

## Minute of the Planning Committee 26th February 2025

**Item:** 1

**Application Number:** DM/0864/24/FUL

**Application Type:** Full Application

**Application Site:** Land Off Torbay Drive Waltham North East Lincolnshire

**Proposal:** Variation of Condition 2 (Approved Plans) following DM/0285/22/FUL to revise layout for plots including dwellings, garages, roads and landscaping and revise house types for plots 3, 6, 7, 10, 11, 13-17, 20-27, 42-45 and 57-63 - AMENDED/SUPPORTING INFORMATION

<b>Applicant's Name and Address:</b> Mr Paul Snape Snape Homes Ltd Thornlea Ashby Cum Fenby Lincolnshire DN37 0QW	<b>Agent's Name and Address:</b> Mr Richie Tutill RT Architects 45 Aspen Drive Barnoldby Le Beck DN37 0ZA
---	--

**Deposited:** 2nd October 2024

**Accepted:** 13th November 2024

**Expiry Date:** 12th February 2025

**Agreed Extension of Time Date:** 28th February 2025

**Case Officer:** Lauren Birkwood

**Decision:** Approved with Conditions

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

Proposed Site Plan - 02.335.22 REV O  
House Type Holly - Proposed Plans and Elevations - HT5.0 REV A  
House Type Cherry Bungalow - Proposed Plans and Elevations - HT14.0\_A  
House Type Hazel Bungalow - Proposed Plans and Elevations - HT15.0\_A  
House Type Mulberry - Proposed Plans and Elevations - HT10.0\_A

House Type Spruce - Proposed Plans and Elevations - HT12.0\_A  
House Type Apple - Proposed Plans and Elevations - HT13.0\_A  
House Type Maple - Proposed Plans and Elevations - HT9.0\_A  
House Type Fuchsia - Proposed Plans and Elevations - HT11.0\_A  
House Type Poppy - Proposed Plans and Elevations - HT7.0\_A  
Proposed Garage Plans and Elevations - HT0.0\_A  
Street Scene Elevation - Plots 7-27 - A1.0 REV A  
Proposed Materials - M1.2  
Proposed Materials - M1.3  
Proposed Materials - M1.4  
Drainage Detail - E844 STORM NET 1 (V2) 1 YR  
Drainage Detail - E844 STORM NET 1 (V2) 100YR + CC  
Drainage Detail - E844 STORM NET 1 (V2) 2 YR  
Drainage Detail - E844 STORM NET 1 (V2) 30 YR  
Drainage Area Plan - E844-DAP1 REV C  
Landscape Master Plan - LMP\_M010622\_AH REV 3  
Landscape Phasing Plan - TP\_L1.0 REV A  
E844-10 Rev M - Engineering layout Proposal  
E844-20 Rev G - Road and Sewer Longitudinal Sections  
E844-60 Rev I - Section 38 Layout  
E844-70 Rev E - S104 Layout

As approved under DM/0285/22/FUL;

Site Location Plan Drawing Number 01.335.22 Rev C;  
Heather Plans and Elevations Drawing Number 04.335.22;  
Elm House Plans and Elevations Drawing Number 11.335.21;  
Hornbeam Plans and Elevations Drawing Number 12.335.21;  
Walnut House Plans and Elevations Drawing Number 13.335.21;  
Aspen House Plans and Elevations Drawing Number 14.335.21 Rev A;  
Aspen Plans and Elevations Drawing Number 17.335.21 Rev A;  
Topographical Survey - 3.335.22;  
Topographical Survey - 4109/10/001;

#### Reason

For the avoidance of doubt in the interests of proper planning and in accordance with Policies 3, 4, 5, 6, 15, 17, 18, 22, 33, 34, 36, 38, 40, 41, 42 and 43 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

2

#### Condition

The development shall be built out in strict accordance with the Construction Management and Traffic Plan as approved under DM/0292/24/CND 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).

- 3 Condition  
The roads and footways, and their management, shall be undertaken in strict accordance with the following details:

E844-10 Rev M - Engineering layout Proposal  
E844-20 Rev G - Road and Sewer Longitudinal Sections  
E844-60 Rev I - Section 38 Layout  
E844-70 Rev E - S104 Layout

And as approved under DM/0292/24/CND:

E844-31 Rev B - Highway Standard Details  
E844-21 Rev C - Road and Sewer Longitudinal Sections  
E844-22 Rev C - Road and Sewer Longitudinal Sections  
Play Equipment Plan Management Plan & Torbay Drive Management Plan Rev G - Play Equipment and Private Road Maintenance by Palmleaf Architects

unless otherwise agreed in writing by the Local Planning Authority. The approved roads and footways, and their management, shall then be fully implemented throughout the lifetime of the development.

