

## Minute of the Planning Committee 8th January 2025

**Item:** 1

**Application Number:** DM/0402/24/FUL

**Application Type:** Full Application

**Application Site:** Land On Former Garage Site Great Coates Road Grimsby  
North East Lincolnshire

**Proposal:** Demolition of former filling station kiosk and drive thru car wash buildings. Erection of drive thru coffee shop with indoor seating area and utility yard, detached health care unit (Dentist - use class E (e)), air conditioning units, substation and installation of (EV) electric vehicle charging points. Creation of new pedestrian access, erection of 2.5m and 3m high noise barrier fences to sides and rear, landscaping, car parking arrangements and associated works (AMENDED USE FOR UNIT 1 AND ASSOCIATED TRANSPORT STATEMENT)

<b>Applicant's Name and Address:</b> McFadden McFadden Developments Ltd 4 Redcote Lane Leeds LS4 2AL	<b>Agent's Name and Address:</b> Ms Racheal Bamford ADS Design 4 Granville Court Granville Mount Otley LS21 3PB
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**Deposited:** 22nd April 2024

**Accepted:** 30th May 2024

**Expiry Date:** 25th July 2024

**Agreed Extension of Time Date:** 13th January 2025

**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  
Development shall not begin until details of the materials for the exterior walls and roof of the buildings have been submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall be carried out in accordance with the approved details.

Reason  
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).
- 3      Condition  
Notwithstanding the details submitted, no development shall commence until an updated surface water drainage scheme (and management document), based on the conclusions of the Flood Risk Assessment and Drainage Strategy Report P15728-DSR-01 rev A by Goodson Associates, have been submitted to and approved in writing by the Local Planning Authority. In particular, surface water flows from the site into the combined sewer at Yarborough Road shall not exceed 5 litres/second. Once approved, the scheme shall be implemented in full before any part of the development is first brought into use and the drainage shall be retained and maintained as approved thereafter.

Reason  
To prevent an increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and in accordance with Policies: 5, 33 and 34 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).
- 4      Condition  
Development shall not begin until details showing the location, layout, design and method of construction of any new or altered vehicular access, parking and manoeuvring space, including any necessary piping or culverting of any ditch or watercourse, have been submitted to and approved in writing by the Local Planning Authority, and before any part of the development hereby permitted is brought into use the vehicular access, parking and manoeuvring spaces shall be constructed in accordance with those approved details and shall thereafter be so retained.

Reason

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

5 Condition

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

1. Contact details of the person with responsibility for the implementation of the CTMP;
2. The expected number, types and size of vehicles during the entire construction period;
3. Confirmation of avoidance of deliveries to the site at specified peak hours, including delivery schedules and how this will be managed to eliminate waiting on the public highway (i.e. call ahead or pre-booking scheduling system), if required;
4. Details of on-site parking provision for construction related vehicles;
5. Details of on-site storage areas for materials, if required;
6. Details of wheel washing facilities (locations, types etc.);
7. Measure to prevent dust and nuisance;
8. Measures to deal with noise and vibration (The noise assessment must comply with the requirements of British Standard 5228 unless otherwise approved);
9. Confirmation that no fires will be lit at the site, and;
10. Measures to deal with and limit waste.

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

Reason

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

6 Condition

Prior to work commencing details of the height and the exact location of acoustic fencing (including ground levels on which the fences will be erected) shall be submitted to and approved in writing by the Local Planning Authority. The fencing approved by the Local Planning Authority shall be fully erected and completed before the any part of the development is first brought into use. The fencing shall be maintained and retained as such thereafter.

Reason

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

7 Condition

The scheme of landscaping and tree planting shown on drawing no. 5540 -01 rev B approved by the Local Planning Authority shall be completed within a period of 12 months, beginning with the date on which development began or within such longer period as may be first agreed in writing by the Local Planning Authority. All planting and biodiversity features shall be adequately maintained for 30 years, beginning with the date of completion of the scheme and during that period all losses shall be replaced during the next planting season.

Reason

To ensure a satisfactory appearance and setting for the development, biodiversity and amenity and in accordance with Policies: 5, 22, 41 and 42 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

8 Condition

No development shall commence until details of:

(a) a Biodiversity Enhancement and Management Scheme (based on the Eco 360 Bat Survey and Landscape Plan ref. no. 5540.01B) setting out, but not exclusively:

- detailed measures for habitat creation and management;
- a detailed dark corridor lighting strategy to site boundaries (in accordance with the Institute of Lighting Guidance Note 8 Bats and Artificial Lighting);
- a statement setting outlining the timescales for implementation of the approved measures, management responsibilities and on-going maintenance schedules for all features created or retained;

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

The development shall be undertaken and completed in strict accordance with the approved Landscaping scheme and the Biodiversity Enhancement and Management Plan and be retained as such 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).

