

DEVELOPMENT MANAGEMENT

APPEALS LIST - 22ND AUGUST 2025

APPLICATION NUMBER & SITE ADDRESS	APPEAL REFERENCE & STATUS	OFFICER & PROCEDURE
DM/0431/24/FUL 10-30 Robinson Street East Grimsby North East Lincolnshire DN32 9AE	AP/001/25 INPROG	Becca Soulsby Written Representation
DM/0245/24/FUL 166 Weelsby Road Grimsby North East Lincolnshire DN32 8PJ	AP/003/25 INPROG	Bethany Loring Written Representation
DM/0568/23/OUT Land To The South Of Church Lane Humberston	AP/004/25 INPROG	Richard Limmer Written Representation
DM/0740/24/CEU 167 Hainton Avenue Grimsby North East Lincolnshire DN32 9LF	AP/006/25 INPROG	Bethany Loring Written Representation
DM/0943/23/FUL 22 The Curve Welholme Avenue Grimsby North East Lincolnshire DN32 0BE	AP/009/25 INPROG	Owen Toop Written Representation

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DM/0781/24/FUL 287 Wellington Street Grimsby North East Lincolnshire DN32 7JU	AP/011/25 INPROG	Bethany Loring Written Representation
DM/0097/25/FUL 124 Humberston Fitties Humberston North East Lincolnshire DN36 4EZ	AP/010/25 INPROG	Bethany Loring Written Representation
DM/0208/25/FUL 160 Humberston Fitties Humberston North East Lincolnshire DN36 4HE	AP/012/25 INPROG	Emily Davidson Fast Track
DM/0294/25/ADV Petrol Filling Station 196 Waltham Road Grimsby North East Lincolnshire DN33 2PZ	AP/013/25 INPROG	Becca Soulsby Written Representation

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Appeal Decision

Hearing held on 3 June 2025

Site visits made on 3 and 4 June 2025

by **O S Woodward MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 August 2025

Appeal Ref: APP/B2002/W/25/3360989

Land off Louth Road, New Waltham, North East Lincolnshire DN36 4RY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Cyden Homes Ltd against the decision of North East Lincolnshire Council.
 - The application Ref is DM/0761/23/FUL.
 - The development proposed is to erect 249 dwellings with associated garages, open space, landscaping, drainage, emergency access and associated infrastructure with new access from Louth Road
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Decision

1. The appeal is allowed, and planning permission is granted to erect 249 dwellings with associated garages, open space, landscaping, drainage, emergency access and associated infrastructure with new access from Louth Road at Land off Louth Road, New Waltham, North East Lincolnshire DN36 4RY in accordance with the terms of the application Ref DM/0761/23/FUL, dated 3 August 2023, and subject to the conditions in the attached schedule.

Application for Costs

2. An application for costs was made by Cyden Homes Ltd against North East Lincolnshire Council. This application is the subject of a separate Decision.

Preliminary Matters

3. A s106 Planning Obligation, dated 4 June 2025, (the s106) secures:
 - 50 affordable housing dwellings, with the mix to be agreed in the future with the Council;
 - a contribution to increase the capacity of primary schools within a two mile radius of the appeal site; and,
 - a contribution towards the Council's costs related to the preparation and completion of the s106.
4. The affordable housing is to respond to Policy 18 of the Local Plan 2013 to 2032, adopted 2018 (the LP). The contribution towards primary schools is related to the number of proposed dwellings and is in response to the increased demand that would be placed on such schools from the children of the future occupants. As set out in Planning Practice Guidance¹, Council's can charge monitoring fees as long as the fee is proportionate, reasonable and reflects the actual costs of monitoring. The sum of £1,400 as secured in the s106 meets these tests. I am therefore

¹ Paragraph: 037 Reference ID: 23b-037-20190901

satisfied that the provisions of the s106 meet the tests set out in Regulation 122 of the CIL Regulations 2010 (as amended) and at Paragraph 58 of the National Planning Policy Framework (the Framework), and I have taken them into account.

Main Issues

5. The main issues for the appeal are the effect of the proposed development on:
- highway safety and the efficient operation of the highway network; and,
 - air quality.

Reasons

Highway safety and the efficient operation of the highway network

6. The appeal site is on the eastern side of the A16, directly to the south of New Waltham. It is proposed to provide vehicular access from a four-arm signalised junction with the A16 and the Barratt Homes access on the western side of the road. No concerns have been raised regarding traffic or safety going southwards from the site. However, heading northwards the A16 provides access to Grimsby and concerns have been raised regarding the effect of the proposal on traffic congestion and highway safety in that direction. Specifically, the Toll Bar roundabout which lies close by to the appeal site, the proposed junction providing access to the appeal site, and the A16 itself and an alternative route via Scartho Road.