Reason

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

- 4 Condition  
The development shall be undertaken in accordance with the following external material details:

Proposed Materials - M1.2  
Proposed Materials - M1.3  
Proposed Materials - M1.4

unless otherwise approved in writing by the Local Planning Authority.

Reason

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

- 5 Condition  
The development shall be built out in strict accordance with the Construction Management Plan Rev G by Palmleaf Architects as approved under DM/0292/24/CND unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interest of improving air quality and to accord with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

- 6 Condition  
The development shall be built out in strict accordance with the finished floor levels specified on drawing E844-70 REV E (Section 104 Layout) unless otherwise agreed in writing by the Local Planning Authority.
- Reason  
In the interests of residential amenity and landscaping to accord with Policies 5, 22 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).
- 7 Condition  
The development shall accord with the mitigation measures outlined in the Great Crested Newt Survey & Ecology Enhancement Plan Version 1 - March 2024 as approved under DM/0292/24/CND unless otherwise agreed in writing by the Local Planning Authority.
- Reason  
In the interest of protecting ecology in accordance with Policies 5 and 41 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).
- 8 Condition  
The ecological enhancements in the development shall be carried out in full accordance with the recommendations set out in the Great Crested Newt Survey & Ecology Enhancement Plan Version 1 - March 2024 approved under DM/0292/24/CND and the Landscaping Master Plan (LMP\_M010622\_AH Rev 3).
- Reason  
In the interests of protecting ecology and securing biodiversity improvement in accordance with Policy 41 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).
- 9 Condition  
All surface water drainage shall be implemented and thereafter maintained in accordance with the following approved details:
- Engineering layout Proposal - E844-10 Rev M  
Road and Sewer Longitudinal Section - E844-20 Rev G  
Drainage Detail - E844 STORM NET 1 (V2) 1 YR  
Drainage Detail - E844 STORM NET 1 (V2) 100YR + CC  
Drainage Detail - E844 STORM NET 1 (V2) 2 YR  
Drainage Detail - E844 STORM NET 1 (V2) 30 YR  
Drainage Area Plan - E844-DAP1 REV C  
Landscaping Master Plan - LMP\_M010622\_AH Rev 3  
E844-70 Rev E - S104 Layout  
Landscape Management Plan - QU-783-22-EQUANS

And as approved under DM/0292/24/CND:

E844-21 Rev C - Road and Sewer Longitudinal Sections  
E844-22 Rev C - Road and Sewer Longitudinal Sections  
Play Equipment Plan Management Plan & Torbay Drive Management Plan Rev  
G - Play Equipment and Private Road Maintenance by Palmleaf Architects

unless otherwise agreed in writing with the Local Planning Authority.

Reason

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

10 Condition

The open space and play area shall be managed in full accordance with the recommendations set out in the Play Equipment Plan Management Plan & Torbay Drive Management Plan Rev G - Play Equipment and Private Road Maintenance by Palmleaf Architects approved under DM/0292/24/CND and the Landscape Management Plan (QU-783-22-EQUANS). The open space and play area shall be implemented a year after the first dwelling is occupied as specified on the Landscaping Phasing Plan (TP\_L1.0 REV A).

Reason

To ensure suitable open space and play equipment is delivered and managed in a timely manner to accord with Policies 5, 42 and 43 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

11 Condition

The open space and woodland belt shall be completed in accordance with the approved landscaping scheme:

Landscaping Master Plan - LMP\_M010622\_AH Rev 3  
Landscaping Phasing Plan - TP\_L1.0 REV A  
Landscaping Management Plan - QU-783-22-EQUANS

The landscaping shall be implemented before occupation of the first dwelling and shall be maintained for the lifetime of the development.

Reason

To ensure early establishment of tree and hedge planting and the satisfactory appearance and setting for the approved development in the interests of amenity and to accord with Policies 5, 22 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

12 Condition

All the trees and planting shown on:

Landscaping Master Plan - LMP\_M010622\_AH Rev 3  
Landscaping Phasing Plan - TP\_L1.0 REV A

shall be protected, during the construction of the development, in accordance with the approved details.