9 Condition

Notwithstanding the details provided and before development commences, a scheme of secure covered cycle parking facilities shall be submitted to the Local Planning Authority for approval in writing. The approved scheme shall be completed prior to occupation of any part of the development and thereafter retained.

Reason

To ensure appropriate facilities are provided for cyclists as part of the development and in accordance with Policies: 5 and 36 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

10 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 11 to 13 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 14 has been complied with in relation to that contamination.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution or contamination in line with paragraph 187 of the National Planning Policy Framework and Policies 5 and 34 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

11 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 DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water

pollution or contamination in line with paragraph 187 of the National Planning Policy Framework and Policies 5 and 34 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

12 Condition

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, water, 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 that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution or contamination in line with paragraph 187 of the National Planning Policy Framework and Policies 5 and 34 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

13 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 that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by contamination or unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 187 of the National Planning Policy Framework. Additionally, to include any changes to groundwater conditions that might be detected during development and in accordance with Policies 5 and 34 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

14 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 11, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 12, 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 13.

#### Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by contamination or unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 187 of the National Planning Policy Framework. Additionally, to include any changes to groundwater conditions that might be detected during development and in accordance with Policies 5 and 34 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

#### 15 Condition

Prior to the commencement of any works details of piling and investigation boreholes using penetrative methods and/or ground improvement works/ foundations shall be submitted to and approved in writing with the Local Planning Authority. Included shall be a scheme to mitigate the effects of the design with particular regard to noise and vibration to the surrounding premises and pollution to the underlying chalk aquifer. The development shall be carried out in accordance with the approved details.

#### Reason

To ensure that any piling or site investigation boreholes/ foundations do not harm groundwater resources and residential amenity in accordance with Policies 5 and 34 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018) and paragraph 187 of the National Planning Policy Framework (2024).

#### 16 Condition

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

#### Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 180 of the National Planning Policy Framework and Policies 5 and 34 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

- 17 Condition  
No machinery shall be operated, no process shall be carried out and no deliveries to be taken in or dispatched from the site in connection with the construction of the development hereby approved outside the hours of 8.00 am to 6.00 pm Monday to Friday, 8.00 am to 1pm Saturday and not on Sundays or Bank Holidays or any other time unless agreed in writing with the Local Planning Authority.

Reason

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

- 18 Condition  
Prior to the uses hereby permitted commencing details shall be submitted to and approved in writing by the Local Planning Authority of all external ventilation and extraction equipment including their acoustic performance and, where applicable, the method of odour control. Such a scheme as approved shall be implemented in its entirety prior to the use or uses commencing and shall thereafter be so retained.

Reason

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

- 19 Condition  
No activities shall take place at the premises outside of the following hours:

Monday to	Saturdays	05:00am	to	22:00pm
Sundays		06:00am	to	21:00pm

Reason

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

- 20 Condition  
No works shall proceed beyond damp course level until final details of the proposed lighting scheme (based on the Lighting Report by Bever Dialux ADS Grimsby External V1-EBU20240228) have been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall thereafter be implemented in strict accordance with the approved plans and retained as such thereafter unless otherwise agreed in writing with the Local Planning Authority.

In addition, the approved lighting at the site shall not operate outside of the following hours:

Monday to	Saturdays	05:00am	to	22:30pm
Sundays		06:00am	to	21:30pm



Reason

To ensure that lighting is suitable for the area to maintain safety, residential amenity and the character of the area in accordance with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

21 Condition

No development beyond damp course level shall occur until a Delivery Noise Management Plan has been submitted to and approved in writing by the Local Planning Authority. The delivery noise management plan shall include, (but not exclusively): vehicle movements, unloading and loading, use of reversing aids and refrigeration units. In addition, no deliveries to the premises shall occur outside of 08:00am and 19:00pm Monday to Friday and 08:00am to 13:00pm on Saturdays. No deliveries shall occur on Sundays. The Delivery Noise Management Plan shall thereafter be implemented in full and adhered to at all times thereafter.

Reason

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

22 Demolition Condition

Prior to the commencement of any demolition works (including removal of foundations) a detailed method statement outlining the method of demolition and measures to prevent pollution to the environment and nuisance from noise and dust to surrounding occupiers shall be submitted in writing to the local authority for its written approval. Demolition shall only thereafter be undertaken in accordance with the approved method statement.

Reason

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

23 Condition

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

Reason

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

- 24      Condition  
Prior to the uses being first brought into use, a management plan to maintain security, limit nuisance from users and general anti-social behaviour, litter and light pollution shall be submitted to and agreed in writing by the Local Planning Authority. This should include measures to secure the EV charging points when they are not in use and refuse areas; and a scheme of CCTV to cover the full site but not neighbouring properties. The approved management plan and any measures required shall be implemented in full before any of the uses first commence and shall thereafter be maintained in full unless otherwise agreed in writing by the Local Planning Authority.

