

## Minute of the Planning Committee

### 3rd September 2025

**Item:** 1

**Application Number:** DM/0396/25/FUL

**Application Type:** Full Application

**Application Site:** 2 Vivian Avenue Grimsby North East Lincolnshire DN32 8QF

**Proposal:** Change of use from residential dwelling to a children's care home

<b>Applicant's Name and Address:</b>	<b>Agent's Name and Address:</b>
Dane Skiba Shore Care Service F15 The Bloc Hull HU10 6RJ	

**Deposited:** 15th May 2025

**Accepted:** 1st July 2025

**Expiry Date:** 26th August 2025

**Agreed Extension of Time Date:** 5th September 2025

**Case Officer:** Lauren Birkwood

**Decision:** 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 - Received 15th May 2025  
Proposed Block Plan - Received 27th May 2025  
Proposed Floor Plans - 04  
Proposed Elevations - 05  
Proposed Roof Plan - 06

**Reason**

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

**3 Condition**

The development shall be operated and managed in accordance with the Design and Access Statement (Received 15th May 2025) to include the number of children.

**Reason**

To clarify the permission and in the interests of amenity in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

**4 Condition**

The development shall be carried out in accordance with the submitted Flood Risk Assessment (Received 1st July 2025, compiled by Aegaea) including the flood resistance and resilience measures incorporated as stated.

**Reason**

To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy 33 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

**5 Condition**

The site shall be used as a children's home only under Class C2 and shall not be used for any other purpose or use including any others within Class C2.

**Reason**

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

**6 Biodiversity Net Gain**

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

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan.

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

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

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

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

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

1. The application for planning permission was made before 12 February 2024.

2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and  
(i) the original planning permission to which the section 73 planning permission relates\* was granted before 12 February 2024; or  
(ii) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.

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

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

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

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

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

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

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

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

4.5 Self and Custom Build Development, meaning development which:

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

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

#### Irreplaceable habitat

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

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

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

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

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

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

## **Informatives**

### **1 Reason for Approval**

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or residential amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 5, 22, 33, 38 and 41.

### **2 Added Value Statement**

Article 31(1)(cc) Statement - Positive and Proactive Approach  
In accordance with paragraph 187 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to problems arising, by requesting additional information to overcome concerns.

3 Informative

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

4 Informative

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

## Minute of the Planning Committee

### 3rd September 2025

**Item:** 2

**Application Number:** DM/0518/25/FUL

**Application Type:** Full Application

**Application Site:** 12 Welholme Avenue Grimsby North East Lincolnshire DN32 0HP

**Proposal:** Change of use from domestic dwelling to children's home

<b>Applicant's Name and Address:</b>	<b>Agent's Name and Address:</b>
Mr Paul Cowling North East Lincolnshire Council Municipal Offices Town Hall Square Grimsby North East Lincolnshire DN31 1HU	Mrs Sarah Perry Equans Professional Services (Architecture) Municipal Offices Town Hall Square Grimsby North East Lincolnshire DN31 1HU

**Deposited:** 18th June 2025

**Accepted:** 27th June 2025

**Expiry Date:** 22nd August 2025

**Agreed Extension of Time Date:** 5th September 2025

**Case Officer:** Lauren Birkwood

**Decision:** 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 - PS042-25 P-001

Existing and Proposed Block Plan - PS042-25 P-002

Proposed Ground and First Floor Plans - PS042-25 P-004

Reason

For the avoidance of doubt and in the interests of proper planning and to accord with Policies 5, 22, 33, 38, 39 and 41 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

3 Condition

The development shall be operated and managed in accordance with the Operational Statement (dated June 2025) in so far as the number of children are concerned.

Reason

To clarify the permission and to protect residential amenity in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

4 Condition

The development shall be carried out in accordance with the submitted Flood Risk Assessment (dated July 2025, compiled by Equans / NELC in partnership) and the Flood Evacuation Plan (completed 25th July 2025) including the flood resistance and resilience measures incorporated as stated.

Reason

To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy 33 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

5 Condition

The site shall be used as a children's home only under Class C2 and shall not be used for any other purpose or use including any others within Class C2.

Reason

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

6 Biodiversity Net Gain

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

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

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

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

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

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

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

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

(England) Order 2015) where:

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

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

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

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

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

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

4.5 Self and Custom Build Development, meaning development which:

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

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

Irreplaceable habitat

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

are additional requirements for the content and approval of Biodiversity Gain Plans.