**Reason**

To protect trees and landscaping to accord with Policy 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

**13 Condition**

The phasing and implementation of the landscaping shall be as specified on drawing TP\_L1.0 REV A (Landscaping Phasing Plan), within the Landscaping Management Plan (QU-783-22-EQUANS) and the Play Equipment Plan Management Plan & Torbay Drive Management Plan Rev G - Play Equipment and Private Road Maintenance by Palmleaf Architects approved under DM/0292/24/CND.

**Reason**

To ensure early establishment of tree and hedge planting and the satisfactory appearance and setting for the approved development in the interests of amenity and to accord with Policies 5, 22 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

**14 Condition**

All planting, seeding or turfing comprised in the approved details of landscaping (other than the requirements of condition 11) shall be carried out in the first planting and seeding seasons following the occupation of the first dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

**Reason**

To ensure early establishment of tree and hedge planting and the satisfactory appearance and setting for the approved development in the interests of amenity and to accord with Policies 5, 22 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

**15 Condition**

Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

Reason

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

16 Condition

The development shall accord with the Travel Plan Statement June 2024 ref. jgv/24015/TPS/v2 by Northern Travel Planning Ltd as approved under DM/0292/24/CND unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of sustainable development and to accord with Policies 5 and 36 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

17 Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additions or alterations to the roof within Classes B and C shall be constructed on plots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27.

Reason

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

18 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 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 amendments would not harm the area character or residential amenity and is acceptable under all other planning considerations including highways and landscaping matters. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 3, 4, 5, 6, 15, 17, 18, 22, 33, 34, 36, 38, 40, 41, 42 and 43.
- 2 Added Value Statement  
Article 31(1)(cc) Statement - Positive and Proactive Approach  
In accordance with paragraph 187 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to problems arising, by requesting additional information to overcome concerns.
- 3 Informative  
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.
- 4 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).

5 Informative

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

6 Informative

The applicant's attention is drawn to the comments from the Humberside Fire and Rescue and the Council's Waste Officer. Please go to [www.nelincs.gov.uk](http://www.nelincs.gov.uk) to view the comments.

7 Informative

The applicant's attention is drawn to the comments made by the Council's Highways Officer regarding technical approval. Please go to [www.nelincs.gov.uk](http://www.nelincs.gov.uk) to view the comments.

## Minute of the Planning Committee 26th February 2025

**Item:** 2

**Application Number:** DM/0889/24/FUL

**Application Type:** Full Application

**Application Site:** Land Off Hamont Road Grimsby North East Lincolnshire

**Proposal:** Erect detached single storey domestic garage/lock-up store to include installation of roof lights, erect new gate and brick wall to the entrance of the site with associated parking and landscaping (Amended Plans received 14th January 2025 to reduce the footprint and rooflights of the garage and alter external materials)

<b>Applicant's Name and Address:</b> Mr M Ringwood Versatile Engineering Services Ltd. 46 Albery Way New Waltham Grimsby North East Lincolnshire DN36 4WF	<b>Agent's Name and Address:</b> Miss Mia Redburn Ross Davy Associates Pelham House 1 Grosvenor Street Grimsby DN32 0QH
--	---

**Deposited:** 11th October 2024

**Accepted:** 11th October 2024

**Expiry Date:** 6th December 2024

**Agreed Extension of Time Date:** 28th February 2025

**Case Officer:** Bethany Loring

**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 - RD5670-01A

Proposed Site Plan - RD5670-04I

Proposed Floor Plans and Elevations - RD5670-05F

Proposed Street Scene Elevations - RD5670-06F

Reason

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

3 Condition

The proposal shall be constructed using materials specified on drawing no. RD5670-05F and 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

No development shall commence until a final scheme for the sustainable provision of surface water 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 use.

Reason

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

- 6 Condition  
Use of the development shall be in accordance with the agreed Flood Warning and Evacuation Plan measures (ref: RD5670LA11.07.2024 REV A; received 12th December 2024), for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.

Reason

To ensure the safety in the event of a flood of the users of the proposed development and future users and in accordance with Policy 33 of the North East Lincolnshire Local Plan (Adopted 2018).

- 7 Condition  
The building shall be used for private and domestic garage/lock-up store purposes only and shall not include any overnight sleeping accommodation. It shall not be used for any commercial, industrial or business purposes at any time.