Methodology

7. The Supplementary Transport Assessment, dated January 2024 (the sTA) predicts that the proposal would generate 130 two-way trips in the AM peak and 127 two-way trips in the PM peak². The sTA then assesses this proposed traffic against the predicted 2029 traffic flows, which includes committed developments. The Highway Authority (the HA) raise no concerns with the sTA in technical terms. No contrary technical evidence has been submitted to challenge the sTA, either in terms of traffic generation by the proposal or regarding baseline or predicted conditions on the surrounding road network. I therefore use the sTA as the basis for my assessment.
8. The appeal site is allocated for up to 300 homes³ in the LP and, although the Council could not confirm this at the Hearing, it is therefore likely that any modelling undertaken as part of the LP adoption process would have allowed for development on the site for more homes, and therefore vehicular movements, than is now proposed. In addition, there are various developments in the pipeline relatively near to the appeal site, eg opposite the A16 on the Barrat Homes site and a further development at Holton le Clay, which would affect traffic along the A16 and other local routes. The sTA accounts for committed developments to the satisfaction of the HA and also myself.

Toll Bar roundabout

9. All but five trips in the AM peak and four trips in the PM peak would be northwards, ie would use the Toll Bar roundabout⁴. A specific junction capacity assessment for the roundabout was undertaken. It is found to operate within capacity from all arms

² Paragraph 2.2.6, sTA

³ See Policy 13 Site allocation HOU104 New Waltham, the LP

⁴ Table 3, sTA

in the AM peak, both as existing and as at 2029 including the proposed development traffic. It is also found to operate within capacity on three arms in the PM peak in both existing and proposed scenarios. However, the northern arm is found to be at full capacity in 2029 even without the proposed development (99.9%) and would be over-capacity with the proposed development (107.2%)⁵. This is likely to relate partly to a Toucan crossing just north of the north arm providing access to a school.

10. Although the proposal would increase use of the roundabout and result in over-capacity of the north arm, this is in the context of a junction that would be at capacity even without the proposed development. There are already queues when existing the roundabout on this arm, mostly due to the Toucan crossing. Whilst this causes some congestion on the roundabout itself, the evidence is that this does not cause unacceptable blocking of the roundabout or the use of the other arms. It is also likely only for short periods where the peak traffic and school pick-up and drop-off coincide. I do not, therefore, view the change from 100% to 107% to represent a severe impact on traffic congestion at the roundabout. The Toucan crossing ensures that highway safety would also be maintained, including for children accessing the school.

Site access junction

11. The proposed site access junction is assessed in the sTA. It is found that the introduction of another arm to this junction would increase queuing on the A16. However, this would only be to a small extent. The junction would continue to operate within capacity in the 2029 scenario with the proposed development traffic⁶. The proposal would not, therefore, have a severe impact on the operation of the local highway network at this junction.

Traffic routes

12. There are two reasonable routes northwards from the appeal site to Grimsby, one via the A16 and one via Scartho Road. The sTA has assessed both routes, including key junctions such as the Low Farm roundabout on the A16 and the Scartho Fork and Nuns Corner roundabouts on Scartho Road. It finds that all would operate within capacity in 2029 including traffic from the proposed development⁷. This is with the exception of the southbound arm of the A16 at the Low Farm roundabout, which would be at 89.8% capacity, above the target threshold of 85%. However, this is still lower than full capacity and the proposal would only contribute 3.3% of this traffic.
13. I acknowledge that both routes are busy, particularly at peak times. It is possible that driver behaviour would respond to this, and some would seek other alternative routes. However, this is difficult to predict and in any event the contribution of the proposed development to the existing and predicted traffic congestion would be relatively minor. It would likely not, therefore, by itself result in a severe impact on traffic congestion or highway safety along the A16, Scartho Road or other alternative routes.

⁵ Table 4, sTA

⁶ Table 10, sTA

⁷ Tables 6, 7 and 8, sTA

Overall

14. The majority of junctions and roundabouts would remain within capacity in future scenarios, including cumulative development. The northern arm of the Toll Bar roundabout would be at full capacity in any event. The southbound arm of the A16 at Low Farm roundabout would still be within overall capacity. Although there would be some worsening of traffic congestion, the effect of the proposal would be relatively minor. There is no substantiated evidence of any material harm to highway safety.
15. Overall, therefore, the proposed development would have an acceptable effect on highway safety and the efficient operation of the highway network. It therefore complies with Policy 5 of the LP, which requires suitable access and traffic generation. Policy 36 of the LP seeks to reduce congestion, but in the context of promoting sustainable transport choices. It is common ground, and I agree, that the appeal site is accessibly located, within walking distance of the services and facilities of New Waltham. This in combination with the limited effect on traffic congestion, ensures that the proposal complies with this policy. The proposal also complies with Paragraph 116 of the Framework, which states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the impacts on the road network would be severe.