Reason

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

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

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

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

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

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

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

Reason

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

26 Condition

The development shall not be carried out except in complete accordance with the approved plans and specifications. The approved plans/ documents are as follows:

2080 - 1 Site Location Plan  
2080 - 8 rev O Proposed Site Plan  
2080 - 9 rev A Drive Through Coffee Shop Plans and Elevations  
2080 - 14 rev C Proposed Unit 1 Floor Plans and Elevations  
2080 - 18 Proposed Site Sections  
2080 - 11 Electric Meter Kiosk ET6 Type  
5540.01 rev B Planting Plan  
J7/01043 Jakoustic Fencing System.  
06 J7/04172 (1 of 3) Section Through Acoustic Fencing System - Various Heights  
001\_01 rev A Alpitonic HYC 300  
002\_10 rev A 4 Way Schneider Pillar  
002\_12 rev A Substation TR18  
500A Drainage Layout Plan  
501A Impermeable Area Plan  
ADS102/T00 Topographical Survey  
DTP-3701724-ATR001- rev F - Proposed Site Layout with Swept Paths

Broxap - Sheffield Cycle Stand  
Bat Activity Survey by 230 ECO Ltd  
Flood Risk Assessment & Drainage Strategy P15728-DSR-01 rev A  
Jakoustic Reflective - Jacksons Fencing  
Infinity Acoustics - Noise Assessment - A120KP - Ver 002  
ADS Grimsby External Lighting Report - V2-EBU20240508 by Bever Innovations

Reason

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

27 Biodiversity Net Gain

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

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

(b) the planning authority has approved the plan.

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

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

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

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

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

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

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

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

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

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

i) the application for planning permission was made before 2 April 2024;

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

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

4.2 Development below the de minimis threshold, meaning development which:  
i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

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

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

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

4.5 Self and Custom Build Development, meaning development which:

i) consists of no more than 9 dwellings;

ii) is carried out on a site which has an area no larger than 0.5 hectares; and

iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

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

Irreplaceable habitat

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

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

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

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

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

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

## **Informatives**

### **1 Reason for Approval**

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character, the vitality of the town centre, highway safety and capacity, nor subject to conditions biodiversity or residential amenity, drainage and contamination and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies: 5, 6, 22, 23, 33, 34, 36, 38, 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 amendment to the design and layout to aid highway safety, residential amenity, design and biodiversity and landscaping.

- 3 Informative  
You are advised to read the Environment Agency's consultee response to the planning application (dated 25th June 2024) in full for further advice on discharging the contamination conditions imposed on this grant of permission. Their consultee comment can be found on the North East Lincolnshire Council Planning Web page for this application ref. No. DM/0402/24/FUL.

You should also note:

Advice to the applicant

Land contamination: risk management and good practice.

It is recommend that developers should:

- Follow the risk management framework provided in Land Contamination: Risk Management, when dealing with land affected by contamination.
- Refer to the Guiding principles for land contamination for the type of information that the Environment Agency require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health.
- Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed.
- Refer to the contaminated land pages on gov.uk for more information.

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

- 5 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/diversions](http://cadentgas.com/diversions)

Prior to carrying out works, including the access points, please register on: [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

6 Informatives:

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).

If the footway or carriageway is damaged as a consequence of any excavation or any other operations relating to the development, the Highway Authority may make good the damage and recover expenses reasonably incurred. You are required to contact the Highway Management Team at least 4 weeks prior to commencement of works to arrange for a highway pre-condition inspection (Tel: 01472 324431).

7 Informative

You should be aware that the site is crossed by High and Low Voltage Cables owned and operated by Northern Power Grid. You should read their advice in full and make sure you understand the plans submitted (outlining the location of the cables) provided by Northern Power Grid dated the 6th November 2024. Their consultee comments can be found on the North East Lincolnshire Council Planning Web page for this application ref. No. DM/0402/24/FUL. In particular however you should note:

You are advised to read and take account of: Health Safety Executive's publication HS(G) 47 "Avoiding Danger From Underground Services" which emphasises that:

The position of any services in or near the proposed work area should be pinpointed as accurately as possible using a detecting device in conjunction with up-to-date service plans and other information which provides a guide to the possible location of services and help interpret the signal.

Excavation work should follow safe digging practices. Once a detecting device has been used to determine position and route, excavation may proceed, with trial holes dug as necessary, to confirm the position of any detected services. A cable is positively located only when it has been safely exposed.

Cable depths are not generally indicated on our records and can vary considerably even when shown.

Great caution must be exercised at all times when using mechanical plant. Careful trial digging should always be carried out on the whole route of the



planned excavation to ascertain no cables exist.