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

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

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

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

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

## **Informatics**

### **1 Reason for Approval**

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character, the conservation area or residential amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 5, 22, 33, 38, 39 and 41.

2 Added Value Statement

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

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

3 Informative

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

4 Informative

The applicant's attention is drawn to the comments received from the Environment Agency, Crime Reduction Officer and the Council's Environmental Health Officer. Please go to [www.nelincs.gov.uk](http://www.nelincs.gov.uk) to view.

## Minute of the Planning Committee

### 3rd September 2025

**Item:** 3

**Application Number:** DM/0435/25/FUL

**Application Type:** Full Application

**Application Site:** 240 Station Road New Waltham North East Lincolnshire  
DN36 4PE

**Proposal:** Change of use from existing dwelling (Class C3) to a residential home (Class C2) for 2 young people aged between 7 and 17 years

<b>Applicant's Name and Address:</b>	<b>Agent's Name and Address:</b>
Keys Group Limited C/O Agent - Emery Planning 1-4 South Park Court Hobson Street Macclesfield Cheshire SK11 8BS	Ms Sarah Sands Emery Planning 1-4 South Park Business Court Hobson Street Macclesfield SK11 8BS

**Deposited:** 23rd May 2025

**Accepted:** 23rd May 2025

**Expiry Date:** 18th July 2025

**Agreed Extension of Time Date:**

**Case Officer:** Becca Soulsby

**Decision:** Deferred for Negotiations

It was resolved for the application to be deferred for further consultation with Children's Services and applicant discussions with neighbours.

## Minute of the Planning Committee

### 3rd September 2025

**Item:** 4

**Application Number:** DM/0436/25/FUL

**Application Type:** Full Application

**Application Site:** 88 Stallingborough Road Healing North East Lincolnshire DN41 7QL

**Proposal:** Change of use from existing dwelling (Class C3) to a residential home (Class C2) for 2 young people aged between 7 and 17 years

<b>Applicant's Name and Address:</b>	<b>Agent's Name and Address:</b>
Keys Group Limited C/O Agent - Emery Planning 1-4 South Park Court Hobson Street Macclesfield Cheshire SK11 8BS	Ms Sarah Sands Emery Planning 1-4 South Park Business Court Hobson Street Macclesfield SK11 8BS

**Deposited:** 23rd May 2025

**Accepted:** 23rd May 2025

**Expiry Date:** 18th July 2025

**Agreed Extension of Time Date:** 5th September 2025

**Case Officer:** Becca Soulsby

**Decision:** 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 and documents:

Site Location Plan received 23rd May 2025

Block Plan received 23rd May 2025

Existing and Proposed Floor Plans received 23rd May 2025

Planning Statement received June 2025

Reason

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

3 Condition

The site shall be used as a children's home only under Class C2 and shall not be used for any other purpose or use including any others within Class C2.

Reason

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

4 Condition

The development shall be operated and managed in accordance with the Planning Statement (Received 13th June 2025) to include the number of children.

Reason

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

5 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.

## **Informatics**

### **1 Reason for Approval**

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or neighbouring amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular Policies 5, 22, 38 and 41.

### **2 Added Value Statement**

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

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

### **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).

## Minute of the Planning Committee

### 3rd September 2025

**Item:** 5

**Application Number:** DM/1065/24/FUL

**Application Type:** Full Application

**Application Site:** Former Bursar Primary School Bursar Street Cleethorpes North East Lincolnshire

**Proposal:** Conversion and alterations to former school buildings to create 19 residential dwellings, including associated parking, private gardens, shared garden spaces, new pedestrian accesses and associated works (Reduced number of flats, increased parking, additional architectural details, materials, drainage methodology, altered access width and landscaping)

<b>Applicant's Name and Address:</b>	<b>Agent's Name and Address:</b>
Mr Dan Pattrick SCE-D Limited Bursar Primary School Bursar Street Cleethorpes North East Lincolnshire DN35 8DS	Mr David Ettridge Ettridge Architecture 26 Ferriby Road Hessle HU13 0PG

**Deposited:** 30th December 2024

**Accepted:** 6th February 2025

**Expiry Date:** 8th May 2025

**Agreed Extension of Time Date:**

**Case Officer:** Jonathan Cadd

**Decision:** 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  
No development shall commence until a final scheme for the provision of sustainable surface water drainage has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall be implemented before the first residential unit is occupied. The drainage shall be retained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

There shall be no raising of existing ground levels and no surface water discharge onto the public highway.