Reason

To ensure the use is suitable for and in character with the existing residential area and in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013 - 2032 (Adopted 2018).

- 8 Biodiversity Net Gain

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4.3 Development which is subject of a householder application within the

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

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

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

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

#### Irreplaceable habitat

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

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

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

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



gain condition subject to which the section 73 planning permission is granted.

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

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

## **Informatives**

- 1 Reason for Approval  
The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or residential amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 5, 22, 33, 34, 36, 38, 41 and 42.
- 2 Informative  
Article 31(1)(cc) Statement - Positive and Proactive Approach  
In accordance with paragraph 187 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner by determining the application in a timely manner and securing a betterment to the scheme to protect the residential amenity of neighbours.
- 3 Informative  
Please note that you may also require Building Regulations. You are advised to contact them in advance of work on site commencing (Tel: 01472 326289 - Option 2).
- 4 Informative  
The applicant's attention is drawn to the fact that the requirements of the Party Wall Act may apply and you should seek advice from your agent or suitably qualified person.
- 5 Informative  
Please note the informative advice provided by Northern Powergrid related to

their assets and the Drainage Officer in relation to levels which can be viewed under this reference number on the Council's website.

## Minute of the Planning Committee 26th February 2025

**Item:** 3

**Application Number:** DM/0860/24/FUL

**Application Type:** Full Application

**Application Site:** 122 Middlethorpe Road Cleethorpes North East Lincolnshire  
DN35 9PR

**Proposal:** Removal of conifer hedge and erection of 1.8m high  
boundary fence to side and front with associated planting

<b>Applicant's Name and Address:</b> Mr Parkinson 122 Middlethorpe Road Cleethorpes North East Lincolnshire DN35 9PR	<b>Agent's Name and Address:</b> Mr Dieter Nelson Dieter Nelson Planning Consultancy Unit 2, Cleethorpes Business Centre Jackson Place, Wilton Road Humberston Grimsby DN36 4AS
---	--

**Deposited:** 2nd October 2024

**Accepted:** 2nd October 2024

**Expiry Date:** 27th November 2024

**Agreed Extension of Time Date:** 28th March 2025

**Case Officer:** Lauren Birkwood

**Decision:** Deferred

- 1 It was resolved that consideration of this application be deferred.

## Minute of the Planning Committee 26th February 2025

**Item:** 4

**Application Number:** DM/0733/24/FUL

**Application Type:** Full Application

**Application Site:** The Boundary Barnoldby Road Waltham North East  
Lincolnshire

**Proposal:** Erect detached triple garage

<b>Applicant's Name and Address:</b> Mr And Mrs Emson  The Boundary Barnoldby Road Waltham North East Lincolnshire DN37 0EB	<b>Agent's Name and Address:</b> Mr Dieter Nelson Dieter Nelson Planning Consultancy Unit 2 Cleethorpes Business Centre Jackson Place Wilton Road Humberston Grimsby DN36 4AS
--	--

**Deposited:** 23rd August 2024

**Accepted:** 29th October 2024

**Expiry Date:** 24th December 2024

**Agreed Extension of Time Date:** 28th February 2025

**Case Officer:** Becca Soulsby

**Decision:** Approved with Conditions

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

Reason

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

2 Condition

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

F3176-A1-01B - Site Location Plan, Block Plan, Proposed Plans and Elevations  
Arboricultural Report received 15th January 2025

Reason

For the avoidance of doubt in the interests of proper planning and in accordance with Policies 5, 22, 34, 41 and 42 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

Prior to commencement of development, details for the adequate turning of vehicles within the curtilage of the dwelling to enable vehicles to enter and leave the site in a forward facing gear shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details and shall be thereafter retained unless otherwise approved by the Local Planning Authority.

Reason

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

5 Condition

Prior to the commencement of development, details of the hard bound materials proposed for drive and parking and turning area for a minimum of 10 metres behind the Highway boundary shall be submitted to and approved by the Local Planning Authority. Once approved it shall be completed as approved and retained for the life of the development unless otherwise approved by the Local Planning Authority.

Reason

To reduce the possibility of deleterious material being deposited on the public highway in the interest of highways safety and amenity in accordance with Policy

6 Condition

No development shall commence until a final scheme for the sustainable provision of surface water 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 use of the garage and retained thereafter.

Reason

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

7 Condition

Prior to the commencement of development, final details of the foundations to be used to support the garage shall be submitted to and approved in writing by the Local Planning Authority. Once approved the proposal shall be carried out in accordance with the approved details.

