

Planning Committee Dated: 29th October 2025

Summary List of Detailed Plans and Applications

Recommendation: Approved with Conditions	
Item:	1
Application No:	DM/0723/25/FUL
Application Type:	Full Application
Application Site:	25 Kennedy Way Immingham North East Lincolnshire DN40 2AB
Proposal:	Change of use from existing shop to hot food takeaway to include installation of air conditioning units, extraction and ventilation equipment to rear
Applicant:	Domino's Pizza UK & Ireland Ltd
Case Officer:	Mark Danforth

Recommendation: Approved with Conditions	
Item:	2
Application No:	DM/0354/25/FUL
Application Type:	Full Application
Application Site:	Agriculture Land South View Humberston North East Lincolnshire
Proposal:	Variation of Condition 11 (Approved Plans) following DM/0205/25/FUL to amend the house designs for Plots 1 and 5
Applicant:	Dave Hughes
Case Officer:	Jonathan Cadd

Recommendation: Refused	
Item:	3
Application No:	DM/0796/25/FULA
Application Type:	Accredit Agnt - Hseholder application
Application Site:	97 Humberston Avenue Humberston North East Lincolnshire DN36 4ST
Proposal:	Retrospective application to retain 2.375m high close-boarded boundary fence
Applicant:	Mr Sam Chester
Case Officer:	Ellie Mitchell

Recommendation: Approved with Conditions	
Item:	4
Application No:	DM/0752/25/FUL
Application Type:	Full Application
Application Site:	Malcolm West Forklifts Manby Road Immingham North East Lincolnshire
Proposal:	Retrospective application for the erection of 2.4 m high palisade fencing and creation of vehicular access with associated works
Applicant:	Mr Nick West
Case Officer:	Owen Toop

PLANNING COMMITTEE - 29th October 2025

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

APPLICATION No: DM/0723/25/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: 25 Kennedy Way, Immingham, North East Lincolnshire, DN40 2AB

PROPOSAL: Change of use from existing shop to hot food takeaway to include installation of air conditioning units, extraction and ventilation equipment to rear.

APPLICANT:

Domino's Pizza UK & Ireland Ltd
C/O Agent
Pegasus Group
First Floor
South Wing
Equinox North
Great Park Road
Bristol
BS32 4QL

AGENT:

Miss Chloe Smith
Pegasus Planning Group Ltd
First Floor
South Wing
Equinox North
Great Park Road
Almondsbury
Bristol
BS32 4QL

DEPOSITED: 15th August 2025

ACCEPTED: 15th August 2025

TARGET DATE: 10th October 2025

PUBLICITY EXPIRY: 8th November 2025

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 15th September 2025

CASE OFFICER: Mark Danforth

PROPOSAL

The proposed application seeks permission for the change of use of an existing building from a Shop (Class E) to hot food takeaways (sui generis). The proposal includes installation of plant in the form of an extraction system. A fresh air intake system is also proposed, terminating in a louvre on the rear elevation. It will also be fitted on anti-vibration mounts to minimise noise. In addition to this a cold room and air conditioning compressors will be fitted. All of these will be to the rear elevation of the building facing the public car park.

The unit will operate as a pizza takeaway providing a gross internal floor space of 141.8m² with the customer area extending to 12m².

The hot food takeaway is proposed to open between 11am and 11pm daily, generating a number of employment opportunities.

The proposal has been brought to planning committee following an objection from the Town Council.

SITE

The application site is in Immingham comprising of a ground floor retail unit currently occupied by Heron Foods (Class E). The wider building comprises a parade of commercial units in Immingham Town Centre. The site extends to the ground floor only, with the first floor beyond the applicant's control. The unit is accessible from the rear of the building via Alden Close, a residential street.

The site is situated within the Primary Shopping Frontage of Immingham Town Centre, as identified in the North East Lincolnshire Local Plan.

In respect of the wider area this is mixed use in nature and provides a variety of services. Nearby uses include Tesco Supermarket (Class E), Cooplands (Class E), Croft's Estate Agents (Class E), Post Office (Class E), Betfred (Sui Generis) and B&M (Class E).

Beyond the site area to the south-east there is a primary school that lie within 400m.

RELEVANT PLANNING HISTORY

8A920022 -Display internally illuminated shop fascia advertisement -Approved
01.10.1992

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2023)

NPPF6 - Building a strong, competitive economy

NPPF14 - Climate, flooding & coastal change

NPPF2 - Achieving sustainable development

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

PO5 - Development boundaries

S13 - Shop Fronts

PO22 - Good design in new developments

PO33 - Flood risk
PO26 - Primary shopping frontages
PO23 - Retail hierarchy and town centre develop
PO38 - Parking

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

REPRESENTATIONS RECEIVED

Grimsby Civic and Amenity Group - The Civic Society has no issue with this application.

Immingham Town Council - Object to the proposal on the grounds that the takeaway would be close to Oasis School and that would impact on healthy eating agendas and contribute to childhood obesity. There is already Anti-social behaviour on the "precinct" and a takeaway open at night in the area would have an adverse impact on the night-time economy of the area proposed. Litter would increase in the area as a result, conditions need to be put in place for the takeaway owners to litter pick. Installation of extractor fans and air conditioning units would have an adverse affect on the residents that live in the flats, through noise and odour problems. Delivery detail is required.

Environmental Protection Team - Acknowledges the submitted Noise Assessment and anticipates that the development will adhere to the mitigation measures stated. Although residential flats are nearby, none are located directly above the premises. The proposed extraction system in respect of odours appears appropriate and proportionate for the intended use.

Highway Authority - Satisfied the proposals will have no adverse impact on the adopted highway. No conditions or informatives recommended.

Ecology - The proposal is exempt from the Biodiversity Gain condition.

Environment Agency - This change of use which remains within the 'Less Vulnerable' flood risk vulnerability classification (as per Annex 3 of the National Planning Policy Framework), therefore we have no objection to make on the above application. However advise to seek confirmation that the flood emergency and evacuation plans are sufficient to delivering flood warnings to occupants/ users covered by our flood warning network.

Senior Emergency Planning Officer - Happy with the flood evacuation procedure provided

by the agents.

Neighbours

No representations made.