The Health Safety Executive publication GS6 "Avoidance of Danger from Overhead Electric Lines" must be consulted if your work is near overhead power lines. Both of these documents provide comprehensive guidance for observance of statutory duties under the Electricity at Work Regulations 1989 and the Health Safety at Work Act 1974. Our provision of these records is based upon the assumption that people using them will have sufficient competence to interpret the information provided. Any damage or injury caused will be the responsibility of the organisation or individual concerned who will be charged for any repairs.

Please note ground cover must not be altered either above or below our cables or below overhead lines. In addition, no trees should be planted within 3 metres of existing underground cables or 10 metres of overhead lines. All our apparatus is legally covered by a wayleave agreement, lease or deed or alternatively provided under the Electricity Act 1989. Should any alteration / diversion of Northern Powergrid's apparatus be necessary to allow your work to be carried out, budget costs can be provided by writing to Network Connections, Alix House, Falcon Court, Stockton On Tees, TS18 3TU. Tel: 0800 0113433.

8 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.

9 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).

10 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.

## Minute of the Planning Committee 8th January 2025

**Item:** 2

**Application Number:** DM/0803/24/FUL

**Application Type:** Full Application

**Application Site:** 21 Signhills Avenue Cleethorpes North East Lincolnshire  
DN35 0BU

**Proposal:** Retrospective application to erect single storey rear extension with roof lantern and infill existing side window with associated works (amended plans received December 2024 to reflect the as built situation)

<b>Applicant's Name and Address:</b> Mr And Mrs Moorcroft 21 Signhills Avenue Cleethorpes North East Lincolnshire DN35 0BU	<b>Agent's Name and Address:</b> Mr Danny Flintoft Paul Flintoft Building Surveyors 132 Tranby Lane Anlaby Hull HU10 7EJ
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**Deposited:** 18th September 2024

**Accepted:** 20th September

**Expiry Date:** 15th November 2024

**Agreed Extension of Time Date:** 10th January 2025

**Case Officer:** Becca Soulsby

**Decision:** Deferred for a Site Visit

It was resolved that consideration of this application be deferred for a Committee site visit.

## Minute of the Planning Committee 8th January 2025

**Item:** 3

**Application Number:** DM/0751/24/FULA

**Application Type:** Accredited Agent - Homeholder application

**Application Site:** 26 Swales Road Humberston North East Lincolnshire DN36 4UQ

**Proposal:** Demolition of existing porch and conservatory, create living accommodation at first floor with the erection of two storey extension to side and roof lift including roof lights and dormer window with Juliet balcony to the rear, and amendments to window openings (amended plans and description to retain existing garage October 2024)

<b>Applicant's Name and Address:</b> Mr Martin Overall 26 Swales Road Humberston North East Lincolnshire DN36 4UQ	<b>Agent's Name and Address:</b> Mr Daniel Hyde Hyde Architecture Ltd 1 Westbrook Cottages Station Road North Thoresby DN36 5QS
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**Deposited:** 2nd September 2024

**Accepted:** 2nd September 2024

**Expiry Date:** 28th October 2024

**Agreed Extension of Time Date:** 10th January 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:

1547-001 - Site Location Plan

1547-002 REV A - Existing and Proposed Block Plans

1547-004 REV A - Proposed Floor Plans and Elevations

1547-005 - Proposed Street Scene

Reason

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

3 Condition

The proposal shall be constructed using materials specified within the application form and on the approved plans received unless otherwise first approved in writing by the Local Planning Authority.

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).

4 Condition

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

1. Contact details of the person with responsibility for the implementation of the CTMP;
2. The expected number, types and size of vehicles during the entire construction period;
3. The proposed daily hours of operation during the construction period;
4. Details of on-site parking provision for construction related vehicles;
5. Details of on-site storage areas for materials, if required;
6. Details of expected delivery schedules and how this will be managed to eliminate waiting on the public highway (i.e. call ahead or pre-booking scheduling system), if required; and
7. Details of wheel washing facilities (locations, types etc.).

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

Reason

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

5 Condition

Surface water drainage shall be via the water butt shown on plan 1547-004 REV A which shall be installed before the extension is brought into use and shall thereafter be so retained unless an alternative is submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of flood risk and drainage and to accord with Policy 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

6 Condition

The window to be created in the first-floor northern elevation of the two-storey side extension hereby approved shall be glazed in obscure glass only to an obscurity level of 3 or above as measured on the 'Pilkington Scale' and shall be non-opening below a height of 1.7 metres measured from the internal finished floor level of the room the window serves. The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

Reason

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

7 Biodiversity Net Gain

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

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

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

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

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

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

In Summary: Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply. It is considered that exemption number 4.3 applies.