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

3 Condition  
The amended highway access to Bursar Street and parking areas shall be completed in accordance with the approved plan nos. 23 40 110 rev A, 23 40 111 and 23 40 150F and shall be available for use before any of the residential units hereby approved are first brought into use and shall thereafter be so retained unless, otherwise agreed in writing by the Local Planning Authority.

Reason  
To ensure adequate parking and turning facilities are provided within the site for highway safety reasons and in accordance with Policies: 5, 36 and 38 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

4 Condition  
The conversion and construction works required shall at all times accord with the Construction Management Plan (CMP) incorporating a Construction Traffic Management Plan (CTMP), unless otherwise agreed in writing by the Local Planning Authority.

Reason  
To ensure adequate access facilities are provided during construction, and for amenity and highway safety reasons and in accordance with Policies: 5, 36 and 38 of the North East Lincolnshire Local Plan 2013 -2032 (adopted 2018).

5 Condition

Prior to the first occupation of any individual residential unit hereby approved, the Proposed Ecological Enhancement Plan relating to that unit shall have been completed. The elements of the Landscaping Scheme and Proposed Ecological Enhancement Plan relating to the communal areas of the wider site shall be completed in full within 12 months of the development commencing, or an alternative period agreed in writing by the Local Planning Authority.

Notwithstanding these details prior to any of the residential units hereby approved being occupied an Ecological Enhancement Plan Management Scheme shall have been submitted to and approved in writing by the Local Planning Authority, and the approved scheme shall be implemented and adhered to thereafter.

Reason

To enhance the ecological interest in the site and area and in accordance with Policies: 5 and 41 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

6 Condition

No development shall commence until:

- (a) a scheme of landscaping showing the details of the number, species, sizes and planting positions of all trees and shrubs to be planted;
- (b) details of tree pits and soil preparation required for landscaped areas;
- (c) measures for the protection of trees and hedges (to the Bursar Street frontage) during construction work (including timescale's for implementation and retention); and
- (d) a landscape management and maintenance scheme;

have been submitted to and approved in writing by the Local Planning Authority. The tree and hedge protection measures approved under part (C) shall thereafter be implemented and retained in accordance with the agreed details.

In addition, the scheme of landscaping approved by the Local Planning Authority under parts (a) and (b) above shall be completed within a period of 12 months, beginning with the date on which development began or within such longer period as may be first agreed in writing by the Local Planning Authority. All planting shall be adequately maintained for 5 years, beginning with the date of completion of the scheme and during that period all losses shall be replaced during the next planting season. After the initial 5 year period the landscaping scheme shall be maintained in accordance with the Landscape Management and Maintenance Scheme approved under this condition.

Reason

To ensure a satisfactory appearance and setting for the development and protection of existing features in the interests of local amenity and ecology and in accordance with Policies: 5, 41 and 42 of the North East Lincolnshire Local plan 2013 - 2032 (adopted 2018).

7 Condition

Prior to any residential unit being occupied, bin storage and cycle facilities shall be provided to a design, siting and materials specification to be approved in writing by the Local Planning Authority and shall thereafter be so retained. All bin storage and cycle storage shall be installed as approved before any residential unit is occupied.

Reason

To provide acceptable refuse facilities for occupants of the accommodation, in the interests of sustainable travel and to ensure a satisfactory appearance for the development and its heritage significance and in accordance with Policies: 5, 22, 36, 39 and 41 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

8 Condition

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 9 to 11 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 12 has been complied with in relation to that contamination.

Reason

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

9 Condition

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with the Environment Agency's Land Contamination Risk Management (LCRM) guidance, published online in 2020.

**Reason**

To ensure the site is safe and free from contamination and in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013 - 2013 (adopted 2018).

**10 Condition**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

**Reason**

To ensure the site is safe and free from contamination and in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013 - 2013 (adopted 2018).

**11 Condition**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

**Reason**

To ensure the site is safe and free from contamination and in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013 - 2013 (adopted 2018).

**12 Condition**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 9, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 10, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 11.

**Reason**

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

**13 Condition**

The windows and doors scheme proposed shall be completed in accordance with the following approved plans and details:

23-40-104D Proposed Elevations and Section Main Building  
23-40-105D Proposed Elevations and Section Main Building  
23-40-106A Proposed Elevations Small Building

23-40-112 Proposed Window Details  
23-40-113 Proposed Window Schedule - Main Building  
23-40-114 Proposed Window Schedule - Small Building  
Window and Door Specification - (31st July 2025)  
Heritage Flush Collection - Deceuninck

**Reason**

To ensure windows, doors repaired/replaced will maintain the character and appearance of the building and its significance and in accordance with Policies: 5, 22 and 39 of the North East Lincolnshire Local Plan 2013 -2032 (adopted 2018).