APPRAISAL

Main issues for consideration

- 1) Principle of Development together with the proximity to other similar uses and a school.
- 2) Visual Amenity
- 3) Neighbouring Amenity/noise/smells
- 4) Highways
- 5) Flooding
- 6) Waste

- 1) Principle of Development together with the proximity to other similar uses and a school.

The site is located within the designated Primary Shopping Frontage of Immingham Town Centre, placing the site in a town centre location in planning policy terms. In accordance with Policy 23, such locations are identified as suitable for former Class A5 uses (now sui generis) given they will extend the range of services available in the Town Centre. Policy 26 specifically regards primary shopping frontages and seeks to restrict no more than a third of premises in the primary shopping frontage operating a non-retail / non-Class A1 use (now Class E).

The agents have undertaken a land use survey to corroborate the legitimacy of the use of the premises as a take-away. The survey found that following the proposed change of use, of the 23 no. units in the Primary Frontage 6 no. units are vacant, therefore of the remaining 17 no. premises 13 no. (76%) operate a Class E use, and 4 no. (24%) operate a non-Class E use. As such, no more than a third of the units in the relevant frontage will operate a non-Class E use therefore the proposed change of use and introduction of a sui generis hot food takeaway accords with Policy 26.

On the point raised by the Town Council in respect of its relationship to Oasis School and Policy 23 that seeks to prevent new hot food takeaways within 400m of schools the school is approximately 160m south east of the site. However as detailed in the supporting text such restrictions hold limited weight where the proposed site is located in a designated Town, District or Local Centre where main town centre use such as hot food takeaways are reasonably located as part of a town centre offer.

This point is also reinforced at paragraph 97a of the NPPF which states "Local planning authorities should only refuse applications for hot food takeaways and fast-food outlets:

a) within walking distance of schools and other places where children and young people congregate, unless the location is within a designated town centre". Therefore, by reason of the site's location in the designated Town Centre of Immingham the proposals do not contradict with paragraph 97 of the NPPF, further evidencing that the Town Centre location is suitable for a new sui generis hot food takeaway.

In respect of other existing hot food takeaways within the primary frontage the site is considered sufficiently separated from the existing takeaway units to not be considered as a concentration of hot food takeaway uses.

The principle of development is acceptable, and the proposal can be supported in accordance with the NELLP Policies 5, and 23 and paragraph 97a/b of the NPPF provided that there are no detrimental impacts in relation to the site specific planning issues. These are discussed below.

2) Visual Amenity

The main changes to the building are to the facing the public parking area. External changes extend to the repainting of the existing shopfront and boarded up windows in RAL 7043 (traffic grey) in accordance with Domino's branding. The extraction and ventilation equipment are proposed to be contained on the rear elevation extending to the insertion of louvres and compressors. This is consistent with the existing equipment already fixed to the property. The change of use will not extend beyond the existing curtilage of the unit.

The proposal would seek to enhance the tired looking property. Overall, the proposal's design is acceptable and complementary to the appearance of the building and its surrounding context in compliance with NELLP policies 5 and 22.

3) Neighbouring Amenity/noise/smells

The site is located within Immingham Town Centre, a mixed-use commercial location. The closest residential properties are located on the upper floors of the adjacent commercial units, with the first floor of the application site currently mothballed. This may not always be the case but for now this is the situation. Policy 23 seeks to ensure that proposed hot food takeaway uses will not give rise to noise or other environmental issues that will detract from nearby residential amenity. A noise impact assessment has been provided with the submission to understand background noise levels and set relevant plant noise limits.

The Environmental Health Officer has confirmed that the assessment has demonstrated that subject to the installation of the recommended abatement measures noise will be minimised to acceptable levels.

In respect of smells that would be generated extract systems will be fitted with pre filters

and carbon filters to ensure odours are sufficiently treated and dispersed. Again, the Environmental Health Officer raises no objection on this issue.

It is considered that the applicants have put forward sufficient measures to ensure the use is not a nuisance either from noise or smells to residential amenity.

The proposal would therefore be in compliance with NELLP policies 5, 22 and 23.

4) Highways

The Highways officers have made no adverse comment in respect of this proposal. The planning statement advises site is within the established Immingham Town Centre, placing it in a highly accessible and sustainable location which is within easy walking distance of a number of services and public transport links.

The site is within immediate proximity of a suitable volume of public parking, this includes substantial parking spaces directly to the north west (which is restricted to three hours of parking) and further spaces to the west of the site accessed from Alden Close. It is anticipated that the proposed hot food takeaway will also have a lower parking demand than the previous Class E retail use requiring use of fewer parking spaces. Given the site's Town Centre location, it is expected that a number of customers will access the site on foot from the surrounding residential area or as part of a linked trip to the Town Centre and its associated retail uses, minimising the number of individual highways trips the hot food takeaway generates. In a similar vein, staff within the store are likely to walk to work from the surrounding area or use public transport connections to get to work by virtue of the time restrictions on the public car parks.

The existing cycle stands in proximity to the unit will also be retained, encouraging the use of active transport.

Concern at deliveries is raised by the Town Council. The agents have provided a 'Delivery Driver Management Plan'. The plan advises that delivery drivers use their own vehicles and are employed directly by Domino's and no third-party services (Deliveroo, UberEats) are used. During the day, there will only be an average of 1-2 delivery drivers associated with the premises who will utilise the existing public parking spaces within easy walking distance of the store. The takeaways peak hours are between 5pm and 9pm on Friday and Saturday evenings, during which up to 6-8 delivery drivers can be employed to undertake deliveries. However, subsequent to Domino's efficient operating systems, delivery drivers will spend much of their shift out making deliveries, collecting more than one order when they return to the store. Delivery drivers and staff will be directed to utilise the existing car park at Immingham Town Centre and the car parking spaces at the rear of the unit on Alden Close. The store manager will monitor the measures outlined above to ensure that delivery drivers comply.

Whilst it is accepted that the permission grants a use (hot food takeaway) as opposed to

a specific business the details do demonstrate how a use can be managed without detriment.

It is considered that there would be minimal impact on the surrounding road network from the business delivery drivers. The Delivery Driver Plan can be conditioned in any approval.

In summary, the site has been demonstrated to have suitable access to car parking and is located within a highly sustainable and accessible Town Centre location, in accordance with NELLP Policy 23 and 38.