Air quality

16. The Government has set Air Quality Objectives, with target rates for NO₂, PM₁₀ and PM_{2.5} pollution levels. These are set out at Schedule 2 to The Air Quality Standards Regulations 2010, reflecting the objectives set out at Table 2 in The Air Quality Strategy for England, Scotland, Wales and Northern Ireland Volume 1, July 2007. These are for: NO₂ levels of 200 µg.m-3 not to be exceeded more than 18 times a year and an 40 µg.m-3 annual mean; PM₁₀ levels of 50 µg.m-3 not to be exceeded more than 35 times a year 24 hr mean and an 40 µg.m-3 annual mean; and, PM_{2.5} levels of 20 µg.m-3 as an annual mean.
17. The appellant has submitted an Air Quality Assessment, dated January 2024 (the AQA). This establishes the baseline air quality for the appeal site and on the surrounding transport network, including Toll Bar roundabout. It also assesses the proposed development, including at construction stage, with regard to the effect of the proposal and associated traffic generation on air quality at the appeal site, on the surrounding road network, and at key receptors, such as the school. No substantiated alternative empirical evidence has been submitted with regard to air quality. The Council do not challenge the results of the AQA. I therefore use this as the basis for my assessment.
18. There are two nearby monitoring locations with regard to NO₂, namely NEL6 and NEL28 both near to the Toll Bar roundabout. The existing NO₂ is at 15.1 and 19.8 µg.m-3 annual mean respectively, well below the objective of 40µg.m-3. The AQA also confirms that there have been no recorded incidences exceeding the NO₂ hourly objective of 200 µg/m3 in 2020, 2021 or 2022. All changes from the proposal are found to be negligible, including receptors at the school, and around the roundabout. There would no changes in annual mean NO₂ concentrations of more than 1% predicted at any modelled receptor⁸.

⁸ See Table 8.4, AQA

19. With regard to PM₁₀, the existing levels in 2024 at the appeal site are found to be 13.60 to 14.51 µg.m-3 annual mean, well below the objective of 40 µg.m-3. The effect of the proposed development is found to be negligible for all receptors, at less than 1%, including for the school⁹. The maximum PM₁₀ concentration at any receptor is predicted to be 16.97 µg/m3. In relation to PM_{2.5}, the maximum concentration at any receptor is predicted to be 10.43 µg/m3 annual mean. The effect of the proposal is found to be negligible for all receptors, at less than 1%¹⁰.
20. I acknowledge that there are no sensitivity tests. However, the existing pollution levels are comfortably below the air quality objectives set out by Government. The effect of the proposal, including its construction and traffic generation, would be very limited, at less than 1%. Even if this were to rise in specific locations, for example at the Toucan crossing for the school because this coincides with some of the greatest increases in traffic and queues, there is more than sufficient headroom before it would become a concern for health, including for school children and other sensitive receptors. Children walking to school would also only be very transient receptors, as they crossed the road.
21. There is a future target for PM_{2.5}, as set out in The Environmental Targets (Fine Particulate Matter) (England) Regulations 2023, for 10 µg/m3 to be achieved by 2040. The existing PM_{2.5} levels are slightly above this, at 10.43 µg/m3. However, this is only marginally above the future target and, in any event, the proposal would only have a negligible effect on the levels, at less than 1%. In addition, there is no current guidance from the Government on how to approach this revised target. Therefore, and particularly because the proposal would only have a negligible effect on existing PM_{2.5} pollution levels, this is acceptable.
22. During construction, there would potentially be some effects including from dust, particularly in relation to PM₁₀ pollution. However, this would be within expected levels for construction and could be controlled by condition(s) with regard to dust suppression measures and construction traffic routes.
23. Future occupants would be encouraged to walk and cycle, including along the parts of the road network that would be most affected by the increase in traffic that would be generated by the proposal. However, the AQA has accounted for this, and has found only negligible increases in air pollution and that the resultant levels would be well within air quality objectives. This would therefore be acceptable.
24. Overall, therefore, the proposal would have an acceptable effect on air quality, and would comply with Policy 5 of the LP, which requires proposals to be suitable with regard to air quality.

Other Matters

25. The proposal includes a row of dwellings to the north east part of the site that would be relatively near to existing homes on Pretymen Crescent. However, there are relatively large gardens both on the existing and proposed homes. In places, bungalows are proposed and/or there are no rear facing windows at first floor level. The ground levels could be controlled by condition. The combination of these factors mean that there would be no unacceptable overlooking between the existing and proposed homes in this location.