Reason

To protect existing trees and landscaping and to accord with Policies 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

8 Condition

Prior to the commencement of development, a tree protection plan which also includes the siting of materials during the construction phase shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the tree protection measures shall be installed in accordance with the details agreed before works on site commence and shall thereafter be so retained at all times during the construction period. All construction materials shall be stored as approved throughout the entire construction period.

Reason

To protect existing trees and landscaping and to accord with Policy 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

9 Condition

Prior to the commencement of development, a Construction Method Statement (CMS) shall be submitted to and approved in writing by the Local Planning Authority. Once approved the CMS shall be adhered to throughout all construction works.

Reason

To protect existing trees and landscaping and to accord with Policy 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

- 10      Condition  
Before construction commences on site, details of the single fastigiate oak tree (including exact size, species and position) to be planted within the site boundary shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the oak tree shall be planted as approved within the next available planting season following construction being completed unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of visual amenity and to accord with Policy 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

- 11      Condition  
The hedge along the eastern boundary of the site shall be retained and maintained to a height of no less than 2 metres unless otherwise approved in writing by the Local Planning Authority.

Reason

To maintain visual amenity and landscape character to accord to Policies 5, 22 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

- 12      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, 33, 34, 41 and 42.
- 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 trees and visual 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  
Existing ground levels should not be increased otherwise surface water drainage problems may result. There must be no surface water discharge onto the public highway.

5 Informative

Please note the comments from the Council's Ecologist in relation to bats and birds which can be viewed on the Council's website at [www.nelincs.gov.uk](http://www.nelincs.gov.uk).

## Minute of the Planning Committee 26th February 2025

**Item:** 5

**Application Number:** DM/0003/25/FUL

**Application Type:** Full Application

**Application Site:** 36 Humberston Avenue Humberston North East Lincolnshire  
DN36 4SP

**Proposal:** Variation of Condition 2 (Approved Plans) as granted on  
DM/0919/24/FUL to amend garage and house type to  
include second floor, roof lights and solar panels to Plot 1

<b>Applicant's Name and Address:</b> Mr B Hedison Banchory Lodge Station Road North Thoresby Grimsby DN36 5QS	<b>Agent's Name and Address:</b> Mr Daniel Snowden Ross Davy Associates Pelham House 1 Grosvenor Street Grimsby DN32 0QH
---	--

**Deposited:** 3rd January 2025

**Accepted:** 3rd January 2025

**Expiry Date:** 28th February 2025

**Agreed Extension of Time Date:**

**Case Officer:** Bethany Loring

**Decision:** Approved with Conditions

- 1 Condition  
The development hereby permitted shall begin by 11th May 2026.

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 for Plot 1 only:

Proposed Site Plan - RD5770-02  
Proposed Floor Plans and Elevations for House and Garage - RD5770-01A

As approved under DM/0919/24/FUL for Plot 7;

Proposed Site Plan - RD5719-02A  
Proposed Floor Plans and Elevations for House and Garage - RD5719-01

As approved under DM/0589/24/FUL for Plot 2;

Proposed Block Plan - RD5661-02A  
Proposed Plans and Elevations for Plot 2 - RD5661-01  
Proposed Plans and Elevations for Garage - RD5661-03

As approved under DM/0347/24/FUL for Plot 8 only;

Proposed Site Plan - RD5583-02D  
Proposed Plans and Elevations for Plot 8 - RD5583-03A  
Proposed Plans and Elevations for Garage - RD5583-04D

As approved under DM/1090/22/FUL;

Site Location Plan - RD5247-01  
Existing Block Plan - RD5247-02  
Proposed Block Plan - RD5247-04C  
Proposed Plans and Elevations for Plot 1 - RD5247-05A  
Proposed Plans and Elevations for Plot 3 - RD5247-07A  
Proposed Plans and Elevations for Plot 4 - RD5247-08A  
Proposed Plans and Elevations for Plot 5 - RD5247-09A  
Proposed Plans and Elevations for Plot 6 - RD5247-10A  
Proposed Plans and Elevations for Plot 7 - RD5247-11A  
Proposed Plans and Elevations for Garage for Plots 1 and 7 - RD5247-13

#### Reason

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

- 3 Condition  
The development shall be built out in accordance with the materials detailed in the Supporting Document ref: RD5340 (approved under DM/0549/23/CND), other than the following plots:

- Plot 2 which shall be in accordance with drawing no. RD5661-01 as approved under DM/0589/24/FUL;
- Plot 7 which shall be in accordance with drawing no. RD5719-01 as

approved under DM/0919/24/FUL;

Plot 1 shall be in accordance with drawing no. RD5770-01A under this permission, unless otherwise agreed in writing with the Local Planning Authority.