5) Flood Risk

The site and wider Town Centre are encompassed within Flood Zone 3. The proposed change of use does not include the creation of new floor space and solely extends to the change of use of an existing commercial building in Immingham Town Centre. It will therefore result in the change of use from one 'less vulnerable use' to another as set out in Planning Practice Guidance. Therefore, there is no material change to the flood risk experienced at the site as a result of this application.

No objections have been raised by the Environment Agency or the Flood Evacuation Officer. The proposal is therefore considered to be in accordance with Policies 5 and 33 of the NELLP with respect to flooding.

6) Waste

Waste has been raised as a concern by the Town Council, the agents have been informed of this and have latterly provided a management strategy. The operators are used to handling waste and the best methods to undertake this. The strategy reports that the emptying of the wheeled refuse bins will be undertaken by a private waste handling company on a twice-weekly cycle for both general rubbish and recycling. If the store, once operational, requires more frequent removal of waste, collections can be increased, removing the risk of any excess waste being generated. Covered 1100 litre bins located to the rear of the site will store packaging from any deliveries, the bins will also be fitted with locks to prevent anything being removed.

In respect of littering the report advises that litter is rarely generated in the area surrounding Domino's stores. This is because the majority of orders are delivered to customers with a smaller portion collected for consumption at home. No ancillary seating is to be provided in the store, as such customers will be encouraged to leave the premises, with the majority returning home to consume their orders, where they will dispose of the associated waste effectively.

The above points are considered to cover the issue raised by the Town Council the Management Plan will be conditioned with any grant of approval.

CONCLUSION

This application seeks planning permission for a change of use of an existing retail unit to a takeaway. This includes the repainting of windows on the front and side, installation air conditioning units, extraction and ventilation equipment to rear. The proposal would not present any adverse impacts with regards to location, design, noise, smells towards neighbouring residential amenity, highways or flooding issues.

The proposal is therefore recommended for approval in accordance with Policies 5, 22, 23, 33 and 38 of the NELLP with the decision delegated to the Assistant Director of Regeneration on completion of additional publicity which expires on 8th November and with no new significant planning issues being raised.

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 at 1:1250 (drg no. C5446-LP08);

Block Plan at 1:500 (drg no. C5446-BP09);

Proposed Floor Plans (drg no. C5446-A5-05);

Proposed Elevations (drg no. C5446-A5-06); Proposed Ventilation System Details (Annex B Document);

Reason

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

(3) Condition

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Evacuation Plan submitted with the application for the lifetime of the development.

Reason

In order to mitigate flood risk to accord with policies 5 and 33 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(4) Condition

The development hereby permitted shall be operated in full accordance with the submitted details of the Delivery Driver Management Plan together with the Waste and Refuse Management Plan, for the lifetime of the development.

Reason:

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

(5) Condition

The development hereby permitted shall be operated in full accordance with the submitted odour control extraction system and noise assessment details for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

(6) Biodiversity Net Gain;

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

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

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

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. It is the applicant or developers

responsibility to make sure that they are complying with the requirements of this legislation.

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

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

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

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

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

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

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

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

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

Irreplaceable habitat

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

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

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

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

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

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

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

Informatives

1 Reason for Approval

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would support Immingham Town Centre and 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, 23, 26 and 33.

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 seeking a waste and driver management plan that can be conditioned.

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 site is within a flood risk zone. The Environment Agency provides comprehensive information about how both to protect property from flooding and what to do if affected. Further information can be obtained from the Agency website, at www.environment-agency.gov.uk/subjects/flood and following the link to "floodline information homepage".

DM/0723/25/FUL – 25 KENNEDY WAY, IMMINGHAM



DM/0723/25/FUL – 25 KENNEDY WAY, IMMINGHAM



PLANNING COMMITTEE - 29th October 2025

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

APPLICATION No: DM/0354/25/FUL

APPLICATION TYPE: Full Application

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

**PROPOSAL: Variation of Condition 11 (Approved Plans) following DM/0205/25/FUL
to amend the house designs for Plots 1 and 5**

APPLICANT:

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

AGENT:

Simon Coyne
CDC Architecture Limited
35 Louth Road
Scarcho
Grimsby
N E Lincolnshire
DN33 2HP

DEPOSITED: 1st May 2025

ACCEPTED: 4th June 2025

TARGET DATE: 3rd September 2025

PUBLICITY EXPIRY: 19th July 2025

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 28th June 2025

CASE OFFICER: Jonathan Cadd

PROPOSAL

This application seeks permission for various changes to the approved house designs at plots 1 and 5 which was originally approved under a wider planning permission granted by the Planning Committee in 2024, ref. no. DM/1052/23/FUL but which itself was subsequently amended under several individual planning permissions, most recently ref. no. DM/0205/25/FUL.

The main changes to plot 1 include:

- Setting back the house to the main building line established by 3 South View;

- Removal of attached single garage and creation of detached double garage to front of property - already constructed;
- Increase in overall ridge height by 160mm;
- Increase in width by 420mm;
- Increase in width of side wing by 400mm, depth by 2m and height by 100mm;
- Removal of front gables and porch to create flush front with bays and porch;
- Rear dormers to be replaced with five rear facing roof lights and one front roof light;
- Replacement of upper levels of render with brick;
- Juliet balcony to rear; and
- Creation of larger driveway.

The main changes to plot 5 include:

- Deletion of detached garage with office above to front of dwelling;
- Creation of side single garage with utility and boot room at ground floor and en-suite dressing room above (plus dormer to rear);
- The main house remains the same width and depth as approved but the garage wing would be increased in width and height by 2m;
- Remove front gables to create flush front with ground floor bays and porch;
- Installation of additional dormer to main roof and chimney;
- Replacement of flat wing and balcony with pitched roof wing;
- Replacement of upper levels of render with brick;
- Juliet balcony to rear elevation; and
- Creation of larger driveway.

The application is presented to planning committee following an objection from Humberston Village Council.

SITE

The application site is located on land adjacent to South View in Humberston. It is approximately 0.97 hectares in area and originally comprised of open grass land, a number of trees and hedges. Following the grant of planning permission for 10 houses in 2024 (ref. no. DM/1052/23/FUL) development has commenced on site. A number of the plots have already had their designs varied formally.

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

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

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

risk zone (Flood Map for Planning).