⁹ See Table 8.5, AQA

¹⁰ See Table 8.6, AQA

26. The appeal site lies approximately 5 km from The Humber Estuary Special Protection Area, Special Area of Conservation, Ramsar and Site of Special Scientific Interest sites. A Habitats Regulation Assessment, dated July 2024 (the HRA) has been submitted. This finds that no qualifying species were recorded on the appeal site, it is not considered to have potential to support breeding by designated species, and that the appeal site is not functionally linked-land. The HRA therefore concludes that likely significant effects on the sites, either alone or in combination with other plans and projects, can be screened out. Natural England concurs with this view and I have no reason to disagree. There is therefore no credible evidence that there would be likely significant effects on the sites and the proposal is acceptable in this respect.
27. Several letters of objection have been submitted, including from Martin Vickers MP and Holton le Clay Parish Council. In addition to those matters covered above, these raise concerns regarding: the impact on local infrastructure in particular GPs, open space, education, sewerage; harm to biodiversity; flooding and drainage; and the need for additional housing.
28. In these regards, the s106 secures suitable mitigation for the effect on education, the proposal includes the creation of adequate amounts of on-site open space, and no substantiated evidence has been provided that there would be an unacceptable effect on local GP surgeries. The proposal also includes sustainable drainage measures such as swales and a drainage pond, which could be secured by condition(s), and which would ensure greenfield run-off rates of surface water. Foul water has been considered and would be discharged to the sewerage system by a pumping station. No objection in this regard is held by the Council and the details of the drainage and foul water systems could be controlled by condition(s).
29. With regard to biodiversity, the application was submitted prior to the requirement for a 10% Biodiversity Net Gain (BNG) billing. However, 'a' BNG is still required as set out at Paragraph 187 of the Framework, and this could be secured by a condition requiring an Ecological Mitigation and Improvement Plan. The appeal site largely comprises agricultural land with relatively limited existing biodiversity. However, there are areas of ecology value, particularly ditches which provide habitat for water voles. A 'Water vole survey and mitigation' letter, dated 15 March 2024, found several active burrows. This habitat could be suitably protected and mitigated for both construction and operation stages by condition. In addition, a Great Crested Newt Survey, dated 2024, although it did not record any great crested newts on the site, did find evidence of some nearby. A method statement should therefore be adhered to, which could be secured by condition. Subject to the control by condition, the proposal would, therefore, have an acceptable effect on biodiversity and ecology.

Planning Balance

30. The proposal would provide 249 homes, including affordable homes, which would contribute to both local and national housing needs. These are significant benefits of the proposal, and further weight is added to them because the appeal site is allocated in the LP for up to 300 housing units. It is also accessible, being located directly adjacent to the New Waltham, a Local Service Centre where a good range of services and amenities are provided, as defined by the LP. Furthermore, and adding further weight to the proposed provision of housing, it is common ground that the Council cannot demonstrate a five year supply of housing land, and that

this instead stands at 4.1 years. I therefore place substantial weight on the proposed provision of market and affordable housing.

31. In addition, the construction of the proposal would provide jobs, albeit temporary, and there would be expenditure by future residents on local goods and services. A BNG gain could be secured by condition. Open space and children's play space would be provided, which would be useable not only by the future residents but also by existing local residents. These factors all weigh in favour of the proposal and collectively represent benefits of moderate weight.
32. As set out above, the proposal would have a negligible effect on air quality. The effect of the proposal on local infrastructure would be mitigated by the s106. Technical matters regarding surface water drainage, foul drainage, biodiversity, and ecology would all be suitably mitigated and controlled. These factors therefore weigh neutrally in the planning balance.
33. There would be some harm to traffic congestion as set out above. However, this would be limited and would remain suitable for the proposal and area, complying with LP policy. Therefore, whilst this weighs against the proposal, it is only to a limited degree and does not represent a conflict with the LP or Development Plan.
34. Overall, therefore, the proposal would comply with the Development Plan, when read as a whole. There are no material considerations that indicate a decision should be made otherwise. The appeal should therefore be allowed.

Conditions

35. The main parties agreed a schedule of conditions, as set out in the Statement of Common Ground. This schedule was discussed at the Hearing. On the basis of the discussion and in the light of government guidance on the use of conditions in planning permissions, I have considered and amended the conditions. Specifically:
 - In addition to the standard time limit condition, a condition specifying the relevant drawings provides certainty;
 - Conditions relating to external materials, the General Permitted Development Order 2015 (the GPDO), landscaping, garden levels and on-site highways are necessary to protect and enhance the character and appearance of the area;
 - Conditions relating to the GPDO, Construction Method Statement (CMS) and garden levels are necessary to protect the living conditions of neighbouring occupiers;
 - The condition relating to the Noise Mitigation Strategy is necessary to ensure suitable standard of accommodation is provided for the future occupiers of the proposed development;
 - Conditions relating to the Travel Plan, CMS, the footpath link to the railway path, the footpath connection from the site to Maple Grove, on-site highways and vehicular site access are necessary to protect highway safety and manage the effect of the proposal on the free-flow of traffic; and,
 - Conditions relating to unexpected contamination, CMS, landscaping, surface and foul water drainage, Ecological Mitigation and Improvement Plan, children's play equipment, the footpath link to the railway path, the footpath connection from the site to Maple Grove, on-site highways, archaeology, vehicular site access and water use are necessary in the interests of ensuring a satisfactory standard of development and to ensure compliance with these technical considerations.