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

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

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

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

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

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

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

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

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

i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006);

and

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

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

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

4.5 Self and Custom Build Development, meaning development which:

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

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

#### Irreplaceable habitat

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

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

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

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

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

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

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

## **Informatives**

- 1 Reason for Approval  
The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or neighbouring amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular Policies 5, 22 and 34.
- 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 adding conditions to protect amenity.
- 3 Informative  
Please note that you may also require Building Regulations. You are advised to contact them in advance of work on site commencing (Tel: 01472 326289 - Option 2).
- 4 Informative



The applicant's attention is drawn to the comments made by the Ecology Officer in respect of standing advice for bats and birds.

## Minute of the Planning Committee 8th January 2025

**Item:** 4

**Application Number:** DM/0949/24/OUT

**Application Type:** Outline Application

**Application Site:** 37 Westkirke Avenue Grimsby North East Lincolnshire DN33 2HS

**Proposal:** Outline application to erect a detached dwelling and garage including formation of a new vehicle access with access to be considered

<b>Applicant's Name and Address:</b> Mr Paul Willis 114 Queen Mary Avenue Cleethorpes North East Lincolnshire DN35 7SZ	<b>Agent's Name and Address:</b> Mr Matt Deakins Ross Davy Associates Pelham House 1 Grosvenor Street Grimsby North East Lincolnshire DN32 0QH
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**Deposited:** 8th November 2024

**Accepted:** 8th November 2024

**Expiry Date:** 3rd January 2025

**Agreed Extension of Time Date:** 10th January 2025

**Case Officer:** Bethany Loring

**Decision:** Approved with Conditions

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

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

**Reason**

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

**2 Condition**

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

- (a) the layout, scale and appearance of the development including proposed levels;
- (b) a landscaping scheme for the site including details of existing trees, hedges and planting to be retained and any to be removed

**Reason**

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

**3 Condition**

The development is approved in accordance with the following plans:

Site Location Plan, Existing and Proposed Site Plans and Street Elevations - RD5744-01A

Proposed Footpath and Crossover Details - RD5744-30

**Reason**

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

**4 Condition**

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

**Reason**

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

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

Reason

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

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

1. Contact details of the person with responsibility for the implementation of the CTMP;
2. The expected number, types and size of vehicles during the entire construction period;
3. The proposed daily hours of operation during the construction period;
4. Details of on-site parking provision for construction related vehicles;
5. Details of on-site storage areas for materials and any construction compound, also relating to trees;
6. Details of expected delivery schedules and how this will be managed to eliminate waiting on the public highway (i.e. call ahead or pre-booking scheduling system), if required;
7. Details of wheel washing facilities (locations, types etc.); and
8. Means of suppressing dust and noise.

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

Reason

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

- 7 Condition  
Prior to commencement, final details of the driveway surface finish shall be submitted and approved by the Local Planning Authority. It shall then be maintained in such hard bound material for the life of the development.

Reason

To reduce the possibility of deleterious material being deposited on the public highway in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

- 8 Condition  
Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any statutory amendment thereto), no development under Schedule 2 Part 2, Class A shall be permitted within the curtilage of the dwelling. Nothing shall at any time be erected forward of or be allowed to grow over 1 metre in height above the carriageway level of the adjoining highway to the east of the access within the curtilage of the property as shown on drawing no. RD5744-01A.

Reason

In the interests of road safety and to accord with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

- 9 Condition  
Prior to installation, final details and locations of the integral bird bricks shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall proceed and be occupied in strict accordance with the agreed details.

Reason

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

- 10 Condition  
Prior to occupation of the dwelling a scheme for water re-use to achieve an efficiency standard of 110 litres per person per day shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the dwelling shall be occupied in strict accordance with the agreed details.

Reason

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

- 11 Biodiversity Net Gain

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

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

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

Planning Inspectorate or Secretary of state where they have so specified in determining an appeal under s 78 of the Town and Country Planning Act 1990 (as amended).

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

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

In Summary: Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply. It is considered that exemption number 4.5 applies.

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

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

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

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

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

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

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

\* "original planning permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or

more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

4.2 Development below the de minimis threshold, meaning development which:  
i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

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

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

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

4.5 Self and Custom Build Development, meaning development which:

i) consists of no more than 9 dwellings;

ii) is carried out on a site which has an area no larger than 0.5 hectares; and

iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

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

#### Irreplaceable habitat

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

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

The planning authority can only approve a Biodiversity Gain Plan if satisfied that

the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

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

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

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

## **Informatives**

- 1 Reason for Approval  
The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or residential amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 5, 22, 33, 34, 39, 41 and 42.
- 2 Informative  
Article 31(1)(cc) Statement - Positive and Proactive Approach  
In accordance with paragraph 187 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner by determining the application in a timely manner.
- 3 Informative  
Please note that you may also require Building Regulations. You are advised to



contact them in advance of work on site commencing (Tel: 01472 326289 - Option 2).