RELEVANT PLANNING HISTORY

DM/0205/25/FUL Variation of Condition 11 (Approved Plans) following DM/0771/24/FUL to amend house designs for plots: 2, 6, 7, 8, 9 & 10 (This application consolidates into one, various individual planning applications which were submitted and previously consulted on to change various plot and house designs separately. This amended application brings all the changes sought together under one reference and a clear overall layout plan showing all the changes proposed, including a further slight amendment to the position of plot 7. The previous application numbers were: DM/1066/24/FUL, DM/0045/25/FUL, DM/0047/25/FUL, DM/0049/25/FUL, DM/0110/25/FUL and DM/0205/25/FUL). Approved 11.07.2025.

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

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

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

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

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

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

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

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

DM/0585/24/NMA Minor amendments to the house designs of Plots 3 and 4 including: Plot 3 - Alteration of window designs, reduction in height and depth and change in materials and Plot 4 removal of detached garage and replacement with integral garage within house, removal of single storey wing to side and reduction in width and swimming pool reorientation, pursuant to DM/1052/23/FUL. Approved 05.08.2024.

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

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

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

DM/1052/23/FUL Erect 10 detached dwelling houses with their associated garages, driveways and access (amended layout and house designs). Approved 25.04.2024.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2023)

- NPPF5 - Delivering a sufficient supply of homes
- NPPF8 - Promoting healthy and safe communities
- NPPF11 - Making effective use of land
- 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
- PO13 - Housing allocations
- PO22 - Good design in new developments
- PO33 - Flood risk
- PO34 - Water management
- PO38 - Parking
- PO41 - Biodiversity and Geodiversity

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

REPRESENTATIONS RECEIVED

All comments are in summary.

Humberston Village Council: Objects to the development as it is against the development of the site as a whole, but also considers the dwellings proposed to be out of character and scale with the surrounding area. The Village Council also considers the scheme to represent an over development of the site.

Anglian Water: Having reviewed the submitted documents - no comment.

Drainage: The proposed garage at plot 1 is built over the piped ditch. The piped ditch should not be damaged otherwise it will need to be diverted around the building.

Building Regulations: The details provided would be compliant with Regulation Part C (site preparation) and H (Drainage) of the Building Regulations. A site visit has also been undertaken during works to construct the drainage pipe under the garage.

Cadent Gas: No objection but request an advice note re their infrastructure.

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

Highways: Content with amendments - no conditions recommended.

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

Heritage Officer: No input required.

Trees and Woodlands: No objection.

Ecology Officer: No objection.

Environmental Protection: No comment.

Site Notice/ Neighbours: None.

APPRAISAL

Main issues

- 1) Principle
- 2) Design and character
- 3) Amenity
- 4) Drainage
- 5) Biodiversity Net Gain (BNG) and ecology

6) Existing conditions

1) Principle

The proposal seeks to amend the design of two plots that were granted permission as part of a wider development in 2024 (ref DM/0205/25/FUL which itself is the most recent amendment to the original planning permission on this site ref. no. DM/1052/23/FUL). The wider development has commenced and the previously approved scheme for all the plots on site including those currently under consideration is extant. As such, the principle of housing on this site has been established. In addition, the site is allocated for Housing within the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

2) Design and character

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

The main changes to the plots have been outlined within the Proposal Section of this report. The changes are varied in nature and do increase the scale of the houses proposed, however, these increases would not be dramatic, and the scheme remains a two-storey development with certain dwellings having accommodation within the roof. As such their appearance within the estate and wider area would not alter substantially.

One more substantial change is the positioning of a garage to the front of plot 1 forward of the building line established by properties on South View. Rather than appearing as an out of character feature, the applicant has chosen a lower pyramid roof design and this together with the brickwork walls and its position actually encloses the street and neighbouring property in a positive way, creating a partial end stop to the street. Conversely, the loss of the detached garage to the front of plot 5 would open up the streetscene in this section of the street which would enhance the development. The changes proposed both individually and cumulatively are such that they would not detract from the appearance and character of the area, nor would they represent an over development of the site in accordance with Policies 5 and 22 of the NELLP.

3) Amenity

The amended design at plot 1 pushes the dwelling back so that it would maintain the building line established by 3 South View to the north. As a result of this, the mass of the dwelling would be more in line with the south facing windows and dormer of this adjoining former bungalow at no. 3. The main two storey part of the proposed dwelling would, however, remain at a similar distance from the side elevation of no. 3 as the approved design, although the side single storey wing would be approximately 400mm closer. The proposed design would also be 160mm higher at ridge. Despite these changes it is not considered that the impact on the amenity of the adjoining dormer bungalow would be substantially greater, than that experienced if the original approved designs had been completed. This includes massing, light and sunlight. It is also noted that impacts would

be partially mitigated through the retention of the majority of the adjoining boundary hedge closest to 3 South View (except where the garage is positioned). It is also noted that there would be no first-floor side windows to the flank wall facing 3 South View maintaining privacy. The Juliet balcony is noted but is rear facing and is considered a sufficient distance from neighbouring properties, including no.3, to maintain acceptable privacy levels. Similarly, the nature of the design and scale of the garage, is such that despite its position forward of 3 South View, it does not detract from the amenity of that neighbour in terms of light and massing and even may assist to maintain privacy long term from people exiting the new estate.

The nature of the proposed design and retained rear garden length would also maintain the amenities of neighbouring properties to the west, despite the proposed Juliet balcony. Similarly, the impact on plot 2 to the south would not significantly alter due to the positioning of the dwellings to each other and the lack of habitable rooms at first floor facing the southern plot.

The changes to plot 5 include the deletion of the detached garage to the front of the site improving the outlook from adjoining houses within the estate. Similarly, whilst the new design for the house would be slightly larger and closer to neighbouring properties to the west the lack of habitable windows and dormer height design would maintain a suitable level of amenity for future residents. To the east the dwelling would not be any closer to plot 6 when compared to the approved designs whilst the lack of habitable windows facing this property would maintain privacy, subject to conditions. The impact on the wider area to the north and south would be mitigated by the extensive grounds to the site.