36. The CMS, landscaping, surface and foul water drainage, Ecological Mitigation and Improvement Plan, children's play equipment, the footpath link to the railway path, the footpath connection from the site to Maple Grove, garden levels, on-site highways and archaeology conditions are necessarily worded as pre-commencement conditions, as a later trigger for their submission and/or implementation would limit their effectiveness or the scope of measure which could be used.
37. The tailpieces for the travel plan and materials conditions are necessary to afford a certain degree of flexibility to account for the possibility that, for example, certain materials might be difficult to source at the time of construction. They are also acceptable because they would not allow significant changes to the development because control would be retained by the Council when discharging the conditions and because of the reference to the underlying travel plan and materials specification drawing provide clear direction on the nature of what is expected from any future submissions.

Conclusion

38. For the reasons above, the appeal is allowed.

O S Woodward
INSPECTOR

ANNEX A: APPEARANCES

FOR THE APPELLANT:

Jim Lomas MRTPI – Director, DLP Planning
Tony Cabey MIHT, MIHE – Director, Local Transport Projects (LTP)
Jack Hurnshall MIHE – LTP
Catina Hawkins CEMv MIAQM– Partner, Smith Brown LP
Andrew Burley – Director, Cyden Homes
Steven Ibbotsom DIPArch, RIBA – Architect, Cyden Homes

FOR THE LOCAL PLANNING AUTHORITY:

Richard Limmer – Major Projects Planning
Martin Dixon MRTPI – Head of Development
Cllr Paul Briton – Planning Committee Member
Cllr Ian Lindley – Planning Committee Member
Lara Huttle – Senior Highway Control Officer

INTERESTED PARTIES:

Ann Johnson – Local resident
Margaret Evans - Local resident
Michelle Kingswood - Local resident
Elen Reynolds - Local resident
Rob Waltham - representing the Martin Vickers MP

ANNEX B: CONDITIONS SCHEDULE

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.

For observation

- 2) The development hereby permitted shall be carried out in accordance with drawing Refs 175-A3 027 Rev A; 175-A1 002 Rev H; 010 Rev C; 015 Rev C; 101 Rev A; 102 Rev A; 103 Rev A; 104 Rev A; 105; 106; 107 Rev A; 108; 109 Rev B; 110; 111 Rev B; 112; 113 Rev A; 114; 115 Rev B; 116 Rev A; 117 Rev A; 118 Rev B; 119; 120; 121; 122; 123 Rev A; 124 Rev A; 125; 126; 127; 128; 129; 130; 131; 132; 133 Rev A; 134; 135; 136.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan Ref 175-A1-005-Rev D, unless otherwise approved in writing by the Local Planning Authority.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes B and C of Part 1 of Schedule 2 to the Order shall be undertaken on Plots 229 to 249 and Plot 108.
- 5) The submitted Residential Travel Plan, dated August 2023 shall be implemented in accordance with the terms and recommendations set out within it, unless otherwise approved in writing by the Local Planning Authority.
- 6) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended until a Risk Assessment has been carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found, the development shall not resume or continue until Remediation and Verification Schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

Pre-commencement

- 7) No development, including any works of demolition, shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall include:
 - i) details of the parking of vehicles of site operatives and visitors;
 - ii) details of the storage of plant and materials used in constructing the development;
 - iii) details of the wheel washing facilities and other works required to mitigate the impact of construction upon the public highway;
 - iv) details of dust and noise suppression methods to be employed during the construction period;
 - v) details of the routing of construction traffic;
 - vi) details of public engagement both prior to and during construction works; and,

- vii) delivery, demolition and construction working hours, including confirmation that 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.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 8) No development shall commence until a scheme of landscaping based on drawing Ref 175-A1-004-Rev C has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall include:
 - i) details of all existing trees and hedgerows on the land, identifying those to be removed or felled and those to be retained and set out measures for their protection throughout the course of development;
 - ii) the details of the number, species, sizes, spacing and planting positions of all trees and shrubs to be planted;
 - iii) details of Street Trees to be planted including species, sizing, position, planting infrastructure and maintenance;
 - iv) a detailed phasing plan for the implementation of the Scheme; and,
 - v) a detailed site wide Landscape and Open Space Management Plan.

The development shall then be built out in accordance with the approved Scheme, with the landscaping implemented in accordance with the approved implementation and phasing plan and the site then managed in full accordance with the approved Landscape and Open Space Management Plan.

