.

Anglian Water have also commented with some informative advice which has been included.

Therefore, drainage is acceptable under Policies 5, 33 and 34 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

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 significant impacts in terms of residential amenity, highway safety or drainage. Subject to conditions, it is therefore recommended for approval in accordance with Policies 2, 5, 15, 17, 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

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 - RD5162-40

Proposed Site Plan - RD5162-41A

Proposed Plans and Elevations - RD5162-42A

Proposed Landscaping Plan - RD5162-43A

Proposed Drainage Layout - 1115-2607-CIV-10-P1

Reason

In the interests of proper planning and in accordance with policies set out in the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(3) Condition

The development shall be built out in strict accordance with the Construction Management Statement (received 10th February 2026) at all times.

Reason

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

(4) Condition

The dwelling hereby approved shall not be occupied until the surface water drainage scheme hereby approved (drawing no. 1115-2607-CIV-10-P1) has been fully completed and is available for use.

Reason

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

(5) Condition

The vehicular turning area as shown within the Proposed Site Plan - RD5162-41A shall be completed prior to any occupation of the dwelling and once completed the area shall be retained as a vehicle turning area for the lifetime of the development.

Reason

In the interest of highway safety and amenity and to accord with Policies 5 and 38 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

(6) Condition

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

Reason

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

(7) Condition

The scheme of landscaping and tree planting hereby approved by the Local Planning Authority on plan RD5162-43A shall be completed within a period of 12 months, beginning with the date on which development began or within such longer period as may be first agreed in writing by the Local Planning Authority. All planting shall be adequately maintained for 5 years, beginning with the date of completion of the scheme and during that period all losses shall be replaced during the next planting season.

Reason

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

(8) 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).

(9) Biodiversity Net Gain

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

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

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

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

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

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

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

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

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

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

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

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

4.5 Self and Custom Build Development, meaning development which:

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

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

Irreplaceable habitat

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

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

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

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

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

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

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

Informatives

1 Reason for Approval

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or residential amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 2, 5, 15, 17, 22, 33, 34, 38, 41 and 42.

2 Informative

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

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

3 Informative

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

4 Informative

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

5 Informative

The applicant's attention is drawn to the comments made by the Environmental Health Enforcement Officer, Waste Officer and Anglian Water.

DM/1067/25/FUL – 43 HUMBERSTON AVENUE, HUMBERSTON