4) Drainage

The site has been approved previously and an acceptable surface water drainage scheme agreed. As with the most recent previous approval, ref. no. DM/0205/25/FUL, the applicant seeks to maintain the previously agreed drainage design approach. This is based on a porous estate road which links to the northern ditch to the front of the site. To accommodate the additional surface water from the development, however, the applicant has included additional permeable driveways which would link to the permeable estate road. The applicant has submitted calculations for this design to show the system would be suitable for designed rainfall events whilst releasing water into the ditch at agreed rates. These calculations have been accepted by the drainage team. Given the scheme includes both communal areas and private driveways it is recommended that a scheme of management and maintenance, over and above that originally agreed, is conditioned to ensure a) these private areas are retained for the lifetime of the development and b) an acceptable pattern of maintenance is agreed to maintain the efficiency of these areas as drainage facilities.

Plot 1 incorporates a field drain to the northern boundary of the site. The proposed garage is placed above this drain. The applicant has provided details to show that construction over the drain has been completed in accordance with Building Regulations to protect this pipe and its on-going operation. Following confirmation by Building Control, drainage colleagues have indicated that such works would be acceptable and the

drainage proposal would maintain the capacity and efficiency of this former ditch.

Plot 5 is located close to an Anglian Water mains pipe. The applicant has provided evidence to show that the foul Anglian Water mains pipe can be accommodated within the new design/ layout without detrimental impact on the integrity, operation, and maintenance of these areas. This follows the approval of an amended build over agreement with Anglian Water. Comments from Anglian Water confirm this. It is noted that the development proposed would not alter the relationship to this pipe compared to the previous designs agreed.

5) Biodiversity Net Gain (BNG) and ecology

The proposed development is a variation of an application that was granted permission prior to the implementation of BNG. As such this amendment forms an exception to the BNG regulations and biodiversity net gain is not required. In addition, and notwithstanding the comments above, the applicant has indicated areas set aside for ecological enhancement, notably to the northern boundary adjoining the hedge to South View which has been retained with only a small section of hedge lost to the north western side of the plot 1. The Council's Ecology Manager has not objected to the scheme nor made any further recommendations. As such the development would accord with Policies 5 and 41 of the NELLP.

6) Existing conditions

Should this application be permitted, it will create a new planning permission for the whole estate. As such it is important to consider whether the original conditions are required to be reimposed, amended or deleted.

- 1) Materials - reimpose.
- 2) Access road - construction and retention - reimpose.
- 3) Ecology Construction Management Plan - reimpose.
- 4) Landscaping and Biodiversity Enhancement Scheme - amend and reimpose.
- 5) Drainage - amend and reimpose.
- 6) Fencing - reimpose.
- 7) Obscure glazing - amend and reimpose.
- 8) Balcony screens - reimpose.
- 9) Construction Management Plan - reimpose.
- 10) Contamination - reimpose.
- 11) Approved plans - amend and reimpose.
- 12) Flats roof - plot 2 - reimpose.
- 13) BNG - reimpose.

CONCLUSION

The proposed amendments to the house designs and layouts at plots: 1 and 5 remain part of a wider development that has previously been found to be acceptable. Whilst the specific changes noted are considered material and would alter the impact on the surrounding area, these impacts are not considered unacceptable. Equally, in overall

terms, the changes would not represent a significantly different development to that originally approved. The proposal would maintain the character of the area and subject to conditions would also maintain residential amenity. The layout would not significantly alter and the overall highway design previously approved would remain fit for purpose. Similarly, the drainage designs proposed have been shown to be capable of accommodating additional flows from the development, subject to specific conditions. Ecology and landscaping would not be impacted in a significant manner, and the proposal would accord with Policies: 5, 13, 15, 20, 22, 33, 34, 38 and 41 of the North East Lincolnshire Local Plan 2013 -2032 (adopted 2018).

RECOMMENDATION

Approved with Conditions

(1) Condition

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

Reason

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

(2) Condition

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

Reason

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

(3) Condition

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

Reason

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

(4) Condition

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

Reason

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

(5) Condition

The development shall be carried out in strict accordance with the drainage scheme details approved under condition discharge approval DM/0440/24/CND except where amended at: Plot 1, 2, 5, 6, 7, 8, 9 and 10 where the scheme shall accord with amended plans and details notably: PermCalc Report - South View Plot 1, 2, 5, 6, 7, 8, 9 and 10 Permeable Pavement Designs Suggestion dated 4 June 2025 and drawing nos. 23-516 101 rev X and 23-516 105 rev J.

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

Notwithstanding this, before any of the dwellings at plots 1, 2, 5, 6, 7, 8, 9 and 10 are first occupied a management scheme outlining how permeable driveways within plots will be retained and maintained shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be completed before first occupation and these areas retained and maintained as such thereafter and in accordance with the management plan approved.

Reason

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

(6) Condition

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

Reason

To ensure a satisfactory appearance for the development, nature conservation and to safeguard residential amenity in accordance with Policies: 5, 22 and 41 of the North East Lincolnshire Local Plan 2013 -2032 (adopted 2018).

(7) Condition

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

The exception to this is:

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

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

Plot 5 - all first floor windows to the northern eastern elevation and south western elevation shown on drawing no. 23-516 205 rev H shall be glazed in obscure glass (equivalent to Pilkington Glass level 3 or above) before the dwelling is first occupied and shall be so retained thereafter.

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

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

Reason

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

(8) Condition

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

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

Reason

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

(9) Condition

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

Reason

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

(10) Condition

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

Reason

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

(11) Condition

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

23-516 -100 Site Location Plan

23-516 -101 rev X Proposed Site Plan

23-516 -201 rev E Plot 1 Layout and Plans

23-516 -202 rev G Plot 2 Layout and Plans
23-516 -203 rev F Plot 3 Layout and Plans
23-516 -204 rev E Plot 4 Layout and Plans
23-516 -205 rev H Plot 5 Layout and Plans
23-516 -206 rev H Plot 6 Layout and Plans
23-516 -207 rev E Plot 7 Layout and Plans
23-516 -208 rev G Plot 8 Layout and Plans
23-516 -209 rev F Plot 9 Layout and Plans
23-516 -210 rev F Plot 10 Layout and Plans

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

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

23-516.DAS rev A Design and Access Statement

RLC-1312-OSDS-01-1 Outline Sustainable Drainage Strategy
Humberside Materials Laboratory Ltd Phase 1 Desktop Report - 002/4331/P
Wold Ecology Ltd Preliminary Ecology Appraisal July 2023 Issue 3

Reason

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

(12) Condition

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

Reason

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

(13) Biodiversity Net Gain

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

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

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

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

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

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

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

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

2015) where:

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

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

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

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

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

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

4.5 Self and Custom Build Development, meaning development which:

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

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

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional

requirements for the content and approval of Biodiversity Gain Plans.