**14 Condition**

Before any brickwork repairs/alterations commence on site, a sample panel of brickwork showing the brick type, bond, arches and headers along with mortar mix, thickness and finish shall be erected for written approval to the Local Planning Authority. The approved details shall be implemented within the buildings in accordance with the approved details.

The rear inward facing alterations to the later flat roof additions to the main building (South East Elevation on drawing 20 40 105D) shall be completed in accordance with the following palette of materials:

Modern Contrasting Material Palette to Elevation C - Slate (6th May 2025)  
Modern Contrasting Material Palette to Elevation B - Vertical Wood Cladding (6th May 2025)

Unless otherwise agreed in writing with the Local Planning Authority.

**Reason**

To maintain the appearance and heritage significance of the buildings and in accordance with Policies: 5, 22 and 39 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

15 Condition

The repairs to the roof shall be completed in accordance with the approved Method Statement for Localised Roof Repairs - Slate Roof (Accessed by Scaffold) and Roof and Rainwater Details (both dated 31 July 2025) unless otherwise agreed in writing with the Local Planning Authority.

Reason

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

16 Condition

The walls, railings, gates and finishes relating to individual residential units shall be completed prior to the first occupation of that particular individual residential unit in accordance with the approved details and shall be maintained as such thereafter. The walls, railings, gates and finishes relating to the communal areas and wider site shall be completed in full accordance with the approved details before any residential unit hereby approved is first occupied and shall be retained and maintained as such thereafter. The approved details include:

23 40 101 F Proposed Ground Floor Plan Main Building

23 40 110 A Proposed Site Entrance Highway Details

23 40 111 Site Entrance Details

23 40 115 Proposed Boundary Treatments Elevations

Reason

To maintain the character and appearance of the development and the heritage significance of the building in accordance with Policies: 5, 22 and 39 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

17 Condition

The development shall be completed in strict accordance with the approved Roof and Rainwater Details (31st July 2025) unless otherwise agreed in writing by the Local Planning Authority.

Reason

To retain the character, appearance and historic significance of the buildings and in accordance with Policies: 5, 22 and 39 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

18 Condition

Prior to the occupation of any residential unit details of a scheme of obscure glazing to Frederick Street and southern windows to units 9, 10 and 17 shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved scheme before any residential unit is first occupied and shall be retained as such

thereafter.

**Reason**

To ensure the appearance and historical significance of the building is retained and/or to limit overlooking of adjoining properties in accordance with Policies: 5, 22 and 39 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

**19 Condition**

Prior to development commencing, the developer shall commission a scheme of archaeological works (a full historic building recording equivalent to 3/4 Historic England Recording level). The results of the survey shall be submitted to and approved in writing by the Local Planning Authority and entered in the Historic Environment Record prior to work commencing on site.

**Reason**

Local Planning Authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible (Policy 218 National Planning Policy Framework (2025)) and in accordance with Policy 39 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

**20 Condition**

Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no development under Schedule 2 Part 1, Class A, B, C, D, E, F shall be permitted within the curtilage of the dwellings.

**Reason**

To protect residential amenity and the visual character of the area and heritage buildings and in accordance with Policies: 5, 22 and 39 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

**21 Condition**

Prior any residential unit hereby approved being occupied a scheme to meet the water efficiency standard of 110 litres per person per day per unit shall be submitted to and approved in writing by the Local Planning Authority. Once approved, each unit shall not be occupied until the measures for it are installed as agreed. They shall be retained as such thereafter.