- 4     Informative  
This application will require the creation of new postal addresses. You are advised to contact the Street Naming & Numbering Team on 01472 323579 or via email at [snn@nelincs.gov.uk](mailto:snn@nelincs.gov.uk) to discuss the creation of new addresses.
- 5     Informative  
Please note that at least six months in advance of work commencing on site you are required to contact the Highway Management Team with respect to the formation of a vehicular access within the existing highway. This will enable a S184 licence to be granted within appropriate timescales. No works should commence within the highway boundary until such licence is obtained. (Tel: 01472 325734).
- 6     Informative  
In accordance with Approved Document S of the Building Regulations you may wish to install electric vehicle charging points as part of the development.
- 7     Informative  
The applicant's attention is drawn to the informative advice provided by Cadent Gas.
- 8     Informative  
There shall be no raising of the existing ground levels.

## Minute of the Planning Committee

### 8th January 2025

**Item:** 5

**Application Number:** DM/0172/24/FUL

**Application Type:** Full Application

**Application Site:** Manor Golf Course Barton Street Laceby North East Lincolnshire

**Proposal:** Variation of Condition 4 (Occupancy) pursuant to DM/1113/21/FUL - to vary the condition to allow extended occupancy

<b>Applicant's Name and Address:</b> Mr R Burnett Laceby Manor Resort Limited Laceby Manor Golf Course Barton Street Laceby North East Lincolnshire DN37 7LD	<b>Agent's Name and Address:</b> Mr Keir Taylor Keir Architecture Ltd 6 Orchard Fields Healing North East Lincolnshire DN39 6TJ
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**Deposited:** 14th February 2024

**Accepted:** 15th February 2024

**Expiry Date:** 16th May 2024

**Agreed Extension of Time Date:**

**Case Officer:** Richard Limmer

**Decision:** Approved with Conditions

- 1 Condition  
The development shall be carried out in accordance with the following plans approved under DM/1113/21/FUL:

201816-01A Site location plan

201816-02A Existing site plan  
201816-03A Existing site layout plan  
201816-04A Existing site levels  
201816-05 Rev F Proposed site layout  
201816-06A Proposed plans and elevations  
201816-07A Proposed plans and elevations  
201816-08C Proposed site levels  
201816-09C Proposed drainage and lighting plan

Reason

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

2 Condition

The lodges shall be occupied for holiday purposes only and shall not be occupied as someone's sole or main place of residence.

Reason

To ensure the lodges are used for holiday purposes given the sites location in the open countryside and in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

3 Condition

The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual lodges on the site (and of their main home addresses) and shall make this information promptly available at all reasonable times to the Local Planning Authority.

Reason

To ensure the lodges are used for holiday purposes given the location of the site in the open countryside in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

4 Condition

The development shall be built out in accordance with the highway access works scheme as detailed on plans ref: 201816-2004, 201816-2005, 201816-2007 approved under DM/1113/21/FUL, unless otherwise agreed in writing by the Local Planning Authority. The works as agreed shall be completed prior to the occupation of any holiday lodge.

Reason

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

5 Condition

The hereby approved development shall be completed in accordance with the phasing plan, in numerical order, referenced 201816-05A Rev G as approved under DM/1113/21/FUL. No works shall commence on any phase of the

development until it has been confirmed in writing by the Local Planning Authority that the preceding phase has been completed in accordance with the approved plans.

**Reason**

To ensure that the development is completed in an orderly fashion and that the landscaping is planted at the right time to reduce the visual impact of the development in accordance with Policies 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

**6 Condition**

The landscaping scheme detailed on plans ref: 201816-05Z3 Rev C, 201816-05Z2 Rev B and 201816-05Z1 Rev B, as approved under DM/1113/21/FUL, shall be fully planted out in accordance with the plans and in accordance with the phasing plan ref:201816-05A Rev G.

**Reason**

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

**7 Condition**

The scheme of landscaping and tree planting as detailed in condition 8 of this planning permission shall be maintained in accordance with the details shown on plans ref: 201816-05Z3 Rev C, 201816-05Z2 Rev B and 201816-05Z1 Rev B, as approved under DM/1113/21/FUL and shall be adequately maintained for 5 years, beginning with the date of completion of the scheme and during that period all losses shall be replaced during the next planting season.

**Reason**

To ensure that the landscaping is managed and maintained in a suitable manner in accordance with Policies 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

**8 Condition**

The Ecological Protection, Improvement and Management Plan dated September 2021, as approved under DM/1113/21/FUL, shall be implemented in accordance with its terms throughout the lifetime of the development.