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

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

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

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

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

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

Informatives

1 Reason for Approval

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal as amended would not harm the area character or residential amenity, would maintain the integrity and safety of Anglian Water mains, ensure adequate surface water drainage, access and safety and landscaping and ecology and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies: 5, 13, 20, 22, 33, 34, 38 and 41 and the provisions of the National Planning Policy Framework (2025).

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

In accordance with paragraph 187 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to problems arising, by resolving issues with Anglian Water and the drainage team.

3 Informative

Access for Fire Service

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

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

Water Supplies for Fire Fighting

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

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

4 Informative

A) Notification of intention to connect to the public sewer

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

B) Protection of existing assets

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

C) Building near to a public sewer

No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact the Development

Services Team on 0345 606 6087.

D) Sewer adoption

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

5 Informative

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

6 Informative

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

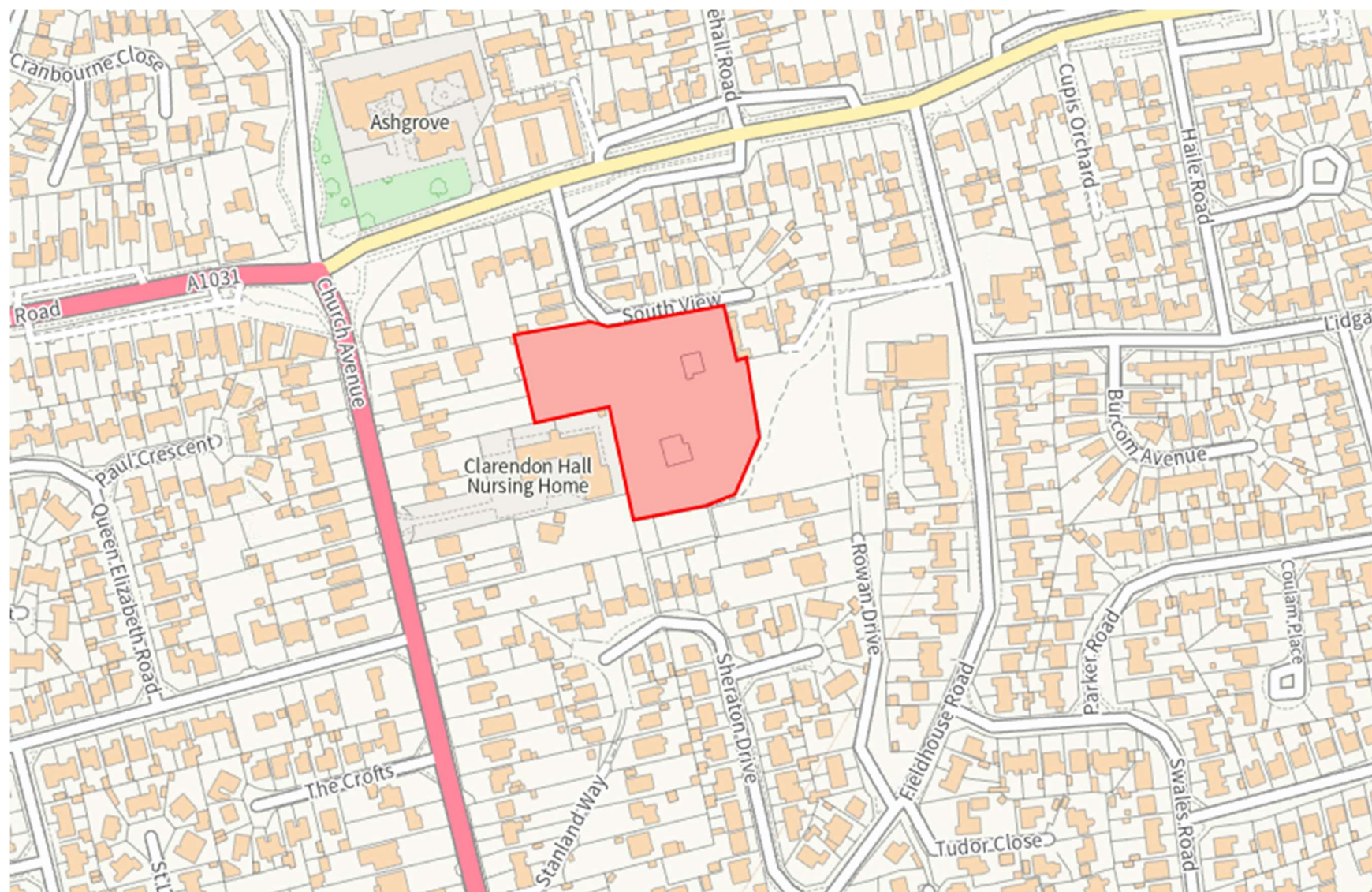
7 Informative

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

8 Informative

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

DM/0354/25/FUL – AGRICULTURE LAND, SOUTH VIEW, HUMBERSTON



DM/0354/25/FUL – AGRICULTURE LAND, SOUTH VIEW, HUMBERSTON



PLANNING COMMITTEE - 29th October 2025

ITEM: 3 **RECOMMENDATION: Refused**

APPLICATION No: DM/0796/25/FULA

APPLICATION TYPE: Accredited Agent - Homeholder application

**APPLICATION SITE: 97 Humberston Avenue, Humberston, North East
Lincolnshire, DN36 4ST**

**PROPOSAL: Retrospective application to retain 2.375m high close-boarded
boundary fence**

APPLICANT:

Mr Sam Chester
97 Humberston Avenue
Humberston
Grimsby
North East Lincolnshire
DN36 4ST

AGENT:

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

DEPOSITED: 16th September 2025

ACCEPTED: 16th September 2025

TARGET DATE: 11th November 2025

PUBLICITY EXPIRY: 19th October 2025

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 11th October 2025

CASE OFFICER: Ellie Mitchell

PROPOSAL

The proposal seeks planning permission to retain a 2.375m high close-boarded boundary fence at 97 Humberston Avenue in Humberston.