- 9) No development shall commence until a final scheme for the provision of surface and foul water drainage and its implementation and management, based on the submitted Flood Risk Assessment and Drainage Strategy, has been submitted to and approved in writing by the Local Planning Authority. The development shall then be built out in full accordance with the approved scheme and retained thereafter.
- 10) No development shall commence until a detailed Ecological Mitigation and Improvement Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be based on the Preliminary Ecological Appraisal dated April 2022 and the letters from HS Ecology dated 22 May 2023, 25 October 2023 and 15 March 2024. The Plan shall include full details of the implementation of all aspects of the Ecological Mitigation and Improvement Plans. The approved Plan shall then be implemented in full accordance with the approved details.
- 11) No development shall commence until full details of the Children's Play Equipment and a Management Plan for its future maintenance, repair and replacement have been submitted to and approved in writing by the Local Planning Authority. The approved details shall then be fully installed prior to the 50th dwelling on the site being occupied and then managed and maintained in accordance with the approved details.
- 12) No development shall commence until a detailed scheme for the construction, timing of delivery, maintenance and management of the footpath link to the railway path and the clearance and improvement of the railway path, from Station Road, New Waltham to the site has been

submitted to and approved in writing by the Local Planning Authority. The approved scheme of work shall then be completed in accordance with the details within it including the timing of delivery.

- 13) No development shall commence until the full layout, construction details and timing of the delivery of the footpath connection from the site to Maple Grove adjacent to the A16, as annotated on drawing Ref 175-A1-002-Rev H, has been submitted to and approved in writing by the Local Planning Authority. The footpath shall then be constructed in accordance with the approved details.
- 14) No development shall commence until full details of the garden levels of Plots 229 to 249 and Plot 108, including levels above ordnance datum and their relationship to existing ground levels, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be built out and retained in accordance with the approved details.
- 15) No development shall commence until details of the following, including where appropriate drawings to a scale of at least 1/500, have been submitted to and approved in writing by the Local Planning Authority:
 - i) the proposed layout of the carriageways and footways on the development;
 - ii) the wearing course materials proposed for the carriageways and footways;
 - iii) cross sections;
 - iv) the highway drainage system;
 - v) the proposed locations of street lighting columns, all services and ducts for services, within the carriageways and footways;
 - vi) management arrangements for any carriageways, footways and/or landscaped areas not to be adopted by the local authority;
 - vii) any proposed construction access; and,
 - viii) a Stage 1 and 2 Road Safety Audit undertaken by a fully qualified independent Road Safety Auditor.

The development shall thereafter proceed in strict accordance with the approved details. No dwelling shall be occupied until its access and parking areas are constructed and made available for use.

- 16) No development shall commence until:
 - i) a Written Scheme of Investigation or Specification for Works for a programme of historic building recording has been submitted to and approved in writing by the Local Planning Authority; and,
 - ii) a programme of historic building recording in accordance with the approved Written Scheme of Investigation or Specification for Works has been implemented.

Prior to first occupation of the development, the findings resulting from the programme of historic building recording shall be published within a suitable media, and the resulting archive from the programme of historic building recording shall be deposited with an appropriate organisation.

Specific triggers

- 17) Prior to construction commencing on Plots 1, 2, 3, 11, 12, 13, 29, 30, 31 and 32, a detailed Noise Mitigation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall include details to mitigate noise from traffic to both external gardens and internal habitable rooms as discussed within the submitted Noise Report and where identified a ventilation scheme to prevent overheating. The properties shall then be built out in accordance with the approved Strategy with all measures implemented prior to occupation of the dwelling to which they relate and thereafter maintained to the same specification.
- 18) The main vehicular site access shall be fully constructed and operational prior to works commencing on the construction of any dwelling on the site. The site emergency access shall be fully constructed and be available to use prior to the occupation of the 151st dwelling on the site and shall thereafter be retained.
- 19) No dwelling shall be occupied until a scheme for water re-use to achieve an efficiency standard of 110 litres per person per day has been submitted to and approved in writing by the Local Planning Authority. Once approved, the dwellings shall be occupied in strict accordance with the agreed details.

===== END OF SCHEDULE =====



Appeal Decision

Site visit made on 18 June 2025

by **P Storey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31st July 2025

Appeal Ref: APP/B2002/W/25/3358825

Behind 'Poplars Close', accessed off Station Road, New Waltham DN36 4NY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Biju Chacko of Chacko Builders Ltd against the decision of North East Lincolnshire Council.
 - The application Ref is DM/0304/24/FUL.
 - The development proposed is four new bungalows in former garden land, accessed from 'Poplars Close'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would make adequate provision for the retention of existing trees and delivery of appropriate landscaping;
 - whether the proposed development would include suitable provision for surface water drainage;
 - whether the scale, appearance and layout of the proposed development would be acceptable, having regard to the character and appearance of the area and the living conditions of both future occupiers and neighbouring residents; and
 - whether the proposed access, parking, and internal layout would be acceptable in terms of highway safety and functionality.