For Plot 8 only, development shall not begin until details of the materials for the exterior walls and roof for have 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.

**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).

**4 Condition**

The development shall be built out in accordance with the Construction Management Statement ref:RD5247 (approved under DM/0549/23/CND) unless otherwise approved in writing by the Local Planning Authority.

**Reason**

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).

**5 Condition**

The development shall be built out and managed in accordance with the Highways Management Details (approved under DM/0549/23/CND) unless otherwise approved in writing by the Local Planning Authority.

**Reason**

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

**6 Condition**

The development shall be built out in accordance with the Highways Construction Details ref: 1115-2305-CIV-130-P3 and 1115-2305-CIV-S278-P2 (approved under DM/0549/23/CND) unless otherwise approved in writing by the Local Planning Authority. Before the development hereby permitted is brought into use the vehicular access, parking and manoeuvring space serving it shall be constructed in accordance with those approved details and shall thereafter be so retained.

**Reason**

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

- 7 Condition  
Unless otherwise approved in writing, the development shall be built out in accordance with the surface water drainage scheme (as approved under DM/1090/22/FUL) detailed on plans ref:

Drainage Calculations - 1115-2305  
Proposed Levels - 1115-2305-CIV-01-P1  
Construction Work Details - 1115-2305-CIV-30-P1  
Drainage Construction Details - 1115-2305-CIV-50-P1  
Drainage Construction Details - 1115-2305-CIV-51-P1

As approved under DM/0589/24/FUL for Plot 2 only;

Drainage Layout - 1115-2305-CIV-10-P4

As approved under this permission for Plot 7 only;

Proposed Site Plan - RD5661-02A

All drainage shall be installed and available for use for each dwelling, before that dwelling is occupied. It shall be retained thereafter.

Prior to development commencing on plot 8 a scheme for sustainable surface and foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. It shall then be fully implemented prior to the dwelling being occupied and thereafter retained.

Reason

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

- 8 Condition  
The development shall be carried out in accordance with the Arboricultural Method Statement submitted 9th February 2023 (as approved under DM/1090/22/FUL) other than prior to development commencing on plot 8 for which an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved document shall then be fully implemented throughout the construction of the development. The Tree Protection measures detailed within all Arboricultural Method Statements shall be fully retained on site during the construction of the development and remain in place until the development is complete.

Reason

In the interests of tree management and protection in accordance with Policy 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

- 9      Condition  
The scheme of landscaping and tree planting shown on plan ref: TP\_R1\_260123 Rev 1 (as approved under DM/1090/22/FUL) shall be completed within a period of 24 months, beginning from the date of this permission. All planting shall be adequately maintained for 5 years, beginning with the date of completion of the scheme and during that period all losses shall be replaced during the next planting season.

Reason

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

- 10     Condition  
The development shall be carried out in accordance with the Biodiversity Improvement and Management Plan ref:RD5247 (approved under DM/0549/23/CND) unless otherwise approved in writing by the Local Planning Authority. The approved Biodiversity Improvement and Management Plan shall then be fully implemented within 12 months of the first dwelling being occupied and thereafter managed in accordance with the approved plan.

Reason

To improve the biodiversity value of the site in accordance with Policy 41 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

- 11     Condition  
The development shall be carried out in accordance with the Water Use Calculations dated 2nd August 2023 (approved under DM/0549/23/CND) with all measures for each plot, installed before that dwelling is occupied unless otherwise approved in writing by the Local Planning Authority, other than Plot 8 for which final details of how water will be reused and recycled on site shall be submitted to and agreed in writing by the Local Planning Authority. Once approved, the details shall be adhered to at all times following occupation of the dwelling and the other dwellings on the site shall be built out in accordance with the Water Use details approved under DM/0549/23/CND.

Reason

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

- 12     Condition  
The first-floor windows on the northern side elevation of Plot 8 shall be obscurely glazed prior to the first occupation of the dwelling and thereafter retained.