**Reason**

To ensure that the development has due regard to ecological management and improvement in accordance with Policies 5 and 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

- 9      Condition  
The development shall be built out in accordance with the materials detailed on plan ref: 201816-06B and 201816-07B, as approved under DM/1113/21/FUL, unless otherwise agreed in writing with 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 in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).
- 10     Condition  
All lighting shall be built out in accordance with the lighting plan ref: 201816-09D, as approved under DM/1113/21/FUL, unless otherwise agreed by the Local Planning Authority.
- Reason  
To reduce the visual impact of the development in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).
- 11     Condition  
The development shall be built out in accordance with the surface water drainage scheme as detailed on plan ref: 201816-09D, as approved under DM/1113/21/FUL, unless otherwise agreed in writing by the Local Planning Authority and shall thereafter be so retained.
- Reason  
To prevent an increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and in the interests of pollution control in accordance with Policy 5 and 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).
- 12     Condition  
The development shall be constructed in accordance with the Construction Management Plan ref: 201816-110-Rev A, as approved under DM/1113/21/FUL, unless otherwise agreed in writing by the Local Planning Authority.
- 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 2013-2032 (adopted 2018).
- 13     Condition  
The development shall be built out in accordance with the electric vehicle charging scheme as detailed on plan ref: 201816-09D, as approved under DM/1113/21/FUL, prior to the unless occupation of the lodge to which it retains and shall thereafter be so retained unless otherwise agreed in writing by the Local Planning Authority.

Reason

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

14 Condition

Prior to any lodge being occupied final details of the foul water drainage system shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be completed and occupied in full accordance with the approved details.

Reason

In the interests of the satisfactory provision of foul drainage in accordance with Policy 5 and 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

15 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 numbers 1 and 2 apply.

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

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

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

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

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

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

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

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

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

i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

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

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

in a building.

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

4.5 Self and Custom Build Development, meaning development which:

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

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

Irreplaceable habitat

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

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

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

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

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

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

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



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

## **Informatives**

### **1 Reason for Approval**

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or residential amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 5 and 12.

### **2 Added Value Statement**

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

No problems have arisen during consideration of this application that have required working directly with the applicant to seek solutions.

### **3 Informative**

If there is a watercourse on or adjacent to your site, please note it is an offence to fill drainage pipes or culvert any ditch, dyke, stream or watercourse without first submitting plans and sections to the Director of Place for approval. It is essential that this information must be submitted well in advance of any intended work.

Even if direct works to drainage pipes, culverts, ditches, dykes, streams or watercourses are not contemplated, the Director is empowered under the Public Health Legislation to require such culverting to be carried out in the case of a watercourse on the land (or abutting land) being set out for building. This requirement may be enforced even if you do not own the ditch. Notices requiring such culverting have costs attached to them so it is in your interest to establish the correct course of action as soon as possible.

### **4 Informative**

Owners of land adjoining the site to be developed may have natural rights of

drainage onto or across the site. Neither the proposed development, nor temporary works required during the construction, should prejudice this natural right of drainage. If land levels on any part of the site are to be raised, or if walls or fences are to be erected which might disrupt drainage paths, the developer must provide suitably designed cut-off drains to intercept and divert both the surface and sub-surface drainage flows. Details of the proposals must be submitted to and approved by the Director of Place, before the commencement of works on site.

5 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 325959).

## Minute of the Planning Committee 8th January 2025

**Item:** 6

**Application Number:** DM/0757/24/FULA

**Application Type:** Accredited Agent - Homeholder application

**Application Site:** Greenlands Old Main Road Barnoldby Le Beck North East  
Lincolnshire

**Proposal:** Creation of second floor to create additional living accommodation to include roof reinstatement and installation of 3 rear facing dormers, increase in height of chimney and various associated works (amended description September 2024)

<b>Applicant's Name and Address:</b> Mr Mark Cannon M C Trading 2022 Ltd 107 Cleethorpe Road Grimsby DN31 3ER	<b>Agent's Name and Address:</b> Geoffrey Wagstaff 52 Marlborough Way Cleethorpes N E Lincolnshire DN35 0TR
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**Deposited:** 3rd September 2024

**Accepted:** 5th September 2024

**Expiry Date:** 31st October 2024

**Agreed Extension of Time Date:** 10th January 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:

Site Location Plan received 3rd September 2024

GW/AM/OMR/2 - Block Plan, Proposed Ground Floor Plan and Proposed Side Elevation

GW/AM/OMR/3 - Proposed First Floor Plan, Proposed Rear and Side Elevations and Proposed Roof Plan

GW/AM/OMR/4 - Existing First Floor Plan, Proposed Front Elevation, Section and Second Floor Plan

Reason

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

3 Condition

The proposal shall be constructed using materials specified within the application form and on the approved plans received unless otherwise first approved in writing by the Local Planning Authority.

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).

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 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 4.3 applies.