Reasons

Trees and landscaping

3. The appeal site comprises a narrow strip of undeveloped land situated within a predominantly residential area. It is bound by a variety of housing types, including bungalows along Toll Bar Avenue to the east, larger detached dwellings with generous gardens and mature landscaping at Simpsons Fold Court to the west, and a recently completed development of two-storey detached houses at Poplars Close to the south. The site lies within the defined development boundary of New Waltham.

4. Policy 42 of the North East Lincolnshire Local Plan 2013–2032, adopted 2018 (the NELLP) requires development proposals to retain and protect trees and hedgerows that contribute to amenity, biodiversity, and landscape value. It also expects proposals to be accompanied by a landscaping scheme that complements the site's character and responds to its landscape context, as well as a site-specific landscape appraisal proportionate to the scale and impact of the development.
5. The site contains a number of trees and hedgerows that make a positive contribution to local character and biodiversity. An Arboricultural Report (the AR) complete with tree survey was submitted with the application, which explains that its purpose is to provide detailed, independent advice on the trees present in the context of potential development. My observations during the site visit confirmed the general accuracy of the AR.
6. The proposed site layout illustrates that the development would retain some good-quality specimens, including a mature oak tree. However, it would also result in the loss of several healthy trees, including some forming part of identified groups.
7. The appellant argues that the AR and proposed landscaping scheme provide sufficient detail to assess the impact on trees. They maintain that most of the trees to be removed are low-quality (Category C), and that retained specimens would be protected during construction. They also suggest that landscaping and tree protection measures could be secured through planning conditions.
8. However, whilst the appellant proposes to address these matters following the granting of planning permission, the proposal does not clearly demonstrate that tree retention has been prioritised in the design process. The absence of a formal Arboricultural Impact Assessment based on the proposed site layout raises questions about the scale of actual impacts on trees. Furthermore, there is no evidence that alternative layouts were explored to reduce tree loss. Although a landscaping scheme could eventually deliver visual and ecological benefits, it would take time to establish and does not address the initial requirement to retain existing landscape features. This reactive approach would not align with the requirements of Policy 42, which seek to ensure that tree retention and landscape integration be considered from the outset.
9. Accordingly, whilst the appellant has provided some arboricultural information and committed to landscaping improvements, I conclude that the extent of tree removal has not been fully justified. The proposal therefore fails to meet the requirements of NELLP Policy 42, which emphasises the proactive retention and protection of landscape features in development proposals. It would also conflict with the relevant provisions of the Framework, which have similar aims.

Surface water drainage

10. The approved surface water drainage strategy for the adjacent Poplars Close development comprises a piped system that runs through the appeal site leading to a surface water body to the north. The proposed development would follow a similar alignment, with the access road broadly tracing the route of the existing drainage infrastructure.
11. The appellant contends that the proposed development could connect into this existing system, subject to capacity calculations. They argue that the drainage

strategy used for Poplars Close demonstrates a viable solution and that any necessary technical details could be secured through a planning condition, as was the case for the earlier scheme.

12. However, Policy 34 of the NELLP requires that development proposals demonstrate the provision of appropriate and sustainable systems for the collection and treatment of surface water. This includes ensuring that new development does not overload existing infrastructure, and that water management is integrated into the design from the outset.
13. In this case, whilst the appellant has identified a potential drainage route, there is no substantive evidence before me, such as a drainage strategy or capacity assessment, to confirm that the existing system could accommodate the additional surface water flows generated by the proposed development. Although the suggestion that further details could be secured by condition is noted, it remains unclear whether any necessary mitigation measures, such as on-site attenuation, could be incorporated into the current layout without requiring significant amendments. This uncertainty undermines confidence in the deliverability of the proposed drainage solution. Whilst the appellant refers to the approved strategy for Poplars Close as a precedent, each proposal must be assessed on its own merits, and in the absence of site-specific evidence, I am not persuaded that the existing system could reliably support the additional demand.
14. Accordingly, I conclude that insufficient evidence has been provided to demonstrate that the proposed development would incorporate an appropriate and sustainable surface water drainage solution. The proposal would therefore fail to meet the requirements of Policy 34 of the NELLP, and would also conflict with the relevant provisions of the Framework, which collectively seek to ensure that new development is supported by adequate drainage infrastructure and does not increase flood risk.