Reason



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

### 13 Biodiversity Net Gain

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

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

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

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

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

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

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

## Minute of the Planning Committee 26th February 2025

**Item:** 6

**Application Number:** DM/0935/24/FUL

**Application Type:** Full Application

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

**Proposal:** Variation of Condition 1 (Approved Plans) pursuant to DM/0735/22/REM to allow for amended house type and repositioning of Plot 1 (Amended Description and Plans received 15th January 2025 to revise design, layout and position of Plot 1)

<b>Applicant's Name and Address:</b> Mr T Davies Humberston Avenue Ltd 33 - 43 Church Lane Grimsby DN32 7DD	<b>Agent's Name and Address:</b> Mr Daniel Snowden Ross Davy Associates Pelham House 1 Grosvenor Street Grimsby DN32 0QH
--	--

**Deposited:** 30th October 2024

**Accepted:** 30th October 2024

**Expiry Date:** 25th December 2024

**Agreed Extension of Time Date:** 28th February 2025

**Case Officer:** Bethany Loring

**Decision:** Approved with Conditions

- 1 Condition  
The development shall be carried out in accordance with the following plans approved under this application:

Proposed Site Plan - RD5162-03G

Proposed Floor Plans and Elevations for House and Garage for Plot 1 - RD5162-04B

And the following as approved under DM/0735/22/REM;

Site Location Plan - RD5162-01

Proposed Plans and Elevations for Plot 2 - RD5162-05C

Proposed Landscape Plan - LP882022

Engineering Layout - 1115-2207-CIV-10-P2

Proposed External Works Construction Details - 1115-2210-CIV-30 Rev P1

Reason

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

2 Condition

The proposed development shall be erected in strict accordance with the materials as stated on drawing nos. RD5162-04B (for Plot 1) under this application and RD5162-05C (for Plot 2) as approved under DM/0735/22/REM, unless otherwise approved in writing by the Local Planning Authority.

Reason

To maintain the character of the area and in accordance with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018) and the provisions of the National Planning Policy Framework.

3 Condition

The development shall be built out in strict accordance with the Construction Management Plan (RD5162A25-07-22), as approved under DM/0735/22/REM, at all times.

Reason

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

4 Condition

The dwellings hereby approved shall not be occupied until the surface water drainage scheme hereby approved (drawing nos. 1115-2210-CIV-50 Rev P1, 1115-2210-CIV-51 Rev P1 and 1115-2207-CIV-10 Rev P2), as approved under DM/0735/22/REM, has been fully completed and is available for use and which shall be so retained at all times thereafter unless otherwise agreed in writing by the Local Planning Authority. There shall be no raising of the existing ground levels.

Reason

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

and 33 of the North East Lincolnshire Local Plan 2013 - 2032 (Adopted 2018) and the provisions of the National Planning Policy Framework.

5 Condition

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

Reason

To protect residential amenity and the visual character of the area, in accordance with the outline permission and in accordance with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013 - 2032 (Adopted 2018) and the provisions of the National Planning Policy Framework.

6 Condition

The Tree Protection measures as shown on drawing no. TP582022, as approved under DM/0735/22/REM, shall be installed before construction works on site commence. It shall remain on site for the duration of construction works.

Reason

To protect existing trees and in accordance with Policy 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

7 Condition

The scheme of landscaping and tree planting as detailed on plan LP882022, as approved under DM/0735/22/REM, and RD5162-03G, shall be completed within a period of 12 months, beginning with the date on which development began or within such longer period as may be first agreed in writing by the Local Planning Authority. All planting shall be adequately maintained for 5 years, beginning with the date of completion of the scheme and during that period all losses shall be replaced during the next planting season.

Reason

To ensure a satisfactory appearance and setting for the development and protection of existing features in the interests of local amenity and in accordance with Policies 5, 22, 41 and 42 of the North East Lincolnshire Local Plan 2013 - 2032 (Adopted 2018) and the provisions of the National Planning Policy Framework.

8 Biodiversity Net Gain

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

4.5 Self and Custom Build Development, meaning development which:

i) consists of no more than 9 dwellings;

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

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

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

Irreplaceable habitat

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

## Plans.

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

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

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

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

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

## Informatives

### 1 Reason for Approval

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or residential amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 2, 5, 15, 22, 33, 34, 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  
The applicant is reminded that the relevant conditions of the outline planning permission still apply. In particular 5 (access details) and 8 (water reuse).