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

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

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

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

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

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

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

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

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

i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006);

and

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

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

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

4.5 Self and Custom Build Development, meaning development which:

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

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

Irreplaceable habitat

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

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

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

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

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

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

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

## **Informatives**

- 1 Reason for Approval  
The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or neighbouring amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular Policies 5 and 22.
- 2 Added Value Statement  
Article 31(1)(cc) Statement - Positive and Proactive Approach  
No problems have arisen during consideration of this application that have required working directly with the applicant to seek solutions.
- 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 8th January 2025

**Item:** 7

**Application Number:** DM/0708/24/FULA

**Application Type:** Accredited Agent - Homeholder application

**Application Site:** 10 Station Road Stallingborough North East Lincolnshire  
DN41 8AY

**Proposal:** Erect extension to side to create garage at ground floor and first floor storage in the roof space to include dormer to front with associated works

<b>Applicant's Name and Address:</b> Mr Ashley Budworth 10 Station Road Stallingborough North East Lincolnshire DN41 8AY	<b>Agent's Name and Address:</b> Geoffrey Wagstaff 52 Marlborough Way Cleethorpes N E Lincolnshire DN35 0TR
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**Deposited:** 9th August 2024

**Accepted:** 19th August 2024

**Expiry Date:** 14th October 2024

**Agreed Extension of Time Date:** 10th January 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:

Site Location Plan received 8th August 2024

GW/AB/SR/1 - Existing and Proposed Ground Floor Plan and Elevations

GW/AB/SR/2 - Existing Elevations, Existing and Proposed First Floor Plan

GW/AB/SR/3 - Block Plan and Proposed Elevations

Reason

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

- 3 Condition  
The proposal shall be constructed using materials specified within the application form and on the approved plans received unless otherwise first approved in writing by the Local Planning Authority.

Reason

In the interests of design and in accordance with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

- 4 Condition  
Surface water drainage shall be via the water butts shown on drawing no. GW/AB/SR/1 which shall be installed before the extension is brought into use and shall thereafter be so retained unless an alternative is submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of flood risk and drainage and to accord with Policy 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

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

Reason

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

- 6 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 4.3 applies.

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

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

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

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

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

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

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

(England) Order 2015) where:

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

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

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

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

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

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

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

4.5 Self and Custom Build Development, meaning development which:

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

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

Irreplaceable habitat

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

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

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

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

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

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

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

## **Informatives**

### **1 Reason for Approval**

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

- 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 adding conditions to protect amenity.
  
- 3     Informative  
Please note that you may also require Building Regulations. You are advised to contact them in advance of work on site commencing (Tel: 01472 326289 - Option 2).
  
- 4     Informative  
The applicant's attention is drawn to the comments received from the Ecology Officer in respect of standing advice for bats and birds.
  
- 5     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.

## Minute of the Planning Committee 8th January 2025

**Item:** 8

**Application Number:** DM/0841/24/FUL

**Application Type:** Full Application

**Application Site:** 83 Peterson Drive New Waltham North East Lincolnshire  
DN36 4GZ

**Proposal:** Erect single storey rear extension, install double door to side elevation of garage, replacement windows and doors to front and side elevations, install additional fence panel and double gates and associated works

<b>Applicant's Name and Address:</b>	<b>Agent's Name and Address:</b>
Mr Dixon 83 Peterson Drive New Waltham North East Lincolnshire DN36 4GZ	

**Deposited:** 25th September 2024

**Accepted:** 25th September

**Expiry Date:** 20th November 2024

**Agreed Extension of Time Date:** 10th January 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:

Site Location Plan received 25th September 2024

101 - Existing and Proposed House Plans and Elevations

102 - Existing and Proposed Garage Plans and Elevations

103 - Existing and Proposed Fence and Gate Elevations

105 - Existing and Proposed Block Plans

Reason

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

3 Condition

The proposal shall be constructed using materials specified within the application form and on the approved plans received unless otherwise first approved in writing by the Local Planning Authority.

Reason

In the interests of character and design and in accordance with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

4 Condition

Surface water drainage shall be via the water butt shown on drawing number 101 which shall be installed before the extension is brought into use and shall thereafter be so retained unless an alternative is submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of flood risk and drainage and to accord with Policy 34 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 4.3 applies.

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

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

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

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

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

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

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



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

4.2 Development below the de minimis threshold, meaning development which:  
i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006);  
and

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

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

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

4.5 Self and Custom Build Development, meaning development which:

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

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

#### Irreplaceable habitat

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

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

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

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

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

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

## **Informatives**

- 1 Reason for Approval  
The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or neighbouring amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular Policies 5, 22 and 34.
- 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 adding conditions to protect amenity.
- 3 Informative

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

4 Informative

Please be vigilant for bats and birds during any works.

5 Informative

You should be advised that any overflow from the proposed water butt should be directed away from the property boundary, as per the comments of the Drainage officer which can be viewed at [www.nelincs.gov.uk](http://www.nelincs.gov.uk).