Scale, appearance and layout

15. The proposed development consists of four single-storey dwellings, each with detached garages and private gardens. The dwellings would be arranged along the eastern side of a new access road, with their rear elevations facing properties on Toll Bar Avenue.
16. Policy 5 of the NELLP requires that development within defined boundaries be assessed for its suitability and sustainability, having regard to factors such as scale, density, and impact on neighbouring land uses. NELLP Policy 22 further requires a high standard of sustainable design that responds to the site's context and promotes a strong sense of place.
17. The appellant argues that the proposed layout reflects the varied character of the surrounding area and that the scale and form of the dwellings are compatible with nearby development, particularly the bungalows to the east. However, the Council considers the proposal to represent an over-intensification of the site, raising concerns about the proximity of the dwellings and associated infrastructure to neighbouring properties, especially those on Toll Bar Avenue, which already have limited private amenity space. The Council contends that the resulting layout would appear cramped and overbearing, with insufficient space for meaningful landscaping or tree retention, and would fail to provide a high standard of amenity for both existing and future occupiers.

18. Notwithstanding my earlier conclusions regarding tree retention, and recognising the site's constrained width, the proposed dwellings are single-storey and would not result in direct overlooking. The separation distances between buildings and the use of solid boundary treatments would help to mitigate privacy concerns. Although some garden areas are narrower than others, all plots would be provided with a reasonable amount of private amenity space, and the overall density of development would not appear out of keeping with the surrounding context, which is characterised by a mix of plot sizes and housing types.
19. I note the Council's concerns regarding the relationship between the proposed dwellings and existing boundary features, particularly where windows face nearby solid structures. However, the affected rooms are generally served by additional windows that provide a more open outlook. As such, I am not persuaded that the dwellings would fail to provide suitable living conditions for future occupiers.
20. For the reasons given above, I conclude that the scale, appearance and layout of the proposed development would be compatible with the character and appearance of the area and would not be harmful to the living conditions of either future occupiers or neighbouring residents. It would therefore accord with the aims of Policies 5 and 22 of the NELLP, the aims of which have previously been set out. It would also accord with the relevant provisions of the Framework, which have similar aims.

Highway safety and functionality

21. The development proposes an extension of the adopted road from Poplars Close to serve Plots 1, 2, and 3 via a shared surface, with Plot 4 accessed via a short section of private drive. The Council's formal decision cited concerns regarding the width of the service strips, the lack of detail relating to vehicle tracking for emergency and refuse vehicles, and the location of bin collection points. However, the Highway Authority raised no objection to the proposed access arrangements, subject to conditions, and confirmed that the development would not result in an unacceptable impact on road safety or the operational efficiency of the public highway.
22. Although the submitted plans do not include vehicle tracking details, the turning head and carriageway widths appear sufficiently spacious and comparable to those in the adjacent Poplars Close development, which has been deemed acceptable. The Highway Authority requested tracking details to confirm manoeuvrability for fire appliances and refuse vehicles, but did not consider this omission to be a reason for refusal, instead recommending that such details be secured by condition.
23. Similarly, although a bin collection point is not explicitly shown for Plot 4, which is served by a private drive, there appears to be sufficient space adjacent to the shared surface to accommodate this without requiring changes to the layout.
24. The Highway Authority also confirmed that a 1.8 metre service strip, as illustrated on the proposed site layout, would be acceptable. Although the Council's officer report suggests a 2 metre strip would be required, the reasons for this have not been substantiated. I note that the Poplars Close development appears to also be served by a 1.8 metre service strip, and I have not been provided with any compelling reason why a wider strip would be necessary in this case.

25. Policy 22 of the NELLP requires that development proposals demonstrate a high standard of sustainable design, including safe and efficient access, appropriate parking provision, and consideration of the site's context. In this case, the proposed access, parking, and internal layout are consistent with the surrounding development and appear capable of accommodating the needs of future residents and service vehicles.
26. As the statutory consultee on these matters, the Highway Authority's lack of objection, combined with its view that outstanding details could be secured by condition, carries significant weight and provides reassurance that the development would not compromise highway safety or functionality.
27. Accordingly, I conclude that the proposed access, parking, and internal layout would be acceptable in terms of highway safety and functionality. In respect of this issue, the proposal would therefore comply with the relevant provisions of Policy 22 of the NELLP and those of the Framework, which have similar aims.

Other Matters

28. The proposed development would be sustainably located within a defined settlement and would make efficient use of the land, contributing to the supply of housing in accordance with the objectives of the Framework. Whilst these considerations weigh in favour of the proposal, they would not outweigh the significant weight that must be given to the previously identified conflicts with the development plan.

Conclusion

29. Although I have identified no harm in respect of the design of the proposal and highway safety, the issues concerning tree retention and surface water drainage would result in conflict with the development plan as a whole. There are no considerations, including the provisions of the Framework, to lead me to a decision other than in accordance with the plan. I therefore conclude that the appeal should be dismissed.

P Storey

INSPECTOR