**Reason**

In the interests of water management and efficiency and in accordance with Policies: 5 and 34 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

**22 Condition**

The development shall not be carried out except in complete accordance with the

approved plans and specifications. The approved plans have the following drawing numbers and titles:

23 40 001 rev A - Site Location and Existing Site Plan  
23 40 075 - Topographical Survey  
23 40 101 rev F - Proposed Ground Floor Plan Main Building  
23 40 102 rev F - Proposed First Floor Plan Main Building  
23 40 103 rev D - Proposed Small Building Ground and First Floor Plans  
23 40 104 rev D - Proposed Elevations and Section Main Building  
23 40 105 rev D - Main Building - Proposed Elevations and Section Main Building  
23 40 106 rev A - Proposed Elevations- Small Building  
23 40 107 - Proposed Street Scene to Bursar Street  
23 40 109 - Proposed Roof Height Sections  
23 40 110 rev A - Proposed Site Entrance Highway Details  
23 40 111 - Proposed Site Entrance Elevations  
23 40 115 - Proposed Boundary Treatment Elevations  
23 40 150 rev F - Proposed Site Plan  
23 40 250 - Proposed Lighting Plan  
23 40 300 - Proposed Ecological Enhancement Plan

**Reason**

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

**23 Biodiversity Net Gain**

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

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

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

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

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

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

**In Summary:** Based on the information available this permission is considered to be one which will 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.

## **Informatics**

### **1 Reason for Approval**

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or residential amenity, heritage, safety and parking and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular Policies: 3, 4, 5, 22, 33, 34, 36, 38, 39, 41 and 42 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

### **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 enhancing the residential environment.

### **3 Informative**

As works are required within the existing Highway, you are required to contact the Highways Management Team at least six months in advance of the commencement of works (Tel: 01472 324431).

### **4 Informative**

1) 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 Option 2 .

2) 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 Development Services Team on 0345 606 6087.

3) 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 Option 2 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 requirements.

5 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 26 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 280m<sup>2</sup> 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.

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](mailto:snn@nelincs.gov.uk) to discuss the creation of new addresses.

7 Informative

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

8 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).

9 Informative

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

## Minute of the Planning Committee

### 3rd September 2025

**Item:** 6

**Application Number:** DM/0317/25/FUL

**Application Type:** Full Application

**Application Site:** Bull Rush Lakes Tetney Road Humberston North East Lincolnshire

**Proposal:** Retention of engineering works and siting of containers to provide amenity space for anglers with associated drainage works and retention of anglers wc/store building with associated works (revised description and amended plans uploaded 25.07.2025)

<b>Applicant's Name and Address:</b>	<b>Agent's Name and Address:</b>
Mr Adam Rowlands Bull Rush Lakes Tetney Road Humberston North East Lincolnshire	Mr Daniel Snowden Ross Davy Associates Pelham House 1 Grosvenor Street Grimsby North East Lincolnshire DN32 0QH

**Deposited:** 17th April 2025

**Accepted:** 7th May 2025

**Expiry Date:** 2nd July 2025

**Agreed Extension of Time Date:** 19th August 2025

**Case Officer:** Owen Toop

**Decision:** Approved with Conditions

1 Condition

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

Proposed Container Plans and Elevations - RD: 5855-04 F

Angler WC Plans and Elevations - RD: 5855 - 05

Proposed Block Plan - RD: 5855-03 A

Site Location Plan - RD: 5855-01 A

**Reason**

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

**2 Condition**

There shall be no overnight sleeping within the container or the Angler WC and store building. The development shall only be used as stated within the approved drawings.

**Reason**

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

**3 Condition**

Within 6 months of this decision, a Flood Warning and Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall be operated in accordance with the Flood Warning and Evacuation Plan for its lifetime.

**Reason**

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

**4 Biodiversity Net Gain**

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

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

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

There are statutory exemptions and transitional arrangements which mean that

the biodiversity gain condition does not always apply. It is the applicant or developers responsibility to make sure that they are complying with the requirements of this legislation.

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

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

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

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
  - (i) the original planning permission to which the section 73 planning permission relates\* was granted before 12 February 2024; or
  - (ii) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
  - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
    - i) the application for planning permission was made before 2 April 2024;
    - ii) planning permission is granted which has effect before 2 April 2024; or
    - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates\* was exempt by virtue of (i) or (ii).
  - \* "original planning permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.
- 4.2 Development below the de minimis threshold, meaning development which:
  - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006);

and

ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

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

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

4.5 Self and Custom Build Development, meaning development which:

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

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

#### Irreplaceable habitat

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

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

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

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

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

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

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

## **Informatics**

### **1 Reason for Approval**

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

### **2 Added Value Statement**

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

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

### **3 Informative**

Please note that you may also require Building Regulations. You are advised to contact them (Tel: 01472 326289 - Option 2).

### **4 Informative**

Please note the comments from the Environment Agency and the Lindsey Marsh Drainage Board. You may require separate permits and consent from these

bodies and you are advised to contact them. Their comments may be located on the Council's website.