The application is brought to planning committee due to a call in by Councillor Dawkins.

SITE

The proposal site is a detached house located on the north side of Humberston Avenue in Humberston. The area surrounding the property is mostly residential in nature made up

of detached and semi detached houses as well as bungalows.

RELEVANT PLANNING HISTORY

DM/1141/15/FUL - Erect entrance gates and screen fencing to front - Approved with Conditions - 3rd March 2016.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2023)

NPPF12 - Achieving well designed places

NPPF15 - Conserv. & enhance the natural environ.

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

PO41 - Biodiversity and Geodiversity

PO5 - Development boundaries

PO22 - Good design in new developments

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

Heritage Officer - No objections.

Ecology Officer - No objections. Exempt from BNG.

Highways Officer - No objections.

Drainage Officer - No objections.

Tree Officer - No objections.

Humberston Village Council - No objections.

Councillor Dawkins - Would like the application heard at planning committee in light of the support for the proposal from neighbours and given the surrounding context in which the

fence sits.

Public Representations

Comments in support of the application have been received from 30, 62, 80, 99, 103, 126 and 186 Humberston Avenue broadly on the grounds of improved security and the fence being in keeping with the surrounding area.

Grimsby and Cleethorpes District Civic Society confirm they have no objections to the fence.

APPRAISAL

The key planning material considerations are:

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

Principle of Development

The application site is within the development area of Humberston (Policy 5) and the proposal seeks to retain a 2.375m high close-boarded boundary fence. The principle of development is therefore acceptable and is subject to the site specific assessment below.

Impact on the Character and Appearance of the Area

The fence is currently in situ and is proposed to be retained through this application. The fence is at a height of 2.375 metres along the front boundary of the property, spanning a length of approximately 27 metres along this boundary. The fence is painted dark brown and is a timber close board style. The fence is sited approximately 0.7 metres from the footpath along Humberston Avenue, with a small hedge present between the fence line and the footpath.

In respect of the surrounding area, the boundary treatments present consist typically of soft landscaping in the form of high hedges and trees with low walls adjacent to the footpath. Some fences can be seen but these are generally lower. These low or natural boundaries add to the verdant quality and character of Humberston Avenue. The fence as installed, even whilst retaining the front hedge, is considered to be incongruous within the street scene due to its height, its position which has been extended forward in front of the tree line and its expanse along the Humberston Avenue frontage.

It is therefore considered that the proposal is detrimental and is contrary to Policies 5 and 22 of the NELLP 2018 in respect of design and character considerations.

Impact on Residential Amenity

The proposal is located within an established residential area. As noted the majority of boundary treatments are high hedges and trees as well as low-walls. The main impact of the proposal in relation to surrounding neighbours is the introduction of the fencing and its height and width which has resulted in a visual change for the immediate neighbours. However, given its position, finish and height relative to neighbours, it is not considered to be detrimental to their amenity and so accords with Policies 5 and 22 of the NELLP 2018.

The extent of public support on this application is noted, however this does not justify the proposal in design and character terms.

Other Matters

The Council's Highways Officer, Tree Officer, Heritage Officer and Drainage Officer have reviewed the details provided and have no objections.

The Council's Ecology Officer has no objections. In terms of Biodiversity Net Gain, this application is subject to exemptions as it is a householder application.

Humberston Village Council have reviewed the details provided and confirmed they have no objections.

CONCLUSION

It is considered that the proposal has a detrimental impact to the street scene and wider character of the area and it is therefore recommended that planning permission is refused as the proposal fails to accord to Policy 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018), and section 12 of the National Planning Policy Framework.

RECOMMENDATION

Refused

(1) The fencing is detrimental to the visual appearance of the street and general character of the area due to its height, design, position, prominence and expanse across the front boundary fronting Humberston Avenue. As such, the proposal is contrary to Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and Section 12 of the National Planning Policy Framework.

Informatives

1 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 entering into discussions with the applicant regarding a reduced scheme, though this has not come to fruition.

2 Informative

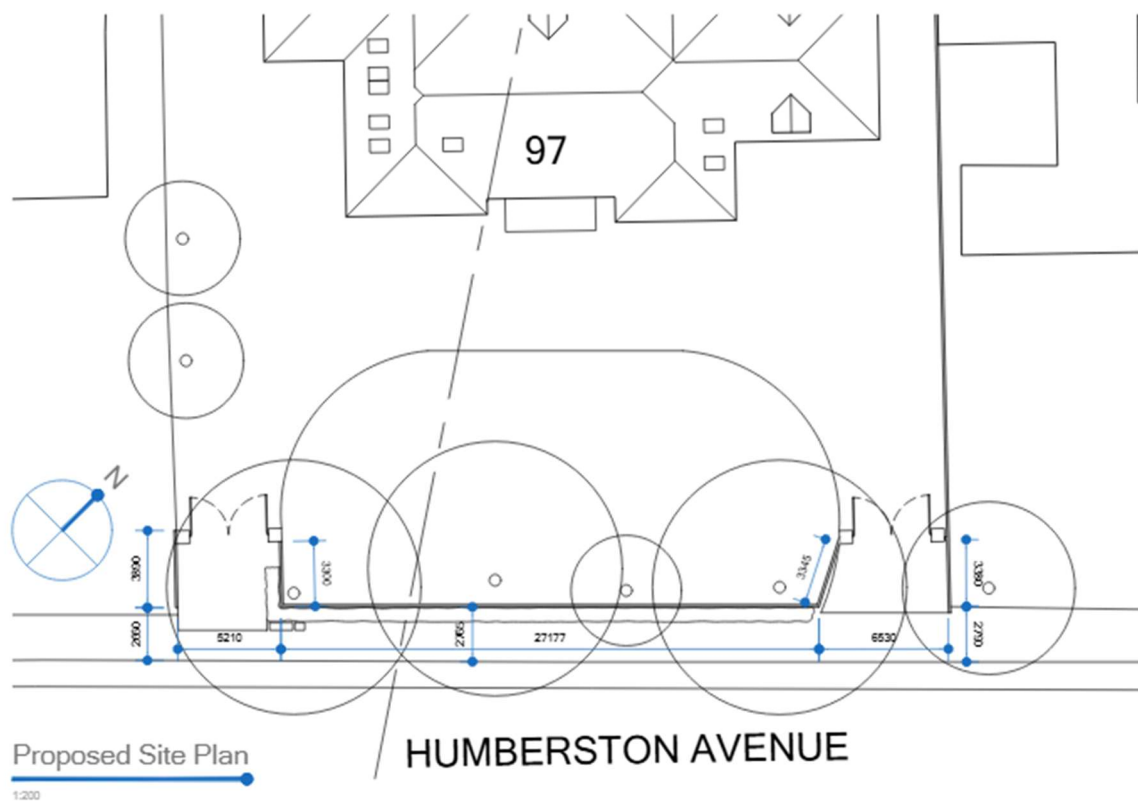
This decision relates to the following plans:

- Site Location Plan RD5904-01
- Existing and Proposed Plans and Elevations RD5904-10 REV B

DM/0796/25/FULA – 97 HUMBERSTON AVENUE, HUMBERSTON



DM/0796/25/FULA – 97 HUMBERSTON AVENUE, HUMBERSTON



PLANNING COMMITTEE - 29th October 2025

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

APPLICATION No: DM/0752/25/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Malcolm West Forklifts , Manby Road, Immingham, North East Lincolnshire, DN40 2LG

PROPOSAL: Retrospective application for the erection of 2.4 m high palisade fencing and creation of vehicular access with associated works

APPLICANT:

Mr Nick West
Malcolm West Forklifts
Manby Road
Immingham
DN40 2LG

AGENT:

Mr Dieter Nelson
Dieter Nelson Planning Consultancy
Unit 12 Cleethorpes Business Centre
Jackson Place
Wilton Road
Humberston
Grimsby
DN36 4AS

DEPOSITED: 27th August 2025

ACCEPTED: 27th August 2025

TARGET DATE: 22nd October 2025

PUBLICITY EXPIRY: 13th October 2025

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 28th September 2025

CASE OFFICER: Owen Toop

PROPOSAL

This application is retrospective in nature and relates to the erection of 2.4 m high palisade fencing.

The plans also detail the creation of a vehicular access with associated works, and this element of the works has not yet commenced.

The application is brought to the attention of Planning Committee due to an objection from Immingham Town Council.

SITE

The application site is located adjacent to Malcolm West, a forklift company, at Manby Road. The area is predominantly commercial and industrial in nature.

RELEVANT PLANNING HISTORY

None relevant.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2023)

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

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

PO5 - Development boundaries
PO8 - Existing employment areas
PO22 - Good design in new developments
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 - No objections but recommends informative for S184 license.

Ecology Officer - Confirms exempt from Biodiversity Net Gain Condition.

Immingham Town Council - Objects to the application on retrospective nature of works, noting highway and fencing.

Drainage - No drainage details required.

Trees and Woodlands - No comments.

Heritage - No input required.

HSE - Does not advise against the granting of planning permission.

Cadent Gas - No objections, informative advice recommended.

Public Rights of Way Officer - No objections to the proposal.

Public Representations:

Grimsby, Cleethorpes and District Civic Society - Concerns regarding retrospective nature of application.

No other representations received.

APPRAISAL

The planning considerations are:

- 1) Principle of Development
- 2) Visual Design
- 3) Impact on Neighbours
- 4) Highways
- 5) Biodiversity Net Gain
- 6) Other Matters

- 1) Principle of Development

The proposed development relates to palisade fencing and associated works and is located within the development boundary of Immingham as defined within Policy 5 of the North East Lincolnshire Local Plan 2013-2032. It is also within an existing employment area (Policy 8). The principle of development is acceptable and the proposal may be supported subject to there being no adverse impacts with regard to the site specific planning considerations. These are discussed below.

- 2) Visual Design

The proposed fencing and gates have been constructed. They are approximately 2.4 metres high and cover the front boundary adjacent to the Malcolm West building. The area is predominantly established as industrial in nature and the works are not considered to be out of character in visual design terms. They do not harm the area character as a result. There are plenty of examples of other fencing of a similar design and scale at other businesses in the surrounding area.

Having considered the above, the proposal accords with Policies 5 and 22 of the NELLP

in this regard.

3) Impact on Neighbours

There are a number of neighbouring businesses in the vicinity of a commercial nature, including Bush Tyres adjacent to the north west, Sar Metals opposite at Manby Road, as well as Renco Nets, GRF and LV Logistics.

The fencing does not harm their local amenity, as noted fencing of this design is common in this area. The proposal therefore accords with Policy 5 of the NELLP in this regard.

4) Highways

The Local Highway Authority has been consulted on the proposed details. The details include access and construction details; the access has not been constructed to date. It has been confirmed that this section of Manby Road is not a Classified Road. As such, planning permission may not be needed. At any rate the applicant has worked to respond to the Highway Officer comments in relation to highway licensing requirements to ensure that the scheme can be deliverable. From a highways perspective there are no objections, though the applicant will need to secure the relevant highway license for the new access.

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

5) Biodiversity Net Gain

The Ecologist has confirmed that the proposal is exempt from the requirements of the Biodiversity Net Gain Condition, in accordance with Section 15 of the NPPF.

6) Other Matters

The comments regarding the retrospective nature of the application are noted from the Town Council and Civic Society. Whilst this is regrettable, the application is considered in the usual way on its merits and impacts and as discussed, is considered acceptable in this instance.

Given the fence line and location of the works, there are no objections from the Public Rights of Way Officer.

The site is within an area of flood risk. A Flood Risk Assessment has been provided. The less vulnerable and nature of the works is such that flood risk is not adversely affected.

CONCLUSION

The fencing, as installed, is acceptable and accords with local and national policy. The applicant is reminded of the need to secure the relevant highway license from the Local

Highway Authority. The application is recommended for approval.

RECOMMENDATION

Approved with Conditions

(1) Condition

The development shall be completed in accordance with the following plans:

Site Plans and Construction Details - 954 - 1 A

Reason

For the avoidance of doubt in the interests of proper planning and in accordance with Policies 5, 8, 22, 33 and 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(2) 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 does not harm the area character or local amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular Policies 5, 8, 22, 33 and 41.

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 addressing highway matters through additional plans.

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

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.

5 Informative

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

DM/0752/25/FUL – MALCOLM WEST FORKLIFTS, MANBY ROAD, IMMINGHAM

